CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-EIGHTH CONGRESS, THIRD SESSION.

VOLUME XXXIX.

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CONGRESSIONAL RECORD,

FIFTY-EIGHTH CONGRESS, THIRD SESSION.

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CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-EIGHTH CONGRESS.

THIRD SESSION.

SENATE.

MONDAY, *December 5, 1904.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the third session of the Fifty-eighth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The PRESIDENT pro tempore (Mr. WILLIAM P. FRYE, a Senator from the State of Maine) called the Senate to order at 12 o'clock noon.

PRAYER.

The Chaplain, Rev. EDWARD EVERETT HALE, offered the following prayer:

Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength. This is the first and greatest commandment, and the second is like unto it, namely, this: Thou shalt love thy neighbor as thyself.

Let us pray. Father, we thank Thee for so much. We thank Thee for life and health and strength, and that we are here together now, and, best of all, that Thou art with us to give us new life, to give us new health, to give us new strength, to guide us and help us wherever we go and wherever we are.

Make this Thine own home, that we may find Thee always when we need Thy help, as always we do need it; that wherever we go we may go as the children of the living God, ready to do Thy work, that we may live to Thy glory.

Father, Thou hast given Thy servants here so much to do. They have to spend these months in caring for the coming of Thy kingdom and for nothing less—that the nations of the world may be one, that the States may bear each others' burdens, each as the others' brethren, that for all sorts and conditions of men Thou shalt make Thy gospel known, each for all and all for each, for all races and all sects and creeds and communions, that all may join in the common service, as children working with their Father. Thou art with us; hear us and answer us.

And we remember, Father, those whose faces we shall not see here ever again—Thy servants whom Thou hast lifted to higher service. They pray while we pray; they hope as we hope. Bind us together, those whom we see and those whom we do not see, in the great brotherhood of the children of the living God. We ask it and offer it in Christ Jesus.

Join me in the Lord's prayer:

Our Father who art in heaven, hallowed by Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

SENATORS PRESENT.

The PRESIDENT pro tempore. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

From the State of—
Alabama—Edmund W. Pettus.
Arkansas—James H. Berry.
California—Thomas R. Bard and George C. Perkins.
Colorado—
Connecticut—Orville H. Platt.
Delaware—J. Frank Allee and L. Heisler Ball.
Florida—Stephen R. Mallory and James P. Taliaferro.
Georgia—Augustus O. Bacon and Alexander S. Clay.
Idaho—Weldon B. Heyburn.
Illinois—Shelby M. Cullom and Albert J. Hopkins.
Indiana—Albert J. Beveridge and Charles W. Fairbanks.
Iowa—William B. Allison and Jonathan P. Dolliver.
Kansas—Joseph R. Burton and Chester I. Long.
Kentucky—Joseph C. S. Blackburn and James B. McCreary.
Louisiana—Murphy J. Foster and Samuel D. McEnery.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman and Louis E. McComas.
Massachusetts—Henry Cabot Lodge.
Michigan—Russell A. Alger and Julius C. Burrows.
Minnesota—Knute Nelson.
Mississippi—
Missouri—Francis M. Cockrell and William J. Stone.
Montana—William A. Clark.
Nebraska—Charles H. Dietrich and Joseph H. Millard.
Nevada—Francis G. Newlands and William M. Stewart.
New Hampshire—Henry E. Burnham and Jacob H. Gallinger.
New Jersey—John F. Dryden and John Kean.
New York—Chauncey M. Depew and Thomas C. Platt.
North Carolina—Lee S. Overman.
North Dakota—Henry C. Hansbrough and Porter J. McCumber.
Ohio—Charles Dick and Joseph B. Foraker.
Oregon—Charles W. Fulton and John H. Mitchell.
Pennsylvania—Boies Penrose.
Rhode Island—Nelson W. Aldrich and George P. Wetmore.
South Carolina—Asbury C. Latimer and Benjamin R. Tillman.
South Dakota—Robert J. Gamble and A. B. Kittredge.
Tennessee—Edward W. Carmack.
Texas—Joseph W. Bailey and Charles A. Culberson.
Utah—Thomas Kearns and Reed Smoot.
Vermont—William P. Dillingham and Redfield Proctor.
Virginia—Thomas S. Martin.
Washington—Levi Ankeny and Addison G. Foster.
West Virginia—Stephen B. Elkins and Nathan B. Scott.
Wisconsin—Joseph V. Quarles and John C. Spooner.
Wyoming—Clarence D. Clark.

NOTIFICATION TO THE HOUSE.

Mr. PLATT of Connecticut submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed by the Chair, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore appointed as the committee Mr. ALLISON and Mr. COCKRELL.

HOUR OF MEETING.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DEATHS OF SENATOR QUAY AND SENATOR HOAR.

Mr. PENROSE. Mr. President, it is my sad duty to announce to the Senate the death of my late colleague, MATTHEW STANLEY QUAY, which occurred at his home in Beaver, Pa., on the 28th day of May last.

I shall not at this moment take up the time of the Senate with any extended remarks touching his personal character and his public services, but will content myself with simply submitting the following resolutions, asking consideration for them after similar resolutions, which I understand the Senator from Massachusetts desires to submit, have been considered.

At some more appropriate time I will ask the Senate to suspend its ordinary business in order that fitting tribute may be paid to the memory of my deceased colleague.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers resolutions which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret of the death of Hon. MATTHEW STANLEY QUAY, late a Senator from the State of Pennsylvania.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. LODGE. Mr. President, it is my painful duty to make formal announcement to the Senate that the senior Senator from Massachusetts, Hon. GEORGE FRISBIE HOAR, died at his home in Worcester on the 30th of September last.

At some future time I shall ask the Senate to set apart a day fittingly to commemorate his high character, his distinguished career, and his eminent services.

At this time I offer the following resolutions, and ask for their adoption.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE F. HOAR, late a Senator from the State of Massachusetts.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. LODGE. Mr. President, in behalf of the Senator from Pennsylvania and myself I now offer the following resolution, and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution was read, as follows:

Resolved, That as a further mark of respect to the memory of the two Senators whose deaths have just been announced the Senate do now adjourn.

The resolution was considered by unanimous consent, and unanimously agreed to.

The Senate accordingly (at 12 o'clock and 12 minutes p. m.) adjourned until to-morrow, Tuesday, December 6, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 5, 1904.*

This being the day fixed by the Constitution for the annual meeting of the Congress of the United States, the House of Representatives of the Fifty-eighth Congress met in its Hall at 12 o'clock m. for its third session, and was called to order by the Speaker, Hon. JOSEPH G. CANNON, a Representative from the State of Illinois.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Infinite Spirit, Father of all souls, through whose eternal energy, wise and beneficent purposes our Republic with its glorious past and ever-brightening future has been brought to the present hour, we bless Thee for its existence, its sacred institutions, high ideals, and consummate genius.

That Thy will may be fulfilled in yet larger measure, let Thy kingdom come in the hearts of all our people and unite us more firmly in the bonds of fraternity and Christian patriotism and keep us in peace, we beseech Thee, with all the world.

Let Thy blessing descend in full measure upon the Congress now convened, that its work may be of the highest and best.

Be graciously near to our President and those associated with him in the affairs of state, that with clear vision, wise and judicious statesmanship, he may preside over the nation with justice and equity to all; shield him from danger and violence and keep him in health and vigor.

Let wisdom from on high possess the minds of our judiciary and guide them in their decisions, and all glory and honor be Thine through Jesus Christ our Lord. Amen.

CALL OF ROLL.

The SPEAKER. The Clerk will call the roll of Members by States.

The roll was called; and the following Members answered to their names:

ALABAMA.

George W. Taylor.
Ariosto A. Wiley.
Henry D. Clayton.
Sydney J. Bowie.
John H. Bankhead.
John L. Burnett.
William Richardson.

ARKANSAS.

Robert Bruce Macon.
Stephen Brundidge, jr.
Hugh A. Dinsmore.
John S. Little.
Joseph T. Robinson.
Robert M. Wallace.

CALIFORNIA.

Theodore A. Bell.
Edward J. Livernash.
William J. Wynn.
James C. Needham.
James McLachlan.
Milton J. Daniels.

COLORADO.

Franklin E. Brooks.
Robert W. Bonynge.
Herschel M. Hogg.

CONNECTICUT.

Nehemiah D. Sperry.
Frank B. Brandegee.
Ebenezer J. Hill.

DELAWARE.

Henry A. Houston.

FLORIDA.

Stephen M. Sparkman.
Robert W. Davis.
William B. Lamar.

GEORGIA.

Rufus E. Lester.
William C. Adamson.
Leonidas F. Livingston.
Charles L. Bartlett.
John W. Maddox.
Farish Carter Tate.
Thomas W. Hardwick.
William G. Brantley.

IDAHO.

Burton L. French.

ILLINOIS.

Martin Emerich.
James R. Mann.
William W. Wilson.
Philip Knopf.
Henry S. Boutell.
George Edmund Foss.
Howard M. Snapp.
Charles E. Fuller.
Benjamin F. Marsh.
George W. Prince.
Joseph V. Graff.
Joseph G. Cannon.
Vespasian Warner.
Henry T. Rainey.
Ben F. Caldwell.
William A. Rodenberg.
James R. Williams.
George W. Smith.

INDIANA.

William T. Zenor.
Francis M. Griffith.
Elias S. Holliday.
James E. Watson.
Jesse Overstreet.
George W. Cromer.
Charles B. Landis.
Edgar B. Crumpacker.
Frederick Landis.

IOWA.

Thomas Hedge.
Martin J. Wade.
Benjamin P. Birdsall.
Gilbert N. Haugen.
Robert G. Cousins.
John F. Lacey.
John A. T. Hull.
William P. Hepburn.
Walter I. Smith.
James P. Conner.

KANSAS.

Charles F. Scott.
Charles Curtis.
Justin D. Bowersock.
Philip P. Campbell.
James M. Miller.
William A. Calderhead.
Victor Murdock.

KENTUCKY.

Ollie M. James.
Augustus O. Stanley.
John S. Rhea.
David H. Smith.
Swagar Sherley.
D. Linn Gooch.
South Trimble.
George G. Gilbert.
James N. Kehoe.
Frank A. Hopkins.

LOUISIANA.

Robert F. Broussard.
Phanor Breazeale.
Joseph E. Ransdell.
Arsené P. Pujo.

MAINE.

Amos L. Allen.
Charles E. Littlefield.
Edwin C. Burleigh.

MARYLAND.

Joshua F. C. Talbott.
James W. Denny.
Sydney E. Mudd.

MASSACHUSETTS.

George P. Lawrence.
Frederick H. Gillett.
Charles Q. Tirrell.
Butler Ames.
Ernest W. Roberts.
Samuel W. McCall.
John A. Keliher.

MICHIGAN.

Alfred Lucking.
Washington Gardner.
Edward L. Hamilton.
William Alden Smith.
Samuel W. Smith.
Henry McMorran.
Joseph W. Fordney.
Roswell P. Bishop.
George A. Loud.
Archibald B. Darragh.
H. Olin Young.

MINNESOTA.

James A. Tawney.
James T. McCleary.
Charles R. Davis.
Fred C. Stevens.
John Lind.
Charles B. Buckman.
Andrew J. Volstead.
J. Adam Bede.
Halvor Steenerson.

MISSISSIPPI.

Ezekiel S. Candler, jr.
Thomas Spight.
Benjamin G. Humphreys.
Wilson S. Hill.
Eaton J. Bowers.
Frank A. McLain.
John S. Williams.

MISSOURI.

James T. Lloyd.
William S. Cowherd.
David A. De Armond.
Courtney W. Hamlin.
Dorsey W. Shackleford.
Champ Clark.
John T. Hunt.
Willard D. Vandiver.
Mæcenas E. Benton.
Robert Lamar.

MONTANA.

Joseph M. Dixon.

NEBRASKA.

Elmer J. Burkett.
John J. McCarthy.
Edmund H. Hinshaw.
George W. Norris.
Moses P. Kinkaid.

NEVADA.

Clarence D. Van Duzer.

NEW HAMPSHIRE.

Cyrus A. Sulloway.
Frank D. Currier.

NEW JERSEY.

Henry C. Loudenslager.
John J. Gardner.
Benjamin F. Howell.
Charles N. Fowler.
William Hughes.
Richard Wayne Parker.
William H. Wiley.
Allan Benny.
Allan L. McDermott.

NEW YORK.

Townsend Scudder.
George H. Lindsay.
Charles T. Dunwell.
Frank E. Wilson.
Edward M. Bassett.
Robert Baker.
John J. Fitzgerald.
Timothy D. Sullivan.
Henry M. Goldfogle.
William Randolph Hearst.
William Bourke Cockran.
Francis B. Harrison.
William H. Douglas.
Jacob Ruppert, jr.
Frank E. Shober.
Joseph A. Goulden.
Norton P. Otis.
William H. Draper.
Thomas W. Bradley.
John H. Ketcham.
George N. Southwick.
George J. Smith.
Lucius N. Littauer.
William H. Flack.
James S. Sherman.
Charles L. Knapp.
Michael E. Driscoll.
John W. Dwight.
Sereno E. Payne.
James Breck Perkins.
Charles W. Gillet.
William H. Ryan.
De Alva S. Alexander.
Edward B. Vreeland.

NORTH CAROLINA.

Claude Kitchin.
Charles R. Thomas.
William W. Kitchin.
Gilbert B. Patterson.
Robert N. Page.
Theodore F. Kluttz.
Edwin Y. Webb.

NORTH DAKOTA.

Thomas F. Marshall.
Burleigh F. Spalding.

OHIO.

Nicholas Longworth.
Herman P. Goebel.
Robert M. Nevin.
Harvey C. Garber.
John S. Snook.
Charles Q. Hildebrant.
Thomas B. Kyle.
William R. Warnock.
James H. Southard.
Stephen Morgan.
Charles H. Grosvenor.
De Witt C. Badger.
Amos H. Jackson.
Henry C. Van Voorhis.
Capell L. Weems.
John W. Cassingham.
James Kennedy.
Jacob A. Beidler.
Theodore E. Burton.

OREGON.

Binger Hermann.
John N. Williamson.

PENNSYLVANIA.

Henry H. Bingham.
Robert Adams, jr.
George A. Castor.
Reuben O. Moon.
Edward De V. Morrell.
George D. McCreary.
Thomas S. Butler.
Irving P. Wanger.
H. Burd Cassel.
Henry W. Palmer.
George R. Patterson.
Marcus C. L. Kline.
Charles F. Wright.
Elias Deemer.
Thaddeus M. Mahon.
Marlin E. Olmsted.
Alvin Evans.
Daniel F. Lafean.
Solomon R. Dresser.
George F. Huff.
Alien F. Cooper.
Ernest F. Acheson.
Arthur L. Bates.
William O. Smith.
Joseph C. Sibley.
George Shiras, 3d.
John Dalzell.
Henry Kirke Porter.
James W. Brown.

RHODE ISLAND.

Daniel L. D. Granger.
Adin B. Capron.

SOUTH CAROLINA.

Joseph T. Johnson.
Asbury F. Lever.

SOUTH DAKOTA.

Charles H. Burke.
Eben W. Martin.

TENNESSEE.

Walter P. Brownlow.
Henry R. Gibson.
John A. Moon.
Morgan C. Fitzpatrick.
James D. Richardson.
Lemuel P. Padgett.
Thetus W. Sims.
Rice A. Pierce.
Malcolm R. Patterson.

TEXAS.

Morris Sheppard.
Gordon Russell.
Choice B. Randell.
Jack Beall.
Scott Field.
Alexander W. Gregg.
John M. Pinckney.
George F. Burgess.
Albert S. Burleson.
Robert L. Henry.
Oscar W. Gillespie.
John H. Stephens.
James L. Slayden.
John N. Garner.
William R. Smith.

VERMONT.

David J. Foster.
Kittredge Haskins.

VIRGINIA.

William A. Jones.
Harry L. Maynard.
John Lamb.
Robert G. Southall.
Carter Glass.
James Hay.
John F. Rixey.
Campbell Slemp.
Henry D. Flood.

WASHINGTON.

Wesley L. Jones.
Francis W. Cushman.
William E. Humphrey.

WEST VIRGINIA.

Blackburn B. Dovener.
Alston G. Dayton.
Joseph Holt Gaines.
Harry C. Woodyard.
James A. Hughes.

WISCONSIN.

Henry A. Cooper.
Joseph W. Babcock.
Theobald Otjen.
William H. Stafford.
Charles H. Weisse.
John J. Esch.
Edward S. Minor.
Webster E. Brown.
John J. Jenkins.

The following Delegates also responded as present:

NEW MEXICO.

Bernard S. Rodey.

OKLAHOMA.

Bird S. McGuire.

HAWAII.

Jonah Kalanianaole.

SWEARING IN OF MEMBERS.

Mr. GARDNER of New Jersey. Mr. Speaker, Hon. William M. Lanning, of the Fourth district of New Jersey, having resigned, Mr. Ira W. Wood has been elected his successor to this House. Mr. Wood is present, and I ask that he be sworn in.

The SPEAKER. The Clerk will read the resignation of Mr. LANNING and the credentials of his successor.

The Clerk read as follows.

JUDGE'S CHAMBERS, UNITED STATES DISTRICT COURT,
DISTRICT OF NEW JERSEY,
Trenton, N. J., December 2, 1904.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I have the honor to inform you that on June 6, 1904, I placed in the hands of the governor of the State of New Jersey my resignation as a Representative in Congress from the Fourth Congressional district of the State of New Jersey.

Very respectfully, your obedient servant,
WILLIAM M. LANNING.

STATE OF NEW JERSEY, DEPARTMENT OF STATE,
Trenton, December 2, 1904.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: The resignation of WILLIAM M. LANNING as a Representative in Congress from the Fourth Congressional district of the State of New Jersey was received and filed in this office on the 6th day of June, A. D. 1904.

Very respectfully, yours,
S. D. DICKINSON,
Secretary of State of New Jersey.

The Clerk also read the credentials of Mr. Wood.

Mr. JOHNSON. Mr. Speaker, Mr. T. G. Croft has been elected to fill an unexpired term from the Second district of South Carolina. I ask that his credentials be read and that he be sworn in.

The SPEAKER. The Chair will direct the Clerk to read the credentials.

The Clerk read the credentials of Mr. Croft, as follows:

THE STATE OF SOUTH CAROLINA.
By the Secretary of State.

To the honorable the House of Representatives of the United States of America in the ——— Congress.

Whereas in pursuance of the constitution and laws of the State of South Carolina, and the Constitution and laws of the United States of America, an election was duly holden on the 17th day of May, in the year of our Lord 1904, in the said State of South Carolina, in the Second Congressional district thereof, for Representative of the said State of South Carolina, from the said Second Congressional district thereof, in the House of Representatives of the United States of America, in the ——— Congress; and

Whereas, upon the examination of the returns of the said election, and by the determination and declaration of the board of State canvassers of the said State, filed and of record in my office, it appears that T. G. Croft was duly elected at the said election, by the highest number of votes, Representative of the State of South Carolina from the said Second Congressional district thereof, in the House of Representatives of the United States of America, in the ——— Congress:

Now, therefore, I, the secretary of State of the said State of South Carolina, by virtue of the power in me vested by the acts of the general assembly of the said State in such case made and provided, do hereby certify that the said T. G. Croft, at the election aforesaid, was duly elected Representative of the State of South Carolina from the Second Congressional district thereof, in the House of Representatives of the United States of America in the ——— Congress.

Given under my hand and the great seal of the State of South Carolina, in Columbia, this 28th day of May, in the year of our Lord 1904, and in the 128th year of the Independence of the United States of America.

[SEAL.]
J. T. GANTT,
Secretary of State of South Carolina.

The SPEAKER. The Chair desires to call the attention of the gentleman from South Carolina [Mr. JOHNSON], and also the attention of the House, to the credentials which have just been reported at the Clerk's desk. It seems to the Chair that, taking them altogether, the presumption is that Mr. Croft was elected a member of the present Congress. But, after all, in making out the credentials the secretary of state has not filled the blanks which specify the number of the Congress to which Mr. Croft was elected.

Mr. PAYNE. Mr. Speaker——

The SPEAKER. Without objection——

Mr. PAYNE. I was going to ask unanimous consent, in order to avoid any precedent that might be made, that the gentleman be sworn in.

The SPEAKER. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Speaker, by reason of the death of Hon. William W. Skiles a special election was held on the 8th day of November in the Fourteenth Congressional district of Ohio, and Mr. Amos R. Webber was elected to fill the vacancy. He is now present and desires to take the oath of office.

Mr. W. Aubrey Thomas has also been elected to fill the vacancy caused by the resignation of Hon. Charles Dick as a Member of this House from the Nineteenth Congressional district of Ohio. Both certificates are on file, and the gentlemen desire to be sworn in.

The SPEAKER. The Clerk will read the credentials.

The Clerk read the credentials of Mr. Webber and Mr. Thomas.

Mr. CLAYTON. Mr. Speaker, Mr. J. Thomas Heflin was elected to fill the unexpired term of the late Representative Charles W. Thompson, from the Fifth Congressional district of Alabama. Mr. Heflin is now present, and I ask that the oath of office be administered to him.

The SPEAKER. The Clerk will read the credentials.

The Clerk read the credentials of Mr. Heflin.

Mr. NEEDHAM. Mr. Speaker, Mr. Joseph R. Knowland has been elected to fill the unexpired term of the Hon. Victor H. Metcalf, who resigned his seat in the House to accept a position in the Cabinet of the President. Mr. Knowland is present, his credentials are on file, and I ask that he be sworn in.

The SPEAKER. The Clerk will read the credentials of Mr. Knowland.

The Clerk read the credentials.

The SPEAKER. Messrs. Wood, Croft, Thomas, Heflin, Webber, and Knowland will please present themselves at the bar of the House and receive the oath of office.

The Members-elect named presented themselves at the bar of the House, and the oath of office was administered to them by the Speaker.

The SPEAKER. The Clerk reports that 320 Representatives, a quorum, have answered to their names.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and the Senate is ready to proceed to business.

Also:

Resolved, That a committee consisting of two Senators be appointed by the Chair, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

And that in compliance with the foregoing the Chair had appointed as said committee Mr. ALLISON and Mr. COCKRELL.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE F. HOAR, late a Senator from the State of Massachusetts.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the two Senators whose deaths have just been announced the Senate do now adjourn.

Also:

Resolved, That the Senate has heard with profound sorrow and deep regret of the death of Hon. MATTHEW STANLEY QUAY, late a Senator from the State of Pennsylvania.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the two Senators whose deaths have just been announced the Senate do now adjourn.

NOTIFICATION OF THE PRESIDENT.

Mr. BURTON. Mr. Speaker, I desire to present a resolution, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That a committee of three Members be appointed on the part of the House, to join the committee appointed by the Senate to wait upon the President, and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

The resolution was agreed to; and the Speaker appointed Messrs. BURTON, TAWNEY, and WILLIAMS of Mississippi as members of the committee on the part of the House.

NOTIFICATION OF THE SENATE.

Mr. PAYNE. Mr. Speaker, I present the following resolution, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

The resolution was agreed to.

HOUR OF MEETING.

Mr. DALZELL. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

Resolved, That until otherwise ordered the daily hour of meeting of the House of Representatives shall be 12 o'clock meridian.

The resolution was agreed to.

INVESTIGATION OF THE MERCHANT MARINE.

Mr. GROSVENOR. Mr. Speaker, by the provision of an act passed by the second session of this Congress a commission was appointed to investigate the subject of the merchant marine, and by one of the provisions of the bill that commission was ordered to report to Congress on the first day of this session. The commission is not ready to make its report, and will not be for some days in the future. I ask unanimous consent of the House that the limit fixed by that statute for making the report may be extended to not later than the 5th day of January next.

Mr. CLARK rose.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the committee to which he refers shall have the time extended to make its report to the House.

Mr. GROSVENOR. That is the request.

The SPEAKER. Until what time?

Mr. GROSVENOR. To not later than the 5th of January next.

The SPEAKER. The Chair will hear the gentleman from Missouri.

Mr. CLARK. I simply wanted to know what date was fixed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SMALL was granted leave of absence for ten days, on account of sickness in his family.

DEATH OF SENATOR QUAY.

Mr. BINGHAM. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. MATTHEW STANLEY QUAY, a Senator of the United States from the State of Pennsylvania.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the late Senator QUAY.

The resolution was agreed to.

DEATH OF SENATOR HOAR.

Mr. GILLETT of Massachusetts. Mr. Speaker, it is my painful duty, representing the Massachusetts delegation, to make official announcement to the House of the death of Senator GEORGE FRISBIE HOAR, at his home in Worcester, Mass., on the 30th of September last.

The details of his long illness were doubtless familiar to you all, and I have no doubt that in all parts of the country you sympathized with the people of Massachusetts in the loss of their distinguished lawyer, scholar, orator, statesman, patriot, and philanthropist. Precedent does not permit now any attempt to express our feelings of sorrow at his death or pride in his life, but at a fitting time we shall ask that the House set aside a day for the consideration of his character and his public services. I move the adoption now of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. GEORGE FRISBIE HOAR, a Senator of the United States from the State of Massachusetts.

Resolved, That as a further mark of respect to the memories of the late Senators QUAY and HOAR the House do now adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the families of the deceased Senators.

The resolution was agreed to; and accordingly (at 12 o'clock and 52 minutes) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Clerk of the House, submitting a report of the names of employees of the House and their respective compensation, of the expenditures from the contingent fund, of the amounts drawn from the Treasury, of the stationery accounts, and of unexpended balances—to the Committee on Accounts, and ordered to be printed.

A letter from the Sergeant-at-Arms, presenting a list of the property in his charge on December 5, 1904—to the Committee on Accounts, and ordered to be printed.

A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a statement of the expenditures from the appropriation for contingent expenses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Chief Clerk of the House, transmitting a statement of accounts due and unpaid in the accounts of expenses of select committees—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of the Smithsonian Institution, submitting a detailed statement of expenditures under the appropriations for International Exchanges, American Ethnology, Astrophysical Observatory, and National Zoological Park—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Theresa*, William Williamson, master—to the Committee on Claims, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11018) granting an increase of pension to William B. Bruner—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13330) granting an increase of pension to Michael Kelly, alias Patrick Kelly—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 666) granting an increase of pension to Eva M. Kingsbury—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4883) granting a pension to Margarett J. Verbiskey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8708) granting an increase of pension to David C. Posey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8791) granting a pension to Mae H. Tyler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14071) granting a pension to Cole B. Fugate—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15397) granting a pension to Carl Traver—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15535) granting a pension to John Crotty—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15199) granting a pension to Mary J. Lansing—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CONNELL: A bill (H. R. 15577) amending the act of Congress concerning a public building at Carbondale, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. VREELAND: A bill (H. R. 15578) to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 15579) extending the operation of the irrigation reclamation act of Congress to the State of Texas in certain cases—to the Committee on Irrigation of Arid Lands.

By Mr. CROFT: A bill (H. R. 15580) to provide for the purchase of a site and the erection of a public building thereon at Aiken, in the State of South Carolina—to the Committee on Public Buildings and Grounds.

By Mr. COCKRAN of New York: A bill (H. R. 15581) providing that all contributions exceeding $50 in amount hereafter made to the expenses of political parties at elections where Presidential electors and Representatives in Congress are chosen shall be reported to the clerk's office of the district court of the United States for the district in which the donors reside, and for the publication of such reports—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. KENNEDY: A bill (H. R. 15582) for the enlargement of the post-office building at Youngstown, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15583) to provide for the erection of a public building at East Liverpool, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. KNAPP: A bill (H. R. 15584) for the erection of a public building at Fulton, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 15585) for a public building at the city of Johnstown, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 15586) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on lands in the State of Minnesota, ceded under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on the Public Lands.

By Mr. MARTIN: A bill (H. R. 15587) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 15588) for the relief of certain homestead entrymen in the State of Nebraska—to the Committee on the Public Lands.

By Mr. UNDERWOOD: A bill (H. R. 15589) to provide for the appointment of a district judge in and for the northern judicial district of the State of Alabama—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: A bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes"—to the Committee on Rivers and Harbors.

By Mr. MAYNARD: A bill (H. R. 15591) to provide for celebrating the first permanent settlement of English-speaking people in America by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mines, forests, and the sea, and a naval and marine exposition, in the vicinity of Jamestown, and on and near the waters of Hampton Roads, in the State of Virginia, and to authorize an appropriation in aid thereof—to the Committee on Industrial Arts and Expositions.

By Mr. GIBSON: A bill (H. R. 15592) to provide for the repair of the Tennessee soldiers' monument in the national cemetery at Knoxville, Tenn.—to the Committee on Appropriations.

By Mr. LOVERING: A bill (H. R. 15593) to provide for the allowance of drawback, and the remission of internal-revenue taxes on articles consumed on vessels clearing for foreign countries from ports in the United States—to the Committee on Ways and Means.

Also, a bill (H. R. 15594) to amend the customs drawback law—to the Committee on Ways and Means.

Also, a bill (H. R. 15595) to encourage the export trade—to the Committee on Ways and Means.

By Mr SPALDING: A bill (H. R. 15596) to provide for a tariff commission—to the Committee on Ways and Means.

By Mr. COCKRAN of New York: A bill (H. R. 15597) providing for the appointment of a special commission to inquire into and ascertain the amounts of money expended by both parties at all elections for Presidential electors from 1892 to 1904, both inclusive—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. JONES of Washington: A bill (H. R. 15598) providing for the issue of patents for land allotted to Indians under the Moses agreement of July 7, 1883—to the Committee on Indian Affairs.

By Mr. MORRELL: A bill (H. R. 15599) for the erection of a monumental statue in the city of Washington, D. C., to Rear-Admiral Charles Stewart—to the Committee on the Library.

By Mr. RUSSELL: A bill (H. R. 15600) to regulate carriers engaged in interstate commerce and to prohibit them from limiting their liability as it exists at common law—to the Committee on Interstate and Foreign Commerce.

By Mr. SHIRAS: A bill (H. R. 15601) to protect the migratory game birds of the United States—to the Committee on Agriculture.

By Mr. JENKINS: A bill (H. R. 15602) to provide for an additional midshipman at the Naval Academy—to the Committee on Naval Affairs.

Also, a bill (H. R. 15603) to provide for an additional cadet at the Military Academy—to the Committee on Military Affairs.

Also, a bill (H. R. 15604) providing for the exercise of the powers of the judge of the district court of the United States

for the Territory of Hawaii by certain other judges of the courts of the Territory of Hawaii—to the Committee on the Judiciary.

By Mr. ROBERTS: A bill (H. R. 15605) to provide for the extermination or control of the gypsy moth and the brown-tail moth—to the Committee on Agriculture.

By Mr. CANDLER: A bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: A bill (H. R. 15607) to appropriate $15,000 for the study of the foreign natural enemies or means of control of the gypsy moth and of the brown-tail moth, and for the introduction of such of these as promise to be useful in controlling the two insects named in America—to the Committee on Agriculture.

By Mr. DALZELL: A bill (H. R. 15608) preventing the sale of intoxicants on certain days in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 15609) providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes—to the Committee on Indian Affairs.

By Mr. LOVERING: A bill (H. R. 15610) to further the construction of the first standard-gauge railroad in the district of Alaska—to the Committee on the Territories.

By Mr. BROWNLOW: A bill (H. R. 15611) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery—to the Committee on Military Affairs.

By Mr. REEDER: A bill (H. R. 15612) for the retirement of Government employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. BASSETT: A bill (H. R. 15613) for the better protection against fire on steam vessels carrying passengers, and for the protection of life thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: A bill (H. R. 15742) to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893—to the Committee on Pensions.

By Mr. MORRELL: A joint resolution (H. J. Res. 160) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition—to the Committee on the District of Columbia.

By Mr. GOULDEN: A joint resolution (H. J. Res. 161) providing for the purchase and placing of Mr. Wilson MacDonald's colossal busts of George Washington and Abraham Lincoln in each public school building in the District of Columbia—to the Committee on the Library.

By Mr. MANN: A resolution (H. Res. 373) providing a stenographer in the office of the journal clerk—to the Committee on Accounts.

By Mr. JENKINS: A resolution (H. Res. 374) providing payment to the messenger to the Committee on the Judiciary for the month of November, 1904—to the Committee on Accounts.

By Mr. FORDNEY: A resolution (H. Res. 380) providing for the appointment of a commission to consider and recommend the advisability of legislation revising the present tariff laws—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: A resolution (H. Res. 381) amending the rule for drawing of seats in the House of Representatives—to the Committee on Rules.

By Mr. BAKER: A resolution (H. Res. 382) concerning the tariff on steel rails—to the Committee on Ways and Means.

Also, a resolution (H. Res. 383) asking the Attorney-General to communicate to the House of Representatives his opinion as to certain steel corporations—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 15614) to correct the military record of Henry Straub—to the Committee on Military Affairs.

Also, a bill (H. R. 15615) for the relief of C. I. McDonald—to the Committee on Claims.

By Mr. BADGER: A bill (H. R. 15616) granting a pension to C. C. Krepps—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 15617) granting an increase of pension to A. S. Gatliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15618) for the relief of Mrs. Sibini Jones—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 15619) granting a pension to Charles W. Davidson—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 15620) for the relief of the sufferers by the explosion on board the United States ship *Missouri* April 13, 1904—to the Committee on Claims.

By Mr. BENNY: A bill (H. R. 15621) for the relief of John P. Fairchild—to the Committee on Military Affairs.

By Mr. BOUTELL: A bill (H. R. 15622) granting an increase of pension to James C. Booth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15623) granting an increase of pension to Amos J. Loranger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15624) granting an increase of pension to Iva O. Shepardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15625) granting an increase of pension to William T. Kimsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15626) granting a pension to Lucy T. Bogue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15627) granting a pension to Charles Falbisaner—to the Committee on Pensions.

Also, a bill (H. R. 15628) granting a pension to Mary Whisler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15629) granting a pension to Walter Elkan—to the Committee on Pensions.

Also, a bill (H. R. 15630) granting an honorable discharge to George Barnard—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 15631) granting an increase of pension to John Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15632) granting an increase of pension to Barney Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15633) granting an increase of pension to Henry King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15634) granting a pension to Harriet A. Orr—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 15635) granting an increase of pension to Lewis F. Self—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15636) granting an increase of pension to James Wintersteen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15637) granting an increase of pension to William A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15638) granting a pension to Pariade Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15639) granting a pension to Mollie Townsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15640) granting a pension to William E. Quirk—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 15641) granting an increase of pension to Alphonso H. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15642) granting a pension to J. H. Coonrod—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 15643) granting a pension to Lucy G. Prince—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15644) granting a pension to Austin R. Faulkuham—to the Committe on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 15645) granting an increase of pension to Samuel B. Clark—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 15646) for the relief of the estate of John Linton, deceased—to the Committee on War Claims.

By Mr. CASSINGHAM: A bill (H. R. 15647) granting an increase of pension to Anthony Hartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15648) granting an increase of pension to Joseph Sawyer—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 15649) for the relief of Mrs. Abigail Stover—to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 15650) granting an increase of pension to William Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15651) granting an increase of pension to James A. Hibbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15652) granting an increase of pension to Moses P. Bemis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15653) granting an increase of pension to William Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15654) granting an increase of pension to Lorenza Bliss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15655) granting a pension to Mattie M. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15656) granting a pension to Emma F. Capen—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 15657) granting an increase of pension to William Tawney—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 15658) granting a pension to Ella J. Crosse—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 15659) for the relief of Washington Bowie, of Baltimore, Md.—to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 15660) granting an increase of pension to Jacob R. Sharretts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15661) granting an increase of pension to Malden Valentine—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 15662) to correct the military record of Albert H. Sanders—to the Committee on Military Affairs.

Also, a bill (H. R. 15663) granting a pension to John H. Ingram—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15664) granting an honorable discharge to Henry L. Dennis—to the Committee on Military Affairs.

Also, a bill (H. R. 15665) for the relief of William O'Connor—to the Committee on Military Affairs.

Also, a bill (H. R. 15666) granting an increase of pension to George W. Smith, alias Waldron De Clarence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15667) granting an increase of pension to Alvin D. Gurney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15668) granting an increase of pension to Michael W. Hoerauf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15669) granting an increase of pension to Matthew C. Danforth—to the Committee on Pensions.

Also, a bill (H. R. 15670) granting an increase of pension to Henry Fugmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15671) granting an increase of pension to Charles Tonacliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15672) granting an increase of pension to P. P. Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15673) granting an increase of pension to Robert Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15674) granting a pension to Lewis Miller—to the Committee on Pensions.

Also, a bill (H. R. 15675) granting a pension to John Gitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15676) granting a pension to Eunice J. Spencer—to the Committee on Pensions.

Also, a bill (H. R. 15677) granting a pension to Sarah F. Ford—to the Committee on Pensions.

Also, a bill (H. R. 15678) granting a pension to Lucretia F. Chaffee—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 15679) granting an increase of pension to James G. Butler—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 15680) granting an increase of pension to Isaac Hanson—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 15681) granting a pension to Helen Grant—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 15682) granting an increase of pension to Jackson Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15683) granting a pension to George Jones—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15684) granting an increase of pension to William B. Kimball—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 15685) granting an increase of pension to Elizabeth A. Krehbeil—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 15686) granting a pension to Annie Dunn—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 15687) for the relief of Erskine R. K. Hayes—to the Committee on Claims.

Also, a bill (H. R. 15688) granting an increase of pension to Augustus H. Hains—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 15689) granting an increase of pension to Henry C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15690) granting an increase of pension to Robert Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15691) granting an increase of pension to George W. Bedient—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to William D. Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15693) granting an increase of pension to William G. Winslow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15694) granting an increase of pension to Fred Preisinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15695) granting an increase of pension to John J. Cain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15696) granting an increase of pension to Perry Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15697) granting an increase of pension to John B. Munshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15698) granting an increase of pension to Isaac Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15699) granting an increase of pension to William N. Whitlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15700) granting an increase of pension to Harvey Gamble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15701) granting a pension to Mary Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15702) granting a pension to Polly Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15703) granting a pension to Frank Bougger—to the Committee on Pensions.

Also, a bill (H. R. 15704) granting an increase of pension to James V. Morrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15705) granting an increase of pension to James M. Champe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15706) granting an increase of pension to George S. McGregor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15707) granting an increase of pension to F. D. Garnsey—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 15708) granting an increase of pension to George W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15709) granting an increase of pension to William Turner—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15710) granting an increase of pension to Luther W. Cannon—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 15711) granting an increase of pension to Noah J. Crew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15712) granting an increase of pension to James T. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15713) granting a pension to James H. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15714) granting an increase of pension to William H. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting a pension to Horace G. Robison, alias Frank Cammel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15716) granting an increase of pension to Nathaniel A. Monroe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15717) granting an increase of pension to Joseph M. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15718) granting an increase of pension to James Parmele—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15719) granting a pension to Cynthia A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15720) granting an increase of pension to William T. Finch—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15721) granting a pension to Rebecca S. Tyler—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 15722) granting an increase of pension to David Guthrie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15723) granting an increase of pension to Frederick Leloh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to Abel S. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15725) granting a pension to Hannah Emerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15726) granting a pension to John M. Turner—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 15727) granting an increase of pension to Ludwig Evans—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 15728) granting an increase of pension to Waldron Cheney Townsend—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 15729) granting an increase of

pension to Phaon Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15730) granting an increase of pension to Benjamin F. Shireman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15731) granting an increase of pension to William Haines—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15732) granting an increase of pension to Edward O. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15733) granting an increase of pension to Peter Horth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15734) granting an increase of pension to William J. Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15735) granting a pension to Florence Dunham—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 15736) granting a pension to Charles P. Lounsbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15737) granting an increase of pension to Francis Sybolle—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15738) granting an increase of pension to Maggie D. Russ—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15739) granting a pension to Oscar L. Thrash—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 15740) granting an increase of pension to Barnard C. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15741) granting an increase of pension to John S. Duncan—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 15743) granting an increase of pension to Desire Leglise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15744) granting an increase of pension to Edward L. Russell—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15745) for the relief of Jesse Walling—to the Committee on War Claims.

Also, a bill (H. R. 15746) granting an increase of pension to Israel Roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15747) granting an increase of pension to Henry A. Wesson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15748) granting an increase of pension to Evan E. Young—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 15749) granting an increase of pension to Edwin Bookmyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15750) granting an increase of pension to William Bechtel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15751) granting an increase of pension to Aglae Bache—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15752) granting an increase of pension to Richard Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15753) granting an increase of pension to John R. Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15754) granting a pension to Mary McMullin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15755) granting a pension to Eliza Romig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15756) to remove the charge of desertion from George W. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 15757) to remove the charge of desertion from the record of William C. Baldwin—to the Committee on Military Affairs.

Also, a bill (H. R. 15758) to place Pendleton G. Watmough upon the retired list of the Navy, as lieutenant-commander—to the Committee on Naval Affairs.

Also, a bill (H. R. 15759) for the relief of Edward Devanney—to the Committee on Claims.

By Mr. PORTER: A bill (H. R. 15760) granting an increase of pension to John W. Strayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15761) granting an increase of pension to George W. Stormer—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 15762) granting an increase of pension to James L. Olmsted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15763) granting an honorable discharge to Frederick H. Stafford—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 15764) for the relief of the trustees of the Methodist Episcopal Church South, of Jeffersonton, Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15765) granting an increase of pension to Samuel G. Skinner—to the Committee on Pensions.

Also, a bill (H. R. 15766) granting a pension to Henry J. Richardson—to the Committee on Pensions.

By Mr. RUPPERT: A bill (H. R. 15767) granting an increase of pension to Abram Nussbaum—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 15768) granting an increase of pension to R. Howard Wallace—to the Committee on Invalid Pensions.

By Mr. SHIRAS: A bill (H. R. 15769) granting an increase of pension to Henry Peoples—to the Committee on Invalid Pensions.

By Mr. SHOBER: A bill (H. R. 15770) granting an increase of pension to Elizabeth M. J. Maegher—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 15771) granting an increase of pension to Henry G. Sternberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15772) granting an increase of pension to Henry C. Wildy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15773) granting an increase of pension to John T. McGown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15774) granting an increase of pension to Robert Beatty—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15775) granting an increase of pension to Daniel W. Smith—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 15776) granting an increase of pension to Harrison Ball—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15777) granting an increase of pension to Lyman Jackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15778) granting an increase of pension to Michael Hanberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15779) granting an increase of pension to Lucinda M. Reeves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15780) granting an increase of pension to George W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15781) granting an increase of pension to Granville F. Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15782) granting an increase of pension to Charles H. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15783) granting an increase of pension to Charles J. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15784) granting an increase of pension to Joseph Wingate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15785) granting an increase of pension to Charles E. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15786) granting an increase of pension to Horatio W. Longa—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15787) granting an increase of pension to Thorndike P. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15788) granting an increase of pension to Silas W. Bullock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15789) granting an increase of pension to Samuel Bickford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15790) granting an increase of pension to Martin V. B. Wyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15791) granting a pension to Mary Suppes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of James R. Kennedy, of Choctaw, Okla., stating grievances because of a ruling of the Commissioner of Pensions—to the Committee on Invalid Pensions.

Also, memorial of John H. Hastings and 9 others, residents of the Soldiers' Home at Danville, Ill., praying for legislation to relieve ex-soldiers suffering from blindness—to the Committee on Invalid Pensions.

Also, memorial of the pastor and members of the First Presbyterian Church of Bement, Ill., praying for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, memorials of the General Conference of the Methodist Episcopal Church assembled at Los Angeles, Cal.; of the Hawaiian Evangelical Association, and of the Congregational Association of the islands of Hawaii and Maui, praying for an investigation of the conditions in the Independent State of the Kongo—to the Committee on Foreign Affairs.

Also, memorial of Christian Endeavor societies of Philadelphia, Pa.; Madison, Ill.; Eudora, Kans.; Berwyn, Ill.; New Stark, Ohio, and Olympia, Iowa, praying for action to establish an international peace congress—to the Committee on Foreign Affairs.

Also, memorial of Jacob Livingston & Co., of Carlisle, Pa.,

praying relief from certain requirements relating to the internal revenue—to the Committee on Claims.

Also, memorial of the Christian Endeavor Society of Bakersfield, Cal., praying for action to establish an international peace congress—to the Committee on Foreign Affairs.

Also, memorial of the Congregational Association of the island of Oahu, praying for an investigation of the conditions in the Independent State of the Kongo—to the Committee on Foreign Affairs.

Also, memorials of the Keystone League and of the Christian Endeavor Society of Lebanon, Pa., praying for action to establish an international peace congress—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Memorial of Mrs. Sibini Jones, relating to certain property taken by United States troops in Pike County, Ga., in April, 1865, to accompany bill for the relief of Mrs. Sibini Jones—to the Committee on War Claims.

By Mr. BATES: Petition of Charles Miller, of Division No. 43, Meadville, Pa., Brotherhood of Locomotive Engineers, for legislation prohibiting the employment of any man as engineer who has not served at least three years as fireman—to the Committee on Labor.

Also, petition of Albion Division, No. 282, Brotherhood of Locomotive Engineers, of Erie County, Pa., for the relief of engineers who served at the front during war of the rebellion—to the Committee on Military Affairs.

Also, petition of Guys Mills Grange and Randolph Grange, Crawford County; Woodcock Center Grange; Bloomfield (Crawford County) Grange; Black Ash (Crawford County) Farmers' Alliance; Greenfield Grange, No. 226, and Union City Grange, No. 98, against repealing or changing the present antioleomargarine law—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of Mrs. C. H. Norris, of Port Jervis, N. Y., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BROWNLOW: Petition of the Brotherhood of Locomotive Engineers of Knoxville, Tenn., Holston Division, No. 239, praying for pensions for locomotive engineers during the civil war—to the Committee on Military Affairs.

By Mr. BURLEIGH: Papers to accompany claim of Mrs. Lucy G. Prince, of Maine—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Austin R. Falkinham—to the Committee on Invalid Pensions.

Also, resolutions of Cushman Grange, No. 371, of Hancock County, Me.; Bay View Grange, No. 267, and Hancock County (Me.) Pomona Grange, indorsing bill H. R. 10765—to the Committee on Agriculture.

By Mr. BUTLER of Pennsylvania: Petition of Media Gun Club, asking for the enactment of the Boutell bill (H. R. 9302)—to the Committee on Ways and Means.

Also, petition of the Women's Home Missionary Society of the Presbyterian Church of Media, Pa., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. CANDLER: Papers to accompany House bill for relief of the estate of John Linton, deceased—to the Committee on War Claims.

By Mr. CASSINGHAM: Resolution of Little Miami Division, No. 34, of the Brotherhood of Locomotive Engineers, asking pensions for locomotive engineers who served during the civil war—to the Committee on Military Affairs.

Also, papers to accompany House bill granting an increase of pension to Anthony Hartley—to the Committee on Invalid Pensions.

By Mr. CONNELL: Resolution of the New England Tobacco Growers' Association, in opposition to any change in the tobacco schedule of the Dingley tariff law—to the Committee on Ways and Means.

Also, letter of the Scranton Bedding Company, of Scranton, Pa., favoring the passage of the Boutell bill providing for taking off the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of Division No. 543, Brotherhood of Locomotive Engineers, of Kingston, Pa., favoring the passage of bill H. R. 13354—to the Committee on Military Affairs.

Also, resolutions of the Pure Butter Protective Association of Pennsylvania, against the repeal of the Grout bill—to the Committee on Agriculture.

Also, resolution of Division No. 272, Brotherhood of Locomotive Engineers, of Ashley, Pa., favoring the passage of bill H. R. 13354—to the Committee on Military Affairs.

Also, letter of the Builders' Exchange of Scranton, Pa., against passage of the anti-injunction bill—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the Woman's Club of Monroe and Coterie Club of Beloit, for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. COWHERD: Papers to accompany claim for pension of Mrs. Abigail Stover, of Independence, Jackson County, Mo.—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany House bill to increase the pension of William Tawney—to the Committee on Invalid Pensions.

By Mr. DENNY: Petition of Washington Bowie, of Baltimore, Md., a special deputy surveyor of customs, to be allowed the salary of surveyor of customs while he was acting in that capacity under authority of the Secretary of the Treasury—to the Committee on Claims.

Also, resolutions of the American Civic Association, in favor of the improvement of the city of Washington in accordance with the plans prepared by the commission appointed by the United States Senate—to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: Resolutions of the Manufacturers' Association of New York, in favor of the so-called "Cooper bill" to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FLACK: Petition of citizens asking for pension for John H. Ingram, late private, Company H, Sixtieth New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. LLOYD: Papers to accompany claim of Bernard C. Riley, of Company F, First Iowa Cavalry—to the Committee on Invalid Pensions.

By Mr. FORDNEY: Petition of Rev. J. S. McGreaham et al., of Michigan, praying for an amendment to National Constitution making polygamy a breach of the national law—to the Committee on the Judiciary.

By Mr. FULLER: Papers to accompany bill granting an increase of pension to James G. Butler—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Memorial of the Connecticut Baptist Convention, with reference to conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Papers to accompany bill H. R. 1479, for relief of Jacob W. Roby—to the Committee on Invalid Pensions.

By Mr. HITT: Resolution of Division No. 27, Brotherhood of Locomotive Engineers, of Freeport, Ill., for pensioning locomotive engineers who served during civil war—to the Committee on Invalid Pensions.

By Mr. HULL: Papers to accompany claim of Noah J. Crew, of Altoona, Polk County, Iowa—to the Committee on Invalid Pensions.

By Mr. KNAPP: Papers to accompany bill H. R. 12863, granting a pension to Clarissa Murray—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting an increase of pension to William J. Hubbard—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Edward O. Pierce—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Florence Dunham—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Papers to accompany bill granting increase of pension to Francis Sybolle—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petitions of J. E. Philbrook, John McNamara, and other fishermen, for relief from dogfish that infest the coast—to the Committee on the Merchant Marine and Fisheries.

By Mr. LIVINGSTON: Petition of citizens of Georgia, praying for the repeal of the present bankruptcy laws—to the Committee on the Judiciary.

By Mr. LOVERING: Petition of the Baptist Church of Rockland, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the Home Mission Society of West Bridgewater, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Taunton, Mass., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of A. P. King, of Brockton, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Woman's Baptist Home Mission Society of Hanson, Mass., for a constitutional amendment for prohibiting polygamy—to the Committee on the Judiciary.

By Mr. MACON: Memorial of A. M. Hall et al. and J. W. Thompson et al., of Arkansas, urging passage of bill H. R. 1997,

for protection of local-option laws in the various States and Territories—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany House bill to amend an act entitled "An act to enable the Secretary of War to authorize construction of a lock and dam in aid of navigation in the Tennessee River"—to the Committee on Rivers and Harbors.

Also, papers to accompany bill for relief of Jesse Walling, of Sampson, Bledsoe County, Tenn., for supplies taken and used by the United States Army—to the Committee on War Claims.

By Mr. MORRELL: Petition for the erection of a monumental statue in the city of Washington, D. C., to Rear-Admiral Charles Stewart—to the Committee on the Library.

By Mr. RIXEY: Papers to accompany bill for the relief of the Methodist Episcopal Church South, of Jeffersonton, Va.—to the Committee on War Caims.

By Mr. RUPPERT: Resolutions of the New England Tobacco Growers' Association, stating that they are unalterably opposed to any change of the tobacco schedule of the Dingley tariff law—to the Committee on Ways and Means.

Also, papers to accompany bill to pension Abram Nussbaum—to the Committee on Invalid Pensions.

By Mr. SCUDDER: Petition of residents of the town of East Hampton, Suffolk County, N. Y., for improvement of Threemile Harbor—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: Papers to accompany bill granting increase of pension to Rev. R. Howard Wallace—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany bill for pension of Daniel W. Smith—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers in support of House bill granting an increase of pension to Harrison Ball—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December 6, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

MOSES E. CLAPP, a Senator from the State of Minnesota; JAMES P. CLARKE, a Senator from the State of Arkansas; JOHN W. DANIEL, a Senator from the State of Virginia; JOHN T. MORGAN, a Senator from the State of Alabama, and FURNIFOLD MCL. SIMMONS, a Senator from the State of North Carolina, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

WILLIAM J. BROWNING, the Chief Clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that the House is ready to proceed to business.

Also, that a committee of three has been appointed by the Speaker on the part of the House of Representatives to join the committee appointed on the part of the Senate to wait on the President of the United States and to notify him that a quorum of each of the two Houses has assembled and that Congress is ready to receive any communication he may be pleased to make, and that Mr. BURTON of Ohio, Mr. TAWNEY of Minnesota, and Mr. WILLIAMS of Mississippi have been appointed such committee on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12898) to create a new division in the eastern judicial district of the State of Missouri; and

A bill (H. R. 13355) to amend the copyright laws.

The message also announced that the House had passed resolutions commemorative of the life and public services of Hon. Matthew Stanley Quay, late a Senator from the State of Pennsylvania.

The message further announced that the House had passed resolutions commemorative of the life and public services of Hon. George Frisbie Hoar, late a Senator from the State of Massachusetts.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON and Mr. COCKRELL, the committee appointed on the part of the Senate to wait upon the President of the United States, appeared; and

Mr. ALLISON said: Mr. President, the committee on the part of the Senate, with a like committee on the part of the House, appointed to wait on the President and to inform him that a quorum of the two Houses is present and ready to proceed to business, report that they have discharged that duty, and in response the President stated to the committee that he would immediately communicate to the two Houses a message in writing.

SENATORS APPOINTED FROM MASSACHUSETTS AND PENNSYLVANIA.

Mr. LODGE. Mr. President, I present the credentials of my colleague, Mr. Crane, and ask that they be read.

The PRESIDENT pro tempore. The credentials will be received and read.

The credentials of Winthrop Murray Crane, appointed by the governor of the State of Massachusetts a Senator from that State to fill until the next meeting of the legislature thereof the vacancy in the term ending March 3, 1907, occasioned by the death of Hon. George Frisbie Hoar, were read, and ordered to be filed.

Mr. PENROSE. Mr. President, I present the credentials of Mr. Knox, filling by appointment of the governor of Pennsylvania the vacancy in this body caused by the death of my late colleague.

The PRESIDENT pro tempore. The credentials will be received and read.

The credentials of Philander Chase Knox, appointed by the governor of the State of Pennsylvania a Senator from that State to fill until the next meeting of the legislature thereof the vacancy occasioned by the death of Hon. Matthew Stanley Quay in the term ending March 3, 1905, were read, and ordered to be filed.

Mr. LODGE. The Senators appointed are present, and I ask that the oath may be administered to them.

The PRESIDENT pro tempore. If the Senators appointed will present themselves at the desk, the Chair will administer the oath required by law.

Mr. Crane and Mr. Knox were escorted to the Vice-President's desk by Mr. LODGE and Mr. PENROSE, respectively; and the oath prescribed by law having been administered to them, they took their seats in the Senate.

PRESIDENT'S ANNUAL MESSAGE.

Mr. B. F. BARNES, one of the secretaries of the President of the United States, appeared and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the President pro tempore.

The PRESIDENT pro tempore. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary (CHARLES G. BENNETT) read the message, as follows:

To the Senate and House of Representatives:

The Nation continues to enjoy noteworthy prosperity. Such prosperity is of course primarily due to the high individual average of our citizenship, taken together with our great natural resources; but an important factor therein is the working of our long-continued governmental policies. The people have emphatically expressed their approval of the principles underlying these policies, and their desire that these principles be kept substantially unchanged, although of course applied in a progressive spirit to meet changing conditions.

CAUTION AGAINST EXTRAVAGANCE.

The enlargement of scope of the functions of the National Government required by our development as a nation involves, of course, increase of expense; and the period of prosperity through which the country is passing justifies expenditures for permanent improvements far greater than would be wise in hard times. Battle ships and forts, public buildings, and improved waterways are investments which should be made when we have the money; but abundant revenues and a large surplus always invite extravagance, and constant care should be taken to guard against unnecessary increase of the ordinary expenses of government. The cost of doing Government business should be regulated with the same rigid scrutiny as the cost of doing a private business.

CAPITAL AND LABOR.

In the vast and complicated mechanism of our modern civilized life the dominant note is the note of industrialism; and the relations of capital and labor, and especially of organized capital and organized labor, to each other and to the public at large come second in importance only to the intimate questions of family life. Our peculiar form of government, with its sharp division of authority between the Nation and the several States, has been on the whole far more advantageous to our development than a

more strongly centralized government. But it is undoubtedly responsible for much of the difficulty of meeting with adequate legislation the new problems presented by the total change in industrial conditions on this continent during the last half century. In actual practice it has proved exceedingly difficult, and in many cases impossible, to get unanimity of wise action among the various States on these subjects. From the very nature of the case this is especially true of the laws affecting the employment of capital in huge masses.

With regard to labor the problem is no less important, but it is simpler. As long as the States retain the primary control of the police power the circumstances must be altogether extreme which require interference by the Federal authorities, whether in the way of safeguarding the rights of labor or in the way of seeing that wrong is not done by unruly persons who shield themselves behind the name of labor. If there is resistance to the Federal courts, interference with the mails, or interstate commerce, or molestation of Federal property, or if the State authorities in some crisis which they are unable to face call for help, then the Federal Government may interfere; but though such interference may be caused by a condition of things arising out of trouble connected with some question of labor, the interference itself simply takes the form of restoring order without regard to the questions which have caused the breach of order—for to keep order is a primary duty and in a time of disorder and violence all other questions sink into abeyance until order has been restored. In the District of Columbia and in the Territories the Federal law covers the entire field of government; but the labor question is only acute in populous centers of commerce, manufactures, or mining. Nevertheless, both in the enactment and in the enforcement of law the Federal Government within its restricted sphere should set an example to the State governments, especially in a matter so vital as this affecting labor. I believe that under modern industrial conditions it is often necessary, and even where not necessary it is yet often wise, that there should be organization of labor in order better to secure the rights of the individual wage-worker. All encouragement should be given to any such organization, so long as it is conducted with a due and decent regard for the rights of others. There are in this country some labor unions which have habitually, and other labor unions which have often, been among the most effective agents in working for good citizenship and for uplifting the condition of those whose welfare should be closest to our hearts. But when any labor union seeks improper ends, or seeks to achieve proper ends by improper means, all good citizens and more especially all honorable public servants must oppose the wrongdoing as resolutely as they would oppose the wrongdoing of any great corporation. Of course any violence, brutality, or corruption, should not for one moment be tolerated. Wage-workers have an entire right to organize and by all peaceful and honorable means to endeavor to persuade their fellows to join with them in organizations. They have a legal right, which, according to circumstances, may or may not be a moral right, to refuse to work in company with men who decline to join their organizations. They have under no circumstances the right to commit violence upon those, whether capitalists or wage-workers, who refuse to support their organizations, or who side with those with whom they are at odds; for mob rule is intolerable in any form.

EMPLOYER'S LIABILITY LAW.

The wage-workers are peculiarly entitled to the protection and the encouragement of the law. From the very nature of their occupation railroad men, for instance, are liable to be maimed in doing the legitimate work of their profession, unless the railroad companies are required by law to make ample provision for their safety. The Administration has been zealous in enforcing the existing law for this purpose. That law should be amended and strengthened. Wherever the National Government has power there should be a stringent employer's liability law, which should apply to the Government itself where the Government is an employer of labor.

In my Message to the Fifty-seventh Congress, at its second session, I urged the passage of an employer's liability law for the District of Columbia. I now renew that recommendation, and further recommend that the Congress appoint a commission to make a comprehensive study of employer's liability with the view of extending the provisions of a great and constitutional law to all employments within the scope of Federal power.

MEDALS OF HONOR.

The Government has recognized heroism upon the water, and bestows medals of honor upon those persons who by extreme and heroic daring have endangered their lives in saving, or endeavoring to save, lives from the perils of the sea in the waters over which the United States has jurisdiction, or upon an American vessel. This recognition should be extended to cover cases of conspicuous bravery and self-sacrifice in the saving of life in private employments under the jurisdiction of the United States, and particularly in the land commerce of the Nation.

PREVENTION OF RAILROAD ACCIDENTS.

The ever-increasing casualty list upon our railroads is a matter of grave public concern, and urgently calls for action by the Congress. In the matter of speed and comfort of railway travel our railroads give at least as good service as those of any other nation, and there is no reason why this service should not also be as safe as human ingenuity can make it. Many of our leading roads have been foremost in the adoption of the most approved safeguards for the protection of travelers and employees, yet the list of clearly avoidable accidents continues unduly large. The passage of a law requiring the adoption of a block-signal system has been proposed to the Congress. I earnestly concur in that recommendation, and would also point out to the Congress the urgent need of legislation in the interest of the public safety limiting the hours of labor for railroad employees in train service upon railroads engaged in interstate commerce, and providing that only trained and experienced persons be employed in positions of responsibility connected with the operation of trains. Of course nothing can ever prevent accidents caused by human weakness or misconduct; and there should be drastic punishment for any railroad employee, whether officer or man, who by issuance of wrong orders or by disobedience of orders causes disaster. The law of 1901, requiring interstate railroads to make monthly reports of all accidents to passengers and employees on duty, should also be amended so as to empower the Government to make a personal investigation, through proper officers, of all accidents involving loss of life which seem to require investigation, with a requirement that the results of such investigation be made public.

The safety-appliance law, as amended by the act of March 2, 1903, has proved beneficial to railway employees, and in order that its provisions may be properly carried out, the force of inspectors provided for by appropriation should be largely increased. This service is analogous to the Steamboat-Inspection Service, and deals with even more important interests. It has passed the experimental stage and demonstrated its utility, and should receive generous recognition by the Congress.

UNIONS OF GOVERNMENT EMPLOYEES.

There is no objection to employees of the Government forming or belonging to unions; but the Government can neither discriminate for nor discriminate against nonunion men who are in its employment, or who seek to be employed under it. Moreover, it is a very grave impropriety for Government employees to band themselves together for the purpose of extorting improperly high salaries from the Government. Especially is this true of those within the classified service. The letter carriers, both municipal and rural, are as a whole an excellent body of public servants. They should be amply paid. But their payment must be obtained by arguing their claims fairly and honorably before the Congress, and not by banding together for the defeat of those Congressmen who refuse to give promises which they can not in conscience give. The Administration has already taken steps to prevent and punish abuses of this nature; but it will be wise for the Congress to supplement this action by legislation.

BUREAU OF LABOR.

Much can be done by the Government in labor matters merely by giving publicity to certain conditions. The Bureau of Labor has done excellent work of this kind in many different directions. I shall shortly lay before you in a special message the full report of the investigation of the Bureau of Labor into the Colorado mining strike, as this is a strike in which certain very evil forces, which are more or less at work everywhere under the conditions of modern industrialism, became startlingly prominent. It is greatly to be wished that the Department of Commerce and Labor, through the Labor Bureau, should compile and arrange for the Congress a list of the labor laws of the various States, and should be given the means to investigate and report to the Congress upon the labor conditions in the manufacturing and mining regions throughout the country, both as to wages, as to hours of labor, as to the labor of women and children, and as to the effect in the various labor centers of immigration from abroad. In this investigation especial attention should be paid to the conditions of child labor and child-labor legislation in the several States. Such an investigation must necessarily take into account many of the problems with which this question of child labor is connected. These problems can be actually met, in most cases, only by the States themselves; but the lack of proper legislation in one State in such a matter as child labor often renders it excessively difficult to establish protective restriction upon the work in another State having the same industries, so that the worst tends to drag down the better.

For this reason, it would be well for the Nation at least to endeavor to secure comprehensive information as to the conditions of labor of children in the different States. Such investigation and publication by the National Government would tend toward the securing of approximately uniform legislation of the proper character among the several States.

CORPORATIONS.

When we come to deal with great corporations the need for the Government to act directly is far greater than in the case of labor, because great corporations can become such only by engaging in interstate commerce, and interstate commerce is peculiarly the field of the General Government. It is an absurdity to expect to eliminate the abuses in great corporations by State action. It is difficult to be patient with an argument that such matters should be left to the States because more than one State pursues the policy of creating on easy terms corporations which are never operated within that State at all, but in other States whose laws they ignore. The National Government alone can deal adequately with these great corporations. To try to deal with them in an intemperate, destructive, or demagogic spirit would, in all probability, mean that nothing whatever would be accomplished, and, with absolute certainty, that if anything were accomplished it would be of a harmful nature. The American people need to continue to show the very qualities that they have shown—that is, moderation, good sense, the earnest desire to avoid doing any damage, and yet the quiet determination to proceed, step by step, without halt and without hurry, in eliminating or at least in minimizing whatever of mischief or of evil there is to interstate commerce in the conduct of great corporations. They are acting in no spirit of hostility to wealth, either individual or corporate. They are not against the rich man any more than against the poor man. On the contrary, they are friendly alike toward rich man and toward poor man, provided only that each acts in a spirit of justice and decency toward his fellows. Great corporations are necessary, and only men of great and singular mental power can manage such corporations successfully, and such men must have great rewards. But these corporations should be managed with due regard to the interest of the public as a whole. Where this can be done under the present laws it must be done. Where these laws come short others should be enacted to supplement them.

Yet we must never forget the determining factor in every kind of work, of head or hand, must be the man's own good sense, courage, and kindliness. More important than any legislation is the gradual growth of a feeling of responsibility and forbearance among capitalists and wage-workers alike; a feeling of respect on the part of each man for the rights of others; a feeling of broad community of interest, not merely of capitalists among themselves, and of wage-workers among themselves, but of capitalists and wage-workers in their relations to each other, and of both in their relations to their fellows who with them make up the body politic. There are many captains of industry, many labor leaders, who realize this. A recent speech by the president of one of our great railroad systems to the employees of that system contains sound common sense. It runs in part as follows:

"It is my belief we can better serve each other, better understand the man as well as his business, when meeting face to face, exchanging views, and realizing from personal contact we serve but one interest, that of our mutual prosperity.

"Serious misunderstandings can not occur where personal good will exists and opportunity for personal explanation is present.

"In my early business life I had experience with men of affairs of a character to make me desire to avoid creating a like feeling of resentment to myself and the interests in my charge, should fortune ever place me in authority, and I am solicitous of a measure of confidence on the part of the public and our employees that I shall hope may be warranted by the fairness and good fellowship I intend shall prevail in our relationship.

"But do not feel I am disposed to grant unreasonable requests, spend the money of our company unnecessarily or without value received, nor expect the days of mistakes are disappearing, or that cause for complaint will not continually occur; simply to correct such abuses as may be discovered, to better conditions as fast as reasonably may be expected, constantly striving, with varying success, for that improvement we all desire, to convince you there is a force at work in the right direction, all the time making progress—is the disposition with which I have come among you, asking your good will and encouragement.

"The day has gone by when a corporation can be handled successfully in defiance of the public will, even though that will be unreasonable and wrong. A public may be led, but not driven, and I prefer to go with it and shape or modify, in a measure, its opinion, rather than be swept from my bearings, with loss to myself and the interests in my charge.

"Violent prejudice exists toward corporate activity and capital to-day, much of it founded in reason, more in apprehension, and a large measure is due to the personal traits of arbitrary, unreasonable, incompetent, and offensive men in positions of authority. The accomplishment of results by indirection, the endeavor to thwart the intention, if not the expressed letter of the law (the will of the people), a disregard of the rights of others, a disposition to withhold what is due, to force by main strength or inactivity a result not justified, depending upon the weakness of the claimant and his indisposition to become involved in litigation, has created a sentiment harmful in the extreme and a disposition to consider anything fair that gives gain to the individual at the expense of the company.

"If corporations are to continue to do the world's work, as they are best fitted to, these qualities in their representatives that have resulted in the present prejudice against them must be relegated to the background. The corporations must come out into the open and see and be seen. They must take the public into their confidence and ask for what they want, and no more, and be prepared to explain satisfactorily what advantage will accrue to the public if they are given their desires; for they are permitted to exist not that they may make money solely, but that they may effectively serve those from whom they derive their power.

"Publicity, and not secrecy, will win hereafter, and laws be construed by their intent and not by their letter, otherwise public utilities will be owned and operated by the public which created them, even though the service be less efficient and the result less satisfactory from a financial standpoint."

The Bureau of Corporations has made careful preliminary investigation of many important corporations. It will make a special report on the beef industry.

BUREAU OF CORPORATIONS.

The policy of the Bureau is to accomplish the purposes of its creation by cooperation, not antagonism; by making constructive legislation, not destructive prosecution, the immediate object of its inquiries; by conservative investigation of law and fact, and by refusal to issue incomplete and hence necessarily inaccurate reports. Its policy being thus one of open inquiry into, and not attack upon, business, the Bureau has been able to gain not only the confidence, but, better still, the cooperation of men engaged in legitimate business.

The Bureau offers to the Congress the means of getting at the cost of production of our various great staples of commerce.

Of necessity the careful investigation of special corporations will afford the Commissioner knowledge of certain business facts, the publication of which might be an improper infringement of private rights. The method of making public the results of these investigations affords, under the law, a means for the protection of private rights. The Congress will have all facts except such as would give to another corporation information which would injure the legitimate business of a competitor and destroy the incentive for individual superiority and thrift.

The Bureau has also made exhaustive examinations into the legal condition under which corporate business is carried on in the various States; into all judicial decisions on the subject; and into the various systems of corporate taxation in use. I call special attention to the report of the chief of the Bureau; and I earnestly ask that the Congress carefully consider the report and recommendations of the Commissioner on this subject.

INSURANCE.

The business of insurance vitally affects the great mass of the people of the United States and is national and not local in its application. It involves a multitude of transactions among the people of the different States and between American companies and foreign governments. I urge that the Congress carefully consider whether the power of the Bureau of Corporations can not constitutionally be extended to cover interstate transactions in insurance.

REBATES.

Above all else, we must strive to keep the highways of commerce open to all on equal terms; and to do this it is necessary to put a complete stop to all rebates. Whether the shipper or the railroad is to blame makes no difference; the rebate must be stopped, the abuses of the private car and private terminal-track and side-track systems must be stopped, and the legislation of the Fifty-eighth Congress which declares it to be unlawful for any person or corporation to offer, grant, give, solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce whereby such property shall by any device whatever be transported at a less rate than that named in the

tariffs published by the carrier must be enforced. For some time after the enactment of the Act to Regulate Commerce it remained a mooted question whether that act conferred upon the Interstate Commerce Commission the power, after it had found a challenged rate to be unreasonable, to declare what thereafter should, prima facie, be the reasonable maximum rate for the transportation in dispute. The Supreme Court finally resolved that question in the negative, so that as the law now stands the Commission simply possess the bare power to denounce a particular rate as unreasonable. While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review. The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce; and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other. In my judgment the most important legislative act now needed as regards the regulation of corporations is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect, and to stay in effect unless and until the court of review reverses it.

Steamship companies engaged in interstate commerce and protected in our coastwise trade should be held to a strict observance of the interstate-commerce act.

CITY OF WASHINGTON.

In pursuing the set plan to make the city of Washington an example to other American municipalities several points should be kept in mind by the legislators. In the first place, the people of this country should clearly understand that no amount of industrial prosperity, and above all no leadership in international industrial competition, can in any way atone for the sapping of the vitality of those who are usually spoken of as the working classes. The farmers, the mechanics, the skilled and unskilled laborers, the small shop keepers, make up the bulk of the population of any country; and upon their well-being, generation after generation, the well-being of the country and the race depends. Rapid development in wealth and industrial leadership is a good thing, but only if it goes hand in hand with improvement, and not deterioration, physical and moral. The overcrowding of cities and the draining of country districts are unhealthy and even dangerous symptoms in our modern life. We should not permit overcrowding in cities. In certain European cities it is provided by law that the population of towns shall not be allowed to exceed a very limited density for a given area, so that the increase in density must be continually pushed back into a broad zone around the center of the town, this zone having great avenues or parks within it. The death-rate statistics show a terrible increase in mortality, and especially in infant mortality, in overcrowded tenements. The poorest families in tenement houses live in one room, and it appears that in these one-room tenements the average death rate for a number of given cities at home and abroad is about twice what it is in a two-room tenement, four times what it is in a three-room tenement, and eight times what it is in a tenement consisting of four rooms or over. These figures vary somewhat for different cities, but they approximate in each city those given above; and in all cases the increase of mortality, and especially of infant mortality, with the decrease in the number of rooms used by the family and with the consequent overcrowding is startling. The slum exacts a heavy total of death from those who dwell therein; and this is the case not merely in the great crowded slums of high buildings in New York and Chicago, but in the alley slums of Washington. In Washington people can not afford to ignore the harm that this causes. No Christian and civilized community can afford to show a happy-go-lucky lack of concern for the youth of to-day; for, if so, the community will have to pay a terrible penalty of financial burden and social degradation in the to-morrow. There should be severe child-labor and factory-inspection laws. It is very desirable that married women should not work in factories. The prime duty of the man is to work, to be the breadwinner; the prime duty of the woman is to be the mother, the housewife. All questions of tariff and finance sink into utter insignificance when compared with the tremendous, the vital importance of trying to shape conditions so that these two duties of the man and of the woman can be fulfilled under reasonably favorable circumstances. If a race does not have plenty of children, or if the children do not grow up, or if when they grow up they are unhealthy in body and stunted or vicious in mind, then that race is decadent, and no heaping up of wealth, no splendor of momentary material prosperity, can avail in any degree as offsets.

The Congress has the same power of legislation for the District of Columbia which the State legislatures have for the various States. The problems incident to our highly complex modern industrial civilization, with its manifold and perplexing tendencies both for good and for evil, are far less sharply accentuated in the city of Washington than in most other cities. For this very reason it is easier to deal with the various phases of these problems in Washington, and the District of Columbia government should be a model for the other municipal governments of the Nation, in all such matters as supervision of the housing of the poor, the creation of small parks in the districts inhabited by the poor, in laws affecting labor, in laws providing for the taking care of the children, in truant laws, and in providing schools.

In the vital matter of taking care of children, much advantage could be gained by a careful study of what has been accomplished in such States as Illinois and Colorado by the juvenile courts. The work of the juvenile court is really a work of character building. It is now generally recognized that young boys and young girls who go wrong should not be treated as criminals, not even necessarily as needing reformation, but rather as needing to have their characters formed, and for this end to have them tested and developed by a system of probation. Much admirable work has been done in many of our Commonwealths by earnest men and women who have made a special study of the needs of those classes of children which furnish the greatest number of juvenile offenders, and therefore the greatest number of adult offenders; and by their aid, and by profiting by the experiences of the different States and cities in these matters, it would be easy to provide a good code for the District of Columbia.

Several considerations suggest the need for a systematic investigation into and improvement of housing conditions in Washington. The hidden residential alleys are breeding grounds of vice and disease, and should be opened into minor streets. For a number of years influential citizens have joined with the District Commissioners in the vain endeavor to secure laws permitting the condemnation of insanitary dwellings. The local death rates, especially from preventable diseases, are so unduly high as to suggest that the exceptional wholesomeness of Washington's better sections is offset by bad conditions in her poorer neighborhoods. A special "Commission on Housing and Health Conditions in the National Capital" would not only bring about the reformation of existing evils, but would also formulate an appropriate building code to protect the city from mammoth brick tenements and other evils which threaten to develop here as they have in other cities. That the Nation's Capital should be made a model for other municipalities is an ideal which appeals to all patriotic citizens everywhere, and such a special Commission might map out and organize the city's future development in lines of civic social service, just as Major L'Enfant and the recent Park Commission planned the arrangement of her streets and parks.

It is mortifying to remember that Washington has no compulsory school attendance law and that careful inquiries indicate the habitual absence from school of some twenty per cent of all children between the ages of eight and fourteen. It must be evident to all who consider the problems of neglected child life or the benefits of compulsory education in other cities that one of the most urgent needs of the National Capital is a law requiring the school attendance of all children, this law to be enforced by attendance agents directed by the board of education.

Public playgrounds are necessary means for the development of wholesome citizenship in modern cities. It is important that the work inaugurated here through voluntary efforts should be taken up and extended through Congressional appropriation of funds sufficient to equip and maintain numerous convenient small playgrounds upon land which can be secured without purchase or rental. It is also desirable that small vacant places be purchased and reserved as small-park playgrounds in densely settled sections of the city which now have no public open spaces and are destined soon to be built up solidly. All these needs should be met immediately. To meet them would entail expenses; but a corresponding saving could be made by stopping the building of streets and leveling of ground for purposes largely speculative in outlying parts of the city.

There are certain offenders, whose criminality takes the shape of brutality and cruelty toward the weak, who need a special type of punishment. The wife-beater, for example, is inadequately punished by imprisonment; for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality.

Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

AGRICULTURE.

The Department of Agriculture has grown into an educational institution with a faculty of two thousand specialists making research into all the sciences of production. The Congress appropriates, directly and indirectly, six millions of dollars annually to carry on this work. It reaches every State and Territory in the Union and the islands of the sea lately come under our flag. Cooperation is had with the State experiment stations, and with many other institutions and individuals. The world is carefully searched for new varieties of grains, fruits, grasses, vegetables, trees, and shrubs, suitable to various localities in our country; and marked benefit to our producers has resulted.

The activities of our age in lines of research have reached the tillers of the soil and inspired them with ambition to know more of the principles that govern the forces of nature with which they have to deal. Nearly half of the people of this country devote their energies to growing things from the soil. Until a recent date little has been done to prepare these millions for their life work. In most lines of human activity college-trained men are the leaders. The farmer had no opportunity for special training until the Congress made provision for it forty years ago. During these years progress has been made and teachers have been prepared. Over five thousand students are in attendance at our State agricultural colleges. The Federal Government expends ten millions of dollars annually toward this education and for research in Washington and in the several States and Territories. The Department of Agriculture has given facilities for post-graduate work to five hundred young men during the last seven years, preparing them for advance lines of work in the Department and in the State institutions.

The facts concerning meteorology and its relations to plant and animal life are being systematically inquired into. Temperature and moisture are controlling factors in all agricultural operations. The seasons of the cyclones of the Caribbean Sea and their paths are being forecasted with increasing accuracy. The cold winds that come from the north are anticipated and their times and intensity told to farmers, gardeners, and fruiterers in all southern localities.

We sell two hundred and fifty million dollars' worth of animals and animal products to foreign countries every year, in addition to supplying our own people more cheaply and abundantly than any other nation is able to provide for its people. Successful manufacturing depends primarily on cheap food, which accounts to a considerable extent for our growth in this direction. The Department of Agriculture, by careful inspection of meats, guards the health of our people and gives clean bills of health to deserving exports; it is prepared to deal promptly with imported diseases of animals, and maintain the excellence of our flocks and herds in this respect. There should be an annual census of the live stock of the Nation.

We sell abroad about six hundred million dollars' worth of plants and their products every year. Strenuous efforts are being made to import from foreign countries such grains as are suitable to our varying localities. Seven years ago we bought three-fourths of our rice; by helping the rice growers on the Gulf coast to secure seeds from the Orient suited to their conditions, and by giving them adequate protection, they now supply home demand and export to the islands of the Caribbean Sea and to other rice-growing countries. Wheat and other grains have been imported from light-rainfall countries to our lands in the West and Southwest that have not grown crops because of light precipitation, resulting in an extensive addition to our cropping area and our home-making territory that can not be irrigated. Ten million bushels of first-class macaroni wheat were grown from these experimental importations last year. Fruits suitable to our soils and climates are being imported from all the countries of the Old World—the fig from Turkey, the almond from Spain, the date from Algeria, the mango from India. We are helping our fruit growers to get their crops into European markets by studying methods of preservation through refrigeration, packing, and handling, which have been quite successful. We are helping our hop growers by importing varieties that ripen earlier and later than the kinds they have been raising, thereby lengthening the harvesting season. The cotton crop of the country is threatened with root rot, the bollworm, and the boll weevil. Our pathologists will find immune varieties that will resist the root disease, and the bollworm can be dealt with, but the boll weevil is a serious menace to the cotton crop. It is a Central American insect that has become acclimated in Texas and has done great damage. A scientist of the Department of Agriculture has found the weevil at home in Guatemala being kept in check by an ant, which has been brought to our cotton fields for observation. It is hoped that it may serve a good purpose.

The soils of the country are getting attention from the farmer's standpoint, and interesting results are following. We have duplicates of the soils that grow the wrapper tobacco in Sumatra and the filler tobacco in Cuba. It will be only a question of time when the large amounts paid to these countries will be paid to our own people. The reclamation of alkali lands is progressing, to give object lessons to our people in methods by which worthless lands may be made productive.

The insect friends and enemies of the farmer are getting attention. The enemy of the San Jose scale was found near the Great Wall of China, and is now cleaning up all our orchards. The fig-fertilizing insect imported from Turkey has helped to establish an industry in California that amounts to from fifty to one hundred tons of dried figs annually, and is extending over the Pacific coast. A parasitic fly from South Africa is keeping in subjection the black scale, the worst pest of the orange and lemon industry in California.

Careful preliminary work is being done toward producing our own silk. The mulberry is being distributed in large numbers, eggs are being imported and distributed, improved reels were imported from Europe last year, and two expert reelers were brought to Washington to reel the crop of cocoons and teach the art to our own people.

The crop-reporting system of the Department of Agriculture is being brought closer to accuracy every year. It has two hundred and fifty thousand reporters selected from people in eight vocations in life. It has arrangements with most European countries for interchange of estimates, so that our people may know as nearly as possible with what they must compete.

IRRIGATION.

During the two and a half years that have elapsed since the passage of the reclamation act rapid progress has been made in the surveys and examinations of the opportunities for reclamation in the thirteen States and three Territories of the arid West. Construction has already been begun on the largest and most important of the irrigation works, and plans are being completed for works which will utilize the funds now available. The operations are being carried on by the Reclamation Service, a corps of engineers selected through competitive civil-service examinations. This corps includes experienced consulting and constructing engineers as well as various experts in mechanical and legal matters, and is composed largely of men who have spent most of their lives in practical affairs connected with irrigation. The larger problems have been solved and it now remains to execute with care, economy, and thoroughness the work which has been laid out. All important details are being carefully considered by boards of consulting engineers, selected for their thorough knowledge and practical experience. Each project is taken up on the ground by competent men and viewed from the standpoint of the creation of prosperous homes, and of promptly refunding to the Treasury the cost of construction. The reclamation act has been found to be remarkably complete and effective, and so broad in its provisions that a wide range of undertakings has been possible under it. At the same time, economy is guaranteed by the fact that the funds must ultimately be returned to be used over again.

FORESTS.

It is the cardinal principle of the forest-reserve policy of this Administration that the reserves are for use. Whatever interferes with the use of their resources is to be avoided by every possible means. But these resources must be used in such a way as to make them permanent.

The forest policy of the Government is just now a subject of vivid public interest throughout the West and to the people of the United States in general. The forest reserves themselves are of extreme value to the present as well as to the future welfare of all the western public-land States. They powerfully affect the use and disposal of the public lands. They are of special importance because they preserve the water supply and the supply of timber for domestic purposes, and so promote settlement under the reclamation act. Indeed, they are essential to the welfare of every one of the great interests of the West.

Forest reserves are created for two principal purposes. The first is to preserve the water supply. This is their most important use. The principal uses of the water thus preserved are irrigation ranchers and settlers, cities and towns to whom their municipal water supplies are of the very first importance, users and furnishers of water power, and the users of water for domestic, manufacturing, mining, and other purposes. All these are directly dependent upon the forest reserves.

The second reason for which forest reserves are created is to preserve the timber supply for various classes of wood users. Among the more important of these are settlers under the

reclamation act and other acts, for whom a cheap and accessible supply of timber for domestic uses is absolutely necessary; miners and prospectors, who are in serious danger of losing their timber supply by fire or through export by lumber companies when timber lands adjacent to their mines pass into private ownership; lumbermen, transportation companies, builders, and commercial interests in general.

Although the wisdom of creating forest reserves is nearly everywhere heartily recognized, yet in a few localities there has been misunderstanding and complaint. The following statement is therefore desirable:

The forest-reserve policy can be successful only when it has the full support of the people of the West. It can not safely, and should not in any case, be imposed upon them against their will. But neither can we accept the views of those whose only interest in the forest is temporary; who are anxious to reap what they have not sown and then move away, leaving desolation behind them. On the contrary, it is everywhere and always the interest of the permanent settler and the permanent business man, the man with a stake in the country, which must be considered and which must decide.

The making of forest reserves within railroad and wagon-road land-grant limits will hereafter, as for the past three years, be so managed as to prevent the issue, under the act of June 4, 1897, of base for exchange or lieu selection (usually called scrip). In all cases where forest reserves within areas covered by land grants appear to be essential to the prosperity of settlers, miners, or others, the Government lands within such proposed forest reserves will, as in the recent past, be withdrawn from sale or entry pending the completion of such negotiations with the owners of the land grants as will prevent the creation of so-called scrip.

It was formerly the custom to make forest reserves without first getting definite and detailed information as to the character of land and timber within their boundaries. This method of action often resulted in badly chosen boundaries and consequent injustice to settlers and others. Therefore this Administration adopted the present method of first withdrawing the land from disposal, followed by careful examination on the ground and the preparation of detailed maps and descriptions, before any forest reserve is created.

I have repeatedly called attention to the confusion which exists in Government forest matters because the work is scattered among three independent organizations. The United States is the only one of the great nations in which the forest work of the Government is not concentrated under one department, in consonance with the plainest dictates of good administration and common sense. The present arrangement is bad from every point of view. Merely to mention it is to prove that it should be terminated at once. As I have repeatedly recommended, all the forest work of the Government should be concentrated in the Department of Agriculture, where the larger part of that work is already done, where practically all of the trained foresters of the Government are employed, where chiefly in Washington there is comprehensive first-class knowledge of the problems of the reserves acquired on the ground, where all problems relating to growth from the soil are already gathered, and where all the sciences auxiliary to forestry are at hand for prompt and effective cooperation. These reasons are decisive in themselves, but it should be added that the great organizations of citizens whose interests are affected by the forest reserves, such as the National Live Stock Association, the National Wool Growers' Association, the American Mining Congress, the National Irrigation Congress, and the National Board of Trade, have uniformly, emphatically, and most of them repeatedly, expressed themselves in favor of placing all Government forest work in the Department of Agriculture because of the peculiar adaptation of that Department for it. It is true, also, that the forest services of nearly all the great nations of the world are under the respective departments of agriculture, while in but two of the smaller nations and in one colony are they under the department of the interior. This is the result of long and varied experience and it agrees fully with the requirements of good administration in our own case.

The creation of a forest service in the Department of Agriculture will have for its important results:

First. A better handling of all forest work, because it will be under a single head, and because the vast and indispensable experience of the Department in all matters pertaining to the forest reserves, to forestry in general, and to other forms of production from the soil, will be easily and rapidly accessible.

Second. The reserves themselves, being handled from the point of view of the man in the field, instead of the man in the office, will be more easily and more widely useful to the people of the West than has been the case hitherto.

Third. Within a comparatively short time the reserves will become self-supporting. This is important, because continually and rapidly increasing appropriations will be necessary for the proper care of this exceedingly important interest of the Nation, and they can and should be offset by returns from the National forests. Under similar circumstances the forest possessions of other great nations form an important source of revenue to their governments.

Every administrative officer concerned is convinced of the necessity for the proposed consolidation of forest work in the Department of Agriculture, and I myself have urged it more than once in former messages. Again I commend it to the early and favorable consideration of the Congress. The interests of the Nation at large and of the West in particular have suffered greatly because of the delay.

PUBLIC LANDS.

I call the attention of the Congress again to the report and recommendation of the Commission on the Public Lands forwarded by me to the second session of the present Congress. The Commission has prosecuted its investigations actively during the past season, and a second report is now in an advanced stage of preparation.

GAME PRESERVES.

In connection with the work of the forest reserves I desire again to urge upon the Congress the importance of authorizing the President to set aside certain portions of these reserves or other public lands as game refuges for the preservation of the bison, the wapiti, and other large beasts once so abundant in our woods and mountains and on our great plains, and now tending toward extinction. Every support should be given to the authorities of the Yellowstone Park in their successful efforts at preserving the large creatures therein; and at very little expense portions of the public domain in other regions which are wholly unsuited to agricultural settlement could be similarly utilized. We owe it to future generations to keep alive the noble and beautiful creatures which by their presence add such distinctive character to the American wilderness. The limits of the Yellowstone Park should be extended southwards. The Canyon of the Colorado should be made a national park; and the national-park system should include the Yosemite and as many as possible of the groves of giant trees in California.

PENSIONS.

The veterans of the Civil War have a claim upon the Nation such as no other body of our citizens possess. The Pension Bureau has never in its history been managed in a more satisfactory manner than is now the case.

INDIANS.

The progress of the Indians toward civilization, though not rapid, is perhaps all that could be hoped for in view of the circumstances. Within the past year many tribes have shown, in a degree greater than ever before, an appreciation of the necessity of work. This changed attitude is in part due to the policy recently pursued of reducing the amount of subsistence to the Indians, and thus forcing them, through sheer necessity, to work for a livelihood. The policy, though severe, is a useful one, but it is to be exercised only with judgment and with a full understanding of the conditions which exist in each community for which it is intended. On or near the Indian reservations there is usually very little demand for labor, and if the Indians are to earn their living and when work can not be furnished from outside (which is always preferable), then it must be furnished by the Government. Practical instruction of this kind would in a few years result in the forming of habits of regular industry, which would render the Indian a producer and would effect a great reduction in the cost of his maintenance.

It is commonly declared that the slow advance of the Indians is due to the unsatisfactory character of the men appointed to take immediate charge of them, and to some extent this is true. While the standard of the employees in the Indian Service shows great improvement over that of bygone years, and while actual corruption or flagrant dishonesty is now the rare exception, it is nevertheless the fact that the salaries paid Indian agents are not large enough to attract the best men to that field of work. To achieve satisfactory results the official in charge of an Indian tribe should possess the high qualifications which are required in the manager of a large business, but only in exceptional cases is it possible to secure men of such a type for these positions. Much better service, however, might be obtained from those now holding the places were it practicable to get out of them the best that is in them, and this should be done by bringing them constantly into closer touch with their superior officers. An agent who has been content to draw his salary, giving in return the least possible equivalent in effort and service, may, by proper treatment, by suggestion and encouragement, or persistent urging, be stimulated to greater effort

and induced to take a more active personal interest in his work.

Under existing conditions an Indian agent in the distant West may be wholly out of touch with the office of the Indian Bureau. He may very well feel that no one takes a personal interest in him or his efforts. Certain routine duties in the way of reports and accounts are required of him, but there is no one with whom he may intelligently consult on matters vital to his work, except after long delay. Such a man would be greatly encouraged and aided by personal contact with some one whose interest in Indian affairs and whose authority in the Indian Bureau were greater than his own, and such contact would be certain to arouse and constantly increase the interest he takes in his work.

The distance which separates the agents—the workers in the field—from the Indian Office in Washington is a chief obstacle to Indian progress. Whatever shall more closely unite these two branches of the Indian Service, and shall enable them to cooperate more heartily and more effectively, will be for the increased efficiency of the work and the betterment of the race for whose improvement the Indian Bureau was established. The appointment of a field assistant to the Commissioner of Indian Affairs would be certain to insure this good end. Such an official, if possessed of the requisite energy and deep interest in the work, would be a most efficient factor in bringing into closer relationship and a more direct union of effort the Bureau in Washington and its agents in the field; and with the cooperation of its branches thus secured the Indian Bureau would, in measure fuller than ever before, lift up the savage toward that self-help and self-reliance which constitute the man.

JAMESTOWN TRICENTENNIAL.

In 1907 there will be held at Hampton Roads the tricentennial celebration of the settlement at Jamestown, Virginia, with which the history of what has now become the United States really begins. I commend this to your favorable consideration. It is an event of prime historic significance, in which all the people of the United States should feel, and should show, great and general interest.

POSTAL SERVICE.

In the Post-Office Department the service has increased in efficiency, and conditions as to revenue and expenditure continue satisfactory. The increase of revenue during the year was $9,358,181.10, or 6.9 per cent, the total receipts amounting to $143,382,624.34. The expenditures were $152,362,116.70, an increase of about 9 per cent over the previous year, being thus $8,979,492.36 in excess of the current revenue. Included in these expenditures was a total appropriation of $12,956,637.35 for the continuation and extension of the rural free-delivery service, which was an increase of $4,902,237.35 over the amount expended for this purpose in the preceding fiscal year. Large as this expenditure has been the beneficent results attained in extending the free distribution of mails to the residents of rural districts have justified the wisdom of the outlay. Statistics brought down to the 1st of October, 1904, show that on that date there were 27,138 rural routes established, serving approximately 12,000,000 of people in rural districts remote from post-offices, and that there were pending at that time 3,859 petitions for the establishment of new rural routes. Unquestionably some part of the general increase in receipts is due to the increased postal facilities which the rural service has afforded. The revenues have also been aided greatly by amendments in the classification of mail matter, and the curtailment of abuses of the second-class mailing privilege. The average increase in the volume of mail matter for the period beginning with 1902 and ending June, 1905 (that portion for 1905 being estimated), is 40.47 per cent, as compared with 25.46 per cent for the period immediately preceding, and 15.92 for the four-year period immediately preceding that.

CONSULAR SERVICE.

Our consular system needs improvement. Salaries should be substituted for fees, and the proper classification, grading, and transfer of consular officers should be provided. I am not prepared to say that a competitive system of examinations for appointment would work well; but by law it should be provided that consuls should be familiar, according to places for which they apply, with the French, German, or Spanish languages, and should possess acquaintance with the resources of the United States.

NATIONAL GALLERY OF ART.

The collection of objects of art contemplated in section 5586 of the Revised Statutes should be designated and established as a National Gallery of Art; and the Smithsonian Institution should be authorized to accept any additions to said collection that may be received by gift, bequest, or devise.

NATIONAL QUARANTINE LAW.

It is desirable to enact a proper National quarantine law. It is most undesirable that a State should on its own initiative enforce quarantine regulations which are in effect a restriction upon interstate and international commerce. The question should properly be assumed by the Government alone. The Surgeon-General of the National Public Health and Marine-Hospital Service has repeatedly and convincingly set forth the need for such legislation.

EXTRAVAGANCE IN PRINTING.

I call your attention to the great extravagance in printing and binding Government publications, and especially to the fact that altogether too many of these publications are printed. There is a constant tendency to increase their number and their volume. It is an understatement to say that no appreciable harm would be caused by, and substantial benefit would accrue from, decreasing the amount of printing now done by at least one-half. Probably the great majority of the Government reports and the like now printed are never read at all, and furthermore the printing of much of the material contained in many of the remaining ones serves no useful purpose whatever.

CURRENCY.

The attention of the Congress should be especially given to the currency question, and that the standing committees on the matter in the two Houses charged with the duty, take up the matter of our currency and see whether it is not possible to secure an agreement in the business world for bettering the system; the committees should consider the question of the retirement of the greenbacks and the problem of securing in our currency such elasticity as is consistent with safety. Every silver dollar should be made by law redeemable in gold at the option of the holder.

MERCHANT MARINE.

I especially commend to your immediate attention the encouragement of our merchant marine by appropriate legislation.

ORIENTAL MARKETS.

The growing importance of the Orient as a field for American exports drew from my predecessor, President McKinley, an urgent request for its special consideration by the Congress. In his message of 1898 he stated:

"In this relation, as showing the peculiar volume and value of our trade with China and the peculiarly favorable conditions which exist for their expansion in the normal course of trade, I refer to the communication addressed to the Speaker of the House of Representatives by the Secretary of the Treasury on the 14th of last June, with its accompanying letter of the Secretary of State, recommending an appropriation for a commission to study the industrial and commercial conditions in the Chinese Empire and to report as to the opportunities for and the obstacles to the enlargement of markets in China for the raw products and manufactures of the United States. Action was not taken thereon during the last session. I cordially urge that the recommendation receive at your hands the consideration which its importance and timeliness merit."

In his annual message of 1899 he again called attention to this recommendation, quoting it, and stated further:

"I now renew this recommendation, as the importance of the subject has steadily grown since it was first submitted to you, and no time should be lost in studying for ourselves the resources of this great field for American trade and enterprise."

The importance of securing proper information and data with a view to the enlargement of our trade with Asia is undiminished. Our consular representatives in China have strongly urged a place for permanent display of American products in some prominent trade center of that Empire, under Government control and management, as an effective means of advancing our export trade therein. I call the attention of the Congress to the desirability of carrying out these suggestions.

IMMIGRATION AND NATURALIZATION.

In dealing with the questions of immigration and naturalization it is indispensable to keep certain facts ever before the minds of those who share in enacting the laws. First and foremost, let us remember that the question of being a good American has nothing whatever to do with a man's birthplace any more than it has to do with his creed. In every generation from the time this Government was founded men of foreign birth have stood in the very foremost rank of good citizenship, and that not merely in one but in every field of American activity; while to try to draw a distinction between the man whose parents came to this country and the man whose ancestors came to it several generations back is a mere absurdity. Good Americanism is a matter of heart, of conscience, of lofty aspiration, of sound common sense, but not of birthplace or of creed. The

medal of honor, the highest prize to be won by those who serve in the Army and the Navy of the United States decorates men born here, and it also decorates men born in Great Britain and Ireland, in Germany, in Scandinavia, in France, and doubtless in other countries also. In the field of statesmanship, in the field of business, in the field of philanthropic endeavor, it is equally true that among the men of whom we are most proud as Americans no distinction whatever can be drawn between those who themselves or whose parents came over in sailing ship or steamer from across the water and those whose ancestors stepped ashore into the wooded wilderness at Plymouth or at the mouth of the Hudson, the Delaware, or the James nearly three centuries ago. No fellow-citizen of ours is entitled to any peculiar regard because of the way in which he worships his Maker, or because of the birthplace of himself or his parents, nor should he be in any way discriminated against therefor. Each must stand on his worth as a man and each is entitled to be judged solely thereby.

There is no danger of having too many immigrants of the right kind. It makes no difference from what country they come. If they are sound in body and in mind, and, above all, if they are of good character, so that we can rest assured that their children and grandchildren will be worthy fellow-citizens of our children and grandchildren, then we should welcome them with cordial hospitality.

But the citizenship of this country should not be debased. It is vital that we should keep high the standard of well-being among our wage-workers, and therefore we should not admit masses of men whose standards of living and whose personal customs and habits are such that they tend to lower the level of the American wage-worker; and above all we should not admit any man of an unworthy type, any man concerning whom we can say that he will himself be a bad citizen, or that his children and grandchildren will detract from instead of adding to the sum of the good citizenship of the country. Similarly we should take the greatest care about naturalization. Fraudulent naturalization, the naturalization of improper persons, is a curse to our Government; and it is the affair of every honest voter, wherever born, to see that no fraudulent voting is allowed, that no fraud in connection with naturalization is permitted.

In the past year the cases of false, fraudulent, and improper naturalization of aliens coming to the attention of the executive branches of the Government have increased to an alarming degree. Extensive sales of forged certificates of naturalization have been discovered, as well as many cases of naturalization secured by perjury and fraud; and in addition, instances have accumulated showing that many courts issue certificates of naturalization carelessly and upon insufficient evidence.

Under the Constitution it is in the power of the Congress "to establish a uniform rule of naturalization," and numerous laws have from time to time been enacted for that purpose, which have been supplemented in a few States by State laws having special application. The Federal statutes permit naturalization by any court of record in the United States having common-law jurisdiction and a seal and clerk, except the police court of the District of Columbia, and nearly all these courts exercise this important function. It results that where so many courts of such varying grades have jurisdiction, there is lack of uniformity in the rules applied in conferring naturalization. Some courts are strict and others lax. An alien who may secure naturalization in one place might be denied it in another, and the intent of the constitutional provision is in fact defeated. Furthermore, the certificates of naturalization issued by the courts differ widely in wording and appearance, and when they are brought into use in foreign countries, are frequently subject to suspicion.

NATURALIZATION LAWS SHOULD BE REVISED.

There should be a comprehensive revision of the naturalization laws. The courts having power to naturalize should be definitely named by national authority; the testimony upon which naturalization may be conferred should be definitely prescribed; publication of impending naturalization applications should be required in advance of their hearing in court; the form and wording of all certificates issued should be uniform throughout the country, and the courts should be required to make returns to the Secretary of State at stated periods of all naturalizations conferred.

LAWS CONCERNING CITIZENSHIP.

Not only are the laws relating to naturalization now defective, but those relating to citizenship of the United States ought also to be made the subject of scientific inquiry with a view to probable further legislation. By what acts expatriation may be assumed to have been accomplished, how long an American citizen may reside abroad and receive the protection of our passport, whether any degree of protection should be extended to one who has made the declaration of intention to become a citizen of the United States but has not secured naturalization, are questions of serious import, involving personal rights and often producing friction between this Government and foreign governments. Yet upon these questions our laws are silent. I recommend that an examination be made into the subjects of citizenship, expatriation, and protection of Americans abroad, with a view to appropriate legislation.

PROTECTION OF ELECTIONS.

The power of the Government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. I recommend the enactment of a law directed against bribery and corruption in Federal elections. The details of such a law may be safely left to the wise discretion of the Congress, but it should go as far as under the Constitution it is possible to go, and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector; and provisions for the publication not only of the expenditures for nominations and elections of all candidates but also of all contributions received and expenditures made by political committees.

DELAYS IN CRIMINAL PROSECUTIONS.

No subject is better worthy the attention of the Congress than that portion of the report of the Attorney-General dealing with the long delays and the great obstruction to justice experienced in the cases of Beavers, Green and Gaynor, and Benson. Were these isolated and special cases, I should not call your attention to them; but the difficulties encountered as regards these men who have been indicted for criminal practices are not exceptional; they are precisely similar in kind to what occurs again and again in the case of criminals who have sufficient means to enable them to take advantage of a system of procedure which has grown up in the Federal courts and which amounts in effect to making the law easy of enforcement against the man who has no money, and difficult of enforcement, even to the point of sometimes securing immunity, as regards the man who has money. In criminal cases the writ of the United States should run throughout its borders. The wheels of justice should not be clogged, as they have been clogged in the cases above mentioned, where it has proved absolutely impossible to bring the accused to the place appointed by the Constitution for his trial. Of recent years there has been grave and increasing complaint of the difficulty of bringing to justice those criminals whose criminality, instead of being against one person in the Republic, is against all persons in the Republic, because it is against the Republic itself. Under any circumstance and from the very nature of the case it is often exceedingly difficult to secure proper punishment of those who have been guilty of wrongdoing against the Government. By the time the offender can be brought into court the popular wrath against him has generally subsided; and there is in most instances very slight danger indeed of any prejudice existing in the minds of the jury against him. At present the interests of the innocent man are amply safeguarded; but the interests of the Government, that is, the interests of honest administration, that is the interests of the people, are not recognized as they should be. No subject better warrants the attention of the Congress. Indeed, no subject better warrants the attention of the bench and the bar throughout the United States.

ALASKA.

Alaska, like all our Territorial acquisitions, has proved resourceful beyond the expectations of those who made the purchase. It has become the home of many hardy, industrious, and thrifty American citizens. Towns of a permanent character have been built. The extent of its wealth in minerals, timber, fisheries, and agriculture, while great, is probably not comprehended yet in any just measure by our people. We do know, however, that from a very small beginning its products have grown until they are a steady and material contribution to the wealth of the nation. Owing to the immensity of Alaska and its location in the far north, it is a difficult matter to provide many things essential to its growth and to the happiness and comfort of its people by private enterprise alone. It should, therefore, receive reasonable aid from the Government. The Government has already done excellent work for Alaska in laying cables and building telegraph lines. This work has been done in the most economical and efficient way by the Signal Corps of the Army.

In some respects it has outgrown its present laws, while in others those laws have been found to be inadequate. In order to obtain information upon which I could rely I caused an official of the Department of Justice, in whose judgment I have confidence, to visit Alaska during the past summer for the purpose of ascertaining how government is administered there and what legislation is actually needed at present. A statement of the conditions found to exist, together with some recommendations and the reasons therefor, in which I strongly concur, will be found in the annual report of the Attorney-General. In some instances I feel that the legislation suggested is so imperatively needed that I am moved briefly to emphasize the Attorney-General's proposals.

Under the Code of Alaska as it now stands many purely administrative powers and duties, including by far the most important, devolve upon the district judges or upon the clerks of the district court acting under the direction of the judges, while the governor, upon whom these powers and duties should logically fall, has nothing specific to do except to make annual reports, issue Thanksgiving Day proclamations, and appoint Indian policemen and notaries public. I believe it essential to good government in Alaska, and therefore recommend, that the Congress divest the district judges and the clerks of their courts of the administrative or executive functions that they now exercise and cast them upon the governor. This would not be an innovation; it would simply conform the government of Alaska to fundamental principles, making the governorship a real instead of a merely nominal office, and leaving the judges free to give their entire attention to their judicial duties and at the same time removing them from a great deal of the strife that now embarrasses the judicial office in Alaska.

I also recommend that the salaries of the district judges and district attorneys in Alaska be increased so as to make them equal to those received by corresponding officers in the United States after deducting the difference in the cost of living; that the district attorneys should be prohibited from engaging in private practice; that United States commissioners be appointed by the governor of the Territory instead of by the district judges, and that a fixed salary be provided for them to take the place of the discredited "fee system," which should be abolished in all offices; that a mounted constabulary be created to police the territory outside the limits of incorporated towns—a vast section now wholly without police protection; and that some provision be made to at least lessen the oppressive delays and costs that now attend the prosecution of appeals from the district court of Alaska. There should be a division of the existing judicial districts, and an increase in the number of judges.

Alaska should have a Delegate in the Congress. Where possible, the Congress should aid in the construction of needed wagon roads. Additional light-houses should be provided. In my judgment, it is especially important to aid in such manner as seems just and feasible in the construction of a trunk line of railway to connect the Gulf of Alaska with the Yukon River through American territory. This would be most beneficial to the development of the resources of the Territory, and to the comfort and welfare of its people.

Salmon hatcheries should be established in many different streams, so as to secure the preservation of this valuable food fish. Salmon fisheries and canneries should be prohibited on certain of the rivers where the mass of those Indians dwell who live almost exclusively on fish.

The Alaskan natives are kindly, intelligent, anxious to learn, and willing to work. Those who have come under the influence of civilization, even for a limited period, have proved their capability of becoming self-supporting, self-respecting citizens, and ask only for the just enforcement of law and intelligent instruction and supervision. Others, living in more remote regions, primitive, simple hunters and fisher folk, who know only the life of the woods and the waters, are daily being confronted with twentieth-century civilization with all of its complexities. Their country is being overrun by strangers, the game slaughtered and driven away, the streams depleted of fish, and hitherto unknown and fatal diseases brought to them, all of which combine to produce a state of abject poverty and want which must result in their extinction. Action in their interest is demanded by every consideration of justice and humanity.

The needs of these people are:

The abolition of the present fee system, whereby the native is degraded, imposed upon, and taught the injustice of law.

The establishment of hospitals at central points, so that contagious diseases that are brought to them continually by incoming whites may be localized and not allowed to become epidemic, to spread death and destitution over great areas.

The development of the educational system in the form of practical training in such industries as will assure the Indians self-support under the changed conditions in which they will have to live.

The duties of the office of the governor should be extended to include the supervision of Indian affairs, with necessary assistants in different districts. He should be provided with the means and the power to protect and advise the native people, to furnish medical treatment in time of epidemics, and to extend material relief in periods of famine and extreme destitution.

HAWAII AND PORTO RICO.

The Alaskan natives should be given the right to acquire, hold, and dispose of property upon the same conditions as given other inhabitants; and the privilege of citizenship should be given to such as may be able to meet certain definite requirements. In Hawaii Congress should give the governor power to remove all the officials appointed under him. The harbor of Honolulu should be dredged. The Marine-Hospital Service should be empowered to study leprosy in the islands. I ask special consideration for the report and recommendations of the governor of Porto Rico.

FOREIGN POLICY.

In treating of our foreign policy and of the attitude that this great Nation should assume in the world at large, it is absolutely necessary to consider the Army and the Navy, and the Congress, through which the thought of the Nation finds its expression, should keep ever vividly in mind the fundamental fact that it is impossible to treat our foreign policy, whether this policy takes shape in the effort to secure justice for others or justice for ourselves, save as conditioned upon the attitude we are willing to take toward our Army, and especially toward our Navy. It is not merely unwise, it is contemptible, for a nation, as for an individual, to use high-sounding language to proclaim its purposes, or to take positions which are ridiculous if unsupported by potential force, and then to refuse to provide this force. If there is no intention of providing and of keeping the force necessary to back up a strong attitude, then it is far better not to assume such an attitude.

The steady aim of this Nation, as of all enlightened nations, should be to strive to bring ever nearer the day when there shall prevail throughout the world the peace of justice. There are kinds of peace which are highly undersirable, which are in the long run as destructive as any war. Tyrants and oppressors have many times made a wilderness and called it peace. Many times peoples who were slothful or timid or shortsighted, who had been enervated by ease or by luxury, or misled by false teachings, have shrunk in unmanly fashion from doing duty that was stern and that needed self-sacrifice, and have sought to hide from their own minds their shortcomings, their ignoble motives, by calling them love of peace. The peace of tyrannous terror, the peace of craven weakness, the peace of injustice, all these should be shunned as we shun unrighteous war. The goal to set before us as a nation, the goal which should be set before all mankind, is the attainment of the peace of justice, of the peace which comes when each nation is not merely safe-guarded in its own rights, but scrupulously recognizes and performs its duty toward others. Generally peace tells for righteousness; but if there is conflict between the two, then our fealty is due first to the cause of righteousness. Unrighteous wars are common, and unrighteous peace is rare; but both should be shunned. The right of freedom and the responsibility for the exercise of that right can not be divorced. One of our great poets has well and finely said that freedom is not a gift that tarries long in the hands of cowards. Neither does it tarry long in the hands of those too slothful, too dishonest, or too unintelligent to exercise it. The eternal vigilance which is the price of liberty must be exercised, sometimes to guard against outside foes; although of course far more often to guard against our own selfish or thoughtless shortcomings.

If these self-evident truths are kept before us, and only if they are so kept before us, we shall have a clear idea of what our foreign policy in its larger aspects should be. It is our duty to remember that a nation has no more right to do injustice to another nation, strong or weak, than an individual has to do injustice to another individual; that the same moral law applies in one case as in the other. But we must also remember that it is as much the duty of the Nation to guard its own rights and its own interests as it is the duty of the individual so to do. Within the Nation the individual has now delegated this right to the State, that is, to the representative of all the individuals, and it is a maxim of the law that for every wrong there is a remedy. But in international law we have not advanced by any means as far as we have advanced in municipal law. There is as yet no judicial way of enforcing a right in inter-

national law. When one nation wrongs another or wrongs many others, there is no tribunal before which the wrongdoer can be brought. Either it is necessary supinely to acquiesce in the wrong, and thus put a premium upon brutality and aggression, or else it is necessary for the aggrieved nation valiantly to stand up for its rights. Until some method is devised by which there shall be a degree of international control over offending nations, it would be a wicked thing for the most civilized powers, for those with most sense of international obligations and with keenest and most generous appreciation of the difference between right and wrong, to disarm. If the great civilized nations of the present day should completely disarm, the result would mean an immediate recrudescence of barbarism in one form or another. Under any circumstances a sufficient armament would have to be kept up to serve the purposes of international police; and until international cohesion and the sense of international duties and rights are far more advanced than at present, a nation desirous both of securing respect for itself and of doing good to others must have a force adequate for the work which it feels is allotted to it as its part of the general world duty. Therefore it follows that a self-respecting, just, and far-seeing nation should on the one hand endeavor by every means to aid in the development of the various movements which tend to provide substitutes for war, which tend to render nations in their actions toward one another, and indeed toward their own peoples, more responsive to the general sentiment of humane and civilized mankind; and on the other hand that it should keep prepared, while scrupulously avoiding wrongdoing itself, to repel any wrong, and in exceptional cases to take action which in a more advanced stage of international relations would come under the head of the exercise of the international police. A great free people owes it to itself and to all mankind not to sink into helplessness before the powers of evil.

ARBITRATION TREATIES—SECOND HAGUE CONFERENCE.

We are in every way endeavoring to help on, with cordial good will, every movement which will tend to bring us into more friendly relations with the rest of mankind. In pursuance of this policy I shall shortly lay before the Senate treaties of arbitration with all powers which are willing to enter into these treaties with us. It is not possible at this period of the world's development to agree to arbitrate all matters, but there are many matters of possible difference between us and other nations which can be thus arbitrated. Furthermore, at the request of the Interparliamentary Union, an eminent body composed of practical statesmen from all countries, I have asked the Powers to join with this Government in a second Hague conference, at which it is hoped that the work already so happily begun at The Hague may be carried some steps further toward completion. This carries out the desire expressed by the first Hague conference itself.

POLICY TOWARD OTHER NATIONS OF WESTERN HEMISPHERE.

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power. If every country washed by the Caribbean Sea would show the progress in stable and just civilization which with the aid of the Platt amendment Cuba has shown since our troops left the island, and which so many of the republics in both Americas are constantly and brilliantly showing, all question of interference by this Nation with their affairs would be at an end. Our interests and those of our southern neighbors are in reality identical. They have great natural riches, and if within their borders the reign of law and justice obtains, prosperity is sure to come to them. While they thus obey the primary laws of civilized society they may rest assured that they will be treated by us in a spirit of cordial and helpful sympathy. We would interfere with them only in the last resort, and then only if it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States or had invited foreign aggression to the detriment of the entire body of American nations. It is a mere truism to say that every nation, whether in America or anywhere else, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence can not be separated from the responsibility of making good use of it.

In asserting the Monroe Doctrine, in taking such steps as we have taken in regard to Cuba, Venezuela, and Panama, and in endeavoring to circumscribe the theater of war in the Far East, and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large. There are, however, cases in which, while our own interests are not greatly involved, strong appeal is made to our sympathies. Ordinarily it is very much wiser and more useful for us to concern ourselves with striving for our own moral and material betterment here at home than to concern ourselves with trying to better the condition of things in other nations. We have plenty of sins of our own to war against, and under ordinary circumstances we can do more for the general uplifting of humanity by striving with heart and soul to put a stop to civic corruption, to brutal lawlessness and violent race prejudices here at home than by passing resolutions about wrongdoing elsewhere. Nevertheless there are occasional crimes committed on so vast a scale and of such peculiar horror as to make us doubt whether it is not our manifest duty to endeavor at least to show our disapproval of the deed and our sympathy with those who have suffered by it. The cases must be extreme in which such a course is justifiable. There must be no effort made to remove the mote from our brother's eye if we refuse to remove the beam from our own. But in extreme cases action may be justifiable and proper. What form the action shall take must depend upon the circumstances of the case; that is, upon the degree of the atrocity and upon our power to remedy it. The cases in which we could interfere by force of arms as we interfered to put a stop to intolerable conditions in Cuba are necessarily very few. Yet it is not to be expected that a people like ours, which in spite of certain very obvious shortcomings, nevertheless as a whole shows by its consistent practice its belief in the principles of civil and religious liberty and of orderly freedom, a people among whom even the worst crime, like the crime of lynching, is never more than sporadic, so that individuals and not classes are molested in their fundamental rights—it is inevitable that such a nation should desire eagerly to give expression to its horror on an occasion like that of the massacre of the Jews in Kishenef, or when it witnesses such systematic and long-extended cruelty and oppression as the cruelty and oppression of which the Armenians have been the victims, and which have won for them the indignant pity of the civilized world.

RIGHTS OF AMERICAN CITIZENS ABROAD.

Even where it is not possible to secure in other nations the observance of the principles which we accept as axiomatic, it is necessary for us firmly to insist upon the rights of our own citizens without regard to their creed or race; without regard to whether they were born here or born abroad. It has proved very difficult to secure from Russia the right for our Jewish fellow-citizens to receive passports and travel through Russian territory. Such conduct is not only unjust and irritating toward us, but it is difficult to see its wisdom from Russia's standpoint. No conceivable good is accomplished by it. If an American Jew or an American Christian misbehaves himself in Russia he can at once be driven out; but the ordinary American Jew, like the ordinary American Christian, would behave just about as he behaves here, that is, behave as any good citizen ought to behave; and where this is the case it is a wrong against which we are entitled to protest to refuse him his passport without regard to his conduct and character, merely on racial and religious grounds. In Turkey our difficulties arise less from the way in which our citizens are sometimes treated than from the indignation inevitably excited in seeing such fearful misrule as has been witnessed both in Armenia and Macedonia.

THE NAVY.

The strong arm of the Government in enforcing respect for its just rights in international matters is the Navy of the United States. I most earnestly recommend that there be no halt in the work of upbuilding the American Navy. There is no more patriotic duty before us as a people than to keep the Navy adequate to the needs of this country's position. We have undertaken to build the Isthmian Canal. We have undertaken to secure for ourselves our just share in the trade of the Orient. We have undertaken to protect our citizens from improper treatment in foreign lands. We continue steadily to insist on the application of the Monroe Doctrine to the Western Hemisphere. Unless our attitude in these and all similar matters is to be a mere boastful sham we can not afford to abandon our

naval programme. Our voice is now potent for peace, and is so potent because we are not afraid of war. But our protestations upon behalf of peace would neither receive nor deserve the slightest attention if we were impotent to make them good.

The war which now unfortunately rages in the far East has emphasized in striking fashion the new possibilities of naval warfare. The lessons taught are both strategic and tactical, and are political as well as military. The experiences of the war have shown in conclusive fashion that while sea-going and sea-keeping torpedo destroyers are indispensable, and fast lightly armed and armored cruisers very useful, yet that the main reliance, the main standby, in any navy worthy the name must be the great battle ships, heavily armored and heavily gunned. Not a Russian or Japanese battle ship has been sunk by a torpedo boat, or by gunfire, while among the less protected ships, cruiser after cruiser has been destroyed whenever the hostile squadrons have gotten within range of one another's weapons. There will always be a large field of usefulness for cruisers, especially of the more formidable type. We need to increase the number of torpedo-boat destroyers, paying less heed to their having a knot or two extra speed than to their capacity to keep the seas for weeks, and, if necessary, for months at a time. It is wise to build submarine torpedo boats, as under certain circumstances they might be very useful. But most of all we need to continue building our fleet of battle ships, or ships so powerfully armed that they can inflict the maximum of damage upon our opponents, and so well protected that they can suffer a severe hammering in return without fatal impairment of their ability to fight and maneuver. Of course ample means must be provided for enabling the personnel of the Navy to be brought to the highest point of efficiency. Our great fighting ships and torpedo boats must be ceaselessly trained and maneuvered in squadrons. The officers and men can only learn their trade thoroughly by ceaseless practice on the high seas. In the event of war it would be far better to have no ships at all than to have ships of a poor and ineffective type, or ships which, however good, were yet manned by untrained and unskillful crews. The best officers and men in a poor ship could do nothing against fairly good opponents; and on the other hand a modern war ship is useless unless the officers and men aboard her have become adepts in their duties. The marksmanship in our Navy has improved in an extraordinary degree during the last three years, and on the whole the types of our battle ships are improving; but much remains to be done. Sooner or later we shall have to provide for some method by which there will be promotions for merit as well as for seniority, or else retirement of all those who after a certain age have not advanced beyond a certain grade; while no effort must be spared to make the service attractive to the enlisted men in order that they may be kept as long as possible in it. Reservation public schools should be provided wherever there are navy-yards.

THE ARMY.

Within the last three years the United States has set an example in disarmament where disarmament was proper. By law our Army is fixed at a maximum of one hundred thousand and a minimum of sixty thousand men. When there was insurrection in the Philippines we kept the Army at the maximum. Peace came in the Philippines, and now our Army has been reduced to the minimum at which it is possible to keep it with due regard to its efficiency. The guns now mounted require twenty-eight thousand men, if the coast fortifications are to be adequately manned. Relatively to the Nation, it is not now so large as the police force of New York or Chicago relatively to the population of either city. We need more officers; there are not enough to perform the regular army work. It is very important that the officers of the Army should be accustomed to handle their men in masses, as it is also important that the National Guard of the several States should be accustomed to actual field maneuvering, especially in connection with the regulars. For this reason we are to be congratulated upon the success of the field maneuvers at Manassas last fall, maneuvers in which a larger number of Regulars and National Guard took part than was ever before assembled together in time of peace. No other civilized nation has, relatively to its population, such a diminutive Army as ours; and while the Army is so small we are not to be excused if we fail to keep it at a very high grade of proficiency. It must be incessantly practiced; the standard for the enlisted men should be kept very high, while at the same time the service should be made as attractive as possible; and the standard for the officers should be kept even higher—which, as regards the upper ranks, can best be done by introducing some system of selection and rejection into the promotions. We should be able, in the event of some sudden emergency, to put into the field one first-class army corps, which should be, as a whole, at least the equal of any body of troops of like number belonging to any other nation.

Great progress has been made in protecting our coasts by adequate fortifications with sufficient guns. We should, however, pay much more heed than at present to the development of an extensive system of floating mines for use in all our more important harbors. These mines have been proved to be a most formidable safeguard against hostile fleets.

MEDALS OF HONOR IN THE NAVY.

I earnestly call the attention of the Congress to the need of amending the existing law relating to the award of Congressional medals of honor in the Navy so as to provide that they may be awarded to commissioned officers and warrant officers as well as to enlisted men. These justly prized medals are given in the Army alike to the officers and the enlisted men, and it is most unjust that the commissioned officers and warrant officers of the Navy should not in this respect have the same rights as their brethren in the Army and as the enlisted men of the Navy.

THE PHILIPPINES.

In the Philippine Islands there has been during the past year a continuation of the steady progress which has obtained ever since our troops definitely got the upper hand of the insurgents. The Philippine people, or, to speak more accurately, the many tribes, and even races, sundered from one another more or less sharply, who go to make up the people of the Philippine Islands, contain many elements of good, and some elements which we have a right to hope stand for progress. At present they are utterly incapable of existing in independence at all or of building up a civilization of their own. I firmly believe that we can help them to rise higher and higher in the scale of civilization and of capacity for self-government, and I most earnestly hope that in the end they will be able to stand, if not entirely alone, yet in some such relation to the United States as Cuba now stands. This end is not yet in sight, and it may be indefinitely postponed if our people are foolish enough to turn the attention of the Filipinos away from the problems of achieving moral and material prosperity, of working for a stable, orderly, and just government, and toward foolish and dangerous intrigues for a complete independence for which they are as yet totally unfit.

On the other hand our people must keep steadily before their minds the fact that the justification for our stay in the Philippines must ultimately rest chiefly upon the good we are able to do in the islands. I do not overlook the fact that in the development of our interests in the Pacific Ocean and along its coasts, the Philippines have played and will play an important part, and that our interests have been served in more than one way by the possession of the islands. But our chief reason for continuing to hold them must be that we ought in good faith to try to do our share of the world's work, and this particular piece of work has been imposed upon us by the results of the war with Spain. The problem presented to us in the Philippine Islands is akin to, but not exactly like, the problems presented to the other great civilized powers which have possessions in the Orient. There are points of resemblance in our work to the work which is being done by the British in India and Egypt, by the French in Algiers, by the Dutch in Java, by the Russians in Turkestan, by the Japanese in Formosa; but more distinctly than any of these powers we are endeavoring to develop the natives themselves so that they shall take an ever-increasing share in their own government, and as far as is prudent we are already admitting their representatives to a governmental equality with our own. There are commissioners, judges, and governors in the islands who are Filipinos and who have exactly the same share in the government of the islands as have their colleagues who are Americans, while in the lower ranks, of course, the great majority of the public servants are Filipinos. Within two years we shall be trying the experiment of an elective lower house in the Philippine legislature. It may be that the Filipinos will misuse this legislature, and they certainly will misuse it if they are misled by foolish persons here at home into starting an agitation for their own independence or into any factious or improper action. In such case they will do themselves no good and will stop for the time being all further effort to advance them and give them a greater share in their own government. But if they act with wisdom and self-restraint, if they show that they are capable of electing a legislature which in its turn is capable of taking a sane and efficient part in the actual work of government, they can rest assured that a full and increasing measure of recognition will be given them. Above all they should remember that their prime needs are moral and industrial, not political. It is a good thing to try the experiment of giving them a legislature; but it is a far better thing to give them schools, good roads, railroads which will enable them to get their products to market, honest courts, an honest and efficient constabulary, and all that tends to produce order, peace, fair dealing as between man and man, and habits of intelligent industry and thrift.

If they are safeguarded against oppression, and if their real wants, material and spiritual, are studied intelligently and in a spirit of friendly sympathy, much more good will be done them than by any effort to give them political power, though this effort may in its own proper time and place be proper enough.

Meanwhile our own people should remember that there is need for the highest standard of conduct among the Americans sent to the Philippine Islands, not only among the public servants but among the private individuals who go to them. It is because I feel this so deeply that in the administration of these islands I have positively refused to permit any discrimination whatsoever for political reasons and have insisted that in choosing the public servants consideration should be paid solely to the worth of the men chosen and to the needs of the islands. There is no higher body of men in our public service than we have in the Philippine Islands under Governor Wright and his associates. So far as possible these men should be given a free hand, and their suggestions should receive the hearty backing both of the Executive and of the Congress. There is need of a vigilant and disinterested support of our public servants in the Philippines by good citizens here in the United States. Unfortunately hitherto those of our people here at home who have specially claimed to be the champions of the Filipinos have in reality been their worst enemies. This will continue to be the case as long as they strive to make the Filipinos independent, and stop all industrial development of the islands by crying out against the laws which would bring it on the ground that capitalists must not "exploit" the islands. Such proceedings are not only unwise, but are most harmful to the Filipinos, who do not need independence at all, but who do need good laws, good public servants, and the industrial development that can only come if the investment of American and foreign capital in the islands is favored in all legitimate ways.

Every measure taken concerning the islands should be taken primarily with a view to their advantage. We should certainly give them lower tariff rates on their exports to the United States; if this is not done it will be a wrong to extend our shipping laws to them. I earnestly hope for the immediate enactment into law of the legislation now pending to encourage American capital to seek investment in the islands in railroads, in factories, in plantations, and in lumbering and mining.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 6, 1904.*

The PRESIDENT pro tempore. The message will be printed, together with the accompanying papers, and lie on the table.

Mr. ALLISON. I desire to move an executive session, but I am willing to waive the motion for a moment.

The PRESIDENT pro tempore. The Chair would like to clear his desk, if the Senator pleases.

Mr. ALLISON. Very well.

HOUSE BILLS REFERRED.

The bill (H. R. 12898) to create a new division in the eastern judicial district of the State of Missouri was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 13355) to amend the copyright laws was read twice by its title, and referred to the Committee on Patents.

LAWS OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting copies of the code, acts, resolution, and journals of the legislature of Porto Rico, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico.

REPORTS OF SECRETARY OF SENATE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate of public moneys remaining in his possession from July 1, 1903, to June 30, 1904; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete account of all property, including stationery, belonging to the United States in his possession on the 5th day of December, 1904; which, with the accompanying paper, was ordered to lie on the table, and be printed.

GOVERNMENT PRINTING OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from Brig. Gen. A. Mackenzie, Chief of Engineers, United States Army, relative to operations for the new building for the Government Printing Office for the year ended November 30, 1904; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Maritime Canal Company of Nicaragua; which, with the accompanying paper, was referred to the Committee on Interoceanic Canals, and ordered to be printed.

ESTATE OF JAMES W. SCHAUMBURG.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the administrator of the estate of James W. Schaumburg, deceased, formerly a lieutenant in the United States Army, making application for an appropriation to pay the amount due the estate decreed by the courts; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

SPRINGFIELD ARMORY AND ROCK ISLAND ARSENAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a report of the expenditures, etc., at the Springfield Armory, Springfield, Mass., and the Rock Island Arsenal, Rock Island, Ill.; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, pursuant to law, a list of all final judgments in Indian depredations rendered in favor of claimants against the United States; which was referred to the Committee on Indian Depredations, and ordered to be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a statement of all judgments rendered by the court for the year ended December 3, 1904; which was referred to the Committee on Claims, and ordered to be printed.

SCHOOL TAXATION IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report by Dr. Jacob H. Hollander on school taxation in the Indian Territory; which, with the accompanying paper, was referred to the Committee on Territories, and ordered to be printed.

REPORTS OF SERGEANT-AT-ARMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Sergeant-at-Arms, transmitting a statement of the receipts from the sale of condemned property in his possession since December 7, 1903; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Sergeant-at-Arms, giving a full and complete account of all property belonging to the United States in his possession December 5, 1904; which, with the accompanying papers, was ordered to lie on the table, and be printed.

YOSEMITE NATIONAL PARK.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the commission appointed to examine certain lands in the Yosemite National Park and select a site for a substantial road to be built within that reservation. The communication will be referred to the Committee on Forest Reservation and the Protection of Game. There are maps, etc., accompanying it.

Mr. LODGE. I think it had better not be printed until the committee have looked at it.

The PRESIDENT pro tempore. That is my impression. It will be referred to the committee without printing.

REPORT OF THE PUBLIC PRINTER.

The PRESIDENT pro tempore laid before the Senate the annual report of the Public Printer on the operations of the Government Printing Office for the fiscal year ended June 30, 1904; which was referred to the Committee on Printing, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in each of the causes of John Dennett, Helen M. Bassett, widow

of F. S. Bassett, and Nicholas Brice, brother of William H. Brice; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John S. Neal *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James Bigler *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Emory Methodist Episcopal Church South, of Brightwood, D. C., by Benjamin C. King, agent, and the Methodist Episcopal Church, Washington District, Baltimore Conference, by Henry R. Naylor, presiding elder, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary F. Pollan, administratrix of William H. Pollan, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of findings of fact filed by the court in the cause of Mary F. Coons, administratrix of John West, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles W. Adams *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of findings of fact filed by the court in the cause of C. A. Russell, administratrix of the estate of B. B. Neville, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of findings of fact filed by the court in the cause of Margaret J. Parks *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charlton B. Tucker, administrator of J. W. Tucker, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Lewis Cass Smith, for himself and as administrator of the estate of Elisha G. Abbott and Zarelda E. Abbott, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MERCHANT MARINE COMMISSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. Before the motion is put, I will ask the Senator from Iowa if he will not withdraw it for a moment that I may make a partial report from the Merchant Marine Commission. The law requires the commission to make report on the first day of the session, but the commission desire a little additional time, and the matter ought to be disposed of now.

The PRESIDENT pro tempore. Does the Senator from Iowa yield for that purpose?

Mr. ALLISON. I will yield for that purpose, but will insist on my motion after the Senator from New Hampshire gets through.

Mr. GALLINGER. Mr. President, under a statute approved on the 28th day of April last a commission was created known as the Merchant Marine Commission; and one provision of the law is that the commission shall report on the first day of the present session.

The commission, Mr. President, took up its work on the 23d day of May and held sessions consecutively in the cities of New York, Philadelphia, Baltimore, Boston, Chicago, Detroit, Cleveland, Milwaukee, Seattle, Tacoma, Portland (Oreg.), San Francisco, Galveston, New Orleans, Pensacola, Brunswick, Newport News, and Washington. In addition to those hearings the commission have been in daily session in the city of Washington for the past two weeks. They have been extremely diligent in the discharge of their duties, and have made a special effort to complete the work that was given into their care, so as to be able to report at the time the statute required them to do so.

It is found, however, that a little additional time will be required, and I now desire, Mr. President, to make this partial report, submitting two volumes of testimony, which I shall ask to have lie on the table without printing, for the reason that there will be an additional volume, and to make request that the time when the formal written report shall be presented be extended to a date not later than the 5th day of January, 1905, at which time, also, a bill or bills will probably be reported from the commission.

I will state that the House of Representatives has granted a similar request, and it is very important that we should have these few additional days in which to complete our work.

The PRESIDENT pro tempore. The Senator from New Hampshire, having made a partial report, asks unanimous consent that the time for completing the report be extended until the 5th of January. Is there objection? The Chair hears none, and that order is made.

EXECUTIVE SESSION.

Mr. ALLISON. I renew my motion.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at 2 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 7, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 6, 1904.

SECRETARY OF THE NAVY.

Paul Morton, of Illinois, to be Secretary of the Navy of the United States, to which office he was appointed during the last recess of the Senate, vice William H. Moody, appointed Attorney-General.

PROMOTIONS IN THE NAVY.

1. Lieut. Charles M. Fahs to be a lieutenant-commander in the Navy, from the 5th day of May, 1904, vice Lieut. Commander John N. Jordan, deceased.

2. Lieut. (Junior Grade) Thomas L. Johnston to be a lieutenant in the Navy, from the 5th day of May, 1904, vice Lieut. Charles M. Fahs, promoted.

3. Capt. William M. Folger to be a rear-admiral in the Navy, from the 1st day of June, 1904, vice Rear-Admiral Mortimer L. Johnson, retired.

4. Commander Gottfried Blocklinger to be a captain in the Navy, from the 1st day of June, 1904, vice Capt. William M. Folger, promoted.

5. Lieut. Commander Moses L. Wood to be a commander in the Navy, from the 1st day of June, 1904, vice Commander Gottfried Blocklinger, promoted.

6. Lieut. Charles P. Plunkett to be a lieutenant-commander in the Navy, from the 1st day of June, 1904, vice Lieut. Commander Moses L. Wood, promoted.

7. Lieut. (Junior Grade) Yancey S. Williams to be a lieutenant in the Navy, from the 1st day of June, 1904, vice Lieut. Charles P. Plunkett, promoted.

8. Lieut. (Junior Grade) Edward T. Constien to be a lieutenant in the Navy, from the 13th day of June, 1904, vice Lieut. Hilary Williams, suspended.

9. Lieut. Commander Robert M. Doyle to be a commander in the Navy, from the 16th day of June, 1904, vice Commander William H. Nauman, deceased.

10. Lieut. Humes H. Whittlesey to be a lieutenant-commander in the Navy, from the 16th day of June, 1904, vice Lieut. Commander Robert M. Doyle, promoted.

11. Lieut. (Junior Grade) George T. Pettengill to be a lieuten-

ant in the Navy, from the 16th day of June, 1904, vice Lieut. Humes H. Whittlesey, promoted.

12. Capt. Francis W. Dickins to be a rear-admiral in the Navy, from the 17th day of June, 1904, vice Rear-Admiral John J. Read, retired.

13. Commander Perry Garst to be a captain in the Navy, from the 17th day of June, 1904, vice Capt. Francis W. Dickins, promoted.

14. Lieut. Commander George M. Stoney to be a commander in the Navy, from the 17th day of June, 1904, vice Commander Perry Garst, promoted.

15. Lieut. Albert C. Dieffenbach to be a lieutenant-commander in the Navy, from the 17th day of June, 1904, vice Lieut. Commander George M. Stoney, promoted.

16. Lieut. (Junior Grade) George C. Sweet to be a lieutenant in the Navy, from the 21st day of June, 1904, vice Lieut. Charles L. Poor, resigned.

17. Lieut. Commander Frederick W. Coffin to be a commander in the Navy, from the 1st day of July, 1904, vice Lieut. Commander Fidelio S. Carter, retired after being due for promotion.

18. Lieut. Theodore C. Fenton to be a lieutenant-commander in the Navy, from the 1st day of July, 1904, vice Lieut. Commander Frederick W. Coffin, promoted.

19. Lieut. (Junior Grade) Franck T. Evans to be a lieutenant in the Navy, from the 1st day of July, 1904, vice Lieut. Theodore C. Fenton, promoted.

20. Ensign Henry B. Soule to be a lieutenant (junior grade) in the Navy, from the 30th day of July, 1904, having completed three years' service in his present grade.

21. Ensign Francis Martin to be a lieutenant (junior grade) in the Navy, from the 30th day of July, 1904, having completed three years' service in his present grade.

22. Warrant Machinist Francis D. Burns,
23. Warrant Machinist Charles W. Densmore,
24. Gunner David Lyons,
25. Gunner Owen Hill,
26. Gunner Joseph F. Daniels,
27. Gunner Clarence S. Vanderbeck.
28. Gunner Walter E. Whitehead,
29. Gunner Gaston D. Johnstone, and
30. Gunner Frank Rorschach—

to be ensigns in the Navy.

31. Capt. George F. F. Wilde to be a rear-admiral in the Navy, from the 6th day of August, 1904, vice Rear-Admiral Philip H. Cooper, retired.

32. Commander Arthur B. Speyers to be a captain in the Navy, from the 6th day of August, 1904, vice Capt. George F. F. Wilde, promoted.

33. Lieut. Commander Wythe M. Parks to be a commander in the Navy, from the 6th day of August, 1904, vice Commander Arthur B. Speyers, promoted.

34. Lieut. Volney O. Chase to be a lieutenant-commander in the Navy, from the 6th day of August, 1904, vice Lieut. Commander Wythe M. Parks, promoted.

35. Lieut. (Junior Grade) John F. Babcock to be a lieutenant in the Navy, from the 6th day of August, 1904, vice Lieut. Volney O. Chase, promoted.

36. Capt. Charles H. Davis to be a rear-admiral in the Navy, from the 24th day of August, 1904, vice Rear-Admiral John C. Watson, retired.

37. Commander Ebenezer S. Prime to be a captain in the Navy, from the 24th day of August, 1904, vice Capt. Charles H. Davis, promoted.

38. Lieut. Commander Frank H. Bailey to be a commander in the Navy, from the 24th day of August, 1904, vice Commander Ebenezer S. Prime, promoted.

39. Lieut. Commander Harry M. Hodges to be a commander in the Navy, from the 24th day of August, 1904, vice Commander Frank H. Bailey, an additional number in grade.

40. Lieut. Patrick W. Hourigan to be a lieutenant-commander in the Navy, from the 24th day of August, 1904, vice Lieut. Commander Frank H. Bailey, promoted.

41. Lieut. (Junior Grade) John S. Graham to be a lieutenant in the Navy, from the 24th day of August, 1904, vice Lieut. Patrick W. Hourigan, promoted.

42. Lieut. (Junior Grade) Walter G. Roper to be a lieutenant in the Navy, from the 24th day of August, 1904, vice Lieut. George R. Slocum, promoted.

43. Lieut. Commander William B. Caperton to be a commander in the Navy, from the 31st day of August, 1904, vice Commander James H. Perry, retired.

44. Lieut. William G. Miller to be a lieutenant-commander in the Navy, from the 31st day of August, 1904, vice Lieut. Commander William B. Caperton, promoted.

45. Lieut. (Junior Grade) Herbert G. Sparrow to be a lieutenant in the Navy, from the 31st day of August, 1904, vice Lieut. William G. Miller, promoted.

46. Capt. Charles J. Train to be a rear-admiral in the Navy, from the 13th day of September, 1904, vice Rear-Admiral Merrill Miller, retired.

47. Commander William P. Potter to be a captain in the Navy, from the 13th day of September, 1904, vice Capt. Charles J. Train, promoted.

48. Commander Nathan E. Niles to be a captain in the Navy, from the 13th day of September, 1904, vice Capt. William P. Potter, an additional number in grade.

49. Lieut. Commander James T. Smith to be a commander in the Navy, from the 13th day of September, 1904, vice Commander William P. Potter, promoted.

50. Lieut. John P. McGuinness to be a lieutenant-commander in the Navy, from the 13th day of September, 1904, vice Lieut. Commander George S. Willits, promoted.

51. Lieut. (Junior Grade) Allen Buchanan to be a lieutenant in the Navy, from the 13th day of September, 1904, vice Lieut. George W. Kline, promoted.

52. Lieut. (Junior Grade) Charles P. Nelson to be a lieutenant in the Navy, from the 13th day of September, 1904, vice Lieut. John P. McGuinness, promoted.

53. Commander Newton E. Mason to be a captain in the Navy, from the 30th day of September, 1904, vice Capt. John B. Briggs, an additional number in grade.

54. Commander Thomas H. Stevens to be a captain in the Navy, from the 30th day of September, 1904, vice Capt. Newton E. Mason, an additional number in grade.

55. Lieut. Commander Walter F. Worthington to be a commander in the Navy, from the 30th day of September, 1904, vice Commander Giles B. Harber, promoted.

56. Lieut. Commander William N. Little to be a commander in the Navy, from the 30th day of September, 1904, vice Commander John B. Briggs, promoted.

57. Lieut. Commander Frank H. Eldridge to be a commander in the Navy, from the 30th day of September, 1904, vice Commander Thomas H. Stevens, promoted.

58. Lieut. Joseph Strauss to be a lieutenant-commander in the Navy, from the 30th day of September, 1904, vice Lieut. Commander Walter F. Worthington, promoted.

59. Lieut. Charles S. Stanworth to be a lieutenant-commander in the Navy, from the 30th day of September, 1904, vice Lieut. Commander William N. Little, promoted.

60. Lieut. Robert L. Russell to be a lieutenant-commander in the Navy, from the 30th day of September, 1904, vice Lieut. Commander Theodore F. Burgdorff, promoted.

61. Lieut. Harrison A. Bispham to be a lieutenant-commander in the Navy, from the 30th day of September, 1904, vice Lieut. Commander Frank H. Eldridge, promoted.

62. Lieut. (Junior Grade) Edward B. Fenner to be a lieutenant in the Navy, from the 30th day of September, 1904, vice Lieut. Joseph Strauss, promoted.

63. Lieut. (Junior Grade) Victor A. Kimberly to be a lieutenant in the Navy, from the 30th day of September, 1904, vice Lieut. Robert L. Russell, promoted.

64. Lieut. (Junior Grade) Paul B. Dungan to be a lieutenant in the Navy, from the 30th day of September, 1904, vice Lieut. Harrison A. Bispham, promoted.

65. Capt. George W. Pigman to be a rear-admiral in the Navy, from the 3d day of October, 1904, vice Rear-Admiral Frederick Rodgers, retired.

66. Commander Charles P. Perkins to be a captain in the Navy, from the 3d day of October, 1904, vice Capt. George W. Pigman, promoted.

67. Lieut. Commander Henry C. Gearing to be a commander in the Navy, from the 3d day of October, 1904, vice Commander Charles P. Perkins, promoted.

68. Lieut. Armistead Rust to be a lieutenant-commander in the Navy, from the 3d day of October, 1904, vice Lieut. Commander Henry C. Gearing, promoted.

69. Capt. George A. Converse to be a rear-admiral in the Navy, from the 8th day of November, 1904, vice Rear-Admiral William C. Wise, retired.

70. Commander Charles G. Bowman to a captain in the Navy, from the 8th day of November, 1904, vice Capt. George A. Converse, promoted.

71. Lieut. George R. Evans to be a lieutenant-commander in the Navy from the 8th day of November, 1904, vice Lieut. Commander Templin M. Potts, promoted.

72. Lieut. Edward W. Eberle to be a lieutenant-commander in the Navy, from the 23d day of November, 1904, vice Lieut. Commander William H. Allen, promoted.

73. Lieut. (Junior Grade) Henry E. Lackey to be a lieutenant in the Navy, from the 23d day of November, 1904, vice Lieut. Edward W. Eberle, promoted.

CHAPLAIN IN THE NAVY.

Evan W. Scott, a citizen of Ohio, to be a chaplain in the Navy, from the 31st day of August, 1904, to fill a vacancy existing in that grade on that date.

ASSISTANT CIVIL ENGINEERS IN THE NAVY.

Frederick H. Cooke and Clinton D. Thurber, citizens of Ohio and Pennsylvania, respectively, to be assistant civil engineers in the Navy, from the 1st day of January, 1904, to fill vacancies existing in that grade on that date.

PROMOTIONS IN THE NAVY.

Assistant naval constructors to be naval constructors in the Navy, from the 1st day of July, 1904, to fill vacancies existing in that grade on that date.

Holden W. Evans,
William P. Robert,
Thomas G. Roberts, and
Lawrence S. Adams.

Ensigns to be assistant naval constructors in the Navy, from the 21st day of October, 1904, to fill vacancies existing in that grade on that date.

Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, and
Emory S. Land.

Assistant surgeons to be passed assistant surgeons in the Navy.

Allen E. Peck, from March 27, 1904;
Charles G. Smith, from April 12, 1904;
John H. Iden, from May 4, 1904;
William Seaman, from May 18, 1904;
Royall R. Richardson, from May 18, 1904;
Frederick A. Asserson, from May 18, 1904;
Alfred W. Balch, from June 22, 1904, and
Archibald M. Fauntleroy, from September 28, 1904.

To be assistant surgeons in the Navy.

William D. Owens, a citizen of the District of Columbia, from May 17, 1904;

William A. Angwin, a citizen of California, from June 2, 1904;

Owen J. Mink, a citizen of Illinois, from June 7, 1904;

Frederick E. Porter, a citizen of Tennessee, from June 7, 1904;

Norman T. McLean, a citizen of Massachusetts, from June 28, 1904;

Cary T. Grayson and Wrey G. Farwell, citizens of Virginia and New York, repectively, from June 28, 1904;

David C. Cather, a citizen of Virginia, from July 9, 1904;

William N. McDonnell, a citizen of Minnesota, from September 19, 1904;

Harold W. Smith, Addison B. Clifford, and Clarence E. Strite, citizens of Massachusetts, Michigan, and Maryland, respectively, from September 27, 1904;

Howson W. Cole, jr., a citizen of Virginia, from October 5, 1904;

Eugene A. Vickery, a citizen of Massachusetts, from October 11, 1904;

Milton E. Lando, a citizen of California, from October 26, 1904, and

Hugh T. Nelson, a citizen of Virginia, from November 14, 1904.

Gunners to be chief gunners in the Navy, from the 27th day of April, 1904.

Leonard J. G. Kuhlwein,
William A. Cable,
Franklin T. Applegate,
Allan S. Mackenzie,
Otto Fries,
Theodore B. Watson, and
Thomas J. Shuttleworth.

Gunner John H. Lohman to be a chief gunner in the Navy, from the 13th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunners George Charrette and Simon Jacobs to be chief gunners in the Navy, from the 15th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunner Hans Johnsen to be a chief gunner in the Navy, from the 27th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunners Samuel Chiles and George W. Phillips to be chief gunners in the Navy, from the 20th day of July, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Carpenters to be chief carpenters in the Navy, from the 27th day of April, 1904.

Otto Barth,
George Helms,
George J. Shaw,
Francis J. Harte,
John T. S. Miller,
William P. Harding,
William J. Wren,
Frank Johnson,
Timothy E. Kiley,
Charles S. Taylor,
James T. Haley,
William Boone,
John H. Gill,
Joseph A. Barton,
Charles Thompson,
John P. Yates, and
Frank H. Preble.

Carpenter Clarence L. Bennett to be a chief carpenter in the Navy, from the 24th day of May, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Carpenter Thomas C. Cooney to be a chief carpenter in the Navy, from the 27th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Carpenter Franz A. Itrich to be a chief carpenter in the Navy, from the 29th day of September, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

To be chief boatswains in the Navy.

Boatswain William Brooks to be a chief boatswain in the Navy from the 27th day of April, 1904, he having completed six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Francis E. Larkin,
James Dowling,
John F. Brooks,
Samuel W. Gardner,
James W. Angus,
John J. Holden,
Phillip Mullen,
Allen Whipkey,
Harry R. Brayton,
Patrick Deery,
John J. Rochfort,
Patrick J. Kane,
August Ohmsen,
George B. Moncrief,
Hugh J. Duffy,
Edward J. Norcott,
Timothy Sullivan, from June 2, 1904;
John E. Murphy, from June 15, 1904;
Emil H. Eycke, from June 23, 1904;
Albert F. Benzon, from July 13, 1904;
Eugene M. Isaac, from July 16, 1904;
Andrew Anderson, from August 1, 1904;
Peter E. Radcliffe, from September 1, 1904; and
August Rettig, from September 1, 1904.

To be paymasters in the Navy.

P. A. Paymaster Thomas De F. Harris to be a paymaster in the Navy, from the 16th day of August, 1904, vice P. A. Paymaster Athur H. Cathcart, resigned, after being due for promotion.

P. A. Paymaster John F. Hatch to be a paymaster in the Navy, from the 18th day of October, 1904, vice Paymaster Philip V. Mohun, retired.

To be assistant paymasters in the Navy.

Raymond B. Westlake, a citizen of Ohio, to be an assistant paymaster in the Navy, from the 2d day of May, 1904, to fill a vacancy existing in that grade on that date.

Gordon A. Helmicks, a citizen of Wisconsin;
John M. Hancock, a citizen of North Dakota;
Graham M. Adee, a citizen of the District of Columbia;
Charles N. Wrenshall, a citizen of North Carolina; and
George R. Crapo, a citizen of Massachusetts.

Thom Williamson and William N. Hughes, citizens of Connecticut and Kentucky, respectively, to be assistant paymasters in the Navy, from the 12th day of September, 1904, to fill vacancies existing in that grade on that date.

PROMOTIONS IN THE MARINE CORPS.

Second Lieut. Richard B. Creecy to be a first lieutenant in the Marine Corps, from the 4th day of June, 1904, vice First Lieut. Harold Colvocoresses, retired.

Lieut. Col. Otway C. Berryman to be a colonel in the Marine Corps, from the 4th day of June, 1904, vice Col. James Forney, retired.

Maj. Harry K. White to be a lieutenant-colonel in the Marine Corps, from the 4th day of June, 1904, vice Lieut. Col. Otway C. Berryman, promoted.

SECOND LIEUTENANTS IN THE MARINE CORPS.

Joseph A. Rossell, a citizen of Delaware;
Clayton B. Vogel, a citizen of Pennsylvania;
Edward H. Conger, a citizen of Iowa, and
Jeter R. Horton, a citizen of South Carolina.

ATTORNEY-GENERAL OF THE UNITED STATES.

William H. Moody, of Massachusetts, lately Secretary of the Navy, to be Attorney-General of the United States, to which office he was appointed during the last recess of the Senate, vice Philander C. Knox, resigned.

DISTRICT JUDGES.

William M. Lanning, of New Jersey, to be United States district judge for the district of New Jersey, to which position he was appointed during the last recess of the Senate, vice Andrew Kirkpatrick, deceased.

Royal A. Gunnison, of New York, to be judge of the district court of the district of Alaska, division No. 1, to which position he was appointed during the last recess of the Senate, vice Melville C. Brown, term expired.

ASSOCIATE JUSTICE.

Edward A. Mann, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico, to which position he was appointed during the last recess of the Senate, under the provisions of the act approved April 28, 1904.

UNITED STATES ATTORNEYS.

Henry M. Hoyt, of California, to be United States attorney for the district of Alaska, and assign him to division No. 2, to which position he was appointed during the last recess of the Senate, vice Melvin Grigsby, resigned.

Norman M. Ruick, of Idaho, to be United States attorney for the district of Idaho, to which position he was appointed during the last recess of the Senate, vice R. V. Cozier, deceased.

MARSHALS.

George F. White, of Georgia, to be United States marshal for the southern district of Georgia, to which position he was appointed during the last recess of the Senate, vice John M. Barnes, removed.

Robert Grimmon, of Nevada, to be United States marshal for the district of Nevada, to which position he was appointed during the last recess of the Senate, vice J. F. Emmitt, deceased.

SECRETARY OF THE DEPARTMENT OF COMMERCE AND LABOR.

Victor H. Metcalf, of California, to be Secretary of Commerce and Labor of the United States, to which office he was appointed during the last recess of the Senate, vice George B. Cortelyou, resigned.

COLLECTOR OF CUSTOMS.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased. Mr. Crum is now serving under a temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

P. A. Surg. Alexander Condee Smith, of New York, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 21, 1904, in place of George Purviance, deceased.

Asst. Surg. Donald H. Currie, of Missouri, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 28, 1904. Mr. Currie is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Carroll Fox, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904. Mr. Fox is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Matthew Kemp Gwyn, of Maryland, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from August 8, 1904. Mr. Gwyn is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Joseph Goldberger, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904. Mr. Goldberger is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. John M. Holt, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904. Mr. Holt is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. William A. Korn, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904. Mr. Korn is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Dunlop Moore, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from June 4, 1904. Mr. Moore is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Thomas B. McClintic, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 28, 1904. Mr. McClintic is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Carl Ramus, of Illinois, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from March 11, 1904. Mr. Ramus is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Halstead A. Stansfield, of California, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from June 4, 1904. Mr. Stansfield is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Frederick E. Trotter, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904. Mr. Trotter is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Charles William Vogel, of Maryland, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904. Mr. Vogel is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. John W. Amesse, of Michigan, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 28, 1904.

Asst. Surg. Joseph W. Schereschewsky, of Massachusetts, to be a passed assistant surgeon in the Public Health and Marine-Hopital Service of the United States, to rank as such from November 4, 1904.

Asst. Surg. Clarence W. Wille, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 25, 1904.

Asst. Surg. Robert L. Wilson, of Texas, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 1, 1904.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. John C. Cantwell to be a captain in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904, to succeed Walstein A. Failing, retired. Mr. Cantwell is serving under a temporary commission issued during the recess of the Senate.

First Lieut. John C. Moore to be a captain in the Revenue-Cutter Service of the United States, to succeed W. C. De Hart, retired. Mr. Moore is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. Horace B. West to be a captain in the Revenue-Cutter Service of the United States, to rank as such from June 20, 1904, to succeed J. A. Slamm, retired. Mr. West is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Frederick C. Billard, to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904, to succeed John C. Cantwell, promoted. Mr. Billard is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Benjamin M. Chiswell to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 20, 1904, to succeed Horace B. West, promoted.

Mr. Chiswell is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Bernard H. Camden to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904, to succeed P. H. Brereton, retired. Mr. Camden is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Aaron L. Gamble to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed John C. Moore, promoted. Mr. Gamble is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Edward S. Addison to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904, to succeed Frederick C. Billard, promoted. Mr. Addison is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Eben Barker to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Frank B. Goudey, resigned. Mr. Barker is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Leon C. Covell to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 20, 1904, to succeed Benjamin M. Chiswell, promoted. Mr. Covell is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Franklin B. Harwood to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Colin S. Craig, promoted. Mr. Harwood is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Charles F. Howell to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Samuel P. Edmonds, promoted. Mr. Howell is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Philip W. Lauriat to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Aaron L. Gamble, promoted. Mr. Lauriat is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. William H. Munter to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed John G. Berry, promoted. Mr. Munter is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. John L. Maher to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed William E. W. Hall, promoted. Mr. Maher is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. William A. O'Malley to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Oscar G. Haines, removed. Mr. O'Malley is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. William H. Shea to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904, to succeed B. H. Camden, promoted. Mr. Shea is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Francis R. Shoemaker to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Walter W. Joynes, promoted. Mr. Shoemaker is now serving under a temporary commission issued during the recess of the Senate.

George C. Alexander, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed William G. Blasdel, promoted. Mr. Alexander is now serving under a temporary commission issued during the recess of the Senate.

Thaddeus G. Crapster, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Herman H. Wolf, promoted. Mr. Crapster is now serving under a temporary commission issued during the recess of the Senate.

Muller S. Hay, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Walter A. Wiley, promoted. Mr. Hay is now serving under a temporary commission issued during the recess of the Senate.

William T. Stromberg, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed William J. Wheeler, promoted. Mr. Stromberg is now serving under a temporary commission issued during the recess of the Senate.

George E. Wilcox, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Eugene Blake, jr., promoted. Mr. Wilcox is now serving under a temporary commission issued during the recess of the Senate.

First Asst. Engineer Henry F. Schoenborn to be a chief engineer, with the rank of first lieutenant, in the Revenue-Cutter Service of the United States, to date from July 17, 1904, to succeed Eugenious A. Jack, retired. Mr. Schoenborn is now serving under a temporary commission issued during the recess of the Senate.

Second Asst. Engineer Robert B. Adams to be a first assistant engineer, with the rank of second lieutenant, in the Revenue-Cutter Service of the United States, to rank as such from July 17, 1904, to succeed Henry F. Schoenborn, promoted. Mr. Adams is now serving under a temporary commission issued during the recess of the Senate.

Clarence J. Curtiss, of New York, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States, to succeed Albert E. Bonnet, resigned. Mr. Curtiss is now serving under a temporary commission issued during the recess of the Senate.

Albert F. Patterson, of Washington, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States, to succeed Henry T. Powell, promoted. Mr. Patterson is now serving under a temporary commission issued during the recess of the Senate.

Frederick H. Young, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, with the rank of third lieutenant, to succeed Charles S. Root, promoted. Mr. Young is now serving under a temporary commission issued during the recess of the Senate.

APPOINTMENTS AND PROMOTIONS IN THE CONSULAR SERVICE.

Thomas C. Dawson, of Iowa, lately secretary of the legation at Rio de Janeiro, Brazil, to be minister resident and consul-general of the United States to Santo Domingo, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

William Blumenthal, of New York, to be secretary of the legation of the United States at Lisbon, Portugal, to which office he was appointed during the last recess of the Senate, vice Henry W. Shoemaker, appointed third secretary of the embassy at Berlin, Germany.

Montgomery Schuyler, jr., of New York, lately second secretary of the embassy at St. Petersburg, Russia, to be secretary of the legation and consul-general of the United States at Bangkok, Siam, to which office he was appointed during the last recess of the Senate, vice Paul Nash, appointed consul at Venice, Italy.

Charles Richardson, of Massachusetts, lately third secretary of the embassy at Berlin, Germany, to be secretary of the legation of the United States at Rio de Janeiro, Brazil, to which office he was appointed during the last recess of the Senate, vice Thomas C. Dawson, appointed minister resident and consul-general to Santo Domingo.

Francis G. Landon, of New York, to be third secretary of the embassy of the United States at Berlin, Germany, to which office he was appointed during the last recess of the Senate, vice Henry W. Shoemaker, resigned.

Robert Woods Bliss, of New York, lately consul at Venice, Italy, to be second secretary of the embassy of the United States at St. Petersburg, Russia, to which office he was appointed during the last recess of the Senate, vice Montgomery Schuyler, jr., appointed secretary of the legation and consul-general at Bangkok, Siam.

Frank Dyer Chester, of Massachusetts, lately consul at that place, to be consul-general of the United States at Budapest, Hungary, to which office he was appointed during the last recess of the Senate.

Hezekiah A. Gudger, of North Carolina, lately consul-general at Panama, Colombia, to be consul-general of the United States at Panama, Panama, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Julius G. Lay, of the District of Columbia, lately consul-general at Barcelona, Spain, to be consul-general of the United States at Canton, China, to which office he was appointed during the last recess of the Senate, vice Robert M. McWade, removed.

Daniel Mayer, of West Virginia, lately consul at that place, to be consul-general of the United States at Buenos Ayres, Argentine Republic, to which office he was appointed during the last recess of the Senate.

Henry B. Miller, of Oregon, lately consul at that place, to be consul-general of the United States at Niuchwang, China, to which office he was appointed during the last recess of the Senate.

Benjamin H. Ridgely, of Kentucky, lately consul at Nantes, France, to be consul-general of the United States at Barcelona, Spain, to which office he was appointed during the last recess of the Senate, vice Julius G. Lay, appointed consul-general at Canton, China.

William F. Wright, of Pennsylvania, to be consul-general of the United States at Munich, Bavaria, to which office he was

appointed during the last recess of the Senate, vice James H. Worman, appointed consul at Three Rivers, Quebec, Canada.

William E. Alger, of Massachusetts, lately consul at Puerto Cortez, Honduras, to be consul of the United States at Tegucigalpa, Honduras, to which office he was appointed during the last recess of the Senate, vice Alfred K. Moe, appointed consul at Dublin, Ireland.

Carl Bailey Hurst, of the District of Columbia, to be consul of the United States at La Guaira, Venezuela, to which office he was appointed during the last recess of the Senate, vice Louis Goldschmidt, appointed consul at Nantes, France.

Richard M. Bartleman, of Massachusetts, lately consul to Cadiz, Spain, to be consul of the United States at Seville, Spain, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

Leo Bergholz, of New York, lately consul at Three Rivers, Quebec, Canada, to be consul of the United States at Dawson City, Yukon Territory, to which office he was appointed during the last recess of the Senate, vice Louis A. Dent, resigned.

Louis Goldschmidt, of New Hampshire, lately consul at La Guaira, Venezuela, to be consul of the United States at Nantes, France, to which office he was appointed during the last recess of the Senate, vice Benjamin H. Ridgely, appointed consul-general at Barcelona, Spain.

Frank S. Hannah, of Illinois, to be consul of the United States at Magdeburg, Germany, to which office he was appointed during the last recess of the Senate, vice William A. McKellip, deceased.

Roland J. Hemmick, of Pennsylvania, to be consul of the United States at Windsor, Ontario, Canada, to which office he was appointed during the last recess of the Senate, vice Hugh C. Morris, resigned.

Oscar Malmros, of Minnesota, lately consul at Colon, Colombia, to be consul of the United States at Colon, Panama, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Alfred K. Moe, of New Jersey, lately consul at Tegucigalpa, Honduras, to be consul of the United States at Dublin, Ireland, to which office he was appointed during the last recess of the Senate, vice Rufus Waterman, deceased.

George H. Moulton, of Colorado, lately consul at Demerara, Guiana, to be consul of the United States at Georgetown, Demerara, Guiana, to which office he was appointed during the last recess of the Senate. This is a change in the designation of the office.

Paul Nash, of New York, lately secretary of the legation and consul-general at Bangkok, Siam, to be consul of the United States at Venice, Italy, to which office he was appointed during the last recess of the Senate, vice Robert Woods Bliss, appointed second secretary of the embassy at St. Petersburg, Russia.

Jerome B. Peterson, of New York, to be consul of the United States at Puerto Cabello, Venezuela, to which office he was appointed during the last recess of the Senate, vice Thomas J. Cummins, deceased.

Edward J. Sullivan, of New York, lately consul at Erzerum, Turkey, to be consul of the United States at Trebizond, Turkey, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

John B. Terres, of New York, to be consul of the United States at Port au Prince, Haiti, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

James H. Worman, of New York, lately consul-general at Munich, Bavaria, to be consul of the United States at Three Rivers, Quebec, Canada, to which office he was appointed during the last recess of the Senate, vice Leo Bergholz, appointed consul at Dawson City, Yukon Territory.

Southard P. Warner, of Maryland, to be consul of the United States at Leipzig, Saxony, to which office he was appointed during the last recess of the Senate, vice Brainard H. Warner, jr., resigned.

SECRETARY OF PORTO RICO.

Regis H. Post, of New York, to be secretary of Porto Rico, to which office he was appointed during the last recess of the Senate, vice Charles Hartzell, resigned.

PURCHASING AGENT FOR POST-OFFICE DEPARTMENT.

William E. Cochran, of Kansas, to be purchasing agent for the Post-Office Department, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

MEMBER OF BOARD OF CHARITIES.

George W. Cook, of the District of Columbia, to a member of the Board of Charities of the District of Columbia, for the term of three years from July 1, 1904, to which office he was appointed during the last recess of the Senate. This is a reappointment.

DISTRICT JUDGE.

Charles F. McKenna, of Pennsylvania, to be United States district judge for the district of Porto Rico, to which position he was appointed during the last recess of the Senate, vice William H. Holt, term expired.

CHIEF JUSTICE OF THE SUPREME COURT OF HAWAII.

Walter F. Frear, of Hawaii, to be chief justice of the supreme court of the Territory of Hawaii, to which position he was reappointed during the last recess of the Senate.

ASSOCIATE JUSTICES OF THE SUPREME COURT OF HAWAII.

Alfred S. Hartwell, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii, to which position he was appointed during the last recess of the Senate, vice Clinton A. Galbraith, term expired.

Francis M. Hatch, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii, to which position he was appointed during the last recess of the Senate, vice Antonio Perry, term expired.

CIRCUIT COURT JUDGES OF HAWAII.

John A. Matthewman, of Hawaii, to be judge of the circuit court of the third circuit of the Territory of Hawaii, to which position he was appointed during the last recess of the Senate, vice W. S. Edings, term expired.

Charles F. Parsons, of Hawaii, to be judge of the circuit court of the fourth circuit of the Territory of Hawaii, to which position he was appointed during the last recess of the Senate, vice Gilbert F. Little, term expired.

Jacob Hardy, of Hawaii, to be judge of the circuit court of the fifth circuit of the Territory of Hawaii, to which position he was reappointed during the last recess of the Senate.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Adolph Grant Wolf, of the District of Columbia, to be associate justice of the supreme court of Porto Rico, to which position he was appointed during the last recess of the Senate, vice Louis Sulzbacher, appointed judge of the United States court for the western district of Indian Territory.

COMMISSIONER OF EDUCATION OF PORTO RICO.

Roland P. Falkner, of the District of Columbia, who was appointed July 1, 1904, during the recess of the Senate, to be commissioner of education of Porto Rico, vice Samuel M. Lindsay, resigned.

SUPERINTENDENT OF THE MINT AT DENVER, COLO.

Frank M. Downer, of Colorado, to be superintendent of the mint of the United States at Denver, Colo. New office created by act of Congress approved March 18, 1904. Mr. Downer is now serving under a temporary commission issued during the recess of the Senate.

ASSAYER.

Arthur R. Hodgson, of Colorado, to be assayer of the mint of the United States at Denver, Colo. New office created by act of Congress approved March 18, 1904. Mr. Hodgson is now serving under a temporary commission issued during the recess of the Senate.

MELTER AND REFINER.

Joseph W. Milson, of Colorado, to be melter and refiner of the mint of the United States at Denver, Colo. New office created by act of Congress approved March 18, 1904. Mr. Milson is now serving under a temporary commission issued during the recess of the Senate.

ASSISTANT APPRAISER OF MERCHANDISE.

Rufus A. Flanders, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts. Office created by act of Congress approved April 28, 1904. Mr. Flanders is now serving under a temporary commission issued during the recess of the Senate.

APPRAISER OF MERCHANDISE.

Charles F. Ordway, of Florida, to be appraiser of merchandise, in the district of Tampa, in the State of Florida, in place of Dwight Jarvis, deceased. Mr. Ordway is now serving under a temporary commission issued during the recess of the Senate.

COLLECTORS OF INTERNAL REVENUE.

Frank L. Smith, of Illinois, to be collector of internal revenue for the eighth district of Illinois, in place of Isaac R. Mills, deceased. Mr. Smith is now serving under a temporary commission issued during the recess of the Senate.

Charles W. Roberts, of Missouri, to be collector of internal revenue for the sixth district of Missouri, in place of Frank D. Roberts, deceased. Mr. Roberts is now serving under a temporary commission issued during the recess of the Senate.

Edgar O. Crossman, of New Hampshire, to be collector of internal revenue for the district of New Hampshire, to succeed James A. Wood, resigned. Mr. Crossman is now serving under a temporary commission issued during the recess of the Senate.

SURVEYOR-GENERAL OF ALASKA.

William L. Distin, of Illinois, who was reappointed during the recess of the Senate, to take effect June 7, 1904, at the expiration of his term, to be surveyor-general of Alaska.

REGISTERS OF LAND OFFICES.

Robert N. Dunn, of Wallace, Idaho, who was appointed May 20, 1904, during the recess of the Senate, to be register of the land office at Coeur d'Alene, Idaho, vice David H. Budlong, resigned.

Egbert S. Oakley, of Buffalo, Minn., who was appointed August 2, 1904, during the recess of the Senate, to be register of the land office at Cass Lake, Minn., vice John D. Jones, resigned.

John E. Watson, of Boonville, Mo., who was appointed November 14, 1904, during the recess of the Senate, to be register of the land office at Boonville, Mo., vice William H. Martin, resigned.

Alexander C. McGillivray, of Dickinson, N. Dak., who was appointed May 10, 1904, during the recess of the Senate, to be register of the land office at Dickinson, N. Dak., a newly created office.

Dick T. Morgan, of Elreno, Okla., who was appointed November 23, 1904, during the recess of the Senate, to be register of the land office at Woodward, Okla., vice Frank D. Healy, deceased.

RECEIVERS OF PUBLIC MONEYS.

Sidney R. De Long, of Tucson, Ariz., who was appointed July 30, 1904, during the recess of the Senate, to be receiver of public moneys at Tucson, Ariz., vice John H. Bauman, deceased.

Julius H. Weiss, of Del Norte, Colo., who was appointed August 26, 1904, during the recess of the Senate, to be receiver of public moneys at Del Norte, Colo., vice Percy Hobkirk, removed.

Mathias N. Koll, of Alexandria, Minn., who was appointed August 2, 1904, during the recess of the Senate, to be receiver of public moneys at Cass Lake, Minn., vice Egbert S. Oakley, resigned.

Leslie A. Simpson, of Dickinson, N. Dak., who was appointed May 10, 1904, during the recess of the Senate, to be receiver of public moneys at Dickinson, N. Dak., a newly created office.

COMMISSIONER OF INDIAN AFFAIRS.

Francis E. Leupp, of the District of Columbia, to be Commissioner of Indian Affairs, vice William A. Jones, resigned.

INDIAN AGENTS.

Capt. John McA. Webster, United States Army, retired, of Mackinac Island, Mich., who was appointed June 20, 1904, during the recess of the Senate, to be agent for the Indians of the Colville Agency, in Washington, vice Albert M. Anderson, removed.

Samuel Bellew, of Missoula, Mont., who was appointed June 30, 1904, during the recess of the Senate, to be agent for the Indians of the Flatbead Agency, in Montana, vice William H. Smead, removed.

Frank Frantz, of Enid, Okla., who was appointed June 3, 1904, during the recess of the Senate, to be agent for the Indians of the Osage Agency, in Oklahoma, vice Oscar A. Mitscher, removed.

GOVERNOR OF ALASKA.

John G. Brady, of Alaska, to be governor of Alaska, his term having expired June 5, 1904. (Reappointment.)

ASSOCIATE JUSTICE OF SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Wendell P. Stafford, of Vermont, to be associate justice of the supreme court of the District of Columbia, to which position he was appointed during the last recess of the Senate, vice Jeter C. Pritchard, appointed United States circuit judge, fourth judicial circuit.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Adam C. Carson, of Virginia, to be an associate justice of the supreme court of the Philippine Islands, to which office he was appointed during the last recess of the Senate, vice J. T. Cooper, resigned.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Albert L. Mills, Superintendent United States Military Academy (captain, Tenth Cavalry), May 7, 1904, vice Dougherty, retired from active service.

Col. Henry H. C. Dunwoody (since retired from active service), Signal Corps, July 6, 1904, vice Hains, retired from active service.

Lieut. Col. Peter Leary, jr. (since retired from active service), Artillery Corps, July 7, 1904, vice Dunwoody, retired from active service.

Lieut. Col. Samuel L. Woodward (since retired from active service), Seventh Cavalry, July 8, 1904, vice Leary, retired from active service.

Lieut. Col. John McE. Hyde (since retired from active service), deputy quartermaster-general, July 9, 1904, vice Woodward, retired from active service.

Lieut. Col. Oscar F. Long (since retired from active service), deputy quartermaster-general, July 10, 1904, vice Hyde, retired from active service.

Maj. Theodore A. Bingham (since retired from active service), Corps of Engineers, July 11, 1904, vice Long, retired from active service.

Col. Constant Williams, Twenty-sixth Infantry, July 12, 1904, vice Bingham, retired from active service.

PROMOTIONS IN THE ARMY.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspector-general with the rank of colonel.

Lieut. Col. John L. Chamberlain, inspector-general, November 21, 1904, vice Heyl, retired from active service.

QUARTERMASTER'S DEPARTMENT.

To be assistant quartermaster-general with the rank of colonel.

Lieut. Col. John W. Pullman, deputy quartermaster-general, June 25, 1904, vice Jacobs, retired from active service.

To be deputy quartermasters-general with the rank of lieutenant-colonel.

Maj. Oscar F. Long (since appointed brigadier-general and retired from active service), quartermaster, June 25, 1904, vice Pullman, promoted.

Maj. Frederick Von Schrader, quartermaster, July 9, 1904, vice Hyde, appointed brigadier-general.

Maj. J. Estcourt Sawyer, quartermaster, July 10, 1904, vice Long, appointed brigadier-general.

To be quartermasters with the rank of major.

Capt. George McK. Williamson, quartermaster, June 25, 1904, vice Long, promoted.

Capt. Thomas H. Slavens, quartermaster, July, 9, 1904, vice Von Schrader, promoted.

Capt. David S. Stanley, quartermaster, July 10, 1904, vice Sawyer, promoted.

MEDICAL DEPARTMENT.

To be deputy surgeons-general with the rank of lieutenant-colonel.

Maj. Daniel M. Appel, surgeon, August 3, 1904, vice Gardner, retired from active service.

Maj. Harry O. Perley, surgeon, August 14, 1904, vice Kilbourne, retired from active service.

To be surgeons with the rank of major.

Capt. Francis A. Winter, assistant surgeon, August 3, 1904, vice Appel, promoted.

Capt. William E. Purviance, assistant surgeon, August 14, 1904, vice Perley, promoted.

PAY DEPARTMENT.

To be paymaster with the rank of major.

Capt. George E. Pickett, paymaster, September 6, 1904, vice Watrous, retired from active service.

CORPS OF ENGINEERS.

To be colonels.

Lieut. Col. William H. Heuer, Corps of Engineers, June 11, 1904, vice Raymond, retired from active service.

Lieut. Col. William S. Stanton, Corps of Engineers, September 14, 1904, vice Miller, deceased.

To be lieutenant-colonels.

Maj. Thomas W. Symons, Corps of Engineers, June 11, 1904, vice Heuer, promoted.

Maj. Smith S. Leach, Corps of Engineers, September 14, 1904, vice Stanton, promoted.

To be majors.

Capt. William L. Sibert, Corps of Engineers, April 23, 1904, vice Rossell, promoted.

Capt. Joseph E. Kuhn, Corps of Engineers, April 23, 1904, to fill an original vacancy.

Capt. William E. Craighill, Corps of Engineers, April 23, 1904, to fill an original vacancy.

Capt. Henry C. Newcomer, Corps of Engineers, April 23, 1904, to fill an original vacancy.
Capt. Mason M. Patrick, Corps of Engineers, April 23, 1904, to fill an original vacancy.
Capt. Charles S. Riché, Corps of Engineers, June 11, 1904, vice Symons, promoted.
Capt. Thomas H. Rees, Corps of Engineers, July 11, 1904, vice Bingham, appointed brigadier-general.
Capt. Charles L. Potter, Corps of Engineers, September 14, 1904, vice Leach, promoted.

To be captains.

First Lieut. William D. Connor, Corps of Engineers, April 23, 1904, vice Gaillard, promoted.
First Lieut. John C. Oakes, Corps of Engineers, April 23, 1904, vice Taylor, promoted.
First Lieut. Sherwood A. Cheney, Corps of Engineers, April 23, 1904, vice Sibert, promoted.
irst Lieut. Frederick W. Altstaetter, Corps of Engineers, April 23, 1904, vice Kuhn, promoted.
First Lieut. Harley B. Ferguson, Corps of Engineers, April 23, 1904, vice Craighill, promoted.
First Lieut. Frank C. Boggs, Corps of Engineers, April 23, 1904, vice Newcomer, promoted.
First Lieut. Clarke S. Smith, Corps of Engineers, April 23, 1904, vice Patrick, promoted.
First Lieut. William P. Wooten, Corps of Engineers, April 23, 1904, to fill an original vacancy.
First Lieut. Lytle Brown, Corps of Engineers, April 23, 1904, to fill an original vacancy.
First Lieut. Earl I. Brown, Corps of Engineers, April 23, 1904, to fill an original vacancy.
First Lieut. Amos A. Fries, Corps of Engineers, June 11, 1904, vice Riché, promoted.
First Lieut. James A. Woodruff, Corps of Engineers, July 11, 1904, vice Rees, promoted.
First Lieut. William Kelly, Corps of Engineers, September 14, 1904, vice Potter, promoted.

To be first lieutenants.

Second Lieut. William L. Guthrie, Corps of Engineers, April 23, 1904, vice Connor, promoted.
Second Lieut. Clarence H. Knight, Corps of Engineers, April 23, 1904, vice Oakes, promoted.
Second Lieut. William A. Mitchell, Corps of Engineers, April 23, 1904, vice Altstaetter, promoted.
Second Lieut. Warren T. Hannum, Corps of Engineers, April 23, 1904, vice Ferguson, promoted.
Second Lieut. Robert R. Ralston, Corps of Engineers, April 23, 1904, vice Boggs, promoted.
Second Lieut. Mark Brooke, Corps of Engineers, April 23, 1904, vice Smith, promoted.
Second Lieut. Laurence V. Frazier, Corps of Engineers, April 23, 1904, vice Wooten, promoted.
Second Lieut. James F. Bell, Corps of Engineers, April 23, 1904, vice Brown (Lytle), promoted.
Second Lieut. Douglas MacArthur, Corps of Engineers, April 23, 1904, vice Brown (Earl I.), promoted.
Second Lieut. Charles T. Leeds, Corps of Engineers, April 23, 1904, to fill an original vacancy.
Second Lieut. Harold C. Fiske, Corps of Engineers, April 23, 1904, to fill an original vacancy.
Second Lieut. Max C. Tyler, Corps of Engineers, April 23, 1904, to fill an original vacancy.
Second Lieut. Ulysses S. Grant, third, Corps of Engineers, June 11, 1904, vice Fries, promoted.
Second Lieut. Julian L. Schley, Corps of Engineers, June 13, 1904, vice Bowers, deceased.
Second Lieut. William H. Rose, Corps of Engineers, July 11, 1904, vice Woodruff, promoted.
Second Lieut. Ferdinand Williams, Corps of Engineers, September 14, 1904, vice Kely, promoted.

ORDNANCE DEPARTMENT.

To be colonel.

Lieut. Col. Charles Shaler, Ordnance Department, September 17, 1904, vice McGinness, retired from active service.

To be lieutenant-colonel.

Maj. James Rockwell, jr., Ordnance Department, September 17, 1904, vice Shaler, promoted.

To be majors.

Capt. Edwin B. Babbitt, Ordnance Department, August 25, 1904, vice Borup, retired from active service.
Capt. Ormond M. Lissak, Ordnance Department, September 17, 1904, vice Rockwell, promoted.

SIGNAL CORPS.

To be colonel.

Lieut. Col. James Allen, Signal Corps, July 6, 1904, vice Dunwoody, appointed brigadier-general.

To be lieutenant-colonel.

Maj. George P. Scriven, Signal Corps, July 6, 1904, vice Allen, promoted.

To be major.

Capt. Edgar Russel, Signal Corps, July 6, 1904, vice Scriven, promoted.

To be captain.

First Lieut. Richard O. Rickard, Signal Corps, July 6, 1904, vice Russel, promoted.

CAVALRY ARM.

To be lieutenant-colonels.

Maj. Daniel C. Pearson, Second Cavalry, July 8, 1904, vice Woodward, Seventh Cavalry, appointed brigadier-general.
Maj. George A. Dodd, Third Cavalry, July 28, 1904, vice Hein, Tenth Cavalry, retired from active service.
Maj. James B. Hickey, First Cavalry, November 30, 1904, vice Ward, First Cavalry, detailed as inspector-general.

To be majors.

Capt. William J. Nicholson, Twelfth Cavalry, May 13, 1904, vice Fuller, Seventh Cavalry, retired from active servcie.
Capt. Fred W. Foster, Fifth Cavalry, July 8, 1904, vice Pearson, Second Cavalry, promoted.
Capt. William C. Brown, First Cavalry, July 28, 1904, vice Dodd, Third Cavalry, promoted.
Capt. Edwin P. Brewer, Seventh Cavalry, September 15, 1904, vice Bigelow, Ninth Cavalry, retired from active service.
Capt. Oscar J. Brown, First Cavalry, November 30, 1904, vice Hickey, First Cavalry, promoted.

To be captains.

First Lieut. Malin Craig, Fifth Cavalry, May 7, 1904, vice Mills, Tenth Cavalry, appointed brigadier-general.
First Lieut. Guy V. Henry, Fourth Cavalry, May 13, 1904, vice Nicholson, Twelfth Cavalry, promoted.
First Lieut. Wallace B. Scales, Fourteenth Cavalry, July 8, 1904, vice Foster, Fifth Cavalry, promoted.
First Lieut. Conrad S. Babcock, Third Cavalry, July 28, 1904, vice Brown (William C.), First Cavalry, promoted.
First Lieut. Ewing E. Booth, Seventh Cavalry, August 22, 1904, vice Parker, Tenth Cavalry, detailed as quartermaster.
First Lieut. Percy W. Arnold, First Cavalry, September 15, 1904, vice Brewer, Seventh Cavalry, promoted.
First Lieut. Rush S. Wells Eighth Cavalry, September 17, 1904, vice Dixon, Ninth Cavalry, detailed as paymaster.
First Lieut. Herbert J. Brees, Signal Corps, November 30, 1904, vice Brown (Oscar J.), First Cavalry, promoted.

To be first lieutenants.

Second Lieut. Rowland B. Ellis, Thirteenth Cavalry, April 4, 1904, vice Sharpley, Twelfth Cavalry, dismissed.
Second Lieut. Frank I. Otis, Eighth Cavalry, May 7, 1904, vice Craig, Fifth Cavalry, promoted.
Second Lieut. Selwyn D. Smith, First Cavalry, May 13, 1904, vice Henry, Fourth Cavalry, promoted.
Second Lieut. Thomas H. Jennings, Seventh Cavalry, July 8, 1904, vice Scales, Fourteenth Cavalry, promoted.
Second Lieut. Wade H. Westmoreland, Eleventh Cavalry, July 28, 1904, vice Babcock, Third Cavalry, promoted.
Second Lieut. Clarence C. Culver, Fifteenth Cavalry, July 28, 1904, vice Jeffers, Seventh Cavalry, retired from active service.
Second Lieut. Frank B. Edwards, Fourth Cavalry, August 22, 1904, vice Booth, Seventh Cavalry, promoted.
Second Lieut. Anton H. Schroeter, Sixth Cavalry, September 15, 1904, vice Arnold, First Cavalry, promoted.
Second Lieut. John T. Sayles, Second Cavalry, September 17, 1904, vice Wells, Eighth Cavalry, promoted.

ARTILLERY CORPS.

To be colonel.

Lieut. Col. Walter Howe, Artillery Corps, May 20, 1904, vice Vogdes, retired from active service.

To be lieutenant-colonels.

Maj. Joseph M. Califf, Artillery Corps, May 20, 1904, vice Howe, promoted.
Maj. Charles W. Hobbs, Artillery Corps, July 7, 1904, vice Leary, appointed brigadier-general.

To be majors.

Capt. Samuel E. Allen, Artillery Corps, May 20, 1904, vice Califf, promoted.

Capt. Edwin St. J. Greble, Artillery Corps, October 7, 1904, vice Wisser, detailed as inspector-general.

Capt. Frederick S. Strong, Artillery Corps, November 28, 1904, vice Alexander, resigned.

To be captains.

First Lieut. Jesse C. Nicholls, Artillery Corps, April 7, 1904, vice McIntyre, detailed as paymaster.

First Lieut. Frank C. Jewell, Artillery Corps, May 20, 1904, vice Allen, promoted.

First Lieut. Fred H. Gallup, Artillery Corps, July 7, 1904, vice Alexander, promoted.

First Lieut. Herman W. Schull, Ordnance Department, September 16, 1904, vice Hains, detailed as quartermaster.

First Lieut. Henry B. Farrar, Artillery Corps, September 27, 1904, vice Schull, detailed in the Ordnance Department.

First Lieut. Clifton C. Carter, Artillery Corps, October 7, 1904, vice Greble, promoted.

First Lieut. Henry B. Clark, Artillery Corps, November 28, 1904, vice Strong, promoted.

To be first lieutenants.

Second Lieut. David Y. Beckham, Artillery Corps, January 12, 1904, vice Covington, detailed in the Signal Corps.

Second Lieut. Richard C. Marshall, jr., Artillery Corps, January 21, 1904, vice James, retired from active service.

Second Lieut. Morris E. Locke, Artillery Corps, January 21, 1904, vice Martindale, promoted.

Second Lieut. John O. Steger, Artillery Corps, April 1, 1904, vice Kilbreth, promoted.

Second Lieut. William W. Ballard, jr., Artillery Corps, April 7, 1904, vice Coleman, promoted.

Second Lieut. Rex Van Den Corput, Artillery Corps, April 7, 1904, vice Nicholls, promoted.

Second Lieut. James A. Thomas, Artillery Corps, May 17, 1904, vice Mitchell, deceased.

Second Lieut. John C. Ohnstad, Artillery Corps, May 20, 1904, vice Jewell, promoted.

Second Lieut. Clarence M. Condon, Artillery Corps, June 17, 1904, vice Bowman, resigned.

Second Lieut. James H. Bryson, Artillery Corps, July 1, 1904, vice Hillman, detailed in the Ordnance Department.

Second Lieut. Curtis G. Rorebeck, Artillery Corps, July 3, 1904, vice Garber, deceased.

Second Lieut. Roger O. Mason, Artillery Corps, July 7, 1904, vice Gallup, promoted.

Second Lieut. James D. Watson, Artillery Corps, September 1, 1904, vice Taylor, resigned.

Second Lieut. Charles L. Fisher, Artillery Corps, September 27, 1904, vice Farrar, promoted.

Second Lieut. Charles D. Winn, Artillery Corps, October 7, 1904, vice Carter, promoted.

Second Lieut. Harrie F. Reed, Artillery Corps, November 28, 1904, vice Clark, promoted.

INFANTRY ARM.

To be colonel.

Lieut. Col. George Le R. Brown, Fourteenth Infantry, July 12, 1904, vice Williams, Twenty-sixth Infantry, appointed brigadier-general.

To be lieutenant-colonels.

Maj. William W. Wotherspoon, Sixth Infantry, July 12, 1904, vice Brown, Fourteenth Infantry, promoted.

Maj. Charles W. Mason, Fourth Infantry, November 5, 1904, vice Ballance, Twenty-ninth Infantry, retired from active service.

To be majors.

Capt. Omar Bundy, Sixth Infantry, July 12, 1904, vice Wotherspoon, Sixth Infantry, promoted.

Capt. Everard E. Hatch, Eighteenth Infantry, October 20, 1904, vice Abbot, Twenty-fifth Infantry, retired from active service.

Cap. David C. Shanks, Eighteenth Infantry, November 5, 1904, vice Mason, Fourth Infantry, promoted.

Capt. William H. Allaire, Twenty-third Infantry, November 5, 1904, vice Cowles, Twenty-fourth Infantry, retired from active service.

To be captains.

First Lieut. Irving J. Carr, Seventeenth Infantry, May 5, 1904, vice Barber, Twenty-eighth Infantry, who resigns his line commission only.

First Lieut. Easton R. Gibson, Ninth Infantry, June 8, 1904, vice Wild, Thirteenth Infantry, deceased.

First Lieut. Henry C. Bonnycastle, Twenty-third Infantry, July 12, 1904, vice Bundy, Sixth Infantry, promoted.

First Lieut. Edward Croft, Nineteenth Infantry, August 7, 1904, vice Whitman, Second Infantry, deceased.

First Lieut. Adolphe H. Huguet, Twenty-second Infantry, August 24, 1904, vice Cranston, Seventeenth Infantry, detailed as quartermaster.

First Lieut. Edgar A. Macklin, Eleventh Infantry, September 28, 1904, vice Berry, Tenth Infantry, detailed as quartermaster.

First Lieut. Raymond Sheldon, Eighteenth Infantry, October 20, 1904, vice Hatch, Eighteenth Infantry, promoted.

First Lieut. James D. Taylor, jr., Twenty-sixth Infantry, November 5, 1904, vice Shanks, Eighteenth Infantry, promoted.

First Lieut. Frank Halstead, Twenty-fourth Infantry, November 5, 1904, vice Allaire, Twenty-third Infantry, promoted.

To be first lieutenants.

Lieut. Sherman A. White, Twenty-third Infantry, April 7, 1904, vice Barnett, Thirteenth Infantry, promoted.

Second Lieut. Samuel C. Orchard, Third Infantry, April 7, 1904, vice Shaffer, Thirteenth Infantry, promoted.

Second Lieut. Sydney Smith, Sixteenth Infantry, April 7, 1904, vice Curtis, Twenty-second Infantry, promoted.

Second Lieut. William H. Clendenin, Seventeenth Infantry, April 7, 1904, vice Mulliken, Twenty-ninth Infantry, promoted.

Second Lieut. John M. Craig, Twelfth Infantry, April 8, 1904, vice Clark, Thirteenth Infantry, promoted.

Second Lieut. Harold S. Pearce, Tenth Infantry, April 14, 1904, vice Jordan, Eighteenth Infantry, promoted.

Second Lieut. John R. Kelly, Eighth Infantry, April 14, 1904, vice Nixon, Second Infantry, promoted.

Second Lieut. William G. Ball, Third Infantry, April 29, 1904, vice McCue, First Infantry, retired from active service.

Second Lieut. Walter E. Gunster, Seventh Infantry, April 30, 1904, vice Beacham, Twentieth Infantry, detailed in the Signal Corps.

Second Lieut. William R. Kendrick, Seventh Infantry, April 30, 1904, vice Kent, Twenty-third Infantry, detailed in the Signal Corps.

Second Lieut. Gouverneur V. Packer, Twenty-fourth Infantry, April 30, 1904, vice Butler, Second Infantry, detailed in the Signal Corps.

Second Lieut. Horace F. Sykes, Twenty-fifth Infantry, May 5, 1904, vice Carr, Seventeenth Infantry, promoted.

Second Lieut. Oliver P. Robinson, Thirtieth Infantry, May 8, 1904, vice Woodruff, Seventeenth Infantry, killed in action.

Second Lieut. George K. Wilson, Fifth Infantry, May 14, 1904, vice Mills, Seventh Infantry, dismissed.

Second Lieut. Robert B. McConnell, Twenty-fourth Infantry, June 8, 1904, vice Gibson, Ninth Infantry, promoted.

Second Lieut. Louis B. Chandler, Thirtieth Infantry, June 9, 1904, vice Macmanus, Twenty-fifth Infantry, retired from active service.

Second Lieut. Gerrit Van S. Quackenbush, Seventeenth Infantry, July 12, 1904, vice Bonnycastle, Twenty-third Infantry, promoted.

Second Lieut. Sydney H. Hopson, Twenty-fourth Infantry, August 7, 1904, vice Croft, Nineteenth Infantry, promoted.

Second Lieut. John H. Baker, Fourth Infantry, August 24, 1904, vice Huguet, Twenty-second Infantry, promoted.

Second Lieut. William E. Gillmore, Fifteenth Infantry, September 8, 1904, vice Aiken, Twenty-eighth Infantry, resigned.

Second Lieut. John C. Murphy, Fourth Infantry, September 15, 1904, vice Collins, Twenty-eighth Infantry, dismissed.

Second Lieut. William E. Persons, Twenty-seventh Infantry, September 28, 1904, vice Macklin, Eleventh Infantry, promoted.

Second Lieut. James G. Taylor, Thirteenth Infantry, October 20, 1904, vice Sheldon, Eighteenth Infantry, promoted.

Second Lieut. H. Clay M. Supplee, Nineteenth Infantry, November 5, 1904, vice Taylor, Twenty-sixth Infantry, promoted.

Second Lieut. Alexander M. Hall, Twenty-eighth Infantry, November 5, 1904, vice Halstead, Twenty-fourth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

1. Cadet Charles Roberts Pettis.
2. Cadet William Dandridge Alexander Anderson.
3. Cadet Ralph Talbot Ward.
4. Cadet John Jennings Kingman.
5. Cadet Robert Philip Howell, jr.
6. Cadet Henry Harris Robert.
7. Cadet Joseph Haynsworth Earle.
8. Cadet Thomas Matthew Robins.
9. Cadet Roger Derby Black.
10. Cadet Theodore Harwood Dillon.

Cavalry Arm.

14. Cadet Vaughn Washington Cooper.
22. Cadet Robert Charlwood Richardson, jr.
24. Cadet Robert Madison Campbell.
28. Cadet George Veazey Strong.
31. Cadet George Bowditch Hunter.
46. Cadet Stanley Koch.
49. Cadet Harry Smith Berry.
53. Cadet Stephen Clark Reynolds.
54. Cadet William Vaulx Carter.
57. Cadet Henry Conger Pratt.
64. Cadet Arthur James Davis.
66. Cadet Kinzie Bates Edmunds.
75. Cadet Charles Sherman Hoyt.
80. Cadet Henry Joseph Reilly.
83. Cadet James Joseph O'Hara.
84. Cadet Albert Courtney Wimberly.
85. Cadet William Stuart Dowd.
91. Cadet Roy Weber Holderness.
95. Cadet Henry Rodney Adair.
101. Cadet James Scott Greene.
102. Cadet Gerald Clark Brant.
106. Cadet Winn Blair.
107. Cadet Eugene Victor Armstrong.
115. Cadet Innis Palmer Swift.

Artillery Corps.

11. Cadet Lesley James McNair.
12. Cadet Charles Russell Alley.
15. Cadet Chauncey Lee Fenton.
16. Cadet Lucian Barclay Moody.
17. Cadet George R. Allin.
18. Cadet Pelham Davis Glassford.
19. Cadet William Bryden.
20. Cadet Donald Cowan McDonald.
21. Cadet Fulton Quintus Cincinnatus Gardner.
23. Cadet Francis Webster Honeycutt.
25. Cadet John William McKie.
27. Cadet Philip Henry Worcester.
29. Cadet Charles School Blakely.
30. Cadet Charles Thomas Smart.
33. Cadet Robert Melville Danford.
34. Cadet James Brownrigg Dillard.
35. Cadet Leo Paul Quinn.
37. Cadet Quincy Adams Gillmore.
38. Cadet James Kerr Crain.
39. Cadet Edmund Louis Gruber.
40. Cadet Carr Wilson Waller.
42. Cadet David McCandless McKell.
43. Cadet Matthew Arthur Cross.
45. Cadet Albert Howell Barkley.
48. Cadet Carroll Wilder Neal.
52. Cadet Walter Singles.
58. Cadet Donald Cameron Cubbison.
61. Cadet Rollo Fred Anderson.
70. Cadet Edward Ellis Farnsworth.
78. Cadet Jacob Arthur Mack.

Infantry Arm.

13. Cadet James Garfield McIlroy.
26. Cadet Jay Leland Benedict.
32. Cadet Joseph Warren Stilwell.
36. Cadet Arthur Wood Copp.
41. Cadet Richard James Herman.
44. Cadet Edward Lorenzo Hooper.
47. Cadet Irving Joseph Phillipson.
50. Cadet Edmund Bristol Gregory.
51. Cadet Wilber Alexander Blain.
55. Cadet Robert Burns Parker.
56. Cadet Gordon Rives Catts.
59. Cadet Christopher Jensvold.
60. Cadet Ursa Milner Diller.
62. Cadet Edwin Butcher.
63. Cadet Russell Vernon Venable.
65. Cadet Roderick Dew.
67. Cadet Martin Christian Wise.
68. Cadet Andrew Jackson White.
69. Cadet Walter Scott Drysdale.
71. Cadet Ralph Dickinson.
72. Cadet Riley Estel Scott.
73. Cadet Charles Andrew Meals.
74. Cadet Matthew Henry Thomlinson.
76. Cadet Horatio Balch Hackett, jr.
77. Cadet Joseph Alexander Atkins.
79. Cadet Charles Fullington Thompson.
81. Cadet Augustus Bissell Van Wormer.
82. Cadet Thomas Leslie Crystal.
86. Cadet Arthur Dryburst Budd.
87. Cadet Ralph Rigby Glass.
88. Cadet Erle Martin Wilson.
89. Cadet Merrill Ellicott Spalding.
90. Cadet Joseph James Grace.
92. Cadet John Donald Burnett, jr.
93. Cadet Joseph Alexander McAndrew.
94. Cadet Robert Bailey Hewitt.
96. Cadet William Fitzhugh Lee Simpson.
97. Cadet Merrill Dole Wheeler.
98. Cadet Bernard Philip Oswalt.
99. Cadet Richard Rembert Pickering.
100. Cadet Lowe Abeel McClure.
103. Cadet Charles Frederick Conry.
104. Cadet Clement Hale Wright.
105. Cadet William Ross Scott.
108. Cadet William Washington Harris.
109. Cadet Harry Lincoln Simpson.
110. Cadet Napoleon William Riley.
111. Cadet Otto Ludwick Brunzell.
112. Cadet George Carson Lawrason.
113. Cadet Robert Pattison Harbold.
114. Cadet James Barton Woolnough.
116. Cadet Joseph Dodge Park.
117. Cadet Arthur Harrison Wilson.
118. Cadet Walter Scott Fulton.
119. Cadet John Jay Moller.
120. Cadet Sherburne Whipple.
121. Cadet Harry Hawley.
122. Cadet Thomas Norton Gimperling.
123. Cadet Hugh Lawson Walthall.
124. Cadet John Buchanan Richardson.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants with rank from June 9, 1904.

Edgar Zell Steever, third, of Pennsylvania.
Hornsby Evans, at large.
Harry Leonard Morse, of Massachusetts.
Charles Bean Amory, jr., of Massachusetts.
Walter Goodwin, jr., of Connecticut.
Philip Bradley Peyton, of Virginia.
Karl Truesdell, of Virginia.
Frederick Brahan Terrell, of Texas.
Howard Granville Sharpe, of Colorado.
Mark Lorin Ireland, of Michigan.
David Hunter Scott, of New Jersey.
Charles Avery Dravo, of Pennsylvania.

With rank from September 1, 1904.

William C. F. Nicholson, at large.

With rank from November 13, 1904.

Allan Rawson Williams, of Vermont.

With rank from November 14, 1904.

Loren Chester Grieves, of Michigan.

With rank from November 15, 1904.

Aristides Moreno, of Alabama (late first lieutenant, Porto Rico Provisional Regiment of Infantry).

With rank from November 16, 1904.

Richard Daspit LaGarde, of the District of Columbia.

APPOINTMENTS BY TRANSFER.

CAVALRY ARM.

Second Lieut. Joseph Dodge Park, Twenty-fourth Infantry, from the Infantry Arm to the Cavalry Arm, September 13, 1904, with rank from June 15, 1904.

Second Lieut. Arthur Harrison Wilson, Sixth Infantry, from the Infantry Arm to the Cavalry Arm, September 13, 1904, with rank from June 15, 1904.

INFANTRY ARM.

Second Lieut. Charles L. Silcox, Artillery Corps, from the Artillery Corps to the Infantry Arm, November 19, 1904, with rank from November 19, 1904.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be second lieutenant with rank from June 25, 1904.

Battalion Sergt. Maj. Anton Cæsar Cron, Twenty-seventh Infantry.

To be second lieutenants with rank from October 5, 1904.

Corpl. George W. Edgerly, Fifty-first Company, Coast Artillery.

Corpl. Oscar W. Hoop, Company C, Twelfth Infantry.
Private John Clark Moore, Troop I, Fifth Cavalry.
Sergt. William F. Pearson, Twenty-eighth Battery, Field Artillery.
Battalion Sergt. Maj. James Alexander Ulio, Second Infantry.
Battalion Sergt. Maj. Frank Moorman, First Infantry.
Sergt. Harry H. Bissell, Forty-eighth Company, Coast Artillery.
Sergt. Charles B. Elliott, Troop M, Eleventh Cavalry.
Quartermaster Sergt. John B. Corbly, Troop D, Fifth Cavalry.
First Sergt. Fitzhugh Lee Minnigerode, Troop F, Twelfth Cavalry.
Sergt. Joseph L. Topham, jr., Company G, Sixth Infantry.
Battalion Sergt. Maj. Charles L. Sampson, Sixth Infantry.
Battalion Sergt. Maj. John M. True, Eleventh Infantry.
Private Bruce R. Campbell, Troop H, Fourth Cavalry.
Sergt. John C. French, Troop I, Eleventh Cavalry.
First Sergt. Benjamin B. McCroskey, Troop B, Fifteenth Cavalry.
Sergt. John W. Downer, Thirteenth Company, Coast Artillery.
Sergt. James H. Van Horn, Company G, Twenty-ninth Infantry.
First-Class Sergt. John B. De Lancey, Signal Corps.
Corpl. Cassius M. Dowell, Company C, Seventeenth Infantry.
First-Class Sergt. Marvin E. Malloy, Hospital Corps.
Corpl. Albert B. Kaempfer, Company H, Sixteenth Infantry.
Master Electrician Forrest E. Overholser, Artillery Corps.
Corpl. Charles Winder Mason, jr., Company I, Fourth Infantry.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with rank of first lieutenant with rank from May 19, 1904.

Harold William Cowper (late captain, assistant surgeon, United States Volunteers), of New York.
William Robert Davis (late captain, assistant surgeon, United States Volunteers), of Virginia.
Leartus Jerauld Owen, of Indiana.
Stanley Gustav Zinke, of Ohio.
Robert Martin Culler, of Pennsylvania.
Frank Watkins Weed, of Maryland.
William Anderson Wickline, of Montana.

With rank from July 8, 1904.

Henry Levi Brown, of Illinois.
Howard Houghton Baily, of the District of Columbia.
Harry Gass Humphreys, of Pennsylvania.
Paul Lamar Freeman, of the District of Columbia.

MILITARY SECRETARY'S DEPARTMENT.

Edward S. Fowler (late major, additional paymaster, United States Volunteers), of New York, to be Assistant Chief of the Record and Pension Office, with rank of major from August 1, 1904, vice Barber, retired from active service.

Chaplain.

John E. Dallam, of Minnesota, to be chaplain with the rank of first lieutenant from July 14, 1904.

PROMOTIONS IN THE ARMY.

CHAPLAINS.

Chaplain Allen Allensworth, Twenty-fourth Infantry, to be chaplain with the rank of major, June 14, 1904.
Chaplain Henry Swift, Thirteenth Infantry, to be chaplain with the rank of major, June 14, 1904.
Chaplain Charles C. Pierce, Artillery Corps, to be chaplain with the rank of major, June 14, 1904.
Chaplain Edward J. Vattmann (since retired from active service), Eleventh Cavalry, to be chaplain with the rank of major, June 14, 1904.
Chaplain George Robinson, First Infantry, to be chaplain with the rank of major, November 19, 1904.

PROFESSOR OF MATHEMATICS AT THE MILITARY ACADEMY.

Capt. Charles P. Echols, associate professor of mathematics, to be professor of mathematics at the Military Academy, with rank from June 29, 1904, vice Edgerton, deceased.

REAPPOINTMENTS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be captains, with rank from July 1, 1904.

Orval P. Townshend, late captain, Porto Rico Provisional Regiment of Infantry.
John M. Field, late captain, Porto Rico Provisional Regiment of Infantry.
Edwin J. Griffith, late captain, Porto Rico Provisional Regiment of Infantry.
Frank L. Graham, late captain, Porto Rico Provisional Regiment of Infantry.

To be first lieutenants, with rank from July 1, 1904.

Emil J. Huebscher, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Ralph E. Gambell, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Stewart McC. Decker, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Miles K. Taulbee, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Frank C. Wood, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Aristides Moreno, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
William L. Patterson, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Richard H. Poillon, jr., late first lieutenant, Porto Rico Provisional Regiment of Infantry.
William S. Woodruff, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Laurance Angel, late first lieutenant, Porto Rico Provisional Regiment of Infantry.

To be second lieutenants, with rank from July 1, 1904.

William H. Armstrong, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Abram I. Miller, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Frank Stephenson, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Frank F. Harding, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Samuel S. Bryant, late second lieutenant, Porto Rico Provisional Regiment of Infantry.

PROMOTIONS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be captains, with rank from July 1, 1904.

First Lieut. Emil J. Huebscher, vice Hamilton, discharged.
First Lieut. Ralph E. Gambell, vice Kerney, discharged.
First Lieut. Stewart McC. Decker, vice Wuttke, discharged.
First Lieut. Miles K. Taulbee, vice Broome, discharged.

To be first lieutenants, with rank from July 1, 1904.

Second Lieut. Willam H. Armstrong, vice Huebscher, promoted.
Second Lieut. Abram I. Miller, vice Gambell, promoted.
Second Lieut. Frank Stephenson, vice Decker, promoted.
Second Lieut. Frank F. Harding, vice Taulbee, promoted.

APPOINTMENTS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be second lieutenant, with rank from July 1, 1904.

Jaime Nadal, of Porto Rico.

POSTMASTER-GENERAL.

Robert J. Wynne, of Pennsylvania, lately First Assistant Postmaster-General, to be Postmaster-General of the United States, to which office he was appointed during the last recess of the Senate, vice Henry C. Payne, deceased.

POSTMASTERS.

ALABAMA.

James A. Chambliss to be postmaster at Enterprise, in the county of Coffee and State of Alabama. Office became Presidential October 1, 1904.
Hugh R. Duggan to be postmaster at Florala, in the county of Covington and State of Alabama. Office became Presidential October 1, 1904.
May T. Fowler to be postmaster at Uniontown, in the county of Perry and State of Alabama, in place of Theophilus G. Fowler, resigned.
Robert W. Frazier to be postmaster at Fort Payne, in the county of De Kalb and State of Alabama, in place of Ella G. Nix. Incumbent's commission expired February 19, 1904.
George W. Russell to be postmaster at Eufaula, in the county of Barbour and State of Alabama, in place of Andrew J. Locke, deceased.
Sylvanus L. Sherrill to be postmaster at Hartsells, in the county of Morgan and State of Alabama. Office became Presidential January 1, 1904.
Thomas H. Stephens to be postmaster at Gadsden, in the county of Etowah and State of Alabama, in place of Walter S. Standifer, removed.

John Sutterer to be postmaster at Cullman, in the county of Cullman and State of Alabama, in place of Lorena Hays. Incumbent's commission expired January 17, 1904.

John X. Thomas to be postmaster at Pratt City, in the county of Jefferson and State of Alabama, in place of Andrew J. Prince, resigned.

Byron Trammell to be postmaster at Dothan, in the county of Houston and State of Alabama, in place of William W. Millikin, deceased.

ARKANSAS.

H. F. Butler to be postmaster at Warren, in the county of Bradley and State of Arkansas, in place of Mary E. Hughey. Incumbent's commission expires December 20, 1904.

James M. Hill, jr., to be postmaster at Gwynn, in the county of Sebastian and State of Arkansas. Office became Presidential October 1, 1904.

Edgar E. Hudspeth to be postmaster at Nashville, in the county of Howard and State of Arkansas, in place of Nettie A. Hudspeth. Incumbent's commission expired May 28, 1904.

Winnifred Hunsucker to be postmaster at Dermott, in the county of Chicot and State of Arkansas, in place of William Miller, deceased.

CALIFORNIA.

George A. Dills to be postmaster at Soldiers Home, in the county of Los Angeles and State of California, in place of John M. Frew, deceased.

E. J. Foord to be postmaster at Rio Vista, in the county of Solano and State of California, in place of Joseph S. Foord, deceased.

George A. Griffin to be postmaster at Tuolumne, in the county of Tuolumne and State of California. Office became Presidential July 1, 1904.

John M. Jolley to be postmaster at Oceanside, in the county of San Diego and State of California. Office became Presidential July 1, 1904.

William J. Kilby to be postmaster at Coalinga, in the county of Fresno and State of California. Office became Presidential July 1, 1904.

Frederick B. Nichols to be postmaster at McCloud, in the county of Siskiyou and State of California. Office became Presidential July 1, 1904.

Hiram H. Richmond to be postmaster at Auburn, in the county of Placer and State of California, in place of Hiram H. Richmond. Incumbent's commission expired June 5, 1904.

Joseph Smith to be postmaster at Downey, in the county of Los Angeles and State of California. Office became Presidential April 1, 1904.

Cora B. Wales to be postmaster at Colfax, in the county of Placer and State of California. Office became Presidential July 1, 1904.

COLORADO.

Henry W. Lance to be postmaster at Rocky Ford, in the county of Otero and State of Colorado, in place of Samuel H. Young. Incumbent's commission expired January 10, 1902.

Robert S. Lewis to be postmaster at Canon City, in the county of Fremont and State of Colorado, in place of Guy U. Hardy. Incumbent's commission expired June 5, 1904.

CONNECTICUT.

John W. Cook to be postmaster at Beacon Falls, in the county of New Haven and State of Connecticut. Office became Presidential October 1, 1904.

William H. Kelsey to be postmaster at Clinton, in the county of Middlesex and State of Connecticut, in place of John L. Elliott, resigned.

DISTRICT OF COLUMBIA.

John A. Merritt to be postmaster at Washington, in the county of Washington and District of Columbia, in place of John A. Merritt. Incumbent's commission expires December 13, 1904.

FLORIDA.

George A. W. Wendell to be postmaster at Quincy, in the county of Gadsden and State of Florida, in place of Robert J. Mitchell, resigned.

Louis Wiselogel to be postmaster at Marianna, in the county of Jackson and State of Florida, in place of William J. Watson. Incumbent's commission expired January 3, 1904.

GEORGIA.

John R. Barclay to be postmaster at Rome, in the county of Floyd and State of Georgia, in place of Thomas J. Helm, deceased.

William T. Edwards to be postmaster at Canton, in the county of Cherokee and State of Georgia. Office became Presidential January 1, 1904.

Lewis R. Farmer to be postmaster at Louisville, in the county of Jefferson and State of Georgia. Office became Presidential October 1, 1904.

Helen D. Longstreet to be postmaster at Gainesville, in the county of Hall and State of Georgia, in place of Henry P. Farrow, removed.

Isaac A. Smith to be postmaster at Tennille, in the county of Washington and State of Georgia, in place of Isaac A. Smith. Incumbent's commission expired January 25, 1904.

Walter C. Terrell to be postmaster at Ocilla, in the county of Irwin and State of Georgia. Office became Presidential October 1, 1904.

William Touchton to be postmaster at Douglas, in the county of Coffee and State of Georgia, in place of Alfred B. Finley, removed.

William R. Watson to be postmaster at Lithonia, in the county of Dekalb and State of Georgia. Office became Presidential July 1, 1904.

IDAHO.

Julia A. Garber to be postmaster at Grangeville, in the county of Idaho and State of Idaho, in place of Jacob C. Garber, deceased.

Edna P. Madden to be postmaster at Burke, in the county of Shoshone and State of Idaho, in place of George E. Hovey, removed.

ILLINOIS.

John F. Ahrens to be postmaster at Gillespie, in the county of Macoupin and State of Illinois. Office became Presidential October 1, 1904.

Isaac W. Arnold to be postmaster at St. Elmo, in the county of Fayette and State of Illinois. Office became Presidential January 1, 1904.

Philip H. Baker to be postmaster at Jonesboro, in the county of Union and State of Illinois. Office became Presidential July 1, 1904.

Cornell H. Brown to be postmaster at Batavia, in the county of Kane and State of Illinois, in place of Cornell H. Brown. Incumbent's commission expired June 5, 1904.

Anson J. Buck to be postmaster at Carpentersville, in the county of Kane and State of Illinois. Office became Presidential July 1, 1904.

Orange L. Campbell to be postmaster at Knoxville, in the county of Knox and State of Illinois, in place of Orange L. Campbell. Incumbent's commission expires December 10, 1904.

Nathan W. Chandler to be postmaster at Collinsville, in the county of Madison and State of Illinois, in place of Benjamin McKeen, resigned.

Joel W. Ellis to be postmaster at Seneca, in the county of Lasalle and State of Illinois, in place of Joel W. Ellis. Incumbent's commission expires December 20, 1904.

Charles W. Fleming to be postmaster at Arthur, in the county of Moultrie and State of Illinois, in place of Charles W. Fleming. Incumbent's commission expired January 25, 1904.

John Flotho to be postmaster at Mascoutah, in the county of St. Clair and State of Illinois, in place of Frederick Dilg. Incumbent's commission expired January 25, 1904.

John Holliday to be postmaster at Kirkwood, in the county of Warren and State of Illinois, in place of John Holliday. Incumbent's commission expired June 5, 1904.

Warren J. Lincoln to be postmaster at Mount Pulaski, in the county of Logan and State of Illinois, in place of Frederick W. Obermiller, resigned.

William W. Lowry to be postmaster at Auburn, in the county of Sangamon and State of Illinois, in place of William W. Lowry. Incumbent's commission expired April 6, 1904.

Benjamin F. Louden to be postmaster at Trenton, in the county of Clinton and State of Illinois. Office became Presidential October 1, 1904.

Henry Noll to be postmaster at Virden, in the county of Macoupin and State of Illinois, in place of Perry C. Hill. Incumbent's commission expired May 21, 1904.

Fred W. Pattee to be postmaster at Elburn, in the county of Kane and State of Illinois. Office became Presidential October 1, 1904.

Philip D. Spooner to be postmaster at Blue Mound, in the county of Macon and State of Illinois. Office became Presidential October 1, 1903.

Irvin S. Sumner to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois, in place of Nathan L. Colby, deceased.

Moses C. Thomas to be postmaster at Homer, in the county of Champaign and State of Illinois, in place of Moses C. Thomas. Incumbent's commission expired February 5, 1904.

Joel P. Watson to be postmaster at Ashley, in the county of Washington and State of Illinois, in place of Joel P. Watson. Incumbent's commission expired January 25, 1904.

Charles Q. Whallon to be postmaster at Newman, in the county of Douglas and State of Illinois, in place of Charles Q. Whallon. Incumbent's commission expired March 16, 1904.

Frederick R. Young to be postmaster at Metropolis, in the county of Massac and State of Illinois, in place of William H. Kraper, deceased.

INDIANA.

Solomon C. Dickey to be postmaster at Winona Lake, in the county of Kosciusko and State of Indiana. Office became Presidential July 1, 1904.

Charles E. Hillstrom to be postmaster at Chesterton, in the county of Porter and State of Indiana. Office became Presidential October 1, 1904.

Jonas Grossnickle to be postmaster at North Manchester, in the county of Wabash and State of Indiana, in place of George R. Craft, resigned.

James O. Murray to be postmaster at Parker, in the county of Randolph and State of Indiana. Office became Presidential October 1, 1904.

Mary Ann Ross to be postmaster at East Chicago, in the county of Lake and State of Indiana, in place of Robert Ross, deceased.

INDIAN TERRITORY.

John B. Jones to be postmaster at Lehigh, in district 23, Indian Territory, in place of John B. Jones. Incumbent's commission expires December 20, 1904.

F. L. McInnis to be postmaster at Coalgate, district 29, Indian Territory, in place of Walter S. Mellor, resigned.

Olin W. Meacham to be postmaster at Henryetta, in district 9, Indian Territory. Office became Presidential October 1, 1904.

IOWA.

Carlos G. Aldrich to be postmaster at Schaller, in the county of Sac and State of Iowa, in place of George S. Crandall. Incumbent's commission expired January 17, 1904.

Edgar O. Beanblossom to be postmaster at Whiting, in the county of Monona and State of Iowa, in place of Robert Whittier, resigned.

Edmund B. Booher to be postmaster at Anthon, in the county of Woodbury and State of Iowa. Office became Presidential October 1, 1904.

John Buchanan to be postmaster at Eagle Grove, in the county of Wright and State of Iowa, in place of John Buchanan. Incumbent's commission expires December 20, 1904.

George K. Covert to be postmaster at Vinton, in the county of Benton and State of Iowa, in place of George K. Covert. Incumbent's commission expires December 10, 1904.

Luder D. Eilers to be postmaster at George, in the county of Lyon and State of Iowa. Office became Presidential April 1, 1904.

John H. D. Gray to be postmaster at Wall Lake, in the county of Sac and State of Iowa, in place of Leander N. Turner. Incumbent's commission expired May 4, 1904.

Lincoln Hall to be postmaster at Burt, in the county of Kossuth and State of Iowa. Office became Presidential October 1, 1904.

Albert C. Hotchkiss to be postmaster at Adel, in the county of Dallas and State of Iowa, in place of Charles C. Pugh, removed.

Ralph M. Potter to be postmaster at Rockford, in the county of Floyd and State of Iowa, in place of Ralph M. Potter. Incumbent's commission expired May 4, 1904.

Reuben F. Price to be postmaster at Milford, in the county of Dickinson and State of Iowa, in place of Reuben F. Price. Incumbent's commission expires December 20, 1904.

Charles M. Reed to be postmaster at Cumberland, in the county of Cass and State of Iowa. Office became Presidential January 1, 1904.

KANSAS.

Edwin J. Bookwalter to be postmaster at Halstead, in the county of Harvey and State of Kansas, in place of Scudder H. Trego. Incumbent's commission expired June 5, 1904.

Orlando A. Cheney to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas, in place of Eldon Lowe, resigned.

Charles W. Hawes to be postmaster at Augusta, in the county of Butler and State of Kansas, in place of Harvey D. Hill, resigned.

Frank S. McKelvey to be postmaster at Gas, in the county of Allen and State of Kansas. Office became Presidential April 1, 1904.

John F. Price to be postmaster at Cherokee, in the county of Crawford and State of Kansas, in place of Russel W. Branson, resigned.

Warren D. Vincent to be postmaster at Hoisington, in the county of Barton and State of Kansas, in place of John Typer, deceased.

John T. Walthall to be postmaster at Osawatomie, in the county of Miami and State of Kansas, in place of Charles C. Clevenger. Incumbent's commission expired December 21, 1902.

KENTUCKY.

Daniel O'Riley to be postmaster at Leitchfield, in the county of Grayson and State of Kentucky, in place of Daniel O'Riley. Incumbent's commission expired January 23, 1904.

Thomas C. Taylor to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky, in place of William Hobson. Incumbent's commission expired January 23, 1904.

LOUISIANA.

Edward I. Hall to be postmaster at Jennings, in the parish of Calcasieu and State of Louisiana, in place of Horace S. Ferree, removed.

Ernest Morgan to be postmaster at New Roads, in the parish of Pointe Coupee and State of Louisiana. Office became Presidential October 1, 1903.

John F. Terrio to be postmaster at Donaldsonville, in the parish of Ascension and State of Louisiana, in place of David Israel. Incumbent's commission expired May 28, 1904.

Pinckney Weaks to be postmaster at Monroe, in the parish of Ouachita and State of Louisiana, in place of Henry C. Ray, removed.

MAINE.

Freeman D. Dearth to be postmaster at Dexter, in the county of Penobscot and State of Maine, in place of Freeman D. Dearth. Incumbent's commission expired June 5, 1904.

Montrose E. Hill to be postmaster at Old Orchard, in the county of York and State of Maine, in place of Montrose E. Hill. Incumbent's commission expires December 20, 1904.

George D. Libby to be postmaster at Gardiner, in the county of Kennebec and State of Maine, in place of George D. Libby. Incumbent's commission expired May 26, 1904.

Jenny N. Paine to be postmaster at Eastport, in the county of Washington and State of Maine, in place of Charles A. Paine, deceased.

Charles F. Plumly to be postmaster at Lincoln, in the county of Penobscot and State of Maine. Office became Presidential October 1, 1904.

MARYLAND.

Jesse West to be postmaster at Northeast, in the county of Cecil and State of Maryland. Office became Presidential July 1, 1904.

MASSACHUSETTS.

Samuel Atwell to be postmaster at Kingston, in the county of Plymouth and State of Massachusetts, in place of George H. Bonney, jr., removed.

Charles E. Brady to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in place of Charles E. Brady. Incumbent's commission expired May 26, 1904.

Albert B. Dresser to be postmaster at Needham, in the county of Norfolk and State of Massachusetts, in place of Albert B. Dresser. Incumbent's commission expired June 5, 1904.

Asa B. Fay to be postmaster at Northboro, in the county of Worcester and State of Massachusetts, in place of Asa B. Fay. Incumbent's commission expired March 20, 1904.

Howard K. Sanderson to be postmaster at Lynn, in the county of Essex and State of Massachusetts, in place of Howard K. Sanderson. Incumbent's commission expired May 17, 1904.

Joseph C. Sheehan to be postmaster at East Bridgewater, in the county of Plymouth and State of Massachusetts, in place of Edmund W. Nutter, deceased.

Charles J. Shepard to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts, in place of Charles J. Shepard. Incumbent's commission expired June 6, 1904.

Elmer Standley to be postmaster at Beverly Farms, in the county of Essex and State of Massachusetts. Office became Presidential July 1, 1904.

David D. Streeter to be postmaster at Mount Hermon, in the county of Franklin and State of Massachusetts. Office became Presidential October 1, 1904.

Susan F. Twiss to be postmaster at Three Rivers, in the county of Hampden and State of Massachusetts, in place of Edward F. Shaw, removed.

Fred D. Walker to be postmaster at Belchertown, in the county of Hampshire and State of Massachusetts. Office became Presidential October 1, 1904.

Marie E. White to be postmaster at South Hadley, in the county of Hampshire and State of Massachusetts, in place of Thomas White, deceased.

MICHIGAN.

Charles M. Butler to be postmaster at Morenci, in the county of Lenawee and State of Michigan, in place of Abram Babcock, resigned.

Theron D. Childs to be postmaster at Three Oaks, in the county of Berrien and State of Michigan, in place of Henry L. Hess, resigned.

William T. Hosner to be postmaster at Romeo, in the county of Macomb and State of Michigan, in place of William T. Hosner. Incumbent's commission expired June 5, 1904.

Frank A. Kenyon to be postmaster at East Jordan, in the county of Charlevoix and State of Michigan, in place of William Harrington, resigned.

Richard E. MacLean to be postmaster at Wells, in the county of Delta and State of Michigan. Office became Presidential October 1, 1904.

William C. Mertz to be postmaster at St. Charles, in the county of Saginaw and State of Michigan, in place of William C. Mertz. Incumbent's commission expired June 5, 1904.

Maynard Palmer to be postmaster at River Rouge, in the county of Wayne and State of Michigan. Office became Presidential July 1, 1904.

Louis H. Tovatt to be postmaster at Standish, in the county of Arenac and State of Michigan, in place of Louis H. Tovatt. Incumbent's commission expired April 27, 1904.

Herman A. Wyckoff to be postmaster at Pontiac, in the county of Oakland and State of Michigan, in place of Herman A. Wyckoff. Incumbent's commission expires December 20, 1904.

MINNESOTA.

William B. Anderson to be postmaster at Hopkins, in the county of Hennepin and State of Minnesota, in place of William B. Anderson. Incumbent's commission expires December 20, 1904.

Frank R. Coughran to be postmaster at Worthington, in the county of Nobles and State of Minnesota, in place of Frank R. Coughran. Incumbent's commission expired January 10, 1902.

Marion G. Crawford to be postmaster at Lakefield, in the county of Jackson and State of Minnesota, in place of John Crawford, deceased.

James M. Diment to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in place of James M. Diment. Incumbent's commission expired May 28, 1904.

Fredric M. Grinnell to be postmaster at Winnebago City, in the county of Faribault and State of Minnesota, in place of Lemmon G. Beebe, resigned.

John R. James to be postmaster at Virginia, in the county of St. Louis and State of Minnesota, in place of Eva Demgen, deceased.

Andrew R. McGill to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota, in place of Andrew R. McGill. Incumbent's commission expired June 5, 1904.

Elias Steenerson to be postmaster at Crookston, in the county of Polk and State of Minnesota, in place of Andrew Eiken, removed.

Benjamin D. Underwood to be postmaster at Fergus Falls, in the county of Ottertail and State of Minnesota, in place of Benjamin D. Underwood. Incumbent's commission expired June 5, 1904.

MISSISSIPPI.

Samuel R. Braselton to be postmaster at Gulfport, in the county of Harrison and State of Mississippi, in place of Thomas A. Cleary, removed.

Fannie Hillerman to be postmaster at Kosciusko, in the county of Attala and State of Mississippi, in place of Aaron M. Storer, resigned.

Samuel M. Howry to be postmaster at Oxford, in the county of Lafayette and State of Mississippi, in place of Elizabeth S. Pierce. Incumbent's commission expired May 24, 1904.

A. T. Leggett to be postmaster at Magnolia, in the county of Pike and State of Mississippi, in place of Sarah K. Travis, removed.

Nannie B. Richardson to be postmaster at Woodville, in the county of Wilkinson and State of Mississippi, in place of Nannie B. Richardson. Incumbent's commission expired May 24, 1904.

Augustus S. Weigert to be postmaster at Grenada, in the county of Grenada and State of Mississippi, in place of Jennie T. Mister, resigned.

MISSOURI.

Robert A. Booth to be postmaster at Buffalo, in the county of Dallas and State of Missouri. Office became Presidential October 1, 1904.

William Bostian to be postmaster at Independence, in the county of Jackson and State of Missouri, in place of William Bostian. Incumbent's commission expires December 10, 1904.

Charles Ferguson to be postmaster at Willow Springs, in the county of Howell and State of Missouri, in place of David B. Hobson, removed.

William R. Lewis, to be postmaster at Eldorado Springs, in the county of Cedar and State of Missouri, in place of William B. Lewis, deceased.

Iola W. Morsey to be postmaster at Warrenton, in the county of Warren and State of Missouri, in place of Thomas M. Morsey, deceased.

MONTANA.

Arthur G. Foster to be postmaster at Columbia Falls, in the county of Flathead and State of Montana. Office became Presidential July 1, 1904.

NEBRASKA.

William H. Austin to be postmaster at Franklin, in the county of Franklin and State of Nebraska, in place of William H. Austin. Incumbent's commission expires December 20, 1904.

John F. Diener to be postmaster at Syracuse, in the county of Otoe and State of Nebraska, in place of John F. Diener. Incumbent's commission expired May 28, 1904.

Augustine A. Hyers to be postmaster at Havelock, in the county of Lancaster and State of Nebraska. Office became Presidential October 1, 1904.

Fay Whitfield to be postmaster at Peru, in the county of Nemaha and State of Nebraska, in place of Henry H. Whitfield. Incumbent's commission expired March 20, 1904.

NEVADA.

Samuel G. Anderson to be postmaster at Winnemucca, in the county of Humboldt and State of Nevada, in place of Samuel G. Anderson. Incumbent's commission expired June 5, 1904.

NEW HAMPSHIRE.

John H. Brown to be postmaster at Concord, in the county of Merrimac and State of New Hampshire, in place of George A. Young, deceased.

Mary V. Cheney to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire, in place of Charles O. Hurlbutt, deceased.

Leon F. Sampson to be postmaster at Hanover, in the county of Grafton and State of New Hampshire, in place of George D. Small. Incumbent's commission expired June 5, 1904.

NEW JERSEY.

Richard A. Applegate to be postmaster at Alpha, in the county of Warren and State of New Jersey. Office became Presidential April 1, 1903.

Frederick P. Baker to be postmaster at Millington, in the county of Morris and State of New Jersey, in place of Abram D. Runyon. Incumbent's commission expires December 10, 1904.

Thomas Graham to be postmaster at Point Pleasant, in the county of Ocean and State of New Jersey, in place of Thomas Graham. Incumbent's commission expires December 10, 1904.

Guido C. Hinchman to be postmaster at Dover, in the county of Morris and State of New Jersey, in place of Guido C. Hinchman. Incumbent's commission expires December 20, 1904.

William F. Williams to be postmaster at Cape May, in the county of Cape May and State of New Jersey, in place of Walter S. Leaming, deceased.

NEW MEXICO.

Robert Kellahin to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico, in place of Jacob B. Mathews, deceased.

Edward Pennington to be postmaster at Deming, in the county of Luna and Territory of New Mexico, in place of Rodney G. Clark, resigned.

NEW YORK.

Arthur C. Agan to be postmaster at Fayetteville, in the county of Onondaga and State of New York, in place of Arthur C. Agan. Incumbent's commission expires December 20, 1904.

N. Austin Baker to be postmaster at Salem, in the county of Washington and State of New York, in place of R. A. Cruikshank. Incumbent's commission expired June 5, 1904.

George W. Belton to be postmaster at Whitestone, in the county of Queens and State of New York, in place of George W. Belton. Incumbent's commission expires December 20, 1904.

Dana Brasted to be postmaster at Westport, in the county of Essex and State of New York. Office became Presidential July 1, 1904.

Robert P. Brown to be postmaster at West New Brighton, in the county of Richmond and State of New York, in place of Robert P. Brown. Incumbent's commission expires December 20, 1904.

William T. Chapman to be postmaster at Pawling, in the county of Dutchess and State of New York, in place of William T. Chapman. Incumbent's commission expires December 10, 1904.

Jairus S. Chase to be postmaster at Windsor, in the county of Broome and State of New York. Office became Presidential July 1, 1904.

Delevan C. Ford to be postmaster at Mohawk, in the county of Herkimer and State of New York, in place of Delevan C. Ford. Incumbent's commission expired December 13, 1903.

John J. Gethins to be postmaster at Victorhill, in the county of Erie and State of New York, in place of Aloysius McArdle, removed.

Elmer A. Johnson to be postmaster at Wilson, in the county of Niagara and State of New York. Office became Presidential July 1, 1904.

Frank H. Johnson to be postmaster at Interlakin (late Farmer), in the county of Seneca and State of New York, in place of Frank H. Johnson, to change name of office.

Kathryn C. M. McGrath to be postmaster at New Lebanon, in the county of Columbia and State of New York, in place of John H. McGrath, deceased.

Samuel P. Poole to be postmaster at Hicksville, in the county of Nassau and State of New York, in place of August Hauser, removed.

Herbert J. Rouse to be postmaster at Cazenovia, in the county of Madison and State of New York, in place of Herbert J. Rouse. Incumbent's commission expired May 28, 1904.

Albert P. Seaton to be postmaster at New Hartford, in the county of Oneida and State of New York, in place of Albert P. Seaton. Incumbent's commission expired January 10, 1902.

William A. Serven to be postmaster at Pearl River, in the county of Rockland and State of New York. Office became Presidential July 1, 1904.

Isaac W. Sherrill to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York, in place of Isaac W. Sherrill. Incumbent's commission expires December 10, 1904.

Daniel Smiley to be postmaster at Mohonk Lake, in the county of Ulster and State of New York. Office became Presidential July 1, 1904.

Edward L. Ware to be postmaster at Lake Placid, in the county of Essex and State of New York. Office became Presidential July 1, 1904.

Earl L. Whiting to be postmaster at Delevan, in the county of Cattaraugus and State of New York. Office became Presidential July 1, 1904.

William R. Willcox to be postmaster at New York, in the county of New York and State of New York, in place of Cornelius Van Cott, deceased.

NORTH CAROLINA.

Erwin Q. Houston to be postmaster at Davidson, in the county of Mecklenburg and State of North Carolina. Office became Presidential January 1, 1904.

Eugene C. Kapp to be postmaster at Mount Airy, in the county of Surry and State of North Carolina, in place of Richard K. Marshall. Incumbent's commission expired May 6, 1902.

William A. Lloyd to be postmaster at Chapel Hill, in the county of Orange and State of North Carolina, in place of Herbert Lloyd. Incumbent's commission expired March 31, 1904.

James D. Parker to be postmaster at Smithfield, in the county of Johnston and State of North Carolina, in place of John D. Massey, deceased.

Robert P. Reinhardt to be postmaster at Newton, in the county of Catawba and State of North Carolina, in place of Robert P. Caldwell. Incumbent's commission expired February 5, 1904.

NORTH DAKOTA.

James M. Bunker to be postmaster at Ellendale, in the county of Dickey and State of North Dakota, in place of Thomas W. Millham, deceased.

Maggie Fox to be postmaster at Michigan, in the county of Nelson and State of North Dakota. Office became Presidential October 1, 1904.

Edwin Sims to be postmaster at Omemee, in the county of Bottineau and State of North Dakota. Office became Presidential October 1, 1904.

Thomas Wilkinson to be postmaster at Mandan, in the county of Morton and State of North Dakota, in place of Richard H. Smith, deceased.

OHIO.

Charles E. Ainger to be postmaster at Andover, in the county of Ashtabula and State of Ohio, in place of Charles E. Ainger. Incumbent's commission expires December 10, 1904.

Adolphus Baker to be postmaster at North Amherst, in the county of Lorain and State of Ohio, in place of Elias B. Aldrich. Incumbent's commission expires December 20, 1904.

John C. Burrow to be postmaster at Cortland, in the county of Trumbull and State of Ohio. Office became Presidential July 1, 1904.

Tarlington B. Carson to be postmaster at New Washington, in the county of Crawford and State of Ohio. Office became Presidential July 1, 1904.

William E. Chapple to be postmaster at Sylvania, in the county of Lucas and State of Ohio. Office became Presidential October 1, 1904.

William A. Coble to be postmaster at Delphos, in the county of Allen and State of Ohio, in place of William A. Coble. Incumbent's commission expired March 20, 1904.

Milton B. Dickerson to be postmaster at Marion, in the county of Marion and State of Ohio, in place of James B. Fisher, resigned.

Walter Elliott to be postmaster at Ada, in the county of Hardin and State of Ohio, in place of Walter Elliott. Incumbent's commission expired June 5, 1904.

Hattie A. Huffman to be postmaster at Bradner, in the county of Wood and State of Ohio. Office became Presidential October 1, 1904.

Thomas M. Irwin to be postmaster at Fairport Harbor, in the county of Lake and State of Ohio. Office became Presidential July 1, 1904.

Thomas L. Knauf to be postmaster at Calla, in the county of Mahoning and State of Ohio, in place of Wilbur W. Templin, resigned.

Henry M. Larkins to be postmaster at Sebring, in the county of Mahoning and State of Ohio, in place of Allen E. Albright, resigned.

William T. Marshall to be postmaster at Pleasant Hill, in the county of Miami and State of Ohio. Office became Presidential January 1, 1904.

E. Calvin Miller to be postmaster at New Carlisle, in the county of Clark and State of Ohio, in place of E. Calvin Miller. Incumbent's commission expired June 5, 1904.

Ward B. Petty to be postmaster at Sycamore, in the county of Wyandot and State of Ohio, in place of Harry W. Hawkins, removed.

Theodore Totten to be postmaster at Findlay, in the county of Hancock and State of Ohio, in place of Jacob H. Boger, removed.

OKLAHOMA.

Edwin F. Korns to be postmaster at Newkirk, in the county of Kay and Territory of Oklahoma, in place of Marshall Lambert, resigned.

J. Ed Van Matre to be postmaster at Altus (late Leger), in the county of Greer and Territory of Oklahoma, in place of J. Ed Van Matre, to change name of office.

V. W. Whiting to be postmaster at Enid, in the county of Garfield and Territory of Oklahoma, in place of Frank Frantz, resigned.

OREGON.

August H. Bender to be postmaster at Myrtle Point, in the county of Coos and State of Oregon. Office became Presidential July 1, 1904.

William M. Brown to be postmaster at Lebanon, in the county of Linn and State of Oregon, in place of John R. Smith. Incumbent's commission expired January 23, 1904.

John W. Minto to be postmaster at Portland, in the county of Multnomah and State of Oregon, in place of Fred A. Bancroft, resigned.

Charles W. Parks to be postmaster at Roseburg, in the county of Douglas and State of Oregon, in place of William A. Frater. Incumbent's commission expired March 9, 1902.

PENNSYLVANIA.

Thomas D. Alexander to be postmaster at Oxford, in the county of Chester and State of Pennsylvania, in place of Samuel E. Worth, removed.

Andrew C. Allison to be postmaster at Mifflintown, in the county of Juniata and State of Pennsylvania, in place of Andrew C. Allison. Incumbent's commission expired January 31, 1903.

Abraham F. Berkey to be postmaster at Windber, in the county of Somerset and State of Pennsylvania, in place of William T. Geddes, removed.

Charles W. Bugh to be postmaster at Hughesville, in the county of Lycoming and State of Pennsylvania, in place of Peter M. Newman, resigned.

Elmer D. Carl to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania, in place of Elmer D. Carl. Incumbent's commission expired May 28, 1904.

Charles Clawson to be postmaster at Mercer, in the county of Mercer and State of Pennsylvania, in place of Charles Clawson. Incumbent's commission expired June 6, 1904.

Joseph B. Colcord to be postmaster at Port Allegany, in the county of McKean and State of Pennsylvania, in place of Reuben J. Mott, deceased.

Nelson B. Duncan to be postmaster at Zelienople, in the county of Butler and State of Pennsylvania, in place of William G. Bassler. Incumbent's commission expired June 5, 1904.

William A. Feist to be postmaster at White Haven, in the county of Luzerne and State of Pennsylvania, in place of William A. Feist. Incumbent's commission expired June 5, 1904.

Levi J. Foust to be postmaster at Johnstown, in the county of Cambria and State of Pennsylvania, in place of Samuel Masters. Incumbent's commission expired June 5, 1904.

Matthew P. Frederick to be postmaster at Gallitzin, in the county of Cambria and State of Pennsylvania, in place of W. Scott Stoner. Incumbent's commission expired June 5, 1904.

Henry O. Garber to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania, in place of George A. Johnson. Incumbent's commission expired May 28, 1904.

Christian E. Geyer to be postmaster at Catawissa, in the county of Columbia and State of Pennsylvania, in place of Christian E. Geyer. Incumbent's commission expired June 5, 1904.

Hugh W. Gilbert to be postmaster at Quarryville, in the county of Lancaster and State of Pennsylvania. Office became Presidential July 1, 1904.

William S. Gleason to be postmaster at Johnsonburg, in the county of Elk and State of Pennsylvania, in place of William S. Gleason. Incumbent's commission expired June 5, 1904.

John Gowland to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania, in place of Andrew L. Bolger. Incumbent's commission expired April 27, 1904.

Samuel W. Hamilton to be postmaster at Vandergrift, in the county of Westmoreland and State of Pennsylvania, in place of Henry W. Nichols. Incumbent's commission expired June 5, 1904.

R. C. Keefer to be postmaster at Clairton, in the county of Allegheny and State of Pennsylvania, in place of Robert H. Sloan, resigned.

William Krause to be postmaster at Richland Center, in the county of Bucks and State of Pennsylvania, in place of William Krause. Incumbent's commission expired April 16, 1904.

James C. McGregor to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania, in place of Samuel A. Smith, deceased.

William P. McMasters to be postmaster at Munhall, in the county of Allegheny and State of Pennsylvania, in place of William P. McMasters. Incumbent's commission expired June 5, 1904.

Millard F. Mecklem to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania, in place of Albert A. Atterholt, resigned.

John W. Miller to be postmaster at South Sharon, in the county of Mercer and State of Pennsylvania. Office became Presidential July 1, 1904.

Arthur H. Rider to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania, in place of William D. Hamilton, resigned.

Perry A. Sandborn to be postmaster at Northeast, in the county of Erie and State of Pennsylvania, in place of Perry A. Sandborn. Incumbent's commission expired December 20, 1903.

Lyman L. Shattuck to be postmaster at Pleasantville, in the county of Venango and State of Pennsylvania. Office became Presidential October 1, 1904.

Royal A. Stratton to be postmaster at Conneaut Lake, in the county of Crawford and State of Pennsylvania. Office became Presidential July 1, 1904.

Albert H. Swing to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania, in place of Edward H. Graves, resigned.

James R. Underwood to be postmaster at Roscoe, in the county of Washington and State of Pennsylvania. Office became Presidential July 1, 1904.

Uriah H. Wieand to be postmaster at Emaus, in the county of Lehigh and State of Pennsylvania. Office became Presidential October 1, 1904.

H. P. Williams to be postmaster at McDonald, in the county of Washington and State of Pennsylvania, in place of William D. Williams, jr., resigned.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, in the province of Humacao, P. R. Office became Presidential October 1, 1904.

Ramon A. Rivera to be postmaster at Arecibo, in the county of Arecibo and Territory of Porto Rico, in place of Ramon A. Rivera. Incumbent's commission expires December 20, 1904.

RHODE ISLAND.

Nathaniel H. Brown to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island, in place of Nathaniel H. Brown. Incumbent's commission expires December 20, 1904.

Hulda J. Fessenden to be postmaster at Saylesville, in the county of Providence and State of Rhode Island, in place of Hulda J. Fessenden. Incumbent's commission expired April 27, 1904.

Alvin F. Miller to be postmaster at Valley Falls, in the county of Providence and State of Rhode Island, in place of Alvin F. Miller. Incumbent's commission expires December 20, 1904.

SOUTH CAROLINA.

Benjamin G. Collins to be postmaster at Conway, in the county of Horry and State of South Carolina. Office became Presidential July 1, 1904.

Arthur R. Garner to be postmaster at Timmonsville, in the county of Florence and State of South Carolina. Office became Presidential October 1, 1904.

Louis Jacobs to be postmaster at Kingstree, in the county of Williamsburg and State of South Carolina. Office became Presidential October 1, 1904.

Mary L. Wells to be postmaster at Cheraw, in the county of Chesterfield and State of South Carolina, in place of Ebenezer M. Wells, resigned.

SOUTH DAKOTA.

Alvah T. Bridgeman to be postmaster at Springfield, in the county of Bon Homme and State of South Dakota. Office became Presidential October 1, 1904.

Thomas T. Smith to be postmaster at Canton, in the county of Lincoln and State of South Dakota, in place of James Lewis, resigned.

TENNESSEE.

Rufus Rutherford to be postmaster at Clinton, in the county of Anderson and State of Tennessee. Office became Presidential July 1, 1904.

TEXAS.

G. W. Cash to be postmaster at Hubbard, in the county of Hill and State of Texas, in place of William E. Connelly, deceased.

Edward H. Clark to be postmaster at Victoria, in the county of Victoria and State of Texas, in place of Edward H. Clark. Incumbent's commission expired April 30, 1904.

Charles F. Darnall to be postmaster at Llano, in the county of Llano and State of Texas, in place of James L. Taylor, deceased.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas, in place of Charles W. Rush. Incumbent's commission expired March 31, 1902.

Prince A. Hazzard to be postmaster at Colorado, in the county of Mitchell and State of Texas, in place of Prince A. Hazzard. Incumbent's commission expired April 30, 1904.

J. S. McEldowney to be postmaster at Midlothian, in the county of Ellis and State of Texas. Office became Presidential October 1, 1904.

John W. Merrow to be postmaster at Kerens, in the county of Navarro and State of Texas. Office became Presidential January 1, 1904.

D. A. Robinson to be postmaster at Dallas, in the county of Dallas and State of Texas, in place of William M. O'Leary, deceased.

Lora L. Rowell to be postmaster at Pearsall, in the county of Frio and State of Texas. Office became Presidential October 1, 1904.

Thomas J. Stevens to be postmaster at Sourlake, in the county of Hardin and State of Texas. Office became Presidential July 1, 1904.

Anderson C. Vinson to be postmaster at Timpson, in the county of Shelby and State of Texas, in place of Ella O. Vawter, removed; name changed by marriage.

Otto C. Zavisch to be postmaster at Cameron, in the county of Milam and State of Texas, in place of Anna F. Crawford, resigned.

UTAH.

James Clove to be postmaster at Provo (late Provo City), in the county of Utah and State of Utah, in place of James Clove, to change name of office.

Jonathan S. Page, jr., to be postmaster at Payson, in the county of Utah and State of Utah, in place of Grant Simons, resigned.

VERMONT.

Lyman P. Bailey to be postmaster at Putney, in the county of Windham and State of Vermont, in place of Lyman P. Bailey. Incumbent's commission expires December 20, 1904.

David K. Simonds to be postmaster at Manchester, in the county of Bennington and State of Vermont. Office became Presidential July 1, 1904.

VIRGINIA.

John M. Campbell to be postmaster at Warrenton, in the county of Fauquier and State of Virginia, in place of Mary M. Campbell, deceased.

Asbury Redfern to be postmaster at Strasburg, in the county of Shenandoah and State of Virginia. Office became Presidential July 1, 1904.

John L. Thompson to be postmaster at Dayton, in the county of Rockingham and State of Virginia. Office became Presidential April 1, 1904.

WASHINGTON.

Alonzo W. Carner to be postmaster at Castlerock, in the county of Cowlitz and State of Washington. Office became Presidential January 1, 1903.

Flora E. Cornforth to be postmaster at Hillyard, in the county of Spokane and State of Washington. Office became Presidential July 1, 1904.

Velosco J. Knapp to be postmaster at Anacortes, in the county of Skagit and State of Washington, in place of Velosco J. Knapp. Incumbent's commission expires December 20, 1904.

Rosseter I. Towle to be postmaster at Newport, in the county of Stevens and State of Washington. Office became Presidential July 1, 1904.

WEST VIRGINIA.

John E. Dana to be postmaster at Charleston, in the county of Kanawha and State of West Virginia, in place of Obe A. Petty, resigned.

Edward G. Hinman to be postmaster at Fayetteville, in the county of Fayette and State of West Virginia. Office became Presidential July 1, 1904.

E. L. Long to be postmaster at Welch, in the county of McDowell and State of West Virginia. Office became Presidential October 1, 1903.

WISCONSIN.

Herman M. Blumenthal to be postmaster at Columbus, in the county of Columbia and State of Wisconsin, in place of Stephen Manning, deceased.

Malcolm H. Douglas to be postmaster at Abbotsford, in the county of Clark and State of Wisconsin. Office became Presidential October 1, 1904.

Anton J. Haas to be postmaster at Park Falls, in the county of Price and State of Wisconsin. Office became Presidential October 1, 1904.

William Kuelling to be postmaster at Shullsburg, in the county of La Fayette and State of Wisconsin, in place of George E. Weatherby, jr., resigned.

Ernest S. Mottram to be postmaster at Markesan, in the county of Green Lake and State of Wisconsin, in place of Ashley S. Higgins, deceased.

Herman A. Zache to be postmaster at Juneau, in the county of Dodge and State of Wisconsin, in place of Thomas H. Sexton, removed.

WYOMING.

Frederick E. Davis to be postmaster at Wheatland, in the county of Laramie and State of Wyoming. Office became Presidential October 1, 1904.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 6, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE OF EDWARDS AND WHITE V. HUNTER.

The SPEAKER laid before the House the following communication; which was read and referred to the Committee on Elections No. 2:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., December 6, 1904.

SIR: I have the honor to lay before the House of Representatives the contested-election case of Edwards *v.* Hunter and White *v.* Hunter, of the Eleventh Congressional district of Kentucky, notices of which have been filed with the Clerk of the House, and transmit herewith all original testimony, papers, and documents relating thereto.

On June 24, 1904, copies of the printed record were sent to the contestants, with notices to file brief of the facts and authorities relied on to establish their case. August 24, 1904, D. C. Edwards, one of the contestants, filed his brief, copies of which were sent to W. Godfrey Hunter, contestee, and to John D. White, contestant, with notice to file reply brief, but no reply brief has been received to date.

Very respectfully,

A. MCDOWELL,
Clerk House of Representatives.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives.

SHOSHONE INDIANS.

Mr. MONDELL. Mr. Speaker, as unfinished business I call up the bill (H. R. 13481) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, with certain Senate amendments; and I move that the Senate amendments be referred to the Committee on Indian Affairs.

The SPEAKER. The question is on the motion of the gentleman from Wyoming, that the Senate amendments be referred to the Committee on Indian Affairs.

The question was taken; and the motion was agreed to.

NOTIFICATION OF THE PRESIDENT.

Messrs. BURTON, TAWNEY, and WILLIAMS of Mississippi, the committee appointed on the part of the House to wait upon the President and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make, appeared at the bar of the House.

Mr. BURTON. Mr. Speaker, the committee appointed to wait upon the President of the United States to announce to him that both Houses are in session and ready to receive any communication from him report that they have performed that duty and that the President announces that he will communicate with the House in writing to-day.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIDSON indefinitely, on account of illness.

RECESS.

Then, on motion of Mr. PAYNE (at 12 o'clock and 8 minutes p. m.), the House took a recess until 12.30 p. m.

The recess having expired, the House was called to order by the Speaker.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

The SPEAKER laid before the House the message from the President; which was read by the Clerk.

[For text of message see Senate proceedings, page 10.]

Mr. PAYNE. Mr. Speaker, I move that the message and accompanying documents be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The SPEAKER. The question is on the motion of the gentleman from New York, that the message be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The question was taken, and the motion was agreed to.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 24 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Director of the Geological Survey transmitting a report on examination and survey for construction of irrigation works—to the Committee on Irrigation of Arid Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting copies of legislative documents of the second legislative assembly of Porto Rico—to the Committee on Insular Affairs.

A letter from the Secretary of the Interior, transmitting a statement of disbursements for contingent expenses of his Department—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Detroit River, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of appropriation for erection of building for the Department of Agriculture—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting report of an examination of the United States Yosemite Park—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of all final judgments rendered in favor of claimants and against the United States in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for copying diplomatic, consular, and miscellaneous correspondence—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for foreign intercourse—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of the Chief of Ordnance, United States Army, of expenditures and of arms fabricated, etc., at the armories at Springfield and Rock Island—to the Committee on Expenditures in the War Department, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a copy of a letter from the Chief of Staff, recommendations for the encouragement of rifle practice in the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Staff, the draft of a proposed law increasing the number of rooms allowed by law to officers of the Army at certain posts and stations—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication submitting additional estimates of appropriation—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of report of the Maritime Canal Company, of Nicaragua—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for increase of salary of interpreter to legation and consulate-general to Bangkok, Siam—to to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for the purchase of four horses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an additional estimate of appropriation for rent of buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for an additional clerk—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation for the Indian service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation for the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report on school taxation in Indian Territory—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for expenses in connection with the election of President and Vice-President of the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Chief of Engineers, transmitting a report of operations on the new building for Government Printing Office for the year ended November 30, 1904—to the Committee on Printing, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. B. Shaver, administrator of estate of Elizabeth Hahn, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elizabeth J. Taylor, administratrix of estate of Josiah M. Stephenson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Della Sinnott and Adine Price against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. L. Millican, administrator of estate of Andrew Millican, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of trustees of Lutheran Church of Sharpsburg, Md., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of J. H. McVeigh against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Jones against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Daniel Hammon against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hig Melton, administrator of estate of William B. Nokes, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the chief clerk of the Court of Claims, transmitting statement of judgments rendered for the year ended December 3, 1903—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a combined report of the receipts and expenditures of the Government for the fiscal year ended June 30, 1904—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the governor of Hawaii submitting an estimate of appropriation for service of the Territory—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with certain statements, a draft of a bill to equalize the salaries of certain army officers while on inspection duty—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting copies of legislative documents of the legislature of the Territory of Hawaii at the special session of 1904—to the Committee on the Territories.

A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of property under his charge—to the Committee on Accounts, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report on the claims of settlers in Sherman County, Oreg.—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of the General Land Office, draft of a bill for fixing the point of intersection of the one hundredth meridian with Red River—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the contingent expenses of his Department for the fiscal year ended June 30, 1904—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLEFIELD: A bill (H. R. 15792) requiring all corporations engaged in interstate commerce to make returns, prohibiting discrimination and the use of interstate commerce in attempts to destroy competition, and for other purposes—to the Committee on the Judiciary.

By Mr. WALLACE: A bill (H. R. 15793) to provide for the sale of the timber and other material growing or being on public forest reserves and for renting or leasing of the lands therein—to the Committee on the Public Lands.

By Mr. BROOKS: A bill (H. R. 15794) to amend the homestead laws as to certain unappropriated and unreserved lands within the State of Colorado—to the Committee on the Public Lands.

By Mr. WALLACE: A bill (H. R. 15795) to destroy Bayou Bartholomew as a navigable stream in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A bill (H. R. 15796) granting certain property to the county of Gloucester, N. J.—to the Committee on Military Affairs.

By Mr. ROBERTS: A bill (H. R. 15797) for the relief of the widows of Union soldiers, sailors, or marines—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 15798) to admit the products of the Philippine Islands into all of the ports of the United States of America free of duty—to the Committee on Ways and Means.

By Mr. LAWRENCE: A bill (H. R. 15799) for the erection of a public building at Pittsfield, Mass.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15800) for the erection of a public building at North Adams, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. BURGESS: A bill (H. R. 15801) to build a post-office at Gonzales, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. WALLACE: A bill (H. R. 15802) authorizing the State of Arkansas to fix its western boundary—to the Committee on the Judiciary.

By Mr. BONYNGE: A bill (H. R. 15803) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same—to the Committee on Patents.

By Mr. SHULL: A bill (H. R. 15804) to amend sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions for widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 15805) to increase proportionately with the present rating for total deafness the pensions of all persons who may be entitled to pension under the general laws for partial deafness—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15806) granting a fifteen-day leave of absence to rural free-delivery letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS of Maine: A bill (H. R. 15807) to amend sections 5 and 6 of the act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890—to the Committee on Ways and Means.

By Mr. GUDGER: A bill (H. R. 15808) to provide for the erection of a public building at Asheville, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. HILL of Connecticut: A bill (H. R. 15809) amending an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900—to the Committee on Ways and Means.

By Mr. RANSDELL of Louisiana: A bill (H. R. 15810) to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: A bill (H. R. 15811) to provide for a survey of the channel from Ship Island anchorage to the anchorage basin at Gulfport, Miss., and of the Ship Island bar, with a view to deepening same to 30 feet—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: A bill (H. R. 15812) to repeal Act No. 42, Public, approved February 8, 1901, to revoke the authority granted thereunder, and to direct the removal of the dam and wagon bridge across Twelvemile Bayou, Louisiana, authorized thereby—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 15894) to encourage rifle practice and excellence in marksmanship among citizens of the United States, so as to render them quickly available for efficient service in time of war—to the Committee on Military Affairs.

By Mr. DEEMER: A joint resolution (H. J. Res. 162) providing for the printing of 10,000 additional copies of the Jefferson Bible ("Morals of Jesus of Nazareth")—to the Committee on Printing.

By Mr. SHERMAN: A joint resolution (H. J. Res. 163) authorizing the appointment of Philip B. Low as a lieutenant on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. SHACKLEFORD: A resolution (H. Res. 384) asking for investigation of the Panama Railway Company—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A resolution (H. Res. 385) authorizing the appointment of two additional clerks to the Committee on Enrolled Bills for the remainder of the present Congress—to the Committee on Accounts.

By Mr. PAYNE: A resolution (H. Res. 386) referring the message of the President to the different House committees—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 15813) granting an increase of pension to John S. Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15814) granting an increase of pension to David Bowen—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 15815) authorizing the President to appoint and retire Peter Josef Osterhaus, late major-general of volunteers—to the Committee on Military Affairs.

By Mr. BEIDLER: A bill (H. R. 15816) granting an increase of pension to William H. Polhamus—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 15817) granting an increase James F. Walker—to the Committee on Invalid Pensions. Pensions.

Also, a bill (H. R. 15818) granting an increase of pension to James H. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15819) granting a pension to Festus H. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to James Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15821) granting a pension to Mary J. Redburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting an increase of pension to Oliver P. Beckmon—to the Committee on Pensions.

Also, a bill (H. R. 15823) granting an increase of pension to James M. Liddil—to the Committee on Pensions.

Also, a bill (H. R. 15824) granting an increase of pension to Alexander M. Russell—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 15825) for the relief of John R. Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 15826) granting an increase of pension to Levi E. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15827) granting an increase of pension to George W. Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15828) granting an increase of pension to Judson N. Pollard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) granting an increase of pension to William Kent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15830) granting an increase of pension to Isaiah Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15831) granting an increase of pension to John M. Odenheimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15832) granting an increase of pension to Joseph Kester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15833) granting a pension to Helena A. Edic—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15834) granting a pension to Fannie J. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15835) granting a pension to James M. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15836) granting a pension to Charles F. Teirner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15837) granting a pension to Harry J. Parks—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 15838) granting an increase of pension to Mary F. Fuller—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 15839) granting an increase of pension to Louis Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15840) granting an increase of pension to John Lindquist—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15841) granting an increase of pension to Abraham K. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15842) granting an increase of pension to William Stansberry—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 15843) granting an increase of pension to David Davis—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 15844) for the relief of the estate of Aaron Paull, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15845) for the relief of Jane P. Paulk—to the Committee on War Claims.

Also, a bill (H. R. 15846) for the relief of James A. Paulk—to the Committee on War Claims.

By Mr. DEEMER: A bill (H. R. 15847) granting an increase of pension to Thomas G. Dallman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15848) granting an increase of pension to John Renninger—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 15849) to authorize the President of the United States to appoint William L. Patterson a second lieutenant in the United States Army—to the Committee on Military Affairs.

By Mr. DRESSER: A bill (H. R. 15850) granting an increase of pension to Samuel Shadman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15851) granting a pension to George A. Crooker—to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 15852) for the relief of the heirs of the late Wilmoth Links—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 15853) granting an increase of pension to Charles I. Krickbaum—to the Committee on Invalid Pensions.

By Mr. HUNT: A bill (H. R. 15854) granting an increase of pension to Michael Ryan—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15855) granting an increase of pension to Loren T. Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15856) granting an increase of pension to Clark Witherby—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 15857) granting an increase of pension to David Galbraith—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15858) granting a pension to Evaline Holtzworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) granting an increase of pension to Anthony W. Klunk—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 15860) granting an increase of pension to Andrew Deming—to the Committee on Invalid Pensions.

By Mr. LUCKING: A bill (H. R. 15861) granting an increase of pension to Charles O. Lapham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15862) granting an increase of pension to Anna M. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting an increase of pension to Mark Wilde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15864) granting a pension to Margaret Laparle—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 15865) granting an increase of pension to William H. McClellan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15866) granting an increase of pension to Benjamin F. Hopkins—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 15867) for the relief of the heirs of Nicholas Stonestreet, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15868) granting an increase of pension to Thomas S. Cogley—to the Committee on Pensions.

By Mr. MURDOCK: A bill (H. R. 15869) granting an increase of pension to Benjamin H. Scrivens—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 15870) to correct the military record of Calvin Hough—to the Committee on Military Affairs.

By Mr. OTJEN: A bill (H. R. 15871) granting an increase of pension to John Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Marvin Welton—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 15873) granting an increase of pension to Sarah P. Moffett—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 15874) granting an increase of pension to John Kingdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15875) granting an increase of pension to Warren S. Rand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15876) granting an increase of pension to William B. Grindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting an increase of pension to Climena Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15878) granting a pension to George N. Holland—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 15879) granting a pension to Flora C. Keene—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 15880) for the relief of the heirs of the late Jennie Hunter—to the Committee on War Claims.

By Mr. SHULL: A bill (H. R. 15881) for the relief of James Heiney, late of Company G, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 15882) granting an increase of pension to Nathaniel M. Stukes—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15883) granting an increase of pension to Virginia Bryant—to the Committee on Invalid Pensions.

By Mr. SOUTHALL: A bill (H. R. 15884) granting a pension to Julia R. Jones—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15885) for the relief of Zachariah Toler—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 15886) granting an increase of pension to William S. Radcliffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting an increase of pension to George F. Ludwig—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 15888) granting an increase of pension to James E. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15889) granting an increase of pension to Winget Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15890) granting an increase of pension to Julius Beyer—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 15891) granting a pension to Harriett Stanley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15892) granting an increase of pension to Martha F. Field—to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 15893) granting an increase of pension to James A. McClung—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENTON: Papers to accompany bill granting a pension to Festus H. Sanders—to the Committee on Pensions.

Also, papers to accompany bill granting an increase of pension to James M. Liddel, Mexican war—to the Committee on Pensions.

Also, papers in support of claim of Oliver P. Beckman, of Moundville, Mo., of First Illinois Regiment, Mexican war, for increase of pension—to the Committee on Pensions.

Also, papers in support of House bill granting an increase of pension to James Smith, Mexican war—to the Committee on Pensions.

Also, papers in support of House bill granting a pension to Mary J. Redburn—to the Committee on Invalid Pensions.

Also, papers in support of House bill granting an increase of pension to James F. Walker—to the Committee on Invalid Pensions.

Also, papers in support of House bill granting an increase of pension to James H. Smith—to the Committee on Invalid Pensions.

Also, papers in support of House bill granting an increase of pension to Alexander M. Russell—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: Petition of citizens of the Third Connecticut Congressional district for constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of citizens of Louisville, Nebr., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers in support of pension claim of Joseph W. Winger—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Resolution of Highland Grange, No. 364; New Century Grange, No. 356, and Schoodic Grange, No. 408, all of Hancock County, Me., urging passage of bill H. R. 10765, to establish a bureau of public highways—to the Committee on Agriculture.

Also, papers to accompany claim granting a pension to David Davis, of Cornville, Somerset County, Me.—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Interstate Commerce Law Convention, held at St. Louis, Mo., October 28–29, 1904, for the enactment of legislation by Congress to afford relief from unjust discrimination in tariff rates established by railway corporations, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DENNY: Petition of Washington Bowie, of Balti-

more, Md., a special deputy surveyor of customs, to be allowed the salary of surveyor of customs while he was acting in that capacity under authority of the Secretary of the Treasury, which, with a credit of salary received, leaves due $2,527.62—to the Committee on Claims.

By Mr. DRAPER: Resolution of Division No. 217, Brotherhood of Locomotive Engineers, recommending relief for locomotive engineers who served at the front during the civil war—to the Committee on Military Affairs.

Also, memorial of the Grand Camp, Arctic Brotherhood of Alaska, demanding representation for Alaska in Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of the Manufacturers' Association, favoring the enlarging of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Leonard J. Dean, D. D., of Troy, N. Y., favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. DRESSER: Papers to accompany bill granting a pension to Samuel Shadman, of Emporium, Pa.; also, petition of George S. Crooks to accompany bill for pension—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Interstate Commerce Law Convention in session at St. Louis, October 28, 29, 1904, favoring legislation for relief from discriminating tariff rates in transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of West Virginia: Petition of M. F. Hyde and others, against use of the word "sex" in the statehood bill—to the Committee on the Territories.

Also, petitions of James E. Likins, of Fayette County, W. Va.; John E. Hardway, of Nicholas County, W. Va.; heirs of Gilbert M. Bastable, deceased, late of Fauquier County, Va., and William G. Edwards, of Fauquier County, Va., praying for relief—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: Petitions of A. A. Smith, of Montague, Mass.; Carew Street Baptist Church and others, of Hampden County, Mass., and State Street Baptist Church and Parker Memorial Baptist Church, of Springfield, Mass., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. GLASS: Papers to accompany claim of heirs of Wilmoth Links, deceased—to the Committee on War Claims.

By Mr. HINSHAW: Petition of citizens of Nebraska, praying for the relief of Charles I. Krickbaum by granting him a pension—to the Commitee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Enterprise Harbor, of Camden, N. J., American Association of Masters and Pilots, favoring the Delaware and Chesapeake ship canal—to the Committee on Rivers and Harbors.

Also, petition of locomotive engineers of Jersey City, N. J., favoring bill H. R. 13354—to the Committee on Military Affairs.

By Mr. HUFF: Petition of the Presbyterian Church of Manor, Westmoreland County, Pa., in favor of a consitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the Presbyterian Church of Harrison, Westmoreland County, Pa., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. KNAPP: Papers to accompany House bill granting an increase of pension to Loren T. Austin—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Clark Witherby—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to William J. Hubbard—to the Committee on Invalid Pensions.

By Mr. LACEY: Papers to accompany claim of David Galbreath, late of Company K, Second Iowa Cavalry, for pension—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Mary J. McClothlen for goods destroyed by rebel General Morgan—to the Committee on War Claims.

By Mr. LAFEAN: Petition of members of John D. Baker Post, No. 605, Grand Army of the Republic, of Littlestown, Pa., recommending the passage of bill H. R. 9933, granting a pension to Marvin Coshun—to the Committee on Invalid Pensions.

Also, petition of members of Captain Skelly Post, No. 9, Grand Army of the Republic, of Gettysburg, Pa., recommending the passage of bill H. R. 9933, granting a pension to Marvin Coshun—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Anthony Klunk for an increase of pension—to the Committee on Invalid Pensions.

By Mr. MACON: Memorial urging passage of bill H. R. 1997, introduced by Representative MACON, of Arkansas—to the Committee on Ways and Means.

Also, petition of Z. F. Matthews & Son and others, in favor of the Boutell bill—to the Committee on Ways and Means.

By Mr. MAHON: Papers to acompany House bill for the relief of Benjamin P. Hopkins—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to William H. McClellan—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Brotherhood of Locomotive Engineers of Boston, in favor of the passage of bill H. R. 13354—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Papers to accompany bill H. R. 15746, for the relief of Israel Roll—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 15747, for the relief of Henry A. Wesson—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of citizens of Bushville, N. Y., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of owners of motor vehicles in Canandaigua, favoring passage of the Boutell bill—to the Committee on Ways and Means.

By Mr. PORTER: Resolution of the Ohio Valley Improvement Association—to the Committee on Rivers and Harbors.

Also, resolution of the New England Tobacco Growers' Association, opposing any change in the tobacco schedule in the Dingley tariff law—to the Committee on Ways and Means.

Also, resolution opposing an eight-hour law—to the Committee on Labor.

Also, resolution of the Millers' National Federation—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the American Park and Outdoor Art Association and American League of Civic Improvement, held at Louisiana Purchase Exposition in St. Louis, June 11, 1904, favoring improvement of Washington, D. C.—to the Committee on Public Buildings and Grounds.

Also, resolution of the Grand Camp, Arctic Brotherhood, demanding elective representation in Congress for Alaska—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. POWERS of Maine: Papers to accompany claim for the relief of William B. Grindle, of Bangor, Me.—to the Committee on Invalid Pensions.

Also, papers to accompany claim granting pension to Warren S. Rand, of Bangor, Me.—to the Committee on Invalid Pensions.

Also, papers to accompany claim for the relief of John Kingdon—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of Woman's Missionary Society of Middlesex County, Malden, Mass., favoring an amendment to Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Mrs. A. C. Knuland, of Everett, Mass., and Boston East Baptist Association, of Malden, Mass., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, papers to accompany House bill granting a pension to Flora C. Keene—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Resolution adopted by the Grand Camp, Arctic Brotherhood, demanding that the Congress of the United States shall at once enact legislation which will give Alaska adequate representation, by election, in that body—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SHERMAN: Papers to accompany House joint resolution authorizing the appointment of Philip B. Low as a lieutenant on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. SHULL: Petition and affidavit for relief of James Heiney, late of Company G, Two hundred and fourteenth Regiment, Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Papers to accompany claim of Nathaniel M. Stukes for increase of pension—to the Committee on Pensions.

By Mr. SULLIVAN of Massachusetts: Petition of members of churches of Suffolk County and East Boston, Mass., in favor of an amendment to Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany the bill for the relief of Zacharia Toler—to the Committee on War Claims.

By Mr. WEISSE: Papers to accompany House bill granting an increase of pension to James E. Andrews—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 7, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ANNUAL REPORT OF SECRETARY OF THE TREASURY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1904; which was referred to the Committee on Finance, and ordered to be printed.

ANNUAL REPORT OF THE LIBRARIAN OF CONGRESS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Librarian of Congress for the fiscal year ended June 30, 1904; which was referred to the Committee on the Library, and ordered to be printed.

LAWS OF HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, copies of the journals of the legislature of the Territory of Hawaii, 1904, together with a copy of the laws of the Territory of Hawaii, special session, 1904; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico.

ESTABLISHMENT OF ONE HUNDREDTH MERIDIAN, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to the establishment of the one hundredth meridian, together with a draft of a bill prepared by the Commissioner of the General Land Office relative to the establishment of a boundary line between the State of Texas and the boundaries of Oklahoma and New Mexico; which, with the accompanying papers, was referred to the Committee on the Library, and ordered to be printed.

CREDENTIALS.

Mr. DILLINGHAM presented the credentials of REDFIELD PROCTOR, chosen by the legislature of the State of Vermont a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Congregational Association of the Island of Maui, Territory of Hawaii, praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Montana, praying for the adoption of certain amendments to the postal laws and regulations; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Washington, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the congregation of the Baptist Church of Roxbury; of the congregation of the Memorial Baptist Church, of Boston, in the State of Massachusetts, and of H. J. Spencer and sundry other citizens of Brooklyn, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Spartansburg, Pa., and a petition of the Woman's Christian Temperance Union of Findlay, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Williamstown, Ohio; the Presbyterian Christian Endeavor Society, of Davisville, Cal.; the Baptist Christian Endeavor Society, of Trenton, N. J.; the Christian Endeavor Society of Spring Dale, Ohio; the Christian Endeavor Society of Du Quoin, Ill.; the Young People's Christian Endeavor Society of Windham, N. Y.; the Union Christain Endeavor Society, of Glasston, N. Dak.; the Bethel Brethren Christian Endeavor Society, of Mulvane, Kans.; of sundry citizens of Smallwood, Md.; Hillsdale, Mich.; Marshfield, Ohio; Damascus, Ohio; Brooklyn, N. Y.; Buffalo, N. Y.; Scranton, Pa.; Clayton, N. Y.; Canadian, Tex.; Shenandoah, Iowa; Everton, Mo.; Balm, Pa.; Sibley, Iowa; Chicago, Ill.; Winamac, Ind.; New Gretna, N. J.; Erie, Mich.; Hillyard, Wash.; Aurora, Mo.; Worthington, Minn.; Portland, N. Dak.; Dexter, Me.; Mustang, Okla.; Pittsfield, Mass.; Iroquois, S. Dak.; North Pasadena, Cal.; Bourneville, Ohio; Paterson, N. J., and West Brattleboro, Vt., praying for the enactment of legislation to provide for the convening of an international congress for the consideration of all international questions; which were referred to the Committee on Foreign Relations.

He also presented memorials of the Turn Verein of Meriden, Conn.; of the Verein of Indianapolis, Ind.; of Teutonia Lodge, No. 15, Sons of Hermann, of Nebraska City, Nebr.; of Eintracht Lodge, of Beemer, Nebr.; of Lippe Detmold Lodge, No. 34, of Nebraska; of the German Veteran Society of Schenectady, N. Y.; of the West Side Harmonia, of Columbus, Ohio; of Harmonia Lodge, No. 9, of Auburn, Nebr., and of the Order of the Sons of Hermann, of Moulton, Tex., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of the Clara Barton Relief Corps, of Warren, Mass., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Massachusetts State Board of Trade, praying for the enactment of legislation to authorize the President to issue a call for an international peace congress; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Taunton, Boston, East Boston, Roxbury, Dorchester, Hanson, Brockton, Montague, West Bridgewater, Wakefield, Everett, Reading, Springfield, Rockland, Gloucester, Malden, Mattapan, Salem, and Allston, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of Local Union No. 419, Brotherhood of Locomotive Engineers, of Kings County, N. Y., praying for the enactment of legislation granting pensions to locomotive engineers; which was referred to the Committee on Pensions.

He also presented a petition of the Manufacturers' Association of New York and a petition of the Board of Trade and Transportation of New York, praying for the ratification of an international arbitration treaty; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Republican Club of New York City, of sundry citizens of Suffolk County, and of the Woman's Club of New York City, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Rushville, St. Johnsville, Port Jervis, Hudson, and Troy, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of New York, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of New York, praying for the establishment of a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WETMORE presented petitions of 15 citizens of Providence, of 46 citizens of Central Falls, and of the congregation of the First Baptist Church of Newport, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of 373 citizens of Newport, R. I., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Suffrage League of Pawtucket, of the Woman's Christian Temperance Union of Middletown, of the Woman's Christian Temperance Union of East Greenwich, of the Woman's Christian Temperance Union of Woonsocket, of the Woman's Suffrage League of Anthony, of Angela Lincoln Carpenter, of Pawtucket, and of the State Woman's Temperance Union of Rhode Island, all in the State of Rhode Island, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Clerks' Association of Seattle, Wash., praying for the enactment of legislation providing for the upbuilding of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of Columbia Grange, No. 87, Patrons of Husbandry, of Lyle, Wash., praying for the passage of the so-called "good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Tacoma, Wash., praying for the enactment of legislation to investigate the labor troubles in Colorado; which was referred to the Committee on the Judiciary.

Mr. QUARLES presented resolutions adopted by the Interstate Commerce Law Convention, of St. Louis, Mo., favoring the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of sundry citizens of Wheeling, W. Va., and a petition of 56 citizens of Fairmont, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of sundry citizens of Waverly, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BARD presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the ratification of an international arbitration treaty; which was referred to the Committee on Foreign Relations.

Mr. BURROWS presented a petition of Brewery Workers' Local Union No. 10, American Federation of Labor, of Grand Rapids, Mich., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Michigan State Naval Brigade, of Detroit, Mich., praying for the enactment of legislation to establish a naval militia and define its relations to the General Government and also for the enactment of legislation to provide for the enrollment and organization of a United States naval reserve; which was referred to the Committee on Naval Affairs.

Mr. KEAN presented petitions of the Woman's Club of Montclair; of the Woman's Presbyterian Society for Home Missions of Elizabeth, and of the Episcopal Woman's Home Missions Society, of Elizabeth, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of the Political Study Club of Short Hills, N. J., and a petition of the Political Club of Montclair, N. J., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of the Woman's Missionary Society of the First Presbyterian Church of Metuchen, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. TALIAFERRO presented a petition of Local Union No. 819, United Brotherhood of Carpenters and Joiners, of West Palmbeach, Fla., praying for the enactment of legislation to better the labor conditions in the State of Colorado; which was referred to the Committee on the Judiciary.

Mr. MALLORY presented a petition of sundry citizens of Tallahassee, Pensacola, and Monticello, all in the State of Florida, praying for the enactment of legislation providing for more complete statistical information on the subjects of marriage and divorce; which was referred to the Committee on the Census.

Mr. CLARK of Montana presented a memorial of Butte Camp, No. 153, Modern Woodmen of the World, of Butte, Mont., remonstrating against the enactment of legislation placing official journals of fraternal insurance societies under the same ban as lotteries and games of chance; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the North Montana Roundup Association, praying for the enactment of legislation providing for an investigation of the low prices in the live-stock industry, and also to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a memorial of the legislature of Vermont, remonstrating against the ratification of a reciprocity treaty with Canada; which was read, and referred to the Committee on Finance, as follows:

Resolved by the senate and house of representatives, That the people of Vermont look with disfavor upon reciprocity with Canada without a definite statement of terms. There is no reason to expect the Canadians will grant us preferential duties as they do to Great Britain, or that they will agree to any favored interchange except of natural products. This was the scope of the treaty of 1854, which, working great injury to the farmers of Vermont, was terminated on motion of Vermont's representatives in Congress.

Our relations with Canada are pleasant and profitable under national policies which each country has adopted for its fiscal needs and its industrial development, and our commercial relations throughout the United States are so paramount to any others attainable that we should avoid all innovations upon such relations.

Resolved, That a copy of these resolutions be furnished each of our Senators and Representatives in Congress.

JOHN H. MERRIFIELD,
Speaker of the House of Representatives.
CHARLES H. STEARNS,
President of the Senate.

STATE OF VERMONT, *Office of the Secretary of State:*

I hereby certify that the foregoing is a true copy of a joint resolution as adopted by the general assembly of the State of Vermont at its eighteenth biennial session, as appears by the files and records of this office.

Witness my signature and the seal of this office at Montpelier this 1st day of December, 1904.

GEORGE L. HUNT,
Deputy Secretary of State.

Mr. GALLINGER presented a petition of the congregation of the Methodist Episcopal Church of Westrindge, N. H., praying for the enactment of legislation to require the internal-revenue officers to furnish certain lists, on demand, of persons paying Federal taxes as liquor dealers in no-license towns; which was referred to the Committee on Finance.

He also presented a petition of the First Battalion Michigan State Naval Brigade, of Detroit, Mich., praying for the enactment of legislation to provide for the enrollment and organization of a United States Naval Reserve; which was referred to the Committee on Naval Affairs.

He also presented petitions of the State Woman's Temperance Union; of the Equal Suffrage Club, of Franklin; of Candia Grange, No. 167, Patrons of Husbandry, of Candia; of the Outlook Club, of Manchester; of the Equal Suffrage Association, of Concord; of the Good Citizenship Club, of Andover, and of Mary M. Chase, of Concord, all in the State of New Hampshire, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of the New Hampshire Baptist Convention, praying for an investigation into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. CULLOM. I present sundry petitions, to which I call attention for the reason that they refer to international treaties. I present them in open session, as they do not refer to any particular treaty, and therefore I think they are in order in open session.

The petitions were referred to the Committee on Foreign Relations, as follows:

A petition of the Chamber of Commerce of Los Angeles, Cal.; a petition of the Merchants' Exchange of Portland, Me.; a petition of the Board of Trade of Scranton, Pa., and a petition of the Chamber of Commerce of Portland, Oreg., praying for the ratification of international arbitration treaties.

Mr. CULLOM presented a petition of the commercial organizations of Quincy, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the commercial organizations of Quincy, Ill., praying that an appropriation be made for the improvement of the upper Mississippi River between St. Louis and St. Paul; which was referred to the Committee on Commerce.

Mr. FULTON presented a petition of Normile, Fastabend & McGregor, of Oregon, praying that an appropriation of $35,000 be made to compensate them for losses sustained in the construction of the lock and dam on the Yamhill River, Oregon; which was referred to the Committee on Claims.

Mr. MITCHELL presented the petition of Charles B. Spencer, of Milwaukee, Oreg., praying for the enactment of legislation to grant him the recruiting expenses incurred and paid by him between the 5th day of September, 1862, and the 25th day of October, 1862, at Boston, Mass.; which was referred to the Committee on Claims.

He also presented the petitions of Thomas J. Harrison, of North Powder; of Fred A. Russell, of Oakland; of Katherine A. Smith, of Portland; of Charles Duggan, of Portland; of David D. Garrison, of Portland; of Charles H. Ellis, of Portland; of Benjamin P. Thompson, of Portland; of George A. Clark, of Lostine, and of Elijah Hawkins, of Portland, all in the State of Oregon, praying for the enactment of legislation granting them increase of pension; which were referred to the Committee on Pensions.

He also presented the petition of William M. Powers, of Albany, Oreg., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a paper in support of the bill (S. 5660) granting a pension to James McDonald; which was referred to the Committee on Pensions.

Mr. PLATT of Connecticut presented a petition of the Young People's Society of Christian Endeavor of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution adopted by the Connecticut Baptist Convention, of Hartford, Conn., relative to affairs in the Kongo Free State; which was referred to the Committee on Foreign Affairs.

He also (for Mr. HAWLEY) presented petitions of sundry citizens of Groton, Wallingford, Union City, North Stonington, Voluntown, Plainfield, Norwich, Montville, and Waterbury, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. STONE presented petitions of the congregation of the Westminster Presbyterian Church of St. Joseph, of the Ladies' Missionary Society of the Westminster Presbyterian Church of St. Joseph, and of the Christian Endeavor Society of the Westminster Presbyterian Church of St. Joseph, all in the State of Missouri, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. McCREARY presented a petition of the congregation of the Fourth Avenue Presbyterian Church, of Elizabeth, Ky., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Merchants' Exchange, the Board of Trade, and the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation providing for certain changes and improvements recommended by the commanding general of the military division of the Pacific; which was referred to the Committee on Military Affairs.

He also presented a petition of the Pacific Coast Jobbers and Manufacturers' Association, of San Francisco, Cal., praying for the appointment of a commission to secure stability of rates and the protection of shippers over the Panama Railroad; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Pacific Coast Hardware and Metal Association, of San Francisco, Cal., remonstrating against the enactment of legislation increasing the weight of mailable packages of merchandise; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the California State Woman's Christian Temperance Association, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on the Territories.

Mr. HALE presented petitions of the Woman's Christian Temperance Unions of Kingfield, Ellsworth, Cherryfield, and Addison; of the Maine Woman's Suffrage Association, of Portland; of the Equal Suffrage Association, of Old Orchard, and of sundry citizens of Maine, all in the State of Maine, praying for the adoption of a certain amendment to the suffrage clause of the statehood bill; which were referred to the Committee on the Territories.

He also presented petitions of sundry citizens of Buckfield, Oakland, South Berwick, Eliot, and North Berwick, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry granges, Patrons of Husbandry, all in the State of Maine, praying for the passage of the so-called "good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

Mr. BAILEY presented a petition of sundry citizens of Oklahoma and Indian Territory, praying for the enactment of legislation providing for the opening of Pasture No. 3 and the big pasture to actual settlers the same as the balance of the Kiowa and Comanche reservations; which was referred to the Committee on Indian Affairs.

Mr. SPOONER presented a petition from the Wisconsin Farmers' Institute, praying for the establishment of a parcels post and parcels savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Coterie Club, of Beloit; of the Woman's Club of Monroe; of the Woman's Club of La Crosse, and of the Woman's Home Missionary Society of the Methodist Episcopal Church of Oshkosh, all in the State of Wisconsin, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Wisconsin Farmers' Institute, praying for the enactment of legislation providing for an increase in the income of the agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Lafayette Baptist Association and the congregations of the Methodist, Episcopal, and Baptist churches, all of Lancaster, in the State of Wisconsin, praying for an investigation of the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented petitions of the congregation of the Westminster Presbyterian Church, of St. Joseph; of the Ladies' Missionary Society of the Westminster Church, of St. Joseph, and of the Christian Endeavor Society of the Westminster Church, of St. Joseph, all in the State of Missouri, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tyler Place Presbyterian Church, of St. Louis, Mo., and a petition of the Woman's Presbyterian Board of Foreign Missions, of St. Louis, Mo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented a petition of the Ministers' Association of Auburn, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of A. C. Bartlett, of Chicago, Ill., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. FRYE presented a petition of the Berean Temple Baptist Church, of Boston, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Baptist Association, of Pleasant Grove, La., and a petition of the Woman's Home and Foreign Missionary Society of the Presbyterian Church, of Appleton City, Mo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Board of Trade of Portland, Me., praying for the ratification of an international arbitration treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the North Montana Mission of the Methodist Episcopal Church, and a petition of the Congregational Association of the island of Oahu, Hawaii, praying for an investigation of the conditions existing in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the State Woman's Christian Temperance Union of Maine; of the Woman's Christian Temperance Union of Houlton; of the Woman's Christian Temperance Union of Camden; of Helen M. Bates, of Portland, and of Jennie Fuller, of Hartland; all in the State of Maine, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Hancock County, Me., praying for the enactment of legislation providing for the establishment of a Bu-

reau of Highways in the Department of Agriculture; which was referred to the Committee of Agriculture and Forestry.

BUREAU OF PUBLIC HIGHWAYS.

Mr. LATIMER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 4098) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads, reported it with amendments, and submitted a report thereon.

JUDGMENTS OF THE COURT OF CLAIMS.

Mr. COCKRELL. The letter from the chief clerk of the Court of Claims transmitting a statement of judgments rendered for the year ending December 3, 1904, was presented yesterday by the President pro tempore and referred to the Committee on Claims. That ought to go to the Committee on Appropriations. I ask that the Committee on Claims be discharged from the further consideration of that document, and that it be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Committee on Claims will be discharged from the further consideration of the document referred to by the Senator from Missouri, and it will be referred to the Committee on Appropriations.

BRONZE PORTRAIT STATUE OF GEORGE WASHINGTON.

Mr. COCKRELL. I ask that the Committee on the Library may be discharged from the further consideration of the bill (S. 3721) for the purchase of a bronze portrait statue of George Washington, and that the bill may be brought before the Senate and indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Committee on the Library be discharged from the further consideration of the bill indicated by him and that the bill be indefinitely postponed. The Chair hears no objection, and it is indefinitely postponed.

Mr. COCKRELL. I shall introduce another bill in lieu of it.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 5688) authorizing the Secretary of the Navy to construct a good drained road at the naval station, New Orleans, La.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs

He also introduced a bill (S. 5689) to require the employment of vessels of the United States for public purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5690) for the promotion of a professor of mathematics on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5691) to erect a monument to Benjamin Franklin; which was read twice by its title, and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5692) granting a pension to James G. Bowden;

A bill (S. 5693) granting a pension to Hannah A. Holden;

A bill (S. 5694) granting a pension to Milford W. Oxley; and

A bill (S. 5695) granting a pension to Anthony N. Greeley.

Mr. CULLOM introduced a bill (S. 5696) to amend an act fixing the grade of veterans of the civil war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5697) granting an increase of pension to J. Tilden Moulton (with accompanying papers);

A bill (S. 5698) granting an increase of pension to Martin Schubert (with an accompanying paper);

A bill (S. 5699) granting an increase of pension to Horatio Ernest (with accompanying papers);

A bill (S. 5700) granting an increase of pension to George F. Robinson; and

A bill (S. 5701) granting an increase of pension to Jasper Summers (with an accompanying paper).

Mr. PROCTOR introduced a bill (S. 5702) to encourage rifle practice and excellence in marksmanship among citizens of the United States, so as to render them quickly available for efficient service in time of war; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5703) to amend section 38 of an act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5704) to incorporate the American National Red Cross; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. GORMAN introduced a bill (S. 5705) granting a pension to Mary L. Faunt Le Roy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5706) for the relief of the trustees of the German Reformed Church, of Boonsboro, Md.;

A bill (S. 5707) for the relief of the estate of James H. Beall, deceased; and

A bill (S. 5708) for the relief of the estate of Horace L. Kent, deceased.

Mr. GALLINGER introduced a bill (S. 5709) repealing a provision of section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States;" which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5710) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read by their titles, and referred to the Committee on Pensions:

A bill (S. 5711) in amendment of an act entitled "An act to increase pension for total deafness;"

A bill (S. 5712) granting an increase of pension to Sally Dickinson;

A bill (S. 5713) granting an increase of pension to Robert Crowther;

A bill (S. 5714) granting an increase of pension to John McKenne; and

A bill (S. 5715) granting an increase of pension to Benjamin Bickford.

Mr. BARD introduced a bill (S. 5716) granting a pension to Dotha J. Whipple; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5717) granting a pension to Moses Hill;

A bill (S. 5718) granting a pension to Alma L'Hommedieu Ruggles;

A bill (S. 5719) granting a pension to Nellie Raymond;

A bill (S. 5720) granting a pension to Jennie S. Ostler;

A bill (S. 5721) granting a pension to Orville V. Percy;

A bill (S. 5722) granting a pension to Charles B. Field;

A bill (S. 5723) granting a pension to George W. Bannon; and

A bill (S. 5724) granting a pension to Elijah J. Goodell.

Mr. CLARK of Montana introduced a bill (S. 5725) for the relief of Samuel H. Pipes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5726) for the relief of the trustees of the Baptist Church of Princeton, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5727) granting an increase of pension to Jesse Woodruff;

A bill (S. 5728) granting an increase of pension to Kephart Wallace; and

A bill (S. 5729) granting an increase of pension to Scott Graves.

Mr. McCREARY introduced a bill (S. 5730) to correct the military record of Henry Marlow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5731) to correct the military record of Joseph H. Stroebel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER (for Mr. GIBSON) introduced a bill (S. 5732) granting a pension to Philip Lawotte; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5733) granting an increase of pension to Monroe W. Wright;

A bill (S. 5734) granting an increase of pension to George H. Woodbury;

A bill (S. 5735) granting an increase of pension to Washington Lenhart;

A bill (S. 5736) granting an increase of pension to Charles E. Gilbert;

A bill (S. 5737) granting an increase of pension to John W. See;

A bill (S. 5738) granting an increase of pension to Enoch Russell;

A bill (S. 5739) granting an increase of pension to Adolphe Bessie;

A bill (S. 5740) granting an increase of pension to Clemon Clooten;

A bill (S. 5741) granting an increase of pension to Stephen Welch;

A bill (S. 5742) granting an increase of pension to Nickles Dockendorf;

A bill (S. 5743) granting an increase of pension to James Riordan;

A bill (S. 5744) granting an increase of pension to Joseph A. Rhodes;

A bill (S. 5745) granting an increase of pension to Mary M. Mitchell; and

A bill (S. 5746) granting an increase of pension to Anne Jones.

Mr. PLATT of New York. I introduce a bill to amend an act entitled "An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census." It is a bill which has been prepared by the committee on national affairs of the Republican Club of New York City. I wish to have it referred to the Committee on the Census.

Mr. GORMAN. Let it be read.

Mr. CARMACK. I should like to hear the bill read.

The PRESIDENT pro tempore. The Senator from Tennessee asks that the bill be read at length. The Chair hears no objection, and it will be read.

The bill (S. 5747) to amend an act entitled "An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census" was read the first time at length, as follows:

Be it enacted, etc., That the act of Congress passed at the second session of the Fifty-sixth Congress entitled "An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census," approved January 16, 1901, and numbered Chapter 93, be, and the same is hereby, amended as follows, that is to say:

After section 5 of said act there shall be added as sections 6, 7, 8, and 9 the following sections, namely:

"SEC. 6. Whereas the Constitution of the United States prescribes at Article XIV, section 2, that when the right to vote at any election specified in said article is 'denied to any of the male inhabitants of such States being 21 years of age and citizens of the United States or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State;' and further prescribes at Article XV that 'the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude;' and whereas the Congress is satisfied that the right of male inhabitants of certain States, being 21 years of age and citizens of the United States, to vote at some of said specified elections since the passage of the act hereby amended has in fact been denied or in some way abridged for causes not permitted by the Constitution of the United States, and that the representation of the States hereinafter specified should be reduced pursuant to the Constitution: Now, therefore,

"*Be it enacted*, That on and after the 3d day of March, in the year 1907, and thereafter until otherwise enacted, the representation in the House of Representatives of the State of Alabama, instead of being nine Representatives, shall be seven Representatives; and the State of Arkansas, instead of being seven Representatives, shall be six Representatives; and the State of Florida, instead of being three Representatives, shall be two Representatives; and the State of Georgia, instead of being eleven Representatives, shall be eight Representatives; and the State of Louisiana, instead of being seven Representatives, shall be five Representatives; and the State of Mississippi, instead of being eight Representatives, shall be six Representatives; and the State of North Carolina, instead of being ten Representatives, shall be eight Representatives; and the State of South Carolina, instead of being seven Representatives, shall be five Representatives; and the State of Tennessee, instead of being ten Representatives, shall be nine Representatives; and the State of Texas, instead of being sixteen Representatives, shall be fifteen Representatives; and the State of Virginia, instead of being ten Representatives, shall be eight Representatives; and that, therefore, the House of Representatives, instead of being composed of three hundred and eighty-six members, as provided for in the act hereby amended, shall be composed of three hundred and sixty-seven members: *Provided, nevertheless*, That whenever hereafter it shall appear to the satisfaction of the Congress that the right to vote at the elections specified in section 2, Article XIV, of the Constitution, in any of the States last specified is no longer denied or in any way abridged for causes not permitted by the Constitution of the United States, then the number of Members apportioned to such State in the House of Representatives by section 1 of the aforesaid act of 1901 hereby amended may be restored to said State by a further amendment to the aforesaid act. This reduction shall apply to the next election for members of the House of Representatives from said last-mentioned States in the Sixtieth Congress.

"SEC. 7. Unless the legislatures of any of the specified States whose representation is reduced by this act shall have provided, before the time fixed by law for the next election of Representatives therein, for the election of Representatives by districts, after the manner denoted in section 4 of the aforesaid act of 1901 hereby amended, then the whole number of Representatives from such State, as apportioned by the reduction hereby established, shall be elected at large, as provided for in said aforesaid section 4 in respect to cases where the number of Representatives provided for in any State shall be less than it was before the change was directed to be made.

"SEC. 8. The second section of the act hereby amended is hereby amended so as to read as follows: 'That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the aggregate number to which all the States may be entitled under the operations of the aforesaid act entitled "An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census," approved January 16, 1901, and of this amendatory act and of any further acts amendatory of and supplementary thereto.'

"SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed."

Mr. CULBERSON. Mr. President, for my information, I should be glad if the Secretary would read the names of the States proposed to be affected by the bill.

The SECRETARY. The States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Mr. BAILEY. Mr. President, for my information, I should like to inquire if there is anything in the bill affecting the representation of a State in the Senate where it is charged that the governor, instead of the legislature, selects the Senator.

Mr. PLATT of New York. There is nothing of that kind in the bill.

The bill was read the second time by its title, and referred to the Committee on the Census.

Mr. PLATT of New York introduced a bill (S. 5748) to correct the military record of William Fleming; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 5749) granting a pension to Malinda McBride; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5750) granting an increase of pension to Henry Woods; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5751) granting an increase of pension to Miles Wall;

A bill (S. 5752) granting an increase of pension to George W. Glidewell; and

A bill (S. 5753) granting an increase of pension to William Bechtel.

Mr. PENROSE introduced a bill (S. 5754) for the relief of C. I. McDonald; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5755) to correct the military record of Charles H. Silby; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5756) to correct the military record of Bernhard Steuber; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 5757) granting an increase of pension to William A. Luther; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5758) granting an increase of pension to Sallie B. Weber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 5759) to establish a law library for the United States courts at Omaha, Nebr.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5760) fixing the terms of the circuit and district courts in and for the district of Nebraska; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 5761) granting an increase of pension to Margaret Heelan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5762) granting an increase of pension to Ruth E. Rogers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 5763) granting certain property to the county of Gloucester, N. J.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5764) for the relief of Benjamin Franklin Handforth; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5765) granting an increase of pension to Charles Turbett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5766) granting an increase of pension to Andrew S. Graham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5767) for the relief of the trustees of the First Baptist Church of Mansfield, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 5768) to provide for an additional judge of the district court of the United States for the district of New Jersey; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5769) for an additional circuit judge in the third judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 5770) increasing the limit of cost of public building at Charlottesville, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5772) for the relief of the heirs of Lewis Tucker, deceased;

A bill (S. 5773) for the relief of Gipsie P. Powell;

A bill (S. 5774) for the relief of the trustees of the Fredericksburg Baptist Church, of Fredericksburg, Va.;

A bill (S. 5775) for the relief of the trustees of Zion Methodist Episcopal Church South, of Spottsylvania County, Va.; and

A bill (S. 5776) for the relief of the trustees of St. George's Episcopal Church, of Fredericksburg, Va.

Mr. CULBERSON introduced a bill (S. 5777) to provide for the enlargement and improvement of the public building at Fort Worth, Tex; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5778) for the relief of W. C. York;

A bill (S. 5779) for the relief of the heirs of Bethel A. Smith, deceased; and

A bill (S. 5780) for the relief of J. V. McDaniel.

Mr. BALL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5781) granting an increase of pension to John A. Steele;

A bill (S. 5782) granting an increase of pension to B. H. Draper; and

A bill (S. 5783) granting a pension to Susan A. Vantine.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5784) for the relief of the trustees of the Methodist Episcopal Church South, of Boothsville, W. Va.;

A bill (S. 5785) for the relief of the trustees of the Methodist Episcopal Church of Bunker Hill, W. Va.;

A bill (S. 5786) for the relief of the trustees of the Presbyterian Church of Springfield, W. Va.;

A bill (S. 5787) for the relief of the trustees of Zion Protestant Episcopal Church, of Charlestown, W. Va.;

A bill (S. 5788) for the relief of the trustees of the Methodist Episcopal Church of Webster, W. Va.;

A bill (S. 5789) for the relief of the trustees of the Methodist Episcopal Church South, of St. Albans, W. Va.;

A bill (S. 5790) for the relief of Harmon Snyder;

A bill (S. 5791) for the relief of the estate of Levi Moler, deceased;

A bill (S. 5792) for the relief of the estate of James Watson, deceased; and

A bill (S. 5793) for the relief of Isaac W. Busey.

Mr. TALIAFERRO introduced a bill (S. 5794) for the relief of Rinaldo, Isadore, and Robert von Balsan, and the heirs of Caroline von Balsan, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5795) granting an increase of pension to Milton A. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 5796) for the relief of Leroy Noble; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5797) to establish a United States historical commission; which was read twice by its title, and referred to the Committee on the Library.

Mr. GAMBLE introduced a bill (S. 5798) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5799) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5800) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STONE introduced a bill (S. 5801) for the relief of the estate of Saphira E. Stalcup; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5802) granting an increase of pension to Luther M. Bartlow; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 5803) for the relief of Daniel Reid; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER of Washington introduced a bill (S. 5804) to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 5805) to remove the charge of desertion from the military record of William McCutcheon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5806) granting an increase of pension to James K. Knapp;

A bill (S. 5807) granting an increase of pension to Sarah J. F. Robinson;

A bill (S. 5808) granting an increase of pension to William Steele;

A bill (S. 5809) granting an increase of pension to Cyrus Wetherell;

A bill (S. 5810) granting an increase of pension to Joseph Reber;

A bill (S. 5811) granting an increase of pension to Franklin Waller;

A bill (S. 5812) granting an increase of pension to William T. Graham;

A bill (S. 5813) granting an increase of pension to Herbert E. Farnsworth;

A bill (S. 5814) granting an increase of pension to Edward D. Hamilton; and

A bill (S. 5815) granting an increase of pension to James McKim.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 5816) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy.

A bill (S. 5817) to amend section 1379, chapter 1, Title XV, Revised Statutes of the United States, in relation to appointments of assistant paymasters in the Navy.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and, with accompanying papers, referred to the Committee on Pensions:

A bill (S. 5818) granting a pension to Andrew Barr; and

A bill (S. 5819) granting an increase of pension to Samuel K. Long.

Mr. BACON introduced a bill (S. 5820) for the relief of the heirs of the late Christopher Wood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 5821) granting an in-

crease of pension to William F. Patterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 5822) for the relief of certain purchasers of lands of the Umatilla Indian Reservation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5823) for the relief of Capt. Charles B. Spencer; which was read twice by its title, and referred to the Committe on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5824) granting an increase of pension to Benjamin P. Thompson;

A bill (S. 5825) granting an increase of pension to Henry E. Jones;

A bill (S. 5826) granting a pension to Mary Lansing Catlin;

A bill (S. 5827) granting an increase of pension to Katherine A. Smith;

A bill (S. 5828) granting an increase of pension to David D. Garrison;

A bill (S. 5829) granting a pension to William M. Powers;

A bill (S. 5830) granting an increase of pension to George L. Freeman;

A bill (S. 5831) granting an increase of pension to Elijah Hawkins;

A bill (S. 5832) granting an increase of pension to Thomas J. Harrison;

A bill (S. 5833) granting an increase of pension to Charles H. Ellis;

A bill (S. 5834) granting an increase of pension to George A. Clark;

A bill (S. 5835) granting an increase of pension to Charles Duggan; and

A bill (S. 5836) granting a pension to Fred A. Russell.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5837) for the relief of Sibini Jones;

A bill (S. 5838) for the relief of the heirs of G. W. Click, deceased;

A bill (S. 5839) for the relief of J. H. Holland; and

A bill (S. 5840) for the relief of Elizabeth A. C. Galloway.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 5841) granting an increase of pension to Nelson P. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. HAWLEY), introduced a bill (S. 5842) granting an increase of pension to Thomas G. Parish; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5843) for the relief of the trustees of the Methodist Episcopal Church of Warrenton, Mo.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5844) for the relief of the heirs of Alfred Lea, deceased; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the affidavit of William W. Moore. I move that the bill and accompanying paper be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5845) granting a pension to James W. McCullah; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of James W. McCullah, Company B, Fifty-first Missouri Volunteers. I move that the bill and accompanying paper be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5846) for the purchase of a bronze portrait statue of George Washington; which was read twice by its title, and referred to the Committee on the Library.

Mr. BAILEY introduced a bill (S. 5847) for the relief of the heirs of Robert McCoy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 5848) for the relief of Simon Normile, John F. Fastabend, and William F. McGregor; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5849) for the relief of certain purchasers of lands of the Umatilla Indian Reservation, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5850) for the purchase of letters patent of the Dickenson self-righting and self-bailing lifeboat; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5851) granting a pension to Martha W. Hargadine; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5852) granting a pension to Victoria St. C. E. C. Mickelson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5853) granting an increase of pension to George W. Castle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5854) for the relief of the Chesapeake Bank, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5855) for the relief of the heirs of Marjorie Ward, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 5856) granting an increase of pension to William V. Morrison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5857) granting an increase of pension to James Bryson;

A bill (S. 5858) granting an increase of pension to John Hubbard; and

A bill (S. 5859) granting an increase of pension to Henry Breslin.

Mr. HANSBROUGH introduced a bill (S. 5860) for the relief of settlers upon the abandoned Fort Rice Military Reservation; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5861) granting an increase of pension to John M. Garrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5862) granting an increase of pension to Roswell Prescott;

A bill (S. 5863) granting a pension to Clara A. Cresey (with an accompanying paper);

A bill (S. 5864) granting an increase of pension to Charles A. Bradbury (with an accompanying paper); and

A bill (S. 5865) granting an increase of pension to Foster W. Gassett (with accompanying papers).

Mr. PROCTOR introduced a joint resolution (S. R. 78) authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Frutus Tomás Plaza, of Ecuador; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLATT of New York (by request) introduced a joint resolution (S. R. 80) construing the act of March 3, 1899, relating to the transferring of officers of the Engineer Corps of the Navy to the line of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a joint resolution (S. R. 81) authorizing the appointment of Philip B. Low as a lieutenant on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PERKINS introduced a joint resolution (S. R. 82) directing the Isthmian Canal Commission and the chief engineer of the Panama Canal to develop a plan for a sea-level canal at the Isthmus of Panama; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

Mr. CARMACK. I introduce a joint resolution and ask that it be read.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be read.

The joint resolution (S. R. 83) providing for an investigation

into the collection and expenditure of money for election purposes was read the first time at length, as follows:

Resolved, etc., That there be appointed a committee of ——— Members, ——— to be selected by the Senate and ——— to be selected by the House, and that said committee be authorized and instructed to investigate the collection and expenditure of money to promote the election of Presidential electors and Representatives in Congress by the national committees of the various political parties, the sources from which such money was derived, and the manner in which it was used, and that such investigation shall especially cover and include the elections of 1896, 1900, and 1904.

That said committee, as a part of its report, shall recommend such legislation as it may deem most effective for the purpose of securing publicity in the collection and expenditure of money for election purposes and for preventing the collection and receiving of such money from corporations engaged in interstate commerce and the use of such money for corrupt and unlawful purposes.

That said committee is hereby empowered to administer oaths, compel the attendance, take the testimony of witnesses, send for persons and papers, and to exercise all the usual powers necessary to carry into effect the purposes of this resolution.

That the sum of ——— dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this resolution into effect.

The PRESIDENT pro tempore. What reference does the Senator from Tennessee desire?

Mr. CARMACK. The joint resolution should be referred to the Committee on Privileges and Elections, I suppose.

The joint resolution was read the second time by its title, and referred to the Committee on Privileges and Elections.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. CULLOM. I desire to introduce a joint resolution, for which I shall ask immediate consideration.

The joint resolution (S. R. 77) providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the vacancy on the Board of Regents of the Smithsonian Institution of the class other than Members of Congress shall be filled by the reappointment of James B. Angell, of Michigan, whose term of office expires on January 24, 1905.

Mr. CULLOM. I ask immediate consideration of the joint resolution. This gentleman has been a member of the board for a long time, and ought to remain so.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. GORMAN submitted three amendments intended to be proposed by him to the bill (H. R. 9548) for allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which were referred to the Committee on Claims, and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

UNITED STATES AND VENEZUELAN CLAIMS COMMISSION.

Mr. FRYE. I submit a resolution and ask for its present consideration.

The Secretary read the resolution, as follows:

Resolved, That the original manuscript of the report of Robert C. Morris, agent of the United States before the United States and Venezuelan Claims Commission, which report was printed as Senate Document No. 317, Fifty-eighth Congress, second session, be taken from the files of the Senate and returned to the State Department, said manuscript being of the archives of the State Department.

Mr COCKRELL. I should like to know what is the object of taking this document from the files. It is considered a very interesting document, and a number of copies have already been distributed to Senators. Is it now proposed to take the copies that have been assigned to Senators and turn them over to the State Department?

Mr. FRYE. Oh, no; it is only the intention to take the original document from the Senate files and restore it to the State Department, where it belongs.

Mr. COCKRELL. That is all right.

The resolution was considered by unanimous consent, and agreed to.

FUNERAL EXPENSES.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committees appointed by the President pro tempore of the Senate in arranging for and attending the funerals of the late Senator from Pennsylvania, Hon. Matthew S. Quay, and the late Senator from Massachusetts, Hon. George F. Hoar, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

IMPROVEMENT OF GRAYS RIVER, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Grays River, Washington, to meet the demands of commerce.

IMPROVEMENT OF SWINOMISH SLOUGH, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving Swinomish Slough, Washington, to meet the demands of commerce.

IMPROVEMENT OF GRAYS HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the mouth of Grays Harbor, Washington, to meet the demands of commerce.

IMPROVEMENT OF ROCHE HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the entrance to Roche Harbor, Washington, to meet the demands of commerce.

IMPROVEMENT OF LEWIS RIVER, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Lewis River and branches in the State of Washington to meet the demands of commerce.

IMPROVEMENT OF COWLITZ RIVER, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Cowlitz River, Washington, to meet the demands of commerce, and to submit plans and estimate of cost of providing a depth of 16 feet of water at low tide between the mouth of said river and the city of Kelso.

IMPROVEMENT OF SKAGIT RIVER, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Skagit River, Washington, to meet the demands of commerce, by the construction of the so-called "Sterling cut-off."

IMPROVEMENT OF ILWACO HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Ilwaco, Wash., to meet the demands of commerce.

IMPROVEMENT OF ANACORTES HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Anacortes, Wash., to meet the demands of commerce.

IMPROVEMENT OF EVERETT HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Everett, Wash., to meet the demands of commerce.

JEFFERSON BIBLE.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That House Document No. 755, Fifty-eighth Congress, second session, The Life and Morals of Jesus of Nazareth, be reprinted by photolithographic process from the same plates and bound in the same style, and that 9,000 additional copies be printed for the use of the Congress, 3,000 copies for the use of the Senate and 6,000 copies for the use of the House.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. Morning business is closed.

Mr. LODGE. Mr. President, the unfinished business of the Senate is House bill 14623, which was reported before the close of the last session, "To amend an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." There is a Senate bill almost exactly similar to the House bill. The House bill came over and was substituted for the Senate bill. We then took the bill up, amended it, and it went over at the close of the last session as unfinished business. It was my intention when the bill comes up regularly at the hour of 2 o'clock to ask the Senate to proceed with its consideration until disposed of; but I should be very glad, Mr. President, if the Senate would fix a time for taking a vote upon the bill, and that it should then be taken up to suit the convenience of those Senators who desire to speak upon it. I should like to ask the Senators who constitute the minority of the committee if they would be willing to agree to a day before the holiday recess on which we shall take a vote on the bill?

Mr. CULBERSON. Mr. President, before considering the suggestion of the Senator, I wish to call his attention to the fact, as I did just before the adjournment of the last session, that there is some material difference between section 4 of the House bill and the same section of the Senate bill. For instance, in the House bill that section provides, in effect, for the guaranty of 5 per cent interest on bonds or other securities of railroads—of electric street railways—which is not the case with the section of the Senate bill.

Of course if it is the purpose of the Senator from Massachusetts in charge of this bill to press the House section notwithstanding that difference, well and good; but I call his attention to it now, so that if it is not his purpose to do so we may have the bill reprinted in order that it may be presented to the Senate in the form in which it will be insisted upon.

Mr. LODGE. Mr. President, that section applies only to railroads. The word "electricity" is merely used to cover any power that may be employed, not to confine it to steam. Street railways are not mentioned.

Mr. CULBERSON. But they are included.

Mr. LODGE. Oh, no.

Mr. CULBERSON. They are necessarily included by the general language of the House bill.

Mr. LODGE. Oh, no, Mr. President; street railways have to be defined as street railways. The language here is "railroads," a perfectly well-known distinction. Street railways are always expressed in that form. I do not think the intent of the House bill is different from ours. This is the House bill which is now before the Senate. It was substituted for the Senate bill.

Mr. CULBERSON. It is for that very purpose that I called the attention of the Senator to this distinction between the two sections.

There is also another difference between them in that the right of the United States under the guaranty is better guarded in the Senate section than in the House section. But as it is apparently the disposition of the Senate not to take up this matter now, I am willing to consider the other question as to what time shall be fixed to take a vote upon the bill.

Mr. LODGE. I am not going to move to take up the bill at this time. It will come up at 2 o'clock, when I shall be glad to go on with the bill unless we can agree on some time for a vote, and then leave it to the convenience of Senators on the other side to say when they wish the bill taken up.

Mr. CULBERSON. I think that when the bill is regularly before the Senate there will be no trouble about reaching a conclusion as to the time for taking the vote.

Mr. LODGE. Very well, Mr. President; then I will wait until the bill comes up at 2 o'clock, when I shall renew my request.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Calendar under Rule VIII is in order.

Mr. LODGE. I will ask unanimous consent that the bill may be reprinted with the amendments adopted by the Senate at the last session.

The PRESIDING OFFICER. Without objection, the request of the Senator from Massachusetts will be agreed to. The pending amendment——

Mr. LODGE. There are no pending amendments, Mr. President.

The PRESIDING OFFICER. The Chair understands there is an amendment pending.

Mr. LODGE. All the committee amendments were adopted.

The PRESIDING OFFICER. The pending amendment is an amendment to section 2 offered by the Senator from Ohio [Mr. FORAKER]. The Chair understands that is the amendment pending.

Mr. LODGE. I was not aware of any pending amendment. The committee amendments were adopted.

The PRESIDING OFFICER. It is not a committee amendment.

Mr. LODGE. I want the bill printed with the committee amendments as they have been adopted.

The PRESIDING OFFICER. It will be so ordered.

EXECUTIVE SESSION.

Mr. HALE. Mr. President, there are a number of nominations on which reports are to be made from committees, and we can utilize the time between now and 2 o'clock with an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

JULIUS A. KAISER.

Mr. PENROSE. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. J. Res. 158) construing the act for the relief of Julius A. Kaiser as carrying an appropriation, to report it favorably, and I ask for its present consideration.

The PRESIDING OFFICER. The joint resolution will be read subject to objection.

The Secretary read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. ALLISON. This seems to be a meritorious case, but if we construe that phraseology in this particular case as carrying an appropriation, of course it means that in all similar cases hereafter those words will carry an appropriation. I do not see why, if the House of Representatives want to pay this person, they can not make an appropriation for the payment of the claim. Certainly we would assent to it here in a moment if that was proposed.

Mr. HALE. The suggestion of the Senator from Iowa is very important. I suggest to the Senator from Pennsylvania that if he will withdraw the joint resolution for the day we can change the language, making it an appropriation, and send it right over to the House. The point made by the Senator from Iowa is a good one. We ought not to say that the act shall be construed as carrying an appropriation, but a few words can put it all right.

Mr. PENROSE. Does the Senator from Maine suggest that the joint resolution be recommitted?

Mr. HALE. Nominally. The Senator can report it to-morrow morning.

Mr. PENROSE. Then I ask to have the joint resolution recommitted to the Committee on Naval Affairs.

The PRESIDING OFFICER. The Senator from Pennsylvania withdraws the report.

Mr. HALE. He can withdraw it.

Mr. PLATT of Connecticut. Let the report be withdrawn.

Mr. PENROSE. I wish to get it back to the committee, so that I shall be in order to present it when reports of committees are called.

Mr. ALLISON. I think there will be no objection to it. Indeed, the joint resolution might lie on the table and be considered in that way.

Mr. PENROSE. I ask that it may go back to the Committee on Naval Affairs.

The PRESIDING OFFICER. The Senator from Pennsylvania has a right to withdraw the report. It is withdrawn.

THE CALENDAR.

The PRESIDING OFFICER. The Calendar under Rule VIII is in order. At the last session the Senate passed over a large number of bills that were objected to and we reached Order of Business 480, which is the first business on the Calendar.

Mr. LODGE. The bills were passed over without prejudice

Mr. COCKRELL. The regular place to begin is on page 9 of the Calendar.

Mr. LODGE. Yes, page 9 is where we should begin.

CORRESPONDENCE WITH COLOMBIA.

The PRESIDING OFFICER. The Secretary will state the first business in order on the Calendar, which is on page 9.

The Secretary stated Order of Business 480, on page 9, as follows:

Resolution by Mr. DANIEL requesting the President to send to the Senate all correspondence between the Secretary of State and Colombia relating to that country since November 4, 1903, and which has not been heretofore transmitted.

Mr. LODGE. I do not see the Senator from Virginia [Mr. DANIEL] here, but I should think the resolution might be indefinitely postponed. However, I will withhold the motion, as he is not present, and ask that it may go over.

The PRESIDING OFFICER. The resolution will be passed over.

RUFUS NEAL.

The bill (S. 3621) for the relief of Rufus Neal was announced as next in order on the Calendar.

The Secretary read the bill.

Mr. GALLINGER. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. CLAPP, from the Committee on Claims, January 28, 1904.

Mr. ALDRICH. I suggest that the bill had better be passed over.

The PRESIDING OFFICER. The Senator from Rhode Island asks that the bill may go over. It will be passed over.

CLAIMS OF OFFICERS AND ENLISTED MEN.

The bill (S. 3828) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States, was announced as next in order.

Mr. ALDRICH. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

Mr. COCKRELL. I do not understand how the record has been made up in this case. On the face of the bill and on the Calendar it is stated that the bill was "reported by Mr. COCKRELL without amendment." The report states that "Mr. PROCTOR, from the Committee on Military Affairs, submitted the following report." The report itself shows that the Senator from Vermont, who introduced the bill, reported it. I am under the impression, but I am not certain about it, that he requested me to present the report to the Senate at some meeting when he could not be present, and therefore the bill ought not to have appeared on the Calendar as having been reported by me. I should like to have the clerks look into the matter and have it corrected, because for one Senator to report a bill as stated on its face and another one to make the report is a little anomalous.

The PRESIDING OFFICER. The matter will be looked into, and it will be corrected. The bill will be passed over at the request of the Senator from Rhode Island.

JOHN WESLEY HOYT.

The bill (S. 2021) for the relief of John Wesley Hoyt was announced as next in order on the Calendar.

The Secretary proceeded to read the bill.

Mr. ALDRICH. Let the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

WILLIAM H. CRAWFORD.

The bill (S. 1283) for the relief of William H. Crawford was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, after the last word, "appointment," in line 8, at the end of the bill, to insert "under this act;" so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William H. Crawford, of Philadelphia, Pa., assistant engineer, with rank of lieutenant, junior grade, on the retired list of the Navy, as for disabilities incurred in the line of duty, to take effect upon the date of appointment under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. FIELD.

The bill (S. 1786) restoring James G. Field, naval surgeon, to the line of promotion, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore James G. Field, surgeon, United States Navy (not in the line of promotion), to the line of promotion in accordance with the date of his original commission of May 23, 1887, to take rank next after Surg. Eugene P. Stone: *Provided*, That the said Field shall be carried as additional to the number of the grade to which he shall be restored, or at any time thereafter promoted.

Mr. COCKRELL. I should like to hear the report read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted February 2, 1904, by Mr. BLACKBURN, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1786) restoring James G. Field, naval surgeon, to the line of promotion, having considered the same report thereon with a recommendation that it pass, with an amendment as follows:

Strike out all after the enacting clause and insert the following: "That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore James G. Field, surgeon, United States Navy (not in the line of promotion), to the line of promotion in accordance with the date of his original commission of May 23, 1887, to take rank next after Surgeon Eugene P. Stone: *Provided*, That the said Field shall be carried as additional to the number of the grade to which he shall be restored or at any time thereafter promoted."

The bill, as amended, has the approval of the Navy Department, as will appear by letter attached. The statement of the claimant is also appended and made a part of this report.

NAVY DEPARTMENT,
Washington, December 30, 1903.

SIR: Referring to the committee's communication of the 26th instant, requesting the views of the Department with regard to certain bills pending in the Senate, among them S. 1786, "restoring James G. Field, naval surgeon, to the line of promotion," I have the honor to state that, concurring in the views of the Bureaus of Medicine and Surgery and Navigation, the measure in question is regarded with favor, and is accordingly commended to the consideration of the committee. In this connection there is forwarded herewith, for the further information of the committee in the premises, Doctor Field's statement in support and explanation of the bill.

While the Department does not, in view of his condition when placed on the retired list, regard the board by which he was recommended for retirement as having erred in its conclusions with respect to Doctor Field's unfitness for active service, as claimed by him in his petition, he has, having already been restored to the active list not in the line of promotion, demonstrated the fact that he is so far recovered as to be capable of performing active duty, and as he is now serving at sea on board the U. S. S. *Bennington*, the commanding officer of which vessel commends his services (see first indorsement, dated December 11, 1903, upon the petition referred to), it is believed that he may well be given his former place on the list and the benefits of promotion. The provision in the bill that makes Doctor Field an additional number in his grade prevents any injury to those surgeons above whom he will be placed if it becomes a law. It is suggested, however, that the bill be amended so as to provide that he shall be an additional number, not only in the grade of surgeon, but also in any grade to which he may hereafter be promoted, and by adding, in order that there may be no misunderstanding as to the rank, the words "to take rank next after Surg. Eugene P. Stone."

As Doctor Field is already on the active list, and as a surgeon while out of the service and engaged in actve practice may properly be supposed to have lost nothing of experience in his profession, as is the case with an officer of the line, it is not thought necessary to treat this case according to the rule adopted by the Department and enunciated in its communication of the 24th instant to the committee in relation to Capt. Seth M. Ackley, United States Navy.

A draft of the bill as it is proposed to be amended is herewith submitted.

Very respectfully, W. H. MOODY, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

U. S. S. BENNINGTON,
Navy-Yard, Puget Sound, Wash., December 9, 1903.

GENTLEMEN: I beg to be permitted the honor of submitting the following brief statement in support and explanation of Senate bill 1786, introduced in my behalf by Senator Patterson, of Colorado, November 25, 1903:

I was commissioned an assistant surgeon in the Medical Corps of the United States Navy May 23, 1887. Promotion to the grade of passed assistant surgeon was due May 23, 1890, but being on the Asiatic Station at that time I could not be given the professional examination necessary to promotion, but went to the senior medical officer of the ship and requested him to examine me physically as to fitness for the promotion due me that day and spread the same on the medical journal of the ship. This he refused to do, saying that nothing would occur prior to my return to the States which would prevent my being given the promotion then due me.

At this time I was physically qualified for promotion. Subsequent to this date, and prior to my return to the States in June, 1891, I had pneumonia, incurred in line of duty. This illness was followed some time later by what might be called slight hemorrhages from the lungs, and after being on duty in the Bureau of Medicine and Surgery, Navy Department, Washington, from July to November, 1891, I was given leave of absence and went to Colorado.

Returned a year or so later and went up for examination for promotion, now two or more years overdue, and was rejected physically and was retired as an assistant surgeon.

Not believing myself as ill as the examining and retiring boards considered me, and not wishing to leave the service, certainly not without the promotion I felt due me, I requested that I be sent to sea to demonstrate the correctness or otherwise of the decision of the boards. My request was not considered by the board, and I was put on the retired list of the Navy as an assistant surgeon (about) June 26, 1893.

I then went to Colorado and commenced the practice of my profession, but with each succeeding Congress made efforts to return to the service by act of Congress, but without success. When the war ensued between the United States and Spain I gave up my practice in civil life, which was bringing me double the amount of my pay in the service, and offered my services to the Navy Department, through the Bureau of Medicine and Surgery, and was ordered back to active service April 26, 1898, but was again put back into civil life after the signing of the protocol between the United States and Spain.

Returning to Colorado and finding my former practice entirely destroyed by my year's absence, I settled down to build up another and was beginning to be successful when Congress enacted a bill giving the Secretary of the Navy power to order retired officers back into active service. Not wishing to return to the service as an assistant surgeon, far below those of my date, I went to Congress, which enacted a bill making me a surgeon, with rank of lieutenant, not in line of promotion.

Having now demonstrated that my retirement was a mistake; having proved during the time of the Spanish war, as well as since the time of my permanent return to the service, May 19, 1902, that I am physically qualified to perform all the duties required of me ashore and afloat; having been taken out of civil life twice and put back into it twice, I come petitioning that I may be restored to line of promotion as an additional number in my grade in accordance with the date of my original commission of May 23, 1887.

The enactment of this bill will not work an injustice or hardship to anyone in the service, as I am asking to be made an additional number, a thing for which there are numerous precedents by acts of Congress.

The act of March 3, 1903, gave all surgeons the rank of lieutenant-commander, and though the Judge-Advocate-General of the Navy had included my name in the list of those who, in his opinion, were entitled to the above-named rank, mine was omitted when the names were sent for confirmation, on the ground, I suppose, that I was not in line of promotion.

The result of the passage of this bill will be to offset the misfortunes of my unlucky retirement, and will be a recognition of the fact that, as I am able to do and am doing the services required of me, I should not be subjected to the injustice of "marking time" while others performing the same kind of work go marching on.

I have the honor, therefore, to beg at your hands a favorable report on this bill.

Very respectfully,

JAMES G. FIELD, *Surgeon, U. S. Navy.*

The CHAIRMAN AND MEMBERS
OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

[First indorsement.]

U. S. S. BENNINGTON, NAVY-YARD, PUGET SOUND,
Bremerton, Wash., December 11, 1903.

Respectfully forwarded to the Secretary of the Navy.

I beg to remark, concerning the within statement, that while Surgeon Field has been attached to this ship under my command since March 2, 1903, I have ever found him most zealous and attentive to his duty, of excellent presence and bearing, faithful to the sick and unusually successful in his treatment of them. His own health has shown no signs of being anything but the most perfect, although the ship has cruised from San Francisco to the Komandorski Islands, Bering Sea, in the time mentioned.

I cordially commend Surgeon Field's case to the favorable consideration of the Navy Department in transmitting his petition to the Senate Naval Committee, as I am convinced that a worthy officer is the victim of an error of judgment on the part of the board that recommended him for retirement originally. Surely no harm can come to any medical officer now in the service through granting his petition and the relief asked for by his bill.

CHAUNCEY THOMAS,
Commander, U. S. Navy, Commanding.

The PRESIDENT pro tempore. The question is on the amendment of the committee, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY TELEGRAPH OPERATORS.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 982) amending the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion." This is a very deserving bill, and it is accompanied by a very exhaustive report, which I made at the last session.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. SCOTT] asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. GALLINGER. Mr. President, before giving consent I wish the Senator from West Virginia would make a brief statement concerning this bill. As I understand it, it proposes to put on the pension roll the military telegraphers of the civil war. It seems to me, without having carefully considered it, that it opens a door for putting on the pension roll a large number of other men who in various capacities served the country, but were not enrolled. I presume these men were never duly enrolled in the Army as military men. That is my recollection.

Mr. SCOTT. Mr. President——

Mr. PENROSE. Mr. President, before the Senator from West Virginia proceeds, with his permission I should like to state that I believe this is a bill introduced by myself. The beneficiaries under it are very few in number. I know of no bill presented or pending before this body that is asked for so earnestly and will gratify so many deserving and prominent persons as the enactment of this measure. So far as the expenditure from the Treasury of the Government is concerned, it is extremely small in amount.

I will not attempt to go into an explanation of the bill, because the Senator from West Virginia is prepared to do so and is about to do so. But I hope the Senate will give careful and serious consideration to what he is about to say on the bill before the Senate, and I sincerely trust that the Senate will see fit to pass it.

Mr. SCOTT. Mr. President, this bill covers a class of men who had never before the war of the rebellion occupied a prominent position in our armies. At the time that their services were utilized there was no particular rating or standing which they could have, but they were men who went out on the firing line in the presence of the enemy, and who put in touch the Commander in Chief, the President of the United States, in Washington, with the armies in the field. These men were compelled to be under fire, they were compelled to extend the lines of the telegraph to the immediate vicinity of the points where battle was raging, and to report on the maneuvers of our armies.

I have an exhaustive report here for which it required weeks to secure the data from the War Department in its preparation, showing the importance of the services of this class of men at the time they were employed.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. SCOTT. Certainly.

Mr. SPOONER. I was not in the Senate Chamber when the bill was called up, and I wish the Senator would enlighten me as to the class of men involved in it. Who are they?

Mr. SCOTT. As near as I can remember from the last session—not having the figures before me at the present time—the number is less than 200.

Mr. SPOONER. Oh, no; that was not my question. Who are the men of whom the Senator is speaking?

Mr. SCOTT. Does the Senator mean those who are asking relief by this bill?

Mr. SPOONER. Yes.

Mr. SCOTT. Mr. President, they are the telegraph operators during the war of the rebellion. They were confidential agents, and they had to take the following special oath, as shown by the report:

> I do solemnly swear that I will bear true allegiance to the United States of America, and that I will support and sustain the Constitution and laws made in pursuance thereof as the supreme law of the land, anything in any State constitution or laws to the contrary notwithstanding; that I will not take up arms against the United States, or give aid and comfort to the enemies thereof, or to any authority or pretended authority that is or may hereafter be engaged in armed hostility thereto; and that I disclaim all fellowship with the so-called Confederate States and Confederate armies. I do further swear that I will not reveal to any person or persons the contents of any dispatch, report, or other communication, either directly or indirectly, that may come to my knowledge through my connection with the telegraph, in any manner whatever; that I will not reveal or divulge to any person or persons any cipher that may be given me for United States military purposes; and that I will faithfully keep and observe this my solemn oath of secrecy and allegiance to the Government of the United States of America.

The report goes on further to show that General Grant and other distinguished generals required these telegraph operators to report to them only. Now, their widows and orphans are barred from drawing pensions, although these men were under fire and exposed to all the dangers to which any of the enlisted men or officers of the Army were exposed.

I should like, Mr. President, in the era of prosperity and abundance which this Government is now enjoying, to present these men, or their widows and orphans, as a Christmas gift this well-deserved right of theirs to be put in the line of pension.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. SCOTT. Certainly.

Mr. SPOONER. What other civilian employees were there connected with the service during the war who have received pensions?

Mr. SCOTT. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has been a member of the Committee on Pensions much longer than I, and probably can answer that question

better than I, but those who acted as teamsters and in some other capacities have been made pensionable, if I am not mistaken.

Mr. COCKRELL. Oh, no.

Mr. GALLINGER. That is not the fact, Mr. President. No class of men acting in a civil capacity has ever been put on the pension roll. We have made this exception in several bills, that if a man acting in a civil capacity was wounded or had taken up arms and had fought and distinguished himself, we have waived the law, or made a new law, granting that man a pension by special act.

Mr. President, this particular bill was before the Committee on Pensions on several occasions while I had the honor of acting as chairman of that committee, but I could not see my way clear to report it or to advise its being reported for the reason, as it seemed to me then and seems to me now, that if we pension as a class the military telegraphers, we shall have to pension all the men who drove the military wagons, who were likewise in danger when they were performing that service, and also other classes that rendered valuable service to the Government, though not having been enlisted.

I have nothing further to say in reference to the matter. I shall vote against the passage of the bill when it comes to a vote, believing, as I do, that it is a very dangerous precedent.

Mr. SCOTT. I should like to ask the Senator from New Hampshire if he does not think that a man who was hanging wires on telegraph poles in the face of the enemy was exposing himself to as much danger as the man in the rifle pit, who was protected by an embankment?

Mr. GALLINGER. Not any more so than the man who drove an army wagon.

Mr. SCOTT. The man who drove a wagon did not have to go to the front.

Mr. GALLINGER. It is rather important in this connection to know what rate of pay these men got. The man in the rifle pit got $13 a month. I think, before we vote pensions to these men, we ought to know what rate of pay they received as civil employees; and yet that does not cover the fact that we are pensioning a class of men who were not enlisted, who were not soldiers, and who have no right to a pension under existing law.

Mr. COCKRELL. I should like to ask the Senator if this question was not passed on once before in regard to the right of pension? I see in the bill as originally presented in the Senate by the Senator from Pennsylvania [Mr. PENROSE] it read thus:

> That the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," be amended by striking out and repealing so much of said act as reads: "*Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not mentioned herein specifically," etc.

That provision was in the law as it was first passed, authorizing these men to have certificates of discharge. That bill was reported from the Committee on Military Affairs, and it never would have been reported favorably if that proviso had not been inserted. The bill was pending before the Committee on Military Affairs for years to give those men the full status of soldiers. The official records will show that those men who were detailed from the Army did not lose their places as soldiers, but got extra pay for the time they were so detailed, and were pensionable just the same as if they had never been in the telegraph service, because they were simply detailed soldiers. They are upon an equal footing with the others. But there were a large number of telegraph operators who were not in the military service who are covered by this bill, and they received anywhere from $60 to $100 per month, while the soldiers in the trenches received $13 or $14 a month.

I say it is not right to pension these men. If they were doing military duty and taking greater risks, they got a compensation equal to the amount of the additional risk that they took, and rather than go into the ranks at $13 or $14 a month they were willing to take their chances in the position of telegraph operators with the pay at the rate of $75 to $100 a month. If you pension these men, you will have to pension every teamster who served in the quartermaster, the commissary, and the ordnance departments of the Army. You can not avoid it. It would be gross injustice, for they did not receive half as much pay for their services as teamsters as these men received.

I know I had occasion once to investigate and report upon the claim of a man who had been detailed to serve as a telegraph operator who had only been paid the extra pay, and for a certain portion of the time he was not paid for his services as a soldier. His widow made claim. I remember endeavoring to ascertain what salaries were paid these telegraph operators. I remember distinctly when the bill which it is now proposed to amend was before the committee. I know it was there for years before it could be reported favorably with this proviso inserted in it, and it never would have passed Congress and Congress never would have given such recognition at that time unless this proviso had been inserted, and now it is proposed to repeal it.

Mr. SCOTT. Mr. President, I am always glad to hear the Senator from Missouri; but it strikes me that his argument that these men received extra pay to the amount of from $75 to $100 a month is no argument whatever. We have had officers in the Army who exposed themselves to danger who drew salaries ranging from $100 to $150 a month, but that does not preclude their widows and orphans or they themselves from drawing pensions.

The same class of men for whom I am asking this consideration to-day are now recognized by the War Department as a part of the Army. They are enlisted in that particular branch called the Signal Service.

Now, the very class of men whom we are proposing by this bill to pension are men whom the Senator is objecting to voting to pension. I say freely, Mr. President, that if a man who drove a wagon was exposed to danger, which under some circumstances during the war he was, I am in favor of pensioning him or his widow and orphans. There is nothing, in my judgment, Mr. President, that is too good for the men who in the days of 1861 to 1865 stood by the flag of their country for their Government, and I stand here always prepared to cast my vote for the class of men who were willing to risk their lives for the defense of their country. I say that the men who put up the telegraph poles, and were targets for the enemy, are just as much entitled to pension as the man who marched in the ranks of his battalion or his regiment or his brigade in the hour of battle. These, as I have said, were the men who kept the Government in touch with what was going on upon the field of battle. They are entitled, in my judgment, to a pension the same as the man who carried a musket or the man who carried a sword and rode a horse.

I want to yield for a moment to the chairman of the Committee on Pensions, who is perhaps more familiar with this subject than I am.

Mr. McCUMBER. Mr. President, I do not know that I can very materially add to what has been stated by the Senator from West Virginia [Mr. SCOTT]. The report will show, I believe, that the men who are now proposed to be pensioned could not be enlisted at the time they went into the Army; that the authorities refused to accept them as soldiers for the very reason that at that time we did not have a sufficient number of telegraphers to supply the needs in that branch, and therefore, as I understand, under a military order the authorities were directed to refuse enlistment to that class of persons, and for the most part they went into the special service. I may be in error in this, but this is my understanding, and at least it is one of the influences which governed in reporting this bill favorably by the majority of the committee.

In addition to this, Mr. President, it was considered that by reason of the peculiar services of these men they were placed in a condition differing from that of teamsters and others who have been referred to here as such as would be liable to ask for pensions if this was passed as a precedent.

In addition to that, we considered at the time the bill was before the Senate the question of the extra amount paid to these men, but I believe the same arm of the service is now treated practically as enlisted soldiers and that they would draw pensions under the same conditions now if we had a war; that this peculiar class was exactly in the same position as those who now would be entitled to pensions. Therefore it was thought best to place them in the same grade without fixing the amount of the pension.

The question of extra pay was also considered, but, as has already been suggested, we make no distinction in the matter of the right of pension because of extra pay. Otherwise a distinction would be made between the private and the general and all other officers.

The number of these men I have not now in mind, but I think there are but very few, perhaps less than 200.

Mr. SCOTT. About 180.

Mr. McCUMBER. One hundred and eighty to be placed in the same position as other telegraphers in the Army at the present time.

Mr. FORAKER. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. FORAKER. The bill as amended, and as originally introduced, for that matter, provides that all persons placed upon the roll of military telegraph operators under the provision of an act approved January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," shall be made eligible for pension. I assume from that

that there is a roll that has been prepared that ought to show us how many there are. It becomes important to make inquiry about that.

Mr. PENROSE. There are 187, I will state for the information of the Senator from Ohio, who might be beneficiaries under this bill.

Mr. FORAKER. One hundred and eighty-seven?

Mr. PENROSE. Only 187.

Mr. McCUMBER. That is down to last year.

Mr. FORAKER. The report accompanying this bill has two exhibits, one on page 35 and the other on page 36.

The PRESIDENT pro tempore. Will the Senator from Ohio yield for a moment?

Mr. FORAKER. Certainly.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business; which will be stated.

The SECRETARY. A bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, the bill is now in regular course before the Senate, as I stated this morning it would be. I should be glad if we could agree to a time to take a vote upon it. I have no desire to press it unduly, but if we can not fix a time for taking the vote I shall have to ask the Senate to go on with the bill. I should like to ask Senators on the other side if they would be willing to name a day before the holiday recess when we can take a vote on the bill.

Mr. CULBERSON. I have conferred in a general way on this matter with the minority members of the Committee on the Philippines who are here, and I will state that there is no disposition on their part—I do not know how it is with the balance of Senators on this side—to postpone the vote on this bill beyond the holidays. Any reasonable time, I think, would be satisfactory to the minority members of the committee on this side.

As already stated, I have not conferred generally with Senators on this side. Personally I have no objection to fixing a day ten days or two weeks from now when a vote may be taken upon the bill.

Mr. LODGE. The Senator yesterday in conversation with me suggested the 19th. I have myself no objection whatever to that date, but I think we shall very likely adjourn on the 19th or 20th. I would suggest the 16th, which will probably be the last legislative day before the holiday recess.

Mr. CULBERSON. Mr. President, I suggest to the Senator, in view of the statement that we shall probably adjourn on the 19th, which will be on Monday, that probably this side of the Chamber will consent to vote on Saturday, the 17th.

Mr. LODGE. Very well, say Saturday, the 17th, at 3 o'clock.

Mr. BACON. I should like to inquire of the Senator, in case such a special arrangement is made, if there will be at the same time provision which will give precedence to the consideration of this measure?

Mr. LODGE. Under the unanimous-consent agreement I shall ask the understanding will be that, of course, the bill will remain the unfinished business and come up every day at 2 o'clock.

Mr. BACON. I did not know that that was the understanding.

Mr. LODGE. Oh, yes.

Mr. SPOONER. I suppose that includes all amendments.

Mr. LODGE. Certainly. I was going to make that a part of my request. I ask, as the bill is now the unfinished business, that it may continue the unfinished business, and that the final vote be taken on the bill and all amendments pending or to be offered at 3 o'clock on Saturday, the 17th instant.

Mr. CULBERSON. It has been suggested that some Senators on this side of the Chamber would like to leave the city on the 17th, and I therefore suggest to the Senator from Massachusetts that he fix the 16th as the day for the vote.

Mr. LODGE. Very well; I will make it the 16th instant.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the bill now before the Senate—the unfinished business—may receive the final vote on the 16th day of December, on the bill itself and all amendments which shall then be offered or pending, at 3 o'clock p. m. Is there objection? The Chair hears none, and that order is made.

Mr. LODGE. Mr. President, unless some Senator desires to address the Senate upon this bill now, I move that the Senate adjourn.

Mr. FORAKER. Mr. President, I hope the Senator will withhold that motion until at least I can complete the question I was propounding to the Senator who had the floor when I was interrupted.

Mr. LODGE. Of course I will withhold the motion for that purpose.

Mr. FORAKER. Of course it must be by unanimous consent.

Mr. SPOONER. I hope the Senator will be permitted to ask the question and obtain an answer, so that it may go into the RECORD.

Mr. LODGE. I will withhold the motion if the Senator desires to ask a question; but I do not withhold it so as to go on with the consideration of that bill.

Mr. FORAKER. No; and so far as I am concerned I do not care about that.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] asks unanimous consent that the unfinished business may be laid aside temporarily, in order that the Senator from Ohio [Mr. FORAKER] may finish the remarks he was making. Is there objection? The Chair hears none.

MILITARY TELEGRAPH OPERATORS.

Mr. FORAKER. I was just calling attention when interrupted to the fact that, on pages 35 and 36 of the report accompanying this bill, there are two exhibits showing the number of operators in the telegraph department at certain periods. Exhibit A, on page 35, shows:

Number and classes of persons employed on United States military telegraph lines in the Department of the Cumberland from July 1, 1863, to November 30, 1863:

Operators	53
Repairers	32
Laborers	89
Clerks	2
Foremen	3

Exhibit B, on page 36, shows:

Number and classes of persons employed on military telegraph in Department of the Cumberland from December 1, 1863, to June 30, 1864:

Operators	142
Repairers	63
Laborers	144
Foremen	9
Clerks	2
Teamsters	8
Wagon master	1
Wagon maker	1
Blacksmiths	3
Messengers	4
Carpenters	1
Saddler	1

Now, the inquiry I want to make is, What does this roll show which has been prepared under the provisions of the act of 1897, the act of January 26 of that year? The provision of that law was that the roll should be prepared, and the provision of this bill is that all whose names have been entered upon that roll shall be put upon the pension list and shall be eligible to pension. I think we ought to be favored by an exhibition of that roll. I think also it will be apparent to anyone who looks at the exhibit I have just read that we ought to be informed as to the length of service these men rendered and the kind of service they rendered. This exhibit shows in one instance all those in a certain army, namely, the Army of the Cumberland, who served for a period of some five or six months, and in the second exhibit those who served during a like short period. It shows the total of those who belonged to the telegraph operators of the Army of the Cumberland to be larger than any figures that have been named here. I should like to be advised before I vote on this bill as to the length of this roll, who are on it, and what kind of service they rendered.

Mr. McCOMAS. Before the Senator from North Dakota [Mr. McCUMBER] makes his answer to the Senator from Ohio [Mr. FORAKER], will he permit me to make a quotation from the act of January 6, 1897, which has been referred to?

Mr. McCUMBER. Certainly.

Mr. McCOMAS. That act provides:

That the Secretary of War is hereby authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late civil war—

That answers the question as to the time—ninety days' service—

and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed.

Then the proviso:

Provided, That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for.

And the act, as the Senator from Ohio has suggested, was originally the bill here presented by the Senator from Pennsylvania—was a bill for the relief of telegraph operators; and I understand the Senator from West Virginia now to believe that the amended bill reported applies to telegraph operators; but the words of the amended bill are: "That all persons placed upon the roll of military telegraph operators under the provision of an act approved January 26, 1897," shall be entitled to the benefits of the bill if it becomes an act; whereas, under the terms of the act of 1897, repairers, blacksmiths, foremen, wagon masters, wagon makers, teamsters, and laborers would all be entitled to the benefits of this bill.

I have much sympathy for the claims of men on the firing line who are now enrolled in the Signal Corps and who receive great consideration; but it seems to me that this bill is unhappily worded. As it was introduced it included only the military operators, and the title only includes them now; but the language of the bill includes all these other classes of persons who have been recited by the Senator from Ohio. I only wanted to call attention to that before the chairman of the Committee on Pensions answered the Senator from Ohio.

The PRESIDENT pro tempore. The Chair calls attention to the fact that the temporary suspension was only until the Senator from Ohio might submit a question.

Mr. LODGE. I now renew my motion.

Mr. McCUMBER. Without there having been an answer to the question?

Mr. LODGE. I beg pardon.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the further temporary suspension so that the Senator from North Dakota may answer the question propounded by the Senator from Ohio. Is there objection? The Chair hears none.

Mr. McCUMBER. Mr. President, the act in question is an act for the relief of telegraph operators who served in the war of the rebellion. I do not think the body of the bill covers anything further than is covered in the title, "telegraph operators." I do not understand that anyone but telegraph operators could get a certificate under this bill.

I further understand that no one but telegraph operators did, in fact, get certificates under that act; that the number of certificates was about 200, and that the present number is something less than 200—I think 187.

The Senator from Ohio asked where we got the information. I had supposed it was in the report. I do not, however, find it in the report that was made by the Senator from West Virginia [Mr. SCOTT]; but it was obtained from the Department, and the Department gave the number approximately as I have stated.

Mr. McCOMAS. If the Senator will permit me, I wish to call attention to these words:

A roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late civil war.

Mr. McCUMBER. The operation of lines does not mean the entire construction of the line. It means telegraph operators. The mere fact that they helped the construction of the lines would not bring them under that classification.

Mr. LODGE. I now renew my motion that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 8, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1904.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Lieut. Col. Clinton B. Sears, Corps of Engineers, United States Army, to be a member of the Mississippi River Commission, to which office he was appointed during the last recess of the Senate, vice Lieut. Col. Henry M. Adams, Corps of Engineers, United States Army, relieved.

POSTMASTERS.

ALABAMA.

Joseph C. Manning to be postmaster at Alexander City, in the county of Tallapoosa and State of Alabama, in place of Joseph C. Manning. Incumbent's commission expires December 20, 1904.

Dallas B. Smith to be postmaster at Opelika, in the county of Lee and State of Alabama, in place of Dallas B. Smith. Incumbent's commission expired December 19, 1903.

CALIFORNIA.

George S. Parkinson to be postmaster at Mountain View, in the county of Santa Clara and State of California, in place of George G. Taylor. Incumbent's commission expires December 20, 1904.

COLORADO.

Eva T. Wheeler to be postmaster at Crested Butte, in the county of Gunnison and State of Colorado, in place of Frank E. Songer, removed.

FLORIDA.

George J. Arnow to be postmaster at Gainesville, in the county of Alachua and State of Florida, in place of George J. Arnow. Incumbent's commission expires December 20, 1904.

Newell B. Hull to be postmaster at Starke, in the county of Bradford and State of Florida, in place of Newell B. Hull. Incumbent's commission expires December 18, 1904.

Enoch E. Skipper to be postmaster at Bartow, in the county of Polk and State of Florida, in place of James Harden, resigned.

ILLINOIS.

Charles H. Hurt to be postmaster at Berry, in the county of Pike and State of Illinois, in place of Charles H. Hurt. Incumbent's commission expires December 20, 1904.

Henry C. Jones to be postmaster at Marion, in the county of Williamson and State of Illinois, in place of Henry C. Jones. Incumbent's commission expires December 10, 1904.

INDIAN TERRITORY.

Charles W. Fears to be postmaster at Sulphur, in district 21, Indian Territory. Office became Presidential July 1, 1904.

IOWA.

Harper W. Wilson to be postmaster at Audubon, in the county of Audubon and State of Iowa, in place of Harper W. Wilson. Incumbent's commission expires December 20, 1904.

KANSAS.

Charles E. Green to be postmaster at Effingham, in the county of Atchison and State of Kansas. Office became Presidential October 1, 1904.

George B. Hollenbeck to be postmaster at Tonganoxie, in the county of Leavenworth and State of Kansas, in place of Henry Metz. Incumbent's commission expires December 20, 1904.

Robert D. Kirkpatrick to be postmaster at Nortonville, in the county of Jefferson and State of Kansas. Office became Presidential October 1, 1904.

KENTUCKY.

John M. Bowling to be postmaster at Pikeville, in the county of Pike and State of Kentucky. Office became Presidential January 1, 1904.

J. W. Shields to be postmaster at Williamstown, in the county of Grant and State of Kentucky, in place of William C. Johnson, removed.

MASSACHUSETTS.

George E. Ricker to be postmaster at Merrimac, in the county of Essex and State of Massachusetts, in place of Elizabeth W. Smart, resigned.

MICHIGAN.

Eber S. Andrews to be postmaster at Williamston, in the county of Ingham and State of Michigan, in place of Eber S. Andrews. Incumbent's commission expires December 20, 1904.

Oliver D. Carson to be postmaster at Galesburg, in the county of Kalamazoo and State of Michigan. Office became Presidential October 1, 1904.

Christopher C. Smith to be postmaster at Algonac, in the county of St. Clair and State of Michigan. Office became Presidential October 1, 1904.

MINNESOTA.

Frank L. Redfield to be postmaster at Cloquet, in the county of Carlton and State of Minnesota, in place of Frank L. Redfield. Incumbent's commission expired March 6, 1904.

MISSISSIPPI.

David G. Dunlap to be postmaster at Sardis, in the county of Panola and State of Mississippi, in place of David G. Dunlap. Incumbent's commission expired January 3, 1904.

Laura M. Gowdy to be postmaster at Batesville, in the county of Panola and State of Mississippi. Office became Presidential April 1, 1904.

Edward M. Scott to be postmaster at Rosedale, in the county of Bolivar and State of Mississippi, in place of Edward M. Scott. Incumbent's commission expires December 20, 1904.

MISSOURI.

John H. Bryant to be postmaster at Burlington Junction, in the county of Nodaway and State of Missouri, in place of John H. Bryant. Incumbent's commission expires December 20, 1904.

Edward R. Williams to be postmaster at Richmond, in the

county of Ray and State of Missouri, in place of Edward R. Williams. Incumbent's commission expires December 20, 1904.

NEW YORK.

Annie Larrabee to be postmaster at Oyster Bay, in the county of Nassau and State of New York, in place of Annie Larrabee. Incumbent's commission expires December 10, 1904.

George A. McKinnon to be postmaster at Sidney, in the county of Delaware and State of New York, in place of George A. McKinnon. Incumbent's commission expires December 20, 1904.

Frederick B. Powell to be postmaster at Amityville, in the county of Suffolk and State of New York, in place of Frederick B. Powell. Incumbent's commission expires December 20, 1904.

Charles J. Sweet to be postmaster at Black River, in the county of Jefferson and State of New York, in place of Charles J. Sweet. Incumbent's commission expires December 20, 1904.

James W. Welch to be postmaster at Hamilton, in the county of Madison and State of New York, in place of E. W. Cushman, resigned.

NORTH DAKOTA.

Mary A. Milligan to be postmaster at Hope, in the county of Steele and State of North Dakota, in place of Mary A. Milligan. Incumbent's commission expires December 20, 1904.

PENNSYLVANIA.

Robert S. Davis to be postmaster at Leetsdale, in the county of Allegheny and State of Pennsylvania. Office became Presidential October 1, 1904.

TENNESSEE.

Jasper N. Fitzwater to be postmaster at Collierville, in the county of Shelby and State of Tennessee. Office became Presidential October 1, 1904.

William H. Hollinger to be postmaster at Waverly, in the county of Humphreys and State of Tennessee, in place of Mary H. Ricketts. Incumbent's commission expires December 20, 1904.

Thomas J. Lovell to be postmaster at Obion, in the county of Obion and State of Tennessee. Office became Presidential October 1, 1904.

John Redd to be postmaster at Bolivar, in the county of Hardeman and State of Tennessee, in place of John Redd. Incumbent's commission expires December 20, 1904.

TEXAS.

Jacob M. Harrell to be postmaster at Manor, in the county of Travis and State of Texas, in place of Jacob M. Harrell. Incumbent's commission expires December 20, 1904.

UTAH.

George H. Richards to be postmaster at Sunnyside, in the county of Carbon and State of Utah. Office became Presidential October 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 6, 1904.

SECRETARY OF THE NAVY.

Paul Morton, of Illinois, to be Secretary of the Navy of the United States.

ATTORNEY-GENERAL.

William H. Moody, of Massachusetts, to be Attorney-General of the United States.

SECRETARY OF COMMERCE AND LABOR.

Victor H. Metcalf, of California, to be Secretary of Commerce and Labor of the United States.

POSTMASTER-GENERAL.

Robert J. Wynne, of Pennsylvania, to be Postmaster-General of the United States.

COMMISSIONER OF INDIAN AFFAIRS.

Francis E. Leupp, of the District of Columbia, to be Commissioner of Indian Affairs.

POSTMASTERS.

NEW HAMPSHIRE.

John H. Brown to be postmaster at Concord, in the county of Merrimac and State of New Hampshire.

Mary V. Cheney to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire.

NEW YORK.

William R. Willcox to be postmaster at New York, in the county of New York and State of New York.

PENNSYLVANIA.

Levi J. Foust to be postmaster at Johnstown, in the county of Cambria and State of Pennsylvania.

John Gowland to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 7, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I am directed by the Committee on Appropriations to report the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, with accompanying report.

The SPEAKER. By direction of the Committee on Appropriations the gentleman from Pennsylvania reports the following bill, the title of which the Clerk will read.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. BINGHAM. Mr. Speaker, I desire, by instructions of the committee, to announce to the House that I will ask for the consideration of the proposed legislation immediately after the reading of the Journal to-morrow morning.

The SPEAKER. The gentleman from Pennsylvania gives notice that he will call up the bill for consideration to-morrow morning immediately after the reading of the Journal.

Mr. MADDOX. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. The gentleman from Georgia reserves all points of order upon this bill.

DISTRIBUTION OF THE PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means, I report back House resolution No. 386.

The SPEAKER. The Clerk will report the same.

The Clerk began the reading of the resolution.

Mr. PAYNE. Mr. Speaker, I hardly think it necessary to read it now, as I propose to ask the House to go into the Committee of the Whole House on the state of the Union for the consideration of the resolution.

The SPEAKER. The gentleman from New York reports the resolution with the request that it be referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution 386.

The SPEAKER. The gentleman from New York moves that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of resolution 386, the title of which has just been read.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 386.

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue, the bonded debt of the United States, and the treaties affecting the revenue be referred to the Committee on Ways and Means.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, be referred to the Committee on Foreign Affairs.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to the mints of the United States and to the coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the commerce of the United States, domestic and foreign, except so far as it affects the revenue, to intercolonial railways and cables, and the isthmian canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to the improvements of rivers and harbors be referred to the Committee on Rivers and Harbors.

That so much as relates to agriculture and appropriations therefor and to forestry be referred to the Committee on Agriculture.

That so much as relates to the merchant marine and fisheries be referred to the Committee on the Merchant Marine and Fisheries.

That so much as relates to the military establishment and appropriations therefor be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to post-offices and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes, and appropriations therefor, be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to the irrigation of arid lands be referred to the Committee on Irrigation of Arid Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to the election of President, Vice-President, or Representatives in Congress be referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

That so much as relates to the militia of the several States be referred to the Committee on Militia.

That so much as relates to foreign immigration and naturalization be referred to the Committee on Immigration and Naturalization.

That so much as relates to the Library of Congress, statuary and paintings, be referred to the Joint Committee on the Library on the part of the House.

That so much as relates to printing be referred to the Joint Committee on Printing on the part of the House.

That so much as relates to the affairs of the District of Columbia (excepting appropriations) be referred to the Committee on the District of Columbia.

That so much as relates to the industrial arts and expositions be referred to the Committee on Industrial Arts and Expositions.

That so much as relates to patents be referred to the Committee on Patents.

That so much as relates to the pensions of the civil war be referred to the Committee on Invalid Pensions.

That so much as relates to the pensions of all the wars of the United States, other than the civil war, be referred to the Committee on Pensions.

The Clerk read the committee amendment, as follows:

On page 3, in line 21, strike out the words "and to Cuba."

Mr. PAYNE. Mr. Chairman, this is the usual annual resolution for the distribution of the President's message to the various committees, following as it does the language of the rules and the jurisdiction of each committee. It is more a formal matter than anything else, and I have no knowledge of anyone who desires to debate the subject in any way. There is an amendment on page 3, in line 21, and if there is no general debate I ask for the reading of the amendment.

The CHAIRMAN. The amendment has been read. The question is on the adoption of the committee amendment.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report the resolution, with the amendment, to the House, and ask for its passage.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise and report the resolution to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration resolution No. 386 and had agreed to the same with an amendment, recommending that the amendment be agreed to and that the resolution as amended be passed.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the resolution as amended was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON of Tennessee for thirty days on account of important business.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

Annual report of the Secretary of the Treasury for the fiscal year ended June 30, 1904—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for completing the Sabine Bank light station, Texas—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of appropriation for quarters of officers of the Bureau of Plant Industry—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Auditor for the State and other Departments submitting an estimate of deficiency appropriation for certain clerks—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for certain salaries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a report of the receipts and expenditures on account of the appropriation for contingent expenses of the War Department—to the Committee on Expenditures in the War Department, and ordered to be printed.

Report of the Librarian of Congress for the fiscal year ended June 30, 1904—to the Committee on the Library, and ordered to be printed.

A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting report of the board for the year ended June 30, 1904—to the committees on Military Affairs and Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14936) granting an increase of pension to James T. Wolverton, reported the same with amendment, accompanied by a report (No. 2946); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15342) granting a pension to Angeline Buckley, reported the same without amendment, accompanied by a report (No. 2947); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15404) granting an increase of pension to John A. Hayward, reported the same with amendment, accompanied by a report (No. 2948); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15762) granting an increase of pension to James L. Olmsted, reported the same without amendment, accompanied by a report (No. 2949); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15686) granting a pension to Annie Dunn, reported the same with amendment, accompanied by a report (No. 2950); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15680) granting an increase of pension to Isaac Hanson, reported the same with amendment, accompanied by a report (No. 2951); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15634) granting a pension to Harriet A. Orr, reported the same without amendment, accompanied by a report (No. 2952); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15199) granting a pension to Mary J. Lansing, reported the same with amendment, accompanied by a report (No. 2953); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15785) granting an increase of pension to Charles E. Young, reported the same without amendment, accompanied by a report (No. 2954); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15387) granting an increase of pension to William Hall, reported the same with amendment, accompanied by a report (No. 2955); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15071) granting an increase of pension to Matilda L. Curkendall, reported the same with amendment, accompanied by a report (No. 2956); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15207) granting an increase of pension to Amos Jones, reported the same with amendment, accompanied by a report (No. 2957); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15144) granting an increase of pension to William J. Reynolds, reported the same with amendment, accompanied by a report (No. 2958); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14951) granting an increase of pension to Benjamin F. Watts, reported the same with amendment, accompanied by a report (No. 2959); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14919) granting a pension to Kerney May, reported the same with amendment, accompanied by a report (No. 2960); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14799) granting an increase of pension to Napoleon B. Wing, reported the same with amendment, accompanied by a report (No. 2961); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14662) granting an increase of pension to Aaron Fanshaw, reported the same without amendment, accompanied by a report (No. 2962); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14601) granting an increase of pension to William Schrall, reported the same with amendment, accompanied by a report (No. 2963); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14288) granting a pension to Nettie C. Lutes, reported the same with amendment, accompanied by a report (No. 2964); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14150) granting an increase of pension to John J. Carberry, reported the same with amendment, accompanied by a report (No. 2965); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13910) granting a pension to Henry E. Wright, reported the same with amendment, accompanied by a report (No. 2966); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13501) granting a pension to James L. Townsend, reported the same with amendment, accompanied by a report (No. 2967); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13064) granting an increase of pension to John K. Tyler, reported the same with amendment, accompanied by a report (No. 2968); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12859) granting an increase of pension to James Donnelley, reported the same with amendment, accompanied by a report (No. 2969); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12254) granting an increase of pension to Mathew H. Bevan, reported the same with amendment, accompanied by a report (No. 2970); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11788) granting an increase of pension to Henry L. Kyler, reported the same with amendment, accompanied by a report (No. 2971); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11492) granting an increase of pension to Samuel B. Bartley, reported the same with amendment, accompanied by a report (No. 2972); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11451) granting an increase of pension to Alexander Morrison, reported the same with amendment, accompanied by a report (No. 2973); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11235) for the relief of Clarissa E. McCormick, reported the same with amendment, accompanied by a report (No. 2974); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11148) granting an increase of pension to George W. Stanfield, reported the same with amendment, accompanied by a report (No. 2975); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11090) granting an increase of pension to Joseph Reese, reported the same with amendment, accompanied by a report (No. 2976); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11016) granting an increase of pension to Samuel P. Short, reported the same with amendment, accompanied by a report (No. 2977); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10680) granting an increase of pension to S. B. Coe, reported the same with amendment, accompanied by a report (No. 2978); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10686) granting a pension to Michael Kurtz, reported the same with amendment, accompanied by a report (No. 2979); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9939) granting a pension to Martha Higgins, reported the same with amendment, accompanied by a report (No. 2980); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9824) granting a pension to William Hayes, reported the same with amendment, accompanied by a report (No. 2981); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9771) granting an increase of pension to Mary E. Weaver, reported the same without amendment, accompanied by a report (No. 2982); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9696) granting an increase of pension to Henry S. Austin, reported the same with amendment, accompanied by a report (No. 2983); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9621) granting an increase of pension to William Lance, reported the same with amendment, accompanied by a report (No. 2984); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9553) granting a pension to Hattie L. Rich, reported the same with amendment, accompanied by a report (No. 2985); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15779) granting an increase of pension to Lucinda M. Reeves, reported the same without amendment, accompanied by a report (No. 2986); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 9552) granting a pension to Peter Williams, reported the same with amendment, accompanied by a report (No. 2987); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8917) for the relief of Michael Marx, reported the same with amendment, accompanied by a report (No. 2988); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7241) granting an increase of pension to Philip H. Strunk, reported the same with amendment, accompanied by a report (No. 2989); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6832) granting an increase of pension to Nathaniel Cayes, reported the same with amendment, accompanied by a report (No. 2990); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6506) granting an increase of pension to Edward M. Rhoades, reported the same with amendment, accompanied by a report (No. 2991); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5461) granting an increase of pension to Preston D. Roady, reported the same without amendment, accompanied by a report (No. 2992); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5436) granting a pension to Hiram Baird, reported the same without amendment, accompanied by a report (No. 2993); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5341) granting a pension to Jennie Petteys, reported the same with amendment, accompanied by a report (No. 2994); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4927) granting an increase of pension to Eugene P. Tewkesbury, reported the same with amendment, accompanied by a report (No. 2995); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4728) granting an increase of pension to William W. Smith, reported the same without amendment, accompanied by a report (No. 2996); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4655) granting an increase of pension to Henry Jeffers, reported the same with amendment, accompanied by a report (No. 2997); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4627) granting a pension to Annie Young, reported the same with amendment, accompanied by a report (No. 2998); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4242) granting a pension to Annie M. Wallace, reported the same with amendment, accompanied by a report (No. 2999); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15473) granting an increase of pension to James W. Capron, reported the same without amendment, accompanied by a report (No. 3000); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15791) granting a pension to Mary Suppes, reported the same without amendment, accompanied by a report (No. 3001); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4211) granting an increase of pension to Elijah Roberts, reported the same without amendment, accompanied by a report (No. 3002); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4112) granting a pension to Elizabeth Wynne, reported the same with amendment, accompanied by a report (No. 3003); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3712) granting a pension to Frederick W. Tappmeyer, reported the same with amendment, accompanied by a report (No. 3004); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3287) granting an increase of pension to Orrin Plaisted, reported the same with amendment, accompanied by a report (No. 3005); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2353) granting an increase of pension to S. C. Hilleary, reported the same with amendment, accompanied by a report (No. 3006); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1901) granting an increase of pension to W. F. Barnes, reported the same with amendment, accompanied by a report (No. 3007); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 912) granting an increase of pension to John F. Dorsey, reported the same without amendment, accompanied by a report (No. 3008); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15743) granting an increase of pension to Desire Leglise, reported the same without amendment, accompanied by a report (No. 3011); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15688) granting an increase of pension to Augustus H. Hains, reported the same with amendment, accompanied by a report (No. 3012); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14774) granting an increase of pension to Albert S. Graham, reported the same with amendment, accompanied by a report (No. 3013); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15744) granting an increase of pension to Edward L. Russell, reported the same without amendment, accompanied by a report (No. 3014); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11324) granting an increase of pension to Charles Alfred De Arnaud, reported the same without amendment, accompanied by a report (No. 3015); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15682) granting an increase of pension to Jackson Holmes—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15739) granting a pension to Oscar L. Thrash—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15868) granting an increase of pension to Thomas S. Cogley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM, from the Committee on Appropriations: A bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes—to the Union Calendar.

By Mr. HENRY of Texas: A bill (H. R. 15896) making an appropriation for the improvement of the Brazos River between Old Washington and Waco—to the Committee on Rivers and Harbors.

By Mr. BROWN of Wisconsin: A bill (H. R. 15897) to provide for the investigation of the claims of the Potawatomi Indians of Wisconsin, for their proportionate shares of the annuities, interest on trust funds, and other moneys heretofore paid to or expended for the tribe to which they belong, in which

payments the claimant Indians have not shared—to the Committee on Indian Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 15898) to increase the limit of the appropriation for a public building at Perth Amboy, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. LIND: A bill (H. R. 15899) authorizing the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands—to the Committee on Indian Affairs.

By Mr. CAPRON: A bill (H. R. 15900) to provide United States district attorneys with the Supreme Court Reports—to the Committee on the Judiciary.

By Mr. HITCHCOCK: A bill (H. R. 15901) fixing the terms of the circuit and district courts in and for the district of Nebraska—to the Committee on the Judiciary.

By Mr. ROBERTS: A bill (H. R. 15902) concerning the naval hospital grounds at Chelsea, Mass.—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 15967) to amend section 39 of the act entitled "An act to regulate the immigration of aliens into the United States"—to the Committee on Immigration and Naturalization.

By Mr. BURTON: A joint resolution (H. J. Res. 164) for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors—to the Committee on Printing.

By Mr. DRAPER: A resolution (H. Res. 387) authorizing the appointment of an additional page in the press gallery during the present session of Congress—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15903) granting an increase of pension to George T. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15904) granting an increase of pension to John K. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15905) granting an increase of pension to Robert Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15906) granting an increase of pension to Frank G. Hawkins—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 15907) for the relief of George W. Randall, of Portland, Cumberland County, Me.—to the Committee on Claims.

By Mr. BROWN of Wisconsin: A bill (H. R. 15908) granting an increase of pension to John E. Leahy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15909) granting a pension to Jessie Marie Hester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15910) granting an increase of pension to William B. Philbrick—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 15911) granting an increase of pension to Edwin Ellis—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 15912) granting a pension to Catherine Slattery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15913) granting an increase of pension to Hiram R. Freelove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15914) granting an increase of pension to David A. Carpenter—to the Committee on Pensions.

Also, a bill (H. R. 15915) granting an increase of pension to Edward B. Tanner—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 15916) for the promotion and retirement of Col. John B. Rodman, United States Army, retired—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 15917) granting an increase of pension to Oliver P. Hughes—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 15918) granting an increase of pension to Thomas Cullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15919) granting an increase of pension to Joseph Fike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15920) granting an increase of pension to Luther Matteson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15921) granting a pension to Maletta Hill—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15922) granting an increase of pension to William J. Cheney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15923) granting an increase of pension to James B. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15924) granting an increase of pension to William Shadrick—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 15925) granting an increase of pension to Nellie Barrett—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15926) to remove the charge of desertion standing against the name of Warren V. Howard—to the Committee on Military Affairs.

By Mr. GOEBEL: A bill (H. R. 15927) granting an increase of pension to Freeman C. Witherby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15928) granting a pension to Martha Saunders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15929) granting a pension to Anna E. Brown—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 15930) granting an increase of pension to William H. Cray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15931) granting an increase of pension to Ephraim L. Mack—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 15932) granting a pension to Ella Sumner—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 15933) granting an increase of pension to Marcius L. Box—to the Committee on Invalid Pensions.

By Mr. KLUTTZ: A bill (H. R. 15934) for the relief of Nancy Gragg—to the Committee on War Claims.

By Mr. MAHON: A bill (H. R. 15935) for the relief of the legal representatives of John B. Seidle, deceased—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 15936) granting a pension to Augustus James Norwood—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 15937) granting an increase of pension to Frances Brower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15938) granting a pension to William F. Folk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15939) granting an increase of pension to Luke V. Temple—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 15940) granting a pension to James M. Wood—to the Committee on Invalid Pensions.

By Mr. SHIRAS: A bill (H. R. 15941) granting an increase of pension to Israel V. Hoag—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15942) granting an increase of pension to John Slater—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 15943) granting an increase of pension to Paul Stang—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15944) granting an increase of pension to John Vorous—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15945) granting an increase of pension to Samuel J. Kuhns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15946) granting an increase of pension to Oliver Marcus Bump—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 15947) granting a pension to Philander S. Wright—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 15948) granting a pension to Jane Asher—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 15949) granting an increase of pension to Elizabeth Blackmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15950) granting an increase of pension to Edward J. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15951) granting an increase of pension to John Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15952) granting an increase of pension to David B. Wacaser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15953) granting an increase of pension to William T. Gibbs—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 15954) granting an increase of pension to Ira D. McClary—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 15955) granting a pension to William B. Sturges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15956) granting a pension to Clarence E. Duane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15957) granting a pension to Charles H. Coe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15958) granting a pension to Marcus D. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15959) granting a pension to Daniel Swisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15960) granting an increase of pension to David N. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15961) granting an increase of pension to Henry Frederick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15962) granting an increase of pension to Charles T. Beals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15963) granting an increase of pension to D. C. McMillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15964) granting an increase of pension to Lucius A. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15965) granting an increase of pension to Henry W. Shroeder—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 15966) for the relief of Henry Luther—to the Committee on Military Affairs.

By Mr. BROOKS: A bill (H. R. 15968) granting an increase of pension to James Luther Hodges—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and refered as follows:

By Mr. ALLEN: Petition of George W. Randall, of Portland, Me., owner of the fishing sloop *Lottie W.*, praying for damages sustained by his vessel to the extent of $200, on account of the U. S. steamer *Weitzel* striking said sloop and crushing her port side below water line—to the Committee on Claims.

By Mr. AMES: Resolution of the Lowell (Mass.) Board of Trade, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: Petition in favor of Hearst bill to increase the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Papers to accompany House bill granting a pension to Edwin Ellis—to the Committee on Invalid Pensions.

By Mr. CAPRON: Papers to accompany House bill granting an increase of pension to Hiram R. Freelove—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany the bill for the promotion and retirement of Col. John B. Rodman, United States Army, retired—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of the Interstate Commerce Law Convention held at St. Louis, Mo., October 28 and 29, 1904, asking for relief from discriminating tariff rates by various railway corporations—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Resolution in the matter of the interstate-commerce law adopted at a meeting of the Manufacturers' Association of New York Monday evening, November 21, 1904, enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution of the Kings County Division, No. 419, of the Brotherhood of Locomotive Engineers, urging the passage of the bill (H. R. 13354) to pension engineers on the military roads during the civil war—to the Committee on Military Affairs.

Also, resolution of the Twenty-second Annual Lake Mohonk Conference of the Friends of the Indians, in reference to liquor traffic in the Indian Territory—to the Committee on Ways and Means.

By Mr. FULLER: Papers to accompany bill granting an increase of pension to Nellie Barrett—to the Committee on Invalid Pensions.

By Mr. GOEBEL: Papers to accompany bill granting a pension to Martha Sanders—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting pension to Anna E. Brown—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of churches and societies of Woonsocket, R. I., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HARRISON: Resolution of the Manufacturers' Association of New York, favoring the enlarging of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brunswick-Balke-Collender Company of New York City, favoring the enlarging of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: Petitions of citizens of Arkansas, urging passage of bill H. R. 1997, regulating liquor traffic in States and Territories where local-option laws have been passed—to the Committee on Ways and Means.

By Mr. McCREARY of Pennsylvania: Petition of Elizabeth F. Givin, widow of William I. Givin, first sergeant, United States Marine Corps, United States Navy, in support of bill H. R. 19808, granting her an increase of pension—to the Committee on Invalid Pensions.

Also, papers in support of bill H. R. 5001, to reimburse James M. McGee, M. D., for expenses incurred in the burial of Mary J. De Lange, a deceased pensioner—to the Committee on Claims.

By Mr. McNARY: Resolution of Division No. 61 of the Brotherhood of Locomotive Engineers, of Boston, Mass., praying relief for locomotive engineers who served at the front during the civil war—to the Committee on Military Affairs.

Also, petition of citizens of Mattapan, Suffolk County, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill for the relief of William R. Fulk, Company F, One hundred and forty-ninth Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers in support of House bill granting a pension to James W. Wood, of Jackson County, Ala.—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers in support of House bill granting a pension to Jane Asher, of Paulding, Ohio—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of Meriden, Waterbury, Wallingford, and Middletown, Conn., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the Baptist convention, relative to conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, resolution of the New England Tobacco Growers' Association, opposing any reduction in the duty on tobacco—to the Committee on Ways and Means.

By Mr. TIRRELL: Papers in support of House bill granting a pension to Ira D. McClary—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of the Patienberg Gun Club, in favor of bill H. R. 9302, providing for untaxed denaturized alcohol—to the Committee on Ways and Means.

SENATE.

THURSDAY, *December 8, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. WILLIAM B. BATE, a Senator from the State of Tennessee, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

TRESPASSES ON INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs relative to the seizure of live stock found trespassing on Indian reservation lands, etc.; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

ANNUAL REPORT OF COMMISSIONER OF FISHERIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the annual report of the Commissioner of Fisheries for the fiscal year ended June 30, 1904; which, with the accompanying paper, was referred to the Committee on Fisheries, and ordered to be printed.

ANNUAL REPORT OF COMPTROLLER OF THE CURRENCY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Comptroller of the Currency for the fiscal year ended October 31, 1904; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Methodist Episcopal Church South, of Guyandotte, W. Va., *v.* The United States;

which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Strube, administratrix of the estate of P. B. Sawyer, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McCUMBER. I present a petition in the form of a telegram, which I ask may be read and referred to the Committee on Manufactures.

There being no objection, the petition was read and referred to the Committee on Manufactures, as follows:

[Telegram.]

BOSTON, MASS., *December 8, 1904.*

Hon. PORTER G. MCCUMBER, *United States Senate, Washington, D. C.*

The General Federation of Women's Clubs indorse the pure-food bill now pending before the Senate, and urge its passage. Signed indorsement follows by mail for the committee.

ELIZABETH FOSTER,
44 Fairfield Street, Boston.

Mr. PLATT of New York presented petitions of the New York Legislative League, of New York City; of the Woman's Christian Temperance Union of Rushford; of Julia E. Merrill, of Rushford; of the Political Equality Club of Auburn; of the Woman's Christian Temperance Union of Johnson Creek; of Woman's Relief Corps No. 133, of New Rochelle; of the Woman's Suffrage Association of Brooklyn; of Sarah R. A. Dolley, of Rochester; of the Woman's Christian Temperance Union of Little Genesee; of the Prospect Political Equality League of Brooklyn, and of Joseph B. Bloss, of Rochester, all in the State of New York, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. PENROSE presented petitions of sundry citizens of Philadelphia, of the Pennsylvania Baptist Educational Society, and of the Woman's Presbyterian Missionary Society of Troy, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GAMBLE presented a petition of the Highland Park Woman's Christian Temperance Union, of Mount Vernon, S. Dak., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

Mr. DILLINGHAM presented the petition of Rev. M. L. Brown and sundry other citizens of Middletown Springs, Vt., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Albert C. Bliss and sundry other citizens of Calais, Vt., praying for the establishment of a parcels post and for the adoption of a postal currency; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of the Presbytery of Puget Sound, United Presbyterian Church of North America, of Tacoma, Wash., praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union; of the congregation of the Methodist Episcopal Church, and of the congregation of the Congregational Church of Snohomish, and a petition of the Amethyst Club of Spokane, all in the State of Washington, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

JULIUS A. KAISER.

Mr. PENROSE. From the Committee on Naval Affairs I report back with an amendment the joint resolution (H. J. Res. 158) construing the act for the relief of Julius A. Kaiser as carrying an appropriation, and I ask for the present consideration of the same.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Naval Affairs was, to strike out all after the resolving clause and insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to Julius A. Kaiser the sum of $3,758.45, being the amount disallowed by the accounting officers of the Treasury for difference between active-duty pay of a second assistant engineer and retired pay of a first assistant engineer from October 13, 1868, to July 8, 1873, while on the active list of officers of the Navy.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The PRESIDENT pro tempore. The committee also reports to strike out the preamble. It will be stricken out, without objection.

The title was amended so as to read: "A joint resolution for the relief of Julius A. Kaiser."

FRUTOS TOMÁS PLAZA.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 78) authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Frutos Tomás Plaza, of Ecuador, to report it favorably without amendment, and I ask for its present consideration.

The joint resolution was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FUNERAL EXPENSES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by him yesterday, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committees appointed by the President pro tempore of the Senate in arranging for and attending the funerals of the late Senator from Pennsylvania, Hon. Matthew S. Quay, and the late Senator from Massachusetts, Hon. George F. Hoar, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 5866) for the relief of the rector, wardens, and vestry of St. John's Church at Jacksonville, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5867) granting a pension to George Amerine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5868) granting an increase of pension to Mary C. Buck;

A bill (S. 5869) granting an increase of pension to Sarah A. Page (with accompanying papers);

A bill (S. 5870) granting a pension to Mary J. Lawrence (with an accompanying paper);

A bill (S. 5871) granting an increase of pension to Willard P. Chaffee;

A bill (S. 5872) granting an increase of pension to George Gove; and

A bill (S. 5873) granting an increase of pension to Roswell F. George (with accompanying papers).

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5874) for the relief of the estate of Wesley Shelton, deceased (with an accompanying paper);

A bill (S. 5875) for the relief of the estate of James Guy, deceased (with accompanying papers);

A bill (S. 5876) for the relief of George W. Penney and the heirs of Thomas Penney, deceased;

A bill (S. 5877) for the relief of Hennegan's Chapel Methodist Episcopal Church South, at Dunlap, Tenn.;

A bill (S. 5878) for the relief of the estate of Washington Turner, deceased;

A bill (S. 5879) for the relief of William Renneau;

A bill (S. 5880) for the relief of the heirs of George B. F. Guthrie, deceased;

A bill (S. 5881) for the relief of the heirs of Erban Powell, deceased;

A bill (S. 5882) for the relief of James Graham;

A bill (S. 5883) for the relief of Hillery Hopkins;

A bill (S. 5884) for the relief of the trustees of the Primitive Baptist Church, of Pelham, Tenn.;

A bill (S. 5885) for the relief of the estate of Philip L. Daniels, deceased (with accompanying papers); and

A bill (S. 5886) for the relief of the heirs of Simeon Graves, deceased (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5887) granting an increase of pension to Ellen Winfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5889) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5890) granting an increase of pension to Andrew Magnuson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 5891) for the relief of Josephine Lillie, a Yakima Indian; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5892) granting an increase of pension to James McAuliff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5893) granting an increase of pension to Jerusha Hayward Brown;

A bill (S. 5894) granting an increase of pension to S. G. Kreidler;

A bill (S. 5895) granting an increase of pension to Isaac N. Hawkins; and

A bill (S. 5896) granting an increase of pension to August Krueger.

Mr. FULTON introduced a bill (S. 5897) granting a pension to Collin A. Wallace; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5898) granting an increase of pension to Charles E. Mayhew; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5899) for the relief of owners of rents in Louisiana; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5900) for the relief of the estate of Owen Conlen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5901) for the relief of the estate of Dr. J. C. Patrick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, and so forth; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a joint resolution (S. R. 85) authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society of Germantown, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SPOONER submitted the following concurrent resolution; which was referred to the Committee on Rules:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

COUNTING OF ELECTORAL VOTES.

Mr. BURROWS submitted the following concurrent resolution; which was referred to the Committee on Privileges and Elections:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

PURE-FOOD BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. HEYBURN. Mr. President, I desire to call up the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. LODGE. Has the bill been read?

Mr. CULLOM. If the bill is taken up, I hope it will be read at length.

Mr. ALDRICH. Let it be read for information.

Mr. HEYBURN. I do not ask for unanimous consent; I act pursuant to a notice that I should ask the Senate to take up the bill. I do not understand that that calls for unanimous consent.

Mr. GALLINGER. It certainly does.

Mr. ALDRICH. Certainly it does.

Mr. PLATT of Connecticut. At this time it does.

Mr. HEYBURN. The morning hour has not expired, and there being nothing else before the Senate I understand that under the rules I am entitled to take the sense of the Senate as to whether or not it will at this time consider the bill.

The PRESIDENT pro tempore. Until 1 o'clock the Senate can not, under the rules, proceed to the consideration of any bill except by unanimous consent.

Mr. HEYBURN. And between 1 and 2?

The PRESIDENT pro tempore. Between 1 and 2, the Calendar being under consideration, a motion can be made to proceed to consider anything on the Calendar.

Mr. HEYBURN. Do I understand that an objection has been interposed?

Mr. ALDRICH. I asked that the bill might be read for information.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the Senate proceed to the consideration of the bill, and the Senator from Rhode Island asks that it may be read.

Mr. ALDRICH. For information.

The PRESIDENT pro tempore. It will be read for information.

Mr. GALLINGER. Before consent is given?

The PRESIDENT pro tempore. I take it there is no necessity to read the original bill, but simply the proposed amendment which strikes out the original text.

Mr. ALDRICH. I want to have the bill read as passed by the House and then let the proposed substitute be read.

The PRESIDENT pro tempore. It will be read.

Mr. TILLMAN. I was going to suggest that it would consume considerable time to read the bill, and it will be objected to after it is read. Why waste time in reading it until we get ready to discuss it? I will object now, to get it out of the way.

Mr. HEYBURN. It is only a few pages long.

Mr. TILLMAN. I thought it was about 10 or 15 pages.

Mr. ALDRICH. It will take some time.

Mr. TILLMAN. All right. I am perfectly willing to let the Senator have it read, but I think it is a waste of time.

Mr. LODGE. There are 22 pages to be read.

Mr. TILLMAN. Twenty-two pages, and it is morning business concerning which I wish to make an inquiry. Let us get through with the morning business and then go on with it regularly.

Mr. HEYBURN. I understand that the morning business is finished.

The PRESIDENT pro tempore. Does the Senator from South Carolina object?

Mr. TILLMAN. I do object, sir.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Idaho.

Mr. HEYBURN. I give notice that on Monday next after the routine morning business, I shall move to proceed to the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed.

The Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering statements showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the months of March, April, May, June, July, August, September, and October, 1904, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 7, 1904.*

RECESS APPOINTMENTS.

Mr. TILLMAN. Mr. President, I rise to make an inquiry and to get some information.

At the last session I introduced a resolution, which the Senate adopted on the 4th of February after some modification, instructing the Judiciary Committee to make inquiry and report "what constitutes a recess of the Senate and what are the powers and limitations of the Executive in making appointments in such cases." Nothing was done in the way of making a report on the resolution, for reasons which are well understood. As it is well known that the action of the Executive in making the appointment which provoked this inquiry has been repeated and the name sent in again, and as the subject will be discussed by the Senate, I merely want to know when we will have a report from the Judiciary Committee, as I desire to have such report before the consideration of the nomination is had by the Senate. If the present chairman of the Judiciary Committee will kindly enlighten me, I will be very much obliged to him.

Mr. PLATT of Connecticut. Mr. President, as is well known, the chairmanship of the Judiciary Committee is now vacant. I suppose that I perhaps will be regarded as the acting chairman of the committee. Therefore I reply to the Senator from South Carolina.

As he has suggested, circumstances due to the ill health of the then chairman of the committee were such that the matter was not considered by the Judiciary Committee at the last session. I will assure the Senator that at the first meeting of the committee I shall call its attention to the resolution that is pending before the committee. I can not assure him of anything else; but I shall call the attention of the committee to it, and the committee will take such action as it may deem proper and advisable.

Mr. TILLMAN. Will the Senator from Connecticut answer another question which occurs to me in connection with his statement just made? Has the Judiciary Committee power to refuse to make a report when the Senate orders it to do so? It must make some sort of a report, must it not, if the Senate itself has instructed it?

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TILLMAN. Of course.

Mr. SPOONER. Is there any time limit on the resolution?

Mr. TILLMAN. None at all. I presume, however, that the matter might be stirred up several times in the meantime by new resolutions, and possibly we might take it up in the Senate without any committee report at all, where no time limit of any sort runs. In such cases a reasonable time is allowed and expected, and that is all the committee ought to ask.

Mr. PLATT of Connecticut. Mr. President, I do not want to answer hypothetical questions. As to what are the powers of the committee with reference to a resolution of the sort referred to it, I do not know that I am called upon now to define. I can assure the Senator that I shall call the attention of the committee to it, and I have no doubt the committee will do whatever it thinks is proper in the matter; and if it does not suit the Senator he is at all times at liberty to appeal to the Senate.

Mr. TILLMAN. Of course I understand that. My question was only for the purpose of explaining why I have called this matter up. It is that this appointment, that I have hitherto opposed with all my might, has been thrust upon the Senate again, and it will probably be acted on pretty soon. I want to give notice that I think it will be unjust and unfair to ask the Senate to vote on it or to ask me not to oppose a vote on it before the committee reports.

I do give notice now that I do not want to have Mr. Crum's appointment considered by the Senate for the purpose of confirmation until the Judiciary Committee has passed upon this question. I do not propose to obstruct in any way, or to attempt to thwart the will of the Executive; I am simply exercising my right in a quiet way to ask for a report from the Judiciary Committee before Mr. Crum's confirmation is considered; and that is all.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 12 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, December 12, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 8, 1904.

CONSUL-GENERAL.

James Johnston, of New Jersey, now consul at Palermo, Italy, to be consul-general of the United States at Hankau, China, vice Levi S. Wilcox, resigned.

CONSULS.

William H. Bishop, of Connecticut, now consul at Genoa, Italy, to be consul of the United States at Palermo, Italy, vice James Johnston, nominated to be consul-general at Hankau, China.

James Jeffrey Roche, of Massachusetts, to be consul of the United States at Genoa, Italy, vice William H. Bishop, nominated to be consul at Palermo, Italy.

PROMOTION IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Samuel S. Bryant, Porto Rico Provisional Regiment of Infantry, to be first lieutenant, November 30, 1904, vice Moreno, appointed second lieutenant of infantry, United States Army.

REAPPOINTMENT IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of captain from July 1, 1904.

José Lugo-Viña, of Porto Rico, late captain and assistant surgeon, Porto Rico Provisional Regiment of Infantry.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 8, 1904.

PROMOTIONS IN THE NAVY.

Capt. William M. Folger to be a rear-admiral in the Navy, from the 1st day of June, 1904.

Capt. Francis W. Dickins to be a rear-admiral in the Navy, from the 17th day of June, 1904.

Capt. George F. F. Wilde to be a rear-admiral in the Navy, from the 6th day of August, 1904.

Capt. Charles H. Davis to be a rear-admiral in the Navy, from the 24th day of August, 1904.

Capt. Charles J. Train to be a rear-admiral in the Navy, from the 13th day of September, 1904.

Capt. George W. Pigman to be a rear-admiral in the Navy, from the 3d day of October, 1904.

Capt. George A. Converse to be a rear-admiral in the Navy, from the 8th day of November, 1904.

MINISTER RESIDENT AND CONSUL-GENERAL.

Thomas C. Dawson, of Iowa, to be minister resident and consul-general of the United States to Santo Domingo.

SECRETARY OF LEGATION.

Charles Richardson, of Massachusetts, to be secretary of the legation of the United States at Rio de Janeiro, Brazil.

MEMBER OF DISTRICT BOARD OF CHARITIES.

George W. Cook, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1904.

ASSOCIATE JUSTICE OF SUPREME COURT OF PHILIPPINE ISLANDS.

Adam C. Carson, of Virginia, to be an associate justice of the supreme court of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

AGENT FOR POST-OFFICE DEPARTMENT.

William E. Cochran, of Kansas, to be purchasing agent for the Post-Office Department.

POSTMASTERS.

DISTRICT OF COLUMBIA.

John A. Merritt to be postmaster at Washington, in the county of Washington and District of Columbia.

GEORGIA.

Helen D. Longstreet to be postmaster at Gainesville, in the county of Hall and State of Georgia.

MAINE.

Freeman D. Dearth to be postmaster at Dexter, in the county of Penobscot and State of Maine.

Montrose E. Hill to be postmaster at Old Orchard, in the county of York and State of Maine.

George D. Libby to be postmaster at Gardiner, in the county of Kennebec and State of Maine.

Jenny N. Paine to be postmaster at Eastport, in the county of Washington and State of Maine.

Charles F. Plumly to be postmaster at Lincoln, in the county of Penobscot and State of Maine.

MASSACHUSETTS.

Samuel Atwell to be postmaster at Kingston, in the county of Plymouth and State of Massachusetts.

Charles E. Brady to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Albert B. Dresser to be postmaster at Needham, in the county of Norfolk and State of Massachusetts.

Lisa B. Fay to be postmaster at Northboro, in the county of Worcester and State of Massachusetts.

Joseph C. Sheehan to be postmaster at East Bridgewater, in the county of Plymouth and State of Massachusetts.

Charles J. Shepard to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts.

Elmer Standley to be postmaster at Beverly Farms, in the county of Essex and State of Massachusetts.

David D. Streeter to be postmaster at Mount Hermon, in the county of Franklin and State of Massachusetts.

Susan F. Twiss to be postmaster at Three Rivers, in the county of Hampden and State of Massachusetts.

Fred D. Walker to be postmaster at Belchertown, in the county of Hampshire and State of Massachusetts.

Marie E. White to be postmaster at South Hadley, in the county of Hampshire and State of Massachusetts.

NEW HAMPSHIRE.

Leon F. Sampson to be postmaster at Hanover, in the county of Grafton and State of New Hampshire.

OREGON.

August H. Bender to be postmaster at Myrtle Point, in the county of Coos and State of Oregon.

William M. Brown to be postmaster at Lebanon, in the county of Linn and State of Oregon.

John W. Minto to be postmaster at Portland, in the county of Multnomah and State of Oregon.

Charles W. Parks to be postmaster at Roseburg, in the county of Douglas and State of Oregon.

RHODE ISLAND.

Nathaniel H. Brown to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island.

Hulda J. Fessenden to be postmaster at Saylesville, in the county of Providence and State of Rhode Island.

Alvin F. Miller to be postmaster at Valley Falls, in the county of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 8, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BILLS PASSED LAST SESSION.

Mr. WACHTER. Mr. Speaker, I present the following concurrent resolution:

House concurrent resolution.

Whereas the bill (H. R. 10516) for the relief of Edward J. Farrell passed both Houses at the second session of this Congress, but was enrolled too late to receive the signatures of the presiding officers of the two Houses and be presented to the President of the United States before the adjournment of the said second session; and

Whereas the bill (H. R. 11444) to grant certain lands to the State of Ohio passed both Houses and was signed by the presiding officers thereof, but failed to be presented to the President of the United States before the adjournment of the said second session: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the said bills be, and are hereby, ordered to be reenrolled for the signatures of the presiding officers of the two Houses and for presentation to the President of the United States.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. MADDOX. Mr. Speaker, I would like to inquire of the gentleman from Maryland what are these bills?

Mr. WACHTER. They are two bills which passed both Houses at the last session. One of them had received the signature of the Speaker of the House and the President of the Senate, but too late to go to the White House.

Mr. MADDOX. What bill was that? What was the other?

Mr. WACHTER. That was a bill granting certain lands to the State of Ohio.

Mr. MADDOX. I heard that. What was the other?

Mr. WACHTER. The other was a bill for the relief of Edward J. Farrell.

Mr. MADDOX. It is impossible to hear. I think we ought to have an opportunity to hear. I can not hear the gentleman.

Mr. WACHTER. The other bill was for the relief of Edward J. Farrell, a citizen of New York State.

Mr. MADDOX. What sort of relief?

Mr. WACHTER. The bills were passed by the House and Senate.

Mr. MADDOX. I understand that. I supposed the gentleman could give us some information.

Mr. SULZER. Just say what the bill is for.

Mr. MADDOX. Yes.

Mr. WACHTER. One was to grant certain lands to the State of Ohio and the other was for the relief of Edward J. Farrell.

Mr. LIVINGSTON. Let us have the titles of the bills read from the desk. We can not hear.

Mr. WACHTER. I will send the bill up and have it read.

Mr. LIVINGSTON. The gentleman desires to have it read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10516) for the relief of Edward J. Farrell.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, to Edward J. Farrell, a deed of quitclaim and release quitclaiming and releasing to said Edward J. Farrell, his heirs and assigns, all the right, title, and interest of the United States of America in and to the following-described land, under water, in the city of New York and State of New York, namely: Beginning at a point in the northerly line of the Croton Aqueduct appropriation, where the same is intersected by the easterly side of lands taken by the United States Government for the improvement of the Harlem River, and running thence northerly along said easterly side of said lands taken by the United States Government for the improvement of the Harlem River 107.87 feet to the lands of the estate of William B. Ogden; thence westerly along the lands formerly of the estate of William B. Ogden 15.45 feet to the pier and bulkhead line established by the United States Government in 1890; thence southerly along said last-mentioned line 180.43 feet to the lands formerly of the Croton Aqueduct appropriation; thence easterly along said lands 9.59 feet to the point or place of beginning: *Provided*, That the said Edward J. Farrell shall show, by proof satisfactory to the Secretary of War, that he is the owner of the abutting shore.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from Maryland who introduced this bill originally?

Mr. WACHTER. The gentleman from New York State, Mr. GOULDEN.

Mr. SULZER. It is all right, then. [Laughter.] I know all about it now. It is all right.

Mr. MADDOX. I would like to inquire of somebody—the gentleman from New York, Mr. PAYNE, if he will answer—if there is any precedent for this sort of business?

Mr. PAYNE. I have not examined into this matter myself, but have conferred with others who have, in whose judgment I have confidence, who state that is within the precedents established. The bill, as I remember, was a bill to remove a clog to the title to a piece of property. I have forgotten the details.

Mr. MADDOX. I do not think I ever heard of anything like this before.

Mr. PAYNE. I am satisfied the bill itself ought to pass. This particular question I have not examined.

Mr. BARTLETT. May I ask the gentleman from New York a question?

Mr. PAYNE. Certainly.

Mr. BARTLETT. Has the gentleman ever inquired as to whether there is a precedent for this particular way of passing a bill which had passed the last session?

Mr. PAYNE. To settle that, I would make a parliamentary inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. It is whether there are precedents for the action on this particular resolution brought in by the gentleman from Maryland.

The SPEAKER. This matter was brought to the attention of the Chair a day or two ago. The Chair caused the precedents to be examined. This is the Fifty-eighth Congress, the third session. At the close of the second session of the Fifty-eighth Congress both of the bills had passed the House and the Senate.

One of them had received the signature, perhaps, of the Speaker of the House, and also of the Presiding Officer of the Senate, but too late to be presented to the President. They appear to be bills of the second session of the Fifty-eighth Congress. The other had passed both House and Senate and was awaiting the signature of the presiding officers. In other words, nothing remained to be done except to submit the bills to the President, except the formal fact of signing the bills, as to one of them, by the Speaker and by the Presiding Officer of the Senate.

Now, the precedents show, if the Chair recollects aright—one or two in the Thirty-fifth Congress and one, possibly, in the Fifty-fourth—that this course was pursued. Following the precedents, the Chair recognized the gentleman from the Committee on Enrolled Bills to offer a concurrent resolution for the action of the House. Without this action the bills probably would fail. The Chair, however, is not clear as to that point, because this is the same Congress. As it appears now, the enrollment would be defective, because this is the third session instead of the second session of the Congress.

The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 910. An act granting a pension to Frank L. Phalen;

S. 1283. An act for the relief of William H. Crawford;

S. 1786. An act restoring James G. Field, naval surgeon, to the line of promotion; and

S. R. 77. Joint resolution providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 73.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving Grays River, Washington, to meet the demands of commerce.

Senate concurrent resolution 74.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving Swinomish Slough, Washington, to meet the demands of commerce.

Senate concurrent resolution 75.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the mouth of Grays Harbor, Washington, to meet the demands of commerce.

Senate concurrent resolution 76.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the entrance of Roche Harbor, Washington, to meet the demands of commerce.

Senate concurrent resolution 77.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Lewis River and branches, in the State of Washington, to meet the demands of commerce.

Senate concurrent resolution 78.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Cowlitz River, Washington, to meet the demands of commerce, and to submit plans and estimate of cost of providing a depth of 16 feet of water at low tide between the mouth of said river and the city of Kelso.

Senate concurrent resolution 79.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Skagit River, Washington, to meet the demands of commerce by the construction of the so-called Sterling cut-off.

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Ilwaco, Wash., to meet the demands of commerce.

Senate concurrent resolution 81.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Anacortes, Wash., to meet the demands of commerce.

Senate concurrent resolution 82.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Everett, Wash., to meet the demands of commerce.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate resolutions and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 910. An act granting a pension to Frank L. Phalen—to the Committee on Pensions.

S. 1786. An act restoring James G. Field, naval surgeon, to the line of promotion—to the Committee on Naval Affairs.

S. 1283. An act for the relief of William H. Crawford—to the Committee on Naval Affairs.

S. R. 77. Joint resolution providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution—to the Committee on the Library.

Senate concurrent resolution 73:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Grays River, Washington, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 74:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving Swinomish Slough, Washington, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 75:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the mouth of Grays Harbor, Washington, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 76:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the entrance to Roche Harbor, Washington, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 77:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Lewis River and branches in the State of Washington to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 78:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Cowlitz River, Washington, to meet the demands of commerce, and to submit plans and estimate of cost of providing a depth of 16 feet of water at low tide between the mouth of said river and the city of Kelso—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 79:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Skagit River, Washington, to meet the demands of commerce, by the construction of the so-called "Sterling cut-off"—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 80:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Ilwaco, Wash., to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 81:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Anacortes, Wash., to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 82:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the harbor of Everett, Wash., to meet the demands of commerce—

to the Committee on Rivers and Harbors.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. FORSTER, one of his secretaries:

LOUISIANA PURCHASE EXPOSITION.

The SPEAKER laid before the House the following message from the President of the United States:

The Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering statements showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the months of March, April, May, June, July, August, September, and October, 1904, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 7, 1904.*

The message and accompanying document were referred to the Committee on Industrial Arts and Expositions, and ordered to be printed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move you, sir, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve all points of order.

Mr. BINGHAM. I will ask the gentleman from Georgia [Mr. LIVINGSTON] if there is any desire for debate on his side of the House?

Mr. LIVINGSTON. I have had no applications for time.

Mr. WILLIAMS of Mississippi. I want to reserve all points of order.

Mr. GROSVENOR. They have been reserved.

The SPEAKER. They have been reserved.

The motion of Mr. BINGHAM was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, with Mr. DALZELL in the chair.

The Clerk read the title of the bill.

Mr. BINGHAM. I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Chairman, while it may seem somewhat unusual to present one of the important appropriation bills at this early date in the session, it is proper that the House should be advised that, at the request of the chairman of the Committee on Appropriations, the subcommittee of the full Committee on Appropriations assembled a week before the convening of Congress, all the members of the subcommittee being present, and were enabled to report the bill from the subcommittee to the full committee yesterday. Throughout the deliberations of your subcommittee all were present, and the bill comes from the subcommitttee unanimously reported. I may say that the paragraphs in the bill might also be marked "Current law." In my long experience I have never seen a bill presented with as few changes, as compared with the bill itself and current law, as this bill exhibits.

The estimates of the Departments, however, required a thorough investigation on the part of your committee, and all parties who were supposed to represent the increases in the bill were called before your subcommittee. The print covers a very large number of pages, but the most important particular for the consideration of the Committee of the Whole is the fact that the estimates for the next fiscal year from the Book of Estimates, on pages 9 to 89 and 111 to 121 of the Book of Estimates for 1906, aggregate $29,685,207.84, of which amount there is recommended in the bill $28,838,709.84. Appropriations for the same purposes for the current fiscal year, including $44,570 carried in the sundry civil, deficiency, and other acts, aggregated $28,602,828.22, being $235,881.62 less than is recommended in the accompanying bill for the service of the fiscal year 1906, and being a decrease from the estimates of $846,498. In other words, to make it clear, we have decreased the estimates upward of $800,000 and we have added to the bill but $235,000 more than the current law. In other words, we might have submitted to the House almost the current law, so far as the sum totals are concerned.

We called upon the War Department, in the current law, for the classification, both as to class and clerks as well as compensation, of that body of men in that Department that has heretofore been carried on what is called the "temporary roll," a roll which was a result of the war with Spain. In the first fiscal year in which that temporary force was allowed, 1899, the temporary roll, which was a roll subject to the discretion of the Secretary of War both as to assignment and duty and compensation, amounted to $507,000. It was increased for 1900 to $600,000, and since has been annually reduced until the current year, 1905, it has been brought down to $360,000. We have put this requirement in the bill for the current law, that for the ensuing year—meaning the next fiscal year of 1906—specific estimates should be submitted for all employments thereunder in number and rate of compensation not in excess of the number and compensation actually being paid during the current year.

In other words, that fund which has been heretofore fully under the discretion of the Secretary of War, we enjoin that there shall be no increase over the present number nor any increase in compensation. That has been complied with by the War Department, resulting in this, that there is a reduction of 34 employees and a reduction of $27,820 in the total amount of compensation carried.

Mr. LLOYD. I would like to ask the gentleman what is the necessity for a lump-sum appropriation? Why not distribute it out so that we may know just what it is for?

Mr. BINGHAM. That is exactly what we have done. In the bill under consideration, what has been called the "temporary roll" heretofore, under instruction the appropriation for the current year has been taken up by the War Department and assigned to a specific line of duty; the clerk's salary is fixed for the next fiscal year, and there is no increase in number or places.

Mr. LLOYD. As I understand it, there is a lump sum appropriated.

Mr. BINGHAM. Oh, no; we give the details.

Mr. LLOYD. Then I misunderstood the gentleman. I understood there was a lump sum appropriated.

Mr. BINGHAM. There is no lump sum appropriated.

Mr. LLOYD. We ought not to have any lump-sum appropriations anywhere.

Mr. BINGHAM. Not in this Department.

Mr. LLOYD. Not in any Department. There is no lump sum appropriated. Each salary is specified, and there is no increase in the number, and no change in the salaries.

Mr. BINGHAM. It will also be noted that an apparent increase of 59 in the number of salaries is made in the office of Commissioner of Internal Revenue, all of which have heretofore been paid from the general appropriations, made first in 1900 in the sum of $650,000 and gradually reduced to the sum of $250,000 for the current fiscal year. That was also a part of the temporary force in connection with the change of laws running to the Internal Revenue Department, and under the construction of the current law, giving up his discretion of $250,000 and locating that force in the general office throughout the country or wherever it may have been necessary heretofore to pay out of the fund of $250,000, we have taken the whole proposition of the Internal Revenue Department and readjusted it on the lines suggested by the Commissioner, who is accepted by the House as a careful official, and have been able to handle that whole proposition with an increase of $9,700.

Mr. LIVINGSTON. Mr. Chairman, I will ask the gentleman to please state in a concise way the new legislation in the bill, so that we may all understand it.

Mr. BINGHAM. Yes. There is, Mr. Chairman, therefore, an actual net increase in the number of salaries proposed in the bill of 164 over the number now provided by law. I am now on page 2 of the report, and any gentleman having the report in his hand can follow me. I would say that in so far as that declaration is concerned the large body of this seeming increase of force runs to the Civil Service Commission. General Black appeared before the commission, and his hearings are complete in the printed book of hearings. He submitted a new organization for his commission. Heretofore he has had full liberty and the broadest freedom under the general statute organizing the commission of making draft upon any of the Departments here or elsewhere throughout the country for the work of the commission. We found in his statement a fair proposition that appealed to your committee. There has never been a proper exhibit for some years past of what the expenses of the Civil Service Commission were. We thought two years ago that we would handle the proposition when we said to the commission, "You have so many detailed clerks," and the commission responded: "But they fail to come up to the standards of efficiency. Under the law we ask a Department for subordinate clerical force and the Department exercises its own judgment, and as a rule contributes to the work of this commission perhaps their poorest clerical force."

Now, the commission has felt that that was not fair. There-

fore, instead of allowing the detail to go on, we ordered the detail back to the Departments and granted the commissioner all of his requests, up to the last cent. We are now confronted with the proposition that the large inflow on account of the rural free delivery throughout the country has so burdened and so enlarged their field of operations that they have been forced to organize a system other and different from that which they have heretofore operated. Now, the proposition is this: Let us in the future come to Congress and ask Congress specifically annually for the needed requirements and force in connection with a good, wise administration in the conduct of the work of the commission. Not only that, but the same with reference to the rural free delivery. Now, Mr. Chairman, there are to-day detailed from the various Departments of the Government in the Civil Service Commission a permanent or continuing detail of fifty-six of the subordinate force of the different Departments here, as well as the post-offices and custom-houses throughout the country. We said to General Black, in effect, "We will take your recommendation to the House, giving you all that you have asked, in order that your administration of this commission shall show in the future its expenditure; but at the same time we want from you some declaration that you will not avail yourself of the broad provisions of the statute that organized your commission and continue to make your details from the Departments of the Government." I will say that General Black assured us—and I think I remember his words—that during his administration certainly he would guarantee that he would keep in good faith the action of the committee, and if indorsed by the Congress it would be his labor to endeavor to carry out that which the committee seemed to think a wise way for him to do his work. I hope I have made myself clear on that proposition.

Mr. CRUMPACKER. Mr. Chairman, I would like to ask the gentleman a question. I understand from the statement made by the gentleman from Pennsylvania [Mr. BINGHAM] that the clerks in the Civil Service Commission, ordered chiefly on detail, are to be transferred back to their original Departments. Now, this bill provides for the employment of additional clerks for the Civil Service Commission?

Mr. BINGHAM. To correspond and in accordance with their wish, sending back the details now on the force to the respective Departments.

Mr. CRUMPACKER. If other Departments could have afforded to permit the temporary detail of these clerks, they do not need them in their own service?

Mr. BINGHAM. We have tried to correct that throughout the bill.

Mr. CRUMPACKER. Will not the effect of this bill be to increase the number of public officers correspondingly by requiring the Civil Service Commission to employ directly for its own service and to turn back this clerical force to the Departments which have been able to spare them for the civil service administration?

Mr. BINGHAM. Now with reference to that question, I will come right to the commission——

Mr. CRUMPACKER. And would it not be better to provide these clerks detailed to remain there permanently as civil service clerks in order that there might not be an excess of offices more than the service requires?

Mr. BINGHAM. I have no doubt we have throughout the bill endeavored to correct the matter of details as far as we could. We now give the civil service what the civil service asks. First comes the presumption as to whether the commission will not take care of these people themselves under their own right.

Mr. CRUMPACKER. Can they under the provisions of this bill? They are clerks now regularly employed in other Departments of the service, and, as provided on page 35 of this bill, they shall not be transferred. They must therefore be returned to their proper Department and the commission must employ a new and adequate force, and therefore it seems to me you have a surplus force of public officers.

Mr. LITTAUER. Mr. Chairman, I would like to state that there are fifty of these clerks detailed to the Civil Service Commission and that there are six clerks of their own force now doing this work. We are able to trace where twenty of these clerks came from so as to be able to take them out where they are specifically provided for, particularly in the Post-Office Department; but all through this bill—and I am sure the chairman will make an explanation of that in connection with the Pension Bureau—wherever we could find a Department where the force was supernumerary or they could give details in large blocks or any considerable number to other bureaus or other Departments, we have reduced the force in that Department from which the details came.

Mr. CRUMPACKER. So you have provided for it?

Mr. LITTAUER. In this way: we have reduced the number of clerks in other Departments, particularly the Post-Office Department, whence came a large number of these clerks.

Mr. CRUMPACKER. So you have had in view the return of these clerks?

Mr. LITTAUER. Yes, sir. Now, as to the question as to whether or not these clerks should be retained where they are at work. This work is new work they are doing. The field work, as an incident, comes because of reorganization of the work of the Civil Service Commission and better service and more uniform examinations and quicker return to these people for civil-service positions. That is the argument they made us recommending this permanent force. We believe these people have only been detailed there for one or two years. We believe the necessary force, selecting out as many of those as they wish for and ask after the transfer of this new and permanent force, will be better than detailing them in blocks and continuing them in the positions that they occupy temporarily.

Mr. CRUMPACKER. So that practically provides against a supernumerary force in any Department?

Mr. LITTAUER. Yes; and we have tried to provide for an efficient force for the work of the Civil Service Commission.

Mr. CRUMPACKER. That is the thing I want to be advised upon.

Mr. OLMSTED. Mr. Chairman, may I ask, at this point, of my colleague, the chairman of the committee, this question?

The CHAIRMAN. Will the gentleman yield?

Mr. BINGHAM. Certainly.

Mr. OLMSTED. I would like to ask whether this bill does not create twenty-three new employees to the Civil Service Commission for the purpose of examining rural carriers?

Mr. BINGHAM. I would state to the gentleman in reply—I was going to follow my remarks with that after the remarks of my colleague on the committee—that in this reorganization scheme rural free delivery is made a division in connection with the work of the commission. They have divided the country into thirteen districts. In these thirteen districts, or throughout the country, a body or force numbering twenty-three were detailed from the various departments located throughout the country to do that rural free delivery examination work. We turn every one of that subordinate force back to the respective lines of work in the departments—customs, post-offices, etc.—throughout the country, and we give the Civil Service Commission the right to appoint twenty-three new men, so that we relegate back the whole force now detailed from the Post-Office Department in what is called permanent relation with the Civil Service Commission to the original places in the respective departments throughout the country, and allow them to go on with the organization on the basis of the division of the country into thirteen districts.

Mr. CRUMPACKER. Do you increase, then, the aggregate administrative force—the number of employees—by the number that you authorize the Civil Service Commission to employ?

Mr. BINGHAM. Yes, sir.

Mr. CRUMPACKER. You increase the number that much?

Mr. BINGHAM. Yes, sir; to be located with the work that they have now in the Post-Office Department, customs, internal revenue, etc.

Mr. CHARLES B. LANDIS. They will have nothing to do but continue these examinations?

Mr. LITTAUER. They will have nothing to do but to continue these examinations just the same as the detailed clerks do now.

Mr. HULL. Mr. Chairman, will the gentleman yield for a question?

Mr. BINGHAM. Certainly.

Mr. HULL. Will the gentleman yield to a question, and tell us where these clerks are now located?

Mr. BINGHAM. There are located throughout the country about 1,200 civil-service boards, made up in the small districts of the postmaster and such assistants as he gets from near-by places, and the location is indicated where examinations may be taken. We give them twenty-three men in the future, as carried in this bill, to make the supervision throughout the country, where the rural free delivery runs, and the details are made just as the requirements increase for that service, which falls upon the Civil Service Commission.

Mr. MANN. Do I understand you to mean that the local supervision is to be condemned?

Mr. BINGHAM. Oh, no; not in any form whatever. They claim that it is better and wiser for the efficiency of the service.

Mr. CHARLES B. LANDIS. Where are these twenty-three people located?

Mr. BINGHAM. They are to be located in the big centers. They are to be sent from their particular locations to other places to supervise the examinations held.

Mr. LITTAUER. I would like to state to the gentleman that the country has been divided into thirteen districts, and we have allowed one superintendent at the head of each of the thirteen districts, so as to bring about uniformity.

Mr. CHARLES B. LANDIS. But you have allowed twenty-three.

Mr. LITTAUER. That would be thirteen throughout the country and the rest of the clerical force here at New York or Boston or Chicago. You may need two or three at Chicago at any time. This way, it is believed, is a much more satisfactory way of doing the work, and will do away with many of the little abuses that have been charged as occurring in the conduct of civil-service examinations.

Mr. BINGHAM. General Black, the chief of the Bureau, was most earnest in presenting this, and he believed that if Congress would indorse the scheme the future administration would be far more satisfactory than the old system. This will bring the yearly statement of every year's appropriation, so that everyone will know just exactly what the civil service is doing. Now, I will read this limitation upon the legislation:

> During the fiscal year nineteen hundred and six it shall not be lawful to detail clerks or other employees from the Executive Departments or other Government establishments in Washington, District of Columbia, to the Civil Service Commission for the performance of duty in the District of Columbia.

That will be the limitation. That is what the Civil Service Commission recommends. I know that they can under the provisions of the general statute make details from the Departments.

Mr. CRUMPACKER. Why does it limit that prohibition to the fiscal year 1906? Why not make it permanent?

Mr. BINGHAM. We deemed it a little wiser to make it run for the current year rather than make a radical inroad in the statute. They have the right ad libitum to make details on the reorganization under that statute.

Mr. CRUMPACKER. Only technically.

Mr. BINGHAM. We think the best policy was to let it run the year. We do not think, while there might be some gentlemen of the House who would be willing to make such a radical inroad into the organization, it would be wise to limit it, and make it run for the year, as they have requested, and we will see what the experiment proves.

Mr. CRUMPACKER. I think the policy of recommending it is right, but I would like to know why you do not make this prohibition of details permanent. If it is good for one year, I do not see why it would not be well to make it general and permanent.

Mr. BINGHAM. I do not think it is subject to the criticism of some gentlemen of the House with reference to the civil service. Many would object to making it permanent, and it would provoke the point of order.

Mr. MANN. May I ask the gentleman one more question in connection with the Civil Service Commission?

Mr. BINGHAM. With pleasure.

Mr. MANN. I think I saw a report that a new estimate had been sent to the committee in reference to the additional clerks for the examination of applicants under the Isthmian Canal Commission. May I ask the gentleman whether it is his intention——

Mr. BINGHAM. That estimate has not reached the committee. I saw the published statement myself and made inquiry about it.

Mr. MANN. So far as the gentleman now knows, is it his intention to offer any amendment upon the floor in reference to that matter?

Mr. BINGHAM. Not to this bill, as I am informed, because it has not reached us. One other matter in reference to the Isthmian Canal Commission. As it is to be hereafter under the War Department, we have transferred the adjustment of the accounts of that commission to the Auditor of the War Department.

Mr. HULL. I notice on page 78 of the bill the following provision:

> It shall not be lawful to detail clerks or other civilian employees authorized for the office of the General Staff for duty, temporary or otherwise, in any office or bureau of the War Department at Washington, D. C., or to detail clerks or other employees from the War Department for service in the office of the General Staff.

My understanding is that the gentleman——

Mr. BINGHAM. I will say in regard to that——

Mr. HULL. Just one minute. My understanding—and I want to have that understood—is that the committee this year had left the clerks for the General Staff out of this appropriation bill under the idea that they would be provided for in the military bill.

Mr. BINGHAM. They belong to your committee.

Mr. HULL. That they would be provided for by the Military Committee, in that way stopping any friction between the two committees as to those clerks.

Mr. BINGHAM. In other words, the General Staff can not ask for details, nor can the War Department make any levies upon that staff.

Mr. HULL. I simply wanted that brought out here now.

Mr. RIXEY. I would like to ask the chairman of the committee a question.

Mr. BINGHAM. With pleasure.

Mr. RIXEY. On page 18——

Mr. BINGHAM. Page 18 of what?

Mr. RIXEY. Of your report, I find that while you have only increased the number of clerks in the Navy Department to a limited extent, you have transferred 152 per diem employees to the annual list, I believe.

Mr. BINGHAM. I will say they were taken up last session in the current law. Those were the temporary forces made necessary at the time of the Spanish war. One year prior to the current law we called upon the then Secretary of the Navy, Moody, so to arrange in his next report as to accomplish the absorption of the so-called "temporary force." He absorbed them in detail; they are in the current law, and we have followed it.

Mr. RIXEY. I would like to ask the gentleman if this is not the reason for that, that they are made annual employees in order to give them their sixty days' leave of absence?

Mr. BINGHAM. That I do not know.

Mr. RIXEY. And that as per diem employees they only got fifteen days.

Mr. BINGHAM. That I can not say. That did not come before us in any form in the consideration of this bill.

Mr. RIXEY. Is not that the reason that this change was pressed before the committee?

Mr. BINGHAM. I think not.

Mr. LITTAUER. The only reason is——

Mr. BINGHAM. I will tell the gentleman why, if he will pardon me. We now will have absorbed into the details of general legislation running in the appropriation bills, and especially this one, all the temporary forces heretofore authorized that have been in the War Department, in the Internal Revenue, in the Navy, in all the Departments that were added during the war with Spain. The committee did not in any way take into consideration the fact of the leave of absence. The House determined of its own action to put all that force, after its three or four years of experience, into the civil service.

Mr. RIXEY. I would like to know the fact, though. Is it not true that annual employees in the Navy Department get sixty days' leave of absence while the per diem employees only get fifteen?

Mr. BINGHAM. I think that is so. I am not sure about that, however.

Mr. RIXEY. I would like to ask the gentleman another question. The naval bill which is brought in here annually provides for many salaries, and I would like to know what is the lin of demarcation between your jurisdiction and the jurisdiction of the Naval Committee in regard to the salaries of clerks and officers?

Mr. BINGHAM. I was not aware that the naval bill carried any of the subordinate force of the Navy Department.

Mr. RIXEY. It provides for a great deal.

Mr. BINGHAM. Not in the Navy Department. Of course you cover all the stations and navy-yards, which we do not touch.

Mr. RIXEY. This is simply confined to the Navy Department?

Mr. BINGHAM. It is simply confined to the Navy Department.

Mr. LITTAUER. I feel confident that the gentleman would approve this policy here if he would but take into consideration that this class of clerks we specify now in detail was formerly paid out of a lump sum called the "increase of the Navy."

Mr. BINGHAM. That we have eliminated.

Mr. RIXEY. The point I am making is that probably the reason for this move is to put the per diem employees on the annual roll in order to get sixty days' leave of absence, whereas now they only get fifteen days.

Mr. LITTAUER. I am confident that was not in the mind of Secretary Moody when he advised us to take this course, but it was because he felt that in appropriation bills of this character we should appropriate specifically wherever we could, and eliminate the lump sum, and deprive the Department to as great an extent as possible of having large sums of money with which to engage as many clerks as they desired at salaries they chose to pay them.

Mr. RIXEY. There is another question I would like to ask in this connection. I notice in this bill, I forget what page, there is a lump sum under the control of the bureau chiefs here in Washington, and who have control of the disbursement of those funds.

Mr. BINGHAM. We could not take that up in our bill, because it goes to your bill for the Navy Department; it is in connection with the conduct of the Navy. We only touch the subordinate force and contingent expenses of the Navy Department because it appears in the appropriation.

I assure the gentleman it is not the purpose. When they take up their bill, they can look into that proposition.

Now, if I should be allowed to proceed, in the House of Representatives we have made simply the aggregate increase in money expenditure, because the next session that this bill will run to is a long session of Congress as against the current law, which is the short session. Otherwise no changes are made in the number and compensation of officers and employees of the House, except that in the office of the Clerk the salary of the file clerk is reduced from $2,750 to $2,000, and the salary of the messenger in the Chief Clerk's office is increased from $730 to $900, and an assistant clerk is given to the Committee on Rivers and Harbors. These are all the changes we made in the office of the Clerk. In the Doorkeeper's office the addition of a watchman at $720 is provided for, and a night watchman is reduced from $900 to $720. Three assistants at $1,000 each and a janitor at $720 are provided for in the document room, the same being now authorized by current law, and the salary of one laborer for the minority is increased from $600 to $720.

The appropriation for miscellaneous items is reduced from $50,000 to $25,000, and the use of the appropriation is restricted to purposes other than salaries and labor, and a specific appropriation of $20,000 is made for special and select committees. In other words, we have decreased that $5,000 and made a better system of accounting.

In the office of the President, four clerks are provided for at $2,000 each in lieu of four clerks at $1,800 each, an additional clerk at $1,400 is authorized in lieu of one now transferred from the office of the Surgeon-General of the Army, and the salary of $1,800 for an usher is omitted. So that in effect the Department is not increased in subordinate force.

As to the Civil Service Commission, I have already informed the House. The salary of the secretary is increased from $2,250 to $3,000.

Mr. MANN. Why is that?

Mr. BINGHAM. That official is regarded as the most valuable subordinate in the office of the Civil Service Commission. He has been there since the organization of the commission, and, as all of us know who have had business with that department, there have been frequent changes in the body of the commission itself.

Mr. MANN. This gentleman is not Mr. Doyle?

Mr. BINGHAM. Yes.

Mr. MANN. I thought his title was that of chief examiner.

Mr. LITTAUER. Oh, no; and I will say that this gentleman well deserves it.

Mr. BINGHAM. Mr. Chairman, a specific appropriation is made for 23 employees, with salaries aggregating $41,000, for the field force of the commission, the same being in lieu of persons now detailed from other branches of the public service; and 23 employees, with salaries aggregating $26,240, are provided for to constitute the rural carrier examining board, being in place of persons now on detail from the Post-Office Department and the postal service.

Mr. CHARLES B. LANDIS. Then, Mr. Chairman, there is nothing to prohibit their further detail, is there? Nor is there anything to prohibit the continued detail of others than these 23?

Mr. BINGHAM. Mr. Chairman, I have already read what the law provides in respect to that, that during the fiscal year 1906 it shall be unlawful to detail clerks or other employees from the Executive Departments or other Government establishments in Washington, D. C., to the Civil Service Commission for the performance of duty in the District of Columbia.

Mr. CHARLES B. LANDIS. But that does not prohibit their detail for the performance of duty outside of the District of Columbia. As I understand the gentleman from Pennsylvania [Mr. BINGHAM], these 23 additional clerks were to perform duty outside of the District of Columbia.

Mr. BINGHAM. We give them those 23 that they ask for in lieu of what they want.

Mr. CHARLES B. LANDIS. Yes, but that does not prohibit their detailing additional clerks.

Mr. BINGHAM. It prohibits it in accordance with the spirit and disposition of the president of the commission. They will come to Congress hereafter for their increases and decreases, and they will follow their own recommendations, that are a part of this bill, letter by letter. We make it for only one year.

Mr. LITTAUER. If we were to prevent details outside of the District of Columbia, how would they take care of the organization and reorganization of the twelve hundred and odd boards they have throughout the country?

Mr. CHARLES B. LANDIS. I do not know; but the gentleman from Pennsylvania [Mr. BINGHAM] said that this provision prohibited their detailing clerks to perform the work here in the District of Columbia.

Mr. BINGHAM. Yes; what we call "inefficient detail"—that is, filling the Departments here with more clerks than we think they ought to have.

Mr. CHARLES B. LANDIS. Then, as a matter of fact, there is not anything in this law which prohibits the board detailing clerks from the District of Columbia to perform the same work that these twenty-three additional officials are to perform?

Mr. LITTAUER. The entire twenty-three are not to perform work outside of Washington.

Mr. BINGHAM. All the details in this are consistent with their proposition, and when they come to Congress in the future——

Mr. CHARLES B. LANDIS. That is as consistent as any proposition.

Mr. BINGHAM. The only detail that they can make outside of the District of Columbia is a detail for a few days in connection with some examinations for rural free delivery without additional expense to the Government. Is that clear to the gentleman?

Mr. CHARLES B. LANDIS. It is possibly as clear as anything in that connection can be made.

Mr. BINGHAM. Four additional laborers at $600 each are provided for in the Department of State. In the Treasury Department there is one clerk at $1,400 provided for in lieu of clerk at $1,200. In the office of the chief clerk and superintendent one clerk at $1,600 is provided for in lieu of a clerk at $1,400, omitted in the office of the Auditor of the War Department, and an assistant draftsman at $1,200 is provided for.

Division of customs.—An additional clerk at $1,800 is authorized in lieu of one omitted in the office of the Auditor for the Interior Department.

Division of printing and stationery.—An additional clerk at $1,400 is provided for in lieu of one at that salary omitted in the office of the Auditor for the War Department.

Office of the Auditor for the War Department.—A reduction is made of two clerks at $1,400 each and two clerks at $900 each, the same having been transferred and provided for in other offices.

Office of Auditor for the Navy Department.—An increase is recommended of one clerk at $1,800, one clerk at $1,600, two clerks at $1,400 each, three clerks at $1,200 each, four clerks at $1,000 each, and four clerks at $900 each.

We found the office very much in arrears with its work and——

Mr. CHARLES B. LANDIS. Which office is that?

Mr. BINGHAM. Auditor for the Navy Department. Then comes the Auditor for the Interior Department.

Mr. BURKE. May I ask the chairman a question? In discontinuing the clerks in the office of the Auditor for the Interior Department and providing for a clerk in the division of customs, did you ascertain whether or not the Auditor of the Interior Department could spare that clerk, or simply assumed, because he had been transferred and was on duty in some other Department, that he was not required in that office?

Mr. LITTAUER. The very fact of his detail was the most conclusive evidence you could get that his services were not required in the office of the Auditor for the Interior Department.

Mr. BURKE. I would like to call the attention of the committee to the fact that these details are often made against the protest of the head of a particular Department, and yet in this particular instance I happen to know that the Auditor has been protesting ever since this clerk has been detailed and demanding that he be detailed to his bureau; that he was a valuable clerk, engaged in work that is very important, and that he has insisted that this clerk be returned to his office. And I also understand that these details are made usually, as I have already stated, against the protest of the head of a particular bureau from which the detail is made.

Mr. BINGHAM. I have no doubt of it, but they are under the Secretary's control, and that is just what we are trying to do; we want to stop this matter of details.

Mr. BURKE. I appreciate that.

Mr. BINGHAM. We want each bureau to exhibit its work done with its expense; and, further than that, a clerk familiar with his line of work transferred to another line of work leaves

the line of work with which he is familiar and goes on a new line of work in some other Department, and we consider it bad discipline.

Mr. BURKE. I want to say to the chairman I am in entire sympathy with his desire to stop this, but I think an injustice might be done, and I will think an injustice has been done in some of these particular Departments.

Mr. BINGHAM. *Office of Auditor for the Interior Department.*—A reduction is made of one clerk at $1,800, the same being transferred to and provided for in the division of customs of the Treasury Department.

Office of Auditor for the State and other Departments.—An increase is recommended of two clerks at $1,400 each and two clerks at $1,200 each.

Office of Auditor for the Post-Office Department.—Two hundred dollars additional is recommended for one clerk of class 4, to be designated assistant chief of assorting and checking division, and an increase is recommended of four clerks at $1,200 each, six clerks at $1,000 each, five clerks at $900 each, and fifteen skilled laborers at $720 each.

As the gentleman knows, this is one of the very large Departments of the Government, and the reason for the action on the part of the Department is the question of auditing the accounts of the star-route service, which heretofore have had an auditing every three months. They have changed that system, believing better results could be secured by auditing the accounts of the star route every month. That necessitated the change.

Mr. CHARLES B. LANDIS. I know; but have not the number of star routes greatly decreased since the rural free delivery came in?

Mr. BINGHAM. I have no doubt of that, but this increase of clerical force is made because of the change in the system of administration and adjustment of accounts in the Post-Office Department, and while the star-route service has decreased since the rural free delivery came in these star-route accounts will be audited monthly, instead of every three months. That is the reason of the increase.

Mr. CHARLES B. LANDIS. I have no doubt there is a reason for the increase in the clerks, and I doubt not gentlemen who are acquainted with the conduct of business on the outside could not go in there and devise a system to bring about a decrease in the number of clerks instead of an increase. I do not doubt the ability of the people of the Post-Office Department to devise some system by which it will be necessary to increase the number of clerks and——

Mr. BINGHAM. In the first place, I think this——

Mr. CHARLES B. LANDIS. As long as the increase in the number of clerks is encouraged by the Committee on Appropriations in this Congress, why there will be no question at all about the Post-Office Department and other Departments and those employed therein devising new schemes by which additional appointments will be made necessary.

Mr. BINGHAM. If the gentleman remembers my statement, he probably will see that there was an increase of a million estimated or submitted to the committee, and we have made a reduction of over $800,000, leaving an increase of only $225,000. The gentleman will see that whatever may have been the purpose of some of the Departments, they have not made any impression upon the committee.

Office of the Treasurer.—For the force employed in redeeming the national currency an increase is recommended of 1 assistant bookkeeper, at $2,000; 1 clerk, at $1,200; 3 expert counters, at $900 each; 1 expert counter, at $800, and 5 expert counters, at $700 each.

Office of the Comptroller of the Currency.—The salary of the Deputy Comptroller is increased from $3,000 to $3,500.

Office of the Commissioner of Internal Revenue.—In lieu of employees now authorized and employed in this office with compensation paid from a general appropriation the following are recommended: Three clerks, at $1,800 each; 1 clerk, at $1,600; 3 clerks, at $1,400 each; 13 clerks, at $1,200 each; 8 clerks, at $1,000 each; 17 clerks, at $900 each; 1 clerk, at $800; 5 assistant messengers, at $720 each, and 8 laborers, at $660 each.

The two general appropriations for expenses of collecting internal revenue are increased as follows: The one for salaries and expenses of collectors, etc., from $1,900,000 to $2,000,000, and the one for salaries and expenses of agents, etc., from $2,100,000 to $2,200,000, and the general appropriation of $250,000 for additional clerks in the office of the Commissioner and for salaries and expenses of agents is omitted, the net result of the amounts recommended in this bill for the Internal-Revenue Service, including the office of the Commissioner, being an increase of $9,780.

This covers the entire cost in the temporary organization, which has been absorbed by the regular force of the office, so that now we have no temporary force, as we had heretofore, authorized in connection with the war. It is not now carried in any of the Departments.

Office of the Director of the Mint.—The appropriation for freight on bullion and coin by registered mail or otherwise between mints and assay offices is reduced from $75,000 to $40,000.

Office of the Surgeon-General of Public Health and Marine-Hospital Service.—The salary of the private secretary to the Surgeon-General is increased from $1,600 to $1,800, and a clerk to the disbursing agent, at $1,400, is provided for.

INDEPENDENT TREASURY.

Office of the assistant treasurer at Baltimore.—An increase is recommended of 2 clerks, at $1,600 each.

Office of the assistant treasurer at Chicago.—An increase is recommended of 3 clerks, at $1,200 each.

Office of the assistant treasurer at New Orleans.—The salary of the assistant treasurer is increased from $4,000 to $4,500, and a vault clerk, at $1,800, is recommended.

All the assistant treasurers of the United States get $4,500 a year as compensation, except the assistant treasurer at New Orleans, who has been running on a basis of $4,000.

Office of the assistant treasurer at New York.—An increase is recommended in the salaries of 5 assistant tellers from $800 to $900 each.

Office of the assistant treasurer at San Francisco.—The salary of the bookkeeper is reduced from $2,500 to $2,250, the chief clerk from $2,400 to $2,000; the salary of the assistant cashier is increased from $2,000 to $2,400, and the salary of the first teller from $2,000 to $2,250, and provision is made for 1 additional clerk at $1,500.

MINTS AND ASSAY OFFICES.

Mint at Carson, Nev.—The appropriation for wages of workmen and watchmen is reduced from $5,600 to $3,600.

Mint at Denver, Colo.—Appropriations are recommended for salaries of 18 officers and employees in the general staff for operation of the mint at salaries aggregating $37,450, being an increase of 7 employees with compensation aggregating $12,200, and the appropriation for wages of workmen and adjusters is increased from $22,000 to $115,000.

GOVERNMENT IN THE TERRITORIES.

Appropriations are recommended for government in the several Territories as authorized by law, the aggregate being reduced $64,750 under the appropriations for the current year, owing to the fact that appropriations are not required for biennial sessions of the legislatures in Arizona, New Mexico, and Oklahoma the coming fiscal year.

WAR DEPARTMENT.

The general appropriation of $360,000 for continuing the employment of additional temporary clerks and others is omitted, specific provision being made under estimates submitted by the Department as required by law, enacted at the last session of Congress, for employees in each of the several bureaus of the Department, in accordance with the numbers now employed and the rates of compensation now paid from the general fund, the total number of employees thus taken up and specifically provided for being 290. The consolidation of the Record and Pension Office and the Adjutant-General's Office under the new Military Secretary's Office, authorized by a law enacted at the last session, is effected, and by a rearrangement of the clerical force recommended by the Military Secretary, a reduction is made of 34 clerks and employees, with salaries aggregating $27,820.

PUBLIC BUILDINGS AND GROUNDS.

The salary of an assistant engineer in the office of the Superintendent of Public Buildings and Grounds is increased from $1,800 to $2,400, and the general appropriation of $35,000 for the employment of overseers and others is made available for the payment of the chief clerk and a clerk and stenographer in the Office.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

The salary of one electrician is increased from $1,000 to $1,200, and four mistresses of charwomen at $300 each are provided for in lieu of four charwomen at $240 each.

NAVY DEPARTMENT.

Bureau of Navigation.—One clerk, at $1,000, is omitted by transfer to the Bureau of Medicine and Surgery.

Hydrographic Office.—One clerk, at $1,400, is omitted and transferred to the Bureau of Steam Engineering, and the salaries of 6 apprentices are increased $100 each.

Bureau of Supplies and Accounts.—A chief clerk, at $2,000, is provided for in lieu of a civilian assistant, at $2,500, and 1 clerk, at $1,600; 1 clerk, at $1,400; 1 clerk, at $1,200, and 1 messenger boy, at $420 are omitted, the same being no longer borne on the rolls of the Bureau.

Bureau of Medicine and Surgery.—An increase is made of 1 clerk, at $1,000, and 1 assistant messenger, at $720.

DEPARTMENT OF THE INTERIOR.

Pension Office.—A reduction in the force is made as follows: One clerk, at $1,800; 10 clerks, at $1,400 each; 8 clerks, at $1,200 each; 8 clerks, at $1,000 each; 5 copyists, at $900 each; 1 engineer, at $1,200; 6 messengers, at $840 each, and 1 laborer, at $660, the same being no longer employed in or required for the service of the Bureau. A reduction is also made of 25 special examiners at $1,300 each, and the appropriation for per diem and expenses of special examiners is reduced from $400,000 to $350,000.

POST-OFFICE DEPARTMENT.

Office of the Postmaster-General.—A foreman of laborers, at $800, is provided for in lieu of 1 laborer, at $660.

Office of the purchasing agent.—The salary of the purchasing agent authorized at the last session of Congress, at $4,000, is provided for, together with the following in his office: Chief clerk, $2,000; 1 clerk, at $1,800; 1 clerk, at $1,600; 1 clerk, at $1,400; 2 clerks, at $1,200 each; 2 clerks, at $1,000 each; 1 assistant messenger, at $720, and for actual and necessary traveling expenses, $500.

We have now in that office, doing work by transfer from the First Assistant's office, five or six clerks. They are going to reorganize the office of purchasing agent. Very large contracts are considered, and the office requires this subordinate force; but they will be transferred and go back to their places in the departments, having been only temporarily assigned to this division.

Mr. CHARLES B. LANDIS. The First Assistant's office did not suffer from the detail of these men.

Mr. BINGHAM. This is a necessity of the Department. These few men were duly detailed from the office of the First Assistant Postmaster-General in order that the purchasing agent might fully go on with his work. We now send them back, and they have only been away from the First Assistant Postmaster-General's office a few months.

Office of the Second Assistant Postmaster-General.—The salary of the assistant superintendent of railway adjustments is increased from $2,000 to $2,500, and an increase is made of 2 clerks, at $1,800; 1 clerk, at $1,600; 2 clerks, at $1,400 each, and 2 clerks, at $1,200 each.

Everybody knows how careful the Second Assistant Postmaster-General is, not only in the administration of the general work but in all its features.

Office of the Third Assistant Postmaster-General.—The salary of the superintendent of postage-stamp supplies and postmasters' accounts is increased from $2,500 to $3,000, and an increase is made of 5 clerks at $1,200 and 5 clerks at $1,000 each.

Office of the Fourth Assistant Postmaster-General.—An increase is recommended of 3 clerks, at $1,600 each; 4 clerks, at $1,400 each; 9 clerks, at $1,200 each, and 19 clerks, at $1,000 each, and a reduction is made of 18 clerks, at $900 each. On account of transfers made to the Civil Service Commission a reduction is made as follows: Chief of board of examiners of rural carriers, $2,250; 1 clerk, at $1,600; 1 clerk, at $1,400; 3 clerks, at $1,200 each; 2 clerks, at $1,000 each; 8 clerks, at $900 each, and 2 assistant messengers, at $720 each.

Office of the topographer.—Salaries are increased as follows: The topographer, from $2,750 to $3,000; 1 map mounter, from $1,200 to $1,400; 2 copyists of maps, from $900 to $1,000 each, and provision is made for 1 assistant topographer, at $2,000.

DEPARTMENT OF JUSTICE.

Provision is made for 1 confidential clerk to the Attorney-General, at $1,600.

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary.—An increase is recommended of 1 confidential clerk to the Secretary, at $1,600; 1 chief of division, at $2,000; 3 clerks, at $1,800 each; 5 clerks, at $1,600 each; 4 clerks, at $1,000 each; 1 captain of the watch, at $1,200; 1 skilled laborer, at $840; 2 laborers, at $660 each; 5 charwomen, at $240 each, and the salaries of 2 telegraph operators are increased from $1,000 to $1,200 each, and an appropriation of $10,000 is recommended for the compensation and expenses of a specialist or specialists, to be selected and appointed by the Secretary of Commerce and Labor, to make investigations regarding manner of conduct of public business in the various bureaus of that Department.

The investigation by specialists has been made as a direct request by the Secretary of the Department; and while perhaps the amount of $10,000 may not be amply sufficient, we think it safe to start with, on the basis of the statement he made, that he wants a thorough investigation regarding manner of conduct of public business in the various bureaus of his Department, the appointment being made outside of the civil service.

Bureau of Corporations.—A reduction is made of 1 special attorney, at $4,000, and the appropriation for compensation and per diem of special attorneys, special examiners, special agents, and expenses of employees of the Bureau detailed for duty is increased from $61,300 to $100,000.

Bureau of Manufactures.—A reduction is made of 1 chief clerk, at $2,000; 1 clerk, at $1,800; 1 clerk, at $1,400; 1 clerk at $1,200; 1 clerk, at $1,000; 1 clerk, at $900; 1 messenger, at $840; 1 assistant messenger, at $720; 1 messenger boy, at $480, and 2 laborers, at $660 each.

I will state, gentlemen, that the Secretary of Commerce made the statement before our committee that there was no organization whatever as yet of the bureau known as the Bureau of Manufactures.

Light-House Board.—An increase is recommended of 1 clerk, at $1,000; 1 clerk, at $900, and 1 messenger boy, at $480.

Census Office.—An increase is recommended of 28 clerks, at $1,200 each, and 13 clerks, at $1,000 each, and a reduction is recommended of 14 clerks, at $900 each. The appropriation for securing information for census reports provided for by law, including per diem and expenses of special agents, is increased from $438,400 to $500,000.

We make that appropriation immediately available for the reason that the Census Office must make their report on manufactures on the 1st of July next.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GILLETT of Massachusetts. Mr. Chairman, I move that the time of the gentleman from Pennsylvania may be extended as much as he desires.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Pennsylvania be extended without limit. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM. *Bureau of Navigation.*—The salary of the Commissioner of Navigation is increased from $3,600 to $4,000.

Bureau of Immigration.—An increase is recommended of 2 clerks, at $1,000 each; 1 copyist, at $900, and 1 messenger at $840.

Bureau of Standards.—An increase is recommended as follows: One assistant physicist, at $1,600; 1 assistant chemist, at $1,600; 1 assistant physicist, at $1,400; 1 laboratory assistant, at $1,000; 2 aids, at $600 each; 1 laboratory apprentice, at $540; 2 messenger boys, at $360 each; 1 elevator boy, at $360; chief mechanician, at $1,600; 1 assistant engineer, at $1,000; 1 fireman, at $720, and 1 female laborer at $360. The salary of the storekeeper is increased from $900 to $1,000, and that of the engineer from $1,500 to $1,800.

I come now to the amendments of the bill. I have read, I think, twice to the House that which has reference to the Civil Service Commission, and as that matter has been fully explained to the House I will not comment on it further.

On page 45, after line 22, is the following:

Hereafter the accounts for the Isthmian Canal Commission shall be audited by the Auditor for the War Department.

That seems to be settled as the policy of the Administration.

On page 78, after line 14, is the following:

It shall not be lawful to detail clerks or other civilian employees authorized for the Office of the General Staff for duty, temporary or otherwise, in any office or bureau of the War Department at Washington, District of Columbia, or to detail clerks or other employees from the War Department for service in the Office of the General Staff.

That I have read in reply to the inquiry of the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs.

On page 146, in connection with the Bureau of Immigration, is the following:

That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall have power to refund head tax heretofore and hereafter collected under section 1 of the immigration act approved March 3, 1903, upon presentation of evidence showing conclusively that such collection was erroneously made.

I will simply state to the gentlemen that these are generally refund of head tax, are small sums of two, four, or six dollars, and when submitted under statute takes about five or six months to conclude; and under the legislation, subject to the approval of the Secretary of Commerce and Labor, the immigrant can receive the refund of his head tax in a very short time.

We come to a paragraph in the bill which relates to incapacitated employees. On page 155, section 3, is made applicable to employees of the Government "incapacitated," instead of "incapacitated otherwise than temporarily."

We had some discussion in the committee concerning this proposed change, and your committee, in making the change, have had but one purpose; that is, to try and reach out and see if we can not find a satisfactory conclusion to the continuance in the Departments of men permanently incapacitated, where,

through the charity or good heart or whatever you may see proper to call it of the officer in administration over the unfortunate subordinate, who doubtless has been worn out in the service, this employee is retained. We want to try and get such verbiage whereby the incapacitated clerk can be dropped. We think this draws the line a little more closely than heretofore. To what extent the present law has been carried your committee has been unable to ascertain; but in some of the Departments there have been men who have been receiving sixteen or eighteen hundred dollars, who, perhaps the greater part of their lives, have been most efficient in their line of work. A man of this sort becomes, with years or other infirmities, unable to do a very high class of clerical work or work in the line in which he has been employed. He is reduced to ten or twelve hundred dollars, which is simply a temporary expedient to allow that man to make a fair return in the way of work for a limited compensation. We think, perhaps, that the amendment we submit will be more effective in the administration of the offices than the verbiage now used in current law.

As to the following, we were of the opinion that the amendment of the gentleman from Indiana [Mr. CHARLES B. LANDIS] covered the full ground of a prevention or a stoppage of the use of horses, wagons, and carriages by the Departments, other than those exempted by statute or current law. There is a provision that was inserted as a paragraph in the sundry civil bill which extended the law to the like uses of horses and carriages for private purposes and intended to accomplish the same end as the paragraph in the legislative bill. We have therefore grouped the two together, and hope that with that grouping we will reach the wish of this House in a limitation of what seemed heretofore to have been perhaps a violation of the intent of the law. It is as follows:

SEC. 4. No part of any money appropriated by this act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those specifically authorized and named for personal purposes in section 2 of the legislative, executive, and judicial appropriation act for the fiscal year 1905, and other than those used for transportation of property belonging to or in the custody of the United States), for the official use of any officer or employee of any of the Executive Departments or other Government establishments at Washington, D. C., unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used.

We have simply used a grouping of the two paragraphs contained first in the legislative bill and second in the sundry civil bill.

Mr. Chairman, does the gentleman on the other side [Mr. LIVINGSTON] desire any time?

Mr. LIVINGSTON. I want a little time just now myself.

Mr. BINGHAM. With pleasure. The gentleman is welcome to as much as he desires.

Mr. LIVINGSTON. Mr. Chairman, it has been impossible under the circumstances, with all this confusion, to hear the explanations made by the gentleman in charge of the bill. It is nearly always the case, in the consideration of appropriation bills in a short session, that there is this lack of attention; and I am surprised that Members of the House who have to vote upon a bill carrying $28,000,000 and more are not silent and quiet, so that an explanation of the bill can be made in a general way. I know it is impossible to do it with the confusion that we have in the House, and I do not propose now to undertake it after the gentleman has tried it and could not be heard across the aisle 10 feet away.

I want to say to the Members of the House that if you will take the report that accompanies this bill and follow the report closely with the bill in the reading under the five-minute rule it is the only possible way that you will be enabled to comprehend what this committee has presented to the House. There is a little summary at the last of the report that will give you some idea of it.

The increase, for instance, in the number of salaries in 1906 over those for 1905 was 645. The net increase in the amount of this bill over the appropriation for 1905 is $235,881.62. That is the increase in the total appropriation. The net increase in the number of salaries over the bill for 1905 is 513.

Now, in this bill will develop where these increases are and what they are and what they are for, and there you can stop and ascertain absolutely the reason for those increases, and it is about the only way you can get at it. I might give it to you now, but you would forget it before the bill is finished. The only way for Members of the House to see what we are appropriating is to follow the bill closely under the five-minute rule and demand explanation when you do not understand what the appropriations are for. Now, you will find in the hearings, on page 11——

Mr. MADDOX. Right there, if the gentleman will allow me, I want to ask my colleague, and not only him but the gentleman who has charge of the bill, why it is that we can not get a copy of these hearings? I have twice sent for them and have been refused both times. I would like to find out the reason.

Mr. LIVINGSTON. They are not public documents.

Mr. MADDOX. Well, admit that they are not public documents.

Mr. LIVINGSTON. I will say that I am surprised that my colleague could not get hold of a copy for his own use.

Mr. MADDOX. I have sent twice to get a copy and my colleague has sent once, and the messenger comes back and says that the clerk refuses to let them go out.

Mr. LIVINGSTON. Now, while there was so much confusion on the floor there was something said about 13 new clerks sent up by the Post-Office Department, into which the Civil Service Bureau intends to put their fingers. You will find that all in the hearings. I asked the question myself, "What do you propose to do there?" They said, "We propose to establish an independent body; it is not proper for the Post-Office Department to examine their own clerks." That may be true; it may be right and proper; and I said, "Then what? If the rural carrier in my district is examined by the agent and that is sent up to the local board in Washington they send it down to you, do they not?" He said, "Yes." I said, "Why not observe that course now?" He said, "We want a go-between in there; we want some man in your district and in all that division that will take an oversight of this matter before it comes up to the Post-Office Department." Now, you will find in the hearings all the reasons that he gave for that proposition.

There is some new legislation, Mr. Chairman. For instance, you passed an act a year ago authorizing the appointment of a purchasing agent for the Post-Office Department. We in this bill make him a little bureau by giving him a few clerks. There is another thing that is new. We take down the Bureau of Manufactures, except the chief himself, take away all his clerks. He never organized and never did anything, and there is no prospect of his doing anything under these limitations that the gentleman from Pennsylvania has just spoken about. Some of them are drastic. They are in the report, and you can scan them when we get to them in the bill; and if you do not understand them now, you can get a full explanation if the Chairman of the House can keep order on the floor long enough for you to get it.

Mr. BINGHAM. Now, Mr. Chairman, if there are no other gentlemen on either side of the House that desire to discuss the bill, I move that the bill be read under the five-minute rule.

The CHAIRMAN. General debate having closed, the Clerk will report the bill by paragraph.

The Clerk proceeded with the reading of the bill under the five-minute rule.

The Clerk read as follows:

Clerks and messengers to committees: For clerk of printing records, $2,220; clerk to the Committee on Appropriations, $3,000, and $1,000 additional while the office is held by the present incumbent; assistant clerk, $2,220; messenger, to be appointed by the committee, $1,440; clerk and stenographer to the Committee on Finance, $2,500; messenger, $1,440; clerk to the Committee on Claims, $2,220; assistant clerk, $1,440; messenger, $1,440; clerk to the Committee on Commerce, $2,220; assistant clerk, $1,440; clerk to the Committee on Pensions, $2,220; two assistant clerks, at $1,440 each; messenger, $1,440; clerk to the Committee on the Judiciary, $2,220; messenger, $1,440; clerk to the Committee on Military Affairs, $2,220; assistant clerk, $1,440; messenger, $1,440; clerk to the Committee on Post-Offices and Post-Roads, $2,220; messenger, $1,440; clerk to the Committee on the District of Columbia, $2,220; messenger, $1,440; clerk to the Committee on Foreign Relations, $2,220; messenger, $1,440; clerk to the Committee on Engrossed Bills, $2,220; messenger, $1,440; clerk to the Joint Committee on the Library, $2,220; clerks to the committees on Naval Affairs, Census, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Public Health and National Quarantine, Private Land Claims, Patents, Coast Defenses, Privileges and Elections, Additional Accommodations for the Library of Congress, Rules, Civil Service and Retrenchment, Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Porto Rico, Philippines, Relations with Cuba, Interoceanic Canals, Transportation and Sale of Meat Products, Five Civilized Tribes of Indians, Improvement of the Mississippi River and its Tributaries, Organization, Conduct, and Expenditures of the Executive Departments, and clerk to conference minority of the Senate, at $2,220 each; clerks to committees on Woman Suffrage, and Mines and Mining, at $2,100 each; in all, $127,760.

Mr. CLARK. Mr. Chairman, I would like to ask the chairman of the committee a question. Has this Committee on Woman Suffrage ever had a meeting?

Mr. LITTAUER. Our committee has not been informed, I would say to the gentleman from Missouri.

Mr. BINGHAM. Mr. Chairman, that committee is in the Senate.

Mr. CLARK. I do not care where it is now. What I want to know is whether it ever meets, and, if it does meet, what use it has for a clerk.

Mr. BINGHAM. I will state to the gentleman from Missouri

[Mr. CLARK] that that is a provision of the bill about which we have never made any investigation.

Mr. MADDOX. Mr. Chairman, I will state that I think the committee had one meeting in 1902.

Mr. BINGHAM. Mr. Chairman, the gentleman from Missouri [Mr. CLARK] has been in the House long enough to have witnessed at different times long controversies, running sometimes through several days, with reference to what the Senate has asked for and what the House thought they should have, and what the House has asked for and what the Senate thought the House should have; and he well knows that it has been the practice of the House for some years to accede to the request of the Senate in that respect. That is a question which has been eliminated from discussion for some years, and it has been our practice to take the recommendations of the Senate as to the conduct of their business as well as their own comfort in respect to that branch of the legislative part of the Government.

Mr. CLARK. Mr. Chairman, what I want to find out is this, Must the House agree to everything that the Senate claims?

Mr. BINGHAM. Mr. Chairman, I will say to the gentleman that the House has acceded to everything except, I think, one suggestion with reference to the contingent accounts, and I would state that that is a tentative proposition on the part of the House. We find that out of their contingent fund they employ a body of laborers that we think should be put in an appropriation of distinct form, not contingent—something of the same division which we have made with reference to what is called miscellaneous accounts in the House. Now, we ask for $50,000 in the House and we divide that and appropriate half of it—$20,000 or $25,000—for miscellaneous items, and $20,000 for expenses of the House in connection with special committees, funerals, etc. We think the Senate may accede to that proposition, but I am free to say to the gentleman from Missouri [Mr. CLARK] that I think the Senate will endeavor to adhere to their policy of the past, something with which the gentleman is familiar. I say in frankness to the gentleman that we have made no investigation, nor do we expect the Senate to make any investigation into the House subordinate force, not only in practice, but in compensation, for the wise conduct of the business of the House.

Mr. CLARK. Well, Mr. Chairman, what has become of this great hullabaloo that has been going on here about making the House independent of the Senate? I have heard a heap of talk about that thing, but I have never heard of anything being done. I would like to know, Mr. Chairman, if a point of order lies against that man's salary, and if it does I desire to make it.

Mr. BINGHAM. Mr. Chairman, I will state to the gentleman that it is current law.

Mr. CLARK. If it is current law a point of order does not lie against it.

Mr. BINGHAM. I shall have to object to the point of order, on the ground that it is current law.

The CHAIRMAN. The Chair does not understand the gentleman from Missouri [Mr. CLARK].

Mr. CLARK. Mr. Chairman, I ask the Chair if a point of order lies against the item of $2,100 for a clerk to the Woman Suffrage Committee of the Senate, and if it does I desire to make the point.

The CHAIRMAN. If the gentleman from Missouri will make the point of order, the Chair will rule upon it.

Mr. CLARK. Very well; I will make the point of order, and that will settle it.

Mr. BINGHAM. Mr. Chairman, I would simply state, in reference to the gentleman's point of order, that this is in accordance with current law.

The CHAIRMAN. The Chair understands that these clerks are provided for by arrangements in the Senate—the committees and the clerks. Is that the fact?

Mr. BINGHAM. Mr. Chairman, I make the point that the gentleman's point of order as against that paragraph of the section of the bill to which he has referred does not lie, because it is current law.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

For thirty annual clerks to Senators who are not chairmen of committees, at $1,500 each, $45,000.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask the gentleman in charge of this bill some questions on this item embraced in lines 18 to 20 in regard to thirty annual clerks to Senators. I see an item here in regard to clerks who shall be clerks of committees, but I do not know what they want with thirty annual clerks without any further explanation.

Mr. BINGHAM. I can only answer the gentleman it is current law and has been for years.

Mr. STEPHENS of Texas. I would make the point of order against it.

Mr. BINGHAM. We accept the estimates of the Senate.

Mr. STEPHENS of Texas. It does not mean anything; that is my objection to it. I think they should state some reason for asking for these clerks.

Mr. BINGHAM. It is a force subordinate in the Senate that has been employed for some years. It is in the current law and we have accepted current law.

Mr. STEPHENS of Texas. For information I would ask the gentleman if each one of these Senators has not a secretary?

Mr. BINGHAM. I will state to the gentleman for some years we have gone into no detailed inquiry as to the administration of the Senate and have given their recommendations.

Mr. STEPHENS of Texas. Is it not a fact the House has to appropriate for all these expenditures of the Senate? I understand that to be the fact. Then why should they not state what the duties these thirty clerks are to perform?

Mr. LITTAUER. They practically perform the same duty your clerk performs.

Mr. STEPHENS of Texas. But there are more than thirty; there are ninety Senators.

Mr. LITTAUER. But those thirty are Senators who are not chairmen of committees.

Mr. STEPHENS of Texas. As I understand, each chairman has his clerk.

Mr. BINGHAM. These are clerks of Senators not chairmen of committees and go to the other side of the House, the minority side. That is the history——

Mr. STEPHENS of Texas. Is that the meaning of it?

Mr. BINGHAM. It is to give the Senators on the other side—the minority, whatever the character of the Chamber may be—the same convenience of clerical aid that the chairmen of committees have who are in the majority, assigned to chairmanships of committees.

Mr. STEPHENS of Texas. I believe we have two clerks in the House, have we not, of this kind belonging to the minority?

Mr. BINGHAM. We are on a different basis, because we each have a personal clerk.

Mr. STEPHENS of Texas. Then I ask why we should have but two and the Senate have thirty to perform the same service?

Mr. BINGHAM. Every Member on both sides has his clerk. The House has thought for years that is all the convenience any Member needs.

Mr. LITTAUER. If the chairman of the committee will permit me; each Senator does not have a private clerk. There is no provision in the bill for a clerk to each Senator the same as to each Representative. The Senators are provided for either by chairmanships to their numerous committees, but those who are not chairmen of committees are here provided for with a clerk at $1,500.

Mr. STEPHENS of Texas. That is what I want to get at.

Mr. MADDOX. Have they not got a messenger or two and another boy?

Mr. LITTAUER. It is beyond our control, as experience has proven.

Mr. STEPHENS of Texas. We could inquire into it, however?

Mr. LITTAUER. Oh, decidedly.

The Clerk read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $900, or so much thereof as may be necessary; Chief Clerk, journal clerk, and two reading clerks, at $3,600 each; tally clerk, $3,000; printing and bill clerk, disbursing clerk, and enrolling clerk, at $2,500 each; file clerk, assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to Chief Clerk, at $2,000 each; librarian, distributing clerk, stationery clerk, and superintendent clerks document room, at $1,800 each; one bookkeeper, two assistant librarians, and seven clerks, at $1,600 each; document and bill clerk, $1,600; document clerk, $1,440; locksmith, who shall be skilled in his trade, $1,200; one assistant in Clerk's office, and one assistant in disbursing office, at $1,400 each; assistant index clerk, $1,500; telegraph operator, assistant file clerk, and stenographer to the Clerk, at $1,200 each; assistant telegraph operator authorized and named in resolution adopted January 15, 1902, $1,200; one assistant in library, one assistant in document room, one assistant in stationery room, and one messenger in file room, at $900 each; one page, $720; attendant in charge of bathroom, $1,000; three laborers in the bathroom (including William Richardson), at $720 each; three laborers, and one page in enrolling room, at $720 each; messenger in Chief Clerk's office, $900; in all, $94,600.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer an amendment. On page 12, line 8, after "file clerk," insert the words "docket clerk." This officer is now carried by resolution, and for lack of proper explanation he was not given his place in the bill.

Mr. BINGHAM. The committee accepts the gentleman's amendment.

Mr. BARTLETT. I understand the gentleman from Michigan to say that this gentleman is provided for.

Mr. GARDNER of Michigan. He is provided for by the resolution of the House, and is now acting under that.

Mr. BARTLETT. But, Mr. Chairman, as I understand the rule, in order to include anyone under this bill it must be authorized by law. A resolution of the House is not a law, except to the House. When anybody is authorized to do work, and receives salary by a simple resolution of the House, he is paid out of the contingent fund of the House, and to put it upon an appropriation bill simply because authorized by a resolution of the House, in my opinion is not one authorized by law. I am not going to enter any objections to it if it is necessary; but I do not want it to be made a precedent that a matter which is in order on the bill, when authorized by law, is also in order when it is simply authorized by a resolution of the House.

Mr. BINGHAM. Will the gentleman allow me to interrupt him?

Mr. BARTLETT. Certainly.

Mr. BINGHAM. Had this been called to our attention it would have been in the body of the bill. We have operated under a resolution of the House, and when there was employment given by a resolution of the House it has always been recognized as coming under the rules of the House in the general application of the rules. This was simply an error, and the committee desire the correction of that error.

Mr. BARTLETT. I am not making any point of order, if it is subject to a point of order; but I do not want it to be a precedent for a matter being put into an appropriation bill as authorized by law, such as the amendment offered by the gentleman from Michigan, when it is authorized by simple resolution.

The CHAIRMAN. The Chair would say that it has been uniformly held that a resolution regarding an officer of the House is existing law.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, $3,000; assistant clerk and stenographer, $2,000; messenger, $1,200; janitor, $1,000; clerk to the Committee on Appropriations, $3,000, and $1,000 additional while the office is held by the present incumbent; assistant clerk and stenographer, $2,000; messenger and assistant clerk, $1,200; janitor, $1,000; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections Nos. 1, 2, and 3, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Industrial Arts and Expositions, Insular Affairs, Invalid Pensions, Judiciary, Labor, Library, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Post-Office and Post-Roads, Printing, Public Buildings and Grounds, Public Lands, Rivers and Harbors, Revision of the Laws, Territories, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, at $2,000 each; assistant clerk to the Committee on the Judiciary, $1,600; assistant clerk to the Committee on Post-Office and Post-Roads, $1,400; assistant clerk to the Committee on Rivers and Harbors, $1,400; assistant clerk to the Committee on War Claims, $1,200; for janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections Nos. 1, 2, and 3, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Library, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Pensions, Printing, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at $720 each, and said janitors shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, $99,000.

Mr. BARTLETT. Mr. Chairman, with reference to the provision for clerks and messengers to committees, I should like to ask the gentleman in charge of the bill if all these clerks and janitors to the various committees are now authorized by law?

Mr. BINGHAM. I would state to the gentleman that with one exception they are all authorized by law, either by resolution of the House or general statute; further, that that one exception consists of an assistant clerk to the Committee on Rivers and Harbors, which we specially call attention to in our report to the House.

Mr. BARTLETT. I will not make any point on that.

Mr. BINGHAM. It is the only exception in the whole list.

Mr. BARTLETT. Now, I would like to ask the gentleman a question. Can he tell me where the law is that authorizes a clerk to the Committee on the Library—whether that is by resolution or by act of Congress?

Mr. BINGHAM. I would state that the current law authorizes that clerk.

Mr. BARTLETT. The gentleman means by that that the appropriation for this clerk has heretofore been carried in an appropriation bill?

Mr. BINGHAM. Yes; carried in the law for the current fiscal year.

Mr. BARTLETT. I understand that. This committee is the Library Committee, which is composed of three members. Am I correct about that?

Mr. BINGHAM. It is composed of five members. It is a joint committee.

Mr. BARTLETT. Oh, no; you provide for the joint committee. It is the Library Committee of the House, over which the gentleman from Minnesota [Mr. MCCLEARY] presides, and there are but three members.

Mr. OLMSTED. Five in all.

Mr. BINGHAM. The present Library Committee of the House consists of five members.

Mr. BARTLETT. This is an annual clerk, is it not? This is a provision for an annual clerk?

Mr. BINGHAM. I can say nothing beyond the fact that the committee accepted the present working force of the House in every respect, and saw no reason to make any change in that which the House, and this same House, has heretofore concurred in.

Mr. BARTLETT. Can the gentleman tell me where he gets the authority for a janitor for the Committee on the Library?

Mr. BINGHAM. It is in the existing law.

Mr. BARTLETT. What you mean is that it is carried in a former appropriation bill?

Mr. BINGHAM. In the current law.

Mr. BARTLETT. In a former appropriation bill——

Mr. BINGHAM. Yes.

Mr. BARTLETT. Or by resolution from the Committee on Accounts?

Mr. BINGHAM. An appropriation bill, approved by this very present House at its earlier session. I will say to the gentleman that in regard to the House subordinate force, with one or two small increases of compensation, and perhaps I might say without any material changes, we have followed current law, and the committee in no wise has assumed the introduction of a larger force except in the one specific case that seemed to be imminent and necessary in connection with rivers and harbors.

Mr. BARTLETT. I have no question that that is proper, and will make no point on that at all. I happen to have been for years upon the Committee on Accounts, and I notice that a number of committees which now have annual clerks did not have them prior to this Congress. We had provided for them by resolution brought from that committee, giving to those gentlemen clerks during the session; and it seemed to me that the Committee on Appropriations have taken all those committees, where the Committee on Accounts have authorized the employment of clerks during the sessions of Congress, and have put them in here as annual clerks.

Mr. BINGHAM. I would say to the gentleman right there that your Committee on Appropriations, the House having once determined what shall be the subordinate force, would not take upon itself the responsibility of making changes in that subordinate force. We should not assume to do anything in contradiction of the action of the House. To do so would militate against our relations as a committee with the House, and it would be an assumption of authority that the House did not intend to give us, when the House had once voted to determine what should be its subordinate force.

Mr. BARTLETT. The gentleman misapprehends my position.

Mr. GILLETT of Massachusetts. Will the gentleman allow me?

Mr. BARTLETT. One minute, until I get through with my statement.

Mr. GILLETT of Massachusetts. I think I could answer the gentleman.

Mr. BARTLETT. I will give you plenty of opportunity. Just let me finish this sentence, and I shall be glad to hear from the gentleman from Massachusetts.

My proposition is this, Mr. Chairman—that the Committee on Accounts have during the previous sessions of this Congress been called upon, as they have at other sessions of previous Congresses been called upon, at the definite request of various chairmen to furnish clerks to the several committees. The Library was not one of those, because they had succeeded in getting an annual clerk at $2,000 in an appropriation bill which passed last year. Take, for instance, the Committee on Industrial Arts and Expositions, of which I am a member, and the Committee on Merchant Marine and Fisheries, and so on. The House has passed a resolution in which it said that these committees were entitled to clerks during the session. Now, the Committee on Appropriations has taken up a number of these committees which the House by passing the resolution gave clerks during the session of Congress and embraced them in this bill, making them annual clerks.

Mr. GILLETT of Massachusetts. I think the gentleman is mistaken about that. The intention of the committee is in

every instance where the House previously appropriated for a session clerk to give them a session clerk, and when the House appropriated for an annual clerk we have given them an annual clerk. Can the gentleman from Georgia suggest a single instance where that has not been the case?

Mr. BARTLETT. I have suggested two. In the first place, the Committee on Accounts has no right by simple resolution to appropriate money for any such clerks.

Mr. GILLETT of Massachusetts. I mean, when the Congress has provided for it.

Mr. BARTLETT. Yes.

Mr. GILLETT of Massachusetts. We have intended to follow exactly the direction of Congress. If the gentleman can point out any instance——

Mr. BARTLETT. I am trying to get information from the committee.

Mr. GILLETT of Massachusetts. That is what we have done.

Mr. BARTLETT. Take the janitor for the Committee on the Library. I will ask the gentleman if that was passed by resolution or an act of Congress?

Mr. GILLETT of Massachusetts. I think that is in the current appropriation. I don't remember how it was originally passed.

Mr. BARTLETT. I would like to know, because it occurs to me that we are appropriating a great deal of money for that committee.

Mr. GILLETT of Massachusetts. All this committee does is to follow out existing law, and if the gentleman will look at the law of last year he will find that it is the same as the provision in this bill for the Library Committee.

Mr. BARTLETT. The janitor was carried in the last appropriation bill?

Mr. GILLETT of Massachusetts. That is the fact.

Mr. BINGHAM. I want to say to the gentleman from Georgia that the appropriations in reference to the clerical force—that when a resolution comes to the House limiting it for the session, it is so followed, and when it comes to the House and the House determines that it shall be a permanent clerk, it is so followed. There is not a single committee in the paragraph of this bill that has not had their old-time current law established by a resolution of Congress.

Mr. BARTLETT. Then I will move to strike out the word "Library" in reference to the janitor on page 15, line 10, where it says "janitor for the Library." It occurs to me in the first place that I will make the point of order that it is not authorized by law.

Mr. BINGHAM. I will say to the gentleman that he is fully within his right if he wants to strike it out.

The CHAIRMAN. The gentleman's point of order comes too late.

Mr. BARTLETT. Very well. Then I will move to strike out the word "Library" in line 10, page 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 10, strike out the word "Library."

Mr. BARTLETT. Now, Mr. Chairman, it seems to me that with that Committee on the Library having only five members, with an annual clerk at $2,000 a year, paid when Congress is in session and not in session, it is a little extravagant to add to that the cost of a janitor at $720 a year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 30, noes 62.

So the amendment was rejected.

Mr. CLARK. Mr. Chairman, before we proceed with the reading of the bill I would like to ask the chairman of the committee some questions. Now, there is brought in a resolution by which somebody is put on the pay roll. Is that to be construed hereafter as existing law—that resolution? Is that the way it is construed?

Mr. BINGHAM. Mr. Chairman, I would state to the gentleman that it will depend upon the terms of the resolution. If the resolution comes into the House for the session, and the session closes, then it is at an end. If it comes in as a permanent clerk, why, that is different, because this House can enact legislation for a permanent clerk in the future just as well as it can enact legislation for anything else in the future; and it being so enacted that a clerk shall be given to a Committee on the Post-Office or that an additional clerk shall be given to the Committee on Appropriations, it will be so construed.

Mr. CLARK. But this House can not create the office of a permanent clerk by simple resolution, can it?

Mr. BINGHAM. I should say yes.

Mr. CLARK. That is, as much an officer as is the United States marshal?

Mr. BINGHAM. Under the ruling I should say yes.

Mr. CLARK. Now, I desire to ask another question. Something happens to be put into one appropriation bill, we will say. Is that to be construed for all time to come as existing law? What is the reason an appropriation bill does not die when the year ends?

Mr. BINGHAM. If it comes in in the bill as this janitor came in, to be added to the regular force, it will come in in the future from the Committee on Appropriations, and the House under the ruling, which is just accepted by the gentleman and made by the Chair, has the power to continue that clerk; but under the rules of the House the gentleman from Missouri [Mr. CLARK] or any other gentleman can move to strike it out, and then that particular House can determine the proposition.

Mr. CLARK. But you occupy an entirely different position when you are moving to strike out and when you are standing on a point of order to existing law. What I want to know once and for all is, if you happen to get an item into an appropriation bill once is that to be construed then as existing law?

Mr. BINGHAM. That is construed as existing law.

Mr. CLARK. Then I shall pay more attention to what they get into appropriation bills in the future. Why, an appropriation bill dies when the year runs out.

Mr. OLMSTED. Mr. Chairman, as I understand the matter, it is in effect this, that if at the time we are passing this appropriation bill there is in effect an existing resolution or law which at this time in this year fixes this appropriation for this office, then it is existing law; but if, as the gentleman from Missouri [Mr. CLARK] says, that appropriation year had expired and there was not at the time we are passing this appropriation bill a resolution in operation and in existence at this time, then it could not be said that there was existing law for this appropriation.

Mr. CLARK. I know; but the trouble about the whole business is this: You do not get any chance to examine these bills unless you are a member of the Appropriations Committee. They are dumped in here all of a sudden, and then if we raise any question about it some member of the Appropriations Committee bobs up serenely and says, "Why, that is existing law," and that is the end of it. What I want to find out is, if a thing gets into one of these appropriation bills temporarily by somebody not paying attention, whether it is going to be construed for all time to come as the creation of an office under existing law?

Mr. OLMSTED. No; not for all time, but during the year for which it was enacted.

Mr. CLARK. But I thought we were appropriating for a new year.

Mr. OLMSTED. But we are making it in this year the existing law.

Mr. CLARK. And every time you object to an item somebody gets up over there and says that is existing law.

Mr. OLMSTED. Well, it is now.

Mr. BINGHAM. Any gentleman can make the motion to strike it out. It is existing law, and the remedy is in the hands of the House, and this House has just voted down a motion to strike out a laborer for the Library Committee because it is existing law.

Mr. CLARK. You can strike it out if you can get votes enough.

Mr. BINGHAM. And the committee acts upon it. The proposition is perfectly clear.

Mr. CLARK. What I was driving at is this: I was trying to put the committee in the weak position instead of putting every Member of the House in a weak position. It changes the burden entirely. If it is a matter of existing law, then we have to go to work and vote it out. It gives us the coign of vantage in one case and gives you the coign of vantage in another. Now, it seems to me it is in the nature of an outrage for one of these committees to come in here and ask for a clerk or an extra clerk or a janitor or anything for the session and get that through, and then for the Committee on Appropriations to come in here the next time and appropriate for that fellow, and then say it is existing law.

Mr. BINGHAM. They must say it is existing law.

Mr. CLARK. Now, everybody knows they have not secured economy. The President said so, and the chairman of the committee recognizes it as well as I do. If we are going to undertake to economize in appropriations, the best place to commence is with ourselves. We can not go on and appropriate everything we want for ourselves and then with a straight face say that some other fellow's appropriation ought to be cut down or out, and these supernumerary officials here ought to be gotten rid of.

Mr. BINGHAM. I desire to say to the gentleman from Missouri that he has the opportunity in his own hands to have the judgment of the House and have the House pass upon whatever may be his proposition.

Mr. CLARK. All right. I will get the judgment of the House on some of these things.

The Clerk read as follows:

For an assistant clerk to each of the committees on Military Affairs, Naval Affairs, and Invalid Pensions at $6 per day each during the session, $3,762.

Mr. MADDOX. Mr. Chairman, I move to strike out the last word, but, Mr. Chairman, I want to say, in addition to what the gentleman from Missouri said about inserting these new laws into this bill, what I have said over and over again, nothing new on this subject. You bring this bill in here, reported yesterday, printed this morning. Now, I defy any man who is not a member of this committee to take this report and this bill and find out where the new law is in the bill if he wants to make a point of order. He simply can not do it; it is out of the range of possibility to do it.

Mr. BINGHAM. The amendments to the bill are printed in italics in the next to the last page and the last page of the report.

Mr. LITTAUER. Every single change in the existing law——

Mr. MADDOX. I understand that; but I undertake to say that without sending out and getting the original bill and last year's report and scrutinizing these appropriations in advance it is impossible for anyone to say that the law which goes into the apropriation bill is already existing law. And even when you examine into it and undertake to ascertain a new law, I defy any Member not a member of the committee, under the circumstances he has been placed in to-day, to find out what new law is here and make the point of order against it. We can not do it.

Mr. BINGHAM. Let me say this: There could not be on the part of the Committee on Appropriations any such action as the gentleman intimates, perhaps I might say. There is no purpose on the part of the Committee on Appropriations to come before this House with any disguised proposition.

Mr. MADDOX. I have not said so.

Mr. BINGHAM. We have tried to print in italics here every change we have given, and further on in the report in every bureau of this Government the increase in amount and the sum in dollars and the increase of clerical force. We have given the greatest detail.

Mr. MADDOX. Now, Mr. Chairman, I do not want all my time taken up.

Mr. BINGHAM. I want to show the gentleman that such a suggestion is not fair to the committee, and the committee would not present to this House any proposition that was hidden by either verbiage or hidden by a failure to report.

Mr. MADDOX. I did not intend to make any such suggestion as the gentleman seems to think I did. I did want to say, however, and I do want to insist now, that the rule ought to be different. My colleague here to-day has stood here and lectured this House, and very properly, I think. Here is a bill carrying $29,000,000 or more of the money of the people of the United States, and probably not fifty men in the House at the time knew anything about what is in the bill; and one of the reasons this condition of affairs exists is that you bring this bill in, as I say, one day, and it is printed the next day and thrust right before the House, and it is a matter of impossibility for the Members of this House to look into it or see what is in it. They can not do it, and the result is we have all this confusion, and the whole legislation of appropriations is confined to the Committee on Appropriations. It is wrong. I say that for myself I feel I am as much responsible for the legislation of the Congress as the Committee on Appropriations. Why should I not have an opportunity to examine this expenditure of money? We did have a rule once, introduced by the gentleman from Iowa—probably I may be mistaken; it may have applied to something else. But these bills ought not to be taken up under three days after being submitted here, so as to give the Members of the House who propose to do so an opportunity to look into these appropriations and see what they are. While the committee may, and I have no doubt they do what they believe to be to the best interests of the country, a majority of this House may not agree with them. Men differ in opinion, but we are all sent here, as I say, with the same responsibilities, and I would be very glad now if the Committee on Rules would make such a rule as would give those of us at least who would like to examine and know what is in these appropriations an opportunity to examine them.

Mr. LIVINGSTON. Mr. Chairman, the Committee on Appropriations follow the law. That we have got to do, and the committee is not responsible for it, but this House and the Senate. The gentleman from Missouri seems to be startled, and the gentleman from Georgia a moment ago, who moved to strike out, seemed to be startled as to how these clerks and janitors got in here. You put them in here yourselves when there is confusion worse confounded at the close of the session or any other time when some man jumps up and moves that the Committee on the Library have a janitor at $720 and passes it. Then when it comes before the Committee on Appropriations what have we to do but to follow your commands? There is another thing they have to follow that is discretional and within our power, and that is the estimates sent in from the Departments. It is the law that they must make known to the Committee on Appropriations through this House what they want for the next fiscal year. They make it in detail, and I want to say to my colleague from Georgia those estimates are at his service at any time that he wants to see them.

In this report we state what the estimates were in excess of this bill exactly to the dollar. We show that we have not given the estimates by more than a million of dollars. Now, what is your committee to do? We have, in the first place, to follow current law and appropriate the money you have ordered appropriated. More than that, when the Secretary of the Interior or the Secretary of the Treasury says to us in his estimate he must have ten additional clerks of class 2, 3, 4, or 1, and he comes before the committee and makes known to the committee why he has to have these, we put them in.

The gentleman speaks as if this would come within the discretion of the committee, but we have no discretion when it comes to appropriations under the rules of the House. We can not question your action. If you want us to do it, authorize us to do it and we will do it very quick.

Mr. MADDOX. Will my colleague permit me to ask him a question?

Mr. LIVINGSTON. Yes.

Mr. MADDOX. You do assume to originate legislation?

Mr. LIVINGSTON. Yes; but it is subject to a point of order.

Mr. MADDOX. Then you violate the rules yourselves.

Mr. LIVINGSTON. No.

Mr. MADDOX. Why, of course you do.

Mr. LIVINGSTON. Now, if my colleague will permit me, I wish to say to this House that if there is any legislation, in our opinion, that ought to be enacted we italicize it and put it before the House; and then it is for you to violate your own rule or not.

Mr. MADDOX. But you put it in the bill.

Mr. LIVINGSTON. Of course the committee gives as its opinion what ought to be done, but it is subject to the point of order.

Mr. MADDOX. I understand all that. My question is to find out what in this bill is subject to the point of order.

Mr. LIVINGSTON. Oh, Mr. Chairman, in answer to that, if my colleague on the other side will permit me a moment, I wish to state that the gentleman makes one mistake when he thinks time is an essence in understanding this bill. You may print it and give one solid week, and not twenty-five Members on either side of the House will read either the bill or report, but will come in here when it is considered as ignorant as a man from Porto Rico. [Laughter.] You won't know anything about it. I don't care how long it lies on the table. The only way to discover what is in the bill is to take it up under the five-minute rule; and there is no necessity for any hurry except that this is the short session. The committee is not responsible for that. I admit that three months is simply a ridiculous proposition on the part of Congress to legislate for 80,000,000 people and to transact their business; but as there are only three months in which to do this work, the Committee on Appropriations must hurry up or you will leave here on the 4th of March with some important appropriation bills not passed.

Mr. LLOYD. I will ask the gentleman if it is not true, as a matter of fact, that in this very instance the Appropriation Committee itself never had an opportunity to read the bill?

Mr. LIVINGSTON. Why, five of us, who constitute the subcommittee, did study the bill, and the remainder of the committee knew no more of it than my colleague from Georgia. [Laughter.]

Mr. MADDOX. That is the very reason. The gentleman knows that it is not likely that any except those five will know anything about it, and it ought to be stopped. I think that confession alone is enough to demand that this bill shall be printed and give this House an opportunity to investigate it. The idea of five men making up a bill of $29,000,000 of the people's money that is to be spent!

Mr. LIVINGSTON. That is a confession that the House ought to profit by. It ought to put this House and the country on notice that this hurried legislation on appropriations ought

to be stopped. That is what we have been here doing for two weeks, on account of the hurry of the three months' session, with more than a billion of the people's money to be appropriated or disbursed in this country. You say, and the Speaker says to the Committee on Appropriations, "Gentlemen, you must hurry up." We met one week before you did, and we met every day, and part of the time at night, to get this bill ready for the opening of Congress. Gentlemen, give your Appropriation Committee time to make a bill and then we may be able to cut some of these things down.

Mr. BAKER of New York. Do I understand the gentleman to say that the Speaker has said the Committee on Appropriations should hurry up? No resolution of this House has directed the Appropriation Committee to hurry up. We have not said so.

Mr. LIVINGSTON. Now, that is another question, and it answers itself. The time allowed here between the 1st of December and the 4th of March is not fixed by the committee, and we have got to hurry. I say to you, Why don't you change the time of holding of the sessions of Congress? Why not meet in May and give this House decent time to consider the legislation of this country? When the 1st of December was fixed we did not have more than 20,000,000 people to legislate for; but here we are with 80,000,000, and you crowd into three months' work legislation for the appropriation and disbursement of billions of money. Why do you make objection to the action of the committee? Whose fault is it?

Mr. CLARK. I will tell you why we do not know anything about it. You do not have the time to find out.

Mr. LIVINGSTON. That is right.

Mr. CLARK. Now, it is absolutely no answer to that state of affairs to say that there would not be 25 men in the House who would not understand these bills. Suppose there were only 5 who studied them. The 5 who did have a chance to study them and who did study them would find out enough about these bills to precipitate a discussion here that would lead, probably, to some results. Now, I believe that every Member of the House will take me to be stating the exact truth when I say that I am an industrious Member of this House. [Applause.] Just as soon as I got over here this morning I sent for this bill and this report. I sat down here and I undertook to find out what was in it. Well, there was such an uproar going around here all the time that you could hardly read——

Mr. LIVINGSTON. Let alone hear.

Mr. CLARK. And by the time that they commenced reading the bill by sections I did not know very much more about it than I did when I began; and the way that the bill is printed—I am not finding fault with the Appropriations Committee especially—the way the bill is printed you have got to take the report and the bill and read them together in order to find out whether you have any new legislation at all. One of two things ought to be done to it, and it is not simply for this bill—it is a general proposition. There ought to be a rule made in this House that an appropriation bill should be printed three days before it is considered. [Applause.] Then if people have something else to do or are too lazy to examine them let them go, but there are people in this House who would examine these bills. That is one thing that ought to be done. In the second place the bill itself ought to be printed in such a way that you could tell instantly, in reading the bill, without consulting the report, whether a thing was new legislation or not, and give some men who wanted to make a motion to strike it out or who wanted to raise a point of order, a chance to do it.

Now, I have the greatest respect in the world for the chairman of the Committee on Appropriations, and I feel a great deal of kindness for him. He says we have a right to strike any one of these things out. That is all true, but you can hardly strike anything out of an appropriation bill that they recommend here. It puts the shoe on the other foot about this matter of existing law. If an appropriation bill is not existing law in the proper sense—and I say it is not—then the point of order lies; but if the appropriation bill for this year is to be construed as existing law when we come to consider this bill, then it swaps the burden of the position, and you have got to move to strike out, and without a tremendous knockdown and drag-out fight about every one of these items that you want to get out, why, people follow the committee. I have done it a thousand times here when I ought not to have done it. The whole thing ought to be changed, and I want to repeat the statement. The President says that there ought to be economy. The Secretary of the Treasury says there is going to be a deficiency of, I believe, $25,000,000. Now, you have got to do one of two things. You have either got to increase the revenues, which you can not do very well, or you have got to cut down the expenses, which you can do. And if you are going to cut down the expenses, the place to begin to cut them down is on the expenses of running the Congress itself. Then everybody will say we are honest. But if we take all of these extraordinary appropriations to ourselves, and then jump on the War Department and the Post-Office Department, and the rest of these Departments, and undertake to cut them down, the whole country will have the right to point the finger of scorn at Congress and say: "You are a nice set of fellows, aren't you? You will not cut down a thing that affects the House or Senate, but you are willing to cut down everybody else." It does not give us a fair chance. I have never posed as a leader of economy in this House, but I would like to go over these appropriation bills intelligently, and wherever there is a chance to save anything reasonably I would like to do it. I would not vote to strike out an item that injured the public service anywhere. I trust that I am just as patriotic as anybody else on this floor; but there is no sense in squandering money, and the gentemen there on that side of the House understand it just as well as we do, but you never can get at it. It puts everybody at a disadvantage. It puts the readiest talker in the House at a disadvantage. I do not want to get up here and be repeating the same thing over and over again. Why, if a man of good sense—any ordinary Member of the House—had had this bill for two days and had a chance to study it he could have fixed up a speech here an hour long that would have set the whole country to studying about these items of extravagance.

[Here the hammer fell.]

Mr. GILLETT of Massachusetts. Mr. Chairman, I sympathize very heartily with the spirit of the suggestion of the gentleman from Georgia and the gentleman from Missouri. I think it is very unfortunate that this House does not pay more attention to these appropriation bills. Why, look at the House now; not one-third of the Members here, and that is its ordinary condition when appropriation bills come up.

Now, if the suggestion of the gentleman from Georgia that an appropriation bill should not be taken up for three days would tend to change that, I would be in favor of it; indeed, I would favor it any way in order to try the experiment and give the Members a chance to study the bill, although I confess I think the result would be that they would put off the consideration of the bill until the three days were up, and then would come in as unacquainted with its contents as ever, and only one-third of the House, as to-day, would be here. But I should be very willing to try it, and I hope in the future we will try it, as we generally do. But in this particular case we wanted to get this bill through before the holidays; there is a special hearing set for next Tuesday, the impeachment case, and so we wanted to begin as soon as we could. Five of us were here all last week, during the vacation, getting it ready.

Now, as to the economy of the bill. I was much pleased with the suggestion of the gentleman from Indiana made this morning, in which he said—I forget his exact language, but it was to the effect that as long as the committee would follow the suggestion of the Departments and give them more employees, the Departments would go on asking for more clerks. The House, as a rule, does not seem to sympathize with the gentleman. I confess that on that committee I sometimes reproach myself that I am getting into a position of antagonism to the Departments; that I am coming to feel that the Departments ask for more than they need, and that we try somewhat blindly to cut them down. There is a feeling on the part of members of the committee to cut down the Departments, and a feeling on the part of the Departments to keep grasping for more and more. That is unfortunate. Both ought to work together with mutual confidence. But one trouble has always been in the past that in committee we have always felt that when the matter came before the House, instead of helping us to keep down the clerkships and appropriations, the tendency was to increase them.

I am very glad the gentleman from Missouri and the gentleman from Indiana feel that we ought to try and pare down these appropriations. Now, I venture to say that if they will take up this appropriation bill and study it carefully they will see that it has been economically framed; that we have cut right down to a sharp line, as far as we could estimate what the Departments need.

Mr. CLARK. This bill reports or recommends appropriations for something like $255,000 over last year.

Mr. GILLETT of Massachusetts. I think it does. I can not give the exact figures.

Mr. CLARK. Well, it is admitted everywhere that there is a deficit in the Treasury, and you have got to meet it by an increase of taxation, or by paring down these appropriation bills.

Mr. STEPHENS of Texas. How about a revision of the tariff?

Mr. CLARK. I do not want to make any tariff speech now. I want to ask you this about the conduct of these bills. Suppose

that this bill had been here for three days and that one man, an industrious man, who wanted to pick into these things, had made himself thoroughly familiar with it. Now, you say that there is a small attendance on these bills, but suppose a man of that kind had worked upon one of these bills and had become thoroughly informed as to what was in the bill, does the gentleman not believe that before this time of day nearly every Member would be here in his seat and we would have had a kind of interlocutory debate to-day that would have been of great advantage to the House and country as well?

Mr. GILLETT of Massachusetts. I think it would have been of advantage to the House, and we would be glad to have that happen.

Mr. CLARK. Does not the gentleman think it would have been of advantage to the country?

Mr. GILLETT of Massachusetts. I would be exceedingly glad to have any Member to study carefully this bill and attack it or any other appropriation bill and try to cut it down. That is just what I would like to see. As I say, I do not believe personally, there is much cutting that can be made; but I recognize that what the gentleman says is true, that it is of great advantage to have these bills attacked and I believe and I shall advocate in the committee, that we do print them long enough in advance to give the House an opportunity to study them, though I very much fear that there will not be any one man, even one righteous man, who will take it up and study it.

Mr. CLARK. Then I will make the gentleman a fair and square proposition now. If he will print one of these appropriation bills three days in advance, I will agree to stir up this House so that the House will be full and you will all be here.

Mr. GILLETT of Massachusetts. And it will not be my fault if that does not come true, I will say to the gentleman, but I am unfortunately not in a position to regulate it.

Mr. MADDOX. Now, Mr. Chairman, I would like to ask the gentleman a question. Why not print the new law which you insert in these bills in italics, so that when we follow the bill along we can see what is new.

Mr. GILLETT of Massachusetts. They are printed in italics in the report. The page and the line are given.

Mr. MADDOX. I know, in the report, but I am talking about the bill.

Mr. GILLETT of Massachusetts. It might be well enough. I see no harm in that, but here they are pointed right out to everybody in the report. There are not many of them and they are pointed out in the report, with the line and the page, so that if the gentleman is interested he can not possibly mistake it.

Mr. MADDOX. I have just now found that out, after we have been working around here all the morning trying to find out something about this bill.

Mr. GILLETT of Massachusetts. Then the gentleman has not read the report.

Mr. MADDOX. I did get the report when I came here early this morning for that purpose.

Mr. CHARLES B. LANDIS. Does the gentleman from Massachusetts [Mr. GILLETT] expect us to digest in thirty minutes that which has taken the attention of the committee for at least five or six days?

Mr. GILLETT of Massachusetts. Now, I do not think it is reasonable to do it. As I say, I will be very glad to give the gentleman an opportunity, and I hope the gentleman will take advantage of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. Mr. Chairman, I move to strike out the last word. When will the next appropriation bill be brought into the House?

Mr. GILLETT of Massachusetts. That I do not know. Now, I would like to say one word more as to what the gentleman from Georgia has said. It seems to me the committee have made everything just as plain as possible in this report, giving the page and the line in the bill where everything new occurred. Now, as to what the gentleman from Missouri [Mr. CLARK] says as to existing law, I think he is unreasonable about that. He says that everything that the committee puts in one bill comes the next year to be existing law and therefore you can not make a point of order against it. Why, Mr. Chairman, I think the House will recognize that that is fair and right, because if it has been in one year it shows that the House has once passed upon it. In other words, the House has approved it. Now, after the House has once approved it, it ought not to be in the power after that of any one Member of the House to strike it out. It is only fair after a measure has once been approved by the House that in order to be put out it should be rejected by a vote of the House, and that is all the present condition allows. If the thing is new, one man can strike it out; but if it has been once approved by the House under the present rules it has got to receive a vote of the House to be rejected, and I think it is fair and right that a measure which has once been approved by the House should not be struck out without a vote of the House.

Mr. CLARK. Now, can you not just as well leave out one of these clerks or janitors in the Appropriation Committee, in framing this bill, as well as you can put in a new one?

Mr. GILLETT of Massachusetts. Why, you can not put a new one in without a vote of the House, and any man can rise and make a point of order against it.

Mr. CLARK. What is the reason you can not strike one out, just as well as you can put one in?

Mr. GILLETT of Massachusetts. Because those that are in already have gone in by a vote of the House. The House has approved it, and no one man ought to be able to strike out what the House itself has once put in.

Mr. CLARK. You come here with a bill that is new legislation in creating a new office. Why not try the project of new legislation by leaving one of these fellows out? Just give the people a chance.

Mr. GILLETT of Massachusetts. We leave a great many out in this very bill; we leave a great many out.

Mr. CLARK. The trouble about it is we can not find out about it.

Mr. GILLETT of Massachusetts. Oh, yes; we tell you what we leave out. We have not left anything out that affects the Members of the House, because I think the House will all recognize that there are a good many offices of this House that ought to be left out. It is true, as the gentleman from Missouri says, that we ought to begin to reform and economize ourselves, yet if the Appropriations Committee should begin and strike out every janitor and every clerkship in this House which we thought could be dispensed with, you very well know how long the Appropriations Committee would have a majority of this House behind it.

Mr. BINGHAM. Mr. Chairman, one word. We have followed in this bill the well-defined rule of the House in all preceding appropriation bills. There has been no deviation. There may be much in what the gentleman from Georgia, as well as the gentleman from Missouri, has stated, that there should be a longer time intervening between the submission of a bill to the House and its consideration by paragraph and under the five-minute rule. That is for the Committee on Rules. We come in with a report that we have submitted accompanying this bill, as accessible to the Members of this House as the bill itself, which explains every change we have made in the bill in such verbiage that it must be clear to anyone as to the changes. It is presumed that when inquiries under the five-minute rule come to the committee they will be able to give a reasonably fair answer to whatever may be the inquiry. We submit in this bill five or six amendments. I am frank to say that every one of them is subject to the point of order if they do not in the debate appeal to the common sense and common judgment of the House as wise suggested legislation. We give you the sum total in dollars and we give you the sum total in increase in number of subordinate force. The only phase of this bill that it is impossible for the Members to know is the hearings that we have given to the representatives of all the Departments where we felt called upon to ask for explanation as to details of force.

First, as to this man receiving twelve hundred dollars, why he should receive fourteen hundred dollars. Why this man should be reduced and why this man should be promoted. Why a new man should come on in the force. And questions of like character. That is the result of our examination, which by the rules of the Committee on Appropriations is given to five members, because they may meet at their own convenience and attempt to pass judgment upon the question of appropriations, large or small; but when it comes to the practice involved here of a change of policy, such as in two or three items of this bill, italics are printed in this report, so every man will know every change that is proposed in this bill. I am very free to say that this House, with its vast number of Members, can only proceed intelligently upon that rule, and I submit that I have not had a single appeal from a subordinate of this Government in the conduct of this bill for the last ten days who has come to me asking for an increase of his compensation. We have given a hearing to those designated by the departments to tell us in detail why the subordinate force should be either decreased or increased in number or decreased or increased in emolument. You bring that question before this House and you never will reach a conclusion. It has taken five men a week, working from 10 o'clock until 5 each day, to reach a conclusion. All we can bring to you is the sum total. We can not go into details unless

you read our book in connection with our hearings. Now, as to whether this bill should come before the House some days for consideration, we are following the rule, and we have given as much consideration to the bill as a subcommittee has ever given to any preceding bill.

The general committee has given it some consideration. We bring the bill before the general committee. We make an explanation of every inquiry that is made in the committee that has caused the determination of the subcommittee. We have cut this bill more than any bill I have ever handled in this House for years. The Department asked for a million more than was appropriated last year. We have cut down about eight hundred thousand, and we leave simply an increase of a little over $200,000, one of the important changes being for the Civil Service Commission, the other increases of the bill being made up of clerks—one or two—to the other Departments. The bill was considered fairly. Gentlemen say why do you make this man $1,400 instead of $1,200? We take the reasons given by the representatives of the Department, and our committee takes the reasons given by the representatives to the subcommittee of five. The committee simply give to the House a well-prepared, carefully digested bill, and that is the whole proposition.

The Clerk read as follows:

For 11 clerks to committees, at $6 each per day during the session, $13,784.

Mr. STEPHENS of Texas. I would like to ask the chairman of the committee about these lines, beginning with line 24 on page 15—11 clerks. What committees are referred to in this provision for "11 clerks, at $6 per day during the session?"

Mr. BINGHAM. I would state to the gentleman that this is in accordance with the action of the Committee on Accounts, that brings in a resolution at the commencement of each Congress, setting forth just exactly what these lines set forth, and your committee have simply complied with the action of the House in accordance with the recommendation of the Committee on Accounts. That is all there is in this paragraph.

Mr. STEPHENS of Texas. I see in the preceding paragraph that you have mentioned every important committee of this House and given each of them one clerk, and some of them assistant clerks.

Mr. BINGHAM. That is true.

Mr. STEPHENS of Texas. Now, you bulk eleven clerks of committees without stating what committees. I will ask the gentleman this further question, if these committees referred to are the dead committees of the House, that never have a bill referred to them and never have anything to do?

Mr. BINGHAM. I will state to the gentleman that the only additional clerk to committees of the House that this bill carries is the assisant clerk to the Committee on Rivers and Harbors, and that is a case for the House to determine——

Mr. STEPHENS of Texas. What I wanted to ascertain was these eleven committees that these clerks are given to. It simply provides for the eleven clerks to committees, and I presume they are the committees of this House that never meet.

Mr. BINGHAM. I would state that the House has already determined to what committees these clerks shall be assigned.

Mr. STEPHENS of Texas. Where will I find those lines in this bill?

Mr. BINGHAM. They are given in the RECORD in the early part of the Congress and printed in detail.

Mr. CHARLES B. LANDIS. The gentleman can find the list of these clerks by consulting the chairman of the Committee on Accounts.

Mr. BINGHAM. The records of the Committee on Accounts will show it.

Mr. STEPHENS of Texas. I will scarcely have time to see those before time to vote.

Mr. BINGHAM. The House has directed the Committee on Appropriations to make this provision.

Mr. STEPHENS of Texas. Will it be subject to the point of order?

Mr. BINGHAM. I do not see how a point of order can run against it. You have done it yourselves. It is being done by this House in this Congress.

Mr. STEPHENS of Texas. Then this other question I desire to ask. Do these eleven clerks, in addition to the clerks heretofore provided for, cover every committee of the House? Does it give each committee a clerk?

Mr. BINGHAM. Not every one.

Mr. STEPHENS of Texas. Which one is left out?

Mr. BINGHAM. I can not tell the gentleman until I could have an opportunity to inspect the record.

Mr. LITTAUER. Just let me state the House always takes action during the session, passing resolutions increasing this number. Not only are these eleven clerks taken up according to the report of the Committee on Accounts, but we always pass one or two resolutions granting an additional one in each session. Last year we passed one for the Select Committee on Industrial Arts and Expositions.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, $3,500; hire of horses, feed, repair of wagon and harness, $1,000, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at $2,000 each; one special employee, John T. Chancey, $1,500; one special employee, $1,500; clerk to Doorkeeper, and janitor, at $1,200 each; thirteen messengers, including the messenger to the reporters' gallery, at $1,200 each; thirteen messengers, at $1,000 each; messenger to the Speaker's table, $1,000; fourteen messengers on the soldiers' roll, at $1,200 each; twelve laborers, at $720 each; two laborers in the water-closet, at $720 each; ten laborers, at $720 each; one laborer, $600; ten laborers, known as cloakroom men, at $50 per month each; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; five clerks in folding room, one at $1,800 and four at $1,200 each; foreman, $1,500; messenger, $1,200; page, $500; laborer, $720; nine folders, at $900 each; five folders, at $840 each; eighteen folders, at $720 each; two night watchmen, at $720 each; two drivers, at $600 each; two chief pages, at $900 each; forty-three pages during the session, including two riding pages and two telephone pages, and ten pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $22,467.50; horse and buggy for Department messenger, $250; superintendent of document room, $2,000; assistant superintendent of document room, $1,800; six assistants in document room, one at $1,600, two at $1,400 each, one at $1,200, and five at $1,000 each, and one janitor, at $720; in all, $164,957.50.

Mr. BINGHAM. Mr. Chairman, on page 18, in line 5, I move to strike out the word "six" and insert in lieu thereof the word "nine." I would state that it is simply a misprint, and does not change the sum total of the appropriation.

The Clerk read as follows:

On page 18, line 5, strike out the word "six" and insert in lieu thereof "nine."

The amendment was agreed to.

Mr. LLOYD. Mr. Chairman, I would like to ask the chairman of the committee why he increases the number of laborers in the cloakrooms?

Mr. BINGHAM. We do not. I would state that this is no increase. It is simply current law.

Mr. LLOYD. I understand that under the existing law there were eight individuals in the cloakroom, and under this bill ten are provided for.

Mr. BINGHAM. We have made no increase.

Mr. LLOYD. You will find, as I understand it, on page 7 of the existing law, eight laborers known as cloakroom men at $50 per month each. This bill provides tor ten laborers known as cloakroom men at $50 per month each. That is certainly an increase of two men.

Mr. LITTAUER. The other two were put in on the deficiency bill of last year.

Mr. LLOYD. Put in on the deficiency bill? Then it was not in the legislative bill?

Mr. LITTAUER. No; but it is current law at this time.

Mr. LLOYD. It is current law by combining the two laws—the legislative act and the deficiency bill—together.

Mr. LITTAUER. One is as much law as the other.

Mr. LLOYD. I know, but we wanted to know where to find it.

Mr. LITTAUER. That is right.

Mr. LLOYD. I did not know where to find it. All I could find was the existing law as stated in the legislative bill, and as stated in that existing law I find that there are eight instead of ten. Now the explanation explains. You have provided for it in the deficiency bill heretofore, and that made it ten. Now you provide for both in the legislative bill.

Mr. BINGHAM. I would state to the gentleman that we do not make existing law. We simply take it and carry it in our bill.

Mr. LLOYD. Yes; I understand that explanation.

Mr. BINGHAM. But when we make an exception we put it in our report in detail, in order to show increases or decreases. But I want to say——

Mr. LLOYD. But in this particular case it does not show in that exhibit.

Mr. BINGHAM. As to the force of the House, except what is published on the first two or three pages of our report there has been no change.

Mr. LLOYD. Now, I wish to take another line. You provide for—

43 pages during the session, including 2 riding pages, 2 telephone pages, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $22,467.50.

In the existing law the amount provided was $15,307.50. Why the difference between the two?

Mr. BINGHAM. That is very simply explained. The gentleman will understand that this is a short session of Congress. The next session of Congress that this bill will be applicable

to, commencing as this bill does on the 1st day of July and running for the next year, is a long session of Congress. These are per diem employees. That is what makes the difference in the compensation.

Mr. LLOYD. Well, that is a satisfactory explanation, but the bill itself does not explain it.

Mr. BINGHAM. That is in the report. We make declaration of that in the report.

Mr. LLOYD. I did not happen to observe that.

Mr. BINGHAM. It is simply the difference between the long and the short session.

Mr. LLOYD. But you see here is the old law and the new bill, and in my examination it makes it very difficult for one who is a novice to investigate. Just in that connection I should like to call attention to a paragraph that I find in existing law which makes the matter plain. On page 9 of the existing law I find this——

Mr. BINGHAM. On page 9 of the report?

Mr. LLOYD. Page 9 of the existing law.

That wherever the words "during the session" occur in the foregoing paragraph they shall be construed to mean 121 days from December 1, 1904, to March 31, 1905, inclusive.

That makes the matter plain.

Mr. BINGHAM. The difference between the short and the long sessions.

The Clerk read as follows:

To continue the employment of the clerk to the conference minority of the House of Representatives, $2,000; and for messenger, $1,200; in all, $3,200.

Mr. MADDOX. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the chairman of the committee. I understood the gentleman to say that he made a note of all new law; that is, he italicized the new law in this report. I have examined it somewhat, and I want to ask him if he regards the addition of twenty-three new clerks that goes to the Civil Service Commission as new law. I find no reference to it in the report, and I do not know where to find it in the bill.

Mr. LIVINGSTON. We are nearly to it now.

Mr. MADDOX. We were told that it was all italicized, and I do not find anything of that kind italicized.

Mr. BINGHAM. I gave full notice to the House, coupled with the remarks that I made this morning. I am willing when we come to the paragraph of the bill——

Mr. MADDOX. Where is that paragraph?

Mr. BINGHAM. The gentleman will find it on page 3 of the report.

Mr. MADDOX. But where is it in the bill?

Mr. GILLETT of Massachusetts. If the gentleman will look at the index he will find that it is on page 33.

Mr. OLMSTED. The index shows that it is on page 33, and if the gentleman will turn to page 33 of the bill he will find it.

The Clerk read as follows:

Official reporters: For six official reporters of the proceedings and debates of the House, at $5,000 each, who shall also, when so required, perform duties as stenographers to committees; assistant official reporter, $1,200; in all, $31,200.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 20, lines 17 and 18, strike out the following words: "who shall also, when so required, perform duties as stenographers to committees."

Mr. SMITH of Iowa. Mr. Chairman, this provision was put in the bill last year on the floor, and was not reported by the committee. It requires that the official stenographers of the House shall, when required, report the proceedings of committees, putting no limitation on that requirement that they shall so report when their services are not required in the House. As a matter of fact, it has proven impracticable, I am informed, to use the House stenographers as stenographers to committees, because, while they are at leisure in the forenoon and can take notes, they have no time to extend them afterwards.

If the provision is allowed to stand in the existing law at all, it ought to be so limited as to provide that they may so serve when they are not engaged in their official duties in the House; but this requirement is in any event too broad and too sweeping, and it seems to me it ought to be stricken out.

Mr. LIVINGSTON. Mr. Chairman, in addition to what has been said by my colleague on the committee, I want to say that when one of these stenographers serves before a committee from early in the morning until 12 o'clock, and then is called in on this floor, and every forty minutes comes back on to this floor during the balance of the day, during the whole afternoon, it is just physically impossible to do that kind of work. Your committee had to put it in here because it was current law. It was put in last year on motion of the gentleman from Iowa [Mr. HEPBURN]. It got into the bill in an unguarded moment. I know that these stenographers can not perform these duties before committees in the forenoon and then come into the House in the afternoon and properly discharge their duties here. I hope the motion of the gentleman from Iowa will prevail and that this provision will be stricken from the bill.

The question was taken; and the motion was agreed to.

The Clerk read as follows:

Stenographers to committees: For four stenographers to committees, at $5,000 each; assistant stenographer to committees, $1,600; in all, $21,600.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman who is in charge of this bill whether any inquiry was made as to the sufficiency of this provision? Here is a provision for four stenographers to committees at $5,000 each. I am satisfied that four stenographers can not do the work of the committees. They do not do it. I am told that there is a constant expenditure made necessary by the demands of the committees.

Then, again, it seems to me that there is no propriety in making them annual stenographers. It would be a great deal better, in my judgment, to make an appropriation for the purpose of securing stenographers to be used while committees were in session. Here is the short session, and $5,000 is paid for the three months' services. I think that is not economy; and another sum, how much I do not know, is being paid during that time for labor that it is utterly impossible for these gentlemen to do. I would be glad to know if the subject has been inquired into or if any thought was given it by the committee. I know that the present method of securing stenographers is inadequate. There is a great demand, a growing demand, on the the part of committees for the use of valuable stenographers. I think they might be session employees; they might be employed by the month, and in that way the appropriation of $21,400 might be sufficient for the uses of the House.

Mr. BINGHAM. If the gentleman will allow me, I will explain. We have made no special inquiry on the subject, for there came to our committee no complaints from any committee as to an increase of the number of stenographers for committees.

However, this Congress by its action has added one to the general force of stenographers and assigned him to the work of the committees. That was supposed by the Congress to meet the demands and the requirements of the House. Now, as to the matter of the sum to which the gentleman refers, he doubtless means that which the stenographers of the House pay to the men who do their detail work down in the office.

Mr. HEPBURN. Oh, no; I do not. I beg the gentleman's pardon. I do not refer to that at all.

Mr. BINGHAM. I thought the gentleman referred to that.

Mr. HEPBURN. I think I am correct in saying that it often happens that more than four stenographers are in the service of the various committees at the same time. Now, there is some method by which those in excess of four are paid. I am not familiar with the method. Perhaps some gentleman can explain the matter, and I for one would be glad if he would do so.

Mr. BINGHAM. I could briefly respond to the gentleman to this effect—that should that be necessary all that would be required would be to come in the House and make a motion, which would be referred to the Committee on Accounts, approved by the Committee on Accounts, brought back to the House, and approved by the House, and payment made out of the contingent fund of the House as miscellaneous expenses. That is a quick remedy.

Mr. McCLEARY of Minnesota. Is it really being done?

Mr. BINGHAM. That I do not know.

Mr. MANN. Mr. Chairman, if the gentleman will pardon me, I think it is not even necessary, under the rules of the House or the law, to come into the House at all. Any chairman of a committee who needs a stenographer when there is not one available of the committee stenographers has a right, under the law, to get an order from the Committee on Accounts and employ a stenographer from the outside, and the practice is to furnish a stenographer from the outside when the committee stenographers are already engaged.

Mr. BINGHAM. Then that is a better solution of it. That, I think, gives the gentleman from Iowa [Mr. HEPBURN] the information he desires.

Mr. GILLETT of Massachusetts. Mr. Chairman, may I add a word? One reason why the committee did not inquire about the stenographers to committees was because the current law, which we did not know was to be changed, provided that the House stenographers could be called in, which of course made the supply abundant. Now, it seems to me individually that the suggestion made by the gentleman from Iowa [Mr. HEPBURN] that we

should appropriate a lump sum of, say, $20,000, inasmuch as we have now four stenographers who receive $5,000 each, would be economy for the House, and have no permanent committee stenographers. Of course the stenographers in the House we need to have permanent, because we need to have the very best that can be provided in the country; but it does not seem to me that the committee stenographers need to be any beter than, for instance, our ordinary court stenographers, and an abundant supply of them ought to be procured for $20,000. I should think that if the gentleman from Iowa [Mr. HEPBURN] would frame such an amendment it would be in the line of economy.

Mr. BINGHAM. Mr. Chairman, I should say that I think the solution suggested by the gentleman from Illinois [Mr. MANN] is easier of accomplishment without any change of law. He has stated how the procedure should be met, as well as how the committee can readily get the necessary stenographic help, by simply applying to the Committee on Accounts, and then the money comes out of the contingent fund.

Mr. SCOTT. Mr. Chairman, the observation that the gentleman from Pennsylvania [Mr. BINGHAM] has just made is satisfactory so far as concerns additional employees that may be needed, but it does not meet the objections made by the gentleman from Iowa [Mr. HEPBURN]. We are still left with four stenographers, at $5,000 a year, who are employed only during the session, and I have not heard any suggestion from the gentleman from Pennsylvania [Mr. BINGHAM] to eliminate that extravagance. Would it not be better, as the gentleman from Massachusetts [Mr. GILLETT] has suggested, that an amendment be presented at this time calling for a lump sum appropriation amounting to $20,000, to be employed for the purpose of engaging such extra stenographers as may be needed from time to time rather than to appropriate a fixed sum of $5,000 each for four stenographers who are needed only a part of each year?

Mr. BINGHAM. I think the intent of the paragraph and of the law is that this compensation should run to these four people.

Mr. SCOTT. Undoubtedly that is the wording of the present law, but why not change the present law?

Mr. BINGHAM. If, however, the proposition of the gentleman from Iowa [Mr. HEPBURN] is that the committees of the House are in necessity and need more stenographic help, then, as suggested by the gentleman from Illinois [Mr. MANN], that want is simply submitted to the Committee on Accounts, which committee authorizes the employment of an outside stenographer and then audits the account.

The solution is right there, and it came out of the contingent fund; and the proposition of the gentleman is to make another contingent fund, and we have fought strenuously and consistently against additional contingent funds. We have reduced the contingent fund of the House on this bill from $50,000 to $45,000.

Mr. SCOTT. And we are still left with a specific appropriation of $20,000 to be paid to four stenographers, whom we only use a part of the time.

Mr. BINGHAM. Which seems to fill the requirements of the committees of the House, unless they find it necessary to take the procedure indicated by the gentleman from Illinois. The inquiry of the gentleman from Iowa was simply as to information upon the subject.

Mr. SCOTT. Mr. Chairman, I offer the following amendment: Strike out in line 25 the word "five" and substitute "three;" so that it will read "for four stenographers to committees, at $3,000 each."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 25 strike out the word "five" and insert in lieu thereof the word "three;" so as to read "at $3,000 each."

Mr. BINGHAM. If the committee will allow me, the stenographic force of this House is a well-employed force, and they have with them, in connection with their work, a long-time record of this compensation, and the House has seemed to think for years past that $5,000 is not too great a compensation for the work they do, and I trust the House will allow this appropriation to continue just as it is applied in the bill. You have a good force of men, who are worth the money we pay them, and I think that, in view of the gentleman's proposition, that as a temporary expedient we had better follow the rule. As has been stated, there is no trouble at any time for a committee to secure a stenographic reporter and have him paid out of the contingent fund. In other words, the result of this proposition will be to give another contingent fund.

Mr. LLOYD. I would like to ask the chairman of the committee a question. Is it not true, under existing law, we have to pay $5,000 a year to each of these four employees for a service that will be rendered between the 5th day of December and the 4th day of March—$5,000 from the 5th day of December of the current year to the 4th day of March, 1905?

Mr. BINGHAM. Yes; we pay the same during vacation; their compensation is annual.

Mr. LLOYD. Their compensation is annual and the service is rendered during the sessions of Congress?

Mr. BINGHAM. The compensation is annual, just like the other officers of the House.

Mr. CHARLES B. LANDIS. Suppose a special committee has a hearing during vacation. Are the services of these gentlemen available?

Mr. BINGHAM. Certainly; their service is subject to the order of the House at all times. If any services are required of that body, the men must report for that service.

Mr. CHARLES B. LANDIS. Without any additional compensation?

Mr. BINGHAM. Without a cent of additional compensation.

Mr. SCOTT. It seems to me not an unreasonable distinction to make a difference of $2,000 between the salaries of the high-class men who are engaged in the very difficult and arduous work of reporting the debates on this floor and the men who need not necessarily be of so high a class, because their work is of a vastly different character, who are called in occasionally to report the proceedings or hearings before committees, where they have all kinds of time to take and transcribe the remarks which are made. In view of the fact that these men only serve for three months in one year and in the other year rarely more than six months, an annual salary of $3,000 is certainly generous enough, and I believe the amendment should prevail.

Mr. MANN. Mr. Chairman, I was very much struck with the suggestion made by the gentleman from Iowa in the first instance that it would be better to have a lump sum for these stenographers, but when I remember that the stenographers to the committees occupy a most confidential position in connection with the House and are required to be men who can keep their mouths closed in regard to matters which often take place in committees in the taking of testimony, it seems to me that we ought to have stenographers who do not reveal the secrets of a committee hearing until it is made public at the proper time.

Mr. SCOTT. Mr. Chairman, may I inquire of the gentleman if he does not think that a salary of $3,000 ought to be sufficient to keep a man's mouth shut as well as $5,000?

Mr. MANN. Permit me to say to the gentleman, if he will pardon me, the salary of $5,000 to the stenographers is not paid only to the stenographer himself. The gentleman understands very well that every stenographer has to transcribe his notes, and these stenographers pay for the people who transcribe their notes, and the committee stenographers, I may say during the session of Congress, have more notes to transcribe than the stenographers on the floor of the House.

Mr. SCOTT. Is it a fact the gentleman mentioned as being within his own knowledge that these stenographers do pay for the transcription of their notes?

Mr. BINGHAM. I want to correct that. It amounts to about $700 in a session to the subordinate stenographer who makes the transcript. That account is transferred to the Committee on Accounts and paid out of the contingent fund.

Mr. SCOTT. So the stenographer does not pay for the transcription?

Mr. MANN. I said the stenographer paid for the typewriting of the notes. Do I understand the gentleman to say that the House pays for the typewriting and all paraphernalia?

Mr. BINGHAM. It becomes a paragraph in the general deficiency bill.

Mr. MANN. It is quite certain it will not be in the power of the House to keep the services of first-class stenographers in the House on a salary of $3,000 a year. There is not a first-class stenographer in my city—if gentlemen have any in their cities who are earning less they can send them to my city—who makes less than from eight to ten thousand dollars a year clear.

Mr. PERKINS. That is a pretty extraordinary statement. In New York the official stenographers have a salary of $3,500 a year, and that is all, and they are quite as good stenographers as those now employed as committee stenographers of this House which are now under debate.

Mr. MANN. Now, Mr. Chairman, it has come to my knowledge since on the floor that these stenographers do pay for the typewriting at their own expense out of the $5,000. I think somebody who is on the floor of the House who has knowledge in the matter ought to make a statement in that regard.

Mr. BINGHAM. If the gentleman will allow me, I will look up the deficiency bill. I understand the statement is now made that they do pay for the transcription of their notes.

Mr. LACEY. I can answer that. They do pay for it, but they are reimbursed afterwards. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kansas.

Mr. LLOYD. One question.

Mr. BINGHAM. I read from the deficiency bill:

To reimburse the official reporters of the proceedings and debates and the official stenographers to committees of the House of Representatives, including the assistant official stenographer to committees authorized by resolution of the House of December 17, 1903, for clerk hire and extra clerical services during the first and second sessions of the Fifty-eighth Congress to March 4, 1904, $750 each, and to John J. Cameron $240; in all, $7,740.

Mr. MANN. The gentleman will remember that says for "clerk hire," but it does not cover the cost of the transcription of the notes or the cost of supplying typewriters.

Mr. BINGHAM. "For clerk hire and extra clerical services."

Mr. MANN. Certainly.

Mr. BINGHAM. That is what it means.

Mr. LITTAUER. We asked one of them when before the committee and they told the committee that they had paid it out of their pocket in the first instance and were reimbursed.

Mr. LLOYD. I would like to ask the chairman of the committee a question, please. Are not the stenographers for committees assigned to the committees as their stenographers?

Mr. BINGHAM. No.

Mr. LLOYD. Are these stenographers for committees assigned?

Mr. BINGHAM. There is no general direction, no specific assignment of the stenographers to any committee. The Committee on Ways and Means and the Committee on Appropriations require to have a stenographer, but they do not report their proceedings.

Mr. LLOYD. And these are one or two of these four?

Mr. LIVINGSTON. No.

Mr. BINGHAM. I now see what the gentleman means—there is no stenographer as a stenographer to the committee. The law with reference to the Committee on Ways and Means, as well as the Committee on Appropriations, requires that their second clerks shall be stenographers. That is one of the qualifications that was to justify the House in giving to the Committee on Ways and Means and the Committee on Appropriations this additional clerk. He must be a stenographer.

Mr. LLOYD. What compensation does he receive?

Mr. BINGHAM. Two thousand dollars.

Mr. LLOYD. Then the stenographer of the Committee on Appropriations and to the Committee on Ways and Means, which ought to be probably the best stenographers to committees of the House, only receive $2,000?

Mr. BINGHAM. That qualification of doing work as a stenographer is in addition to the general work of the committee.

Mr. LLOYD. Then, if I understand you, in addition to the work of stenographers, they are required to perform the duty of clerk?

Mr. BINGHAM. He is required to be a stenographer, and at any time when not engaged on the work of the committee any member of the committee takes him and dictates to him, and he is given $2,000 a year. He must be a stenographer, but he never reports the proceedings of the committee.

Mr. LLOYD. But he must have the ability.

Mr. BINGHAM. It is only a question of ability.

Mr. LITTAUER. I desire to make the statement that these stenographers to committees are required to be as able men as those that take down the debates on the floor of the House.

Mr. LLOYD. Is it true that these stenographers assigned to the Committee on Ways and Means and the Committee on Appropriations are the same that are assigned to the other committees?

Mr. LITTAUER. Certainly not. Those stenographers to which the gentleman refers are ordinary stenographers, for correspondence, and are used in getting up the bills. They are stenographers, but they are not capable of taking the hearings or statements of Cabinet officers and others that come before the Committee on Appropriations. They are used as in the Committee on Appropriations, in getting up the papers and any other work in the committee.

Mr. LLOYD. That is the point I intended to reach, whether you use any other stenographer than your committee stenographer?

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question being taken, the Chairman announced that the ayes seemed to have it.

Mr. BINGHAM demanded a division.

The committee divided; and there were—ayes 52, noes 44.

Mr. BINGHAM and Mr. LITTAUER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. SCOTT and Mr. BINGHAM.

The committee again divided; and the tellers reported—ayes 71, noes 65.

Accordingly the amendment was agreed to.

Mr. SCOTT. I wish to offer an amendment to correct the lump sum in line 2, page 21, making the total $13,600, instead of $21,600.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to. The Clerk will read.

The Clerk read as follows:

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the two hundred and nine days from December 4, 1905, to June 30, 1906, both inclusive.

Mr. LLOYD. I should like to inquire about this session. Suppose the session of Congress next year should adjourn the 15th day of April. As I understand it, all session employees of the House will receive pay up to the 30th day of June.

Mr. BINGHAM. That is true.

Mr. LLOYD. They are session clerks, though. This is intended to provide that so far as the session employees are concerned, that session of Congress legally shall continue until the 30th day of June.

Mr. BINGHAM. This bill commences the 1st day of July next.

Mr. LLOYD. You do not understand me. So far as the session employees of the House are concerned, the session of Congress next year will not adjourn until the 30th of June.

Mr. BINGHAM. You refer to session employees.

Mr. LLOYD. Yes.

Mr. BINGHAM. The compensation of the subordinate force—the session employees—will commence the first Monday in December next and run until the end of the session. The House usually, I believe, gives an extra month's compensation.

Mr. LLOYD. That is the point I was concerned to get at. According to this bill they will receive their pay up to the 30th day of June, it seems to me.

Mr. BINGHAM. That is correct. That will be a long session.

Mr. LLOYD. It seems to me session clerks ought to receive pay only up until the end of the session.

Mr. BINGHAM. They will receive pay until the 30th of June.

Mr. LLOYD. Whether Congress adjourns before that or not?

Mr. BINGHAM. Yes; and that is predicated on the general theory that Congress runs until the 30th day of June or July 1. And further than that, let me go a step further, so as to give the full information; and, as a rule, Congress gives them an extra month's pay.

Mr. LLOYD. What would be your objection to this kind of a statement?

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the number of days from December 4, 1905, to the end of the regular session of Congress, both inclusive.

Mr. BINGHAM. The only criticism to that would be that it would be an indefinite appropriation, and we are trying to regulate this on a fair basis.

Mr. LLOYD. Is it necessary under the law that the appropriation be definite?

Mr. BINGHAM. I was going to say, as I stated in my first remarks, and I am informed here that only twice in twenty years has Congress adjourned before the 1st of June.

Mr. LLOYD. But if Congress does adjourn before the 1st of June——

Mr. BINGHAM. It is simply because we make a specific appropriation under the experience of the House, until the 1st of June, and at the end of this session the gentleman will be presented with a proposition to give these men an extra month's pay.

Mr. LLOYD. Suppose that the Congress does not adjourn until the 15th day of August. Has it been the custom of the House to give additional pay?

Mr. BINGHAM. Then we would have to bring in an additional and supplemental appropriation for the time they were employed here.

Mr. LLOYD. Why should we pay for the additional month and a half if Congress runs beyond July, when we pay them for a month and a half that they will probably not serve prior to the 1st of July?

Mr. BINGHAM. That may be true.

Mr. LLOYD. It seems to me that if one proposition is correct the other is correct, that we ought to stand by the law; but so far as this fiction is concerned, which is referred to in this paragraph, the session of Congress will end on the 30th day of June, whether it actually ends at that time or not.

Mr. BINGHAM. The gentleman from Missouri is mistaken.

Take the case of the short session, although Congress adjourns on the 4th of March, the House force will receive compensation until the end of the fiscal year, June 30.

Mr. LLOYD. And this particular year——

Mr. BINGHAM. I am giving that as an illustration. This is the current year.

Mr. LLOYD. The law provides that that session shall end on the 31st day of March, if you will read it.

Mr. BINGHAM. Has the gentleman got the old bill?

Mr. LLOYD. I have the present bill.

Mr. BINGHAM. You are confusing, I am afraid, the propositions contained in this bill, which are for the next fiscal year. This bill does not begin to run until the 1st day of July.

Mr. LLOYD. Let me make my explanation. The existing law is that wherever the words "during the session" occur in the foregoing paragraph they shall be construed to mean one hundred and twenty-one days, from December 1, 1904, to March 31, 1905, inclusive. That is this session of Congress. Now, the law which you seek to enact——

Mr. BINGHAM. This law which we are now considering is for the next fiscal year. It does not take up the proposition of the short session; the current law takes up the proposition of the short session.

Mr. LLOYD. That is correct. This law simply provides pay for the session of Congress.

Mr. LITTAUER. The gentleman surely can not deny that it is well to have definite appropriations, specific appropriations. Now, with the experience of twenty years there have only been two long sessions of Congress that have not extended up to June 30. This force that comes in here for the session get the benefit of a few extra weeks' pay, but that benefit to them would much more than be wiped out by the harm to us if we made an indefinite appropriation.

Mr. LLOYD. I do not object to this feature of it if that is made the end of the session, but it seems to me that the employee has just as much a right to work beyond the 1st day of July, as we have to pay him if he does not work before the 1st day of July.

Mr. BINGHAM. If they work beyond the fiscal year, they get compensation.

Mr. LITTAUER. Is the gentleman from Missouri objecting to sessional employees?

Mr. LLOYD. No, sir.

Mr. LITTAUER. Is the gentleman's objection that they shall not receive extra pay if they do the work?

Mr. LLOYD. No; but if we fix a day for the end of the session, it ought to be the end of the session whether it goes beyond it or not.

Mr. LITTAUER. Well, we do fix the end of the session in this case, but if it extends beyond that there is a deficiency appropriation taking care of these men for the extra work that they perform.

Mr. LLOYD. I have only been concerned in getting at the facts, whether it is true that when the session extends beyond the 30th of June you make it up in a deficiency appropriation.

Mr. LITTAUER. That has always been the case.

The Clerk, proceeding with the reading of the bill, read as follows:

LIBRARY OF CONGRESS.

General administration: For Librarian of Congress, $6,000; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian's secretary, $1,800; clerk (assistant to chief clerk), $1,000; two stenographers and typewriters, at $1,000 each; messenger, $840; in all, $18,140.

Mr. HEPBURN. Mr. Chairman, I, in common with every other citizen, take great pride in the Library of Congress. I have no disposition to run a tilt against this institution, but I am constrained to believe that it is an exceedingly expensive luxury that perhaps the House has never considered in relation to the apparent benefit to the public at large.

The appropriations covered by this bill aggregate $590,045. The employees connected with the institution constitute an army of 429, which I might say, in passing, is about twenty-five times larger than the standing army of Panama. [Laughter.]

If we were to take into consideration the cost of the plant—the building—$8,000,000, the interest at 2 per cent—and I think that it is wise to so consider it, because, but for this appropriation, it is probable that the public debt would have been $8,000,000 less—there is an interest charge of $160,000, making the total cost of this pride-exciting institution $750,045.

I do not know that it is possible for anyone to measure in dollars and cents the benefits of this institution, but I find that last year the readers in the main reading room numbered a total of 163,142 persons. The books issued in the main reading room numbered 336,123. If each reader should be considered as a borrower of a book, then the total number of books issued in the main reading room would be 499,305.

The bill now under consideration appropriates, as I have said, $590,045. If the aggregate of appropriations should be divided by the total number of borrowers, as I have aggregated them, considering each reader as a borrower of a book, then the issue of that book has cost the United States $1.19, which possibly might equal the cost of the book.

I would like to ask the committee if in making this appropriation they have considered the comparative value secured by the appropriation and the expediency of buying and presenting the books to the various persons to whom they have been issued? Would it not be cheaper for the Government to buy the books and make presents of them than to keep up this extraordinarily expensive but very ornamental institution? I call attention to this matter in connection with this further fact that every Department in this city has its library, scientific so far as it applies or is useful to the Department, but also having a miscellaneous department in which I think all classes of literature may be found. In addition to that, there is another very expensive library, a gift of Mr. Carnegie, that costs annually somewhere about $30,000 to administer. Now, I do not want to be considered as hostile to culture, to the diffusion of intelligence, or anything of that kind, but I have thought that the procurement of books by any man who wanted books in this day and age was perhaps very easy of accomplishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY of Minnesota. Mr. Chairman, the statement of my friend from Iowa [Mr. HEPBURN], if left unchallenged, would create a wrong impression, although I have no doubt that he fully intended to have it create a right impression. The aggregate annual expense of the Library as an institution is, as has been stated, about $590,000. It is proper, however, that the way in which this money is expended be pointed out.

In the first place, $70,500 of this sum is paid to the employees of the Copyright Division. But, this Copyright Division is self-sustaining. The fees for copyrights are all paid into the Treasury of the United States, so that this $70,000 can not properly be charged against the Library as a library.

In the second place, there is an expenditure of $5,000 for the distribution of cards. As Members know, the national library—that is, the Library of Congress—is in communication, in a spirit of helpfulness, with all of the leading libraries of the country; with even small libraries that desire its assistance. There is a model library, a list of the books of which has been published, and the card indexes for that model library, and, indeed, for very much beyond that, are available to the other libraries that desire to work in connection with the national library. These card indexes are paid for by the libraries getting them, so that the sum of $5,000 which appears here as part of this expense is repaid, and the item is therefore not a source of expense.

Mr. BINGHAM. And the only change in the law submitted from the current law.

Mr. McCLEARY of Minnesota. As the chairman says, this is the only change in the bill submitted from current law.

Then again, there is $100,000 of this sum to be charged to the enlargement of the Library. It is ninety-nine thousand and odd dollars, but in round numbers we will call it $100,000. These additions of books and so on become part of the permanent plant and should not be charged against current expense.

Again, there is an expense of $40,000 for shelving and apparatus connected with the handling of the books, a permanent investment as part of the building itself.

These sums aggregate $220,500, leaving about $370,000 that might in one sense be charged as the cost of the Library.

Of that sum, however, $107,000 is used for the care of the building itself. It is a very costly building, a very handsome one—one of the notable buildings of the world. It is kept admirably, as it should be. In order to maintain the building and the grounds in proper condition an expenditure of $107,000 a year is necessary.

So we have left about $260,000 as the expenditure for the maintenance of the Library. It is proper in this connection to say that while the Library was here in the Capitol building the books could not, from lack of space, be properly placed. They were piled upon floors and in corners and were not available for use. Except in small part, they were not catalogued. Since the establishment of this new Library the Library authorities have been trying to catch up with the classification and cataloguing of these accumulations of books, manuscripts, documents, etc., in the possession of the Library. This will account for $88,000 more a year of these expenses. So that when we have made all proper allowances the actual expense for the maintenance of the Library itself is less than $200,000.

Mr. HEPBURN. Mr. Chairman, I am very glad that this explanation has been made, and yet it is an explanation that does not explain away this great aggregate of $590,000.

I suppose that it is utterly impossible to speak of the cost of a library without speaking of the cost of these items, save the one that I first mentioned. They are all essential, and they are all of them, in one form or another, annual. While there is an item for shelving this year of $40,000, there will be a corresponding item under some other name that means an appropriation next year, and while we have these books on hand, yet if it is going to cost so much to administer their use it is well to stop and consider whether they are, as gentlemen suppose they are, a valuable asset to the United States. There is this great aggregate.

Now, I would not suspend in any way any part of the usefulness of a library, but it does appear to me that there ought to be some way of retrenchment in the cost. Five hundred and ninety thousand dollars is an immense sum for the maintenance of this library. There is nothing corresponding to it that I have any knowledge of anywhere else in the country. I made the remarks that I did simply for the purpose of calling attention to this subject in the hope that there might be some method devised by which all the benefits that are secured may be secured at a reasonable expenditure of public money.

Mr. McCLEARY of Minnesota. Mr. Chairman, my friend, I am sure, would not do away with the building, which is in itself a liberal education. People from all over this world visit it. They go away with memories of it that are pleasant to the United States, and I am sure he would not wish that building back into nothingness. The building being there, it must be maintained.

Mr. HEPBURN. Mr. Chairman, if the gentleman will allow me, I would not do anything that would disturb in any way his æsthetic taste.

Mr. McCLEARY of Minnesota. Of course my friend from Iowa was only joking when he made that mathematical and financial calculation that it would be better to give a book to each person. Of course he knows that when he goes there not one book, but a dozen books, perhaps a hundred, will be drawn by him for consultation. That is so with every Member here. Men come from across the seas to see that Library and to consult that collection of books. The suggestion of the average being one book drawn per person can not be taken seriously.

If my friend means that some way should be found for reducing the cost of maintaining the Library without interfering with its efficiency, and will point out such a way specifically, I am very sure that the Committee on Appropriations would welcome the suggestion.

Mr. BINGHAM. Mr. Chairman, in reply to the gentleman from Iowa, as one of the committee having charge of this bill I am gratified to hear his criticism, of course with some qualifications. This is the first bill that has been brought into the House in connection with the Library administration that has held it down (with the exception of $1,000 which we have increased in the card-index division, which brings in revenue to the Library) in my experience since the Library has gone into that building, and your committee recognized in making the recommendations for the next year that only current law should run. Perhaps in the near future it might be possible to take up, in the line of the gentleman's suggestion, some proposition of that kind, but your committee for the next fiscal year in this bill has held the Library down to current legislation.

The Clerk read as follows:

Catalogue and shelf: For chief of division, $3,000; 5 assistants, at $1,800 each; 7 assistants, at $1,500 each; 6 assistants, at $1,400 each; 12 assistants, at $1,200 each; 6 assistants, at $1,000 each; 14 assistants, at $900 each; 4 assistants, at $800 each; 13 assistants, at $720 each; 3 assistants, at $600 each; 10 assistants, at $540 each; 4 assistants, at $480 each; 6 messengers, at $360 each; in all, $87,740.

Mr. HEPBURN. I would like to ask permission to go back to the preceding paragraph in order to ask for information, commencing at the top of the page.

Mr. BINGHAM. What page?

Mr. HEPBURN. Page 24. What are the functions of these various officers? Two thousand dollars for chief of division. Are they engaged in making purchases for the institution?

Mr. BINGHAM. For purchasing new books. It is for the current addition to the Library of books perhaps that might not come to them under the copyright law. They attend all sales of old and valuable and very difficult to secure publications, and they go into the market and purchase these in competition at auctions at whatever may be necessary for them to secure them.

Mr. HEPBURN. Does it take these thirteen purchasing agents to expend this $99,000?

Mr. BINGHAM. It is what they have heretofore been allowed.

Mr. HEPBURN. I would like to ask the chairman of the Committee on the Library if these thirteen persons are necessary to expend $99,000?

Mr. McCLEARY of Minnesota. That is what the law says.

Mr. HEPBURN. I would like the opinion of the gentleman.

Mr. McCLEARY of Minnesota. It is not a question of opinion. It is right before the gentleman's face. The gentleman asked for the fact, and that is the fact.

Mr. HEPBURN. But the gentleman, as chairman of the Committee on the Library, ought to know, undoubtedly does know, the functions of these officers.

Mr. McCLEARY of Minnesota. They are as stated by the gentleman.

Mr. BINGHAM. They are named assistants. It is one of the divisions of the Library. These men not only purchase, but they are the men who make a very complete examination in wants as well as needed publications upon any given subject, to find out if new books are needed, rare volumes, and to complete serials or information upon certain lines wherein the Library is deficient. And they take up the matter of arrangement of the books. The bureau or division is given the allowance not only for the purchase of books, but they have to make an investigation preliminary to the purchase of the books and also to the alignment or location of the volumes.

Mr. HEPBURN. No; that is a function that is provided for in the next paragraph, I take it, in the matter of shelves—of "catalogue and shelf."

Mr. BINGHAM. The catalogue is a different proposition.

Mr. HEPBURN. "Shelf" signifies location. Do these gentlemen catalogue the whole Library?

Mr. BINGHAM. This is the location in the Library only of the books which they purchase.

Mr. HEPBURN. Does that catalogue require that great number of men?

Mr. BINGHAM. I do not suppose they have approached anything near completing the catalogue of this Library.

Mr. HEPBURN. They have not got up with current business?

Mr. BINGHAM. The cataloguing is perhaps one of the most difficult lines of work before them.

Mr. HEPBURN. I simply wanted to know, you know.

Mr. LITTAUER. I would simply like to say in justification of this item that the purchasing department this year has purchased 30,575 volumes.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; chief examiner, $3,000; secretary, $3,000; assistant chief examiner, $2,250; law clerk, $2,000; two chiefs of division, at $2,000 each; eight clerks of class 4; thirteen clerks of class 3; sixteen clerks of class 2; thity-two clerks of class 1; twenty clerks, at $1,000 each; ten clerks, at $900 each; eight clerks, at $840 each; one messenger; engineer, $840; two firemen; two watchmen; one elevator conductor, $720; three laborers; and three messenger boys, at $360 each; in all, $164,810.

Mr. MADDOX. Mr. Chairman, I make a point of order on that paragraph, or one of the paragraphs following it, for I understand that in this paragraph, and I have been cited to this page, twenty-three new officials are provided for for the Civil Service Commission. Now, I should like to see the chairman of the committee stand up, without consultation with the clerk of the Committee on Appropriations, and tell us which are these twenty-three, and where they are provided for in this bill. It is said that it is so plain that any of us can find it by reference to it.

Mr. OLMSTED. If the chairman of the Committee on Appropriations will permit me, I understand the gentleman from Georgia only wants information, and I wanted it the same as he does. I find thirty-three in the next paragraph, and twenty-three in the succeeding one, and I am going to move to strike them both out. I had no difficulty in finding them.

Mr. MADDOX. I simply wanted to illustrate by this paragraph about these appropriation bills. The gentleman tells us that these items of new legislation are perfectly plain; that they are all italicized. He says just look at the report; that anybody can see where the items are. Now, in the report it is stated that the salaries of these twenty-three employees aggregate $26,240. It does not tell what each one of these clerks gets.

Mr. BINGHAM. I will state to the gentleman, if he will look on page 33 of the bill——

Mr. MADDOX. I have that before me.

Mr. BINGHAM. As stated on page 3 of the report, the salary of the secretary is increased from $2,250 to $3,000. That has been given because he has been regarded as the best-informed man in the entire commission with reference to all extensions of the commission's work that have occurred since its inauguration by statute in 1883, the commission frequently changing in personnel. Specific appropriation in this paragraph that has just been read is made for thirty-three employees, with salaries aggregating $41,000, for the field force of the commission, the

same being in lieu of persons now detailed from other branches of the public service. Gentlemen, understand, the same being in lieu. They are located specifically in the paragraph just read. Their work is now being done by persons detailed from other branches of the public service, and twenty-threee of those——

Mr. MADDOX. What I want you to do is to point out the item in the bill which refers to those twenty-three.

Mr. BINGHAM. Twenty-three employees, with salaries aggregating $26,240, are provided for to constitute the rural-carrier examining board in place of persons now on detail from the Post-Office Department and the postal service.

Now, that takes up the details here in the central headquarters of the Civil Service Commission, as well as the details from the various departments of the Government located throughout the country who are detailed to the boards covering the rural free-delivery service——

Mr. MADDOX. The gentleman evidently does not understand me.

Mr. LITTAUER. Mr. Chairman, will you permit me to answer this question?

Mr. MADDOX. I want to know where these officials are mentioned in the bill, so I can make a point of order.

Mr. LITTAUER. If the gentleman will turn to the thirty-fourth page of this bill he will find a large caption there, "Field force," and reading down that force you will find that there are thirty-three clerks included under that caption, with salaries amounting to $41,000. That is the entire new field force asked for.

Mr. MADDOX. It is in that section?

Mr. LITTAUER. It is in that section, a paragraph that never was in the bill before. The next paragraph is the rural carrier board, where the twenty-three clerks are included. Is it italicized in the report?

Mr. MADDOX. No.

Mr. LITTAUER. There is nothing italicized in the report except the changes of existing law.

Mr. BINGHAM. Where there is an amendment. Now, will the gentleman from Georgia allow me one statement more?

Mr. MADDOX. Yes.

Mr. BINGHAM. Then I shall allow him to proceed without any interruption whatever. This proposition for an increase of the permanent force of the Civil Service Commission, or what on the surface appears to be such, is upon the recommendation of the commission for the reason, first, that when they make application under the general statute to the head of a Department for a detail, which they have the right to do, a second-class or inefficient clerk is sent to do the work for the commission. While the commission can call upon the head of a Department for a detail, they can not indicate the individual, other than in a general conversational way as to the character of the work that they want him to do; but they make application for a detail under the general statute. Now, the proposition comes from the Civil Service Commission, "Let us stand, as we put it in the examination, on our own legs." Let us exhibit what this civil service is costing. That was the desire of the committee. Let it be seen what it takes to run your commission. Under the present arrangement we never can tell, because you might have a hundred details or fifty details. Let us see what your commission is going to cost.

We are willing to make that exhibit, the chairman of the commission says, if you will let us have appropriated in your bill the detail of clerks we desire for good administration. We have got to meet the question of rural free delivery examinations throughout the country——

Mr. MADDOX. Is this being taken out of my time?

Mr. BINGHAM (continuing). And therefore your committee adopted the recommendations of the commission without seemingly any increase of expenditure, and let them get the body of clerks who can do their work sufficiently and with some conditions of ability without taking second-class clerks, in sense of ability, from the various Departments of the Government.

The CHAIRMAN. The time of the gentleman from Georgia has expired. [Laughter.]

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia be allowed to proceed for five minutes, or as long as he may desire.

The CHAIRMAN. Without objection, the time of the gentleman from Georgia will be extended.

There was no objection.

Mr. MADDOX. After exhausting my time, my question has never been answered, or anywhere in the neighborhood of it. The gentleman on the committee from New York [Mr. LITTAUER] pointed out the provision in the bill, in which the twenty-three clerks that I am looking after and the thirty-three that my friend from Pennsylvania wants to find are provided for. He has told us where we may look for them. But what I am trying to get at is to show that we are not treated fairly, not intentionally, but it is impossible for any Member in this House to go after one of these appropriation bills and get any sort of light on the subject from the reports made, and that I think is demonstrated here in this proposition.

We are told that in the report where new law is proposed it is all italicized; that we could read the report and the italicized part would be amendments proposed, and that there would be no trouble to find it. Now, no man outside of the committee or the chairman, who has had four minutes of my time, and you all know that he never touched the subject at all—I say that no man can find that new law italicized in this report. One gentleman rose and told us what it was. I do not know whether the clerk of the committee whispered to him or not, but we all know that he knows where they all are.

Some one was inclined to sneer at me because I could not find it. I defy anybody to find it unless he knows exactly where it is. Now, as to these twenty-three clerks, the commissioner goes before the committee and states what he is after. His sole purpose is, according to his own statement, in answer to one of the members of the committee, to step in between the examining board here in Washington and the board that examines these carriers in the States. I say there is absolutely no necessity for these officers in my opinion. These carriers are examined to-day by special agents and the postmaster at the initial point, and the papers are sent here to the examining board, who pass upon them. Now, what is the provision in this bill? Here is a provision for twenty-three more clerks, and we are told that thirteen districts are to be established to put themselves between the board now authorized who examine carriers in the States and the board up here, and no statute which tells us what their duties are or what they are expected to do. We expect the agents will send the papers to these thirteen agents and of course those agents have got to forward them to the board here. The Civil Service Commission wants to get between this board here and the local board, and that is all there is to the question. After all the discussion we had this morning, in which I got no light on the subject, if anybody can assure me or demonstrate to me that there is any real necessity for these twenty-three additional men and the additional districts, if it is going to benefit the service, or going to benefit the country, I am willing to vote for it; otherwise I am opposed to it.

The gentleman has already said that it behooves us in this Congress to retrench, or have a deficit. If that statement is true, we should give heed to it. God knows I want to see the Government stand upon a firm financial basis—able to pay its debts without issuing any more bonds or requiring an additional tax. I do not want to see any more taxes put upon the people. In how many cases have you increased the number of officers? After you give a man a salary it is a mighty hard thing to take some of it off, but he can stand it if he is not accustomed to getting more. I tell you that right here is the place to begin the economy, and let us begin here.

Mr. LITTAUER. Mr. Chairman, I want to join with the plea of the gentleman from Georgia, who has just spoken, for retrenchment. This happens to be one of the few items in this bill where retrenchment is brought about by the action or the recommendation of this committee. These twenty-three clerks are now at work by detail, doing the very work that we want to establish a permanent force for. They are now employed at salaries aggregating $2,250 higher than are recommended here.

Mr. HILL. Will the gentleman allow me a question?

Mr. LITTAUER. Certainly.

Mr. HILL. Are they taken from the eligible list under the civil-service rules?

Mr. LITTAUER. They are all transferred from the Postal Department here in Washington.

Mr. HILL. Is not that a violation of the civil-service rules to transfer clerks from one Department to another without authorization?

Mr. LITTAUER. In this case it is fundamental law that the Civil Service Commission may ask for detailed clerks.

Mr. HILL. They violate the rules themselves?

Mr. LITTAUER. They do, in order to keep the Department going.

The work of examining applicants for rural-carrier positions was formerly done for the commission by a large force of special agents of the Post-Office Department; but as the results were not entirely satisfactory, and complaints of unfairness in examinations were frequently received, it was decided, on December 3, 1903, to take the examining work out of the hands of the special agents and intrust it to the rural-carrier examining board, under the immediate direction of the commission. The force assigned to the board is much smaller in number than the force of special agents formerly employed to do the work. In lieu of the detailed employees with the board estimate is made for twenty-

three employees, with aggregate annual salaries of $26,240. The estimate is $2,250 less than the amount of salaries now paid those employees. The efficiency of this force has been seriously impaired, because in many cases competent clerks have not been detailed, while transfers from the force to other branches of the service have been frequent.

Now, I think that is a fair and complete answer. First, it is a retrenchment; it is a saving of money. Second, it permits the examination of these rural carriers to go on with a greater degree of fairness and uniformity than formerly.

Mr. LLOYD. What will become of the men already employed?

Mr. LITTAUER. They will go back to the work wherefrom they were detailed.

Mr. LLOYD. Then the Government, in the end, will have to pay for these additional people.

Mr. LITTAUER. No; no. If the gentleman will look at another paragraph right in our very plain report, where everything is taken up, he will find on page 6, under the head of the office of the Fourth Assistant Postmaster-General, the following:

On account of transfers made to the Civil Service Commission a reduction is made, as follows: Chief of the board of examiners of rural carriers, $2,250; one clerk, at $1,600; one clerk, at $1,400; three clerks, at $1,200 each; two clerks, at $1,000 each; eight clerks, at $900 each, and two assistant messengers, at $720 each.

Mr. LLOYD. Is that the same number?

Mr. LITTAUER. I believe that total, if my memory serves me right, is 18. Three of the 23 are already on the permanent force of the Civil Service Commission and the other 20 were details, and sending these 18 back would increase the force by 2.

Mr. LLOYD. And decrease the expenditures of the Government.

Mr. LITTAUER. And decrease the expenditures of the Government by $2,250.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman from New York [Mr. LITTAUER] a question. I would like the gentleman to state to the House as to what the necessity was for increasing the salary of the secretary of the commission from $2,250 to $3,000 a year.

Mr. LITTAUER. I think that he earns it as amply as any man in the Government employ earns $3,000.

Mr. BARTLETT. The law now fixes his salary at $2,250.

Mr. LITTAUER. The appropriation, the current law, is $2,250. For years this has been asked from us by the commission. The high-grade men in this commission are the lowest paid of any in the employ of the Government. The commissioners themselves receive only $3,500 a year, and this clerk is the practical man in this commission.

Mr. BARTLETT. How long has it been established by law that the salary of the secretary should be $2,250?

Mr. LITTAUER. I am not informed, but I believe since the organization of the commission.

Mr. BARTLETT. Then it does not depend upon the current legislation; it has been fixed by the law that established the commission?

Mr. LITTAUER. Yes; but Congress can change that law.

Mr. BARTLETT. I would like to ask how long this man has occupied this position with this same salary?

Mr. LITTAUER. He has been there since 1883—twenty-one years.

Mr. BARTLETT. At the same salary?

Mr. LITTAUER. At the same salary.

Mr. BINGHAM. From the time the Civil Service Commission was established.

Mr. LITTAUER. We were appealed to particularly because we understood the gentleman was married the other day and that he had lived along these twenty-one years on this low salary and that in the end Congress ought to recognize and grant to him his just deserts.

Mr. BARTLETT. Mr. Chairman, I would like to inquire whether I am in time to make the point of order on the increase of this salary from $2,250 to $3,000? I will make the point of order anyway.

Mr. LITTAUER. Oh, I trust the gentleman will not do that.

Mr. BARTLETT. Mr. Chairman, I make the point of order now that the $3,000 increase of salary is contrary to existing law, the existing law being that it shall be $2,250.

The CHAIRMAN. The Chair thinks that it is too late to make the point of order.

Mr. BARTLETT. Then I offer to amend and propose to strike out the words "three thousand" and insert in lieu thereof the words "two thousand two hundred and fifty," in accordance with the existing law.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 12 strike out "three thousand" and insert in lieu thereof the words "two thousand two hundred and fifty."

Mr. LILLEY. Mr. Chairman, I would like to inquire of the gentleman from New York [Mr. LITTAUER] if he thinks this clerk could earn more than $2,250 in any other job if he should lose this one?

Mr. LITTAUER. I do. I believe that he has shown such ability in the work that he has carried on there for many years.

Mr. LILLEY. Well, I do not.

Mr. LITTAUER. Well, that is a mere difference of opinion.

Mr. GARDNER of Michigan. Mr. Chairman, it is well known to the House that the members of the Civil Service Commission usually continue in office but a brief time. This is one of the most rapidly changing commissions, in its personnel, in the service. The one man who has held steadily from the beginning up to this time and who knows the whole civil-service system more thoroughly than any other, upon whom the commissioners rely, as do all that have business to do with that commission, has been this man for whom an increase of salary is recommended.

He has served these twenty years or more and carried the burden oftentimes of the entire commission. From his acquirements, his fidelity, his long service, his thorough familiarity with the entire system, it is simply just that his salary be increased to this extent.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield?

Mr. GARDNER of Michigan. Certainly.

Mr. GROSVENOR. I want to ask the gentleman before he takes his seat, as he is so familiar with the subject, would it not be well to strike out the three commissioners and let the clerk run this commission, and in that connection will the gentleman tell us if he knows why it is that gentlemen will very seldom remain on that commission?

Mr. GARDNER of Michigan. Well, of course——

Mr. GROSVENOR. What is the matter with it?

Mr. GARDNER of Michigan. Just wait a moment, if you please. I am well aware that this is not a popular subject with some gentlemen in this House——

Mr. GROSVENOR. Not a bit popular.

Mr. GARDNER of Michigan. And has not been any time since I have been here. Every time the civil service or the commission has come up before the House it has been assaulted from one standpoint or another. I think, to be frank with the gentleman from Ohio, that there are some Members of the House not thoroughly in sympathy with the Civil Service Commission, and because of that lack of sympathy there is this disposition to levity, and sometimes, perhaps, to unjustly charge these gentlemen, who are the creatures of this House—public servants under law made by this House and in obedience to your behest undertaking to carry out their duties in your name. If by insinuation or otherwise we make it uncomfortable for them, or if we do not give them enough to justify a continuous service, it is our fault and not theirs; and here is a gentleman who has served faithfully through all these years of the changing personnel and politics of the commission, and is the one man above all others, as I understand it, who is simply indispensable in this service, and his salary ought to be increased.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BINGHAM. Division!

The committee divided; and there were—ayes 49, noes 38.

Mr. BINGHAM. Tellers, Mr. Chairman.

Tellers were refused, not a sufficient number rising in support of the demand therefor.

So the amendment was agreed to.

Mr. HEPBURN. Mr. Chairman, did I understand the gentleman from Pennsylvania a little while ago to say he intended to move to strike out this paragraph?

Mr. OLMSTED. I intended first to make the point of order against it, and, unless that carries, to move to strike out the entire paragraph under the caption of "field force" and also the one under the head of "rural-carrier examining board."

Mr. HEPBURN. I desire, Mr. Chairman, to move to strike out the paragraph.

Mr. OLMSTED. Well, the paragraph has not been read yet.

Mr. HEPBURN. Yes; he is reading on the next paragraph, I understand.

The CHAIRMAN. Which paragraph is it?

Mr. HEPBURN. Beginning on line 10, page 33, which has been read, has it not?

The CHAIRMAN. Yes; that paragraph has been read.

Mr. HEPBURN. That is the paragraph I move to strike out.

Mr. OLMSTED. That is the one I had in mind.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 33, line 10, strike out all of line 10 down to and including line 24.

Mr. HEPBURN. Mr. Chairman, I do not expect that this motion will prevail. I do not believe that if it did prevail it will prevent this commission from getting their salaries, but it is the only way that I have here or any other Member will have, as long as the gentleman from Massachusetts [Mr. GILLETT] is chairman of the Civil Service Committee I fear, to vote upon this question and to enter a protest against the whole system of alleged, pretended, civil-service reform as we have it. I do not want it understood that I am opposed to a proper civil service—a civil service based on proper examination and trial. I want one that will bring results in the way of an improvement in the way of civil service. I have had an opportunity to observe during the two periods—the old period of the "spoils system," so called, and the new period of the "merit system," so called—and I believe I can say with absolute sincerity, and I think that is true of the judgment of every man who has been permitted to observe those two periods, that the civil service of the United States is not being improved; that it is not as good as it was twenty years ago; that it is constantly deteriorating; that it is being every year more and more an expense and less and less efficient.

I want to enter my protest against it as it now exists, and I can not do it in any other way than this. If it came in such a way that I could vote to wipe it out—cut it out, root and branch, to get rid of all its pretenses, to do away with its deformity—I would gladly do it. But it seems that we can not have that opportunity. Therefore I take the only one that comes to me, that in the most positive way I can to denounce it as, in my judgment, a great mistake—a mistake almost amounting to a crime. We are creating in our midst a privileged class of people. We are preparing a way for a large pension list, an immense one. Gentlemen think that the danger is not upon them this moment, and therefore they seem to be unconcerned; but every man who gives thought to it knows that that is coming—that it must come in the interest of doing the public business of the people. In time to come there will be an army of inefficient men, made so by time, and I believe that instead of passively accepting this system as one that ought to be changed, it is the duty of men who know, the duty of men who have opportunity to observe, whenever they can and wherever they can to denounce it as insufficient to accomplish the purpose that men say they desire by a civil service. [Loud applause.]

Mr. GILLETT of Massachusetts. Mr. Chairman, I just wish to say a word. I do not think it is necessary to debate the proposition made by the gentleman from Iowa. This House has heard it a great many times, and he himself admits that his proposition would have no force or effect; that it simply expresses a feeling; and no matter what we do, whether we strike it out or not, the law goes on just the same. It does not matter whether this particular provision goes through; it amounts to nothing whether we strike it out or leave it in, the law will still remain and the same salaries will be paid.

Now on the merits of the civil service, I differ absolutely from the gentleman from Iowa, and I believe the great majority of the people of this country differ from him. I believe that when he says the old "spoils system," as he calls it, is better than the present system, he is grossly mistaken. I believe the present system is infinitely better in the service it gets for the country, in the men it brings in as clerks, and in the effect it has upon us as Members of Congress. I believe it has improved, and it will improve from year to year, and I think it will be free from much of the criticism which used to be made with so much force, and truth, I doubt not, about the examinations. The examinations are better, and the effect on the service is beneficial. Of course it is not a perfect system.

Mr. WILLIAMS of Mississippi. Will the gentleman from Massachusetts permit me to ask him a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. WILLIAMS of Mississippi. Does the gentleman know that another system would be better than either the "spoils system" or this, which, I think he must grant must lead at least to a civil-service pension list? Does not the gentleman think that it would be better for the committee of which he is the distinguished chairman, I believe, to bring in a bill for a fixed period of public service? Let it be for five, seven, twelve, or fifteen years—that makes no difference; but let it be limited; let the time be fixed so that each man who holds a Federal appointment may know, just as a sheriff or clerk in one of our counties knows, that when a certain time comes he must go back to private life, and during the period of public life he may save his money so that when he goes back to private life he may go back out of debt and respected.

Mr. GILLETT of Massachusetts. That is a question which has been discussed in our committee. Personally, I do not believe that it is the remedy. I will admit of course that the present system does tend to superannuation. There is a bill on the Calendar of this House that if is passed will relieve that. There is a provision that when a man gets to be 70 years of age he shall leave the service. That prevents the danger of inefficient service the gentleman alludes to.

Mr. WILLIAMS of Mississippi. But if the gentleman will excuse me, if you are going to wait until a man is 70 years of age before putting him out of the service he goes out helpless, and that is the objection to that scheme.

Mr. GILLETT of Massachusetts. I do not think he ought to go out helpless. That is just it. In every other walk of life a man appreciates that he must lay up enough money as he goes along to keep him after he gets to be 70 years old.

Mr. WILLIAMS of Mississippi. Now, do our Federal officials appreciate that? Is it not a matter within the gentleman's own knowledge that they rely upon the hope of feeding at the public crib always, as a reason why they should not save a dollar? Does the gentleman from his Massachusetts district—I know of none from my section of the country—remember a single man who has ever gotten an office in Washington who ever entertained the idea of giving it up?

Mr. GILLETT of Massachusetts. No; I think that we all of us, when we get here, want to stay. [Laughter.]

Mr. WILLIAMS of Mississippi. Now, Congressmen know that they are elected for only two years, and they know that there is a chance of going out at the end of the term, so that wise Congressmen, like the gentleman and myself, do not uselessly run in debt, and do not leave ourselves stranded as atoms upon the general surface of the oceanic occasion.

Mr. GILLETT of Massachusetts. That may be true, but——

Mr. WILLIAMS of Mississippi. But these other people do. Now, don't you think it would be better to prescribe a term that would not run with the Presidential term—five or seven years—and at the end of that time let a man go out of office just as a sheriff or a clerk does?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT of Massachusetts. If the House will give me time, I will be glad to answer the question.

The CHAIRMAN. Without objection, the gentleman's time wil be extended five minutes.

There was no objection.

Mr. GILLETT of Massachusetts. The same thing which the gentleman seeks by his five or four year term would be reached by the bill which is now on the Calendar; because if every clerk saw before him the necessity of going out of the service when he reached 70 years of age, then he would not have the feeling which the gentleman says they all now have, that they are going to feed at the crib forever. It seems to me that bill brings to bear upon a Government employee the same influences for saving as the gentleman's proposition, and it does not make what I think is the objection to a five-year term; it does not make a wholesale turning out of office. Now we are in a very different condition than we were even twenty years ago, when this act went into effect. Why there are 150,000 men now under the classified service; 270,000, I think it is, in the whole Government service. There are 150,000 men, according to you, who would have to go out every five years; I do not believe that is wise; but I do believe that if the bill which is now on the Calendar was enacted it would remedy that one defect in the law, would it not?

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me——

Mr. GILLETT of Massachusetts. Yes.

Mr. WILLIAMS of Mississippi. I do not mean by that that the whole office-holding class will go out at the termination of a particular five years.

Mr. GILLETT of Massachusetts. You mean one-fifth go out every one year.

Mr. WILLIAMS of Mississippi. You might let one-fifth of them go out each year, and then when a man was reappointed he would go out five years after he was reappointed. Deaths and—I started to say resignations, but there would be none—deaths and removals for cause would bring about a different state of initiation into office, and in addition to that you could divide the general office-holding class into subclasses that would go out in different years.

Mr. GILLETT of Massachusetts. As I say, I do not believe that is the best remedy. I think the bill which is now on the Calendar, while I do not think it is best, would be a better method of curing it. But the question now, of course, is not what is the ideal method, it is not a question of improving the method. The question now is, Shall we simply show animosity to that whole system by emptily striking out this paragraph? I trust the committee will not do it.

Mr. GROSVENOR. Mr. Chairman, it would hardly be legal, constitutional, and satisfactory that this debate should take place and this paragraph be passed without myself embarking in the procedure of adding a little something to the hilarity of the annual occasion. The gentleman from Massachusetts says that this is a "puerile"—I think that was the word he used——

Mr. GILLETT of Massachusetts. No, excuse me; I did not use that word.

Mr. GROSVENOR. Some other word equally good, perhaps.

Mr. GILLETT of Massachusetts. I do not remember the exact word.

A MEMBER. "Senseless."

Mr. GROSVENOR. "Senseless procedure." It is the gentleman from Massachusetts and gentlemen who have acted in his position before who have caused this "senseless procedure" annually.

I can tell you how he has succeeded, he and his predecessors, in doing it. The civil-service bill was introduced in the Senate of the United States twenty-one years ago, and passed. During the debate on its passage the Senator from Massachusetts whom we are now mourning the great loss of, while indorsing the general purpose, the apparent purpose, of the bill, stated in effect that it was crude and imperfect, and used the language, "It is a tentative measure in its present form." The author of the bill made no sort of claim that he was trying to reform the civil service, and frankly said that his purpose in introducing and attempting to secure the passage of the law was to bring about a division of public patronage in the very direction of these "spoils systems" which we have heard as the battle cry of reformers ever since.

The bill passed and went upon the statute book, and from that day to this I will say scores and hundreds of bills have been introduced into this House and into the Senate to amend, to change, to revise, to repeal, to enlarge, to strengthen, to weaken this measure. Not one of them was ever reported back to the body from which it emanated.

Now, if this was a popular measure, if it did not have to be guarded with a club in defiance of popular sentiment and popular right in the legislative body, why this procedure? Never during twenty years, I can say to the distinguished gentleman from Massachusetts, has there been a bill reported to this House from the committee that would furnish even the opportunity of amendment so as to change this original tentative measure. It has been legislated upon by Executive order. There is no question about that. If you want to find out where legislation by Executive order has come from, trace the whole procedure from the first President that has administered it down to the last one that has enlarged its operations.

In the Fifty-fifth or Fifty-sixth Congress a hundred Republican Members of the House met in a voluntary committee and a bill was drawn, not a spoils-system bill, but, in my judgment, a vast improvement on the present law, a bill that proposed terms of office for clerks below a certain grade. I think it was four years, perhaps, with the full opportunity to reappointment; but there was a long line of improvements that had been suggested to these 100 gentlemen because of the gross outrages, as we believed, that had been perpetrated under the forms and pretenses of civil-service reform and merit system. That bill was regularly introduced by Judge Evans, now on the United States bench, as a result of the concurrent action of the 100 Members of the House. It went to the committee, and it is there yet, as is every other bill that has gone there, with the possible exception of the one which the gentleman from Massachusetts [Mr. GILLETT] has referred to.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I would like five minutes more.

Mr. BINGHAM. I ask unanimous consent that the gentleman have the time desired.

The CHAIRMAN. Without objection, the time of the gentleman from Ohio is extended five minutes.

There was no objection.

Mr. GROSVENOR. I think the bill to which the gentleman from Massachusetts has referred is susceptible, under our parliamentary rulings here, of an amendment, and possibly we may have an opportunity to amend it when the time comes, if it ever should come, that the bill comes up for passage; but I am a little afraid that the gentleman will never call it up, or try to call it up, especially now that I have warned him that he had better look out or there may be nothing left of it when it comes to a passage except the enacting clause. Therefore I do not think he will be speedy and zealous in getting that bill before this House.

There has never been a time in the twenty-odd years of the life of this law that two-thirds of the Members of this House would not have voted to amend it if they could have had the opportunity. We have had no opportunity, and everybody has understood exactly why we have had no opportunity. The only opportunity we have had is to express our opinion, not foolishly but intelligently, that we should like to amend this law that was passed as an experiment, and which has proved not as efficient or valuable, it strikes me, as we could make it if we had the opportunity to work on it.

Mr. MANN. Will not the gentleman from Ohio see to it that we have a special rule making that bill in order?

Mr. GROSVENOR. The gentleman from Ohio can not "see to" anything.

Mr. MANN. Oh, yes, the gentleman from Ohio can see to many things, and see through a great many things. [Laughter.]

Mr. GROSVENOR. I will see to it that I vote for it, in conjunction with other members of the committee, if I have the opportunity. Now, that is about all I have to say. I think that this matter has gone mad—gone wild.

Now, think of the rural carriers. Just think of them, gentlemen! I had a formidable set of papers come to me this morning. I want to tell you what they were. A formal charge—or perhaps I ought to say a formal demand—was made by the Civil Service Commission, or gentlemen representing that Bureau—these great gentlemen, these thirty-five hundred dollar gentlemen—calling upon a poor fellow, a rural carrier, who is getting $650 or $700 a year, to answer the following questions:

Did you use your influence in behalf of the election of Roosevelt or some one else in the recent campaign in Ohio?

Is it true that you, on the day of the election, turned over your route to your substitute, and that you went to the election and worked at the polls?

Now, just think! We are paying $40,000 or $50,000 to have a Commission that can jump on a poor fellow, a carrier, and hold him up like that. There came to me a document signed by the postmaster of the town—the initial point—stating that the man was one of the most efficient carriers in that section of the country; that it was true that he occasionally sat around a store nights and talked politics a little, and that on the day of the election his child was violently sick with a throat disease and he was in attendance upon the child, under the care of a physician, but that he did go to the election and voted. And his physician certified to the same fact. Now, that man is held up by order of the Civil Service Commission. He is losing his pay. He is feeding his horses and he is not getting any pay for it, while a great body of men are investigating, not what is the matter with the woman who came from Cleveland and robbed everybody [laughter], but as to whether that man did vote for Roosevelt and whether he worked at the polls on election day. Now, that is all there is of it. I can refer any gentleman to the name and to the place and all the circumstances connected with it. When it was simmered down at home—I do not know what it will be when it is passed on here—and the fact was ascertained, it was discovered that a gentleman of the opposite political faith had threatened this man and tried to drag him away from his advocacy of Roosevelt, telling him that he would annoy him, and after the suspension took place this same man gave further notice that he was going after the postmaster in a few days. [Laughter.]

Mr. MANN. And he will probably get him, now that the election is over. [Laughter.]

Mr. GROSVENOR. I have no doubt he will get him. Now, is it any wonder that we would like to have a brief opportunity to express our opinion upon propositions like that?

Mr. BINGHAM. Mr. Chairman, there is but a limited number of Members present in the House at this time, and it is after 5 o'clock——

Mr. WILLIAMS of Mississippi rose.

Mr. BINGHAM. Does the gentleman desire any time?

Mr. WILLIAMS of Mississippi. Mr. Chairman, I would like to move to strike out the last word for about three minutes.

Mr. BINGHAM. Does the gentleman desire to postpone the rising of the committee?

Mr. WILLIAMS of Mississippi. Yes; just for a second.

Mr. BINGHAM. I will yield, with pleasure.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have listened to the interesting discourse of the gentleman from Ohio [Mr. GROSVENOR]. He always interests me and he always interests the House. I wondered, however, while he was talking if he could furnish us with such a hard-luck story out in Ohio because of a fellow who had shown political activity in the cause of Roosevelt, what might possibly have been the awful fate of one who dared show political activity in behalf of Parker. [Laughter.]

Mr. GROSVENOR. The indications are, I will say to the gentleman from Mississippi [Mr. WILLIAMS], that there were a great many of them who were terrified during that time. [Laughter.]

Mr. WILLIAMS of Mississippi. A great many; yes. Mr. Chairman, from the numerousness of their scarcity at the polls I imagine a great many of them must have been terrified [laughter], whether through the rural free-delivery service or in some other way I shall not undertake to say. But the gentleman has incidentally told us that if the Administration wanted to find out how a fellow voted who was a rural carrier that they might find out by charging him with having voted for the dominant party, trusting later on to get the desired information.

I have not risen, however, Mr. Chairman, for the purpose of dwelling upon that feature of the discussion. I was a little bit afraid that something I myself had said would leave a wrong impression of my views upon this question. I think that the civil-service experiment has shown that the old spoils system, as it is called, was not perfect, and I do not think the people are prepared to go back to that system.

I am rather inclined to believe with the gentleman from Iowa, however, that it was equally as good as the Chinese system, which we now have. I would not go back, however, entirely to that. I believe that there ought to be an examination to determine whether men are competent or incompetent to hold these offices, but the difference between me and the civil-service men would be this: After having held an examination, after having required the men to get a very high average standing upon that examination, a standard higher than we now require, I would then leave the appointing power to select from the list of eligibles the men whom they wanted to serve the country in their respective Departments. I do not believe that a Republican Administration ought to be served by men, a great many of whom have at heart the defeat of Republican Administration. I do not believe that a Democratic Administration ought to be served that way. I do believe that the men ought to be entirely competent. I believe that they ought to be determined to be competent by public examination; that then the appointing officers ought to be left free to select from the list of eligibles the men who will contribute to the success of the governmental administration of the party in power with its policies. I believe, moreover, that a far more important thing than a man's competency in arithmetic and geography and general history is a man's character, his honesty, his integrity. I believe that the man who puts him in office is responsible for him, and that man ought to have some way of finding out not only whether he is acquainted with these various things upon which he is examined, but whether he is a man of good moral character and absolute integrity and loyalty and trustworthiness. Thus, having had determined his intellectual competency, to have the opportunity to examine into and determine his moral competency. At the same time I would have him serve one, or at the furthest, two terms fixed by law, just like your officers at home have fixed terms. Who here present will deny this proposition when I make it, that the average county sheriff and clerk are far more competent than the average man in office under the Federal Government at Washington? Is there anybody who will deny it? Not one who knows anything about it. I was afraid that the impression might be left that I thought that no examination was necessary at all. I do not believe that, and I wanted to explain that fact.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

The SPEAKER. There has been transmitted to the House a letter from the War Department calling attention to the fact that in Document No. 31, heretofore transmitted by mistake, a portion of the document was not transmitted and is now transmitted. This is the size of the original document. Without objection, therefore, Document No. 31 will be reprinted with the omitted matter now transmitted. The Chair hears no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the St. Louis Hay and Grain Company against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assisant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Spratley against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Commissioner of the Freedmen's Savings and Trust Company, transmitting the annual report for the year ended December 1, 1904—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Secretary of the Interior, submitting, with a favorable recommendation, a proposition for legislation in reference to seizure of live stock trespassing on Indian reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Comptroller of the Currency, submitting his annual report for the year 1904—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Chief Clerk of the House, submitting an estimate of appropriation for deficiency in expenses of select committees—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company, reported the same without amendment, accompanied by a report (No. 3016); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10683) granting a pension to William Lanier—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15267) granting a pension to Thomas C. Hughes—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15820) granting an increase of pension to James Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORRELL: A bill (H. R. 15969) for the apportionment of Representatives among the several States of the Union, and for other purposes—to the Committee on the Census.

By Mr. JENKINS: A bill (H. R. 15970) to amend section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 15971) to amend an act entitled "An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census"—to the Committee on the Census.

By Mr. BROOKS: A bill (H. R. 15972) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON: A bill (H. R. 15973) providing for the erection of a public building at the city of Niles, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. WOOD: A bill (H. R. 15974) for the enlargement of the post-office building at Trenton, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 15975) to provide for a survey of the harbor at Galveston, Tex., and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15976) to provide for a survey of the harbor at Galveston, Tex., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. COCHRAN of Missouri: A bill (H. R. 15977) appropriating $100,000 for the completion and protection of the revetments of the banks of the Missouri River at St. Joseph, Mo.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15978) appropriating $50,000 for completion of public building extension at St. Joseph, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. BOWERS: A bill (H. R. 15979) to dredge Horn Island Pass, in Jackson County, Miss., to a depth of 21 feet—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A bill (H. R. 15980) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BOWERS: A bill (H. R. 15981) to authorize the Mississippi Central Railroad Company to bridge Pearl River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 15982) extending the limit of time within which homesteaders may establish residence on locations under the Shoshone irrigation enterprise under the terms of the national irrigation act—to the Committee on Irrigation of Arid Lands.

By Mr. HENRY of Connecticut: A bill (H. R. 15983) for the consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 15984) to provide for the erection of a monument at the battlefield of Gettysburg to commemorate the services of the Signal Corps of the United States Army during the war of the rebellion—to the Committee on the Library.

By Mr. BASSETT: A bill (H. R. 15985) authorizing the purchase or acquirement of land adjoining the Fort Hamilton Reservation, New York City, the improvement of the same, and the erection of new buildings at such fort—to the Committee on Appropriations.

By Mr. HOGG: A bill (H. R. 15986) creating the Colorado Cliff Dwellings National Park—to the Committee on the Public Lands.

By Mr. RANSDELL of Louisiana: A bill (H. R. 15987) to promote public education by giving free transmission through the mails to certain educational publications—to the Committee on the Post-Office and Post-Roads.

By Mr. WILEY of Alabama: A bill (H. R. 15988) for the relief of certain homestead settlers in the State of Alabama—to the Committee on the Public Lands.

By Mr. TAYLOR: A bill (H. R. 15989) to authorize Louis M. Tisdale to construct and operate a ship canal or channel from Mon Louis Island, Mobile County, State of Alabama, to the deep-water basin in Mobile Bay between Fort Morgan and Fort Gaines, Ala., through the lands and waters of the United States, and to grant to said L. M. Tisdale the right of way for that purpose—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: A bill (H. R. 15990) for the further improvement of the propagation and distribution of valuable seeds, plants, bulbs, and so forth—to the Committee on Agriculture.

By Mr. SIBLEY: A bill (H. R. 15991) to provide for the erection of a public building at Sharon, Mercer County, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BRANDEGEE: A bill (H. R. 15992) to provide for the construction of a light-house and buoy tender for the inspector of the third light-house district—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 15993) to authorize the Secretary of the Treasury to exchange the site for the public building at Natchitoches, La.—to the Committee on Public Buildings and Grounds.

By Mr. DOUGLAS: A bill (H. R. 15994) to provide for the erection of a municipal building in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. ADAMS of Pennsylvania: A bill (H. R. 15995) to regulate the employment of labor—to the Committee on Labor.

By Mr. GARNER: A bill (H. R. 15996) providing for the establishing of a Weather Bureau station at Del Rio, Tex.—to the Committee on Agriculture.

By Mr. McMORRAN: A bill (H. R. 15997) authorizing the Secretary of War to cause a survey to be made of Caseville Harbor, Michigan, on Lake Huron—to the Committee on Rivers and Harbors.

By Mr. WANGER: A bill (H. R. 15998) to authorize the construction, operation, and maintenance of telegraphic cables between the mainland of the United States of Aemrica and the Canal Zone on the Isthmus of Panama, and to promote commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: A bill (H. R. 15999) appropriating the sum of $10,000 for fencing Round Valley Indian Reservation, in the State of California—to the Committee on Indian Affairs.

By Mr. SHEPPARD: A bill (H. R. 16000) to enable the Department of Agriculture to continue its investigations and experimentations with reference to the cotton-boll worm, cotton-wilt disease, and root rot—to the Committee on Agriculture.

By Mr. HEPBURN: A bill (H. R. 16180) for a public building at the city Clarinda, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A joint resolution (H. J. Res. 165) authorizing the granting of permits to the committee on inauguration of the President-elect on March 4, 1905, and so forth—to the Committee on the District of Columbia.

By Mr. NORRIS: A joint resolution (H. J. Res. 166) to amend the Constitution in regard to the term of President, Vice-President, and Members of Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BELL of California: A joint resolution (H. J. Res. 167) directing the Secretary of War to appoint a board of engineers to report a project for restoring and maintaining the original navigable capacity of Sacramento River, in the State of California—to the Committee on Rivers and Harbors.

By Mr. BURTON: A joint resolution (H. J. Res. 168) determining the material of the public building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BELL of California: A joint resolution (H. J. Res. 169) providing for examination, survey, and estimate of cost for improvement of the harbor at Mendocino, Cal.—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 170) appropriating $8,000 for the improvement of Petaluma Creek, in the State of California—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 171) directing the Secretary of War to make an examination, survey, and estimate of cost for improvement of Sonoma Creek, in the State of California—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 172) appropriating $7,500 for the improvement of the Mokelumne River, in the State of California—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 173) directing the Secretary of War to make survey and estimate for improvement of Belvedere Harbor in San Francisco Bay—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 174) appropriating $3,000 for the improvement of Napa River, in the State of California—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 175) making appropriations for lower Sacramento River available for any navigable portion of said river—to the Committee on Rivers and Harbors.

By Mr. HITT: A resolution (H. Res. 388) to pay to the widow of David Wolfe Brown, late Official Reporter of Debates in the House, certain moneys—to the Committee on Accounts.

By Mr. CURTIS: A resolution (H. Res. 389) allowing chairmen of certain committees to appoint session clerks—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 16001) granting an increase of pension to William I. Bastian—to the Committee on Invalid Pensions.

By Mr. BADGER: A bill (H. R. 16002) granting an increase of pension to John Falkenbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16003) granting an increase of pension to Joseph Messmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16004) granting an increase of pension to Granville M. Pearman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16005) granting an increase of pension to Mary J. McKim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16006) granting an increase of pension to James Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) granting an increase of pension to Henry T. Helwagen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16008) granting an increase of pension to Absolum Borror—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16009) granting an increase of pension to William A. Grady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16010) granting an increase of pension to Cyrus Elder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16011) granting an increase of pension to James E. Weingardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16012) granting an increase of pension to James P. Waldorf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16013) granting an increase of pension to Letullus Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16014) granting an increase of pension to Joseph K. Pritner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16015) granting an increase of pension to Alonzo C. Fleming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16016) granting an increase of pension to S. Harriet Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16017) granting an increase of pension to Thomas J. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16018) granting an increase of pension to James R. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16019) granting a pension to Nancy Kern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16020) granting a pension to Leonard Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16021) granting a pension to Daniel Heintz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16022) granting a pension to James Falloon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16023) granting a pension to Martha A. McCloud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16024) granting a pension to Lewis Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16025) to correct the military record of William H. Feaster—to the Committee on Military Affairs.

Also, a bill (H. R. 16026) to correct the military record of Lyman D. Howard—to the Committee on Military Affairs.

Also, a bill (H. R. 16027) to correct the military record of John Bolling—to the Committee on Military Affairs.

Also, a bill (H. R. 16028) to correct the military record of John Morrison—to the Committee on Military Affairs.

Also, a bill (H. R. 16029) appropriating the sum of $500 to pay services of Elizabeth Ballett as nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16030) for the relief of Capt. Wilson Strickler, Company C, Twenty-first Pennsylvania Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 16031) for the relief of Capt. Perry L. Miles—to the Committee on Claims.

By Mr. BELL of California: A bill (H. R. 16032) granting an increase of pension to Timothy Hanlon—to the Committee on Pensions.

By Mr. BIRDSALL: A bill (H. R. 16033) granting an increase of pension to William H. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16034) granting an increase of pension to Harrison W. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16035) granting an increase of pension to Church Fortner—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16036) granting an increase of pension to Christian White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16037) granting an increase of pension to Sumner Barstow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16038) granting an increase of pension to Orrin L. Dake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16039) granting an increase of pension to Robert D. Betts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16040) granting to the city of Boulder, in the county of Boulder and State of Colorado, certain lands for park purposes and for the preservation of the native trees on said lands—to the Committee on the Public Lands.

By Mr. BOWERSOCK: A bill (H. R. 16041) granting an increase of pension to Isaac H. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16042) granting an increase of pension to John E. Herriott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16043) granting an increase of pension to John H. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16044) granting an increase of pension to Joseph Rawlins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16045) granting an increase of pension to Henry J. Main—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16046) granting an increase of pension to Frederick Lahrman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16047) granting an increase of pension to Nat G. Barter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16048) granting a pension to Alpheus G. Snover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16049) granting a pension to Mary A. Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16050) granting an honorable discharge to William Newman—to the Committee on Military Affairs.

Also, a bill (H. R. 16051) for the relief of William Mackey—to the Committee on Military Affairs.

Also, a bill (H. R. 16052) for the relief of Isaac Cogswell—to the Committee on Military Affairs.

By Mr. BOWIE: A bill (H. R. 16053) granting a pension to Florence Emery Blake—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16054) granting an increase of pension to Patrick O'Brien—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16055) for the relief of William J. Robertson—to the Committee on War Claims.

Also, a bill (H. R. 16056) granting a pension to Frances Kirtland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16057) granting a pension to William Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16058) granting a pension to Albert M. Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16059) granting a pension to Henry Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16060) granting an increase of pension to John Watts—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16061) granting a pension to John Creager—to the Committee on Pensions.

Also, a bill (H. R. 16062) granting a pension to Solomon Smith, jr.—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 16063) granting a pension to Lydia A. Keller—to the Committee on Pensions.

By Mr. CASTOR: A bill (H. R. 16064) granting an increase of pension to John Lynch—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 16065) granting a pension to William H. Wolfe—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16066) granting an increase of pension to Chloe M. Hewitt—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 16067) granting an increase of pension to Ora P. Howland—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 16068) granting an increase of pension to Samuel M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16069) granting a pension to Ashley R. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16070) granting a pension to Jane Plankington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16071) for the relief of Green Edmondson—to the Committe on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 16072) granting an increase of pension to Albert H. Barry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16073) granting an increase of pension to James B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16074) granting an increase of pension to Cyrus Wetherell—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 16075) granting an increase of pension to Oscar M. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16076) for the relief of the heirs of Lucinda Muse Thomas—to the Commitee on Claims.

By Mr. DRAPER: A bill (H. R. 16077) granting an increase of pension to Andrew J. Clark—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16078) granting a pension to Benjamin H. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16079) granting an increase of pension to John Dammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16080) granting an increase of pension to Nelson L. Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16081) granting an increase of pension to Alvin W. Avery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16082) granting an increase of pension to David P. Stewart—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 16083) granting an increase of pension to Isaac G. Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16084) granting an increase of pension to Thomas O'Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16085) granting an increase of pension to John M. C. Sowers—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 16086) granting an increase of pension to Hiram Burkholder—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 16087) granting an increase of pension to Harriet H. Brady—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 16088) for the relief of Cooper Walker—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 16089) granting a pension to Amanda Chatterson—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 16090) granting an increase of pension to Jerome Goodsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16091) granting an increase of pension to William H. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16092) granting an increase of pension to Orvin P. Waterbury—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 16093) granting an increase of pension to Edwin Billings—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16094) granting an increase of pension to James W. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16095) granting a pension to Amanda E. Wagoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16096) granting an increase of pension to Isaac B. Sanduskey—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 16097) granting a pension to I. M. Wolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16098) to correct the military record of W. H. Phillips—to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 16099) granting a pension to Lafayette Boutwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16100) granting a pension to James W. McCullah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16101) granting a pension to Robert J. Yeoman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16102) granting an increase of pension to John Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16103) granting an increase of pension to Joseph F. Ruess—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16104) granting an increase of pension to Thomas Lanning—to the Committe on Invalid Pensions.

Also, a bill (H. R. 16105) granting an increase of pension to Cyrus B. Allen—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 16106) granting a pension to Frances Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16107) granting a pension to Robert Sewell—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 16108) granting an increase of pension to A. S. Ray—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16109) granting a pension to Alice T. Groesbeck—to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 16110) for the relief of Elizabeth A. C. Galloway—to the Committee on War Claims.

Also, a bill (H. R. 16111) for the relief of J. H. Holland—to the Committee on War Claims.

By Mr. JACKSON of Ohio: A bill (H. R. 16112) granting a pension to Louisa Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16113) granting an increase of pension to Bertha Weis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16114) granting an increase of pension to Daniel Callow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16115) granting an increase of pension to John Klopfer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16116) granting an increase of pension to John Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16117) granting an increase of pension to Martin B. Doty—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 16118) for the relief of the personal representatives of Peter J. Wise, late of Rockingham County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 16119) for the relief of the Presbyterian Church of Fredericksburg, Va.—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 16120) granting a pension to Robert Clark—to the Committee on Invalid Pensions.

By Mr. LILLEY: A bill (H. R. 16121) granting an increase of pension to Edward Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16122) granting an increase of pension to Ellen R. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16123) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 16124) granting an increase of pension to John Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16125) granting an increase of pension to Eugene C. Moger—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 16126) for the relief of Leroy Noble—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 16127) granting an increase of pension to Elijah J. Goodell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16128) granting an increase of pension to Isaac D. Toll—to the Committee on Pensions.

By Mr. LUCKING: A bill (H. R. 16129) granting an increase of pension to John H. Pitman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16130) granting a pension to Alice Rourk—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 16131) granting an increase of pension to William W. Clift—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16132) granting an increase of pension to Mary A. Seele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16133) granting a pension to Thomas J. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16134) granting an increase of pension to Nancy Stillwell—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 16135) granting an increase of pension to Bridget A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16136) granting a pension to Louise S. McWhinnie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16137) granting a pension to Leocardia F. Flowers—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 16138) for the relief of Mary Cairney—to the Committee on War Claims.

By Mr. NEEDHAM: A bill (H. R. 16139) to provide an American register for the barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

By Mr. PERKINS: A bill (H. R. 16140) granting an increase of pension to Nelson A. Fitts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16141) granting an increase of pension to John Parks—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 16142) granting an increase of pension to R. G. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16143) granting an increase of pension to William Sweet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16144) granting an increase of pension to George Kreigh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16145) granting an increase of pension to Charles S. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16146) granting an increase of pension to Edwin J. Joy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16147) granting a pension to Mary Murname—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 16148) granting an increase of pension to Matthew McKown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16149) granting an increase of pension to Thomas J. Moore—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 16150) granting an increase of pension to Robert McAnally—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 16151) for the relief of W. C. York—to the Committee on War Claims.

By Mr. SHULL: A bill (H. R. 16152) granting a pension to Elmer E. Frederick—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 16153) granting an increase of pension to Martha E. Sanford—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16154) granting an increase of pension to John G. V. Herndon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16155) granting an increase of pension to John H. Barton—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 16156) for the settlement of claims of volunteer soldiers by the Court of Claims—to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 16157) granting an increase of pension to Charles W. Martin—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16158) granting an increase of pension to Levi M. Truit—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 16159) directing the Secretary of the Interior to inclose a return envelope with all pension vouchers—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.—to the Committee on Military Affairs.

Also, a bill (H. R. 16161) granting an increase of pension to Hart Echard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16162) granting an increase of pension to Charles Muller—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16163) granting an increase of pension to Nathan D. Chapman—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 16164) granting an increase of pension to Joseph McKnight—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 16165) granting an increase of pension to Francis L. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16166) granting an increase of pension to Charles P. Morrison—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 16167) granting an increase of pension to Edward J. Dillon—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 16168) for the relief of Isaiah Heylin McDonald—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 16169) granting a pension to William H. H. Rock—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 16170) granting an increase of pension to Charles W. Wood—to the Committee on Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 16171) granting an increase of pension to Sarah D. Tarver—to the Committee on Pensions.

Also, a bill (H. R. 16172) granting an increase of pension to Georgia A. Warren—to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 16173) granting an increase of pension to Allen Riggs—to the Committee on Invalid Pensions.

By Mr. WYNN: A bill (H. R. 16174) granting an increase of pension to Malek A. Southworth—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 16175) granting an increase of pension to Merrick D. Frost—to the Committee on Invalid Pensions.

By Mr. BARTLETT (by request): A bill (H. R. 16176) for the relief of the Georgia Railroad and Banking Company—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 16177) granting an increase of pension to E. C. Davidson—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 16178) granting an increase of pension to Elijah Pautall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16179) granting an increase of pension to Mary Tracy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of the Young People's Society of the First Church of the Covenanters of the City of Philadelphia, in favor of an international peace congress—to the Committee on the Judiciary.

By Mr. BADGER: Papers in support of bill H. R. 10460, granting an increase of pension to George W. Recob—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Papers to accompany House bill for the relief of Mrs. P. L. Marchant by granting her a pension—to the Committee on Invalid Pensions.

Also, petition of prominent citizens of Waterloo, Iowa, in behalf of a bill for a pension for James Mattingly, to accompany bill H. R. 4122—to the Committee on Invalid Pensions.

Also, petition of F. J. Edgar and others, of Eldorado, Iowa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Farley, Iowa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKMAN: Papers to accompany H. R. 15370, granting an increase of pension to Seth Phillips—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Resolution of Brooklin Grange, No. 251, Maine, urging passage of bill H. R. 10765, establishing a Bureau of Public Highways—to the Committee on Agriculture.

Also, papers to be filed with bill H. R. 13932, granting an increase of pension to John L. Thompson—to the Committee on Invalid Pensions.

By Mr. CURTIS: Petition of various citizens, asking for the enactment of a law to prevent discrimination by common carriers of passengers traveling between States on account of color—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Papers to accompany bill H. R. 15917, for the relief of Oliver P. Hughes—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Interstate Commerce Law Convention, held at St. Louis, Mo., October 28 and 29, 1904, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution of the New England Tobacco Growers' Association, in opposition to any changes in the present Dingley law—to the Committee on Ways and Means.

Also, resolutions of the Grand Camp of the Arctic Brotherhood, urging immediate legislation for an elective Delegate from Alaska—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. FULLER: Petition of the Interstate Commerce Law Convention, in relation to transportation charges by railway companies—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of heirs of Lewis Maukel, deceased, late of Knox County, Tenn., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: Petition in support of bill H. R. 9302, providing for untaxed denaturized alcohol, signed by C. L. Kites, of Springfield, Mass.—to the Committee on Ways and Means.

By Mr. GOEBEL: Papers to accompany bill granting a pension to Freeman G. Witherby, of College Hill, Ohio, late of the *Indianola*, United States Navy—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of citizens of Central Falls, R. I., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAMILTON: Resolution of Kalamazoo River Baptist Association, asking relief of distressing conditions in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HEMENWAY: Petition of W. S. Dassel and others, of Elberfield, Ind., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of the Epworth League and Christian Endeavor societies of Shenandoah, Iowa, for an international peace congress—to the Committee on the Judiciary.

Also, petition of locomotive engineers of Creston, Iowa, asking for pensions for engineers who served at the front during the civil war—to the Committee on Invalid Pensions.

By Mr. HOGG: Petition of citizens of Montezuma County, Colo., favoring the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. JACKSON of Ohio: Papers to accompany claim of Martha B. Doty for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of John Kirkpatrick for relief by a special pension act—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to John Klopfer—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Daniel Callow for a pension—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Bertha Weis for a pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Louisa Cochran—to the Committee on Invalid Pensions.

By Mr. JONES: Papers to accompany bill for relief of Peter J. Wise—to the Committee on War Claims.

By Mr. KETCHAM: Petition of the Christian Endeavor Society of Windham, Greene County, N. Y., for the establishment of an interstate congress for the abolition of war—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of First Baptist Christian Endeavor Society of Pittsfield, Mass., praying for the establishment of an international peace congress—to the Committee on the Judiciary.

Also, petitions of residents of Colrain, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. LILLEY: Papers to accompany claim of Mrs. Ellen

R. Graham for an increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for relief of William Smith, granting an increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Edward Root, of Norton Heights, Conn., for an increase of pension—to the Committee on Invalid Pensions.

Also, memorial of protest from the Woman's Christian Temperance Union of Mystic, Conn., against the classing of women with idiots, criminals, lunatics, and ignoramuses in a bill now pending before the House—to the Committee on the Territories.

Also, memorial of the Connecticut Baptist Convention, indorsing the memorial to Congress of the Rev. T. S. Barbour—to the Committee on Foreign Affairs.

By Mr. LITTAUER: Petition of members of the Presbyterian Church of Malta, Saratoga County, N. Y., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. LOUD: Petition of citizens of Michigan, favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. McCALL: Petition of people of Cambridge and Somerville, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of West Somerville Baptist Church, of Somerville, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. NEEDHAM: Resolution adopted by the board of directors of the Manufacturers and Producers' Association of California, September 28, 1904, favoring the improvement of the army quarters at the Presidio—to the Committee on Military Affairs.

By Mr. PORTER: Memorial of the Carnegie Steel Company, of Pittsburg, in favor of an exhibition of American railway appliances—to the Committee on the District of Columbia.

Also, memorial of the people of Pittsburg, for a 9-foot channel in the Ohio River—to the Committee on Rivers and Harbors.

Also, memorial of the Westinghouse Air Brake Company, in favor of an exhibition of American railway appliances in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RIXEY: Papers to accompany bill for the relief of Matthew McKown, of Alexandria, Va.—to the Committee on Invalid Pensions.

Also, papers to accompany bill for an increase of pension for Mrs. J. Moore—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Memorial of D. M. Hunter, to accompany bill H. R. 15880—to the Committee on War Claims.

By Mr. RYAN: Paper to accompany bill H. R. 15350, for the relief of George Taylor, alias George Parks—to the Committee on Invalid Pensions.

Also, resolution of the Grand Camp of the Arctic Brotherhood, urging immediate legislation for an elective Delegate in Congress from Alaska—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of the Interstate Commerce Law Convention, to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Petition of the Interstate Commerce Law Convention, for legislation extending the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Petition of W. C. York, of Paris, Tex., for payment for property confiscated by the Union Army in Missouri in 1861—to the Committee on War Claims.

By Mr. SHULL: Papers in support of House bill granting a pension to Elmer E. Frederick—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Hugo, Ind. T., asking for the location of a United States court at their town—to the Committee on the Judiciary.

Also, petition of the Interstate Commerce Law Convention, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. STERLING: Papers to accompany House bill granting an increase of pension to John Jewell—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 15952, for the relief of David B. Wacaser—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 15953, for the relief of William T. Gibbs—to the Committee on Invalid Pensions.

Also, evidence in support of House bill granting an increase of pension to Edward J. Lewis—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of the Brotherhood of Locomotive Engineers of St. Paul and Minneapolis, in favor of a pension for veteran engineers during civil war—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: Petition of Interstate Commerce Law Convention, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Interstate Commerce Law Convention, favoring enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the locomotive engineers of New York, asking pensions for veteran engineers who served at the front during the civil war—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Papers to accompany bill H. R. 14491, granting an increase of pension to Milton Selby—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Joseph W. Knight by granting him a pension—to the Committee on Invalid Pensions.

By Mr. THAYER: Petition of Mrs. W. H. Tyler, president of the Woman's Home Mission Society of Worcester, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. TIRRELL: Papers to accompany House bill for an increase of pension of Edward J. Dillon, Company G, Fourth New Hampshire Infantry—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of Dr. N. A. Southworth, for an increase of pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 9, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

HOLIDAY RECESS.

Mr. PAYNE. Mr. Speaker, I offer the following resolution for present consideration.

The SPEAKER. The gentleman from New York offers the following privileged resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock meridian, January 4, 1905.

The question was taken; and the resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. BINGHAM. I move you, sir, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15895) generally known as the "legislative, executive, and judicial appropriation bill."

Mr. SULLOWAY. Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULLOWAY. Under the rule for to-day bills on the Private Calendar are in order; but the Committee on Invalid Pensions have no desire to interfere here, and I ask unanimous consent that Monday next be substituted for the business in order to-day under the rule.

Mr. SULZER. Mr. Speaker, I ask for order. It is impossible to hear.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that Monday next may be substituted for to-day for the Private Calendar, the consideration of pension business. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, I want to suggest to the gentleman from New Hampshire that he alter the form of his request and make it so that it shall immediately follow the passage of this appropriation bill. It may be that you can take it up to-morrow.

Mr. SULLOWAY. But if you should occupy most of the day then we would not have time enough.

Mr. PAYNE. Let me suggest to the gentleman from Georgia we can fix that easily then, should there be any trouble between the two conflicting interests.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15895.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill. The gentleman from Pennsylvania is recognized.

Mr. BINGHAM. Mr. Chairman, I ask for a continuation of the reading of the bill.

The CHAIRMAN. The motion pending before the committee is the amendment proposed by the gentleman from Iowa, which the Clerk, without objection, will again report.

The Clerk read as follows:

Page 33, strike out lines 10 to 24 included.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Field force: For three examiners, at $2,200 each; four examiners, at $2,000 each; two examiners, at $1,800 each; one clerk, $1,800; one clerk, $1,700; one clerk, $1,200; six clerks, at $1,000 each; seven clerks, at $900 each; three clerks, at $840 each; two clerks, at $800 each; two clerks, at $600 each; one messenger boy, $480; in all, $41,000.

Mr. OLMSTED. Mr. Chairman, against that paragraph I make the point of order that it is in violation of clause 2 of Rule XXI of this House, which declares that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Upon that I should like to be heard.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. OLMSTED. I do not make this point in any opposition to the Civil Service Commission, or with any reference to the merits or demerits of the present so-called "merit system." I have been satisfied with the bill down to this paragraph and have voted for it, but I make this point in the interest of economy and of orderly proceeding under the rules of this House. I maintain that this paragraph violates both the provisions of the rule which I have read and that it will merely add to the expense without in any way affecting the efficiency of the service.

In the first place, it is not authorized by existing law. The act of 1883, creating the Civil Service Commission, authorizes it to employ only these persons: A chief examiner, a secretary, and, when necessary, a stenographer and a messenger.

Mr. LIVINGSTON. Mr. Chairman, may I suggest to the gentleman that this very clause cuts out twenty-five examiners in current law, and therefore reduces the expenses that much?

Mr. OLMSTED. Then in cutting them out it violates the existing statute law and the House rule I have cited. But it does not cut out any examiners whatever. On the contrary, this and the succeeding paragraph create fifty-six entirely new clerkships, at an aggregate expense of $67,240, to do work now done in the post-offices and revenue collectors' offices at no expense whatever.

As I have said, the act creating this commission, and the only act upon the subject, authorizes simply the appointment by the commission of four employees. Now, it is true that by subsequent appropriations that number has been increased, and to the extent that it has been so increased, or that it is increased in the appropriation bill for this current year, and may therefore possibly be held as authorized by existing law, that increased force is probably all right. It is involved in the paragraph which we have already passed, appropriating for 105 employees instead of the original four. But this paragraph for "field force" is entirely new. It is not authorized in the act of Congress creating the commission nor in any appropriation heretofore provided. It comes before us here for the first time. Therefore I maintain that it is not authorized by existing law. It is not an appropriation "in continuation of any public work or object," for, as that phrase is used in the rule, it has been determined on more than one occasion that it applies only to tangible work, and not to any of the departments or branches of the Government service.

Nor is this Civil Service Commission an Executive Department within the provisions of various statutes which enable Congress to appropriate for additional clerks from time to time. The Departments within that authority are expressly defined in the statute itself to be the Executive Departments of the Government—namely, those Departments which are presided over by Cabinet officers. This may be seen by reference to sections 158, 159, and 160 of the Revised Statutes. So I maintain that this appropriation is not authorized by existing law and violates the first part of that rule.

Secondly, it changes existing law. Now, it provides a so-called "field force" of thirty-three employees. For the purpose to which they are to be devoted we must rely and do rely with entire confidence upon the carefully and conscientiously prepared official statement of the Committee on Appropriations and presented by my capable, distinguished, and courteous friend [Mr. BINGHAM] in charge of the bill. You will find on page 3, in the second paragraph, under the caption "Civil Service Commission," that this particular paragraph appropriates for thirty-three employees, with salaries aggregating $41,000, "for the field force of the commission, the same being in lieu of persons now detailed from other branches of the public service." And the very next paragraph, against which I shall make the same point, provides for twenty-three more, to cost $26,240. In other words, these thirty-three persons and the other twenty-three persons are to take the places of those persons who now, under the law, conduct these examinations at no expense whatever to the Government.

Now, what is the law on that subject? Turning again to section 3 of the act of 1883, in volume 22 of the United States Statutes at Large, we find this, beginning near the top of page 405, in the fifth line:

The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected. Such boards shall meet where convenient.

And so forth. Now, that is the act of Congress upon this subject. The commissioners "shall" designate those persons to conduct these examinations. We all know that in practice the persons so designated are clerks and deputies in local post-offices and in the offices of United States internal-revenue collectors, and the only duties they have to perform are to get the applicants together, hand them the written list of questions sent from Washington, and see that the written answers of the applicants are guarded and returned to the commission at Washington. That service is performed without cost to the Government and without the slightest disarrangement of the other service in the other departments, precisely as the act of Congress intended that it should be.

This appropriation provides for thirty-three clerks in the one paragraph and twenty-three in the next, not to be designated from those local offices, as the existing law requires, but appointed by the Civil Service Commission itself to conduct that work. I say, therefore, that it changes and violates the provisions of existing statute law. I do not believe that this by no means difficult service, which, divided around among the local post-office and revenue collectors' clerks throughout the country, does not require upon the average as much as one hour in a year of their time, would be any better performed by an entirely new corps of fifty-six clerks, at an added annual expense of $67,240. I therefore insist, Mr. Chairman, upon the point of order, which I submit to you is well taken.

Why, if it did no more than to change the word "shall," it would violate existing law under the previous rulings of the House, as you will find in Mr. Hinds's Book of Parliamentary Precedents, section 562. But this goes further and repeals entirely the provision of the existing act of Congress which says that the commission shall do these things and substitutes an entirely different method, and provides for thirty-three additional employees, at an additional expense to the Government of $41,000.

Mr. LITTAUER. Mr. Chairman, I desire to maintain that the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] is not well taken. This field force is now in actual existence. The work is now being performed and performed under law. If this provision be retained it will make no change in the force as it is now employed. If this provision should not be retained in this bill, the work would go on just as it has been going on under law. It is not a new force. The Civil Service Commissioner stated that this force was practically formed immediately after the civil-service law went into effect in 1883,

but during the last two years it has been systematized. No matter whether this goes into the law or not, the force will be maintained. It is now maintained under the fundamental law.

Outside of the technical point of violation of the House rules, the gentleman referred to the matter of economy, stating that these clerks are simply for a temporary duty, and that there is no cost to the Government when they are detailed for this work, against which we have the constantly repeated testimony of the heads of Departments that they can not spare the clerks for this purpose, that the time of these clerks is needed in the systematic work of their Departments, and is diverted to civil-service work to the detriment of the Departments. These clerks have to devote themselves not only to covering all the questions that come from applicants and to giving information concerning examinations, but they have to carry on the examinations and make certification for appointments. This measure is one of economy; it facilitates the transaction of business and insures uniformity and fairness. I feel confident that the design of the Civil Service Commission here is to better the service and perfect its work, and in that way it deserves the support of Congress.

Mr. BINGHAM. Mr. Chairman, I have no desire to take much time in the consideration of the proposition submitted by the gentleman from Pennsylvania [Mr. OLMSTED] and the position taken by the gentleman from New York with reference to what is called the "field force" in this paragraph. I am disposed to think that perhaps the question submitted by the gentleman from Pennsylvania is certainly a fair one for the consideration of the Chair, but I feel in justice to the proposition contained in this bill covering the paragraph of the civil service that we have proceeded on the line suggested by General Black, the chairman of the commission. There might be some reason for a plea for the reorganization of the commission in order and for the purpose that in the future there should be a wiser, better, and safer administration of that service than now runs. But the chairman of the commission submits his scheme. We have followed his new scheme word for word and given him the appropriation he asked for, for which he gives us back the men detailed from the Departments here in Washington into the Civil Service Commission, the men detailed for that work from the Post-Office Department, the Internal Revenue, and other Departments, with the promise that he will make no call in the future under the general provisions of the organization of the commission, made, I think, in 1883, which gives him the right to call upon any Department of the Government for such subordinate force as may be required.

Under the statute he can go to any Department of the Government and make an unlimited appeal for any subordinate force he desires, a privilege which is accorded no other branch of the public service. He says that the clerks sent him are the indifferent class of clerks and not of high order, rather than those he would select, which would be of the more experienced and efficient. If he could select his own subordinate force for all the commission's service he would make better administration. We concede that. In other words, we concede that there will be a better administration under these provisions of the bill as we present it to the House than he now works under, and as it is a statute, your Committee on Appropriations desires that statute to be carried out to the wisest and best conclusion in administration. The contention, however, as to the point of order, I leave upon the ground the gentleman from New York [Mr. LITTAUER] has placed it.

Mr. GILLETT of Massachusetts. Mr. Chairman, may I add just a word upon the point of order? I think it must be admitted, as the gentleman from Pennsylvania [Mr. OLMSTED] said, that under the general law by which clerks are appointed this section of the bill could be sustained, because, as I read the statute, it seems to me clear that the Civil Service Commission would not come under the designation "head of a Department;" but the gentleman read from the civil-service law a part of a sentence and he did not complete it. It seems to me that under that full sentence this might be maintained, and I would like to read it to the Chair.

> The commission shall, at Washington and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the Department or office in which such persons serve, to be members of the board of examiners.

That is as far as the gentleman from Pennsylvania [Mr. OLMSTED] read. Now, the sentence goes on as follows:

> And may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected.

Now, under that clause there are persons now engaged in the service. All this appropriation does is to specifically provide for a certain number of persons. That same number is in the service now. The commission under this law have the right to substitute anyone they please for the person now in the service; and therefore why can not we provide for this as we do by this bill, and why can not they substitute them under that clause of the law?

The CHAIRMAN. The Chair is ready to rule. A paragraph on page 34 of the bill provides for a "field force," designating a certain number of employees and fixing their salaries. The gentleman from Pennsylvania [Mr. OLMSTED] makes a point of order against this paragraph and invokes in support of it clause 2 of Rule XXI, as follows:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The first question to determine, therefore, is whether or not the expenditures included in this paragraph have been previously authorized by law. It seems very clear to the Chair, without undertaking to read at length the provisions of the act creating the Civil Service Commission, that there is no provision in that act which would authorize this expenditure. The only other authority cited to authorize it is a provision in the Revised Statutes, section 169, Title IV, which provides:

> Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

If the Civil Service Commission were an Executive Department under the law, the point of order would have to be overruled. But is it such Department? Section 158 of this same title provides as follows:

> The provisions of this title shall apply to the following Executive Departments:
> First. The Department of State.
> Second. The Department of War.
> Third. The Department of the Treasury.
> Fourth. The Department of Justice.
> Fifth. The Post-Office Department.
> Sixth. The Department of the Navy.
> Seventh. The Department of the Interior.

And section 159 provides:

> The word "Department" when used alone in this title and Titles V, VI, VII, VIII, IX, X, and XI means one of the Executive Departments enumerated in the preceding section.

So it seems very clear to the Chair that this paragraph of the bill can not be justified under the provisions of those three sections of the Revised Statutes. The only other suggestion made to justify the appropriation, if the Chair rightly understood the gentleman from New York [Mr. LITTAUER], was that such a force as is mentioned in the paragraph is already in existence, having been provided for from time to time by appropriation bills; but over against the provisions of the appropriation bills stand the provisions of the statute which do not authorize such a force and the provisions of Rule XXI, section 2, which requires for the creation of such a force a provision of law. The enactment of an appropriation bill is not a provision of law any more than for the current year, and it gains no force by having been repeated for two or three or any number of succeeding years. Therefore, without discussing at length the second proposition, the Chair is very clearly of the opinion that the point of order is well taken. The Chair sustains the point of order.

The Clerk read as follows:

> Rural carrier examining board: For one examiner, $2,000; one clerk, $1,800; one clerk, $1,600; three clerks, at $1,400 each; five clerks, at $1,200 each; five clerks, at $1,000 each; four clerks, at $900 each; one clerk, $840; one messenger, $840; one messenger boy, $360; in all, $26,240.

Mr. OLMSTED. Mr. Chairman, against that paragraph I make the same point of order, and, unless the Chair desires to hear further, ask unanimous consent that I may be considered as having made the same argument.

The CHAIRMAN. The Chair sustains the point of order, in accordance with the ruling just made as to paragraph as to the "field force."

The Clerk read as follows:

> During the fiscal year 1906 it shall not be lawful to detail clerks or other employees from the Executive Departments or other Government establishments in Washington, D. C., to the Civil Service Commission for the performance of duty in the District of Columbia.

Mr. MADDOX. Mr. Chairman, we can not hear what the decision of the Chair has been on any of these points. I suppose that the point of order has been sustained. Is that true?

The CHAIRMAN. It has been sustained.

Mr. MADDOX. It is impossible to hear.

Mr. BINGHAM. Mr. Chairman, I desire to raise the point of order on this paragraph that it is new legislation, and therefore subject to the point of order which has just been ruled upon.

The CHAIRMAN. The Chair sustains the point of order; it is clearly new legislation.

Mr. MANN. It is only a limitation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. It is plainly only a limitation on an appropriation bill confined to the fiscal year 1906. It has been ruled repeatedly in similar cases that it is not subject to the point of order.

The CHAIRMAN. The Chair will say in answer to the gentleman from Illinois that this is clearly positive legislation. "That it shall not be lawful to detail clerks or other employees, etc.," which is now lawful under existing law, and the statement that it is merely a limitation does not strike the Chair at all.

Mr. LIVINGSTON. Mr. Chairman, I make the point of order that we can not hear the Chair.

The CHAIRMAN. The committee will be in order.

Mr. LIVINGSTON. Has the Chair ruled on the point of order made by the gentleman from Pennsylvania?

The CHAIRMAN. Yes.

Mr. LIVINGSTON. How was the ruling?

The CHAIRMAN. The Chair sustained the point of order.

Mr. MANN. If the Chair will permit me, I quite agree with him in his decision, but in his decision he has overruled a number of decisions made at the last session of Congress.

The CHAIRMAN. The Chair is very sorry for that, but thinks the Chair is right.

Mr. MANN. I think he is right, too.

The Clerk read as follows:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $4,500 each; chief clerk, $3,000; assistant solicitor of the Department of State, to be appointed by the Secretary of State, $3,000; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; eight chiefs of bureaus, at $2,100 each; two translators, at $2,100 each; additional to chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; twelve clerks of class 4; eight clerks of class 3; fourteen clerks of class 2; twenty-eight clerks of class 1, one of whom is to be a telegraph operator; five clerks, at $1,000 each; twelve clerks, at $900 each; chief messenger, $1,000; two messengers; sixteen assistant messengers; packer, $720; four laborers, at $600 each; and for temporary typewriters and stenographers to be selected by the Secretary, $2,000; in all, $177,920.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In various places in the bill I see the provision is here, twelve clerks of class 4, eight clerks of class 3, fourteen clerks of class 2, twenty-eight clerks of class 1, and the compensation is not stated. I presume there is some general provision, and if so I would like to have it stated by the gentleman in charge of the bill.

Mr. BINGHAM. In what respect?

Mr. PERKINS. What does the clerk of class 2 get?

Mr. BINGHAM. Does the gentleman simply desire to know whether the law fixes the compensation?

Mr. PERKINS. I want to know what it is.

Mr. BINGHAM. Eighteen hundred dollars is the compensation of a fourth-class clerk.

Mr. PERKINS. What is the compensation of a first-class clerk?

Mr. BINGHAM. The compensation ranges from twelve hundred dollars, fourteen hundred dollars, sixteen hundred dollars to eighteen hundred dollars.

Mr. PERKINS. That is fixed by general provision.

Mr. BINGHAM. Yes; and that is what we follow just in that form.

The Clerk read as follows:

Office of chief clerk and superintendent: For chief clerk, including $300 as superintendent of Treasury building, $3,000; assistant superintendent of Treasury building, $2,500; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $2,000; assistant inspector of electric-light plants and draftsman, $1,600; five clerks of class 4; additional to one clerk of class 4, as bookkeeper, $100; four clerks of class 3; three clerks of class 2; four clerks of class 1 (one as librarian); one clerk, $1,000; one messenger; two assistant messengers; storekeeper, $1,200; telegraph operator, $1,200; telephone operator and assistant telegraph operator, $1,200; chief engineer, $1,400; three assistant engineers, at $1,000 each; six elevator conductors, at $720 each; three firemen; five firemen, at $650 each; coal passer, $500; locksmith and electrician, $1,400; captain of the watch, $1,400; two lieutenants of the watch, at $900 each; fifty-eight watchmen; six special watchmen, at $720 each; foreman of laborers, $1,000; skilled laborer, male, $840; wireman, $900; two skilled laborers, male, at $720 each; twenty-six laborers; ten laborers, at $500 each; laborer, $480; two laborers, at $360 each; eighty-seven charwomen; foreman of cabinet shop, $1,500; draftsman, $1,200; assistant draftsman, $1,200; ten cabinetmakers, at $1,000 each; cabinetmaker, $720; carpenter, $1,000; carpenter's helper, $660. For the Winder Building: Engineer, $1,000; three firemen; conductor of elevator, $720; four watchmen; three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator; laborer, $480; and six charwomen. For the Cox Building, 1709 New York avenue: Three watchmen-firemen, at $720 each; and one laborer; in all, $184,020.

Mr. MADDOX. Mr. Chairman, I move to strike out the paragraph. What I desire to call the attention of the committee to under this head is this: Is this an additional employment exhibited in your report? I see you recommend one assistant bookkeeper, at $2,000; one clerk, at $1,200; three expert counters, at $900; one expert counter, at $800; five expert counters, at $700. Are those additional employees now in the Treasury Department? I am now looking at the report on bottom of page 3.

Mr. BINGHAM. I would state that the Treasurer of the United States in his hearing before your committee submitted this as a necessary increase, in order not only to facilitate the work, but because of large additions to his work. I submit to the gentleman that this appropriation, under the general statute, is paid by the national banks. There has not been any exception filed as to whether there has been any extravagance on the part of the Treasurer in administering the statute. He charges these items against the national banks, and your committee, in view of that, have reached the conclusion that as there has been no objection from the national banks, and as your committee believe the Treasurer is a careful administrator, with his long experience, his high standing as a man, they are willing to accept his recommendation.

Mr. MADDOX. Now, will the chairman of the subcommittee do me the kindness to show me where in this bill this provision is made for these new employees. We were told yesterday about your italicized amendments; in other words, increases, by which they could be easily discovered——

Mr. BINGHAM. If the gentleman will find the index, which probably he has before him——

Mr. MADDOX. I can not pick them out of these appropriations. I can not tell this from the other ones.

Mr. BINGHAM. The gentleman will find on pages 48 and 49 of the bill indicated in the index, if he will read it, this paragraph, and he will also find——

Mr. MADDOX. As a separate and distinct paragraph?

Mr. LITTAUER. That report referred to the office of the Treasurer. If you turn to the bill, on page 48, you will there find a large caption, "Office of the Treasurer," and then of "Chief Clerk;" then, on the other page, for the force employed in the redemption of national currency to be reimbursed by the banks, and then it goes on and names the force.

Mr. MADDOX. There are other employees there, too. There is nothing there to indicate or call attention to anything that is done in the bill. It is impossible for a man to find out what is done. I do not propose to make a point of order against it if the committee is satisfied the Treasury needs it.

Mr. BINGHAM. We have tried to make it clear in the bill and index.

Mr. MADDOX. If the gentleman had accepted my proposition, that you put in italics the changes you propose, so that we could see what they are, that would be all right. I do not want to object to these things if they are necessary and the Government needs them; but I would like to know what they are.

Mr. BINGHAM. As one member of the committee, I am willing at all times to hear the gentleman's fair criticism.

The Clerk read as follows:

Division of customs: For chief of division, $2,750; assistant chief of division, $2,000; five law clerks, at $2,000 each; three clerks of class 4; one clerk of class 3; two clerks of class 2; four clerks of class 1; four clerks, at $1,000 each; one clerk, $900; and two assistant messengers; in all, $35,690.

Mr. MARTIN. Mr. Chairman, I move, on page 40, in line 3, to strike out "one" and insert "two," so that it will read "two clerks of class 3." I will say in explanation——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 40, line 3, strike out "one" and insert "two."

Mr. MARTIN. This is for the purpose of making provision in the customs division for a clerk who has been long employed there by detail from the Office of the Supervising Architect. I have a letter from the Secretary of the Treasury covering the subject. It is part of the effort to have clerks actually working in the bureau or division where they are assigned. The recommendation is made by the Secretary of the Treasury, on page 27 of the Books of Estimates, but it was dropped out by the committee. I will say in this connection, Mr. Chairman, that when the

item is reached covering the Supervising Architect's Office I will move to reduce the sum there allowed an equal amount.

Mr. BINGHAM. Did you say that this was recommended by the Secretary in the estimates?

Mr. MARTIN. I did.

Mr. LITTAUER. You can not execute your latter proposition, because it is not in this bill.

Mr. MARTIN. It is at the bottom of page 43 of the bill.

Mr. LITTAUER. All there is respecting the Supervising Architect in this bill is his own salary and messenger. The clerical force is not carried here.

Mr. MARTIN. There is a limitation of $350,000 put upon the clerical force.

Mr. LITTAUER. That is simply to take care of the public buildings being erected, and we propose when we get to that place to reduce that sum $100,000.

Mr. MARTIN. I do not know about that, but I take it for granted it is provided for in this bill, and if not I propose to take out one clerk wherever it may be found in the provisions of the bill.

Mr. LITTAUER. I do not think that can be done, because it is not provided in this bill.

Mr. MARTIN. Then I propose to do it in whatever bill it may be provided for. There is certainly a way to reach this.

Mr. BINGHAM. Mr. Chairman, we have presented to this House a bill reducing the estimates submitted to the Congress in the general budget over $800,000. The gentleman says that he has a letter from the Secretary of the Treasury covering this one clerk that he claims the committee has failed to provide for in the form recommended in the Book of Estimates. If we take the Book of Estimates, which comes through the Secretary from the respective Departments of the Government in the form that he sends them to Congress, and we were not to reduce or change certain clerks as contained in the estimates, we would not be able to make any of the reductions suggested by the Department. Your committee have had the officers of the Treasury Department, selected by themeslves, before the committee to make exhibit of their wants under the estimates. Your committee heard them fully and fairly, without knowledge of who would be affected by the reductions proposed in the budget, and we have given every reasonable increase that was submitted to the committee by the officials of the Treasury as put before the committee by the Department itself, and of course wherever there is a reduction here or there made by the committee by which some one will not be provided for in this bill, he will have some friend who will appear on this floor and ask that the reduction be not made. I ask the House to stand by the committee or else run the entire line through. Let us not provide for some who are sure to have friends on the floor of this House. In the reductions we have made in this bill we have tried to be fair to the administration of the several bureaus and yet respond to every request possible of the Department, but we have cut the estimates $800,000, making a saving of over $200,000, and we should not be required to submit to an increase of the total among the subordinate force employed in the Departments.

Mr. MARTIN. Mr. Chairman, no exception can be taken to the remarks of the honorable gentleman in charge of the bill, but it seems to me that they hardly apply to this precise situation. It is not a question of reduction or increase of force to any extent. It is a question of having in the customs division, where this clerk is employed, an allowance covering his employment there, so he can be permanently assigned there, or have him continue to be detailed from another division.

The purpose of the Secretary, in the recommendation, and my purpose in making the motion for the amendment, is not to increase the number of clerks in the Treasury Department at all. I was of the impression, when I offered the amendment, that the counter item which could be reduced was in this bill. The gentleman in charge of the bill says not; but that does not relieve the situation in any event. Whenever that is reached by the Committee on Appropriations or by this House, a corresponding deduction can be made in the allowance for that particular division in the office of the Supervising Architect. The fact remains this way, that here is a clerk absolutely essential to the work of this customs division, and who is kept there right along. It is contrary to the policy of the law to have these details. The Secretary has requested one more of this class for the very purpose of having the clerk employed in the particular division where the law would direct his employment. And it is a very easy matter for the Appropriations Committee, when they come to the item providing for the clerkships in the Supervising Architect's Office, if it is not done in this bill, as I supposed it was, to make the corresponding deduction there.

Mr. BINGHAM. Mr. Chairman, I want to make my few remarks as general as possible, and I think I have done so in my first statement; but in reply to the gentleman himself I will say, the Secretary, having detailed this subordinate to the Supervising Architect's Office, can, by one stroke of his pen, order him back. One stroke of his pen put him there; one stroke of his pen can bring him back to his customs work.

We have had a reexamination in respect to the Supervising Architect's Office, and the statement is submitted that he has in effect almost completed the many requirements of his office, there being perhaps 40 per cent of work remaining to be done. We are going to change the verbiage of this bill—and I purposely make this statement a general one, because I am not looking at the particular paragraph in the bill—reducing it from one hundred thousand to one hundred and twenty-five thousand dollars below the amount it has heretofore carried and below the amount carried in current law. We carried the same amount in the printed copy of this bill as reported, but by the reexamination we see that a reduction of over $100,000 will be justified. Whether that clerk desires to go back to his work, or whether he knows that the legislative bill reduces and cuts close the Architect's office force, I do not know; but the power of the Secretary is absolute. He put this clerk there—he can take him back; and when he takes him back he will be doing what we have been trying to do all through this bill, which is to provide that when we appropriate for a division or a bureau of any of the Departments of the Government the clerks that appear in this bill shall appear at their desks in that particular division of the Government, the very division of the Government to which this bill appropriates. If we can accomplish that, we will accomplish something in the interest of better administration, keeping a clerk where he is valuable and not sending him to a division of the Government in which he has no familiarity with his assigned work.

Mr. PRINCE. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. BINGHAM. Certainly.

Mr. PRINCE. Mr. Chairman, I find in the paragraph under discussion that the Secretary of the Treasury asks for an additional clerk at $1,800. You granted him his request by this bill, did you not?

Mr. BINGHAM. I think so.

Mr. LITTAUER. Yes.

Mr. PRINCE. Did he ask for any more help than the one clerk you gave him?

Mr. BINGHAM. There was nothing special asked for. This case was not referred to.

Mr. PRINCE. This case that is now under discussion. If he had wanted this man or an additional clerk, is it not quite likely that he would have asked for him at that time?

Mr. BINGHAM. He had the man. The man was detailed by his order, and the same authority that transferred him can put him back.

Mr. PRINCE. Then there seems to be no pressing necessity for adding two clerks to this list?

Mr. BINGHAM. None.

Mr. LITTAUER. I would like to amplify by a single word. First, we had the Assistant Secretary of the Treasury before us. He dwelt particularly on every one of the increased force that he desired, and he omitted anything except casual reference to this matter. But I am particularly pleased that this little discussion has brought out what I think is a violation of the spirit of this law of detail.

The Supervising Architect comes before us and asks for a sum of money in order to have a proper detail to carry on the work of his office, in building public buildings throughout the country. We give that in a lump sum; it is charged against the buildings authorized by law, and yet a part of that money is diverted to send a clerk into the division of customs, and thus calls attention to one of the worst practices of the administration of our Departments.

Mr. MARTIN. Mr. Chairman, if I may be indulged a moment, there is evidently a misapprehension about the facts in this case, particularly disclosed by the remarks of the gentleman from Illinois [Mr. PRINCE] and the gentleman from New York [Mr. LITTAUER].

In answer to the question by the gentleman from Illinois the gentleman in charge of the bill says that the Secretary of the Treasury in his estimates made no request for this item.

Mr. BINGHAM. Oh, no.

Mr. PRINCE. No; he asked for the estimate and it was granted.

Mr. MARTIN. I beg the gentleman's pardon; the $1,800 clerk to which the gentleman from Illinois refers is a different

item altogether from the one mentioned. It is a different item altogether, and it is not, as replied by the chairman of the committee, a matter not requested by the Secretary of the Treasury. The Secretary of the Treasury in his estimates made a request for one $1,800 clerk to cover the case of a detail of an $1,800 clerk working in the division of customs from the office of the Auditor for the Interior Department. That was granted by the committee. He also made a request for the item to which I am referring, a separate and distinct item altogether. It will appear on page 27 of the Book of Estimates under the head of "two clerks, class 3, one additional," giving the item. That was not allowed by the committee, and that is the item to which I am referring.

The letter of the Secretary in part upon the subject refers to this particular case, and says that he is assigned for duty to the division of customs from the Supervising Architect's Office.

Mr. LITTAUER. Is the letter that the gentleman is reading from addressed to him personally?

Mr. MARTIN. Yes; but you may have access to it. I brought this matter to the attention of the gentleman's associate on the subcommittee [Mr. GILLETT of Massachusetts], and handed him the letter. The item in the bill came so suddenly that it became necessary for me to take the floor at once. Now, he says in the letter that this man is upon the roll of the Architect's Office, that "he is assigned to duty in the division of customs, where his services are absolutely needed in the performance of work which has ordinarily been done by a $1,600 clerk. To the end that all the clerks working in the division of customs be carried on the rolls of that division, a recommendation was made in the estimate of appropriations for 1906, page 27, for an additional clerk of class 3. This recommendation was not approved by the Committee on Appropriations, as you will perceive by reference to the legislative, judicial, and executive appropriation bill as reported to the House."

Now, the item that was approved by the committee was the request for an $1,800 clerk; that is, in class 4, and covers the case of the clerk from the office of the Auditor for the Interior Department. The item that the committee seems to have overlooked, or not to have granted, was the other item, and the one to which I am now referring, to cover the case of an assignment from the Architect's Office to this particular work where this clerk is engaged, and who the Secretary himself says is indispensable to the work of the customs division.

Mr. BINGHAM. How long has he been detailed there

Mr. MARTIN. Over a year. It is to carry out the design of Congress on this subject to have clerks actually upon the roll of the division where they are at work. It seems to me if a clerk is absolutely needed in one place and not needed in another the policy of the committee and of the Congress ought to be to have such provision made as that he may be permanently employed in the Department where his services are required.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Without objection, the gentleman's time will be extended for five minutes. The Chair hears no objection.

Mr. MARTIN. Mr. Chairman, it should be said in this connection that the particular clerk on the Architect's roll is in class 2. He is doing work in the customs division which has been habitually done by a clerk in class 3, as the Secretary especially says in that clause of his letter.

Mr. LITTAUER. Now, will the gentleman permit me to read the words of the law in the appropriation made for the Supervising Architect's bureau or office? The law reads as follows:

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyist, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings.

Despite that provision of the law, a transfer is here made to the clerical force of the division of customs. The Assistant Secretary of the Treasury, who came before us—and I would here state the work of the committee in connection with the Treasury estimates was as thorough, I believe, as any of the work that committees ever performed—dwelt particularly on the necessity of making permanent the detail of this $1,800 clerk. He said he was a man of ability, specially qualified to care for card catalogues—a card-catalogue expert. No mention whatever was made of the detail now under consideration. Whether or not the Secretary had in view that this particular detail was made contrary to the spirit of the law, I do not know; but he gave us no information whatever about this detail. Now, this unofficial letter from the Secretary is the first word that we have had concerning it.

Mr. MANN. Mr. Chairman, will the gentleman yield for a moment? Is this man now carried on the Architect's roll under a similar provision in the appropriation act that is in this bill in reference to the Architect's office?

Mr. LITTAUER. Evidently, yes.

Mr. BINGHAM. Oh, no. The Architect's office is a bulk sum.

Mr. LITTAUER. The chairman of the committee suggests that the Architect's appropriation is a bulk sum appropriated exclusively to carry into effect the various appropriations for public buildings.

Mr. MANN. The provision in this bill states that it shall be paid from and equitably charged against the appropriations for public buildings. Now, do I understand that the Architect out of this sum employs a man and pays him from the appropriation made for public buildings and then turns him over to the customs division of the Government?

Mr. LITTAUER. Yes.

Mr. MANN. Well, he ought to be removed from office if he does that.

Mr. LITTAUER. He does it under the order of the Secretary, and that is what we are trying to break up.

Mr. MANN. Then, if the Secretary is blamable, I apologize to the Architect, but some action ought to be taken in this bill to prevent it.

Mr. BINGHAM. We are doing everything possible in this bill, and this is the first objection to our line of policy.

Mr. MANN. Why, we make provisions for public buildings and nearly every place comes to Congress asking for an increase of appropriations, and here we find that the money is diverted from the public buildings into the customs division, where they have annually a permanent appropriation.

Mr. BINGHAM. I will say to the gentleman from Illinois [Mr. MANN] that his criticism is not fair. We are trying to correct what we think is a very unwarranted action under the law.

Mr. MANN. I quite agree with the committee, except that I wish they would go a little further and at least provide by this bill that when the transfers are made they shall be reported in each individual case to Congress.

Mr. LITTAUER. Mr. Chairman, that is already done in the Book of Estimates.

Mr. MANN. In the Book of Estimates? Oh, very well.

Mr. LIVINGSTON. Mr. Chairman, I make the point of order that the debate on this paragraph is exhausted.

The CHAIRMAN. The time of the gentleman from South Dakota has expired, and the gentleman from Georgia [Mr. LIVINGSTON] makes the point of order that debate on this paragraph is exhausted. The Chair sustains the point of order.

The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1906, shall not exceed $350,000; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Mr. BINGHAM. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 43, in line 25, strike out the words "three hundred and fifty" and insert in lieu thereof the words "two hundred and twenty-five."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Office of Auditor for Interior Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; nine clerks of class 4; sixteen clerks of class 3; twenty-eight clerks of class 2; twenty-eight clerks of class 1; sixteen clerks, at $1,000 each; fourteen clerks, at $900 each; one assistant messenger; four skilled laborers, at $720 each; six laborers; and one female laborer, $600; in all, $165,860.

Mr. BURKE. Mr. Chairman, I ask unanimous consent that this paragraph be passed, without prejudice, for the purpose of

discussing the matter with the members of the committee with a view to have——

Mr. BINGHAM. There is no objection to that if you desire to pass it temporarily without prejudice.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the paragraph just read be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

Office of the Comptroller of the Currency: For Comptroller of the Currency, $5,000; Deputy Comptroller, $3,500; chief clerk, $2,500; three chiefs of division, at $2,200 each; eight clerks of class 4; additional to bond clerk, $200; stenographer, $1,600; thirteen clerks of class 3; fifteen clerks of class 2; eleven clerks of class 1; fourteen clerks, at $1,000 each; engineer, $1,000; thirteen clerks, at $900 each; one messenger, four assistant messengers; one fireman; three laborers; in all, $121,920.

Mr. BARTLETT. Mr. Chairman, I desire to make the point of order upon the provision contained in line 16, on page 50, where the Deputy Comptroller's salary is increased from $3,000 to $3,500. The law, as it now stands, is that his salary is $3,000. This bill provides for a salary of $3,500.

Mr. BINGHAM. I recognize the gentleman's right under the rule. Wherever there has been an increase the gentleman has the right to call for the current law.

The CHAIRMAN. Does the gentleman from Pennsylvania state this to be an increase?

Mr. BINGHAM. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. Then I move to amend by making it $3,000 instead of $3,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 16, page 50, strike out the words "thirty-five hundred" and insert the words "three thousand."

Mr. BINGHAM. Mr. Chairman, I understand you sustained the point of order. Then, as a committee amendment, I move that in lieu of the $3,500 there shall be inserted the current law, $3,000. Otherwise the gentleman's amendment wipes out the compensation entirely.

Mr. BARTLETT. I did not propose to do that.

Mr. BINGHAM. I recognize that. I ask that as a committee amendment.

Mr. BARTLETT. I said I proposed to incorporate the present law in the bill.

Mr. BINGHAM. Mr. Chairman, at this time I would ask that the Clerk, as we run through the bill, should the increases we have made be ruled out on a point of order, have authority to insert the current law and also to correct the totals.

The CHAIRMAN. Without objection, it will be so ordered.

The question is on agreeing to the amendment proposed by the gentleman from Georgia and the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

OFFICE OF ASSISTANT TREASURER AT CHICAGO.

For assistant treasurer, $5,000; cashier, $2,500; vault clerk, $1,800; paying teller, $1,800; assorting teller, $1,800; silver and redemption teller, $1,800; receiving teller, $1,700; clerk, $1,600; two bookkeepers, at $1,500 each; assistant paying teller, $1,500; four coin, coupon, and currency clerks, at $1,500 each; twenty-six clerks, at $1,200 each; one detective and hall man, $1,100; messenger, $840; stenographer, $900; janitor, $600; and three watchmen, at $720 each; in all, $65,300.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

Mr. BINGHAM. On what page of the bill?

Mr. MANN. On page 61. I move in line 6 to strike out the words "one thousand eight hundred" and insert "twenty-two hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, in line 6, strike out the words "one thousand eight hundred" and insert in lieu thereof the words "twenty-two hundred."

Mr. BINGHAM. Mr. Chairman, I make the point of order, but I desire to listen to the gentleman.

Mr. MANN. Now, Mr. Chairman, I have the most high respect for the subcommittee of the Committee on Appropriations which prepares this bill, and for its distinguished chairman, and I realize the difficulties which the committee is under in making these appropriations. The business at the subtreasury in Chicago is larger than the business of the subtreasury at any other place except New York. I select this particular position for the purpose of bringing this matter before the committee, although both the assistant subtreasurer and the Secretary of the Treasury in making the estimates have recommended not only this increase in salary, but a number of other increases in salary.

Mr. BINGHAM. If you will permit me right there. Does not the Book of Estimates show an increase of salary? It is now $1,800 and the gentleman asks $2,250 in his amendment.

Mr. MANN. Twenty-two hundred dollars.

Mr. BINGHAM. Does not the Book of Estimates exhibit $2,000?

Mr. MANN. The Book of Estimates exhibits $2,200. I have the Book of Estimates before me.

Mr. BINGHAM. What clerk is it?

Mr. MANN. The paying teller.

Mr. BINGHAM. I thought it was the vault clerk.

Mr. MANN. Now, in the city of Boston, distinguished at present both because of its being the center of all educational refinement and under the control of the shoe trust [laughter]—in the city of Boston, which does not have in its subtreasury one-fourth of the business done in the subtreasury of the city of Chicago, the paying teller receives a salary of $2,500 a year. In the city of New Orleans, which does not transact one-tenth of the business of the subtreasury of Chicago, the paying teller receives a salary of $2,000 a year; in Philadelphia he receives a salary of $2,300 a year; in St. Louis, $2,000 a year; in San Francisco he did receive $2,500 a year, and your committee have recommended a decrease to $2,250 a year, and yet the business carried on there is not within a dozen times equal to the business which passes through the hands of the paying teller in the subtreasury at Chicago. Now, in the city of Chicago, where business has increased so rapidly, the paying teller receives a salary of $1,800, whereas paying tellers in other, even subordinate subtreasuries, receive higher salaries. The same is true about other positions.

The committee this year, in recommending increases recommended an increase of two clerks at Baltimore at a salary of $1,600 each a year. They recommend an increase of one clerk at San Francisco at a salary of $1,500 a year; but when it comes to poor Chicago the additional clerk must work for $1,200 a year. It may be possible——

Mr. BINGHAM. We give them three.

Mr. MANN. You give them three because of the business. Is the gentleman aware of the increase of business in the city of Chicago? The business has increased in the last five years 110 per cent and more. In the last fiscal year the business of that subtreasury was $593,000,000 and over. In Boston it was $231,000,000. I may say to the gentleman that the average salary of the clerks in the city of Chicago, where the greatest business is transacted outside of New York, is smaller than at any other subtreasury. The average salary in Chicago is $1,360. In Baltimore, where the business is of no such consequence, the average salary is $1,476. That is not all.

I hope the committee will not understand that I am in the slightest degree criticising the committee, because I appreciate the difficulties which they encounter. But I will call the attention of the members of the subcommittee on appropriations to this in the hope that it may have some effect in the future, though I doubt its effect at present.

Now, let me call attention of the gentleman further. Although the business of the subtreasury at Chicago has been much greater than in other subtreasuries outside of New York and Philadelphia, and greater than in Philadelphia, in Boston there are five clerks receiving a salary of over $1,800 a year, in New Orleans there are three clerks who receive a salary of over $1,800 a year, in Philadelphia three clerks of the same class, and in St. Louis there are two clerks of the same class, and in San Francisco six clerks of the same class.

[Here the hammer fell.]

Mr. BINGHAM. I ask unanimous consent that the gentleman's time may be extended five minutes.

There was no objection.

Mr. MANN. Yet in the city of Chicago, in the subtreasury, the only clerk receiving a salary of over $1,800 is the cashier, who receives $2,500, no greater than is paid in these other offices. Now, as a matter of fact these gentlemen encounter possible losses. Last year in the subtreasury of Chicago they were compelled to make up a loss of $600, which no one could put his finger upon to determine certainly who was responsible. It is possible that the salaries may be high, but the cost of living in Chicago is fully as great as the cost of living in Baltimore, New Orleans, or San Francisco. I know that gentlemen do not wish to raise salaries. I know the tendency of the House and of Congress is to keep down appropriations and to keep from making increases.

With that feeling and that tendency I quite sympathize; but it does not seem to me perfectly right that the lowest salaries should be paid where the principal business is transacted. If there is any reason why the paying teller at San Francisco

should receive $2,250 for the services which he renders, as you propose by this bill in making a change in his salary, that reason applies with still greater force to the city of Chicago, where the business is so much greater. I hope that I may have the privilege of inserting in the RECORD a tabulated statement in reference to the business of the subtreasury at Chicago and comparisons with New York, Philadelphia, and Boston, a matter of some information which all might like to have printed. I ask that consent.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Total receipts and disbursements of all kinds of moneys at four principal subtreasuries during the fiscal years 1897 to 1903, inclusive, and increase of business at each subtreasury during same period.

Year.	New York.	Chicago.	Philadelphia.	Boston.
1897	$1,970,326,925	$271,650,431	$218,630,554	$160,246,736
1898	1,923,264,056	285,557,502	203,132,325	152,271,602
1899	2,221,793,402	350,686,288	242,808,225	142,576,276
1900	2,407,996,537	354,184,493	238,252,780	187,593,793
1901	2,623,366,396	371,835,491	776,009,467	168,352,669
1902	2,648,144,499	458,667,173	473,972,224	205,178,075
1903	2,851,992,878	572,340,788	465,607,656	231,798,924
1904 (fiscal year)		593,388,523		

Total increase in volume of business from 1897 to 1903.

Subtreasury.	Increase.	Percentage.
New York	$881,665,953	44
Chicago	300,681,357	110
Philadelphia	246,976,102	113
Boston	71,552,188	44
San Francisco	61,403,348	55
Cincinnati	65,222,430	100
Baltimore	50,422,945	87
St. Louis	39,869,861	28
New Orleans	25,623,349	31
Average increase	192,601,059	68

The total receipts and disbursements on account of "redemption and exchange" at Philadelphia during last fiscal year were 42+ per cent of total cash business; at Chicago, but 26+ per cent of total cash business.

Total receipts of the Post-Office Department.

	New York.	Chicago.	Philadelphia.	Boston.
1897	$8,555,183	$6,295,061	$2,706,913	$3,411,855
1898	9,259,905	7,492,089	2,997,406	3,541,357
1899	9,932,196	8,380,187	3,308,396	3,569,203
1900	10,947,738	9,453,893	3,628,339	3,767,804
1901	12,117,306	10,701,715	4,128,947	3,881,288
1902	13,074,373	11,449,050	4,585,996	4,206,846
1903	13,611,637	11,987,418	4,780,081	4,283,605
Increase	5,056,454	5,692,357	2,073,168	871,750
Per cent	59	90	70	25

Total receipts at Chicago for fiscal year 1904 ..... $13,149,763
Total disbursements at Chicago, same period, same account 13,534,221

Receipts at Chicago during month of September, 1904, for credit of Post-Office Department.

PRESIDENTIAL POST-OFFICES.

State.	Number.
Illinois	272
Indiana	100
Iowa	253
Michigan	237
Minnesota	171
Montana	29
Nebraska	121
New Mexico	1
North Dakota	63
South Dakota	50
Washington	1
Wyoming	11
Wisconsin	177
Total	1,496

Receipts $654,803.29

FOURTH-CLASS POST-OFFICES.

State.	Number.
Illinois	510
Indiana	98
Iowa	7
Michigan	2
North Dakota	1
Wisconsin	112
Total	730

Receipts $34,899.15

Total shipments of silver coin.

Year.	New York.	Chicago.	Philadelphia.	Boston.
1897	$3,127,589	$8,390,552	$3,070,815	$2,807,698
1898	3,531,257	10,806,016	2,855,977	2,845,342
1899	4,122,292	11,785,500	4,162,871	3,282,623
1900	4,641,319	12,872,694	4,920,295	2,705,867
1901	4,797,929	12,565,241	4,723,534	2,694,440
1902	5,477,657	14,052,141	5,405,679	4,836,400
1903	5,108,238	14,050,893	5,270,519	2,925,925
Increase	1,980,649	5,660,308	2,193,767	57,827
Per cent	63	68	71	2

Appropriations for salaries and number of employees.

Year.	New York.		Chicago.		Philadelphia.		Boston.	
	Salaries.	Number.	Salaries.	Number.	Salaries.	Number.	Salaries.	Number.
1897	$194,590	118	$34,220	25	$42,340	30	$38,910	25
1898	195,640	119	35,920	26	42,340	30	38,910	25
1899	196,980	120	37,420	27	42,340	30	38,910	25
1900	204,780	130	40,420	29	44,440	32	38,910	25
1901	204,780	130	44,020	32	44,440	32	38,910	25
1902	206,880	132	45,520	33	44,440	32	38,910	25
1903	206,880	132	53,120	38	44,440	32	38,910	25
1904	206,880	132	56,300	41	44,440	32	40,510	25

Average salary per each employee.

Year.	New York.	Chicago.	Philadelphia.	Boston.
1902	$1,552	$1,879	$1,389	$1,556
1904	1,567	1,373	1,389	1,620

Average amount of business per each employee.

Year.	New York.	Chicago.	Philadelphia.	Boston.
1897	$16,697,686	$10,866,377	$7,297,985	$6,409,892
1900	18,523,050	12,213,255	9,320,399	7,500,151
1903	21,006,006	15,061,600	14,550,238	9,271,975

Total cash business.

New York:
1903 ..... $2,851,992,878
1902 2,648,144,499
Increase 203,848,379
Per cent of increase, 7.69 per cent.

Chicago:
1903 572,340,788
1902 458,667,175
Increase 113,673,615
Per cent of increase, 24.78 per cent.
Fiscal year 1904 593,388,523

Comparison of salaries paid assistant treasurers, cashiers, paying tellers, bookkeepers, and vault clerks at each subtreasury.

Subtreasury.	Assistant treasurer.	Cashier.	Paying teller.	Bookkeeper.	Vault clerk.
Baltimore	$4,500		$1,800	$1,200	
Boston	5,000	$2,500	2,500	1,800	$2,000
Chicago	5,000	2,500	1,800	1,500	1,800
Cincinnati	4,500	2,000	1,500	1,800	
New Orleans	4,000	2,250	2,000	1,500	
New York	8,000	4,200	3,000	2,400	3,200
Philadelphia	4,500	2,500	2,300	1,800	1,900
St. Louis	4,500	2,500	2,000	1,500	
San Francisco	4,500	3,000	2,000	2,500	

SUBTREASURY SERVICE.

Comparative statement of salaries for the current fiscal year (1904) arranged by offices, showing total appropriations, salaries of assistant treasurers, number of employees, average salaries, and distribution of appropriations according to the amounts paid employees at each office.

United States subtreasury.	Total appropriation.	Salary of assistant treasurer.	Number of employees.	Average salary.	Less than $1,200.	$1,200 to under $1,500.	$1,500 to under $1,800.	$1,800 to under $2,000.	$2,000 to under $2,500.	$2,500 to under $3,000.	$3,000 to under $3,500.	$3,500 to under $4,000.	$4,000 or over.
Baltimore	$26,600	$4,500	16	$1,331	6	7	3						
Boston	40,510	5,000	25	1,620	10	5	3	2	3	2			
Chicago	56,300	5,000	40	1,283	7	20	9	3		1			
Cincinnati	21,760	4,500	15	1,150	6	6	1	1	1				
New Orleans	24,090	4,000	16	1,256	5	7	1		3				
New York	206,880	8,000	131	1,518	38	32	18	13	21	3	4	1	1
Philadelphia	44,440	4,500	31	1,200	13	7	5	3	2	1			
St. Louis	32,320	4,500	22	1,265	8	8	2	2	1	1			
San Francisco	27,120	4,500	14	1,616	5	1		2	4	1	1		

Roster of employees of the United States subtreasury at Chicago, Ill., showing official title of position under appropriation for 1905, official title as suggested under appropriation for 1906, salary under appropriation for 1905, and salary as recommended for appropriation for 1906.

Official title, 1905.	Title suggested, 1906.	Salary, 1905.	Appropriation suggested, 1906.
Assistant treasurer	Same	$5,000	$6,000
Cashier	Same	2,500	3,500
Vault clerk	Same	1,800	2,500
Paying teller	Same	1,800	2,200
Receiving teller	Same	1,700	2,000
Assorting teller	Same	1,800	2,000
Silver and redemption teller	Same	1,800	2,000
Coin, coupon, and currency clerk.	Coin, coupon, and currency teller.	1,500	2,000
Clerk	Chief of division	1,600	1,800
Bookkeeper	Chief of division	1,500	1,800
Clerk	Clearing house clerk	1,200	1,500
Assistant paying teller	Five assistant tellers	1,500	7,500
Bookkeeper		1,500	
Three coin, coupon, and currency clerks		4,500	
Three clerks	Three assistant tellers	3,600	4,500
Clerk	Certificate clerk	1,200	1,500
Six clerks	Six bookkeepers and accountants.	7,200	9,000
Twelve clerks	Same	14,400	14,400
Stenographer	Same	900	1,200
Messenger	Same	840	1,200
Detective and hall man	Same	1,100	1,200
Three watchmen	Same	2,160	2,520
Janitor	Same	600	720
Additional	Three clerks		3,600
Total		61,700	74,640

The Official Register of the Treasury Department, September 1, 1877, shows independent treasury, Chicago, Ill., as follows: Assistant treasurer, $4,500; cashier, $2,500; first teller, $1,800; second teller, $1,500; bookkeeper, $1,500; clerk, $1,200; messenger, $840; watchman, $720.

The legislative act of March 3, 1883, provided for salaries of employees at Chicago for the fiscal year 1884, as follows: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $1,800; receiving teller, $1,500; bookkeeper, $1,500; two coin, coupon, and currency clerks ($1,500 each), $3,000; one assistant bookkeeper, $1,200; two clerks ($1,200 each), $2,400; messenger, $840; three watchmen, $2,160.

Since 1884 there have been added positions designated as follows: In 1895, one coin, coupon, and currency clerk, $1,500; 1896, one assorting teller, $1,500; one stenographer, $720; 1897, one bookkeeper, $1,500; 1899, one vault clerk, $1,800; 1901, one detective and hallman, $1,100; 1902, one assistant paying teller, $1,500; 1903, one bookkeeper, $1,500; one coin, coupon, and currency clerk, $1,500; 1904, one silver and redemption teller, $1,800. During this period twenty-one clerks, at $1,200 each per annum, were allowed.

The increases allowed in salary during this time are as follows: In 1897, assistant treasurer, $500; 1902, receiving teller, $200; assorting teller, $300; 1903, stenographer, $180.

Mr. BINGHAM. Mr. Chairman, this is an increase of salary, and I make the point of order that it changes current law.

The CHAIRMAN. The Chair understands the gentleman to make the point of order that it changes existing law.

Mr. BINGHAM. And I will say that in making that point of order, if I may be allowed, I make it simply in order to be consistent with the action determined upon by the committee. We had a most intelligent statement from the Treasurer himself, who came before us. He was insisting upon an increase of force. We gave him a fair, reasonable increase of the three clerks. He asked for an increase of compensation, I may say, almost generally along the line.

Mr. MANN. For these clerks drawing fifteen hundred, seventeen hundred, and eighteen hundred dollars, but only five or six out of the entire force.

Mr. BINGHAM. Yes, I recognize that; but the committee felt that they were dealing generously. In order to be consistent with the action determined upon by the committee—although there is much in what the gentleman has said—I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Office of Naval Records of the Rebellion: For chief clerk, $2,000; one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, $1,800; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; two copyists; two copyists, at $720 each; necessary traveling expenses for collection of records, $100; in all, $14,340.

Mr. PERKINS. Mr. Chairman, I move to strike out, from line 22, on page 90, to line 6, on page 91.

I do this somewhat in ignorance, but it seems to me very extraordinary that we should be spending, as we are, $35,000, forty years after the close of the civil war, in publishing Naval Records of the Rebellion; and I would like to ask the committee how many years this has been going on and how many years it will continue. It does seem as though after forty years this job ought to be pretty nearly done.

Mr. BINGHAM. I will say to the gentleman, that it is very nearly done, I think, from my knowledge, which I get from my own possession of the publication. Congress at one time ordered the publication of the Records of the War of the Rebellion in reference to the Army. The publication of those records is now completed, but I suppose that ran upward of twenty or twenty-four years. Later on they ordered the publication of the Naval Records of the War of the Rebellion. That publication commenced in 1895, and has been running on ever since. The basis of volume publication is $10,500. It is the purpose to publish two volumes in the next fiscal year. In 1904 they published three volumes. I am of the opinion that that publication is almost complete; but the publication is directed by the statute, and we have carried it out. Some years we have authorized the publication of but one volume. This year we give them the right to publish two, for the manuscript is up and ready for the printer; and perhaps the larger appropriation is at all times preferable, because it will conclude the publications under the law at an earlier date.

Mr. PERKINS. Mr. Chairman, where there is some job of preparing records and publishing them, and the work receives no attention and no hastening from a committee that will put some limit to the time and some limit to the expense, it is the experience of all that it will continue indefinitely. It seems to me that the Appropriations Committee should impose as a condition that this work should be done within a certain number of years; and I will venture the statement that if it will impose as a condition that the work shall be done in five years, it will be done, while if no condition is imposed, fifteen years from now we shall still be printing these records. What does the gentleman in charge of the bill say?

Mr. BINGHAM. I would state in reply to that, that we are in this bill contributing, to a certain extent, to the gentleman's request. We are making a publication for the next current year of two volumes, instead of the one volume for the present year.

Mr. PERKINS. How many more volumes are there to publish? Does anybody know?

Mr. BINGHAM. That I can not tell. The statute was general.

Mr. PERKINS. Does anybody know?

Mr. BINGHAM. I should think an inquiry at the Department might tell us.

Mr. PERKINS. I thought perhaps the committee might have inquired

Mr. LITTAUER. I think the total number will be somewhere in the neighborhood of twenty-eight volumes. Nineteen of them have already been published. We had some explanation about that.

Mr. BARTLETT. May I ask if the gentleman in charge of the bill can inform me what becomes of the volumes when pub-

lished, how they are distributed? I have now and then got one as a public document, but I would like to know how they are distributed. We are providing for an edition of 11,000 copies.

Mr. BINGHAM. I have my file at home, but I can not now tell how many sets were provided for. I can perhaps remember better in regard to the publication of the Records of the War of the Rebellion, of which we were allowed, I think, about thirty sets twenty-four or twenty-five years ago. Congress at different times, when new Members have pressed for the publication, by act, given them one or two sets. That has been followed in several cases in reference to the Naval Records. My recollection is that we are entitled to fifteen or eighteen sets.

Mr. BARTLETT. Who is entitled to fifteen or eighteen sets?

Mr. BINGHAM. Members of the original Congress that passed the law authorizing the publication of the work. It takes a special act of Congress to give a set to Members as they come in.

Mr. BARTLETT. I only wanted to find out where the work was going to when published.

Mr. BINGHAM. I filled out my complement when I had the first assignment under the statute. Several of my friends died, and I made application for a transfer of those sets to parties whom I indicated. I was informed that that could not be done; that it became an asset to the party to whom it was assigned the same as money.

Mr. BARTLETT. My reason for asking the question is that I have had frequent inquiries and requests for this publication, and I have been here ten years and have been unable to get a set.

Mr. BINGHAM. Did the gentleman get his first set?

Mr. BARTLETT. No; I was not a Member of Congress when the law was passed, and I understand that the Members of that Congress are the only ones that are entitled to this publication.

Mr. GILLETT of Massachusetts. That is right.

The CHAIRMAN. The question is on the amendent offered by the gentleman from New York [Mr. PERKINS].

The question was taken and the amendment rejected.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000; First Assistant Secretary, $4,500, and for additional compensation while the office is held by the present incumbent, $1,500; Assistant Secretary, $4,000; chief clerk, $2,500, and $500 additional as superintendent of the Patent Office building and other buildings of the Department of the Interior; additional to one member of Board of Pension Appeals, acting as chief of the board, $500; nine members of a Board of Pension Appeals, to be appointed by the Secretary of the Interior, at $2,000 each; twenty additional members of the Board of Pension Appeals, to be selected and appointed by the Secretary of the Interior from persons not now or heretofore employed in the Pension Office and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, for the fiscal year 1906, at $2,000 each; three additional members of said Board of Pension Appeals, to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at $2,000 each; special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, $2,500; four special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each; clerk in charge of documents, $2,100; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, $2,100; seven clerks, chiefs of division, at $2,250 each, one of whom shall be disbursing clerk; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,500; fourteen clerks of class 4; fourteen clerks of class 3; eighteen clerks of class 2; twenty-eight clerks of class 1, two of whom shall be stenographers or typewriters; returns office clerk, $1,200; female clerk, to be designated by the President, to sign land patents, $1,200; five clerks, at $1,000 each; one clerk, $900; ten copyists; two copyists or typewriters, at $900 each; telephone operator, $900; three messengers; six assistant messengers; fifteen laborers; two skilled mechanics, one at $900 and one at $720; two carpenters, at $900 each; plumber, $900; electrician, $1,000; one laborer, $600; six laborers, at $480 each; one packer, $660; two conductors of elevator, at $720 each; four charwomen; captain of the watch, $1,000; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; seven firemen; one clerk, to be appointed by the Secretary of the Interior, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $321,930.

Mr. BINGHAM. Mr. Chairman, on page 103, line 17, are the words "See note A." I ask unanimous consent to have that stricken out. It is there by error.

The question was taken, and the amendment was agreed to.

The Clerk read as follows.

POST-OFFICE DEPARTMENT.

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk, Post-Office Department, $2,500; private secretary, $2,500; disbursing clerk, $2,250; bookkeeper and accountant, $1,800; two stenographers, at $1,600 each; appointment clerk, $2,000; one clerk, assistant to chief clerk, $2,000; two clerks of class 3; five clerks of class 2; one clerk of class 1; two clerks, at $1,000 each; curator of museum, $1,000; one clerk, $900; telephone operator, $1,000; messenger in charge of mails, $900; one messenger; two assistant messengers; page, $360; engineer, $1,400; eight assistant engineers, at $1,000 each; electrician, $1,400; two assistant electricians, at $1,200 each; three dynamo tenders, at $900 each; one fireman, who shall be a blacksmith, and one fireman, who shall be a steam fitter, at $900 each; ten elevator conductors, at $720 each; fourteen firemen; carpenter, $1,200; assistant carpenter, $1,000; captain of the watch, $1,000; additional to two watchmen acting as lieutenants of watchmen, at $120 each; thirty-one watchmen; foreman of laborers, $800; thirty laborers; ten laborers and coal passers, at $500 each; plumber, and awning maker, at $900 each; female laborer, $540; three female laborers, at $500 each; two female laborers, at $480 each; and thirty-two charwomen; in all, $142,910.

Mr. JONES of Virginia. Mr. Chairman, I rise for the purpose of asking the committee in charge of this bill to correct a palpable inequality, if not an actual injustice, contained therein. I observe——

Mr. BINGHAM. I reserve the point of order.

Mr. JONES of Virginia (continuing). In lines 16 and 17 of the bill that the salary of the disbursing clerk of the Post-Office Department is fixed at $2,250. I also discover, upon examining the bill, that the disbursing clerk for the Department of Labor and Commerce, for instance, a Department that does not, I imagine, have anything like the number of employees, and whose duties are not near so onerous, is paid $2,500. I notice, too, that the disbursing clerk for the Department of Justice is given $2,750. In fact, Mr. Chairman, the disbursing clerks of every Department of the Government receive more than the disbursing clerk of the Post-Office Department. It is also a fact, Mr. Chairman, that within the last few years the employees of the rural free delivery have been added to the pay rolls of this Department, and the number of employees has been thus almost doubled, and the amount of money disbursed also almost, if not quite, doubled. The bond which this officer is required to furnish is a very large one—something like $40,000, if I am not mistaken. And yet the disbursing clerk of every Department of the Government, even the Department of Labor and Commerce, gets at least $2,500, whilst this clerk only gets $2,250 for the performance of the same, if not greater, duties. I think this is an injustice and an inequality which the committee will recognize at once and which it will be willing now to correct.

I understand from gentlemen near me that the Postmaster-General has asked that this inequality be corrected, and that the disbursing clerk of his Department be given $2,500—as much as the lowest given to the disbursing officer in any other Department. Now, I, as a general proposition, do not favor the increase of salaries. I don't know whether these salaries are too large or too small, but I do know that there is the grossest inequality in the salaries of the disbursing clerks of the various Departments, and if the disbursing clerk of the new Department of Commerce and Labor is to be paid $2,500 I can see no reason why the disbursing clerk of the great Post-Office Department, with its army of employees, should not be given a like salary. I am not sure, Mr. Chairman, that the amendment which I shall offer to increase this salary to $2,500 is not subject to a point of order; but, if it is, I do hope that the gentleman in charge of the bill will not raise that point. I hope the committee will give the House an opportunity to correct this palpable inequality and gross injustice in this bill.

Mr. BINGHAM. Mr. Chairman, I am constrained to make the point of order under instruction, and, further, to be consistent with all of my points of order in connection with this bill from the first page, and I will state to the gentleman that the office of disbursing clerk has been relieved of the obligation of superintendence of the building.

Mr. LIVINGSTON. Is the gentleman from Pennsylvania [Mr. BINGHAM] now speaking to the point of order?

Mr. BINGHAM. And the duties of that office are now, as I understand, simply those of a disbursing clerk. While there has been added to it the additional labor in connection with the rural free delivery, yet the real payments in connection with rural free delivery are made by the officers, for instance, say, of Philadelphia, which includes perhaps 1,500 or 2,000 of the force, or like New York, including away into the thousands. The accounts are paid through the post-offices in great cities or other localities throughout the country; and in order to be consistent with my action heretofore I am constrained to make the point of order.

Mr. LIVINGSTON. Will the gentleman reserve the point of order for a moment? I desire to say just a word.

Mr. BINGHAM. Oh, certainly.

Mr. MADDOX. Mr. Chairman, before the gentleman proceeds, I would like to ask the gentleman from Pennsylvania [Mr. BINGHAM] a question.

Mr. BINGHAM. I have recognized the gentleman from Georgia [Mr. LIVINGSTON], but if he will yield I will be glad to answer any questions.

Mr. MADDOX. I just desire to ask a question or two. The gentleman from Virginia [Mr. JONES] complains of an inequality

here which consists in giving this man $2,250 and the other man $2,500 or $2,700. Now, if the gentleman desires to equalize this, let him move to cut the others down to $2,250, and that will not be subject to a point of order, but will accomplish the object he has in view.

Mr. JONES of Virginia. Mr. Chairman, I will state to the gentleman that I shall certainly offer such an amendment if this point of order is insisted upon.

Mr. BINGHAM. If the gentleman desires to do that, he has that right.

Mr. LIVINGSTON. Mr. Chairman, there is no doubt that there is a great inequality in this particular case. There is no doubt about that. This gentleman has been in this position for nine or ten years, I believe. The amount of money disbursed by him now is about double the amount it was when his salary was fixed at $2,250. He is an old soldier, and therefore is getting along in years. His bond is for the sum of $40,000. He is the only bonded disbursing officer that I can now recollect who is paid so small an amount as $2,250, who gives anything like so large a bond. The inequality was complained of by the Department, and the Postmaster-General recommended that this man's salary be raised to $2,500. Why it was not done in the committee room I do not now recollect.

Mr. BINGHAM. My recollection is that there was no special, emphatic attention called to it at the time.

Mr. LIVINGSTON. I think that the gentleman in charge of the bill, the gentleman from Pennsylvania [Mr. BINGHAM], is correct in that statement. There was no special mention made of it.

Mr. JONES of Virginia. Nobody appeared before the committee in respect to it.

Mr. LIVINGSTON. Our attention was not called to it in the particular way in which it has been done at this time by the gentleman from Virginia [Mr. JONES]; and I desire to ask the gentleman in charge of the bill to let the House vote on it for this reason. We have paragraphs in this bill that are subject to points of order, brought in here by the committee, and we have been allowing the House to pass upon those. Now, if some Member of the House proposes an amendment which is subject to the rule, why not let the same course be taken? If the House desires to increase that salary to $2,500, let it do so. If not, then the House will vote down the amendment proposed. I do hope that my colleague, the gentleman from Pennsylvania [Mr. BINGHAM] will not make the point of order, but will let the vote be taken.

It might bring more trouble later on; we have some amendments subject to the point of order.

Mr. BINGHAM. I do not think the gentleman means to put it that way.

Mr. LIVINGSTON. Well, it has been put in that way, and I can not help it; and I wanted to make the suggestion to the gentleman in charge of the bill to let the House settle it.

Mr. BINGHAM. In that same Department an increase is asked for the chief clerk. They want him lifted to $3,000. There is just as much merit in the one case as in the other, and while I would like personally to do it, I want to be consistent with the position taken on this bill, and I think that is the only salvation we have, to follow a consistent rule, and then no one can take exception to our action. I do not wish the responsibility myself of saying, "Yes, we will accept this," and "No, we will not accept that." It is a hard place for my colleague to place us in.

Mr. LIVINGSTON. The only reason I ask is, this is a patent inequality. On its face it is wrong, and I suppose we would have righted it if our attention had been called to it. Now I ask that the House may right it if it wishes so to do.

Mr. BINGHAM. I will say to the gentleman, if he will allow me, the sum total of disbursements is less than $2,000,000, and it is right here in the Department. It is not like the disbursing clerk of the Department of Justice, who disburses six or seven or eight million dollars all over the country, but this disbursing clerk has only the adjustment of the accounts of the Post-Office Department right here. That is going into the merits of the proposition, and I am constrained to say to the gentleman I must make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Office of the purchasing agent: For purchasing agent, $4,000; chief clerk, $2,000; one clerk of class 4; one clerk of class 3; one clerk of class 2; two clerks of class 1; two clerks, at $1,000 each; one assistant messenger; actual and necessary expenses of the purchasing agent while traveling on business of the Post-Office Department, $500; in all, $16,420.

Mr. BARTLETT. Mr. Chairman, I make the point of order upon that part of the bill beginning in line 25, page 126, from the word "dollars," commencing at "chief clerk" down to and including the word "dollars," in line 6, page 127. I make the point of order that that appropriation for this office is not authorized by law.

Mr. BINGHAM. Is the gentleman going to debate the proposition?

Mr. BARTLETT. I am going to try to inform the Chair all I can about it. This office, Mr. Chairman, is that of purchasing agent for the Post-Office Department. It was established in the Post-Office appropriation bill approved April 28, 1904, and did not provide for anything but a purchasing agent, and is to be found in section 3, page 12, of Public Act, No. 191, of the last session of Congress, and it reads as follows:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post-Office Department, who shall hold office for four years, unless sooner removed by the President, and who shall receive an annual salary of $4,000, etc.

I will not read all the section to the Chair—I will send the Chair the bill if he desires to have it. There is no provision in the bill establishing this office of purchasing agent that authorizes these salaries here or anywhere else I am aware of. I do not think the proposition that there is no such law authorizing these clerks will be disputed. There is no such law I am aware of to authorize the employment of these clerks and the expenditure of the additional $12,400 in the office of the department of the Post-Office Department, namely, the office of purchasing agent, and therefore I make the point of order.

The CHAIRMAN. Will the gentleman from Georgia be kind enough to send up that copy of the law?

Mr. BARTLETT. Yes, sir. I have marked the section; it is section 3.

Mr. BINGHAM. Mr. Chairman, I desire to be heard. Has the gentleman concluded his remarks?

Mr. BARTLETT. I had not; but does the gentleman desire me to reserve the point of order? I say, Mr. Chairman, that is all the law I know of authorizing this particular division in the Post-Office Department—that of purchasing agent—and there is no other law on the statute book establishing that office and providing for these clerks than is given here, and therefore I make the point of order this is new legislation and that office and everything creating a salary therein are not authorized by law. That is all.

Mr. BINGHAM. Mr. Chairman, I desire first to call your attention to section 169 of the Revised Statutes, which authorizes Congress to appoint such number of clerks as may be required, and under the language of the statute that carries out existing law, and if the Chair will turn to section 3 of the Post-Office appropriation bill for the current year he will find—

That there shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post-Office Department, who shall hold office for four years unless sooner removed by the President, and who shall receive an annual salary of $4,000, give bond to the United States in such sum as the Postmaster-General may determine, and report direct to the Postmaster-General, and who shall, under such regulations not inconsistent with existing law, as the Postmaster-General shall prescribe, and subject to his discretion and control, have supervision of the purchase of all supplies for the postal service.

Now, there has been detailed from the Post-Office Department to carry out this law some five or six clerks from the First Assistant Postmaster-General's Office. In the appropriation bill for the Post-Office Department there was no compensation made for this office, newly created, called "disbursing agent," and under the provisions of the statute to which I have referred, if the Chair will look at section 164 of the Revised Statutes he will see that we are wholly within the law in providing for this class of work that is to-day a part of the current law, and by and with the advice and consent of the Senate the officer has been selected and already qualified.

Mr. COWHERD. I would like to ask the gentleman how it happens that these clerks are provided for in the legislative bill instead of the Post-Office appropriation bill?

Mr. BINGHAM. It is one of the bureaus of the Department here. It is not the force in Philadelphia, or other places, that your own bill covers.

Mr. CHARLES B. LANDIS. I would like to ask the gentleman if this is an entire addition to the Government force?

Mr. BINGHAM. It is an entire addition to the Government force, following the authority of the Revised Statutes, an act of Congress, and further, in order that the work may be done as the current law requires it should be done, by the purchasing agent under that provision of law.

Mr. CHARLES B. LANDIS. Where do the clerks go that have been doing this work?

Mr. BINGHAM. They go right back to their places.

Mr. CHARLES B. LANDIS. And they will perform the same work that these clerks have temporarily been doing?

Mr. BINGHAM. I would say that this office has only been in existence a few months.

Mr. CHARLES B. LANDIS. I understand that; but there is something that I do not understand about the public service, and that is that you can make a detail of twenty-five clerks out of a bureau, and send them over here to some other bureau, and they remain there for weeks performing this temporary duty, and the work of the bureau from which they are detailed is going right along just the same. Now, I can not understand why you do not let them remain there, under another designation, if necessary, if the work in the bureau from which they are detailed has been going on just the same without them, and you would thus save the salaries for it.

Mr. BINGHAM. I will say to the gentleman that it has been the effort of the committee in presenting this bill to correct all abuses wherever we could. We did not consider this as pertaining to the general assignment of the subordinate clerks of the Post-Office Department, and we have tried to prevent the evil of which the gentleman has spoken. They have only been there performing that work temporarily.

Mr. CHARLES B. LANDIS. I understand that.

Mr. BINGHAM. The law has only been running since last July, and I would regard that as a mere temporary detail. It is different from a detail of two or three years.

Mr. CHARLES B. LANDIS. Why not simply legalize the detail and let these clerks remain there to perform this service, as it does not seem that the bureau from which they were detailed has suffered at all by reason of their absence?

Mr BINGHAM. It may be that it has not suffered to any extent because their absence has been but a few months. It would be if their absence was for a long period.

Mr. CHARLES B. LANDIS. But it seems that the work has been going on just the same in the bureau from which they were detailed. This is making new places, as you specify them in this bill, providing clerks to do the work that these clerks have been doing.

Mr. BINGHAM. Congress has fixed this work upon the Department. It has said what shall be the duties of this purchasing agent, and we took up the question as presented to us. These clerks are detailed from the Department who carried out the work, and Congress has directed that their bureau shall be reorganized, so that it shall carry out the work in the future.

Mr. LITTAUER. I would like to add a word of explanation. The committee was asked for a large increase of force and did not give it, but we give the detail to this purchasing-agent bureau. Then, Mr. Chairman, the work of the Post-Office Department has been increasing from year to year.

Mr. CHARLES B. LANDIS. Then how did it happen that no other branch suffered by reason of the detail of these clerks who did this work?

Mr. BINGHAM. The First Assistant asked an increase of clerks in his office, and we did not give a single clerk. We said to him, "Take your men doing the work now in the purchasing-agent bureau and go on with your regular work." We did not give a single dollar; we did give the First, Second, and Fourth Assistants additional help.

Mr. CHARLES B. LANDIS. What I do not understand, and what seems to me to be an anomalous condition, is, that you can take twenty-five or thirty clerks, doing a certain branch of work, and transfer them, and keep them six months, and yet the business of the branch from which you have taken them does not seem to suffer at all.

Mr. BINGHAM. We recognize that; and I will say generally we have corrected that very largely in this bill.

Mr. CHARLES B. LANDIS. And yet a number of additional clerks are put on.

Mr. BINGHAM. This is the only exception in establishing this bureau in the Post-Office Department, as the gentleman from New York has stated.

Mr. CHARLES B. LANDIS. I would like to ask the gentleman from Pennsylvania this question. Last year an extra half hour was put on the various Departments for clerical service. Has it been your observation and has the general opinion been that the work done has justified that increase in the length of the hours of service?

Mr. BINGHAM. I would state that General Ainsworth referred to that matter in his testimony. The matter was gone over and the inquiry was made of him about it, and he said that it had resulted in the greatest benefit to the Department.

Mr. CHARLES B. LANDIS. Well, if it has resulted in the greatest benefit to the Department, I can not understand why we should have, in nearly all these branches, a demand for additional clerical assistance.

Mr. BINGHAM. We have tried, as I have stated several times on the floor, to cut them down to bed rock in all the Departments, and while they estimated for over $1,000,000 of increase, we cut out of that $1,000,000 the sum of $800,000—I am speaking in round numbers—and we have recognized the fact that that additional half hour carries with it some conclusions, and, as General Ainsworth said, most important conclusions, so far as the result of work is concerned.

Mr. COWHERD. Mr. Chairman, I would like to ask the gentleman from Pennsylvania if this is intended to cover only the clerks that are now in the office of the purchasing agent?

Mr. BINGHAM. The clerks now in the purchasing agent's office will return to the office of the First Assistant Postmaster-General. They will then under this statute have the right to ask the Civil Service Commission for whatever clerks we give them, and will follow the regular rule.

Mr. COWHERD. I want to say to the gentleman from Pennsylvania, as one member of the Post-Office Committee, that when that office was created we did not suppose it would be necessary to supply a force of clerks to take care of the work. There was a supply division then in the Post-Office Department, and there were different clerks in all the four different branches of the Department, purchasing or assisting in the purchase and distribution of supplies; and it was supposed, I know, at least by myself—I can not speak for the rest of the committee—that there would be enough clerks detailed from these different departments whose business had been taken away by the creation of the office of purchasing agent to supply all the clerical force he would need.

Mr. BINGHAM. The officer in charge, appointed by the President and confirmed by the Senate, as your statute directed, was given a full hearing. He impressed the committee with the necessity of allowing these clerks. He said that his purchases would exceed $5,000,000, and with all the ramifications of accounts and adjustments and other matters in connection with that office, we felt we were giving him a fair living force. And understand this, should it appear next year that we can make any cut in this force, we will do so. It is fair when an office is created to give it elbow room to start, not to any extreme extent, I grant the gentleman, but there should be such legislation as will give the commencement of a good administration; and, as I have said, if in the future we can cut, we will do so.

Mr. COWHERD. I fully agree with the gentleman and with the officer in charge of the purchase of supplies that he needs the force. The question is, Can it not be detailed from some of the other departments whose work is taken away by the creation of his office? The gentleman knows that no department officer ever willingly yields up a clerk if he can avoid doing so.

Mr. BINGHAM. I will say to the gentleman that we are trying to stop these details all around.

Mr. OLMSTED. Mr. Chairman, will my colleague yield to me for a question?

Mr. BINGHAM. With pleasure.

Mr. OLMSTED. By whom were these purchases made before this agent was appointed or provided for?

Mr. BINGHAM. I can not say from my knowledge of the administration of the Department.

Mr. OLMSTED. They were made by somebody in the Department, were they not?

Mr. BINGHAM. Yes; they were made by clerks in the Department.

Mr. LITTAUER. Mr. Machen made a good many of these purchases.

Mr. OLMSTED. If there was force enough in the Department to cover these purchases, is there not force enough now?

Mr. BINGHAM. It must have been by specific law, as we know by experience. Mr. Machen, Mr. Beavers, and probably others made the purchases.

Mr. LIVINGSTON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LIVINGSTON. I make the point of order that gentlemen are not discussing the point of order.

Mr. BINGHAM. Of course, we have been discussing the merits of the case. I have submitted my objection to the first proposed amendment.

The CHAIRMAN. The post-office appropriation bill for 1904 created the office of purchasing agent for the Post-Office Department. It did not, however, provide for any office force for the performance of the duty of that Department, but it prescribed that the purchasing agent should report direct to the Postmaster-General, and that under such regulations, not inconsistent with the existing law, as the Postmaster-General should prescribe, and subject to his direction and control, he should have supervision over the purchase of all supplies of the post-office service. It then goes on and prescribes the purchasing agent's duties, and they are such that he can not perform by himself without assistance of a clerical force. It is not to be assumed for a moment

that such an anomaly was intended by the authors of that law, and, indeed, we find that no such anomaly exists, because, under section 169 of the Revised Statutes, Title IV, the head of the Post-Office Department and the heads of all other Executive Departments named in the title are authorized to employ such a number of clerks of the several classes recognized by law, such messengers, assistant messengers, copyists, and other employees at such rate of compensation, respectively, as may be appropriated for by Congress from year to year. So it seems to the Chair that the point of order is not well taken and must be overruled.

Mr. PRINCE. Mr. Chairman, may I ask the chairman of the committee one question?

Mr. BINGHAM. With pleasure.

Mr. PRINCE. It is in regard to this matter——

Mr. BINGHAM. What matter?

Mr. PRINCE. This matter that we have just passed over. Is it not true that you add to this division through the office of the purchasing agent nine additional clerks to the present post-office force?

Mr. BINGHAM. We give them nine new clerks because there has been no legislation preceding his appointment that gives him anyone under any act of Congress. He must do the work by detail, and the detail has been made by clerks from the First Assistant's office.

Mr. PRINCE. You do not in any part of the bill reduce the number of clerks that have heretofore performed these duties?

Mr. BINGHAM. No.

Mr. PRINCE. So you leave the same ones in the Department and add nine additional ones?

Mr. BINGHAM. That is right.

The Clerk read as follows:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, $4,500; chief clerk, $2,500; superintendent of railway adjustments, $2,500; assistant superintendent of railway adjustments, $2,500; superintendent of foreign mails, $3,000; chief clerk, $2,000; chief of division of inspection, $2,000; chief of contract division, $2,000; chief of mail equipment division, $2,000; eleven clerks of class 4; forty clerks of class 3; thirty-one clerks of class 2; stenographer, $1,600; twenty-four clerks of class 1; seventeen clerks, at $1,000 each; six clerks, at $900 each; messenger in charge of mails, $900; six assistant messengers; in all, $208,220.

Mr. JONES of Virginia. Mr. Chairman, I raise a point of order against the item on page 128, lines 17 and 18, "assistant superintendent of railway equipment, $2,500." The present salary of that official is $2,000, and this is an attempt, in violation of the rules of the House, to increase his salary from $2,000 to $2,500. I make a point of order against this increase. It changes existing law.

Mr. BINGHAM. I would state to the gentleman from Virginia that I have no personal interest in the matter.

Mr. JONES of Virginia. And I have no personal interest in it, either.

Mr. BINGHAM. The gentleman is within his rights.

Mr. JONES of Virginia. The gentleman from Pennsylvania made the same point against me.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Office Third Assistant Postmaster-General: For Third Assistant Postmaster-General, $4,500; chief clerk, $2,500; superintendent postage-stamp supplies and postmasters' accounts, $3,000.

Mr. JONES of Virginia. Mr. Chairman, I make the same point of order against the provision on page 129, lines 8 and 9, for "superintendent postage-stamp supplies and postmasters' accounts, $3,000." The salary of that official as now fixed by law is $2,500. This is an attempt to increase the salary to $3,000, and thus to violate the rule to which I have but just called attention.

Mr. BINGHAM. Again I will say to the gentleman that this was the result of careful, thoughtful examination by the committee. The officer is one of long experience in the Department in a technical line of work, but the gentleman is within his rights. Mr. Chairman, do I understand that the Clerk knows the order that when a change occurs in the bill where we have increased the salary and we revert to the original salary he inserts it in the bill and makes the correction in the sum total?

The CHAIRMAN. That is understood.

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. PERKINS. No.

The CHAIRMAN. For the reasons given by the gentleman from Virginia [Mr. JONES] the point of order is sustained.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I see that the committee, on page 109, allow for persons traveling for the Secretary of the Interior their expenses, not exceeding $3 per day; and, on page 130, persons traveling for the Post-Office Department their expenses, not exceeding $4 per day. Why does it cost more to travel for the Post-Office than for the Secretary of the Interior.

Mr. BINGHAM. Mr. Chairman, the explanation given by one familiar with the creation of the law indicates that one class of special agents operate wholly in cities, whereas the other class of special agents operate in the country sections, where the conditions are different as to expenditures, and as a general proposition your committee in charge of the bill has had no expressions of question as to the wisdom of this legislation.

Mr. PERKINS. Mr. Chairman, that explanation can not be correct. The employees of the Post-Office have to go to the cities quite as much as the employees of the Interior Department. Either $3 is too little or $4 is too much. It seems to me almost absurd on the face of the bill to have one class of employees get $3 for expenses and another class $4.

Mr. BINGHAM. I would state to the gentleman that we have acted upon the information conveyed to us in the first place. The Secretary of the Interior makes his estimates and sends a subordinate here, who comes before us with them. The Postmaster-General makes his estimates and sends his subordinate before us to make a statement. There has been no question as to the distinction made in that respect.

Mr. PERKINS. Why does not the committee question the subordinate of the Post-Office Department to see why that Department gets a dollar a day more than the Secretary of the Interior?

Mr. BINGHAM. Mr. Chairman, I have given the gentleman the only explanation conveyed to us, and that is the difference of cost in living as between cities and country sections.

Mr. PERKINS. Oh, but that is not correct, because the Post-Office agents go to both.

The Clerk read as follows:

Office of topographer: For topographer, $3,000; assistant topographer, $2,000; three skilled draftsmen, at $1,800 each; four skilled draftsmen, at $1,600 each; three skilled draftsmen, at $1,400 each; three skilled draftsmen, at $1,200 each; examiner, $1,200; one clerk of class 2; map mounter, $1,400; mechanic, $1,000; two copyists of maps, at $1,000 each; two copyists of maps, at $900 each; assistant map mounter, $720; one assistant messenger; in all, $34,840.

Mr. JONES of Virginia. Mr. Chairman, on page 131, lines 9 and 10, 16 and 17, and 17 and 18, there are three items, against each of which I make a point of order. The first provides for the employment of a topographer at $3,000. The present salary of that official is $2,750. There is an increase of $250 proposed in the bill. In line 16 there is a map mounter at $1,400. His present salary is $1,200. In lines 17 and 18 there are two copyists of maps provided for at $1,000 each, and the present salary of those employees is $900 each. I make a point of order against each of these items.

Mr. BINGHAM. Mr. Chairman, I will simply state to the gentleman that the justification for this action on the part of the committee was, in the case of the topographer, that the man is highly educated and does a line of technical work. He has been in that line of work, if I recollect correctly, some thirty-seven years, and we have felt that it was a reasonable increase. His line of work is scientific, technical, and he is the best topographer in your Government; but the gentleman is within his rights.

Mr. JONES of Virginia. Mr. Chairman, I am sure the statement of the gentleman is entirely correct, but the gentleman admitted that there were other inequalities in this bill which he was not willing to correct. There are other salaries here that ought to be placed upon an equality with those enjoyed by other employees who perform the same class of work. A point of order was made by the gentleman against correcting at least one of those inequalities, and I am simply giving the gentleman the same kind of medicine that he administered to me.

Mr. BINGHAM. Mr. Chairman, I very much regret that in the carrying out of the instructions of my committee I have somehow provoked, perhaps, a little resentment on the part of the gentleman, but I assure him no such feeling existed in the consideration of the bill. We took up each division of this great Government and tried to measure out simple justice in increases as well as a fair judgment with reference to an increased force, but I must submit to the gentleman's criticism. I regret it very much.

Mr. GILLETT of Massachusetts. Mr. Chairman, I wish to say a word on the point of order. Of course the gentleman has a right to retaliate, if he wishes, upon the committee, and as far as these innocent persons are concerned that is his responsibility and not ours. But he raises a point of order against two copyists. Now, the statute under which clerks can be appointed applies also to copyists, so that it seems to me the point of order is not well taken. If the Chair will turn to sec-

tion 169 of the Revised Statutes he will find that the head of the Departments may employ "such number of messengers, copyists, watchmen, laborers, and other employees." Now, as to that of course the point of order does not apply. As to the topographer it does. This language of the statute does not apply of course to the topographer; but it clearly does to the other changes as to which the gentleman makes the point of order. The only one in this section against which he can make the point of order is the topographer.

Mr. JONES of Virginia. Mr. Chairman, I am willing to withdraw the point of order as to the copyists.

The CHAIRMAN. The gentleman withdraws his point of order as to them. Does the Chair understand that any question is made as to the point of order in respect to the others—that this is an increase?

Mr. GILLETT of Massachusetts. I have no question about that.

The CHAIRMAN. Then the Chair must sustain the point of order.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,500; assistant to the Attorney-General, $7,000; five Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,500; solicitor of internal revenue, $4,500; solicitor for the Department of State, $4,500; two assistant attorneys, at $3,000 each; four assistant attorneys, at $2,500 each; assistant attorney, $2,000; assistant attorney, in charge of dockets, $2,500; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the buildings, $2,500; private secretary to the Attorney-General, $2,500; confidential clerk to the Attorney-General, $1,600; stenographer to the Solicitor-General, $1,600; two confidential clerks, at $1,600 each; law clerk, $2,500; two law clerks, at $2,000 each; attorney in charge of pardons, $2,400; disbursing clerk, $2,750; appointment clerk, $2,000; four clerks of class 4; eight clerks of class 3; three clerks of class 2; seven clerks of class 1; telegraph operator and stenographer, $1,200; eleven clerks, at $900 each; chief messenger, $1,000; one messenger; seven assistant messengers; four laborers; three watchmen; engineer, $1,200; three firemen; two conductors of the elevator, at $720 each; eight charwomen; superintendent of buildings, $250. Division of accounts: Chief of division of accounts, $2,500; four clerks of class 4; five clerks of class 3; seven clerks of class 2; six clerks of class 1; two copyists; one packer, $840; in all, $208,940.

Mr. JONES of Virginia. Mr. Chairman, on page 134, in line 25, and on page 135, in line 1, I move to amend the item which gives the disbursing clerk of the Department of Justice $2,750 by striking out the words "twenty-seven hundred and fifty dollars," and inserting in lieu thereof the words "twenty-two hundred and fifty dollars," which will reduce that salary by $500.

Mr. CRUMPACKER. Mr. Chairman, I desire to make the point of order against the amendment. I raise the point of order that the amendment changes existing law. The law fixes the salary of the disbursing clerk at the amount named in the bill. I admit that Congress in a general appropriation bill may appropriate a lesser amount for salary than the law fixes, provided the appropriation does not change existing law; but all parts of this bill must be construed together, and I ask the Chair's attention to the provision appearing in the early part of the measure, on the first page, in line 5, where will be found this statement:

The appropriation to be in full compensation for the services of the fiscal year ending June 30, 1906, for the objects hereinafter expressed, namely.

So that if this amendment prevails, it will change existing law. The provision making the appropriation a full compensation for the object named has been adopted and accepted by the Committee of the Whole, and the operation of this amendment must be considered in connection with the provisions of the bill that have already been acted upon. There can be no question at all that if this amendment prevails it does change existing law, in view of the previous action of the committee. There can be no sort of question about it, and it does violate the express terms of rules of this House against changing existing legislation. If the provision that I have directed the Chair's attention to were not contained in the bill, an appropriation of less than the salary fixed by law would not liquidate the obligation of the Government. It would not change existing law. It has been frequently so decided. I admit that Congress has a right to appropriate a lesser sum than will become due when that appropriation does not change the law; but this appropriation, taken in connection with the prior action of the committee, does necessarily have that effect, and I insist that the committee can not by a subterfuge do that which it can not do directly, and I think if the effect of the amendment is to change existing law it is not in order, and there can be no question about the effect of this amendment.

Mr. JONES of Virginia. I desire, Mr. Chairman, to be heard for a moment on the point of order. Mr. Chairman, I insist that inasmuch as my amendment reduces the amount of this salary it is not obnoxious to the point of order which the gentleman makes. I call the Chair's attention to a ruling of the Chair in January last, made by the gentleman from Pennsylvania [Mr. OLMSTED], who then presided over the Committee of the Whole House. Mr. COWHERD, the gentleman from Missouri, moved to strike out the word "six" in the salary of the Director of the Census and substitute therefor the word "five," thus reducing the salary from $6,000 to $5,000. The gentleman from Pennsylvania [Mr. BINGHAM], who is now in charge of this bill, made the exact point which the gentleman from Indiana now makes. The gentleman from Pennsylvania then said, "I simply state that it changes existing law and further that it is a part of the organic law creating the Department of Commerce and Labor, which takes in the Bureau of the Census and fixes the compensation allowed," exactly the position now taken, as I understand, by the gentleman from Indiana.

Mr. CRUMPACKER. Will the gentleman allow me a suggestion? I confess that the committee or the Congress has the right to appropriate an amount less than that fixed by existing law for salary in a general appropriation bill, but not in connection with a provision that says that appropriation shall be taken in full compensation for the salary. Simply an insufficient appropriation does not change existing law, but leaves still a liability against the Government for the balance not appropriated for. This appropriation liquidates the liability of the Government.

Mr. JONES of Virginia. I think, Mr. Chairman, if my friend from Indiana has any respect for the ruling of the Chair to which I referred that he will see that his whole point is answered, if he will but permit me to proceed a little further.

Mr. HEMENWAY also discussed this point. He said:

I want to make this further suggestion: It would change existing law, for the reason that this bill says "in full compensation for services for the fiscal year ending June 30, 1905."

So that the gentleman's colleague from Indiana [Mr. HEMENWAY], who is chairman of the Committee on Appropriations, made, as I understand, precisely the point that the gentleman now makes.

Mr. CRUMPACKER. Let me ask the gentleman a question.

Mr. JONES of Virginia. Let me finish before the gentleman proceeds.

Mr. CRUMPACKER. I beg the gentleman's pardon.

Mr. JONES of Virginia. Mr. HEMENWAY continued:

Now, then, to appropriate at less than the amount fixed by statute would be a change of existing law. Then I desire to call attention further toward the repealing clause at the end of the bill: "That all laws or parts of laws inconsistent with this act are repealed."

Mr. COWHERD. We have not reached that yet. It is a question whether this is subject to a point of order.

The CHAIRMAN. The Chair is of the opinion that it is competent for the House to appropriate a less amount than the salary fixed by the law.

I think, Mr. Chairman, it is not necessary for me to say anything further upon this point. I rely upon the decision to which I have called the Chair's attention. It is exactly in point, was acquiesced in by the Committee of the Whole House, and I have no doubt will be adhered to in this instance by the present occupant of the chair.

Mr. CRUMPACKER. Just a word. I think a distinction exists between the case cited by the gentleman from Virginia and the case now before the Chair. My recollection is that in that bill the provision making the appropriations full compensation for the objects for which they were appropriated occurred later in the bill, and did not happen to precede them, as in this case. It is like the provision in the bill repealing all laws inconsistent, if there were laws that were inconsistent—that would be new legislation.

There can be no sort of question that this amendment, if it prevails, will change the existing law, because it reduces the salaries for 1906 to $2,250. When an officer accepts that amount the bill says it shall be in full compensation—and it does change existing law, and it can have no other effect.

The CHAIRMAN. The Chair has a great deal of sympathy with the gentleman from Indiana. The same point of order that has been raised by the gentleman from Indiana was raised by the present occupant of the chair in the Fifty-first Congress, and was overruled. If the gentleman from Indiana had made his point of order against the clause on the first page of the bill, which says "in full compensation for the service, etc.," the point of order would have been sustained. That was not objected to, and it is now a part of the bill. It has been ruled so many times that it would be an assumption on the part of the Chair to rule otherwise, that Congress has the right to appropriate less than the sum fixed by law; and certainly in the condition in which this bill is now, with the point of order pending, it can work no change of law. The party has his remedy to recover his salary, notwithstanding the bill. The Chair therefore overrules the point of order.

Mr. CRUMPACKER. Now I desire to make the point of order to the provision on the first page of the bill. When that paragraph was read there was no provision in the bill that made it a change of existing law. The compensation of this officer was in accordance with law, and therefore it could not change existing law; and I insist, if the Chair please, that in instances where the effect of a provision has been changed by subsequent action of the committee—action which makes the provision open to an objection that did not exist when it was read—any Member then has the right to recur to the provision and make the objection. In this case the first provision was not subject to a point of order when it was read and adopted, but became so by the subsequent action of the Committee of the Whole.

Mr. BINGHAM. I make the point of order against that.

Mr. JONES of Virginia. The objection comes too late.

The CHAIRMAN. The Chair is ready to rule. In the first place, it is too late to make the point of order. In the next place, the very language of the paragraph on page 1 was notice to Members of the House that the salaries, as fixed by law, were to be lowered, because the provision is that the amounts appropriated shall be "in full compensation," notwithstanding that they are not in full compensation.

Mr. CRUMPACKER. I beg the Chair's pardon. When the paragraph under consideration was read and adopted all other provisions of the bill were in conformity with law. The appropriations were all for the full amounts, and the effect of this paragraph did not change salaries already fixed. It provides that the amounts appropriated should be in full compensation for salaries, and this would have been the case if no such provision had been in the bill at all. It was purely superrogatory, a mere redundancy, because the payment of a salary fully liquidates the obligation for the salary. But now it is proposed to reduce the appropriation below the amount of the salary fixed by law and the former provision requiring the amount appropriated to be in full compensation for the salary becomes operative and changes a salary fixed by law, a thing that can not be done on a general appropriation bill under the rules of the House. A provision that is unobjectionable when acted upon can not be rendered open to a point of order by subsequent action without giving Members the right to raise the objection. I propose to make the point of order to the provision at the first moment the provision is subject to it.

The CHAIRMAN. Unless there was an intention to reduce the appropriations in the pages following page 1 below the amount fixed by law, there was no necessity for putting in any such clause, and it was therefore a notice to Members of Congress that such appropriations would be contained in the bill below the amounts fixed by law. The Chair is very clear that the point of order ought to be overruled. The question now is on the amendment.

Mr. JONES of Virginia. Mr. Chairman, I desire to say a word on the merits of this proposition. It must be obvious to every Member of this House that if the salary paid to the disbursing clerk of the Post-Office Department, with all of his responsibilities and duties, is adequate, then this salary is too large, and I submit that it should be the desire of the committee having in charge this bill to equalize, as far as possible, the salaries that are provided for therein.

Within the last few years the disbursements in the Post-Office Department have about doubled. The number of those who have now to be paid by the disbursing officer is probably double what it was a few years ago. The Postmaster-General has requested that this inequality be remedied in order that the disbursing officer of his Department shall be given a salary which he deems commensurate with his duties and responsibilities, and which is at least equal to that given to the disbursing officers of those Departments where the same amount of work is not rendered. I realize, Mr. Chairman, that the disbursing officer of the Department of Justice has to pay other officials than the hundred or so who are in the Department in this city; that he probably has to pay judges, marshals, and district attorneys; but assuming such to be true, his duties are not as onerous, nor are his responsibilities as great, I submit, as are the duties and responsibilities of the disbursing officer of the Post-Office Department, one of the greatest Departments of the Government. It was admitted, when the point of order was under discussion, that the inequality of which I then complained existed. It can not be denied that there is this inequality, and this is the time to correct it. If we can not correct it by increasing the salaries of such officers as are performing the same work and getting less pay for it, then we can at least correct it by decreasing the salaries of those who are performing the same or less work, until all shall receive the same compensation and stand upon an equality. And that would be in strict accordance with what the gentlemen who are in charge of this bill have declared to be their purpose—to reduce salaries wherever they can in justice and fairness be reduced, and to economize in every possible direction. I submit, Mr. Chairman, that if the House wants to be fair and just to the employees of the Government, to treat all alike and to discriminate against none, the opportunity is now presented to them to be so.

Mr. BINGHAM. Mr. Chairman, as the House has indulged the gentleman, independent of a discussion of the point of order, as to the native merits of the case——

Mr. LIVINGSTON. The point of order has been decided.

Mr. WILLIAMS of Mississippi. The point of order has been decided, and he argued on the merits.

Mr. BINGHAM. I simply desire to reply, as the House has indulged the gentleman.

The only similarity between the disbursing officer of the Post-Office Department and the disbursing officer of the Department of Justice is in the fact that they are both called disbursing clerks. In considering the compensation which a clerk should have, we take up the measure of the work that he does. The work of the disbursing clerk of the Post-Office Department is confined to the Department here, and reaches almost $2,000,000. The work of the disbursing officer of the Department of Justice is an entirely different line of disbursing clerk's work. He pays all the justices of the United States courts from Maine to California, as well as the employees of the Department of Justice here in Washington.

Mr. JONES of Virginia. Will the gentleman permit a question there? Does not the disbursing officer of the Post-Office Department pay all the rural free delivery carriers?

Mr. BINGHAM. Oh, no; they come under the Post-Office bill. We do not touch them here at all. All we touch in this bill is the Department work here in Washington. The post-office bill brings up its own line of legislation. For example, the officials and employees in the post-office of my home city of Philadelphia are paid by the postmaster, through clerks in that office. The same is true of the New York post-office, and also of the customs service all over the country. With the exception of the Department of Justice, we only touch the officers here in the Departments in Washington in this bill. Now, as the figures are given to me, almost $9,000,000 are disbursed annually by the disbursing clerk of the Department of Justice, while not quite $2,000,000 are disbursed by the disbursing clerk of the Post-Office Department. Those are the merits of the two propositions.

As the Chair has ruled, the gentleman from Virginia stands on his rights, but I want to emphasize the fact that the purpose of the committee was to be as just and fair as we could be.

Mr. JONES of Virginia. It is not a question of the ruling of the Chair. The matter now comes up on a vote of the committee, and we are discussing the merits. I desire to ask the gentleman another question. I notice in this bill that the disbursing clerk of the Department of Labor and Commerce—and I ask this question now because it may prevent the consumption of time hereafter—I ask if the duties of the disbursing officer of the Department of Labor and Commerce, who receives $2,500, are anything like commensurate with the duties of the disbursing clerk of the Post-Office Department? I do not claim to know how much money the disbursing clerk of the Department of Justice pays out, but I would like the gentleman to answer the question as to the disbursing clerk of the Department of Commerce and Labor.

Mr. BINGHAM. I will say to the gentleman—and I am looking at the record of this bill, and the gentleman can find it in the report—the disbursing officer pays out two and one quarter millions of dollars in this bill, and upwards of $4,000,000 to come in under the sundry civil bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For the compensation and expenses of a specialist or specialists, to be selected and appointed by the Secretary of Commerce and Labor, to make investigations regarding the manner of conducting the public business in the various bureaus, offices, and services of the Department of Commerce and Labor, with the object of securing more uniform, economical, and businesslike methods of administration, $10,000.

Mr. PERKINS. Mr. Chairman, I make the point of order against the provision in lines 14 to 21, page 138, that it appropriates money not authorized by existing law.

Mr. MANN. Will not the gentleman reserve his point of order?

Mr. PERKINS. I make the point of order, but I am willing to reserve it if the gentleman from Illinois wishes it.

Mr. BINGHAM. Mr. Chairman, in the original proposition coming from the Secretary of the Department of Commerce and Labor was a paragraph wherein he asked for $100,000, that he might develop our foreign commerce as well as the domestic

commerce, and under which he would make his own selection of the body of subordinate force that would travel not only at home but abroad for the purpose of developing the commerce at home and the commerce abroad. Coupled with that was a paragraph substantially as we have given in the bill, that he desired to reorganize or make a readjustment in his own Department, in order that he might feel that he was administering his office upon intelligent lines as well as lines of economy. Your committee was familiar with the fact of legislation that some years ago what is called the "Dockery Commission," at an expense of some $30,000, made an investigation of the accounting system of the Government, and after that investigation their recommendations were embodied into law as a basis for future action. I wish to say to the gentleman who makes the point of order that the committee reduced the appropriation requested of $100,000 to $10,000, as a limitation, that specialists might be selected by him to take up the question of reorganization of his Department, independent of what might be called the influences of the subordinate force or of any force in the Department of Commerce and Labor. He wanted more than this bill gives him, but we felt that we were within economical lines.

Now, this Department officer, coming into a new creation that embodies an expenditure of six or seven million dollars annually, with every probability of a large increase in the future, makes a request of Congress that he should have a limited sum to try and adjust his Department on such lines as will embody its future administration in economy and wisdom, and your committee takes the $100,000 requested by that Department officer and cuts it down to $10,000, and gives him that sum that he may adjust the lines of his Department for future good work. While, of course, this is new legislation and subject to a point of order, I submit to the gentleman from New York that he ought not to press it.

Mr. WANGER. Will my colleague permit a question?

Mr. BINGHAM. Certainly.

Mr. WANGER. Did the Secretary subdivide the estimate of $100,000, stating how much he desired for the employment of special agents for the promotion of our commerce and how much he desired for the experts to examine the methods of conducting business abroad?

Mr. BINGHAM. As I have stated, the original paragraph was $100,000 for special agents for the promotion of foreign and domestic commerce, and that he should have the right of selection of that subordinate force. In the same paragraph was this provision, which is a part of this bill, the wording of the bill being a part of his proposition for specialists to aid in the reorganization of his Department. In consultation with him he said that he desired $25,000. One of the gentlemen of the committee went to him and informed him of the general disposition of the committee not to give him $100,000, which he then asked, but that we might give him the specialists for the service. We have given him $10,000. It is tentative. He may come in next year and ask for more. The Dockery Commission, my recollection is, started at $10,000, and so impressed was Congress that the Commission went on and finally gave us the reorganized bookkeeping of the service of to-day, which is always spoken of as the result of the work of the Dockery Commission. Now, the officer appointed to this office asks Congress, under the recommendation of your committee, to give him $10,000 virtually to get information for himself in his own administration that he may wisely administer his office.

Mr. WANGER. Do I understand, then, that the Secretary regarded the item that has been reported as of more importance than that part of his estimate for which no appropriation has been made?

Mr. BINGHAM. I can not answer that question directly, but I can say that the Secretary was fully informed as to the policy of the committee with reference to his request for $100,000 and was asked how much of this hundred thousand dollars would be required for these specialists, and we have given him $10,000. That hundred-thousand-dollar estimate is cut down to $10,000 in this bill.

Mr. WANGER. Mr. Chairman, under the statement of my colleague it is very clear that by far the larger part of the appropriation asked for by the Secretary—to wit, $100,000—was for the employment of special agents to study trade conditions in order that the commerce of the country might be promoted. I understand that one of the purposes for which these agents were desired was to develop or establish what might be regarded as the particular province and function of the Bureau of Manufactures. I recall that when the bill establishing this Department was under consideration very fond hopes were entertained of the usefulness of the Bureau of Manufactures. It has been a disappointment to very many of the manufacturers of the country that that Bureau has not been organized. It will be a further disappointment and a surprise to them that no provision is made for that Bureau in this bill, save and except for the Chief of the Bureau. As I understand it, the bill makes no provision for any clerk or any office force whatever—simply reports the annual salary of the Chief of the Bureau. Therefore I share in the disappointment, having supposed that a bureau of manufactures would be a very important division in the Department of Commerce and Labor and of great value to the producers of the country. And with all respect to the committee in acting upon the recommendation of the Secretary in this instance, it seems to me they have entirely ignored so much of his request as involves any meat and have simply made an appropriation for the dry bones of the recommendation. I assume that $10,000 is abundant for the purpose, considering the business methods of the Department. I am very sorry that the other phase of the question has not been fully reported upon by the committee and that provision has not been made for the effective and useful operation of the Bureau of Manufactures. [Applause.]

Mr. LITTAUER. Mr. Chairman, no estimate was submitted for clerical force of the Bureau of Manufactures.

Mr. MANN. Oh, yes.

Mr. WANGER. Oh, my friend from New York is entirely mistaken.

Mr. LITTAUER. Except for the Chief of Bureau in this bill.

Mr. MANN. There was an estimate.

Mr. WANGER. If the gentleman from New York will refer to page 112——

Mr. LITTAUER. Except for the Chief of Bureau.

Mr. WANGER. Page 112 of the Book of Estimates will disclose to the gentleman these estimates:

Chief of Bureau; Chief clerk; one clerk of class 4; one clerk of class 3; one clerk of class 2; one clerk of class 1; one clerk, $1,000; one clerk, $900; one messenger, $840.

Mr. LITTAUER. That is the existing law, and they were reestimated for this year by the Department; but the Secretary of the Department advised us that while some of these clerks had been appointed they had been detailed to other bureaus of the Department, and there had as yet been no organization of the Bureau of Manufactures—in fact, that the Department of Commerce and Labor has not yet devised any scheme to carry out the purposes of that Bureau.

Mr. MANN. May I ask the gentleman a question as to whether it would be possible to organize the Bureau without clerical help?

Mr. LITTAUER. It would not; but it seems that the clerical help appropriated for last year was used for utterly different purposes and consequently your committee felt it would be well for the Department to determine what sort of work they were going to do before we could properly say whether they needed three clerks or six clerks or sixteen clerks to carry out their purpose.

Mr. MANN. That is a pretty good answer.

Mr. LITTAUER. Now, as to the other provisions to which the gentleman referred, which have been submitted by the Secretary of the Department—that is, a provision granting him a large sum of money in order that he might engage specialists to travel over the world and determine how our commerce could be developed in one quarter or another. I am sure the House will bear in mind that the consular service in part is now at work for the Department of Commerce and Labor; that their reports are all brought to the Department of Commerce and Labor, and we felt that the proposed additional force would simply be supplementary of the work that the consular service ought to carry out. We look forward to reforms in that direction and not to duplication. I trust, Mr. Chairman, that my colleague will not insist upon his point of order. The provision that we have submitted to the House here is for an entirely different purpose.

It is to make investigation regarding the manner and conduct of public business in the various bureaus, offices, and services of the Department of Commerce and Labor. You all know that this Department is not only new, but it is a composite Department. Part of its bureaus came from the Treasury, part from the State Department, some of them from independent services. The methods of doing business in some of them were not acceptable to the Secretary, and, moreover, just lately, after the terrible disaster to the steamer *Slocum* in New York, a commission had to be appointed to investigate that disaster. There was no fund from which to pay that commission. Practically very able men were selected from those already in the Government service and detailed to that work. Now, it is the purpose of the Secretary to have a modest sum like this $10,000—in fact, he wanted $25,000—in order that he may make uniform the work of his Department, make diligent inquiry into the methods of work, with a view of simplifying and making uniform the work of the

different bureaus and investigate what was doing and how they are carrying out their purposes.

Mr. MANN. Mr. Chairman, I wish to address myself particularly to the gentleman from New York, who reserves the point of order. The gentleman will remember that I made the report to the House of the bill creating the Department of Commerce and Labor. To that Department there were transferred the Bureau of Statistics from the Treasury Department, the Bureau of Labor (an independent bureau), the Bureau of the Census from the Interior Department, and the Bureau of Foreign Commerce from the State Department. Everybody in Congress had understood perfectly well that there were constant duplications of statistical information; that in some places the Bureau of Statistics and the Bureau of the Census and the Bureau of Labor were all collecting and compiling the same information. It was the expectation of Congress in creating the Department of Commerce and Labor and in consolidating the various bureaus of the Government engaged in the collection of statistics that these bureaus when collated in one Department would be harmonious, so that they would not duplicate their work. Now, it is an impossibility for the Secretary of Commerce and Labor, through the information which he had at his command, without the services of specialists, to be able to harmonize these various bureaus and eliminate the unnecessary work now performed by some of the different bureaus. It was the intention of the last Secretary of Commerce and Labor to endeavor to do this work through the aid of some board which might be authorized by Congress. The new Secretary, one of our own members until he was appointed there, is giving his best efforts to reduce this duplication, but it will be an impossibility for him or for any other officer of the Government to do this without the aid of some specialists who may be permitted to examine into the subject in its different phases and examine the methods followed by the different bureaus. It is not practicable to rely wholly upon the Director of the Census or the Commissioner of Statistics or the Chief of the Bureau of Labor for them to harmonize, and if it were practicable they have other services to perform; and I hope that the gentleman, who is always, I know, in favor of economy—proper economy—will permit the economy which will come in this Department by doing away now with thousands of dollars spent in duplication of statistics entirely unnecessary, but which will be continued unless the Secretary is authorized, through the aid of these specialists, to harmonize the collection of statistics.

Mr. PERKINS. Mr. Chairman, I wish to speak one word in seeming to put my judgment against that of the Committee on Appropriations. In the last Congress an additional department was created. Some of us questioned then the value that it might prove to be. What practical advantage has resulted since then I do not intend now to say, but it certainly has resulted in a very large increase of expense. This bill carries appropriations for the various branches of the Department of Labor and Commerce of at least seven or eight hundred thousand dollars. Now, we are told, the gentleman from Illinois says, that in this great Department, the result of whose labors thus far has not been altogether clear, there can not be found the time or intelligence to properly organize that Department. We are told that when we are paying over half a million dollars of salaries to secretaries, to assistants, and clerks of every variety, it is necessary to hire at an expense of $10,000, specialists. To tell them what?

To make investigations regarding the manner of conducting the public business in the various bureaus, offices, and services of the Department of Commerce and Labor, with the object of securing more uniform, economical, and businesslike methods of administration.

Mr. Chairman, I am not thoroughly a believer in those specialists who have to be called in to reorganize any branch of business, and it is strange that in the Department of Commerce there can not be found sufficient intelligence to say how that office should be run, without hiring specialists at an expense of $10,000 this year, and Heaven knows how many thousands of dollars some other year.

Mr. LITTAUER. May I ask a question?

Mr. PERKINS. Certainly.

Mr. LIVINGSTON. I submit the point of order that debate is exhausted.

The CHAIRMAN. The question of order has not been discussed at all.

Mr. PERKINS. I stated, Mr. Chairman, that this is new legislation, and I have heard no one question the point of order.

Mr. LITTAUER. I would like to ask my colleague this question: Do you not think it would be well to have a specialist come in, independent of any influences that surround such Departments, and bring about the result that this Department desires to achieve?

Mr. PERKINS. Is it possible that the head of a Department can not regulate his Department without being subject to special influences? I should be sorry to believe that.

Mr. GILLETT of Massachusetts. Has the gentleman taken into consideration the fact that this Department consists of several bureaus—the Census Bureau, the Bureau of Labor, the Bureau of Statistics? As I understand, one of the purposes is to consider whether these various bureaus can not be consolidated and brought into one. To do that requires a good deal of close investigation.

Mr. PERKINS. I can not believe that the officer in charge of this Department can not find some competent persons in his Department without its being necessary to hire a specialist.

The CHAIRMAN. The Chair understands it is conceded that this is new legislation, and therefore sustains the point of order.

Mr. BINGHAM. I have here a committee amendment, which is merely to correct the totals.

The Clerk read as follows:

On page 138, in line 13, strike out "fifty-eight thousand six hundred and eighty" and insert "fifty-seven thousand six hundred and sixty."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe in lieu of subsistence, at a rate not exceeding $4 per day, to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations, while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all, $100,000.

Mr. BAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BAKER. Mr. Chairman, this paragraph appropriates the enormous sum of $4 a day for special attorneys, special examiners, and special agents of the Bureau of Corporations of the Department of Commerce and Labor. Presumably these men are to investigate those combinations of capital to which reference has been occasionally made on the floor of this House.

Mr. LITTAUER. Will the gentleman point out where these four-dollar-a-day men are provided for?

Mr. BAKER. "In lieu of subsistence." Is this additional to their salaries?

Mr. LITTAUER. It reads here:

The per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe in lieu of subsistence, at a rate not exceeding $4 per day.

Mr. BAKER. Now, I will ask the chairman of the Appropriations Committee what is the recompense of these men? What character of men are they who are to make this investigation?

Mr. BINGHAM. That is purely discretionary, I would say, in the Secretary as to selection; and as a matter of fact we give the Bureau of Corporations less than the current law.

Mr. BAKER. My complaint is not——

Mr. BINGHAM. We have made available all we think they could call for. There is no intent to keep them from undertaking any proceedings that might come before them within the limitations of current law, and no abridgment of the Bureau of Corporations in that law under the Department of Commerce and Labor. If the gentleman desires to increase——

Mr. BAKER. My complaint is not that too much money is appropriated, but that no apparent use is made of the money. Here is this Department of Commerce and Labor, created very largely because of a public sentiment, yes, a public demand, that there should be an investigation of what have come to be known as "trusts," and what is the result? Absolutely nothing!

Now, I am assured from information that has come to me from men in the Department that an investigation has been made in the case of one corporation, and the books are kept in such a manner that the man can not tell whether the corporation made $100,000,000 or $1,000,000. Presumably the man was not a competent man.

Mr. BINGHAM. If the gentleman will permit me, I think it was the gentleman from Georgia that offered an amendment to this bill giving $500,000 appropriation to this Department for the investigation of what are called "trust" corporations. A

year ago that appropriation was transferred by the action of the House from this bill to the sundry civil bill, and this bill has no longer any relation with that large appropriation of half a million dollars to go into perhaps a very complete investigation. If the gentleman desires to know, I would state that this is simply an appropriation for what is called the "Bureau of Corporations," and for the subordinate force as well as for their judicial department.

Mr. BAKER. I hope this is not to come out of my time, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BINGHAM. I ask unanimous consent that the gentleman may have five minutes.

There was no objection.

Mr. BAKER. Now, Mr. Chairman, it certainly seems to me, from the lack of result, that one of two things exists—either a lack of competency on the part of the men detailed by the Bureau of Corporations of the Department of Commerce and Labor or else a lack of intent on the part of the Secretary to get at the facts. Here is a notorious fact that every person in the country knows—that the Steel Rail Association exists. I introduced a resolution into this House. It was referred to the Judiciary Committee, and that committee, I understand, is going to report that resolution back with the recommendation that it lie on the table, on the ground that it is a mere rumor. A mere "rumor," forsooth! Certainly the most substantial rumor in this country. A rumor so strenuous, so strong, so powerful, that it can take the American people by the throat and exact tribute of $30,000,000. [Applause on the Democratic side.] This is known to everybody; and yet you gentlemen, through the majority of your Judiciary Committee, say that the Steel Rail Association is a rumor. Why, even the gentleman, my friend from Pennsylvania, who represents Harrisburg in this House [Mr. OLMSTED], has probably heard of this Steel Rail Association, that little combination——

Mr. OLMSTED. I have heard the gentleman mention it.

Mr. BAKER. I am not surprised that such ignorance is displayed, when we see 500,000 plurality from his State for a man who is supposed to be a "trust buster." The ignorance of the people of Pennsylvania is almost equal to that which has been displayed here.

Mr. OLMSTED. Your State did pretty well. [Laughter.]

Mr. BAKER. Yes; I am frank enough to say that the State did very well; but I am also frank enough to say that the State would not, in my judgment, have done half so well if it had not been that the men on this side listened to the siren song of those monopolists that were running the campaign for the gentleman you refer to. [Laughter and applause on the Republican side.] I hope this will not come out of my time, Mr. Chairman. I wanted to say a few words about this combination—the Steel Rail Association.

Well, we are told that it is a mere rumor that the Steel Rail Association exists. Presumably the Department of Commerce and Labor is almost as ignorant of the existence of the Steel Rail Association as is my friend from Pennsylvania. Yet that association meets regularly; they do not even meet in secret. They make no pretense of covering up their actions, and at the end of their meetings they give out statements to the newspapers; and yet we are told by the Republicans that that little combination is a mere "rumor." How effective the "rumor" is is shown when through a combination of the United States Steel Corporation, the Lackawanna Steel Company, the Maryland Steel Company, and one or two others—minor corporations—they are able to take full advantage, which otherwise they could not do, of the duty of $7.84 a ton upon steel rails, so that they are charging the American consumers of steel rails $28 a ton when upon the testimony of the greatest expert upon steel manufacture in the world (according to the United States Steel Corporation itself), Mr. Charles M. Schwab, it only costs $12 a ton to manufacture them in Pittsburg, so that there is a profit of $16 a ton or 133 per cent profit upon the actual cost of production; and yet not a Republican, not even the Bureau of Corporations of the Department of Commerce and Labor, which was specially brought into existence to find out if there are any trusts, any combinations in restraint of trade, not one member of the Administration, not a Republican in this House, not even the Secretary of Commerce and Labor, has heard of that combination at all.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BAKER. I expected it. [Laughter.]

The Clerk read as follows:

Bureau of Manufactures: Chief of Bureau of Manufactures, $4,000.

Mr. MADDOX. Mr. Chairman, I move to strike out that paragraph. I see from this report of the committee that a reduction has been made in that bureau of so many clerks. In fact, I am informed that there is no such bureau except the chief; that all of the clerks and the officials of that special bureau have been taken from him. Now, I would like to know what this chief is doing and why we are appropriating $4,000 to a man to do nothing. Is it true?

Mr. BINGHAM. I would state to the gentleman that we have continued this, as I may say, pro forma in the bill.

Mr. MADDOX. Because it was the law?

Mr. BINGHAM. The submission made by the Secretary of Commerce and Labor was to the effect that he had not yet organized the bureau. We therefore struck out all the subordinate force and left the creation of the bureau to be a matter for the future under the law. There has been no chief of the Bureau of Manufactures appointed.

Mr. MADDOX. There is none?

Mr. BINGHAM. There is none appointed. It is simply a verbiage contained in the law for the original organization of the Department. The gentleman has a right to strike it out.

Mr. MADDOX. I move to strike it out. If there is no chief appointed, there is no necessity for the appropriation.

Mr. BINGHAM. It leaves it there, so that it may, when the time comes, be used as the basis of a report to Congress. So far as this Congress is concerned, the Department has never filled the place, and your committee have stricken from the Book of Estimates all the recommendations of the Secretary for a subordinate force.

Mr. MADDOX. Now I understand, Mr. Chairman, that there is no chief of the Bureau?

Mr. BINGHAM. I do not want to be misunderstood. The Secretary in nowise wants this, except that it may be used in the future. He says that up to to-day he has not been able to organize that Bureau to his satisfaction. It does no harm to be there; there is no money appropriated by Congress for him.

Mr. MADDOX. You are appropriating now, and that is what I am objecting to.

Mr. GILLETT of Massachusetts. We may need it next year; we had it last year, but he did not use it. Why not give it to him and let him organize it when he gets ready?

Mr. MADDOX. If there was any necessity for it I would not object to it; if anybody's interest is to be advanced by it I would not object. But I am told that we have no chief of the Bureau. You have, according to your report, abolished the whole business; now, why not carry it out? I move to strike it out.

Mr. LIVINGSTON. The Department of Commerce and Labor is not itself thoroughly organized. It is a new Department, created a short time ago, and this is one bureau in the Department that they have not yet organized. They may do so in a month, they may do so in six months, and they may not do it for six years. We have left the salary of the chief of the division there so that when the Secretary takes it up for the purpose of organization he has got a starting point upon which he can build.

Mr. MADDOX. Mr. Chairman, in reply to that I want to call the attention of the House to this report. It says:

Bureau of Manufactures.—A reduction is made of one chief clerk at $2,000, one clerk at $1,800, one clerk at $1,400, one clerk at $1,200, one clerk at $1,000, one clerk at $900, one messenger at $840, one assistant messenger at $720, one messenger boy at $480, and two laborers at $660 each.

Now, the committee comes here and annihilates this bureau, and these men that I speak of are detailed on some other work or discharged—although I never heard of one being discharged.

Mr. LITTAUER. Let me say to the gentleman that there were only two of these clerks appointed last year. They were detailed to the Secretary's office, one clerk of the fourth class and one of the second class, and two laborers.

Mr. MADDOX. I would like to understand why you come in, then, and tell us that you have made the reduction that I have read, if there were only four clerks there. How can you reduce a thing that does not exist?

Mr. LITTAUER. Our reduction was of the appropriation and not the expenditure of money. There is a reduction of appropriation. The gentleman will find that in many Departments not all the clerks provided or appropriated for are used or appointed.

The CHAIRMAN. Does the gentleman from Georgia insist on his amendment?

Mr. MADDOX. Yes; I move to strike it out.

The question was taken; and on a division (demanded by Mr. MADDOX) there were—ayes 19, noes 65.

So the amendment was rejected.

The Clerk read as follows:

The Census Office: For Director, $6,000; four chief statisticians, at $2,500 each; chief clerk, $2,500; disbursing and appointment clerk, $2,500; geographer, $2,000; stenographer, $1,500; eight expert chiefs of division, at $2,000 each; four clerks of class 4; seven clerks of class 3; sixteen clerks of class 2; three hundred clerks of class 1; two hundred and twenty-five clerks, at $1,000 each; thirty clerks, at $900 each; expert map mounter, $1,000; engineer, $1,000; electrician, $1,000; two skilled laborers, at $1,000 each; five skilled laborers, at $900 each; ten watchmen; six messengers; two firemen; ten assistant messengers.

Mr. SNOOK. Mr. Chairman, I move to amend by striking out the word "six," in line 9, page 142, and insert in place thereof the word "five."

The Clerk read the amendment, as follows:

On page 142, line 9, strike out the word "six" and insert in lieu thereof the word "five."

Mr. SNOOK. Now, Mr. Chairman, this is the same amendment that was offered to this appropriation bill at the last session of Congress by my colleague, Mr. COWHERD. At that time there was quite an extended discussion on the merits of this amendment before the House. This afternoon the attention of the House has been called to a number of items of inequalities in the salaries paid to the different officials provided for in this bill. About all I desire to do is to call the attention of the House to the inequality of the salary of this official as compared with that of other officials provided for in this appropriation bill. Take the heads of the different bureaus provided for in this Department of Commerce and Labor. The head of the Bureau of Corporations is to receive a salary of only $5,000. This is perhaps the most important bureau provided for in the whole range of governmental affairs, and yet he receives only $5,000. The head of the Bureau of Labor, one of the most important bureaus under the Government, receives only $5,000. As was pointed out by my colleague a year ago, the Assistant Postmasters-General, the first, second, third, and fourth, although they disburse very large sums of money and have a most important place, receive only $4,500. The Assistant Attorney-General, a most important officer, receives $5,000. Why it should be thought that out of the whole list of officials this single man should be singled out to receive $6,000 I have never been able to see. It seems to me if the committee is desirous of making the salaries of the different officials equal, and are eager to raise the point of order when somebody undertakes to make the equality by raising a salary for the small sum of $250, the great Appropriations Committee ought to be willing to reduce the salary of this man from $6,000 to $5,000 and put it on the same basis of other heads of Departments. [Applause.]

Mr. BINGHAM. Mr. Chairman, the original compensation for the Director of the Census, as the gentleman from Ohio [Mr. SNOOK] will doubtless remember, was $7,500.

Mr. SNOOK. Mr. Chairman, I will say that at the time the salary was reduced from $7,500 to $6,000 there were a great many Members on the floor of the House who wanted it reduced to $5,000.

Mr. BINGHAM. It was reduced to the present figure of $6,000. Without going into any details of the work done—the value of the work done—I desire to remind the committee, as well as the gentleman from Ohio [Mr. SNOOK], that twice in this very House at the last session of this Congress the proposition came before the House to reduce this salary to $5,000, in a vote on two occasions on an amendment proposed by the gentleman from Missouri [Mr. COWHERD]. The House at that time determined that there should not be any reduction and that the law should remain as it was fixed in the bill. We have simply followed that law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and, on a division, demanded by Mr. SNOOK, there were—ayes 19, noes 59.

So the amendment was rejected.

The Clerk read as follows:

Bureau of Navigation: For Commissioner of Navigation, $4,000; two clerks of class 4; additional to one clerk designated as deputy commissioner, $600; clerk to Commissioner, $1,600; one clerk of class 3; two clerks of class 2; four clerks of class 1; nine clerks, at $900 each; one assistant messenger, and one laborer; in all, $28,480.

Mr. MADDOX. Mr. Chairman, I make the point of order to lines 18 and 19, page 145, which provide for a Commissioner of Navigation, at a salary of $4,000. As I understand it the existing law is that his salary is $3,600, and this raises it to $4,000.

Mr. LITTAUER. Mr. Chairman, in the law creating this bureau it is provided that he shall receive a salary of $4,000 per annum. Congress in the past has not appropriated as much as the law called for.

Mr. MADDOX. Do I understand the gentleman to say that that is the law?

Mr. LITTAUER. Yes.

Mr. MADDOX. My information is that it was $3,600.

Mr. LITTAUER. The law is that it shall be $4,000.

Mr. MADDOX. If that is true, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. No part of any money appropriated by this act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those specifically authorized and named for personal purposes in section 2 of the legislative, executive, and judicial appropriation act for the fiscal year 1905, and other than those used for transportation of property belonging to or in the custody of the United States), for the official use of any officer or employee of any of the Executive Departments or other Government establishments, at Washington, D. C., unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used.

Mr. BINGHAM. Mr. Chairman, I offer the following committee amendment to make a change of one word, a misprint, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 155, in line 10, strike out the word "two" and insert in lieu thereof the word "three," so that it will read "in section three."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk then concluded the reading of the bill.

Mr. BINGHAM. Mr. Chairman, there is one paragraph of the bill which one gentleman asked to have passed over without prejudice. As I understand it he now withdraws that request, and I ask for the reading of the paragraph and its approval.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Office of Auditor for Interior Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; nine clerks of class 4; sixteen clerks of class 3; twenty-eight clerks of class 2; twenty-eight clerks of class 1; sixteen clerks, at $1,000 each; fourteen clerks, at $900 each; one assistant messenger; four skilled laborers, at $720 each; six laborers; and one female laborer, $600; in all, $165,860.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15895), the legislative, judicial, and executive appropriation bill, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be adopted, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BINGHAM. Mr. Speaker, I ask concurrence in all of the amendments to the bill, with the exception of those on page 20, line 24, stenographers to committees, and upon that I ask a separate vote.

The SPEAKER. Is there any other amendment on which vote is asked? If not, a vote will be taken on the amendments en bloc, excepting the one designated.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the other amendments.

The Clerk read as follows:

On page 20, line 25, strike out the word "five" and insert in lieu thereof the word "three;" and on page 21, line 2, strike out the word "twenty-one" and insert in lieu thereof the word "thirteen;" so as to read "for four stenographers to committees, at $3,000 each; assistant stenographer to committees, $1,600; in all, $13,600."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and upon a division (demanded by Mr. CRUMPACKER) there were—ayes 45, noes 63.

So the amendments were rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

REPORT ON IMPEACHMENT OF JUDGE SWAYNE.

Mr. PALMER. Mr. Speaker, I ask leave to make a privileged report in the case of the Hon. Charles Swayne, judge of the northern district of Florida, submitted by the Judiciary Committee.

The SPEAKER. The gentleman from Pennsylvania makes the following privileged report, the title of which the Clerk will report.

The Clerk read as follows:

Report in the matter of the impeachment of Charles Swayne, judge of the United States in the northern district of Florida.

The SPEAKER. The report will be referred to the House Calendar, and ordered to be printed.

ADJOURNMENT UNTIL MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from New York moves that when the House adjourns to-day that it adjourn to meet on Monday next.

The question was taken, and the motion was agreed to.

REPRINT OF SENATE BILL.

Mr. BELL of California. Mr. Speaker, I ask unanimous consent for a reprint of Senate bill 2114.

The SPEAKER. The gentleman from California asks unanimous consent for a reprint of the bill the title of which the Clerk will report.

The Clerk read as follows:

Senate bill 2114, to fix the rank of certain officers in the Army.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PARKER. On the privileged report just handed in some of us desire to file minority views. I ask, therefore, leave until Monday to file their views.

The SPEAKER. The gentleman from New Jersey asks if there be minority reports on this subject that the Judiciary Committee may have leave until Monday next to file same. Is there objection? [After a pause.] The Chair hears no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned to meet on Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for additional clerks in the office of the assistant treasurer of the United States at Baltimore—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for repairs to Washington Monument—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of the expenditures of the Bureau of Fisheries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an explanation of estimates of appropriations for foreign intercourse—to the Committee on Appropriations, and ordered to be printed.

A letter from the Doorkeeper of the House, transmitting an inventory of books, maps, and pamphlets in his department November 1, 1904—to the Committee on Accounts, and ordered to be printed.

A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the resignation of Col. George W. Steele as a member of the board—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for appliances for the post-office at Chicago—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 160) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition, reported the same with amendment, accompanied by a report (No. 3017); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River, near the town of Fulton, in the said county and State, reported the same with amendment, accompanied by a report (No. 3018); which said bill and report were referred to the House Calendar.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes," reported the same with amendment, accompanied by a report (No. 3019); which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XII Mr. JENKINS, from the Committee on the Judiciary, to which was referred the House resolution (H. Res. 383) concerning steel-manufacturing companies, reported the same adversely, accompanied by a report (No. 3020); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3840) granting an increase of pension to Lucy F. Baldwin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15796) granting certain property to the county of Gloucester, N. J.—Committee on Military Affairs discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 6920) granting a pension to Susan E. Weaver—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15738) granting an increase of pension to Maggie D. Russ—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 16181) to provide for an additional judge of the district court of the United States for the middle and eastern districts of Tennessee, and for other purposes—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 16182) providing for the appeal of one case from the citizenship court of the Indian Territory to the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. BROOKS: A bill (H. R. 16183) to amend the homestead laws as to certain unappropriated and unreserved lands within the State of Colorado—to the Committee on the Public Lands.

By Mr. HEDGE: A bill (H. R. 16184) granting an appropriation for the enlargement of the public building at Burlington, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of California: A bill (H. R. 16185) to provide for the survey and deepening of a channel in Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16186) to provide for the survey of the harbor at Crescent City, Cal.—to the Committee on Rivers and Harbors.

By Mr. COWHERD: A bill (H. R. 16187) for the extension of Nineteenth street from Woodley road to Mintwood place—to the Committee on the District of Columbia.

By Mr. SHERLEY: A bill (H. R. 16188) authorizing the exportation of certain articles to Porto Rico without the payment of internal-revenue tax—to the Committee on Ways and Means.

By Mr. ROBINSON of Arkansas: A bill (H. R. 16189) providing for the maintenance of the channel of the Arkansas River at Pine Bluff, Ark., and for the repair of dikes and revetment work at said place—to the Committee on Rivers and Harbors.

By Mr. LILLEY: A bill (H. R. 16190) to admit wood free of duty—to the Committee on Ways and Means.

By Mr. RODENBERG: A bill (H. R. 16191) for the erection of a Federal building for the United States courts and other Government offices at East St. Louis, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16192) for the erection of a public building at Belleville, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16193) to provide for the erection of a public building at Alton, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. GREENE: A resolution (H. Res. 390) relative to inquiry as to the most practicable method for transportation of documents to and from the Capitol and the Government Printing Office—to the Committee on Printing.

By Mr. HEPBURN: A resolution (H. Res. 391) providing for the consideration of H. R. 15254—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 16194) granting an increase of pension to James Gwyn—to the Committee on Invalid Pensions

By Mr. BENNY: A bill (H. R. 16195) for the relief of John P. Fairchild—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 16196) for the relief of the owners of the steamship *Newchwang*—to the Committee on Claims.

By Mr. BIRDSALL: A bill (H. R. 16197) granting an honorable discharge to Smith N. Vosseller—to the Committee on Military Affairs.

Also, a bill (H. R. 16198) to correct the muster roll of Company G, Sixteenth Iowa Infantry Volunteers—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 16199) granting an increase of pension to Joseph McGuckian—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 16200) granting an increase of pension to Morton M. Noah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16201) granting an increase of pension to Horace Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16202) granting an increase of pension to Galimus McCarty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16203) granting an increase of pension to George W. Mann—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16204) granting a pension to Hannah McAdams—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 16205) granting an increase of pension to James A. Roark—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 16206) granting an increase of pension to George Ulrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16207) granting an increase of pension to Lorenzo English—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16208) granting a pension to Arabella M. Marks—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16209) granting a pension to Anna McQuillin—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16210) to correct the military record of Joseph A. Blanchard—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 16211) granting a pension to Melvin T. Edmonds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16212) granting an increase of pension to Mathias R. Zahniser—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 16213) for the relief of George Davidson—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 16214) granting an increase of pension to Gilbert Ford—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 16215) granting an increase of pension to Fitz Allen Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16216) granting an increase of pension to Philo G. Tuttle—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 16217) granting an increase of pension to S. C. Chamberlain—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 16218) granting a pension to Rush G. Leaming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16219) granting a pension to John W. Chewning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16220) granting a pension to Rufus Gosnell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 16221) for the relief of William Ryan, late of Company M, First Illinois Light Infantry—to the Committee on Military Affairs.

By Mr. HITCHCOCK: A bill (H. R. 16222) granting an increase of pension to Elias W. Ticknor—to the Committee on Inalid Pensions.

Also, a bill (H. R. 16223) to correct the military record of Josiah S. Wright—to the Committee on Military Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16224) for the relief of Mrs. Emily Miller—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 16225) granting an increase of pension to John Bokart—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 16226) granting an increase of pension to William W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16227) for the relief of Harvey F. Woods—to the Committee on War Claims.

By Mr. LUCKING: A bill (H. R. 16228) to remove charge of desertion from military record of Joseph Trombley—to the Committee on Military Affairs.

Also, a bill (H. R. 16229) to remove the charge of desertion from the military record of Joseph Vallard—to the Committee on Military Affairs.

By Mr. LIND: A bill (H. R. 16230) granting a pension to Emma M. Rea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16231) granting a pension to Anna Elizabeth Hull—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16232) granting an increase of pension to Charles D. Jenkins—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 16233) granting an increase of pension to Nelson Utley—to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 16234) granting an increase of pension to Benjamin H. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16235) granting an increase of pension to William W. Schooley—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16236) for the relief of Salina E. Lauderdale—to the Committee on War Claims.

Also, a bill (H. R. 16237) for the relief of the estate of Simeon Houk—to the Committee on War Claims.

By Mr. ROBB: A bill (H. R. 16238) granting an increase of pension to David Hawkins—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 16239) granting an increase of pension to Mary K. Roone—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 16240) for the relief of heirs of Charles and Palmyra Barre, deceased—to the Committee on War Claims.

By Mr. SIBLEY: A bill (H. R. 16241) granting an increase of pension to Paul Stang—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16242) granting an increase of pension to Hiram T. Houghton—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16243) for the relief of Eli Brown—to the Committee on War Claims.

Also, a bill (H. R. 16244) for the relief of the legal representatives of William Kendall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16245) for the relief of the estate of R. D. Freeland, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16246) for the relief of T. F. Allison—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 16247) to remove charge of desertion from the record of Jeremiah Hall—to the Committee on Military Affairs.

Also, a bill (H. R. 16248) granting an increase of pension to Frank Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16249) granting a pension to Eliza J. Burch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16250) granting an increase of pension to Henry W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16251) granting a pension to James I. Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16252) granting a pension to Mary A. H. Hartz—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 16253) granting an increase of pension to Samuel Murphy—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 16254) granting an increase of pension to Lydia R. Howard—to the Committee on Pensions.

Also, a bill (H. R. 16255) granting an increase of pension to Elam Skivers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16256) granting a pension to Elizabeth Debord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16257) granting a pension to Laura W. Brown—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 16258) granting a pension to Susan H. Chadsey—to the Committe on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 16259) granting an increase of pension to John Walz—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 16260) granting an increase of pension to Frederick Hark—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 16261) granting a pension to Andrew T. Welman—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 16262) granting an increase of pension to Jacob Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16263) granting an increase of pension to Lewellyn Niles—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 16264) granting an increase of pension to Joseph H. Munnell—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 16265) granting a pension to Margaret Stevens—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 16266) to remove the charge of desertion from the record of Henry Beeger—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 16267) granting an increase of pension to James F. Hubbard—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 16268) for the relief of S. D. Sprinkle—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 16269) to authorize the reappointment of Lewis C. Hamilton a second lieutenant in the Army and to place him on the retired list—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 16270) granting an increase of pension to Ransom D. Buzzell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16271) granting an increase of pension to Thomas McCabe—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16272) granting an increase of pension to Isaac Montgomery—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16273) granting an increase of pension to Reuben A. Miles—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Vermilion County (Ill.) Woman's Christian Temperance Union, praying for an amendment of the pending bill relative to the admission of Oklahoma and Indian Territories—to the Committee on the Territories.

Also, memorial of the Independent Home Rule Party of Hawaii, praying for the appointment of commission to investigate the recent election in that Territory—to the Committee on Elections No. 2.

Also, papers to accompany bill H. R. 8719, for the relief of Moses B. Page, Company A, One hundred and sixteenth Illinois Infantry, of Paris, Ill., granting him an increase of pension—to the Committee on Invalid Pensions,

By Mr. ADAMS of Pennsylvania: Papers in support of claim of Gen. James Gwyn for increase of pension—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Papers to accompany bill H. R. 7878, granting an increase of pension to Richard Jones—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Papers to accompany bill H. R. 16033, for the relief of William H. Clark—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 5249, granting a pension to Charles H. Barrows—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of the Christian Endeavor Society of South Dakota—Jessie S. Harris, president, and Pearl Stoner, secretary—favoring the establishment of a regular international peace congress—to the Committee on Foreign Affairs.

Also, petition of citizens of South Dakota, favoring enactment into law of bill H. R. 13778, known as the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Papers to accompany House bill for the relief of Morton M. Noah by granting him a pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to George W. Mann—to the Committee on Invalid Pensions.

Also, papers in support of claim of John H. McKee, late a captain of Company A, One hundred and fifth Regiment Pennsylvania Veteran Volunteer Infantry, for special pension act—to the Committee on Invalid Pensions.

Also, resolution of the State Bankers' Association of Nebraska, in favor of repealing a clause in the national-currency act which limits the retirement of national-bank notes—to the Committee on Banking and Currency.

Also, resolution of the State Bankers' Association of Nebraska, favoring reform in the consular service—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolution of Bluehill and East Bluehill Grange, No. 52, Hancock County, Me., in favor of establishing a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. DANIELS: Papers in support of the claim of Second Lieut. James A. Roark, Company F, Sixth Illinois Cavalry, granting him a pension—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of locomotive engineers, asking that engineers who served at the front during the civil war be placed on the eligible list to receive pensions—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Division No. 13, Brotherhood of Locomotive Engineers, of North Salem, Wis., requesting that engineers who served at the front during the civil war be placed on eligible list to receive pensions—to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution of the Ohio Valley Improvement Association, in relation to improvements of Ohio River—to the Committee on Rivers and Harbors.

Also, resolution of the Grand Camp, Arctic Brotherhood, in favor of representation for Alaska in Congress—to the Committee on the Territories.

By Mr. GARDNER of Michigan (by request): Petition of the Christian Endeavor Society of Hillsdale, Mich., favoring the establishment of an international peace congress—to the Committee on Foreign Affairs.

By Mr. GIBSON: Petition of Gilbert Ford, to accompany bill for his relief—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: Petition of O. C. Fletcher and others, of Chicopee Falls, Hampden County, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAMILTON: Resolution of the Christian Endeavor Society of Dowagiac, Mich., favoring an international peace congress—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Resolution of the Nebraska State Bankers' Association, favoring reform in the currency laws—to the Committee on Banking and Currency.

Also, resolution of the Nebraska Bankers' Association, favoring reform in consular service—to the Committee on Foreign Affairs.

By Mr. HULL: Petition of the Journeymen Stone Cutters' Association of Des Moines, Iowa, local branch, in favor of using Ohio sandstone in the new Federal building at Cleveland, Ohio, as per contract, instead of substituting granite—to the Committee on Public Buildings and Grounds.

By Mr. KNAPP: Resolution adopted by the Brotherhood of Locomotive Engineers during the War of the Rebellion, requesting that they be made eligible to receive pensions—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Resolution of the Brotherhood of Locomotive Engineers, requesting that the engineers who served during the civil war be placed on the eligible list to receive pensions—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of Chicago Board of Trade, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of citizens of Boston, Mass., in favor of the establishment of a regular international peace congress—to the Committee on Foreign Affairs.

By Mr. PORTER: Petition of the Interstate Commerce Law Convention, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Ohio Valley Improvement Association, favoring the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Louisiana: Memorial from citizens of Ouachita Parish, La., relative to additional locks and dams in the Ouachita River—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of Simeon Houk, deceased—to the Committee on War Claims.

Also, papers to accompany bill H. R. 4748, to authorize the Secretary of War to correct the record of Calhoun Malone—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 12673, granting a pension to Ira Davis—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: Papers to accompany bill for the relief of heirs of Charles and Palmyra Barre—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Resolution of the Brotherhood of Locomotive Engineers, requesting that the engineers during the war of the rebellion be placed on the eligible list to receive pensions—to the Committee on Invalid Pensions.

Also, resolution of the Chamber of Commerce of Utica, N. Y., favoring the enactment of the Cooper-Quarles bill, extending the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Utica (N. Y.) Chamber of Commerce, favoring the enactment of the Cooper-Quarles bill, extending the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Papers in support of House bill granting an increase of pension to Samuel Murphy—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Papers to accompany House bill for the relief of John Clark, late private, Company I, Eighty-second Ohio Volunteer Infantry, granting an increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16168, for relief of Isaiah H. McDonald, late lieutenant, United States Army—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *December 12, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

FRED T. DUBOIS, a Senator from the State of Idaho, and FRANCIS E. WARREN, a Senator from the State of Wyoming, appeared in their seats to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GEORGE WALKER.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting an item to be inserted in the Indian appropriation bill for the fiscal year 1906 to pay to George Walker, a Potawatomi Indian of Michigan, whose name was omitted from Schedule A of the findings of the Court of Claims, his proportionate share of the sum of $78,329.25, appropriated for certain Potawatomi of Michigan by the act approved April 21, 1904, etc.; which was referred to the Committee on Indian Affairs, and ordered to be printed.

USE OF WATER IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia transmitting, pursuant to law, a statement giving the amount of Potomac water used by the Departments of the United States in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

RECEIVERS OF PUBLIC MONEYS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a proposed bill for the relief of certain receivers of public moneys acting as special disbursing agents; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting certified copies of the final ascertainment of electors for President and Vice-President for the States of Georgia, Vermont, Ohio, Arkansas, Maryland, Delaware, Virginia, and Illinois; which, with the accompanying papers, was ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Allaire Works of New York *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the Cumberland Presbyterian Church of Prairie Grove, Ark., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Arthur Taylor, surviving partner of Arthur Taylor and Louis Taylor, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Martha Bowden Gustin, heirs of Lemuel J. Bowden, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Joseph Williams *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of Norfolk Academy *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles V. Stark, assignee of Joseph C. Stark, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John A. Trimble, administrator of George W. Ebert, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Sallie H. Grundy, executrix of the estate of Samuel R. Grundy, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses of Congress adjourn on Wednesday, the 21st day of December, they stand adjourned until 12 o'clock meridian January 4, 1905; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing that the bill (H. R. 10516) for the relief of Edward J. Farrell and the bill (H. R. 11444) to grant certain lands to the State of Ohio be reenrolled for the signatures of the presiding officers of the two Houses and for presentation to the President of the United States; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Independent Home Rule Party of the Territory of Hawaii, remonstrating against the form of ballot used in the late election in that Territory; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the Trades League of

Philadelphia, Pa., and a petition of the Board of Trade of Erie, Pa., praying for the ratification of the international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. PLATT of New York presented a petition of Local Division, Brotherhood of Locomotive Engineers, of New York, praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of the Missionary Society of the First Presbyterian Church of New York City, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Political Equality Club of Wyoming; of the Woman's Republican Club of New York City; of the Susan Look Avery Club, of Wyoming; of the Woman's Christian Temperance Union of East Onondaga, and of the Woman's Christian Temperanee Union of Ellicottville, all in the State of New York, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented petitions of sundry citizens of New York City, of the Woman's Health Protective Association of New York City, of the Woman's Republican Association of New York City, of the New Century Club of Utica, and of the League for Political Education of New York City, all in the State of New York, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. PROCTOR presented a petition of the Vermont State Woman's Christian Temperance Union, of Shelburne, Vt., and a petition of the Woman's Christian Temperance Union of Northfield, Vt., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were referred to the Committee on Territories.

He also presented a petition of the congregation of the South Congregational Church, of St. Johnsburg, Vt., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Waterson Woman's Relief Corps, of Chelsea; of the Vermont Woman's Christian Temperance Union, of Wilmington; of the Woman's Universalist Circle of South Woodstock; of the Woman's Christian Temperance Union of Northfield; of the Ladies' Aid and Ladies' Missionary Societies of East Hardwick; of the Woman's Christian Temperance Union of Peacham, and of the Woman's Christian Temperance Union of Woodstock, all in the State of Vermont, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of 2,500 citizens of the State of Vermont, and the petition of M. L. Brown and sundry other citizens of Middletown Springs, Vt., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Chamber of Commerce of New York City, N. Y., praying for the ratification of the international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. ALLISON presented the petition of Mary A. Miller, of Maquoketa, Iowa, praying that she be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Ella Gotshall, of Miles, Iowa, praying that she be granted a pension; which was referred to the Committee on Pensions.

He also presented the petition of Keziah Maginnis, of Belle Plaine, Iowa, praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. SCOTT presented a petition of sundry citizens of Indian Mills, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a petition of the Woman's Municipal League of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a paper to accompany the bill (S. 5790) for the relief of Harmon Snyder; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5791) for the relief of the estate of Levi Moler, deceased; which was referred to the Committee on Claims.

Mr. BURNHAM presented petitions of the Woman's Suffrage Association of Manchester; of Mrs. Lucy L. Moore, of Manchester; of the Outlook Club of Manchester; of Mrs. A. L. Badger, of Concord; of Mrs. Mary E. Quimby, of Concord; of Candia Grange, No. 167, Patrons of Husbandry, of Candia; of the Good Citizenship Club of Andover; of the Woman's Christian Temperance Union of Rindge; of the Woman's Christian Temperance Union of East Haverhill; of the Equal Suffrage Club of Franklin; of the Equal Suffrage Association of North Conway; of the Civic Club of Littleton; of the Woman's Christian Temperance Union of Greenville; of Mrs. Hannah M. G. Colby, of Warner; of Mrs. Nellie G. Davis, of Warner; of the Woman's Christian Temperance Union of Somersworth; of the Woman's Christian Temperance Union of Boscawen; of the Woman's Christian Temperance Union of East Rochester, and of the Woman's Suffrage League of Keene, all in the State of New Hampshire, praying for the adoption of a certain amendment to the suffrage clause of the statehood bill; which were referred to the Committee on Territories.

Mr. FOSTER of Washington presented sundry papers to accompany the bill (S. 346) authorizing the issuance of a certificate of merit to Robert Williams; which were referred to the Committee on Military Affairs.

He also presented a petition of the Washington State Equal Suffrage Association, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Bancroft, S. Dak., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

Mr. PERKINS presented a petition of the Board of Trade of San Francisco, Cal., and a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the harbor at Honolulu, Hawaii; which were referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the erection in San Francisco of a military depot for quartermaster's subsistence and medical stores for United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of California, praying for the ratification of the international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for certain changes and improvements recommended by the commanding general of the military division of the Pacific; which was referred to the Committee on Military Affairs.

Mr. LONG presented a petition of the Woman's Home Missionary Association of Guthrie, Okla., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Territories.

He also presented a petition of the Quivera Club, of Lawrence, Kans., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a paper to accompany the bill (S. 1793) for the relief of John C. Brown; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 2535) granting an increase of pension to Joel Maxwell; which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3898) granting an increase of pension to Noah C. Standiford; which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 2899) to execute the findings of the Court of Claims in the case of Hiram R. McCalmont, administrator of the estate of A. Lawrence Foster, deceased; which was referred to the Committee on Claims.

Mr. DRYDEN presented a petition of the Village Improvement Association, of Cranford, N. J., praying for the passage of the so-called "pure-food" bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Camden, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Central Dental Association of Northern New Jersey, praying for the enactment of legis-

lation creating a commissioned corps of dental surgeons to be attached to the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Enterprise Harbor, No. 2, American Association of Masters and Pilots of Steam Vessels, of Camden, N. J., praying for the enactment of legislation to enlarge the Delaware and Chesapeake Canal; which was referred to the Committee on Commerce.

He also presented a petition of Local Division No. 157, Brotherhood of Locomotive Engineers, of Jersey City, N. J., and a petition of Local Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City, N. J., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which were referred to the Committee on Pensions.

He also presented petitions of the Haddon Fortnightly Club, of Haddonfield; of the Equal Suffrage Association of Riverton; of the Woman's Riding Club of Rutherford; of the Current News Club, of Morristown; of the Trenton Civics Club, of Trenton, and of William H. Riley, of Plainfield, all in the State of New Jersey, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. GALLINGER presented a petition of the Manchester Suffrage Association, of Manchester, N. H., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of certain legislation for the improvement of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of the Woman's Club of Laramie, Wyo., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Commitee on Territories.

Mr. GORMAN presented a petition of the Board of Trade of Baltimore, Md., praying for the adoption of a certain amendment to the bill to provide that the members of the Board of General Appraisers be continued in office for life, or during good behavior; which was referred to the Committee on Finance.

He also presented a paper to accompany the bill (S. 5707) for the relief of the estate of James H. Beall, deceased; which was referred to the Committee on Claims.

Mr. MITCHELL presented a petition of the Grand Camp of the Arctic Brotherhood of Alaska, praying for the enactment of legislation granting to Alaska adequate representation in Congress by election; which was referred to the Committee on Territories.

He also presented the petition of Isaac S. Doan, of Wallowa, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Portland, Oreg., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union of Oregon City, of the Woman's Christian Temperance Union of Salem, and of the Oregon State Equal Suffrage Association, of Portland, all in the State of Oregon, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of the Independent Home Rule Party, Territory of Hawaii, praying for the enactment of certain election laws for that Territory; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Manufacturers' Association of the Northwest of Portland, Oreg., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Oregon Society, Sons of the American Revolution, of Portland, Oreg., praying for the enactment of legislation providing for the purchase and preservation of Jamestown Island, Virginia; which was referred to the Committee on Military Affairs.

Mr. MILLARD presented a petition of 107 citizens of Nebraska, praying for the enactment of legislation to prohibit the use or sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented petitions of the Woman's Christian Temperance Union of Wynne; of the Equal Suffrage Association, of Springfield, and of sundry citizens of Chadron, Rushville, Plattsmouth, Lincoln, Nebraska City, Table Rock, Nehawka, and Ord, all in the State of Nebraska, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. McCOMAS presented a petition of the Board of Trade of Baltimore, Md., praying for the adoption of a certain amendment to the bill to provide that members of the Board of General Appraisers be continued in office for life or during good behavior; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Presbyterian Church of New Windsor, Md., and the petition of St. Paul's Lutheran Church and the Centre Street Methodist Episcopal Church, of Cumberland, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Board of Trade of Baltimore, Md., praying that the plans recommended by the Commission of the American Institute of Architects, appointed by the Senate for the improvement of the city of Washington, be approved; which was referred to the Committee on the District of Columbia.

Mr. SPOONER presented a petition of the congregation of the First Baptist Church of Hudson, Wis., and a petition of the congregation of the First Presbyterian Church of Hudson, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BLACKBURN presented the petition of Sarah Proctor, of Kentucky, praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. COCKRELL presented the petition of James Fears, of Iron County, Mo., together with the affidavits of A. Jackson Counts and Nathaniel Scott, in support of the bill (S. 525) for the relief of James Fears; which were referred to the Committee on Claims.

He also presented a memorial of the board of directors of the Merchant's Exchange of St. Louis, Mo., remonstrating against the passage of the bill (S. 4596) concerning receipts and bills of lading issued by common carriers engaged in interstate commerce relating to property transported in such commerce; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., and a petition of the congregation of the Sharon Presbyterian Church of Cass County, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the enactment of legislation prohibiting the sending through the mails of all gambling devices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the enactment of legislation to exclude all gambling matter from the interstate express and telegraph service; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the adoption of an amendment to the Constitution to improve the divorce laws in the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the enactment of legislation to prohibit the sale of opium, except for medical preparations, wherever the jurisdiction of the National Government may extend; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the enactment of legislation to protect "no license" States and towns against the sale of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Presbyterian Church of Clinton, Mo., praying for the enactment of legislation providing a Sunday rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2574) granting an increase of pension to Nelson Purcell;

A bill (S. 5741) granting an increase of pension to Stephen Welch;

A bill (S. 3356) granting an increase of pension to Rebecca A. Teter;

A bill (S. 3286) granting an increase of pension to Charles D. Creed;

A bill (S. 554) granting an increase of pension to Thomas P. Farley;

A bill (S. 2096) granting an increase of pension to John W. Millett;

A bill (S. 4382) granting an increase of pension to John B. Harvey;

A bill (S. 5214) granting an increase of pension to William P. Renfro;

A bill (S. 4408) granting an increase of pension to Robert N. Button;

A bill (S. 3232) granting an increase of pension to William O. Gould;

A bill (S. 1810) granting an increase of pension to George W. Thomas;

A bill (S. 3755) granting an increase of pension to William H. Covert;

A bill (S. 5427) granting an increase of pension to Ruhema C. Horsman; and

A bill (S. 4221) granting an increase of pension to Henry C. Stroman.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 552) granting a pension to Ira K. Eaton;

A bill (S. 4208) granting an increase of pension to Sarah Forsythe Bache;

A bill (S. 3357) granting an increase of pension to Welcome B. French;

A bill (S. 3100) granting an increase of pension to Howard Wiley;

A bill (S. 377) granting an increase of pension to Ezra W. Cartwright;

A bill (S. 4383) granting a pension to Mary E. Penn;

A bill (S. 3522) granting an increase of pension to Samuel J. Dennison;

A bill (S. 4273) granting an increase of pension to Frazee A. Campbell;

A bill (S. 2286) granting an increase of pension to James Thompson; and

A bill (S. 3453) granting an increase of pension to David Whitney.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5732) granting a pension to Philip Lawotte;

A bill (S. 5740) granting an increase of pension to Clemon Clooten;

A bill (S. 5859) granting an increase of pension to Henry Breslin;

A bill (S. 5735) granting an increase of pension to Washington Lenhart;

A bill (S. 5744) granting an increase of pension to Joseph A. Rhodes;

A bill (S. 5743) granting an increase of pension to James Riordan;

A bill (S. 5742) granting an increase of pension to Nickles Dockendorf;

A bill (S. 5738) granting an increase of pension to Enoch Russell;

A bill (S. 5737) granting an increase of pension to John W. See;

A bill (S. 5733) granting an increase of pension to Monroe W. Wright;

A bill (S. 5858) granting an increase of pension to John Hubbard;

A bill (S. 5857) granting an increase of pension to James Bryson;

A bill (S. 5734) granting an increase of pension to George H. Woodbury;

A bill (S. 5745) granting an increase of pension to Mary M. Mitchell;

A bill (S. 5736) granting an increase of pension to Charles E. Gilbert;

A bill (S. 5746) granting an increase of pension to Anne Jones;

A bill (S. 5739) granting an increase of pension to Adolphe Bessie;

A bill (S. 5129) granting an increase of pension to Thompson Martin; and

A bill (S. 5428) granting an increase of pension to Joseph J. Hedrick.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5271) granting an increase of pension to Paul Diebitsch; and

A bill (S. 3482) granting an increase of pension to Alfred H. Le Fevre.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2493) granting an increase of pension to Alfred Tichurst;

A bill (S. 2492) granting an increase of pension to George G. Tuttle;

A bill (S. 4393) granting an increase of pension to Cora A. Baker;

A bill (S. 2274) granting an increase of pension to Joseph J. Carson;

A bill (S. 5339) granting an increase of pension to Sidney B. Hamilton;

A bill (S. 4808) granting an increase of pension to John Worley;

A bill (S. 2339) granting an increase of pension to Carolina Apfel; and

A bill (S. 4199) granting a pension to William Rufus Kelly.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2890) granting a pension to Andrew C. Kemper;

A bill (S. 844) granting an increase of pension to Mary L. Duff; and

A bill (S. 2333) granting a pension to Benjamin F. Hall.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4986) granting an increase of pension to Philo S. Bartow;

A bill (S. 5358) granting an increase of pension to Thomas Taylor;

A bill (S. 3001) granting an increase of pension to Adrianna Lowell;

A bill (S. 5190) granting an increase of pension to William Berry;

A bill (S. 567) granting an increase of pension to William Cody;

A bill (S. 2518) granting an increase of pension to Clarinda A. Spear;

A bill (S. 566) granting an increase of pension to William H. Hart;

A bill (S. 5445) granting an increase of pension to Caroline L. Guild;

A bill (S. 5206) granting an increase of pension to Lucy Jane Ball;

A bill (S. 5444) granting a pension to Julia E. Neale;

A bill (S. 801) granting an increase of pension to Samuel L. D. Goodale;

A bill (S. 2581) granting an increase of pension to Myron D. Hill;

A bill (S. 5345) granting an increase of pension to Thomas Coughlin; and

A bill (S. 850) granting an increase of pension to Henry V. Sims.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5120) granting an increase of pension to William H. Chamberlain; and

A bill (S. 2231) granting an increase of pension to Bessie M. Dickinson.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5758) granting an increase of pension to Sallie B. Weber;

A bill (S. 4766) granting an increase of pension to Frederick Clark;

A bill (S. 4395) granting an increase of pension to Thomas H. Walker;

A bill (S. 1830) granting an increase of pension to Sarah E. Austin;

A bill (S. 5297) granting an increase of pension to Jerry L. Gray;

A bill (S. 5532) granting an increase of pension to Edwin A. Knight;

A bill (S. 4151) granting an increase of pension to Thomas J. Spencer;

A bill (S. 5714) granting an increase of pension to John McKenne;

A bill (S. 5713) granting an increase of pension to Robert Crowther; and

A bill (S. 5715) granting an increase of pension to Benjamin Bickford.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5781) granting an increase of pension to John A. Steele; and

A bill (S. 5530) granting a pension to William R. Cahoon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5810) granting an increase of pension to Joseph Reber; and

A bill (S. 5716) granting a pension to Dotha J. Whipple.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5811) granting an increase of pension to Franklin Waller;

A bill (S. 5807) granting an increase of pension to Sarah J. F. Robinson;

A bill (S. 5476) granting an increase of pension to Joel F. Howe;

A bill (S. 5661) granting an increase of pension to Daniel B. Bush;

A bill (S. 2850) granting an increase of pension to Sallie J. Calkins; and

A bill (S. 2848) granting an increase of pension to William H. Lewis.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5646) authorizing the construction of a wagon and electric railway bridge over the Missouri River, near Randolph, Mo., reported it with amendments, and submitted a report thereon.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3718) to quitclaim all interest of the United States of America in and to all lands lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2009) granting a pension to Richard Dunn;

A bill (S. 5535) granting an increase of pension to Alexander McConneha;

A bill (S. 776) granting an increase of pension to Calvin H. Morris;

A bill (S. 1981) granting an increase of pension to Elizabeth V. Reynolds;

A bill (S. 3239) granting an increase of pension to George W. D. Buchanan;

A bill (S. 1413) granting a pension to Louisa D. Miller;

A bill (S. 266) granting a pension to Emma S. Harney;

A bill (S. 4477) granting an increase of pension to John C. Craven; and

A bill (S. 4038) granting an increase of pension to George E. Yingling.

Mr. SCOTT, from the Committee on Pensions to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2310) granting an increase of pension to William Dor;

A bill (S. 784) granting an increase of pension to Beverly Waugh;

A bill (S. 2945) granting an increase of pension to Sallie M. Nuzum;

A bill (S. 1541) granting an increase of pension to Commodore P. Hall; and

A bill (S. 4103) granting an increase of pension to John W. Rulette.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3624) granting an increase of pension to Peter D. Moore; and

A bill (S. 2915) granting a pension to Mary Williamson.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 14468) to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom were referred the bill (S. 3838) for the extension of Albermarle street, and the bill (S. 4397) to provide for free lectures to the people in the District of Columbia, to submit adverse reports thereon. I will state in connection with these bills that they were taken care of, one in the appropriation bill and the other in another bill at the last session.

The PRESIDENT pro tempore. The bills will be indefinitely postponed.

AMERICAN RAILWAY APPLIANCE EXHIBITION.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition, to report it favorably with an amendment, and as it is a matter of urgency, I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the District of Columbia was, in section 1, line 4, after the word "permits," to insert "under such restrictions as he may deem necessary;" so as to read:

That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the general committee of arrangements of the American Railway Appliance Exhibition, to be given in connection with the meeting of the International Railway Congress, for the use of such portion of the public reservation fronting on the south side of B street, between Fourteenth street and the Sixteenth street roadway northwest, being a part of the unimproved portion of the Monument Grounds in the city of Washington, which, in his opnion, will inflict no serious or permanent injuries upon said reservation, to continue from March 20 to May 25, 1905, inclusive, etc.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. KEAN introduced a bill (S. 5902) for the relief of the Central Railroad Company of New Jersey; which was read twice by its title, and referred to the Committee on Finance.

Mr. BALL introduced a bill (S. 5903) granting an increase of pension to Patrick Duffey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5904) granting an increase of pension to Thomas Martin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5905) granting an increase of pension to Andrew C. Reed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 5906) to reorganize the corps of dental surgeons attached to the Medical Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5907) granting an increase of pension to Mary E. Robinson;

A bill (S. 5908) granting an increase of pension to Relf Bledsoe;

A bill (S. 5909) granting a pension to Russell A. McKinley;

A bill (S. 5910) granting a pension to James T. Quarles;

A bill (S. 5911) granting a pension to Henry Weston; and

A bill (S. 5912) granting a pension to Samuel J. Langdon.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5913) for the relief of the trustees of the Presbyterian Church of Warrenton, Va.;

A bill (S. 5914) for the relief of the trustees of the Methodist Episcopal Church South, of Fredericksburg, Va.;

A bill (S. 5915) for the relief of the trustees of the Methodist Episcopal Church of Newtown, Va.;

A bill (S. 5916) for the relief of the trustees of the Methodist Episcopal Church at Garys, Prince George County, Va.;

A bill (S. 5917) for the relief of the trustees of Market Street Methodist Episcopal Church, of Winchester, Va.;

A bill (S. 5918) for the relief of the trustees of St. Mary's Catholic Church, of Fredericksburg, Va.;

A bill (S. 5919) for the relief of the trustees of Warrenton Academy, of Warrenton, Va.;

A bill (S. 5920) for the relief of the trustees of the Methodist Episcopal Church South, of Kernstown, Va.;

A bill (S. 5921) for the relief of the trustees of Carters Run Baptist Church, of Fauquier County, Va.;

A bill (S. 5922) for the relief of the vestry of Zion Protestant Episcopal Church, of Fairfax, Va.;

A bill (S. 5923) for the relief of the trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va.;

A bill (S. 5924) for the relief of the trustees of Grove Baptist Church, of Fauquier County, Va.;

A bill (S. 5925) for the relief of the trustees of Shiloh (old site) Baptist Church, of Fredericksburg, Va.;

A bill (S. 5926) for the relief of the trustees of John Mann Methodist Episcopal Church (colored), of Winchester, Va.;

A bill (S. 5927) for the relief of Fairfax Lodge, No. 43, Ancient Free and Accepted Masons, of Culpeper, Va.

A bill (S. 5928) for the relief of the trustees of St. Paul's Free Church, of Fauquier County, Va.;

A bill (S. 5929) for the relief of the trustees of St. Paul's Lutheran Church, of Stephens City, Va.;

A bill (S. 5930) for the relief of G. W. Browder;

A bill (S. 5931) for the relief of the estate of Joseph P. Mahaney, deceased;

A bill (S. 5932) for the relief of the estate of Lewis M. Miller, deceased; and

A bill (S. 5933) for the relief of John W. Ritenour.

Mr. STEWART introduced a bill (S. 5934) for the disposition of surplus allotments for the benefit of the Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5935) to fix Presidential and Congressional salaries; which was read twice by its title.

Mr. STEWART. I wish to call the attention of the Committee on Privileges and Elections to this bill. I will state that it does not affect any Member of the present Congress or the Executive, but I think for the future it ought to be done. There has been much objection to all such bills heretofore on account of the back-pay element. The salary act heretofore passed, raising salaries of Members of Congress, contained that element, but the last one, raising salaries for back pay, was repealed, and most of the money was given back. I think it is the general sense that there ought to be something done at this Congress, and that a bill of this kind should be passed. It would not take effect until four years from next March; no one would be personally interested, and the objection heretofore made could not be urged. There never can be a more appropriate time for this subject to be considered than in the present Congress.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Privileges and Elections.

Mr. GALLINGER introduced a bill (S. 5936) for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5937) to amend an act to regulate the height of buildings in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5938) granting an increase of pension to Owen A. Willey;

A bill (S. 5939) granting an increase of pension to George W. Hall; and

A bill (S. 5940) granting an increase of pension to Jason R. C. Hoyt.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5941) granting an increase of pension to Alma Yohum;

A bill (S. 5942) granting an increase of pension to Mary A. Miller; and

A bill (S. 5943) granting an increase of pension to Jared Prindle.

Mr. WARREN introduced a bill (S. 5944) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5945) granting an increase of pension to Arthur Mahar;

A bill (S. 5946) granting a pension to Isabella W. Campbell (with accompanying papers);

A bill (S. 5947) granting an increase of pension to Florence O. Whitman (with accompanying papers);

A bill (S. 5948) granting an increase of pension to George M. Bradley (with accompanying papers);

A bill (S. 5949) granting an increase of pension to Hugh P. Buffon (with an accompanying paper); and

A bill (S. 5950) granting an increase of pension to W. C. Pollard.

Mr. CULLOM introduced a bill (S. 5951) granting an increase of pension to Jonathan J. Boyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 5952) establishing an additional recording district in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5953) granting an increase of pension to Charles P. Thurston; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5954) to establish a fish-culture station at the city of Fargo, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 5955) to forbid liquor selling in buildings, grounds, and ships owned and used by the United States Government; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5956) granting a pension to Sophronia Watsor York (with accompanying papers);

A bill (S. 5957) granting a pension to Robert E. Wheeler;

A bill (S. 5958) granting an increase of pension to Mary J. Bartlett (with accompanying papers);

A bill (S. 5959) granting an increase of pension to Emery Wyman (with accompanying papers);

A bill (S. 5960) granting an increase of pension to John A. Sargent (with accompanying papers);

A bill (S. 5961) granting an increase of pension to Warren P. Tenney (with accompanying papers);

A bill (S. 5962) granting an increase of pension to Edwin R. Hardy (with accompanying papers);

A bill (S. 5963) granting an increase of pension to George P. Howe (with accompanying papers); and

A bill (S. 5964) granting an increase of pension to Charles H. Mayhew.

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5965) granting a pension to John J. Adams; and

A bill (S. 5966) granting an increase of pension to John G. Richardson.

Mr. PENROSE (by request) introduced a bill (S. 5967) for the promotion of education; which was read twice by its title, and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5968) granting a pension to Andrew B. Andrews (with an accompanying paper);

A bill (S. 5969) granting a pension to Evaline Holtzworth;

A bill (S. 5970) granting a pension to Sarah Agnes Sullivan (with accompanying papers); and

A bill (S. 5971) granting a pension to Cordelia Bird (with accompanying papers).

Mr. NELSON introduced a bill (S. 5972) permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HEYBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5973) granting a pension to Jane N. Clements (with accompanying papers);

A bill (S. 5974) granting an increase of pension to Thomas F. Carey (with an accompanying paper); and

A bill (S. 5975) granting an increase of pension to Lucy Lytton (with an accompanying paper).

Mr. CLAPP introduced a bill (S. 5976) for the relief of Porter Brothers; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 5977) to provide relief for such employees in United States navy-yards as may be disabled by accident while in the performance of duty, and in the event of fatal casualties, for the relief of surviving dependents; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5978) referring the claim of Hannah S. Crane and others to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Territories:

A bill (S. 5979) to provide for an additional midshipman at the Naval Academy from the district of Alaska; and

A bill (S. 5980) to provide for an additional cadet at the Military Academy from the district of Alaska.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5981) granting an increase of pension to Lewis R. Anthony; and

A bill (S. 5982) granting an increase of pension to Francis Piecard.

Mr. PERKINS introduced a bill (S. 5983) to authorize the President of the United States to appoint Harlow L. Street captain and commissary in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 5984) for the relief of D. J. Holmes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5985) to provide for the payment of the volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848; which was read twice by its title, and referred to the Committee on Indian Depredations.

He also introduced a bill (S. 5986) granting an increase of pension to Isaac S. Doan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 5987) granting a pension to Alice O. Stewart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5988) to regulate the employment of child labor in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FORAKER introduced a bill (S. 5989) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 5990) to authorize John A. Ockerson to accept decorations tendered to him by the Government of the French Republic, the King of Italy, and the King of Sweden; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 5991) to carry out the findings of the Court of Claims in the case of the St. Louis Hay and Grain Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5992) granting a pension to Alexander Ross; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for pension of Alexander Ross, of Cape Girardeau, Mo., together with memorandum to Pension Office; reply from Pension Office; claimant's statement; affidavits of L. J. Albert, R. L. Wilson, Mary Jones, and Drs. S. S. Harris and J. D. Porterfield; also claimant's schedule of property, and affidavits of John M. Kelso, Jeff Hicks, and letters of United States quartermaster. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5993) granting a pension to Mary E. Cash; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mary E. Cash, widow of William J. Cash, of Company B, Sixty-fourth Regiment Illinois Volunteers, by James E. Twitchel, guardian of her person and estate. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5994) granting an increase of pension to Almon Foster; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Almon Foster, late captain of Company G, Twelfth Regiment Indiana Volunteer Cavalry, together with his affidavit and the affidavits of Dr. W. D. Monnett and M. A. Yarcho and M. F. Brader. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5995) granting an increase of pension to Emma A. Porch; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Emma A. Porch, together with two affidavits of herself and one of Dr. W. G. Allee. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLACKBURN introduced a bill (S. 5996) for the relief of N. C. Pettit; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 5997) authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army; which was read twice by its title, and refered to the Committee on Military Affairs.

He also introduced a bill (S. 5998 granting an increase of pension to George T. Hill; which was read twice by its title, and referred to the Committee on Pensions

Mr. SPOONER introduced a bill (S. 5999) granting an increase of pension to William H. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6000) granting an increase of pension to Jacob Kohl; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6001) for the relief of N. N. Lowry; and

A bill (S. 6002) for the relief of the heirs of S. H. Hill, deceased.

Mr. PLATT of Connecticut introduced a bill (S. 6003) to provide for the construction of a light-house and buoy tender for the inspector of the third light-house district; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 6004) granting an increase of pension to James Hulme; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6005) for the relief of the estate of H. H. Epping, deceased (with an accompanying paper);

A bill (S. 6006) for the relief of the trustees of Pleasant Grove Baptist Church, of Ringgold, Ga.; and

A bill (S. 6007) for the relief of the Georgia Railroad and Banking Company.

Mr. CARMACK introduced a bill (S. 6008) for the relief of the board of trustees of the Memphis Conference Female Institute, of Jackson, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 6009) granting an increase of pension to James H. Briggs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6010) granting an increase of pension to Justus A. Chafee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 6011) to authorize the extension and enlargement of the post-office and court-house building in the city of San Antonio, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6012) granting a pension to Lester Wheeler;

A bill (S. 6013) granting a pension to Charles H. Van Dusen;

A bill (S. 6014) granting an increase of pension to Jacob T. Wise; and

A bill (S. 6015) granting an increase of pension to Thomas Ritchie.

Mr. PETTUS introduced a bill (S. 6016) for the relief of the heirs of Ella Parker, deceased; which was read twice by its title.

Mr. PETTUS. To accompany the bill I present papers which prove the claim, and with a view to its reference to the Court of Claims. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

OMNIBUS CLAIMS BILL.

Mr. MARTIN submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

ADDITIONAL CLERK TO COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. PENROSE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, authorized to employ an additional clerk, who shall be a stenographer, at an annual salary at the rate of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

EXECUTIVE REGISTER OF THE UNITED STATES, 1789–1902.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed from existing stereotype plates and bound in cloth 1,500 copies of the "Executive Register of the United States, 1789–1902," of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

REPORT ON REINDEER IN ALASKA.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska" for 1904, with map and illustrations.

HOUSE BILL REFERRED.

The bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HOLIDAY RECESS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read twice, and referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock meridian, January 4, 1905.

PROPOSED FINAL ACTION ON FAILED BILLS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Whereas the bill (H. R. 10316) for the relief of Edward J. Farrell passed both Houses at the second session of this Congress, but was enrolled too late to receive the signatures of the presiding officers of the two Houses and be presented to the President of the United States before the adjournment of the said second session; and

Whereas the bill (H. R. 11444) to grant certain lands to the State of Ohio passed both Houses and was signed by the presiding officers thereof, but failed to be presented to the President of the United States before the adjournment of the said second session: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the said bills be, and are hereby, ordered to be reenrolled for the signatures of the presiding officers of the two Houses and for presentation to the President of the United States.

Mr. GALLINGER. Will the resolution go to a committee?

The PRESIDENT pro tempore. The Chair is of opinion that it ought to go to a committee.

Mr. PLATT of Connecticut. The Committee on Rules.

The PRESIDENT pro tempore. The concurrent resolution will be referred to the Committee on Rules.

MONITOR ETLAH.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

The bill (S. 47) for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah* was announced as first in order on the Calendar; and the Secretary read the bill.

Mr. SPOONER. I should like to look into the bill a little. I ask that it may go over without losing its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

JULIA L. HALL.

The bill (S. 679) for the relief of Mrs. Julia L. Hall was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. WARREN on February 3, 1904, as follows:

The Committee on Claims, to whom was referred the bill (S. 679) for the relief of Mrs. Julia L. Hall, having had the same under careful consideration, beg to report it back to the Senate and to recommend its passage without amendment.

A similar bill was favorably reported by both Houses of Congress in the Fifty-seventh Congress, was passed by the Senate, and held an early place on the Calendar of the House when the session closed. The number of the report was House Report No. 801. It contains the facts in the case so far as then known, and is adopted by your committee and made a part of their report, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 1727) for the relief of Mrs. Julia L. Hall, beg leave to submit the following report and recommend that said bill do pass without amendment:

"The claimant is the widow of the late Capt. Joseph T. H. Hall, who for many years was a resident of the city of Washington, D. C., and who died at Denver, Colo., on the 18th day of April, 1899, leaving no children surviving him, the widow being sole surviving heir.

"The claimant and said Hall were married May 10, 1865, and lived together as husband and wife from that time until his death, most of the time in the city of Washington, D. C.

"Claimant was born and reared in said city, where her father, I. C. Lewis, was a prominent citizen of means, and did much to improve the city, and much of the money used by her husband in executing the work which is the basis of this claim was furnished by her, having been received in property from her father.

"Captain Hall left little or no property or money, and none that is the source of any income or means of support to the claimant. He was a soldier in the war of the rebellion, serving throughout the war and having an honorable record, and claimant has been granted a pension at $8 per month under the act of June 27, 1890, as his dependent widow, and this pension is her dependence for future permanent support, as she is left without means of support other than this, and on account of advancing years and ill health it is impossible for her to do anything to contribute to her own support.

"Her said husband left a few accounts and claims for work he had done. The principal one, and all she expects to realize anything from, is the claim for work done by him in the city of Washington for the District of Columbia, which she now asks the Congress to pay in the present bill for her relief.

"In his lifetime the late said Joseph T. H. Hall did work as a contractor for the District of Columbia, in the city of Washington; that he furnished, spread, and broke 'macadam,' according to the specifications of his contract, to the amount of 5,160.50 cubic yards, or 15,481.50 square yards; that what are known and designated as the 'board rates' for said work was $1.50 per square yard, and at these rates his work amounted to $23,222.25; that he was paid $12,461.06, leaving a balance of $10,761.19; but of this amount of cubic yards furnished by said Hall there were 940.40 cubic yards he did not furnish the stone for, and the District paid for same $2.23 per cubic yard, amounting to $2,097. This amount should be deducted from the total of the balance, leaving $8,664.19 due Mr. Hall.

"Under the act of Congress of February 13, 1895, providing for the adjudication of claims against the District in the Court of Claims at the said 'board rates' for the work done as aforesaid, Mr. Hall brought an action in the Court of Claims and secured a judgment for said balance of $8,664.19 June 22, 1896, and also for interest on same at 3.65 per cent from the time of the completion of the work under the contract, which was January 1, 1877. The opinion of the Court of Claims in rendering said judgment is reported in volume 31, Court of Claims Reports, at page 376. The District took exception to said judgment as to the allowance of interest and appealed to the Supreme Court of the United States, and by decision of February 15, 1897, the judgment of the Court of Claims was reversed, the court holding in favor of the contention of the District, that interest should not have been allowed.

"Before further proceedings could be had in the Court of Claims the act of Congress of February 13, 1895, above referred to, was repealed by the act of March 3, 1897, and the Court of Claims had no further jurisdiction to enter judgment for said sum of $8,664.19, being the principal sum for the work without interest.

"That said Hall died without ever having received said sum of $8,664.19, or any part thereof.

"That the sum of $23,222.25 was considered a fair and reasonable price for the work done by her late husband; that the balance of $8,664.19 was found due, and as she has no remedy to compel the payment of the same, she appeals to the Congress to pass an act to pay her the said amount.

"This amount, $8,664.19, is the principal sum of the balance found due January 1, 1877, and the Court of Claims allowed interest on the same from said date.

"Had it not been for the allowance of the interest this amount would have been paid by the District.

"We recommend the passage of the bill and the payment of said principal sum found due, as the balance unpaid for the work done, without interest, according to the decision of the Supreme Court above referred to."

Since the above report was made the original contract between Mr. Hall and the District of Columbia, and other papers in the case which were for a time lost, have been restored to their proper place in the office of the clerk of the United States Court of Claims.

It appears that Mr. Hall's contract was dated May 31, 1872, and called specifically for payment "in lawful money of the United States," and required him to pay his workmen "in cash current."

In contracts made with other parties a little later it was expressly stipulated that payments be made in "bonds issued by the sinking

fund commissioners of the District of Columbia, which bonds shall be received and accepted at their par value." With the exception of a small sum, Mr. Hall, in violation of the terms of his contract, was obliged to accept in payment certificates of indebtedness payable in these bonds instead of "lawful money of the United States."

On account of the uncertain legality of their issue, these bonds were worth at the time of delivery about 50 cents on the dollar, and it appears from sworn testimony that for $11,900 worth of these bonds, which Mr. Hall accepted under protest, he realized the sum of $5,950. However, the equity in this claim does not rest simply in the fact that Mr. Hall was obliged to accept bonds of uncertain value, contrary to the terms of his contract, and that the unpaid balance at interest would amount to far more than the claim of his bill; it is also evident that Mr. Hall was obliged by his contract to pay his workmen "in cash current," and did so pay them, and in consequence he had to mortgage and ultimately lose one piece of property after another, including his home.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the present consideration of the bill?

Mr. SPOONER. I should like to ask the Senator who has this bill in charge, the Senator from Wyoming [Mr. WARREN], whether the certificates of indebtedness which were accepted by Mr. Hall were paid in full by the District of Columbia?

Mr. WARREN. Mr. President, I will say to the Senator that I am not able at this time to go into that question, as I came into the Chamber while the report was being read, and the bill is one with which I am not now entirely familiar, as it was reported many months ago. It was before the Committee on Claims and carefully examined when the Senator from Colorado [Mr. TELLER] was chairman and had charge of the claim.

The only object in paying the Hall claim in bonds is to conform to other payments of like character. As I understand, the bill is to pay the claimant the amount found due by the Court of Claims.

Mr. SPOONER. There are several questions I should like to put to the Senator from Wyoming in regard to the effect of the passage of this bill. Without having reached a conclusion that the bill is not right, I ask that it may go over, without loosing its place on the Calendar, until the Senator can familiarize himself with it.

The PRESIDING OFFICER. Objection being made, the bill will go over, retaining its place.

Mr. SPOONER. I should like to know, among other things, if I may call attention to it, how many other claims of the same sort there are?

Mr. WARREN. I think this is the only one.

Mr. SPOONER. Can the Senator definitely ascertain about that?

Mr. WARREN. I think I can. I am not fully advised at the present time regarding it. I remember some peculiarities of this case and I feel sure its passage will not give rise to future similar claims.

Mr. SPOONER. Let the bill go over without prejudice.

The PRESIDING OFFICER. That order has been made.

Mr. PLATT of Connecticut. I have been trying to find the act referred to which authorizes the sale of bonds.

Mr. SPOONER. I should like to know what bonds they are.

Mr. PLATT of Connecticut. What bonds they are and what that act is.

Mr. WARREN. I can not out of hand refer the Senator to the law. However, I will say there is such an act, and this bill is according to that act. I will look the matter up for the Senator, if he so desires.

Mr. PLATT of Connecticut. Does the act authorize the sale of bonds to pay judgments?

Mr. WARREN. Yes; there is such an act.

Mr. PLATT of Connecticut. The Senator does not know what kind of bonds?

Mr. WARREN. I will look up the act for the Senator.

HERBERT O. DUNN.

The bill (S. 529) for the relief of Herbert O. Dunn was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

CALIFORNIA MARINE FISHERY INTERESTS.

The bill (S. 907) to establish on the coast of California a station for the investigation of problems connected with the marine fishery interests of that region was announced as next in order.

Mr. PERKINS. I ask that that bill may go over without prejudice.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

YOSEMITE NATIONAL PARK.

Mr. PERKINS. In lieu of the bill just passed over, I ask unanimous consent for the present consideration of the bill (S. 5567) to exclude from the Yosemite National Park, California, certain lands therein described and to attach to and include the said lands in the Sierra Forest Reserve. I will state that this is a measure in which my constituents in California are deeply interested, and therefore I ask unanimous consent that the bill may be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Section 1 provides that all that part of the Yosemite National Park, of California, described as follows: All that portion of township 2 south, range 19 east, and all the west half of township 2 south, range 20 east, which is situated within the limits of Mariposa County, Cal.; all of township 3 south, range 19 east, and the west half of township 3 south, range 20 east; all of township 4 south, range 19 east, and the west half of township 4 south, range 20 east; all of Mount Diablo base and meridian in Mariposa County, Cal., except the northeast quarter of section 23, township 2 south, range 19 east, on which is located the Merced grove of big trees, which tract shall be and remain a part of the Yosemite National Park and subject to all the provisions of the act of October 1, 1890, shall be excluded from the Yosemite National Park, and be included in and made a part of the Sierra Forest Reserve; but the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the lands segregated from the Yosemite National Park accorded under the act of February 15, 1901, relating to rights of way through certain parks, reservations, and other public lands, and other acts concerning rights of way over public lands, to which this is supplementary, and the moneys so received from the privileges accorded on the lands herein segregated from the Yosemite National Park shall be paid into the Treasury of the United States to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the Yosemite National Park.

Section 2 provides that none of the lands patented and in private ownership in the above-described area shall have the privileges of the lieu land-scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and that immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I move that the Senate now proceed to the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

The PRESIDING OFFICER. The question is on the motion made by the Senator from Idaho.

Mr. SPOONER. Mr. President, is the Senator about to proceed to move to amend the bill or to debate it?

Mr. HEYBURN. I propose to have the bill taken up for consideration. Let it first be read.

Mr. SPOONER. Well, let the bill as it came from the House of Representatives be read, and then the Senate amendment.

The PRESIDING OFFICER. The Chair will suggest that the motion is not debatable. The question is on the motion made by the Senator from Idaho [Mr. HEYBURN] that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] has asked that the bill as it came from the House of Representatives be first read and then the Senate amendment in the nature of a substitute. The Secretary will proceed to read the bill.

The Secretary read the bill, which had been reported from the Committee on Manufactures with an amendment, to strike out all after the enacting clause and insert:

That the introduction into any State or Territory, the District of Columbia, or insular possession from any other State or Territory, the District of Columbia, or insular possession, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory, the District of Columbia, or insular possession to any other State or Territory, the District of Columbia, or insular possession, or to a foreign country, or who shall receive in any State or Territory, the District of Columbia, or insular possession from any other State or Territory, the District of Columbia, or insular possession, or foreign country, or who, having received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for

sale in the District of Columbia, the Territories, or insular possessions of the United States such adulterated or misbranded foods or drugs, or who shall export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and for each subsequent offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2. That the Chief of the Bureau of Chemistry in the Department of Agriculture shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory or insular possession, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall cause notice to be given to the parties concerned, with opportunity to be heard under such rules and regulations as may be prescribed by the Secretary of Agriculture, and if after such hearing it is found that any of the provisions of this act have been violated, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, or examination, duly authenticated by the analyst, or officer making such examination, under oath.

SEC. 3. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any person, acting either on his own behalf or as the officer or agent of any State or Territory, the District of Columbia, or insular possession, shall present satisfactory evidence of any such violation, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 4. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal and external use; also any substance intended to be used for the cure, mitigation, or prevention of disease. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 5. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation: *Provided*, That no drug shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although such standard may differ from that determined by the test laid down in the United States Pharmacopœia.

Second. If its strength or purity fall below the professed standard upon which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory or place in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contains terra alba, barytes, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it contain any added poisonous or other ingredient which may render such article injurious to the health of the person consuming it: *Provided*, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser, provided no substance is used that is in conflict with the laws of the country to which the goods are to be shipped, when such country, having laws upon the subject, does not prohibit such process.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured, or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular, or if the same is falsely branded as to the State, Territory, or place in which it is manufactured or produced:

Provided, however, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it: *And provided further*, That said guarantor or guarantors reside in the United States. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 6. That every person, company, or corporation who manufactures or produces and delivers for interstate or foreign shipment or transportation, or who receives from any State, Territory, or the District of Columbia, or insular possession or foreign country, other than the State, Territory, District of Columbia, or insular possession in which it is received, and any person, company, or corporation who sells or exposes for sale in any Territory, or the District of Columbia, or insular possession, any article of food or drug shall furnish, within business hours and upon tender and full payment of the selling price, a sample of such drug or article of food to any person duly authorized by the Secretary of Agriculture to receive the same, and in any Territory, or the District of Columbia, or insular possession, to any officer or agent of such Territory or District, respectively, charged with the inspection of food or drugs in such jurisdiction, and who shall apply to such manufacturer, producer, or person, company, or corporation selling or exposing for sale as aforesaid such drug or article of food for such sample in sufficient quantity for an analysis of any such article or articles in his possession.

SEC. 7. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 6 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding 100 days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 8. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is being transported from one State to another for sale, or having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded within the meaning of this act the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, or laws enacted for the District of Columbia, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 9. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

SEC. 10. That the provisions of this act shall not apply to common carriers, or their servants, agents, or employees.

SEC. 11. That this act shall take effect and be in force from and after the 1st day of January, 1905.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole, and the question is on agreeing to the amendment reported by the committee, which has just been read.

Mr. HEYBURN. Mr. President, during the last session of Congress the House of Representatives passed what is known as the Hepburn pure-food bill, which came to the Senate and was referred to the Committee on Manufactures. The Senate committee had already, prior to the receipt of that bill, reported favorably a pure-food bill, which was then before the Senate on its Calendar. The House bill being referred to the committee, it substituted the Senate bill for the House bill with some changes which appear in the report of the committee. Both bills are directed to the evil of the adulteration of foods and

drugs and the injurious effects which result therefrom. They have the same purpose in view.

By the provisions of the House bill a new bureau was created to deal with this question and execute whatever legislation we might enact. A provision was contained in the House bill that the Secretary should fix standards by which all articles coming within the purview of the bill should be measured and determined.

The Senate bill proposes not to create a new bureau or governmental department. It proposes that the provisions of such legislation as may be enacted shall be carried out by the existing executive force of the Government appropriate to such purpose. The Senate bill does not fix an arbitrary standard for the determination of the purity or impurity of articles coming within the scope of the proposed law, but provides certain general rules and confers the power upon the department of the Government which will have charge of the execution of the bill to determine according to generally recognized principles whether or not an article of food or medicine is subject to the provisions of the bill.

Every State and Territory in the Union has enacted a pure-food law, covering in its general purpose the scope of this proposed legislation. This Congress, when it passed the Alaska bill, recognizing the importance and the necessity of guarding the people along these lines, incorporated into it a pure-food measure. I repeat, that every State and Territory has enacted, according to the wisdom of their various legislatures, laws for the purpose of protecting their people against fraud in this direction.

Now, no one, I am sure, will undertake to defend the fraudulent practice of the manufacturer in presenting to the people adulterated and deleterious substances for their consumption, No one during the consideration of the pending bill in this body will undertake to defend such an act. So it must be only a question as to the character of the bill to be enacted, not as to whether or not we will legislate upon the subject. The States demand it.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. HEYBURN. Certainly.

Mr. CARMACK. At some point in the debate I should like to ask a question, and it may be as well to do it now.

The first paragraph of the amendment prohibits the "shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this act."

I do not understand exactly why there should be in the bill a provision prohibiting the shipment to foreign countries of articles which are adulterated "within the meaning of this act." Why should we undertake to pass a provision of that sort for the benefit of foreign countries, when they have, or should have, their own laws with respect to the adulteration of food?

Mr. HEYBURN. I think I shall be able to make that plain to the Senator. Articles of commerce of the most injurious character come from foreign countries, manufactured there under conditions that would be in violation of their domestic laws, and the sale of which would be prohibited in the home country where manufactured. Such articles are manufactured especially for the trade of this country. It would seem to me that one of the first duties Congress should be called upon to exercise would be to prohibit the importation of such articles.

Mr. CARMACK. That is not the point.

Mr. HEYBURN. There is now a law which has been on the books since 1846 that authorizes the Secretary of the Treasury to investigate at the port of entry such articles within the limited scope of that legislation.

Mr. CARMACK. That is all right; but it does not reach the point I am making. I am speaking of shipments to foreign countries.

Mr. HEYBURN. Oh; shipments to foreign countries. If we are dealing with respect to commerce on a high moral plane, it seems to me entirely within the scope of legislation of this class that we should prohibit our own citizens from doing that which we are seeking to prohibit those in other countries from doing, so far as it may affect us.

Mr. CARMACK. But, if the Senator will allow me, that which by this bill is made unlawful in this country may be lawful in the foreign country.

Mr. SPOONER. Will the Senator from Idaho allow me for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. I suppose the theory on which that provision is inserted in the bill is precisely the same as the theory upon which Congress has legislated to prevent the exportation of filled cheese as cream cheese, and the same theory exactly as that which Congress has legislated to prevent the exportation of diseased meats. It has a double aspect. The view to which the Senator refers is but one. The other is to maintain the reputation abroad of our products and in that way to facilitate and enlarge our commerce.

Mr. CARMACK. I can understand that; I can see the reason of it. But suppose an article, the sale of which is by this bill made unlawful in this country, may be sold lawfully in a foreign country under their own laws. Suppose they do not forbid the sale of an article adulterated or misbranded in a certain way, the sale of which we make unlawful; why should we prohibit its export to that country?

Mr. SPOONER. This legislation is intended to conserve, so far as that is concerned, the commercial interests of the United States. It is important, as the Senator, I think, will see, that frauds in exports should be prevented in the general interest of export commerce. If any article adulterated or meat diseased is exported or fraud perpetrated in any article or product which is shipped abroad, it is fairly to be presumed that it will be discovered abroad, of course, and will tend to greatly diminish our exports in those articles. So, from the standpoint of mere selfishness, of only the mere interest of commerce, that provision would seem to be justified.

Mr. CARMACK. I should think it would be very proper for us to forbid the exportation of any article to a foreign country if the laws of that country forbade the sale of such article in that country, but if it is an article, for instance, which may be lawfully manufactured and sold there, why should we make a law forbidding the exportation of such an article?

Mr. McCUMBER. I think I can answer that question, if the Senator from Idaho will allow me.

The PRESIDENT pro tempore. Will the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. Take any product; for example, the matter of olive oil. We may be exporters of olive oil. The man who honestly desires to export olive oil is entitled to come in competition in the markets of the world with olive oil only, and not with some other substance that is marked olive oil. The man who manufactures pure Vermont maple sirup and ships it to Great Britain should not be forced to come in competition with manufacturers of glucose who are shipping to Great Britain glucose in the name of Vermont maple sirup. So it is a protection to our own exporters—that is, those who desire to export the pure product.

Mr. CARMACK. There are two very different explanations. They do not seem to agree with each other at all.

Mr. HEYBURN. I will say, further, that the question before us now is not the consideration of that class of legislation. There are certain preservatives that provide against the deterioration of meats that are to be transported or kept for a long time which are recognized as being deleterious and injurious in this country and which are recognized as being permissible in foreign countries. Those are questions of detail which may properly be considered when we take up the bill for further consideration in detail.

At this time I desire to point out the general features of this proposed legislation, and then, of course, I expect at a very early time to take it up for more detailed consideration and amendment. I do not object at all to these remarks or interruptions on the part of Senators. In fact, I am glad to have them.

The demand for this class of legislation comes from those who have most nearly at heart the health and welfare of the people. I have here something like 3,000 requests from physicians of good standing; I have hundreds of petitions from medical associations; I have on my desk here the petition of the National Medical Association of the United States, asking for the enactment of this legislation. They had the bill before them when they passed those resolutions.

Mr. STEWART. Will the Senator from Idaho allow me to interrupt him?

Mr. HEYBURN. Certainly.

Mr. STEWART. I would suggest to the Senator that this question has been up so often and discussed so much I am fearful he will not be able to pass his bill; but I think something ought to be done, and I believe if it was done we could have legislation that would reach any difficulty which might be pointed out. I believe if the Secretary of Agriculture had a lump sum, from two to three hundred thousand dollars, with which to analyze foods and drinks and publish the result, the

demand would be so strong for legislation that the States would legislate and we would legislate without difficulty, so far as the power of Congress would go.

I do not think the country has any idea of the extent of the poisons that are administered in the food that is sold and eaten in this country. I think it is sapping the foundation of the constitutions of our people. If we had to raise soldiers now as we did in 1861 I do not believe that throughout the country we would find as large a percentage of young men fit for hard service as there were at that time, and I believe the degenerated condition of many of the young men results in a great measure from the poisonous food that they eat—the alum in the bread, the formaldehyde in the milk, the meats, and so on. I need not go on to enumerate them now. Those things are destroying the stomachs and injuring the health of the people.

But in order to apply the remedy we first want to have the evil thoroughly exhibited. An individual can not publish the list; no professor, or doctor, or other man can publish it. The press will not publish it. The patronage is on the other side. They will cry him down if he attempts it. No individual can do it. But it can be done effectively by the Agricultural Department, through its Bureau of Chemistry, where they have a man at the head who understands the subject and who has done a good deal of good so far. What we want to do is to give him money enough, so that he can go forth and analyze and publish the result, and the people will find the remedy for this evil.

I am afraid my friend from Idaho can not get his bill through, and I am afraid if he does it will not be exactly fitted to the condition of things. If we had all the facts the country would no doubt demand a remedy for such a great evil. I believe the first thing to do is to put in the agricultural appropriation bill a lump sum and tell the Secretary of Agriculture to look into the question, and he will do it in a way that will induce legislation in the States and in Congress, so far as necessary. I have no doubt of that.

Mr. HEYBURN. Mr. President, the demand for the passage of this legislation, or this class of legislation, comes to us from the States—from the legislatures of the various States. They demand that we shall cooperate with them in carrying out the principle they have undertaken to deal with. They have undertaken in several States, to the extent and limit of their jurisdiction, to prevent the introduction and use of deleterious foods and drugs, and they complain that they can not enforce their laws; that their laws are not effective because of the fact that other States and countries may force upon them without their present knowledge or will substances that they do not permit to be manufactured and sold within the State. That is the difficulty. They are not asking us to inaugurate the subject of legislation upon pure food. They are asking us to cooperate with them. They have already spoken through their legislatures as Congress spoke when it had the matter before it.

It seems to me that the subject is one which should receive consideration and ultimate action, because it is impossible for the States to prevent, under the unbroken-package law, the importation within their borders of the very substances which their own people are prohibited from manufacturing or selling within their States. Therefore I have been somewhat insistent in urging this measure, and I shall ask the indulgence of the Senate if I am more insistent in asking the enactment of the law.

There is much wisdom in the remarks of the Senator from Nevada [Mr. STEWART] that the Secretary of Agriculture could do much to discourage traffic in these substances. But inasmuch as the States have seen fit in their several legislatures to enact laws and call upon the Government to cooperate with them we can not do less than do it. The question is, Shall we enact a law? If this proposed law is found to be insufficient, if it is found to be open to objection, let us amend it here and harmonize it with the House bill. Let us enact some law on the subject. That is the important thing to do.

I will not attempt to go into the details of fact that lie behind and constitute the pressure at this time for action, because the hour when the bill must be laid aside is close at hand; but I at this time invite the attention and interest of Senators on behalf of the consideration and determination of this question before we adjourn. We have ample time to consider the question and all the proposed objections and amendments that may be offered to the bill. Let us act. Let us heed the call of the States and people and protect them not only against their own weakness, as exhibited by the manufacture and sale of these articles among ourselves, but let us protect them against the importation of these substances from other countries. Let us protect each State against the cupidity and greed and fraud that comes into it over the borders from its neighbor or from some other State.

The Senate bill is more comprehensive than the House bill in another particular. It includes not only the States and the Territories, but the provinces or the outlying dependencies of the United States. Let us extend this measure far enough in its power and scope to cover everything over which this country claims and has dominion.

Now, Mr. President, I shall not press the bill at this time, but I shall at a very early date ask that the Senate shall proceed to the consideration of this question from a day and continue it until it is disposed of, so that a vote shall be reached before the adjournment of the present session of Congress.

Mr. McCUMBER. Mr. President, I understand that the special order is to come up at 2 o'clock this afternoon. I have not heard that anyone desires to speak on the special order at that hour. I will yield at the hour of 2 o'clock that the bill may be called up, and I presume the Senator from Massachusetts [Mr. LODGE] will ask whether there are any remarks to be made on it. But if there are none, if it is not to be taken up for discussion this afternooon, I hope that we may proceed with the discussion of this bill for the balance of the legislative session to-day. I have some few remarks to make on the bill, which shall be rather brief, but I wish to lay before the Senate the exact scope and intent of the bill and to make a short comparison with the bill which passed the House on two occasions.

I sincerely hope, Mr. President, that those even who are opposed to this bill will at least cooperate with us in assisting us to secure a vote during the present session. In the last four years this bill, or substantially the same bill, has passed the House on two different occasions. By the manipulation of appropriation and other bills, especially by those who have been opposed to the enactment of this proposed law, we have been unable to secure a vote in the four years. It does seem to me that after the House has twice expressed itself strongly on this subject by an overwhelming majority we should at least have the opportunity in this body during the present session of securing an expression of the Senators upon a question which affects every State in the Union and every individual in every State in the Union.

CIVIL GOVERNMENT IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 14623.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, the pending question being on the amendment submitted by Mr. FORAKER.

Mr. LODGE. Mr. President, the unfinished business is before the Senate. I do not personally desire to say anything in regard to the bill. All the committee amendments have been adopted. If any Senator desires to discuss the bill at this time, of course the bill is open to discussion.

Mr. SPOONER. I do not care to discuss the bill, but I wish to call the attention of the Senator from Massachusetts to one provision in it.

If the Senator will turn to section 4, he will see it provides—

That for the purpose of aiding in the construction, equipment, operation, and maintenance of railroads using steam, electricity, or other power, in the Philippine Islands, the general government thereof is authorized to guarantee an income of not exceeding 5 per cent upon cash capital actually invested in the construction and equipment of such railroads, or any part thereof, the guaranty to be in such form and under such provisions requiring repayment of any sum paid thereunder as said government—

That is, the Philippine Islands—

shall deem to be to the public interest, and the act making the guaranty shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, etc.

I have no objection at all to the proposition, as a matter of the utmost necessity, in the interest of the inhabitants of the Philippine Archipelago that the railroad should be constructed, and I see no reason to believe that it would be constructed without the intervention of the public credit over there in some way. On page 4, beginning in line 22, the bill provides that—

The said guaranty may be made in the form of a guaranty of interest on bonds or of income on preferred or common stock, or in such

other form of guaranty of income or interest as may be determined by said government, and shall be made on such other terms and conditions as said government shall approve.

That language has raised in my mind considerable doubt as to the wisdom of that provision. There does not seem to me to be any very definite notion as to the manner in which the Philippine government is, by the use of its credit, to secure the construction and equipment of that railroad. If the government issues bonds, or rather guarantees the bonds of the railroad company, principal and interest, or the interest alone, of course in the event of default the government would be subrogated, if adequate provision were made for it, perhaps without a special provision, to the rights of the bondholders. There was such a provision in the legislation of Congress as to the Pacific railroads, which were aided by subsidy bonds, and the operation of that provision enabled the Government in the end to reimburse itself substantially, I think entirely.

I do not know that any municipality or State (there may have been such in the history of the country) has ever guaranteed the dividends or stocks of a railway company. If the English plan is to be put in operation, if there are to be no bonds, if there are to be no securities except stock, common and preferred, so that there can never be any foreclosure, that is one thing. But if whatever corporation constructs this railroad is to be permitted at any time to issue bonds, which would be, of course, a lien upon the railroad and its property and ahead of the stock, then the Philippine government ought not to be authorized to guarantee $45,000,000 of dividends on preferred and common stock.

Mr. BACON. Will the Senator permit me to make an inquiry right in connection with his present suggestion?

Mr. SPOONER. Certainly.

Mr. BACON. The question as to the probability of the insolvency of a company is a very pertinent one in connection with what the Senator is now saying, and the question I wish to propound to him is this. Of course we all know that within the past forty years there have been a very large number of railroad companies organized and railroads constructed in which there was governmental aid, either of the General Government, as in the case of the Pacific railroads, or of many State governments. There have been a very large number of railroads, comparatively speaking, constructed in this manner. In view of the suggestion now being made by the honorable Senator, I desire to ask him if his recollection agrees with mine—I may be incorrect in it—that there never has been a railroad built in the United States by governmental aid that did not sooner or later go into insolvency?

Mr. SPOONER. It is almost true that there has not been any railroad built without Government aid that has not sooner or later gone into insolvency.

Mr. BACON. That has not anything to do with it. I am stating simply the limitation.

Mr. SPOONER. It only intensifies the Senator's proposition.

Mr. BACON. Is it not true, so far as the Senator's extensive observation will guide him in a reply, that there has never been a railroad constructed by governmental aid, either national or State, that did not within a comparatively short space of time go into insolvency?

Mr. SPOONER. I can not answer as to States, but so far as the Northern Pacific was concerned it was reorganized, having had a land-grant subsidy. So far as the Union Pacific was concerned, it was reorganized; it became bankrupt. I think the rest did. I think possibly all did.

Mr. BACON. I will state that my suggestion is due to the fact that I had opportunity for extensive observation, in view of the very large number of railroads which were authorized and partially constructed, some of them fully constructed, in the South, immediately after the war, and I do not know of any exception to the statement that each and every one of them, within a comparatively short time, became insolvent and had to be reorganized or closed out in some shape. I think that is a most important fact in connection with the suggestion the Senator is now making as to the gravity of the provision in the bill upon which he is now commenting.

Mr. SPOONER. In the Northern States public aid for the construction of railroads has been, as I recollect it, confined to counties and cities. I do not remember more than one case in which a State, by the loan of its credit, although there may have been others, aided in the construction of a railroad. But it is fair to assume that we ought to legislate upon the assumption that a railroad in the Philippines will or may at least become insolvent. It is a new proposition, and what lies in the womb of the future as to its earnings and the expenses which may be necessary from time to time to rebuild portions of it that might be destroyed, and so on, makes the duty very strong on the part of Congress to legislate with reference to contingencies reasonably to be anticipated.

Congress would pass no bill authorizing a railway company to bond the road, and it might have to bond for equipment. No one can tell. An insurrection over there might destroy a part of it and they might have to bond to reconstruct it. No one can tell what trouble is to come, and Congress would pass no bill authorizing the government over there, if bonds are ahead of stock, to guarantee a dividend on the stock, because it might happen that after the road had been constructed and all the bonds negotiated and sold a default upon the interest, giving the mortgagee a right to take possession and operate or the court a right to take possession and operate under a receiver and foreclosure, might wipe out the stock. It would certainly do so unless there were some reorganization such as we make in this country. It might happen that the Philippine government there would be liable during the period of bankruptcy to pay dividends right along to the stockholders on the stock.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. Certainly. I did not expect to get into any controversy on the subject.

Mr. NEWLANDS. I wish to ask the Senator from Wisconsin whether, in view of our experience that Government-aided roads have generally gone into insolvency, it would not be well to consider the question of the Philippine government itself constructing the thousand miles of road contemplated by this bill, and in that connection I should like to call the attention of the Senator to the fact that under the bill we propose to guarantee an income of 5 per cent per annum on $30,000,000, which is approximately the cost of the construction of the thousand miles of road.

Mr. SPOONER. Does the Senator mean that there is included in that sum the cost of equipment?

Mr. NEWLANDS. I understand from Secretary Taft's testimony before the Committee on the Philippines his estimate was that a thousand miles of road would cost $35,000,000 for construction and equipment.

Mr. SPOONER. Has the road been located?

Mr. NEWLANDS. I understand he has the terminal points. I can see nothing in the testimony relating to surveys or estimates, or anything of that kind. I do not know how far——

Mr. SPOONER. I do not think a very accurate estimate of the cost of constructing a road can be made until the line has been surveyed.

Mr. CARMACK. There has been a survey made.

Mr. NEWLANDS. All I can say is that Secretary Taft refers to a talk with Sir William Van Horn on this subject, who had experience in building a railroad in Cuba, and he says that Sir William Van Horn informed him that this road of about 1,000 miles in length would probably cost about $35,000,000.

I do not wish to take up much of the Senator's time, but I suggest to him that under this bill the Philippine government would be under obligation for a million and a half a year for thirty years, which would amount to $45,000,000; and it seems to be assumed that ultimately the United States will be under a moral obligation regarding it, if not under legal obligation. So, if the railroad fails, the obligation ultimately falls upon the United States.

Mr. SPOONER. Who assumes that?

Mr. NEWLANDS. That seems to be assumed throughout all this testimony. Now, then, if the United States Government should authorize the Philippine government to construct this road at a cost of $35,000,000 and should authorize it to issue bonds, and the United States Government should guarantee those bonds, they would sell at par on a basis of 2½ per cent. So there would be an annual interest charge of a little over $750,000 against that investment instead of $1,500,000, and the remaining $750,000, if received by the railroad in the way of profit, would be put into a sinking fund, and in less than thirty years would pay the entire cost of the road. So with this authorization by the United States Government and is guaranty of the bonds and this low rate of interest the result would be that in less than thirty years the Philippine government would have a thousand miles of road without cost. I ask the Senator whether he would not think that a more favorable arrangement?

Mr. SPOONER. I am not so much captivated by the notion of Government ownership of railroads as perhaps my friend from Nevada may be.

Mr. NEWLANDS. Nor am I. I will say that I am not entirely satisfied with the specific arrangement, and that it may be better to consider Government ownership as a choice of evils.

Mr. SPOONER. I think, myself, it is better to facilitate in some safe and proper way the investment of the money by cap-

italists in the construction of the road under the auspices of the company for its maintenance and operation, than for the Philippine government to issue bonds and receive the money to construct the road and own and operate it. I myself prefer very much the plan of the bill in that respect.

I am not antagonizing the bill, but I think if the Philippine government is under any circumstances to guarantee dividends on stock, the railroad company should not be permitted to put upon that property a mortgage lien ahead of that stock without the consent, not of the Philippine Commission, but of Congress. If the English system shall be adopted, that is one thing; but if the ordinary American system of issuing bonds and selling them is to be adopted, that is another. I think that we ought to decide, so far as the safeguards to which I have referred are concerned, which shall be adopted. I only suggest it to the Senator from Massachusetts that he may give it his attention with a view to the proper amendment, if he agrees with me.

Mr. LODGE. Mr. President, I do not believe that anyone who has examined the conditions in the Philippine Islands with any care doubts the necessity and importance of a railroad system in those islands. It would take unlimited money and a great deal of time to construct highways. The only method by which we can hope to open up those islands properly is by means of railroads. There is nothing that will do so much to bring those people together, to civilize them, and improve their condition as proper methods of communication. Such communication would add enormously to their prosperity, bring into the markets their products, and open up lands which are now untouched. There are only 120 miles of railroad in the Philippine Islands at this time. I think there is nothing so important that we can do for those islands as to facilitate the building of railroads.

Undoubtedly this work could be left to private enterprise; but if left to private enterprise it would result in small bits of road being built here and there where there was a certain profit. The Commission is most averse to giving franchises which will allow companies to build roads just where they will pay and not try to open up the country. The Commission is desirous of having a complete system, and, I think, wisely so.

I understand the Senator from Wisconsin [Mr. SPOONER] agrees with me as to the general policy, which can only be carried out by some form of Government guaranty and aid. The committee is entirly opposed, as the House is opposed, as the Commission is opposed, and as the Secretary of War is opposed, to having the Government itself build the railroads. If there is any doubt about the insolvency of the railroad companies which have been aided by the Government, there is not much doubt as to the failure of roads to be commercially profitable wherever a State government itself has undertaken to build or operate them. I think that it would be utterly wrong in principle, and I am entirely opposed to having the Government build and operate railroads in the Philippines. Therefore it comes to the question of a guaranty.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. The Senator sems to be discussing the bill now upon the idea that there are only two contingencies to which we can turn; one is Government ownership and the other is a guaranty of interest on the bonds. I call the attention of the Senator to the fact that we have in the Philippines 70,000,000 acres of unappropriated public domain, and that in many other cases—in Texas, for instance—the railroads were constructed by a grant of a portion of the public domain for each mile of railway constructed. If, for instance, that same policy be pursued in the Philippines, it would take about 20,000,000 acres of this 70,000,000 acres to subsidize, or at least to aid, the railways organized by private corporations or individuals, leaving 50,000,000 acres of unappropriated domain still for the public, and meanwhile this land granted to the railway companies would pass into private ownership, would go upon the tax roll, and become subject to taxation for the benefit of the islands.

I suggest to the Senator that it seems to me that feature of the situation ought at least to be discussed in connection with the two other suggestions he has made.

Mr. LODGE. I am aware, Mr. President, that the subsidy may take the form either of money or of lands. In either event it is in the nature of a subsidy or subvention to the railroads. We could do it by land grants, I suppose, although I think there would be great difficulties in the way, if I understand the conditions there correctly; but I do not believe that it is, on the whole, as economical or as good a way to deal with this question as by the simple guaranty of money. I think it is better not to give up the lands. I prefer the money guaranty. That is the proposition of the bill, and I think it is a sound one.

I ought to say that so far as the guaranty goes, there is absolutely no assumption on anybody's part, so far as I am aware, that the United States incurs any obligation in regard to this guaranty. The committee has no such assumption. The first time I heard it suggested was by the Senator from Nevada [Mr. NEWLANDS]. The Senator from Wisconsin [Mr. SPOONER] makes a very important point in regard to it, and that is as to the latitude that is given to the Commission as to the form of the guaranty. They are allowed to choose between bonds, which is the American system, or preferred or common stock income, which is the English system.

The committee of the other House and the committee of the Senate both felt, I think, that it was desirable to give the Commission as much latitude as was safe in making these arrangements. Of course, they would desire to make the guaranty go as far as possible, so as to get as much road built as possible and to get the lowest rate of interest on the bonds. I do think, however, that it may be necessary—my attention has not been called specifically to this point before—to make some further provision for protecting the interests of the Government. It seems to me that the Commission would undoubtedly do that. The idea of the bill is to trust the Commission on all those points; but it may be thought best, after we have discussed the bill here, to put in some amendments which shall provide that in case the railroad is thrown on the Government's hands, or the Government is obliged to pay the entire guaranty, or in case the road is not earning enough money to meet its interest, something shall be done to protect the interests of the Government under those conditions. I shall give that point attention before this debate closes.

I only wanted to say to the Senator from Wisconsin that the idea of the bill and of the committee was that we could trust the protection of the interests of the Philippine government to the Commission. Still, it is possible that we have not gone far enough in limiting their power; and I shall be very glad to look into the point the Senator from Wisconsin has made to see whether some amendment may not be desirable there.

Mr. NEWLANDS. I should like to ask the Senator from Massachusetts whether any plans or estimates regarding the construction and cost of the railroad were presented to the committee?

Mr. LODGE. No, Mr. President, there are no surveys made; there are no specific franchises asked for; there are no plans at all before the Commission. This is to give the Commission the power to guarantee the amount of a million and a half a year for the building of the railroads in the Philippines.

Mr. NEWLANDS. I will ask if the Senator himself has formed any impression regarding the total cost of these railroads aggregating a thousand miles?

Mr. LODGE. The Senator has quoted what Governor Taft said before the committee of which I was a member, that Sir William Van Horn had estimated that a thousand miles of railway would cost from $30,000,000 to $35,000,000; but I do not understand that he said at all that the interest on the investment would necessarily be 5 per cent.

Mr. CARMACK. But it would undoubtedly be that much, judging by our past experience.

Mr. LODGE. That was merely what he thought in a general way. I think he said, as I recall it, that he hoped they could get a lower rate. From the way in which Philippine bonds are selling on the market, I think we could probably get a lower rate. Of course that aggregate estimate of the cost of a thousand miles would add so many more miles, and they want to be in position in making this offer to control the route of the road, so as to get some systematic plan of building railroads in the islands.

Mr. NEWLANDS. I can understand how important it is, as stated by the Senator, that a comprehensive system of railroads for those islands should be framed in the first place. We should know the terminal points of the road, so as to be able to join them together in such a way as to make a complete system. As I understand it, the Government of the United States proposes to authorize the government of the Philippine Islands to guarantee the income on an expenditure of $30,000,000 to the extent of 5 per cent per annum. That 5 per cent amounts to $1,500,000 a year, and I think it is safe to say, if the enterprise falls into the hands of private individuals, that that burden, to its utmost limit, will fall upon the Philippine government. I am sure that has been our experience with reference to all the aided roads or subsidized roads of this country.

If there is an obligation of the Government anywhere within reach of individuals in charge of a private enterprise, they will

generally permit that obligation to be assumed and to be executed. There are peculiar temptations to do that in this case, because if a return of 5 per cent upon the cost of the road is assured by the Government they could easily cause the profits to go toward the betterment of the roads, and thus permit no apparent profit to be made. Then the Philippine government would be obliged under this guaranty to pay 5 per cent upon the investment.

Now, so far as I am individually concerned, I can not say that I am as yet a convert to the theory of Government ownership of railroads. I believe in Government regulation and control; I believe in a very much more efficient Government regulation and control than we have thus far had in this country, either on the part of the General Government or upon the part of the States; but I must say that as between the existing conditions of the transportation service, assuming that they are to be maintained, and the evils of possible Government ownership, I would prefer the latter; for I assume, at least, that under Government ownership and control every man and every community would have an equal chance; that the same service would be given for the same rate; that there would be no rebates or preferences, and no discriminations as between individuals or communities. I feel that the great and unparalleled concentration of wealth which has taken place in this country of late years is largely dependent upon the absolute perversion of the essential principles of the transportation service—equal rights to all and special privileges to none.

I fear very much if this enterprise, involving the construction of a thousand miles of railroad, involving a comprehensive railway system for the Philippine Islands, is intrusted to private enterprise, that we shall have the experiences of the past renewed; that there will be an appeal to human selfishness and human avarice to pervert that system from the beneficent purpose for which we intend it. So, as we have an excellent executive administration organized there, an honest administration, an efficient administration, not subject to the mutations or the caprices of politics, but capable of doing business in a business-like way, it does seem to me that if we are going to consider the question of either sanctioning or giving Government aid, we should consider seriously the question of the Philippine government itself entering upon this work of construction and operation.

It seems to me in that connection that we ought to be better informed than we are to-day; it seems to me that we ought to have surveys, plans, and estimates presented to us. A very efficient corps of engineers and surveyors, such as could be easily secured in this country, such as we have now in the scientific branches of our service, particularly in the Geological Survey and in the Reclamation Service, would very quickly make the reconnoissance of these roads, embracing, I believe, only 1,000 miles in all, embracing five, or six, or seven, or eight railways, each of them not more than from 100 to 200 miles in length. Then we would be able to form a judgment as to whether it would be wise to intrust this work to the Philippine government or whether it would be wise to intrust its construction to private enterprise.

There is another reason, it seems to me, why we should seriously consider the question of Government construction there, and that is that American capital will only go into a work of this kind with a prospect of a very considerable reward. The enterprise, so far as the men who invest in it are concerned, will be largely of a speculative character, whilst we are pursuing it as a matter of government, a matter of the proper economic development of those islands.

Now, assuming that private capital becomes invested in this railway system, the owners of that capital will seek to make money in other enterprises connected with the railroad—in manufacturing and in production of various kinds—and they will naturally seek to control that production. If they have the machinery of transportation within their hands they can easily do it so as to almost destroy the possibility of competition. The danger will be that we shall have competition eliminated, and we shall have there the operation of trusts and combinations and syndicates for the purpose of exploiting the country; and that is what we want to avoid.

So it seems to me of the highest importance—an importance reaching away above the necessity of economy in the work itself—that we should have this work so conducted and the transportation service so administered as to absolutely secure equality to all, equal opportunity in that region. We should not permit the most important agency of commerce—the transportation of all products, involving as it does the exchange of all products—to come within the control of men who would simply go there for adventure, for speculation, and for profit. No one can blame them for taking that view. That is what they are going there for as individuals, but it is our duty, of course, exercising the powers of government here, to see to it that this work is administered in such a way as to insure the advantage of the entire people.

Upon the question of the financing of this proposed enterprise under this bill, the Philippine government will be compelled to pay 5 per cent on $30,000,000 annually, or one and a half millions annually. It guarantees that income on the investment.

Mr. LODGE. Why does the Senator say that we are compelled to do that under this section? I fear the Senator has not read the section.

Mr. NEWLANDS. As I understand it, they guarantee an income of 5 per cent.

Mr. LODGE. They guarantee nothing of the kind.

Mr. NEWLANDS. I shall be glad to be corrected by the Senator if I am wrong.

Mr. LODGE. The provision is that the guaranty shall not exceed 5 per cent.

Mr. NEWLANDS. Not exceed. Very well. The power given to the Philippine Commission is to so guarantee the 5 per cent. True, they may not do so. Of course, they may make a guaranty of 4 per cent.

Mr. LODGE. The Senator has just said that the members of the Philippine Commission were efficient and honest men. Therefore I suppose they will get the lowest rate of interest they can.

Mr. NEWLANDS. I assume they will; but when you put the limit at 5 per cent it involves the assumption that you believe that that will be the sum that will be demanded as a return upon the capital invested in that enterprise—that sum at least. My judgment is that the private investor will expect a greater reward than that as a matter of adventure and of speculation in a strange land, and it is only adventurous men who will go into this enterprise.

So that we have the judgment of the committee, of which the Senator is a member, and we have the judgment of Secretary Taft, that possibly the Philippine Commission may be called on to give a guaranty of 5 per cent upon $30,000,000. So I think that in considering this case, I am fair in assuming that that guaranty will be given. That amounts to one and a half million dollars a year, and the ultimate total liability on the part of the Philippine government will be, for thirty years, $45,000,000 when the entire railroad system can be constructed for $30,000,000 or $35,000,000.

We will assume that we authorize this capable, honest, and efficient Commission to construct that road; we will assume that they organize their transportation service just as we have got a Reclamation Service organized in this country. The Reclamation Service, as now constituted, will spend an amount aggregating $27,000,000. It is composed of the best engineers in the country, men of spirit, enterprise, courage, and capacity; men who feel the pride of their work and whose esprit de corps is admirable. These men are doing a great work in this country. They are preparing to expend not only the $27,000,000 now in the reclamation fund in great storage and reclamation works, but they are going to expend the money that comes into or returns to the fund in the future, aggregating possibly within the next twenty years $150,000,000. They are doing this work honestly and efficiently to-day—a work more difficult than that of railroad construction.

Railroad construction is one of the simplest things in the world. The work of railroad engineering consists largely in following the old stage lines. Now, if we organize a service of that kind, we could easily get some of these men to engage in it—men whose whole lifetime has been spent in studying the surface and the topography of this country and who are familiar with the enterprises that are necessary to control it in the interest of man. We could utilize the reclamation service, and I think that in a very short time the Philippine government could, with the aid of Mr. Walcott, the Director of the Geological Survey, a man of fine administrative capacity, and of Mr. Newell, who, under Mr. Walcott, directs the reclamation service, secure a corps of fifty capable and experienced men from the reclamation service itself who would be entirely competent to enter upon this work of survey and estimate, and who could bring before us at the next session of Congress full plans and estimates that would enable us to form an enlightened judgment on this matter.

Assume, then, that we should permit the Philippine government to issue their bonds for $35,000,000. The Philippine government would probably have to pay 4 or 5 per cent interest on those bonds. We would be interested, of course, in enabling them to get that money at as low a rate of interest as possible. Why, then, should not the Government of the United States guarantee those bonds? With a Government guaranty the

bonds could be negotiated at 2½ per cent, and the interest charge annually would be only $750,000 instead of one and one-half million dollars under this bill; and the other $750,000 received from the proceeds of the operation of the road itself would in less than thirty years pay the entire bond issue of $35,000,000.

It could be put into a sinking fund, or provision could be made for the gradual retirement of the bonds from the money in the sinking fund, and in less than thirty years the bonds would be entirely retired and the Philippine government and the Philippine people would own not only a comprehensive but an unencumbered railway system, which could either be operated by the government or leased upon terms that would insure an income to the government as well as absolute equality and impartiality of service.

Now, certainly as to financing there can be no question but that the plan I suggest is the better one. It involves an interest charge of $750,000 as against a million and a half. It involves the absolute acquisition, you may say, without cost to the Philippine government, of this system of railroads, of a value of $35,000,000, whereas the other liability assumed by the Philippine Commission means that it may possibly pay out $45,000,000 and then will have nothing, because the railroads will belong to the private individuals who have conducted the enterprise. As a mere matter of finance it seems to me there can be no question but that the plan I suggest is the better one.

The only objection which can be urged is that it involves governmental ownership—that it will involve the control by the Government and its employees of this system of railways—and I believe that Secretary Taft in his statement says he does not believe in enlarging the powers of the Commission in that way. The Commission, as I understand, has absolute power in the Philippine Islands. It is an executive body that simply acts by decrees. It moves with great ease. Its members have not varying terms of office. It is not subject to the caprice of elections. If there is anywhere a governmental body that can move efficiently in a work of this kind, that body can; and it does seem to me, as a mere experiment in Government ownership, toward which the sentiment of this country is largely directed to-day, it is worth something to this country. If it proves successful, we can gradually adopt it at home. If it prove unsuccessful, we can rest assured that it has been prosecuted under the most favorable conditions, and that, having failed, Government ownership is no longer to be considered.

Now, it is true that so far as I individually am concerned, and so far as the party which I represent is concerned, we are opposed to the holding of the Philippine Islands. We believe that the Philippine people should be given their independence, and we hesitate to strengthen the ties that bind this country to the Philippine Islands, simply for the reason that it may be more difficult to sunder them. But the Democratic party, even if in power, would not contemplate the immediate cutting of the tie. It would be a moderate and progressive movement toward a certain and definite end, involving the retention of the islands for a considerable period, and the obligation would be upon us during that time to administer our trust in the interest of the Filipino people and to neglect nothing in the line of government which would accrue to their advantage.

So I do not see from our own standpoint why this should be objectionable. The Government of the United States would guarantee these bonds. Assume that ten, fifteen, or twenty years from now we should give the Filipinos their independence, as we gave the Cubans their independence—a qualified independence, it might be, under a protectorate such as Mr. Bryan has suggested. We could certainly, in that very negotiation for independence, secure ourselves as to this obligation, for if we were obliged to pay the interest or the bonds, the road itself, on which the bonds would be a lien, would be turned over to us, and would be the property of the United States, and though we might transfer the government of the islands to the Filipino people, the railroad itself would belong to us and we could protect it as any other property. And necessarily in the course of that negotiation some arrangement would be made, even though we were compelled to pay the $35,000,000 and the accrued interest, by which that amount would be reimbursed to us.

The two parties are approximately approaching the same position regarding the Philippine Islands. I take it for granted that the position assumed by Mr. Bryan upon this question is the position of the Democratic party, and that the position assumed by Mr. Roosevelt on this question is that of the Republican party. There may be variances or differences among Democrats, there may be differences among Republicans; but the ultimate judgment of each party may be called the judgment of one or the other of these leaders. Mr. Bryan has always contended that we should give the Philippine Islands their independence under a protectorate.

Mr. PLATT of Connecticut. Mr. President, is that independence?

Mr. NEWLANDS. Well, it is a qualified independence.

Mr. PLATT of Connecticut. Does not the Senator think that under the system we are now pursuing, within the next ten or twenty years the Philippine Islands will be just as independent as they would be under a protectorate?

Mr. NEWLANDS. No; I do not think they will be.

I was saying that the positions of these two leaders were approximately the same, and I stated the views of Mr. Bryan. Mr. Roosevelt's recent message contains his view, which I assume to be the view of the Republican party.

Mr. FORAKER. Will the Senator from Nevada allow me to interrupt him for a question?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. FORAKER. I should like to know why the Senator, in stating the positions of the two men as the positions of their respective parties, ignores the views of Judge Parker on this subject?

Mr. NEWLANDS. I do not ignore them.

Mr. FORAKER. The Senator has not stated them.

Mr. NEWLANDS. I do not ignore the views of any Democrat in the country, but I refer to Mr. Bryan to-day and during the last eight years as the acknowledged leader of the Democratic party, and I refer to Mr. Roosevelt as the leader to-day of the Republican party.

What does Mr. Roosevelt say regarding the people of these islands? He says in his recent message:

> At present they are utterly incapable of existing in independence at all or of building up a civilization of their own. I firmly believe that we can help them to rise higher and higher in the scale of civilization and of capacity for self-government, and I most earnestly hope that in the end they will be able to stand, if not entirely alone, yet in some such relation to the United States as Cuba now stands.

So practically the only difference at present between Mr. Bryan and Mr. Roosevelt is that Mr. Bryan would to-day give the assurance of ultimate independence, whilst Mr. Roosevelt only extends to us the hope of ultimate independence. But I believe that Mr. Roosevelt is as earnest in giving that hope as Mr. Bryan is in demanding that the assurance be given.

If the ultimate purpose of both parties is to give the Philippine Islands their independence, so that they can stand in relation to this Government as Cuba now stands, it means that until the assurance is realized or until the hope is realized we must continue to administer the trust we are at present administering in those islands; and I do not think we should escape any obligation of so administering their affairs as to give them not only an honest administration, not only an efficient administration, but also an economical administration.

I say it is the height of folly to permit an income upon this investment of 5 per cent to be paid out by the Philippine government and the Filipino people when we have the power, and by stretching our benevolence only a little further we can assure them the benefit of this great enterprise at a cost of only one-half of what this bill provides.

Now, there are other things in this bill to which I should like to call attention. One is the issue of bonds provided for by the second section. The bill provides that the government of the Philippine Islands may make a bond issue of $5,000,000 at 4½ per cent per annum, for the purpose of providing funds for river and harbor improvements and other public improvements.

Five million dollars is rather a small sum. I presume it is a mere commencement. That interest charge could be put at 2½ per cent if we gave those bonds our guaranty, and it strikes me that in the end, as respects these bond issues, there is a moral obligation resting upon the United States Government, if not a legal obligation. If you will read the language of the Attorney-General——

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. SPOONER. Has it ever been contended, to the Senator's knowledge, that if Congress authorizes a Territory, to issue bonds there is a moral obligation upon the United States therefore to stand behind them?

Mr. NEWLANDS. I do not think the test has ever been made, but if the Government of the United States should authorize the Territory of Arizona to issue $10,000,000 of bonds and Arizona should not be able to pay them—should be utterly bankrupt, should have no property—and those bonds were in the hands of innocent purchasers, and the question should arise as to whether the loss should fall upon them or upon the Government of the United States, I should feel that a moral obliga-

tion rested upon me as a Senator of the United States to vote in favor of assuming that obligation.

Mr. SPOONER. I suppose, on the same theory and by parity of reasoning, if the legislature of a State should authorize a county or a city to incur an indebtedness, and it did not pay it, morally the State ought to pay it?

Mr. NEWLANDS. The Senator is carrying it pretty far.

Mr. SPOONER. Oh, no. I am not carrying the principle a fraction of an inch.

Mr. NEWLANDS. The Senator is assuming almost an impossibility, and that is that a Territory will not have the property to respond to its debts; and he is assuming the impossibility that the Philippine government is never going to have enough property to pay this debt of $5,000,000 for bonds issued for these improvements, or the $35,000,000 of bonds which I suggest shall be issued for the construction of the railroads. I say that the liability of the Government of the United States in its guaranty would be an infinitesimal one; and inasmuch as we stand in the position of guardian to a ward, of protector of these people, if by our own Government guaranty, exercised to the limited amount provided for in this bill, and to the amount suggested by myself, not exceeding $40,000,000 or $50,000,000, we can diminish the burden upon the Philippine people one-half, when the security is absolute, I believe in giving the aid.

Now, as to the moral obligation——

Mr. SPOONER. Does the Senator think we ourselves ought to guarantee the bonds? Is that the Senator's position?

Mr. NEWLANDS. Yes, sir; that the Government should guarantee the Philippine government bonds, and then they can be negotiated at 2½ per cent, I have no doubt.

Now, with reference to the friar-land bonds which were issued, we find some utterances of Secretary Taft and the Attorney-General upon the subject. Senators will recollect that friar-land bonds to the amount of $7,000,000, I believe, were issued for the purpose of taking over the lands owned by the Catholic Church in the Philippine Islands, the purpose being ultimately to divide up those lands and sell them to the people and thus reimburse the Philippine government for its expenditure. With reference to those bonds Secretary Taft, when he was asked whether the United States was bound, legally or morally, to pay them, said:

> Not at all; except that Congress authorized the issue. I suppose that investors have assumed that that fact would lead Congress to assume the obligation of them if the government ever became bankrupt. I only know that banking houses are entirely willing to take the bonds without a guaranty by the Government, and the rate at which the bonds sold is an indication that the shadow of the United States in the background is very valuable.

If the shadow of the United States in the background is very valuable, the real presence of the United States in the shape of a guaranty is more valuable.

Mr. SPOONER. Will the Senator allow me to ask him who is the owner of the lands purchased from the friars?

Mr. NEWLANDS. To-day?

Mr. SPOONER. Yes; the lands for which the bonds were issued.

Mr. NEWLANDS. The Philippine government, as I understand.

Mr. SPOONER. You are sure of that?

Mr. NEWLANDS. The Philippine government. That is my understanding. The Philippine government issued the $7,000,000 of bonds, I believe.

As to the friar-land bonds, the Acting Attorney-General, in a letter of the 26th of December last, said:

> The entire transaction is to be negotiated under the auspices of the United States and by its recognition and aid.

And again, on the 31st day of December last, the same Attorney-General declared, in a letter addressed to the Secretary of the Treasury:

> Although the loan is not legally guaranteed by the United States, the issue is obviously made over its faith and credit and by its aid and recognition. The bonds are offered to the public under the auspices of the United States by the direction of the Secretary of War and the authority of the government of the Philippine Islands, founded upon the act of Congress.

In the same letter he declares:

> The interest and credit of the United States are deeply and essentially concerned in these matters.

So there you have the view, at all events, of the moral obligation under which the United States stands regarding the friar bonds; and I may say that in the report of the minority of the Insular Affairs Committee of the House on this bill the minority members, at least, whose opinion may not be potential here, declare:

> This section not only fastens for a period of thirty years an indebtedness upon the people of the Philippine Islands to guarantee a dividend of 5 per cent, but it also, in our opinion, creates a moral, if not a legal, liability upon the United States Government to see that this guaranty is paid.

So you have the representatives of a great party charged with responsibility in the Committee on Insular Affairs declaring that this very obligation, if not a legal one, is a moral one, and that the obligation of the United States Government is to see that the interest is paid.

Here, then, we have a bond issue of $5,000,000 the proceeds of which are needed for public improvements, and the Philippine government is authorized to pay in interest not exceeding 4½ per cent. A United States guaranty of that $5,000,000 issue would enable it to get the money at 2½ per cent. The 2 per cent which it saves, if put into a sinking fund or applied annually to the redemption of the bonds, will absolutely pay the $5,000,000 in less than forty years, so that the Philippine government will be out nothing as compared with the transaction which this bill proposes. They will have their improvements and the saving in interest will have paid the cost.

Now, in the next section provision is made for the contraction of municipal indebtedness. The various municipalities are authorized to issue bonds for municipal improvements. There is no limitation as to the amount except the limitation that they can not issue bonds for an amount exceeding 5 per cent of the assessed value. That in itself is a limitation. It seems to me we might make a similar stipulation regarding those bonds on which they will have to pay 5 per cent, for that is the limit of interest permitted by this bill, and if we should limit the amount of such issue to ten or fifteen million dollars, which I imagine will be ample for present purposes, and give our Government guaranty, the Philippine government will save one-half of the interest charge, and that half put into a sinking fund will pay the bonds in less than thirty years; and so these municipalities, just by the saving in interest, will have made these great improvements without cost to themselves as compared with the transaction which this bill presents to them.

Now, Mr. President, I have expressed myself somewhat positively regarding the question of Government ownership. I have, perhaps, in the earnestness of debate expressed myself a little more vigorously than I feel, because I have taken up the proposition more affirmatively than tentatively, as I intended when I arose. I can not say that I am a convert to Government ownership. I can not say that after a full survey of all the projects contemplated by this bill I would vote to authorize the Philippine Commission to enter upon the work of construction and operation. All I say is that the proper deliberation which this subject ought to receive in this body demands that we should have plans and estimates; that we should have all the information that is necessary to enable us to form a judgment regarding this great economic and financial transaction, involving the prosperity and happiness of a people now under our absolute control, and then we will be prepared to take intelligent action upon it. I do not believe we are prepared to take such action now.

Mr. LODGE. Mr. President, I shall not enter into a discussion of the question of the merits or the demerits of Government ownership of railroads in the Philippine Islands, because we are not going to enter on Government ownership of railroads there, and therefore it is not worth while to take time in discussing it. But I do want to point out that very large powers are given to the Commission in making this guaranty. They are to provide for the repayment of any sum paid thereunder as they shall deem to be to the public interest. They are to ascertain the cash capital and the net income, and they are to have as many directors on the board as they desire. In fact, as provided in the proposed act, the roads will be under the immediate supervision and control of the Philippine Commission.

I am inclined to think that the provision in line 8 about requiring repayment might be strengthened, as the Senator from Wisconsin suggests. Undoubtedly the Commission can make the guaranty a lien on the road if it so desires, but it may be well to be more explicit. I see no reason why we should wait until plans and surveys have been prepared. We are not undertaking to build roads ourselves. What we are doing is to put the Philippine Commission in a place where they can say to private capital, "If you will invest here in a system of roads that we approve, then we can stand behind you for a certain amount of interest and income." I do not want to have the Congress of the United States hold this up for surveys and routes, because I want to give the people of those islands the railroads as quickly as possible.

Now, as to the five million loan, it has not been the policy of this Government thus far to have the United States guarantee Philippine bonds. We did not do it in any case. The Philippine Islands at this moment are practically free from debt. There is thirteen millions of nominal debt, six millions of which was borrowed for the purpose of maintaining a reserve fund for the redemption of the silver currency and of the notes of

the government. That amount of money, six millions, is retained in the treasury for that purpose. The other seven millions was advanced under a special clause in the organic act for the purchase of the friars' lands. These lands are being paid for by the tenants who occupy them, and in the opinion of the Commission and the Secretary of War all that $7,000,000 will be repaid.

Therefore the islands are practically free from debt. They have spent $3,000,000 out of their surplus income already in improvements. They do not feel it to be fair to the people of the islands to make the present generations pay for all the improvements at once. They ask for authority for a very moderate loan of $5,000,000. There is no indication that they expect or intend to ask for more, and in the opinion of Secretary Taft that is all they need.

Now, we have never guaranteed their bonds. We have adopted the policy of giving them in that direction as much independence as possible; that the investment should stand on its own merits. All we have done is to extend the exemption from taxation, and they have their bonds. They have borrowed their money at reasonable rates.

This is all I desire to say by way of explanation.

Mr. CLAY. I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. LODGE. Certainly.

Mr. CLAY. The bill, I believe, authorizes the Philippine government to issue $25,000,000 of bonds for the purpose of building a railroad.

Mr. LODGE. It does not authorize them, if the Senator will pardon me, to do anything of the kind.

Mr. CLAY. By implication.

Mr. LODGE. No; not by implication.

Mr. CLAY. I should think it did.

Mr. LODGE. They can not issue a single bond for railroads.

Mr. CLAY. I mean to build a railroad.

Mr. LODGE. No; not one bond of any kind. They can guarantee the interest on bonds for which the capital has been advanced by other people.

Mr. CLAY. Equal to $30,000,000?

Mr. LODGE. That may or may not be the amount. I can not state how much.

Mr. CLAY. I was not going to question the Senator on that point. What I was going to ask him is this: Is there any provision whatever in the bill (I have not been able to find it in running over it hastily) that will protect the government of the Philippines from loss, in the event they should lose by guaranteeing this money, by giving the government of the Philippine Islands a first lien or a second lien on the road, or anything else?

Mr. LODGE. There is.

Mr. CLAY. The Senator says there is?

Mr. LODGE. There is.

Mr. CLAY. What is it?

Mr. LODGE. Beginning in line 8:

> The guaranty to be in such form and under such provisions requiring repayment of any sum paid thereunder as said government shall deem to be to the public interest.

That leaves it within the power of the Commission to determine what form the lien shall take and what the terms of repayment shall be. But I just said I am inclined to think that it may be advisable for us to make that more definite. There is a provision there, as I have just read, which enables them to make a lien, simply leaving it to the Philippine Commission to provide for its repayment as they choose.

Mr. CLAY. It leaves the Philippine Commission to make it. Does the Senator think this act ought to provide for that?

Mr. LODGE. The matter had not been brought to my attention so strongly until the Senator from Wisconsin spoke; but I am inclined to think that it may be desirable to make that clause more definite and to state in this act that the sum advanced to pay the guaranty, if they are called upon to pay it, shall be a first lien on the road.

Mr. CLAY. There was such a provision, if I remember correctly, in the act guaranteeing the bonds of the Pacific railroads.

Mr. LODGE. Undoubtedly. This permits the Philippine Commission to establish the lien. I think it may be wise for us to establish the lien in the act.

If no Senator desires to debate the bill any further this afternoon, I will move that the Senate proceed to the consideration of executive business.

Mr. CULBERSON. I submit three amendments to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Cerk, announced that the House had passed the following bills:

A bill (S. 183) granting an increase of pension to John W. Currier;

A bill (S. 216) granting an increase of pension to Nelson Wells;

A bill (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota;

A bill (S. 922) granting an increase of pension to William S. Devlin;

A bill (S. 1421) granting an increase of pension to Charles L. Houghton;

A bill (S. 1576) granting an increase of pension to Emily M. J. Cooley;

A bill (S. 1994) granting an increase of pension to Isabella Chivington;

A bill (S. 2114) to fix the rank of certain officers in the Army;

A bill (S. 2414) granting an increase of pension to Elise Habercom;

A bill (S. 2578) granting an increase of pension to Sylvester Beezley;

A bill (S. 2745) granting an increase of pension to Thomas Howard;

A bill (S. 2893) granting an increase of pension to Emanuel Morter;

A bill (S. 3033) granting an increase of pension to Charles B. Williams;

A bill (S. 3175) granting an increase of pension to Rachel H. Coleman;

A bill (S. 3329) granting a pension to Mary E. Strong;

A bill (S. 3414) granting an increase of pension to Henry Wheeler;

A bill (S. 3502) granting an increase of pension to Joseph W. Willis;

A bill (S. 3640) granting an increase of pension to John S. Stevens;

A bill (S. 3791) granting an increase of pension to Edwin J. Tenney;

A bill (S. 4417) granting an increase of pension to Chadbourne H. Warren;

A bill (S. 4690) granting an increase of pension to Andrew W. Switzer;

A bill (S. 5184) granting a pension to Ethel Talley;

A bill (S. 5263) granting a pension to Annie M. Eopolueci;

A bill (S. 5416) granting an increase of pension to James A. Hopson;

A bill (S. 5423) granting an increase of pension to Ellen J. Morton;

A bill (S. 5484) granting a pension to Burnetta B. Lehmann;

A bill (S. 5492) granting an increase of pension to Mary T. Holden; and

A bill (S. 5556) granting an increase of pension to Sarah A. Hoback.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 13, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 12, 1904.

ASSISTANT SECRETARY OF AGRICULTURE.

Willet M. Hays, of the State of Minnesota, to be Assistant Secretary of Agriculture, vice Joseph H. Brigham, deceased.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE TERRITORY OF NEW MEXICO.

Ira A. Abbott, of Massachusetts, to be associate justice of the supreme court of the Territory of New Mexico, vice Benjamin S. Baker, removed.

DISTRICT ATTORNEY.

Melvin O. Adams, of Massachusetts, to be United States attorney for the district of Massachusetts, vice Henry P. Moulton, deceased.

COMMISSIONER OF LABOR.

Charles P. Neill, of the District of Columbia, to be Commissioner of Labor in the Department of Commerce and Labor,

vice Carroll D. Wright, resigned, to take effect at the close of business hours January 31 next.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Ira Harris, of New Jersey, who was appointed October 26, 1904, during the recess of the Senate, to be supervising inspector of steam vessels for the second steamboat-inspection district, in the Department of Commerce and Labor.

COMMISSIONER OF IMMIGRATION AT PORT OF SAN JUAN, P. R.

Graham L. Rice, of Wisconsin, who was appointed November 28, 1904, during the recess of the Senate, to be commissioner of immigration at the port of San Juan, P. R., in the Department of Labor and Commerce.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. George D. Deshon, assistant surgeon, to be surgeon with the rank of major, December 5, 1904, vice Polhemus, retired from active service.

Cavalry Arm.

Second Lieut. James P. Barney, Fourth Cavalry, to be first lieutenant, October 22, 1904, vice Roberts, Eighth Cavalry, deceased.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Artillery Corps.

Capt. Thomas F. Dwyer, Twenty-first Infantry, from the infantry arm to the Artillery Corps, with rank from October 29, 1901.

Infantry Arm.

Capt. Carroll F. Armistead, Artillery Corps, from the Artillery Corps to the infantry arm, with rank from October 29, 1901.

PROMOTIONS IN THE NAVY.

Lieut. Commander William H. Allen to be a commander in the Navy from the 23d day of November, 1904, vice Commander William H. Beehler, promoted.

Lieut. (Junior Grade) Hilary H. Royall to be a lieutenant in the Navy from the 6th day of December, 1904, vice Lieut. (Junior Grade) Morris H. Brown, deceased, after being due for promotion.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the Marine Corps from the 3d day of December, 1904, to fill vacancies existing in that grade on that date.

Henry N. Manney, jr., a citizen of New York;
Clifford P. Meyer, a citizen of Louisiana;
Franklin B. Garrett, a citizen of Louisiana;
Samuel W. Bogan, a citizen of Maryland;
Calvin B. Matthews, a citizen of Tennessee;
Frederick A. Gardener, a citizen of Michigan;
Edward P. Dieter, a noncommissioned officer of the Marine Corps;
Albert E. Randall, a citizen of Nebraska;
Arthur A. Racicot, jr., a citizen of Massachusetts;
James R. N. Boyd, a citizen of Virginia;
Ross S. Kingsbury, a citizen of Idaho;
Tom Dustin Barber, a citizen of Vermont; and
Hermann T. Vulte, a citizen of New York.

POSTMASTERS.

CALIFORNIA.

Alfred R. Booth to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California, in place of Alfred R. Booth. Incumbent's commission expires December 20, 1904.

Vivian Tresslar to be postmaster at Fullerton, in the county of Orange and State of California, in place of Nancy M. Gregg, resigned.

CONNECTICUT.

Alexander B. Gardner to be postmaster at Milford, in the county of New Haven and State of Connecticut, in place of Frederick L. Tibbals, removed.

IDAHO.

Alfred J. Dunn to be postmaster at Wallace, in the county of Shoshone and State of Idaho, in place of Alfred J. Dunn. Incumbent's commission expired December 7, 1904.

ILLINOIS.

John F. Ashwill to be postmaster at Toledo, in the county of Cumberland and State of Illinois. Office became Presidential October 1, 1904.

Joseph G. Greeson to be postmaster at Greenup, in the county of Cumberland and State of Illinois, in place of George G. Monohon, removed.

INDIAN TERRITORY.

Millard C. Faulkner to be postmaster at Caddo, district 25, Indian Territory, in place of Samuel W. Maytubby. Incumbent's commission expires December 20, 1904.

Alice M. Robertson to be postmaster at Muskogee, in district 10, Indian Territory, in place of Houston T. Estes, removed.

INDIANA.

Phineas O. Small to be postmaster at Laporte, in the county of Laporte and State of Indiana, in place of William A. Banks, deceased.

IOWA.

William L. Comstock to be postmaster at Mechanicsville, in the county of Cedar and State of Iowa. Office became Presidential October 1, 1904.

George H. Otis to be postmaster at Monona, in the county of Clayton and State of Iowa, in place of Frederick L. Wellman. Incumbent's commission expired May 22, 1904.

Charles Smith to be postmaster at Clarence, in the county of Cedar and State of Iowa. Office became Presidential October 1, 1904.

KANSAS.

Raymond S. Frazier to be postmaster at Bucklin, in the county of Ford and State of Kansas. Office became Presidential October 1, 1904.

Eva B. Milligan to be postmaster at White City, in the county of Morris and State of Kansas. Office became Presidential April 1, 1904.

Jared C. Richcreek to be postmaster at Oswego, in the county of Labette and State of Kansas, in place of Maude McGill. Incumbent's commission expires December 20, 1904.

KENTUCKY.

Clarence H. Wilson to be postmaster at Sturgis, in the county of Union and State of Kentucky. Office became Presidential October 1, 1903.

MAINE.

Edward B. Buck to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine, in place of Grace W. Buck. Incumbent's commission expired December 10, 1904.

Elliott Wood to be postmaster at Winthrop, in the county of Kennebec and State of Maine, in place of Elliott Wood. Incumbent's commission expires December 20, 1904.

MISSOURI.

John W. Key to be postmaster at Mountain Grove, in the county of Wright and State of Missouri, in place of James C. Robertson. Incumbent's commission expired December 15, 1903.

Albert T. McAdow to be postmaster at Lamar, in the county of Barton and State of Missouri, in place of Frank D. W. Arnold. Incumbent's commission expires December 20, 1904.

NEW HAMPSHIRE.

Joseph H. Avery to be postmaster at Milton, in the county of Strafford and State of New Hampshire. Office became Presidential October 1, 1904.

NEW JERSEY.

Albert M. Bradshaw to be postmaster at Lakewood, in the county of Ocean and State of New Jersey, in place of Albert M. Bradshaw. Incumbent's commission expired January 23, 1903.

NEW YORK.

Melvin D. Herriman to be postmaster at Sandy Creek, in the county of Oswego and State of New York. Office became Presidential October 1, 1904.

Jay Jackson to be postmaster at Pine Plains, in the county of Dutchess and State of New York, in place of Jay Jackson. Incumbent's commission expires December 20, 1904.

William Purcell to be postmaster at Scottsville, in the county of Monroe and State of New York. Office became Presidential October 1, 1904.

Nathan P. Wild to be postmaster at Valatie, in the county of Columbia and State of New York. Office became Presidential October 1, 1904.

Charles N. Wood to be postmaster at Angola, in the county of Erie and State of New York. Office became Presidential October 1, 1904.

OHIO.

J. K. Allen to be postmaster at Greenwich, in the county of Huron and State of Ohio, in place of Alfred Noecker. Incumbent's commission expires December 20, 1904.

John Campbell to be postmaster at Warren, in the county of Trumbull and State of Ohio, in place of John Campbell. Incumbent's commission expired March 19, 1904.

Ford Lanning to be postmaster at Norwalk, in the county of Huron and State of Ohio, in place of Theodore D. Shepherd, deceased.

William W. Reed to be postmaster at Kent, in the county of

Portage and State of Ohio, in place of Walter J. Raley. Incumbent's commission expires December 20, 1904.

Lawrence R. Watts to be postmaster at London, in the county of Madison and State of Ohio, in place of Lawrence R. Watts. Incumbent's commission expires December 20, 1904.

OREGON.

Edgar Hostetler to be postmaster at The Dalles, in the county of Wasco and State of Oregon, in place of Jeremiah M. Patterson. Incumbent's commission expires December 19, 1904.

RHODE ISLAND.

Edward W. Jones to be postmaster at River Point, in the county of Kent and State of Rhode Island, in place of Edward W. Jones. Incumbent's commission expires December 20, 1904.

SOUTH CAROLINA.

J. R. McClue to be postmaster at Bishopville, in the county of Lee and State of South Carolina. Office became Presidential October 1, 1904.

VIRGINIA.

Lee S. Calfee to be postmaster at Pulaski (late Pulaski City), in the county of Pulaski and State of Virginia, in place of Lee S. Calfee, to change name of office.

WEST VIRGINIA.

Joe Williams to be postmaster at St. Marys, in the county of Pleasants and State of West Virginia, in place of Alfred H. Cole. Incumbent's commission expired February 2, 1904.

WISCONSIN.

Robert Johnson to be postmaster at Mellen, in the county of Ashland and State of Wisconsin, in place of Charles W. Tyler, deceased.

WASHINGTON.

Harry C. Bilger to be postmaster at Cle Elum (late Clealum), in the county of Kittitas and State of Washington, in place of Harry C. Bilger, to change name of office.

William L. Shearer to be postmaster at Toppenish, in the county of Yakima and State of Washington. Office became Presidential October 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 12, 1904.

CONSULS-GENERAL.

Frank Dyer Chester, of Massachusetts, lately consul at that place, to be consul-general of the United States at Budapest, Hungary.

Julius G. Lay, of the District of Columbia, lately consul-general at Barcelona, Spain, to be consul-general of the United States at Canton, China.

Henry B. Miller, of Oregon, lately consul at that place, to be consul-general of the United States at Niuchwang, China.

Benjamin H. Ridgely, of Kentucky, lately consul at Nantes, France, to be consul-general of the United States at Barcelona, Spain.

CONSULS.

William E. Alger, of Massachusetts, lately consul at Puerto Cortes, Honduras, to be consul of the United States at Tegucigalpa, Honduras.

Carl Bailey Hurst, of the District of Columbia, to be consul of the United States at La Guaira, Venezuela.

Richard M. Bartleman, of Massachusetts, lately consul to Cadiz, Spain, to be consul of the United States at Seville, Spain.

Louis Goldschmidt, of New Hampshire, lately consul at La Guaira, Venezuela, to be consul of the United States at Nantes, France.

Frank S. Hannah, of Illinois, to be consul of the United States at Magdeburg, Germany.

Oscar Malmros, of Minnesota, lately consul at Colon, Colombia, to be consul of the United States at Colon, Panama.

SECRETARIES OF EMBASSIES.

Montgomery Schuyler, jr., of New York, lately second secretary of the embassy at St. Petersburg, Russia, to be secretary of the legation and consul-general of the United States at Bangkok, Siam.

Robert Woods Bliss, of New York, lately consul at Venice, Italy, to be second secretary of the embassy of the United States at St. Petersburg, Russia.

Francis G. Landon, of New York, to be third secretary of the embassy of the United States at Berlin, Germany.

SECRETARY OF LEGATION.

William Blumenthal, of New York, to be secretary of the legation of the United States at Lisbon, Portugal.

UNITED STATES ATTORNEY.

Norman M. Ruick, of Idaho, to be United States attorney for the district of Idaho.

JUDGE OF DISTRICT COURT OF ALASKA.

Royal A. Gunnison, of New York, to be judge of the district court of the district of Alaska, division No. 1.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Lieut. Col. Clinton B. Sears, Corps of Engineers, United States Army, for appointment as a member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes, near its mouth, to its headwaters."

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. John C. Cantwell to be a captain in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904.

First Lieut. John C. Moore to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Horace B. West to be a captain in the Revenue-Cutter Servce of the United States, to rank as such from June 20, 1904.

Second Lieut. Frederick C. Billard to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904.

Second Lieut. Benjamin M. Chiswell to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 20, 1904.

Second Lieut. Bernard H. Camden to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904.

Second Lieut. Aaron L. Gamble to be a first lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Edward S. Addison to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904.

Third Lieut. Eben Barker to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Leon C. Covell to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 20, 1904.

Third Lieut. Franklin B. Harwood to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Philip W. Lauriat to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. William H. Munter to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. John L. Maher to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. William A. O'Malley to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. William H. Shea to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 11, 1904.

Third Lieut. Francis R. Shoemaker to be a second lieutenant in the Revenue-Cutter Service of the United States.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

George C. Alexander, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States.

First Asst. Engineer Henry F. Schoenborn to be a chief engineer, with the rank of first lieutenant, in the Revenue-Cutter Service of the United States, to date from July 17, 1904.

Second Asst. Engineer Robert B. Adams to be a first assistant engineer, with the rank of second lieutenant, in the Revenue-Cutter Service of the United States, to rank as such from July 17, 1904.

Albert F. Patterson, of Washington, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States.

COMMISSIONER OF EDUCATION OF PORTO RICO.

Roland P. Falkner, of the District of Columbia, who was appointed July 1, 1904, during the recess of the Senate, to be commissioner of education of Porto Rico.

SECRETARY OF PORTO RICO.

Regis H. Post, of New York, to be secretary of Porto Rico.

CHIEF JUSTICE OF THE SUPREME COURT OF HAWAII.

Walter F. Frear, of Hawaii, to be chief justice of the supreme court of the Territory of Hawaii.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Adolph Grant Wolf, of the District of Columbia, to be associate justice of the supreme court of Porto Rico.

ASSOCIATE JUSTICES OF THE SUPREME COURT OF HAWAII.

Alfred S. Hartwell, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii.

Francis M. Hatch, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii.

JUDGES OF CIRCUIT COURT OF HAWAII.

John A. Matthewman, of Hawaii, to be judge of the circuit court of the third circuit of the Territory of Hawaii.

Charles F. Parsons, of Hawaii, to be judge of the circuit court of the fourth circuit of the Territory of Hawaii.

Jacob Hardy, of Hawaii, to be judge of the circuit court of the fifth circuit of the Territory of Hawaii.

PROMOTIONS IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Donald H. Currie, of Missouri, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 28, 1904.

Asst. Surg. Carl Ramus, of Illinois, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from March 11, 1904.

Asst. Surg. Halstead A. Stansfield, of California, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from June 4, 1904.

Asst. Surg. John W. Amesse, of Michigan, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 28, 1904.

Asst. Surg. Joseph W. Schereschewsky, of Massachusetts, to be a passed assistant surgeon in the Public Health and Marine-Hopital Service of the United States, to rank as such from November 4, 1904.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with rank of first lieutenant, with rank from May 19, 1904.

Harold William Cowper (late captain, assistant surgeon, United States Volunteers), of New York.

William Robert Davis (late captain, assistant surgeon, United States Volunteers), of Virginia.

Leartus Jerauld Owen, of Indiana.

Stanley Gustav Zinke, of Ohio.

Robert Martin Culler, of Pennsylvania.

Frank Watkins Weed, of Maryland.

William Anderson Wickline, of Montana.

With rank from July 8, 1904.

Henry Levi Brown, of Illinois.

Howard Houghton Baily, of the District of Columbia.

Harry Gass Humphreys, of Pennsylvania.

Paul Lamar Freeman, of the District of Columbia.

Chaplain.

John E. Dallam, of Minnesota, to be chaplain with the rank of first lieutenant from July 14, 1904.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Albert L. Mills, Superintendent United States Military Academy (captain, Tenth Cavalry), May 7, 1904.

Col. Henry H. C. Dunwoody (since retired from active service), Signal Corps, July 6, 1904.

Lieut. Col. Peter Leary, jr. (since retired from active service), Artillery Corps, July 7, 1904.

Lieut. Col. Samuel L. Woodward (since retired from active service), Seventh Cavalry, July 8, 1904.

Lieut. Col. John McE. Hyde (since retired from active service), deputy quartermaster-general, July 9, 1904.

Lieut. Col. Oscar F. Long (since retired from active service), deputy quartermaster-general, July 10, 1904.

Maj. Theodore A. Bingham (since retired from active service), Corps of Engineers, July 11, 1904.

Col. Constant Williams, Twenty-sixth Infantry, July 12, 1904.

INFANTRY ARM.

To be second lieutenant with rank from June 25, 1904.

Battalion Sergt. Maj. Anton Cæsar Cron, Twenty-seventh Infantry.

To be second lieutenants with rank from October 5, 1904.

Corpl. George W. Edgerly, Fifty-first Company, Coast Artillery.

Corpl. Oscar W. Hoop, Company C, Twelfth Infantry.

Private John Clark Moore, Troop I, Fifth Cavalry.

Sergt. William F. Pearson, Twenty-eighth Battery, Field Artillery.

Battalion Sergt. Maj. James Alexander Ulio, Second Infantry.

Battalion Sergt. Maj. Frank Moorman, First Infantry.

Sergt. Harry H. Bissell, Forty-eighth Company, Coast Artillery.

Sergt. Charles B. Elliott, Troop M, Eleventh Cavalry.

Quartermaster Sergt. John B. Corbly, Troop D, Fifth Cavalry.

First Sergt. Fitzhugh Lee Minnigerode, Troop F, Twelfth Cavalry.

Sergt. Joseph L. Topham, jr., Company G, Sixth Infantry.

Battalion Sergt. Maj. Charles L. Sampson, Sixth Infantry.

Battalion Sergt. Maj. John M. True, Eleventh Infantry.

Private Bruce R. Campbell, Troop H, Fourth Cavalry.

Sergt. John C. French, Troop I, Eleventh Cavalry.

First Sergt. Benjamin B. McCroskey, Troop B, Fifteenth Cavalry.

Sergt. John W. Downer, Thirteenth Company, Coast Artillery.

Sergt. James H. Van Horn, Company G, Twenty-ninth Infantry.

First-Class Sergt. John B. De Lancey, Signal Corps.

Corpl. Cassius M. Dowell, Company C, Seventeenth Infantry.

Sergt. First Class Marvin E. Malloy, Hospital Corps.

Corpl. Albert B. Kaempfer, Company H, Sixteenth Infantry.

Master Electrician Forrest E. Overholser, Artillery Corps.

Corpl. Charles Winder Mason, jr., Company I, Fourth Infantry.

To be second lieutenants with rank from June 9, 1904.

Edgar Zell Steever, third, of Pennsylvania.

Hornsby Evans, at large.

Harry Leonard Morse, of Massachusetts.

Charles Bean Amory, jr., of Massachusetts.

Walton Goodwin, jr., of Connecticut.

Philip Bradley Peyton, of Virginia.

Karl Truesdell, of Virginia.

Frederick Brahan Terrell, of Texas.

Howard Granville Sharpe, of Colorado.

Mark Lorin Ireland, of Michigan.

David Hunter Scott, of New Jersey.

Charles Avery Dravo, of Pennsylvania.

With rank from September 1, 1904.

William C. F. Nicholson, at large.

With rank from November 13, 1904.

Allan Rawson Williams, of Vermont.

With rank from November 14, 1904.

Loren Chester Grieves, of Michigan.

With rank from November 15, 1904.

Aristides Moreno, of Alabama (late first lieutenant, Porto Rico Provisional Regiment of Infantry).

With rank from November 16, 1904.

Richard Daspit LaGarde, of the District of Columbia.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

1. Cadet Charles Roberts Pettis.
2. Cadet William Dandridge Alexander Anderson.
3. Cadet Ralph Talbot Ward.
4. Cadet John Jennings Kingman.
5. Cadet Robert Philip Howell, jr.
6. Cadet Henry Harris Robert.
7. Cadet Joseph Haynsworth Earle.
8. Cadet Thomas Matthew Robins.
9. Cadet Roger Derby Black.
10. Cadet Theodore Harwood Dillon.

Cavalry Arm.

14. Cadet Vaughn Washington Cooper.
22. Cadet Robert Charlwood Richardson, jr.
24. Cadet Robert Madison Campbell.
28. Cadet George Veazey Strong.
31. Cadet George Bowditch Hunter.
46. Cadet Stanley Koch.
49. Cadet Harry Smith Berry.
53. Cadet Stephen Clark Reynolds.
54. Cadet William Vaulx Carter.
57. Cadet Henry Conger Pratt.
64. Cadet Arthur James Davis.
66. Cadet Kinzie Bates Edmunds.
75. Cadet Charles Sherman Hoyt.
80. Cadet Henry Joseph Reilly.
83. Cadet James Joseph O'Hara.
84. Cadet Albert Courtney Wimberly.
85. Cadet William Stuart Dowd.
91. Cadet Roy Weber Holderness.
95. Cadet Henry Rodney Adair.
101. Cadet James Scott Greene.

102. Cadet Gerald Clark Brant.
106. Cadet Winn Blair.
107. Cadet Eugene Victor Armstrong.
115. Cadet Innis Palmer Swift.

Artillery Corps.

11. Cadet Lesley James McNair.
12. Cadet Charles Russell Alley.
15. Cadet Chauncey Lee Fenton.
16. Cadet Lucian Barclay Moody.
17. Cadet George R. Allin.
18. Cadet Pelham Davis Glassford.
19. Cadet William Bryden.
20. Cadet Donald Cowan McDonald.
21. Cadet Fulton Quintus Cincinnatus Gardner.
23. Cadet Francis Webster Honeycutt.
25. Cadet John William McKie.
27. Cadet Philip Henry Worcester.
29. Cadet Charles School Blakely.
30. Cadet Charles Thomas Smart.
33. Cadet Robert Melville Danford.
34. Cadet James Brownrigg Dillard.
35. Cadet Leo Paul Quinn.
37. Cadet Quincy Adams Gillmore.
38. Cadet James Kerr Crain.
39. Cadet Edmund Louis Gruber.
40. Cadet Carr Wilson Waller.
42. Cadet David McCandless McKell.
43. Cadet Matthew Arthur Cross.
45. Cadet Albert Howell Barkley.
48. Cadet Carroll Wilder Neal.
52. Cadet Walter Singles.
58. Cadet Donald Cameron Cubbison.
61. Cadet Rollo Fred Anderson.
70. Cadet Edward Ellis Farnsworth.
78. Cadet Jacob Arthur Mack.

Infantry Arm.

13. Cadet James Garfield McIlroy.
26. Cadet Jay Leland Benedict.
32. Cadet Joseph Warren Stilwell.
36. Cadet Arthur Wood Copp.
41. Cadet Richard James Herman.
44. Cadet Edward Lorenzo Hooper.
47. Cadet Irving Joseph Phillipson.
50. Cadet Edmund Bristol Gregory.
51. Cadet Wilber Alexander Blain.
55. Cadet Robert Burns Parker.
56. Cadet Gordon Rives Catts.
59. Cadet Christopher Jensvold.
60. Cadet Ursa Milner Diller.
62. Cadet Edwin Butcher.
63. Cadet Russell Vernon Venable.
65. Cadet Roderick Dew.
67. Cadet Martin Christian Wise.
68. Cadet Andrew Jackson White.
69. Cadet Walter Scott Drysdale.
71. Cadet Ralph Dickinson.
72. Cadet Riley Estel Scott.
73. Cadet Charles Andrew Meals.
74. Cadet Matthew Henry Thomlinson.
76. Cadet Horatio Balch Hackett, jr.
77. Cadet Joseph Alexander Atkins.
79. Cadet Charles Fullington Thompson.
81. Cadet Augustus Bissell Van Wormer.
82. Cadet Thomas Leslie Crystal.
86. Cadet Arthur Dryhurst Budd.
87. Cadet Ralph Rigby Glass.
88. Cadet Erle Martin Wilson.
89. Cadet Merrill Ellicott Spalding.
90. Cadet Joseph James Grace.
92. Cadet John Donald Burnett, jr.
93. Cadet Joseph Alexander McAndrew.
94. Cadet Robert Bailey Hewitt.
96. Cadet William Fitzhugh Lee Simpson.
97. Cadet Merrill Dole Wheeler.
98. Cadet Bernard Philip Oswalt.
99. Cadet Richard Rembert Pickering.
100. Cadet Lowe Abeel McClure.
103. Cadet Charles Frederick Coury.
104. Cadet Clement Hale Wright.
105. Cadet William Ross Scott.
108. Cadet William Washington Harris.
109. Cadet Harry Lincoln Simpson.
110. Cadet Napoleon William Riley.
111. Cadet Otto Ludwick Brunzell.
112. Cadet George Carson Lawrason.
113. Cadet Robert Pattison Harbold.
114. Cadet James Barton Woolnough.
116. Cadet Joseph Dodge Park.
117. Cadet Arthur Harrison Wilson.
118. Cadet Walter Scott Fulton.
119. Cadet John Jay Moller.
120. Cadet Sherburne Whipple.
121. Cadet Harry Hawley.
122. Cadet Thomas Norton Gimperling.
123. Cadet Hugh Lawson Walthall.
124. Cadet John Buchanan Richardson.

BY TRANSFER.

Cavalry Arm.

Second Lieut. Joseph Dodge Park, Twenty-fourth Infantry, from the Infantry Arm to the Cavalry Arm, September 13, 1904, with rank from June 15, 1904.

Second Lieut. Arthur Harrison Wilson, Sixth Infantry, from the Infantry Arm to the Cavalry Arm, September 13, 1904, with rank from June 15, 1904.

Infantry Arm.

Second Lieut. Charles L. Silcox, Artillery Corps, from the Artillery Corps to the Infantry Arm, November 19, 1904, with rank from November 19, 1904.

PROFESSOR OF MATHEMATICS AT MILITARY ACADEMY.

Capt. Charles P. Echols, associate professor of mathematics, to be professor of mathematics at the Military Academy, with rank from June 29, 1904, vice Edgerton, deceased.

PROMOTIONS IN THE ARMY.

CHAPLAINS.

Chaplain Allen Allensworth, Twenty-fourth Infantry, to be chaplain with the rank of major, June 14, 1904.

Chaplain Henry Swift, Thirteenth Infantry, to be chaplain with the rank of major, June 14, 1904.

Chaplain Charles C. Pierce, Artillery Corps, to be chaplain with the rank of major, June 14, 1904.

Chaplain Edward J. Vattmann (since retired from active service), Eleventh Cavalry, to be chaplain with the rank of major, June 14, 1904.

Chaplain George Robinson, First Infantry, to be chaplain with the rank of major, November 19, 1904.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspector-general with the rank of colonel.

Lieut. Col. John L. Chamberlain, inspector-general, November 21, 1904.

QUARTERMASTER'S DEPARTMENT.

To be assistant quartermaster-general with the rank of colonel.

Lieut. Col. John W. Pullman, deputy quartermaster-general, June 25, 1904.

To be deputy quartermasters-general with the rank of lieutenant-colonel.

Maj. Oscar F. Long (since appointed brigadier-general and retired from active service), quartermaster, June 25, 1904.

Maj. Frederick Von Schrader, quartermaster, July 9, 1904.

Maj. J. Estcourt Sawyer, quartermaster, July 10, 1904.

To be quartermasters with the rank of major.

Capt. George McK. Williamson, quartermaster, June 25, 1904.

Capt. Thomas H. Slavens, quartermaster, July 9, 1904.

Capt. David S. Stanley, quartermaster, July 10, 1904.

MEDICAL DEPARTMENT.

To be deputy surgeons-general with the rank of lieutenant-colonel.

Maj. Daniel M. Appel, surgeon, August 3, 1904.

Maj. Harry O. Perley, surgeon, August 14, 1904.

To be surgeons with the rank of major.

Capt. Francis A. Winter, assistant surgeon, August 3, 1904.

Capt. William E. Purviance, assistant surgeon, August 14, 1904.

PAY DEPARTMENT.

To be paymaster with the rank of major.

Capt. George E. Pickett, paymaster, September 6, 1904.

CORPS OF ENGINEERS.

To be colonels.

Lieut. Col. William H. Heuer, Corps of Engineers, June 11, 1904.

Lieut. Col. William S. Stanton, Corps of Engineers, September 14, 1904.

To be lieutenant-colonels.

Maj. Thomas W. Symons, Corps of Engineers, June 11, 1904.
Maj. Smith S. Leach, Corps of Engineers, September 14, 1904.

To be majors.

Capt. William L. Sibert, Corps of Engineers, April 23, 1904.
Capt. Joseph E. Kuhn, Corps of Engineers, April 23, 1904.
Capt. William E. Craighill, Corps of Engineers, April 23, 1904.
Capt. Henry C. Newcomer, Corps of Engineers, April 23, 1904.
Capt. Mason M. Patrick, Corps of Engineers, April 23, 1904.
Capt. Charles S. Riché, Corps of Engineers, June 11, 1904.
Capt. Thomas H. Rees, Corps of Engineers, July 11, 1904.
Capt. Charles L. Potter, Corps of Engineers, September 14, 1904.

To be captains.

First Lieut. William D. Connor, Corps of Engineers, April 23, 1904.
First Lieut. John C. Oakes, Corps of Engineers, April 23, 1904.
First Lieut. Sherwood A. Cheney, Corps of Engineers, April 23, 1904.
First Lieut. Frederick W. Altstaetter, Corps of Engineers, April 23, 1904.
First Lieut. Harley B. Ferguson, Corps of Engineers, April 23, 1904.
First Lieut. Frank C. Boggs, Corps of Engineers, April 23, 1904.
First Lieut. Clarke S. Smith, Corps of Engineers, April 23, 1904.
First Lieut. William P. Wooten, Corps of Engineers, April 23, 1904.
First Lieut. Lytle Brown, Corps of Engineers, April 23, 1904.
First Lieut. Earl I. Brown, Corps of Engineers, April 23, 1904.
First Lieut. Amos A. Fries, Corps of Engineers, June 11, 1904.
First Lieut. James A. Woodruff, Corps of Engineers, July 11, 1904.
First Lieut. William Kelly, Corps of Engineers, September 14, 1904.

To be first lieutenants.

Second Lieut. William L. Guthrie, Corps of Engineers, April 23, 1904.
Second Lieut. Clarence H. Knight, Corps of Engineers, April 23, 1904.
Second Lieut. William A. Mitchell, Corps of Engineers, April 23, 1904.
Second Lieut. Warren T. Hannum, Corps of Engineers, April 23, 1904.
Second Lieut. Robert R. Ralston, Corps of Engineers, April 23, 1904.
Second Lieut. Mark Brooke, Corps of Engineers, April 23, 1904.
Second Lieut. Laurence V. Frazier, Corps of Engineers, April 23, 1904.
Second Lieut. James F. Bell, Corps of Engineers, April 23, 1904.
Second Lieut. Douglas MacArthur, Corps of Engineers, April 23, 1904.
Second Lieut. Charles T. Leeds, Corps of Engineers, April 23, 1904.
Second Lieut. Harold C. Fiske, Corps of Engineers, April 23, 1904.
Second Lieut. Max C. Tyler, Corps of Engineers, April 23, 1904.
Second Lieut. Ulysses S. Grant, third, Corps of Engineers, June 11, 1904.
Second Lieut. Julian L. Schley, Corps of Engineers, June 13, 1904.
Second Lieut. William H. Rose, Corps of Engineers, July 11, 1904.
Second Lieut. Ferdinand Williams, Corps of Engineers, September 14, 1904.

ORDNANCE DEPARTMENT.

To be colonel.

Lieut. Col. Charles Shaler, Ordnance Department, September 17, 1904.

To be lieutenant-colonel.

Maj. James Rockwell, jr., Ordnance Department, September 17, 1904.

To be majors.

Capt. Edwin B. Babbitt, Ordnance Department, August 25, 1904.
Capt. Ormond M. Lissak, Ordnance Department, September 17, 1904.

SIGNAL CORPS.

To be colonel.

Lieut. Col. James Allen, Signal Corps, July 6, 1904.

To be lieutenant-colonel.

Maj. George P. Scriven, Signal Corps, July 6, 1904.

To be major.

Capt. Edgar Russel, Signal Corps, July 6, 1904.

To be captain.

First Lieut. Richard O. Rickard, Signal Corps, July 6, 1904.

CAVALRY ARM.

To be lieutenant-colonels.

Maj. Daniel C. Pearson, Second Cavalry, July 8, 1904.
Maj. George A. Dodd, Third Cavalry, July 28, 1904.
Maj. James B. Hickey, First Cavalry, November 30, 1904.

To be majors.

Capt. William J. Nicholson, Twelfth Cavalry, May 13, 1904.
Capt. Fred W. Foster, Fifth Cavalry, July 8, 1904.
Capt. William C. Brown, First Cavalry, July 28, 1904.
Capt. Edwin P. Brewer, Seventh Cavalry, September 15, 1904.
Capt. Oscar J. Brown, First Cavalry, November 30, 1904.

To be captains.

First Lieut. Malin Craig, Fifth Cavalry, May 7, 1904.
First Lieut. Guy V. Henry, Fourth Cavalry, May 13, 1904.
First Lieut. Wallace B. Scales, Fourteenth Cavalry, July 8, 1904.
First Lieut. Conrad S. Babcock, Third Cavalry, July 28, 1904.
First Lieut. Ewing E. Booth, Seventh Cavalry, August 22, 1904.
First Lieut. Percy W. Arnold, First Cavalry, September 15, 1904.
First Lieut. Rush S. Wells, Eighth Cavalry, September 17, 1904.
First Lieut. Herbert J. Brees, Signal Corps, November 30, 1904.

To be first lieutenants.

Second Lieut. Rowland B. Ellis, Thirteenth Cavalry, April 4, 1904.
Second Lieut. Frank I. Otis, Eighth Cavalry, May 7, 1904.
Second Lieut. Selwyn D. Smith, First Cavalry, May 13, 1904.
Second Lieut. Thomas H. Jennings, Seventh Cavalry, July 8, 1904.
Second Lieut. Wade H. Westmoreland, Eleventh Cavalry, July 28, 1904.
Second Lieut. Clarence C. Culver, Fifteenth Cavalry, July 28, 1904.
Second Lieut. Frank B. Edwards, Fourth Cavalry, August 22, 1904.
Second Lieut. Anton H. Schroeter, Sixth Cavalry, September 15, 1904.
Second Lieut. John T. Sayles, Second Cavalry, September 17, 1904.

ARTILLERY CORPS.

To be colonel.

Lieut. Col. Walter Howe, Artillery Corps, May 20, 1904.

To be lieutenant-colonels.

Maj. Joseph M. Califf, Artillery Corps, May 20, 1904.
Maj. Charles W. Hobbs, Artillery Corps, July 7, 1904.

To be majors.

Capt. Samuel E. Allen, Artillery Corps, May 20, 1904.
Capt. Edwin St. J. Greble, Artillery Corps, October 7, 1904.
Capt. Frederick S. Strong, Artillery Corps, November 28, 1904.

To be captains.

First Lieut. Jesse C. Nicholls, Artillery Corps, April 7, 1904.
First Lieut. Frank C. Jewell, Artillery Corps, May 20, 1904.
First Lieut. Fred H. Gallup, Artillery Corps, July 7, 1904.
First Lieut. Herman W. Schull, Ordnance Department, September 16, 1904.
First Lieut. Henry B. Farrar, Artillery Corps, September 27, 1904.
First Lieut. Clifton C. Carter, Artillery Corps, October 7, 1904.
First Lieut. Henry B. Clark, Artillery Corps, November 28, 1904.

To be first lieutenants.

Second Lieut. David Y. Beckham, Artillery Corps, January 12, 1904.
Second Lieut. Richard C. Marshall, jr., Artillery Corps, January 21, 1904.

Second Lieut. Morris E. Locke, Artillery Corps, January 21, 1904.
Second Lieut. John O. Steger, Artillery Corps, April 1, 1904.
Second Lieut. William W. Ballard, jr., Artillery Corps, April 7, 1904.
Second Lieut. Rex Van Den Corput, Artillery Corps, April 7, 1904.
Second Lieut. James A. Thomas, Artillery Corps, May 17, 1904.
Second Lieut. John C. Ohnstad, Artillery Corps, May 20, 1904.
Second Lieut. Clarence M. Condon, Artillery Corps, June 17, 1904.
Second Lieut. James H. Bryson, Artillery Corps, July 1, 1904.
Second Lieut. Curtis G. Rorebeck, Artillery Corps, July 3, 1904.
Second Lieut. Roger O. Mason, Artillery Corps, July 7, 1904.
Second Lieut. James D. Watson, Artillery Corps, September 1, 1904.
Second Lieut. Charles L. Fisher, Artillery Corps, September 27, 1904.
Second Lieut. Charles D. Winn, Artillery Corps, October 7, 1904.
Second Lieut. Harrie F. Reed, Artillery Corps, November 28, 1904.

INFANTRY ARM.

To be colonel.

Lieut. Col. George Le R. Brown, Fourteenth Infantry, July 12, 1904.

To be lieutenant-colonels.

Maj. William W. Wotherspoon, Sixth Infantry, July 12, 1904.
Maj. Charles W. Mason, Fourth Infantry, November 5, 1904.

To be majors.

Capt. Omar Bundy, Sixth Infantry, July 12, 1904.
Capt. Everard E. Hatch, Eighteenth Infantry, October 20, 1904.
Capt. David C. Shanks, Eighteenth Infantry, November 5, 1904.
Capt. William H. Allaire, Twenty-third Infantry, November 5, 1904.

To be captains.

First Lieut. Irving J. Carr, Seventeenth Infantry, May 5, 1904.
First Lieut. Easton R. Gibson, Ninth Infantry, June 8, 1904.
First Lieut. Henry C. Bonnycastle, Twenty-third Infantry, July 12, 1904.
First Lieut. Edward Croft, Nineteenth Infantry, August 7, 1904.
First Lieut. Adolphe H. Huguet, Twenty-second Infantry, August 24, 1904.
First Lieut. Edgar A. Macklin, Eleventh Infantry, September 28, 1904.
First Lieut. Raymond Sheldon, Eighteenth Infantry, October 20, 1904.
First Lieut. James D. Taylor, jr., Twenty-sixth Infantry, November 5, 1904.
First Lieut. Frank Halstead, Twenty-fourth Infantry, November 5, 1904.

To be first lieutenants.

Second Lieut. Sherman A. White, Twenty-third Infantry, April 7, 1904.
Second Lieut. Samuel C. Orchard, Third Infantry, April 7, 1904.
Second Lieut. Sydney Smith, Sixteenth Infantry, April 7, 1904.
Second Lieut. William H. Clendenin, Seventeenth Infantry, April 7, 1904.
Second Lieut. John M. Craig, Twelfth Infantry, April 8, 1904.
Second Lieut. Harold S. Pearce, Tenth Infantry, April 14, 1904.
Second Lieut. John R. Kelly, Eighth Infantry, April 14, 1904.
Second Lieut. William G. Ball, Third Infantry, April 29, 1904.
Second Lieut. Walter E. Gunster, Seventh Infantry, April 30, 1904.
Second Lieut. William R. Kendrick, Seventh Infantry, April 30, 1904.
Second Lieut. Gouverneur V. Packer, Twenty-fourth Infantry, April 30, 1904.
Second Lieut. Horace F. Sykes, Twenty-fifth Infantry, May 5, 1904.
Second Lieut. Oliver P. Robinson, Thirtieth Infantry, May 8, 1904.
Second Lieut. George K. Wilson, Fifth Infantry, May 14, 1904.
Second Lieut. Robert B. McConnell, Twenty-fourth Infantry, June 8, 1904.
Second Lieut. Louis B. Chandler, Thirtieth Infantry, June 9, 1904.
Second Lieut. Gerrit Van S. Quackenbush, Seventeenth Infantry, July 12, 1904.
Second Lieut. Sydney H. Hopson, Twenty-fourth Infantry, August 7, 1904.
Second Lieut. John H. Baker, Fourth Infantry, August 24, 1904.
Second Lieut. William E. Gillmore, Fifteenth Infantry, September 8, 1904.
Second Lieut. John C. Murphy, Fourth Infantry, September 15, 1904.
Second Lieut. William E. Persons, Twenty-seventh Infantry, September 28, 1904.
Second Lieut. James G. Taylor, Thirteenth Infantry, October 20, 1904.
Second Lieut. H. Clay M. Supplee, Nineteenth Infantry, November 5, 1904.
Second Lieut. Alexander M. Hall, Twenty-eighth Infantry, November 5, 1904.

APPOINTMENTS IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be second lieutenant, with rank from July 1, 1904.

Jaime Nadal, of Porto Rico.

TO BE CAPTAINS.

With rank from July 1, 1904.

Orval P. Townshend, late captain, Porto Rico Provisional Regiment of Infantry.
John M. Field, late captain, Porto Rico Provisional Regiment of Infantry.
Edwin J. Griffith, late captain, Porto Rico Provisional Regiment of Infantry.
Frank L. Graham, late captain, Porto Rico Provisional Regiment of Infantry.

TO BE FIRST LIEUTENANTS.

With rank from July 1, 1904.

Emil J. Huebscher, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Ralph E. Gambell, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Stewart McC. Decker, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Miles K. Taulbee, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Frank C. Wood, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Aristides Moreno, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
William L. Patterson, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Richard H. Poillon, jr., late first lieutenant, Porto Rico Provisional Regiment of Infantry.
William S. Woodruff, late first lieutenant, Porto Rico Provisional Regiment of Infantry.
Laurance Angel, late first lieutenant, Porto Rico Provisional Regiment of Infantry.

TO BE SECOND LIEUTENANTS.

With rank from July 1, 1904.

William H. Armstrong, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Abram I. Miller, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Frank Stephenson, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Frank F. Harding, late second lieutenant, Porto Rico Provisional Regiment of Infantry.
Samuel S. Bryant, late second lieutenant, Porto Rico Provisional Regiment of Infantry.

PROMOTIONS IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

TO BE CAPTAINS.

With rank from July 1, 1904.

First Lieut. Emil J. Huebscher, vice Hamilton, discharged.
First Lieut. Ralph E. Gambell, vice Kerney, discharged.
First Lieut. Stewart McC. Decker, vice Wuttke, discharged.
First Lieut. Miles K. Taulbee, vice Broome, discharged.

TO BE FIRST LIEUTENANTS.

With rank from July 1, 1904.

Second Lieut. William H. Armstrong, vice Huebscher, promoted.
Second Lieut. Abram I. Miller, vice Gambell, promoted.

Second Lieut. Frank Stephenson, vice Decker, promoted.
Second Lieut. Frank F. Harding, vice Taulbee, promoted.

APPOINTMENTS IN THE NAVY.

Evan W. Scott, a citizen of Ohio, to be a chaplain in the Navy, from the 31st day of August, 1904.

Frederick H. Cooke and Clinton D. Thurber, citizens of Ohio and Pennsylvania respectively, to be assistant engineers in the Navy, from the 1st day of January, 1904.

PROMOTIONS IN THE NAVY.

P. A. Paymaster Thomas De F. Harris to be a paymaster in the Navy from the 16th day of August, 1904.

P. A. Paymaster John F. Hatch to be a paymaster in the Navy from the 18th day of October, 1904.

Ramon B. Westlake, a citizen of Ohio, to be an assistant paymaster in the Navy from the 2d day of May, 1904.

To be assistant paymasters.

Gordon A. Helmicks, a citizen of Wisconsin;
John M. Hancock, a citizen of North Dakota;
Graham M. Adee, a citizen of the District of Columbia;
Charles N. Wrenshall, a citizen of North Carolina; and
George R. Crapo, a citizen of Massachusetts.

Thom Williamson and William N. Hughes, citizens of Connecticut and Kentucky, respectively, to be assistant paymasters in the Navy from the 12th day of September, 1904, to fill vacancies existing in that grade on that date.

Assistant naval constructors to be naval constructors in the Navy, from the 1st day of July, 1904.

Holden A. Evans,
Wiliam P. Robert,
Thomas G. Roberts, and
Lawrence S. Adams.

Ensigns to be assistant naval constructors in the Navy, from the 21st day of October, 1904.

Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, and
Emory S. Land.

To be chief boatswains in the Navy from the 27th day of April, 1904.

Francis E. Larkin,
James Dowling,
John F. Brooks,
Samuel W. Gardner,
James W. Angus,
John J. Holden,
Phillip Mullen,
Allen Whipkey,
Harry R. Brayton,
Patrick Deery,
John J. Rochfort,
Patrick J. Kane,
August Ohmsen,
George B. Moncrief,
Hugh J. Duffy, and
Edward J. Norcott.

To be chief boatswains in the Navy from the dates set opposite their names, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Timothy Sullivan, from June 2, 1904;
John E. Murphy, from June 15, 1904;
Emil H. Eycke, from June 23, 1904;
Albert F. Benzon, from July 13, 1904;
Eugene M. Isaac, from July 16, 1904;
Andrew Anderson, from August 1, 1904;
Peter E. Radcliffe, from September 1, 1904; and
August Rettig, from September 1, 1904.

Boatswain William Brooks to be a chief boatswain in the Navy from the 27th day of April, 1904, he having completed six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

To be chief carpenters in the Navy, from the 27th day of April, 1904, after having completed six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904:

Otto Barth,
George Helms,
George J. Shaw,
Francis J. Harte,
John T. S. Miller,
William P. Harding,
William J. Wren,
Frank Johnson,
Timothy E. Kiley,
Charles S. Taylor,
James T. Haley,
William Boone,
John H. Gill,
Joseph A. Barton,
Charles Thompson,
John P. Yates, and
Frank H. Preble.

Carpenter Clarence L. Bennett to be a chief carpenter in the Navy, from the 24th day of May, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Carpenter Thomas C. Cooney to be a chief carpenter in the Navy, from the 27th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Carpenter Franz A. Itrich to be a chief carpenter in the Navy, from the 29th day of September, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

To be chief gunners in the Navy, from the 27th day of April, 1904, after having completed six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Leonard J. G. Kuhlwein,
William A. Cable,
Franklin T. Applegate,
Allan S. Mackenzie,
Otto Fries,
Theodore B. Watson, and
Thomas J. Shuttleworth.

Gunner John H. Lohman to be a chief gunner in the Navy, from the 13th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunners George Charrette and Simon Jacobs to be chief gunners in the Navy from the 15th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunner Hans Johnsen to be a chief gunner in the Navy, from the 27th day of June, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunners Samuel Chiles and George W. Phillips to be chief gunners in the Navy, from the 20th day of July, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

To be passed assistant surgeons in the Navy, from the dates set opposite their names, to fill vacancies existing in that grade on those dates upon the completion of three years' service in their present grade.

Allen E. Peck, from March 27, 1904;
Charles G. Smith, from April 12, 1904;
John H. Iden, from May 4, 1904;
William Seaman, from May 18, 1904;
Royall R. Richardson, from May 18, 1904;
Frederick A. Asserson, from May 18, 1904;
Alfred W. Balch, from June 22, 1904; and
Archibald M. Fauntleroy, from September 28, 1904.

To be assistant surgeons in the Navy, from the dates set opposite their names, to fill vacancies existing in that grade on those dates.

William D. Owens, a citizen of District of Columbia, from May 17, 1904;

William A. Angwin, a citizen of California, from June 2, 1904;

Owen J. Mink, a citizen of Illinois, from June 7, 1904;

Frederick E. Porter, a citizen of Tennessee, from June 7, 1904;

Norman T. McLean, a citizen of Massachusetts, from June 28, 1904;

Cary T. Grayson and Wrey G. Farwell, citizens of Virginia and New York, respectively, from June 28, 1904;

David C. Cather, a citizen of Virginia, from July 9, 1904;

William N. McDonnell, a citizen of Minnesota, from September 19, 1904;

Harold W. Smith, Addison B. Clifford, and Clarence E.

Strite, citizens of Massachusetts, Michigan, and Maryland, respectively, from September 27, 1904;

Howson W. Cole, jr., a citizen of Virginia, from October 5, 1904;

Eugene A. Vickery, a citizen of Massachusetts, from October 11, 1904;

Milton E. Lando, a citizen of California, from October 26, 1904; and

Hugh T. Nelson, a citizen of Virginia, from November 14, 1904.

PROMOTIONS IN THE MARINE CORPS.

Second Lieut. Richard B. Creecy to be a first lieutenant in the Marine Corps from the 4th day of June, 1904.

Lieut. Col. Otway C. Berryman to be a colonel in the Marine Corps from the 4th day of June, 1904.

Maj. Harry K. White to be a lieutenant-colonel in the Marine Corps from the 4th day of June, 1904.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the Marine Corps from the 28th day of July, 1904, to fill vacancies existing in that grade on that date.

Joseph A. Rossell, a citizen of Delaware;

Clayton B. Vogel, a citizen of Pennsylvania;

Edward H. Conger, a citizen of Iowa; and

Jeter R. Horton, a citizen of South Carolina.

PROMOTIONS IN THE NAVY.

1. Lieut. Charles M. Fahs to be a lieutenant-commander in the Navy from the 5th day of May, 1904.

2. Lieut. (Junior Grade) Thomas L. Johnston to be a lieutenant in the Navy from the 5th day ofMay, 1904.

4. Commander Gottfried Blocklinger to be a captain in the Navy from the 1st day of June, 1904.

5. Lieut. Commander Moses L. Wood to be a commander in the Navy from the 1st day of June, 1904.

6. Lieut. Charles P. Plunkett to be a lieutenant-commander in the Navy from the 1st day of June, 1904.

7. Lieut. (Junior Grade) Yancey S. Williams to be a lieutenant in the Navy from the 1st day of June, 1904.

8. Lieut. (Junior Grade) Edward T. Constien to be a lieutenant in the Navy from the 13th day of June, 1904.

9. Lieut. Commander Robert M. Doyle to be a commander in the Navy from the 16th day of June, 1904.

10. Lieut. Humes H. Whittlesey to be a lieutenant-commander in the Navy from the 16th day of June, 1904.

11. Lieut. (Junior Grade) George T. Pettengill to be a lieutenant in the Navy from the 16th day of June, 1904.

13. Commander Perry Garst to be a captain in the Navy from the 17th day of June, 1904.

14. Lieut. Commander George M. Stoney to be a commander in the Navy from the 17th day of June, 1904.

15. Lieut. Albert C. Dieffenbach to be a lieutenant-commander in the Navy from the 17th day of June, 1904.

16. Lieut. (Junior Grade) George C. Sweet to be a lieutenant in the Navy from the 21st day of June, 1904.

17. Lieut. Commander Frederick W. Coffin to be a commander in the Navy from the 1st day of July, 1904.

18. Lieut. Theodore C. Fenton to be a lieutenant-commander in the Navy from the 1st day of July, 1904.

19. Lieut. (Junior Grade) Franck T. Evans to be a lieutenant in the Navy from the 1st day of July, 1904.

20. Ensign Henry B. Soule to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1904, having completed three years' service in his present grade.

21. Ensign Francis Martin to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1904, having completed three years' service in his present grade.

22. Warrant Machinist Francis D. Burns,

23. Warrant Machinist Charles W. Densmore,

24. Gunner David Lyons,

25. Gunner Owen Hill,

26. Gunner Joseph F. Daniels,

27. Gunner Clarence S. Vanderbeck,

28. Gunner Walter E. Whitehead,

29. Gunner Gaston D. Johnstone, and

30. Gunner Frank Rorschach—

to be ensigns in the Navy from the 30th day of July, 1904, to fill vacancies existing in that grade on that date, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended by the acts of March 3, 1903, and April 27, 1904.

32. Commander Arthur B. Speyers to be a captain in the Navy from the 6th day of August, 1904.

33. Lieut. Commander Wythe M. Parks to be a commander in the Navy from the 6th day of August, 1904.

34. Lieut. Volney O. Chase to be a lieutenant-commander in the Navy from the 6th day of August, 1904.

35. Lieut. (Junior Grade) John F. Babcock to be a lieutenant in the Navy from the 6th day of August, 1904.

37. Commander Ebenezer S. Prime to be a captain in the Navy from the 24th day of August, 1904.

38. Lieut. Commander Frank H. Bailey to be a commander in the Navy from the 24th day of August, 1904.

39. Lieut. Commander Harry M. Hodges to be a commander in the Navy from the 24th day of August, 1904.

40. Lieut. Patrick W. Hourigan to be a lieutenant-commander in the Navy from the 24th day of August, 1904.

41. Lieut. (Junior Grade) John S. Graham to be a lieutenant in the Navy from the 24th day of August, 1904.

42. Lieut. (Junior Grade) Walter G. Roper to be a lieutenant in the Navy from the 24th day of August, 1904.

43. Lieut. Commander William B. Caperton to be a commander in the Navy from the 31st day of August, 1904.

44. Lieut. William G. Miller to be a lieutenant-commander in the Navy from the 31st day of August, 1904.

45. Lieut. (Junior Grade) Herbert G. Sparrow to be a lieutenant in the Navy from the 31st day of August, 1904.

47. Commander William P. Potter to be a captain in the Navy from the 13th day of September, 1904.

48. Commander Nathan E. Niles to be a captain in the Navy from the 13th day of September, 1904.

49. Lieut. Commander James T. Smith to be a commander in the Navy from the 13th day of September, 1904.

50. Lieut. John P. McGuinness to be a lieutenant-commander in the Navy from the 13th day of September, 1904.

51. Lieut. (Junior Grade) Allen Buchanan to be a lieutenant in the Navy from the 13th day of September, 1904.

52. Lieut. (Junior Grade) Charles P. Nelson to be a lieutenant in the Navy from the 13th day of September, 1904.

53. Commander Newton E. Mason to be a captain in the Navy from the 30th day of September, 1904.

54. Commander Thomas H. Stevens to be a captain in the Navy from the 30th day of September, 1904.

55. Lieut. Commander Walter F. Worthington to be a commander in the Navy from the 30th day of September, 1904.

56. Lieut. Commander William N. Little to be a commander in the Navy from the 30th day of September, 1904.

57. Lieut. Commander Frank H. Eldridge to be a commander in the Navy from the 30th day of September, 1904.

58. Lieut. Joseph Strauss to be a lieutenant-commander in the Navy from the 30th day of September, 1904.

59. Lieut. Charles S. Stanworth to be a lieutenant-commander in the Navy from the 30th day of September, 1904.

60. Lieut. Robert L. Russell to be a lieutenant-commander in the Navy from the 30th day of September, 1904.

61. Lieut. Harrison A. Bispham to be a lieutenant-commander in the Navy from the 30th day of September, 1904.

62. Lieut. (Junior Grade) Edward B. Fenner to be a lieutenant in the Navy from the 30th day of September, 1904.

63. Lieut. (Junior Grade) Victor A. Kimberly to be a lieutenant in the Navy from the 30th day of September, 1904.

64. Lieut. (Junior Grade) Paul B. Dungan to be a lieutenant in the Navy from the 30th day of September, 1904.

66. Commander Charles P. Perkins to be a captain in the Navy from the 3d day of October, 1904.

67. Lieut. Commander Henry C. Gearing to be a commander in the Navy from the 3d day of October, 1904.

68. Lieut. Armistead Rust to be a lieutenant-commander in the Navy from the 3d day of October, 1904.

70. Commander Charles G. Bowman to be captain in the Navy from the 8th day of November, 1904.

71. Lieut. George R. Evans to be a lieutenant-commander in the Navy from the 8th day of November, 1904.

72. Lieut. Edward W. Eberle to be a lieutenant-commander in the Navy from the 23d day of November, 1904.

73. Lieut. (Junior Grade) Henry E. Lackey to be a lieutenant in the Navy from the 23d day of November, 1904.

POSTMASTERS.

ALABAMA.

Joseph C. Manning to be postmaster at Alexander City, in the county of Tallapoosa and State of Alabama.

Dallas B. Smith to be postmaster at Opelika, in the county of Lee and State of Alabama.

ARKANSAS.

James M. Hill, jr., to be postmaster at Gwynn, in the county of Sebastian and State of Arkansas.

Edgar E. Hudspeth to be postmaster at Nashville, in the county of Howard and State of Arkansas.

Winnifred Hunsucker to be postmaster at Dermott, in the county of Chicot and State of Arkansas.

CALIFORNIA.

George A. Dills to be postmaster at Soldiers Home, in the county of Los Angeles and State of California.

E. J. Foord to be postmaster at Rio Vista, in the county of Solano and State of California.

George A. Griffin to be postmaster at Tuolumne, in the county of Tuolumne and State of California.

John M. Jolley to be postmaster at Oceanside, in the county of San Diego and State of California.

William J. Kilby to be postmaster at Coalinga, in the county of Fresno and State of California.

Frederick B. Nichols to be postmaster at McCloud, in the county of Siskiyou and State of California.

Hiram H. Richmond to be postmaster at Auburn, in the county of Placer and State of California.

Joseph Smith to be postmaster at Downey, in the county of Los Angeles and State of California.

Cora B. Wales to be postmaster at Colfax, in the county of Placer and State of California.

CONNECTICUT.

John W. Cook to be postmaster at Beacon Falls, in the county of New Haven and State of Connecticut.

William H. Kelsey to be postmaster at Clinton, in the county of Middlesex and State of Connecticut.

GEORGIA.

John R. Barclay to be postmaster at Rome, in the county of Floyd and State of Georgia.

William T. Edwards to be postmaster at Canton, in the county of Cherokee and State of Georgia.

Isaac A. Smith to be postmaster at Tennille, in the county of Washington and State of Georgia.

William Touchton to be postmaster at Douglas, in the county of Coffee and State of Georgia.

ILLINOIS.

John F. Ahrens to be postmaster at Gillespie, in the county of Macoupin and State of Illinois.

Isaac W. Arnold to be postmaster at St. Elmo, in the county of Fayette and State of Illinois.

Philip H. Baker to be postmaster at Jonesboro, in the county of Union and State of Illinois.

Cornell H. Brown to be postmaster at Batavia, in the county of Kane and State of Illinois.

Anson J. Buck to be postmaster at Carpentersville, in the county of Kane and State of Illinois.

Orange L. Campbell to be postmaster at Knoxville, in the county of Knox and State of Illinois.

Nathan W. Chandler to be postmaster at Collinsville, in the county of Madison and State of Illinois.

Joel W. Ellis to be postmaster at Seneca, in the county of Lasalle and State of Illinois.

Charles W. Fleming to be postmaster at Arthur, in the county of Moultrie and State of Illinois.

John Flotho to be postmaster at Mascoutah, in the county of St. Clair and State of Illinois.

John Holliday to be postmaster at Kirkwood, in the county of Warren and State of Illinois.

Warren J. Lincoln to be postmaster at Mount Pulaski, in the county of Logan and State of Illinois.

Benjamin F. Louden to be postmaster at Trenton, in the county of Clinton and State of Illinois.

William W. Lowry to be postmaster at Auburn, in the county of Sangamon and State of Illinois.

Henry Noll to be postmaster at Virden, in the county of Macoupin and State of Illinois.

Fred W. Pattee to be postmaster at Elburn, in the county of Kane and State of Illinois.

Philip D. Spooner to be postmaster at Blue Mound, in the county of Macon and State of Illinois.

Irvin S. Sumner to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois.

Joel P. Watson to be postmaster at Ashley, in the county of Washington and State of Illinois.

Charles Q. Whallon to be postmaster at Newman, in the county of Douglas and State of Illinois.

Frederick R. Young to be postmaster at Metropolis, in the county of Massac and State of Illinois.

INDIANA.

Solomon C. Dickey to be postmaster at Winona Lake, in the county of Kosciusko and State of Indiana.

Jonas Grossnickle to be postmaster at North Manchester, in the county of Wabash and State of Indiana.

Charles E. Hillstrom to be postmaster at Chesterton, in the county of Porter and State of Indiana.

James O. Murray to be postmaster at Parker, in the county of Randolph and State of Indiana.

Mary Ann Ross to be postmaster at East Chicago, in the county of Lake and State of Indiana.

INDIAN TERRITORY.

Charles W. Fears to be postmaster at Sulphur, in district 21, Indian Territory.

John B. Jones to be postmaster at Lehigh, in district 23, Indian Territory.

F. L. McInnis to be postmaster at Coalgate, district 29, Indian Territory.

Olin W. Meacham to be postmaster at Henryetta, in district 9, Indian Territory.

IOWA.

Carlos G. Aldrich to be postmaster at Schaller, in the county of Sac and State of Iowa.

Edgar O. Beanblossom to be postmaster at Whiting, in the county of Monona and State of Iowa.

Edmund B. Booher to be postmaster at Anthon, in the county of Woodbury and State of Iowa.

John Buchanan to be postmaster at Eagle Grove, in the county of Wright and State of Iowa.

George K. Covert to be postmaster at Vinton, in the county of Benton and State of Iowa.

Luder D. Eilers to be postmaster at George, in the county of Lyon and State of Iowa.

John H. D. Gray to be postmaster at Wall Lake, in the county of Sac and State of Iowa.

Lincoln Hall to be postmaster at Burt, in the county of Kossuth and State of Iowa.

Albert C. Hotchkiss to be postmaster at Adel, in the county of Dallas and State of Iowa.

Ralph M. Potter to be postmaster at Rockford, in the county of Floyd and State of Iowa.

Reuben F. Price to be postmaster at Milford, in the county of Dickinson and State of Iowa.

Charles M. Reed to be postmaster at Cumberland, in the county of Cass and State of Iowa.

Harper W. Wilson to be postmaster at Audubon, in the county of Audubon and State of Iowa.

KENTUCKY.

Daniel O'Riley to be postmaster at Leitchfield, in the county of Grayson and State of Kentucky.

John M. Bowling to be postmaster at Pikeville, in the county of Pike and State of Kentucky.

J. W. Shields to be postmaster at Williamstown, in the county of Grant and State of Kentucky.

Thomas C. Taylor to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky.

LOUISIANA.

Edward I. Hall to be postmaster at Jennings, in the parish of Calcasieu and State of Louisiana.

Ernest Morgan to be postmaster at New Roads, in the parish of Pointe Coupee and State of Louisiana.

John F. Terrio to be postmaster at Donaldsonville, in the parish of Ascension and State of Louisiana.

Pinckney Weaks to be postmaster at Monroe, in the parish of Ouachita and State of Louisiana.

MASSACHUSETTS.

George E. Ricker to be postmaster at Merrimac, in the county of Essex and State of Massachusetts.

MICHIGAN.

Eber S. Andrews to be postmaster at Williamston, in the county of Ingham and State of Michigan.

Charles M. Butler to be postmaster at Morenci, in the county of Lenawee and State of Michigan.

Oliver D. Carson to be postmaster at Galesburg, in the county of Kalamazoo and State of Michigan.

Theron D. Childs to be postmaster at Three Oaks, in the county of Berrien and State of Michigan.

Frank A. Kenyon to be postmaster at East Jordan, in the county of Charlevoix and State of Michigan.

Richard E. MacLean to be postmaster at Wells, in the county of Delta and State of Michigan.

Maynard Palmer to be postmaster at River Rouge, in the county of Wayne and State of Michigan.

Christopher C. Smith to be postmaster at Algonac, in the county of St. Clair and State of Michigan.

MINNESOTA.

William B. Anderson to be postmaster at Hopkins, in the county of Hennepin and State of Minnesota.

Frank R. Coughran to be postmaster at Worthington, in the county of Nobles and State of Minnesota.

Marion G. Crawford to be postmaster at Lakefield, in the county of Jackson and State of Minnesota.

James M. Diment to be postmaster at Owatonna, in the county of Steele and State of Minnesota.

Fredric M. Grinnell to be postmaster at Winnebago City, in the county of Faribault and State of Minnesota.

John R. James to be postmaster at Virginia, in the county of St. Louis and State of Minnesota.

Andrew R. McGill to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota.

Frank L. Redfield to be postmaster at Cloquet, in the county of Carlton and State of Minnesota.

Elias Steenerson to be postmaster at Crookston, in the county of Polk and State of Minnesota.

Benjamin D. Underwood to be postmaster at Fergus Falls, in the county of Ottertail and State of Minnesota.

NEBRASKA.

William H. Austin to be postmaster at Franklin, in the county of Franklin and State of Nebraska.

John F. Diener to be postmaster at Syracuse, in the county of Otoe and State of Nebraska.

Augustine A. Hyers to be postmaster at Havelock, in the county of Lancaster and State of Nebraska.

Fay Whitfield to be postmaster at Peru, in the county of Nemaha and State of Nebraska.

NEVADA.

Samuel G. Anderson to be postmaster at Winnemucca, in the county of Humboldt and State of Nevada.

NEW MEXICO.

Robert Kellahin to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico.

Edward Pennington to be postmaster at Deming, in the county of Luna and Territory of New Mexico.

NORTH DAKOTA.

James M. Bunker to be postmaster at Ellendale, in the county of Dickey and State of North Dakota.

Mary A. Milligan to be postmaster at Hope, in the county of Steele and State of North Dakota.

Edwin Sims to be postmaster at Omemee, in the county of Bottineau and State of North Dakota.

Thomas Wilkinson to be postmaster at Mandan, in the county of Morton and State of North Dakota.

OKLAHOMA.

Edwin F. Korns to be postmaster at Newkirk, in the county of Kay and Territory of Oklahoma.

J. Ed. Van Matre to be postmaster at Altus (late Leger), in the county of Greer and Territory of Oklahoma.

V. W. Whiting to be postmaster at Enid, in the county of Garfield and Territory of Oklahoma.

SOUTH CAROLINA.

Benjamin G. Collins to be postmaster at Conway, in the county of Horry and State of South Carolina.

Arthur R. Garner to be postmaster at Timmonsville, in the county of Florence and State of South Carolina.

Louis Jacobs to be postmaster at Kingstree, in the county of Williamsburg and State of South Carolina.

Mary L. Wells to be postmaster at Cheraw, in the county of Chesterfield and State of South Carolina.

SOUTH DAKOTA.

Alvah T. Bridgeman to be postmaster at Springfield, in the county of Bon Homme and State of South Dakota.

Thomas T. Smith to be postmaster at Canton, in the county of Lincoln and State of South Dakota.

TEXAS.

Edward H. Clark to be postmaster at Victoria, in the county of Victoria and State of Texas.

Charles F. Darnall to be postmaster at Llano, in the county of Llano and State of Texas.

Prince A. Hazzard to be postmaster at Colorado, in the county of Mitchell and State of Texas.

Jacob M. Harrell to be postmaster at Manor, in the county of Travis and State of Texas.

J. S. McEldowney to be postmaster at Midlothian, in the county of Ellis and State of Texas.

John W. Merrow to be postmaster at Kerens, in the county of Navarro and State of Texas.

Lora L. Rowell to be postmaster at Pearsall, in the county of Frio and State of Texas.

Thomas J. Stevens to be postmaster at Sourlake, in the county of Hardin and State of Texas.

Anderson C. Vinson to be postmaster at Timpson, in the county of Shelby and State of Texas.

Otto C. Zavisch to be postmaster at Cameron, in the county of Milam and State of Texas.

VERMONT.

Lyman P. Bailey to be postmaster at Putney, in the county of Windham and State of Vermont.

David K. Simonds to be postmaster at Manchester, in the county of Bennington and State of Vermont.

VIRGINIA.

John M. Campbell to be postmaster at Warrenton, in the county of Fauquier and State of Virginia.

Asbury Redfern to be postmaster at Strasburg, in the county of Shenandoah and State of Virginia.

John L. Thompson to be postmaster at Dayton, in the county of Rockingham and State of Virginia.

WEST VIRGINIA.

John E. Dana to be postmaster at Charleston, in the county of Kanawha and State of West Virginia.

Edward G. Hinman to be postmaster at Fayetteville, in the county of Fayette and State of West Virginia.

E. L. Long to be postmaster at Welch, in the county of McDowell and State of West Virginia.

WISCONSIN.

Herman M. Blumenthal to be postmaster at Columbus, in the county of Columbia and State of Wisconsin.

Malcolm H. Douglas to be postmaster at Abbotsford, in the county of Clark and State of Wisconsin.

Anton J. Haas to be postmaster at Park Falls, in the county of Price and State of Wisconsin.

William Kuelling to be postmaster at Shullsburg, in the county of La Fayette and State of Wisconsin.

Ernest S. Mottram to be postmaster at Markesan, in the county of Green Lake and State of Wisconsin.

Herman A. Zache to be postmaster at Juneau, in the county of Dodge and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 12, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of last Friday was read and approved.

PAY OF OFFICERS AND EMPLOYEES FOR THE MONTH OF DECEMBER.

Mr. HILDEBRANT. Mr. Speaker, I offer the following joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month—the usual custom.

The SPEAKER. The report is not privileged. Is there objection to the present consideration of the joint resolution?

Mr. PAYNE. Mr. Speaker, we have not heard it.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1904, on the 20th day of said month.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from New Hampshire moves that the House do now resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, Mr. CURRIER in the chair.

RICHARD H. STILLWELL.

The first pension business was the bill (H. R. 5037) granting an increase of pension to Richard H. Stillwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of R. H. Stillwell, late of Battery E, Second Regiment United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "R." and insert in lieu thereof the word "Richard."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Richard H. Stillwell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SEELEY EARNEST.

The next pension business was the bill (H. R. 14875) granting an increase of pension to Seeley Earnest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seeley Earnest, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA A. JOHNSON.

The next pension business was the bill (H. R. 8166) granting an increase of pension to Martha A. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Johnson, widow of William A. Johnson, late captain of Company M, Fifteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOLA QUALLS.

The next pension business was the bill (H. R. 10945) granting an increase of pension to Lola Qualls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lola Qualls, a totally helpless daughter of James M. Qualls, late a member of Company I, First Regiment Illinois Volunteer Cavalry, in the war of the rebellion, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a totally."

In same line, after the word "helpless," insert the words "and dependent."

In line 7 strike out the words "a member."

In line 8 strike out the words "in the war of the rebellion."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MERRITT MEAD.

The next pension business was the bill (H. R. 9115) granting an increase of pension to Merritt Mead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merritt Mead, late of Company D, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company K, One hundred and thirty-fifth Regiment, and."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN M. RAYMOND.

The next pension business was the bill (H. R. 6129) granting an increase of pension to Edwin M. Raymond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension roll the name of Edwin M. Raymond, late private in Company K, One hundred and thirty-eighth Illinois Infantry, and pay him a pension of $24 per month in the place of the one he now receives, upon the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin M. Raymond, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD C. JONES.

The next pension business was the bill (H. R. 11984) granting an increase of pension to Edward C. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward C. Jones, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "late acting second assistant engineer."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LORENZO D. JAMESON.

The next pension business was the bill (H. R. 6857) granting an increase of pension to Lorenzo D. Jameson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Jameson, late of Company A, First Regiment Arkansas Volunteer Cavalry, and Company K, First Arkansas Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "H."

In line 7, before the word "Company," insert the words "first lieutenant."

In same line, after the word "First," insert the word "Regiment."

In line 9 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES HAMMONDS.

The next pension business was the bill (H. R. 5997) granting an increase of pension to James Hammonds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hammonds, late of Company F, Twenty-seventh United States Colored Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Twenty-seventh," insert the word "Regiment."

In line 7, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SPENCER M. CASE.

The next pension business was the bill (H. R. 6449) granting an increase of pension to Spencer M. Case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Spencer M. Case, late of unassigned company, Ninth Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "unassigned," strike out the word "of."
In same line strike out the word "company."
In same line, after the word "Ninth," insert the word "Regiment."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSHUA PARSONS.

The next pension business was the bill (H. R. 6948) granting an increase of pension to Joshua Parsons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Parsons, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILSON H. DAVIS.

The next pension business was the bill (H. R. 4948) granting a pension to Wilson H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson H. Davis, late of Company F, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

W. A. HELT.

The next pension business was the bill (H. R. 5245) granting an increase of pension to W. A. Helt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. A. Helt, Company G, One hundred and fortieth Regiment Pennsylvania Infantry Volunteers, and grant him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."
In same line, before the word "Company," insert the words "late of."
In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In same line strike out the word "grant" and insert in lieu thereof the word "pay."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to William A. Helt."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS E. RICE.

The next pension business was the bill (H. R. 6961) granting an increase of pension to Thomas E. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Rice, late of Company B, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. M'KENNEY.

The next pension business was the bill (H. R. 5089) granting an increase of pension to Charles W. McKenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. McKenney, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WASHINGTON I. COOK.

The next pension business was the bill (H. R. 130) granting an increase of pension to Washington I. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington I. Cook, late of Companies I and K, Tenth and Eleventh Regiments Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Washington I. Cook, late of Company I, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company K, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WYMAN J. CROW.

The next pension business was the bill (H. R. 1907) granting an increase of pension to Wyman J. Crow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wyman J. Crow, late of Company H, First Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN M. BARRON.

The next pension business was the bill (H. R. 7367) granting an increase of pension to John M. Barron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Barron, late of the Engineer Corps of the Navy, and pay him a pension at the rate of $25 per month in lieu of the pension of $12 per month which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of John M. Barron, late third assistant engineer, with relative rank of midshipman, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BRASCH.

The next pension business was the bill (H. R. 1286) granting an increase of pension to John Brasch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brasch, late of Company M, Third Wisconsin Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Third," insert the word "Regiment."
In same line, after the word "Wisconsin," insert the word "Volunteer."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRUS E. SALADA.

The next pension business was the bill (H. R. 3359) granting an increase of pension to Cyrus E. Salada.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to provisions and limitations of the pension laws, the name of Cyrus E. Salada, late of Company B, Sixth Regiment Pennsylvania Reserves, and Company H, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company B, Sixth Regiment."
In line 7 strike out the words "Pennsylvania Reserves and."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS TOWNSEND.

The next pension business was the bill (H. R. 2993) granting an increase of pension to Lewis Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lewis Townsend, late private in Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Townsend, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN CUMMINGS.

The next pension business was the bill (H. R. 2558) granting an increase of pension to John Cummings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cummings, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES GRAVES.

The next pension business was the bill (H. R. 12577) granting an increase of pension to James Graves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Graves, late of Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. KITTS.

The next pension business was the bill (H. R. 12576) granting an increase of pension to William M. Kitts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Kitts, late of Company G, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS O. MARSHALL.

The next pension business was the bill (H. R. 2803) granting an increase of pension to L. O. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of L. O. Marshall, late captain of Company B, Thirtieth Regiment Wisconsin Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis O. Marshall, late captain Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lewis O. Marshall."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN DILLINGHAM.

The next pension business was the bill (H. R. 14879) granting an increase of pension to Benjamin Dillingham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Dillingham, late of Company F, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID DEARDOURFF.

The next pension business was the bill (H. R. 2805) granting an increase of pension to David Deardourff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALFRED W. DEARBORN.

The next pension business was the bill (H. R. 14889) granting an increase of pension to Alfred W. Dearborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred W. Dearborn, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM P. DAVIS.

The next pension business was the bill (H. R. 14887) granting an increase of pension to William P. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Davis, late of Company I, One hundred and Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. THAYER.

The next pension business was the bill (H. R. 14855) granting an increase of pension to Henry C. Thayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Thayer, late of Company D, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA C. OWEN.

The next pension business was the bill (H. R. 15269) granting a pension to Anna C. Owen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna C. Owen, widow of Col. Alfred D. Owen, deceased, late of Company I, Fifteenth Regiment Indiana Volunteer Infantry; first lieutenant Company B, Sixtieth Regiment Indiana Volunteer Infantry; first lieutenant and adjutant Eightieth Regiment Volunteer Infantry, and lieutenant-colonel and colonel Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, 11, 12, and 13 and insert in lieu thereof the following: "Anna C. Owen, widow of Alfred D. Owen, late

lieutenant-colonel Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REBECCA V. MACKENZIE.

The next pension business was the bill (H. R. 15244) granting an increase of pension to Rebecca V. Mackenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca V. Mackenzie, widow of John I. Mackenzie, late of Company I, Seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "A."

In same line, after the word "Mackenzie," insert the words "alias James Innis."

In line 7, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the letter "I" and insert in lieu thereof the letter "E."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY SMITH.

The next pension business was the bill (H. R. 13658) granting an increase of pension to Henry Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Smith, late of Company I, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EVELYN M. DUNN.

The next pension business was the bill (H. R. 14576) granting a pension to Evelyn M. Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evelyn M. Dunn, widow of Williamson D. Dunn, late assistant surgeon, Twenty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Williamson" and insert in lieu thereof the word "William."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Evelyn M. Dunn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIJAH G. WOOD.

The next pension business was the bill (H. R. 13955) granting a pension to Elijah G. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah G. Wood, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Elijah G. Wood."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M'GREGOR.

The next pension business was the bill (H. R. 10554) granting an increase of pension to John McGregor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McGregor, late of Company D, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Indiana," insert the words "and Company I, Twentieth Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH H. SHAY.

The next pension business was the bill (H. R. 10969) granting an increase of pension to Joseph H. Shay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Shay, late of Company E, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. M'CLURG.

The next pension business was the bill (H. R. 11661) granting an increase of pension to William H. McClurg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McClurg, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC W. SHERMAN.

The next pension business was the bill (H. R. 9798) granting an increase of pension to Isaac W. Sherman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac W. Sherman, late of Company E, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with favorable recommendation.

LORENZO STREETER.

The next pension business was the bill (H. R. 10272) granting an increase of pension to Lorenzo Streeter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo Streeter, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY FLYNN.

The next business on the Private Calendar was the bill (H. R. 10360) granting an increase of pension to Mary Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Flynn, widow of Patrick Flynn, late of Company —, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "C."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NICHOLS M. BROCKWAY.

The next business on the Private Calendar was the bill (H. R. 12818) granting a pension to N. M. Brockway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of N. M. Brockway, late captain Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $60 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "N." and insert in lieu thereof the word "Nichols."

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Emergency Militia."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Nichols M. Brockway."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. DICKEY.

The next business on the Private Calendar was the bill (H. R. 12058) granting an increase of pension to John W. Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Dickey, late of Company D, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALTER P. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 12052) granting a pension to Walter P. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter P. Mitchell, late of Captain Thatcher's independent company, Pettis County (Missouri) Home Guards, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 9 remove the parentheses.

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. HARTLEY.

The next business on the Private Calendar was the bill (H. R. 3831) granting a pension to John W. Hartley.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, directed to increase the pension now being paid to John W. Hartley, Company H, Eighth Kansas Volunteer Infantry, to $20 per month, on account of disabilities.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hartley, late of Company H, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John W. Hartley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT LIGGATT.

The next business on the Private Calendar was the bill (H. R. 6543) granting an increase of pension to Robert Liggatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Robert Liggatt, late a private in Company C, Sixth Pennsylvania Vounteers, and pay him a pension of $30 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Liggatt, late of Company C, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SHANLEY.

The next business on the Private Calendar was the bill (H. R. 5692) granting an increase of pension to John Shanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shanley, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE DELAND.

The next business on the Private Calendar was the bill (H. R. 808) granting an increase of pension to George Deland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Deland, late of Company I, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Twenty-fifth" and insert in lieu thereof the word "Twenty-first."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILIPP YOHUM.

The next business on the Private Calendar was the bill (H. R. 13155) granting a pension to Philip Yohum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Yohum, late of Company H, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Philip" and insert in lieu thereof the word "Philipp."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Philipp Yohum."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DIAH LOVEJOY.

The next business on the Private Calendar was the bill (H. R. 8996) granting an increase of pension to Diah Lovejoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Diah Lovejoy, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES BERGMAN.

The next pension business was the bill (H. R. 15102) granting an increase of pension to Charles Bergman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Bergman, late sergeant of Company E, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Charles Bergman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH WARDLE.

The next pension business was the bill (H. R. 11015) granting an increase of pension to Joseph Wardle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wardle, of Macomb, Illinois, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Macomb, Illinois."
In line 8 strike out the word "twenty" and insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD C. SANDERS.

The next pension business was the bill (H. R. 14034) granting an increase of pension to Edward C. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward C. Sanders, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the words "and captain Company C, One hundred and eighty-eighth Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Mr. SULLOWAY. Mr. Chairman, what bill have you before the committee? There is so much confusion I can not hear. Calendar No. 2244, is that before the House? If so, I move that that bill be recommitted to the Committee on Invalid Pensions.

The CHAIRMAN. The gentleman from New Hampshire moves that H. R. 14034 be recommitted to the Committee on Invalid Pensions.

The motion was agreed to.

GEORGE M. SIMMONS.

The next pension business was the bill (H. R. 6354) granting a pension to George M. Simmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Simmons, late of Company D, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to George M. Simmons."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED CHILL.

The next pension business was the bill (H. R. 12397) granting an increase of pension to Alfred Chill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Chill, late of Company I, Seventh Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. PAUL.

The next pension business was the bill (H. R. 15190) granting an increase of pension to James M. Paull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Paull, late of Company K, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Paull" and insert in lieu thereof the word "Paul."
In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to James M. Paul."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW W. SWITZER.

The next pension business was the bill (S. 4690) granting an increase of pension to Andrew W. Switzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew W. Switzer, late of Company K, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHADBOURNE H. WARREN.

The next pension business was the bill (S. 4417) granting an increase of pension to Chadbourne H. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chadbourne H. Warren, late acting third assistant engineer, U. S. S. Alabama, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE M. EOPOLUCCI.

The next pension business was the bill (S. 5263) granting a pension to Annie M. Eopolucci.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie M. Eopolucci, widow of Samuel Eopolucci, late first-class musician, United States Marine Corps, and pay her a pension at the rate of $8 per month, with $2 per month additional on account of each of the minor children of said Samuel Eopolucci until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL H. HUNT.

The next pension business was the bill (H. R. 2151) granting an increase of pension to Samuel H. Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Hunt, late of the One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of the" and insert in lieu thereof the word "colonel."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. COURTNEY.

The next pension business was the bill (H. R. 6640) granting an increase of pension to John A. Courtney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Courtney, late first lieutenant of Company F, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN J. MORTON.

The next pension business was the bill (S. 5423) granting an increase of pension to Ellen J. Morton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen J. Morton, widow of William H. Morton, late surgeon First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ETHEL TALLEY.

The next pension business was the bill (S. 5184) granting a pension to Ethel Talley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ethel Talley, helpless and dependent child of William C. Talley, late colonel Thirtieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ELISE HABERCOM.

The next pension business was the bill (S. 2414) granting an increase of pension to Elise Habercom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elise Habercom, widow of Ludwig W. Habercom, late of Company A, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SYLVESTER BEEZLEY.

The next pension business was the bill (S. 2578) granting an increase of pension to Sylvester Beezley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvester Beezley, late of Company G, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorabe recommendation.

ISABELLA CHIVINGTON.

The next pension business was the bill (S. 1994) granting an increase of pension to Isabella Chivington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Chivington, widow of John M. Chivington, late colonel First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMILY M. J. COOLEY.

The next pension business was the bill (S. 1576) granting an increase of pension to Emily M. J. Cooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily M. J. Cooley, widow of Rufus Cooley, late of Company F, Thirty-ninth Regiment, and chaplain Forty-seventh Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN W. CURRIER.

The next pension business was the bill (S. 183) granting an increase of pension to John W. Currier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Currier, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NELSON WELLS.

The next pension business was the bill (S. 216) granting an increase of pension to Nelson Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Wells, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES L. HOUGHTON.

The next pension business was the bill (S. 1421) granting an increase of pension to Charles L. Houghton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Houghton, late of Company D, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM S. DEVLIN.

The next pension business was the bill (S. 922) granting an increase of pension to William S. Devlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Devlin, late of U. S. ships Savannah, Pensacola, and Tennessee, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWIN J. TENNEY.

The next pension business was the bill (S. 3791) granting an increase of pension to Edwin J. Tenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin J. Tenney, late of Company D, Seventh Regiment New Hampshire Volunteer Infantry, and Company F, Thirteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES A. HOPSON.

The next pension business was the bill (S. 5416) granting an increase of pension to James A. Hopson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Hopson, late of Company H, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY T. HOLDEN.

The next pension business was the bill (S. 5492) granting an increase of pension to Mary T. Holden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary T. Holden, widow of Samuel C. Holden, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH A. HOBACK.

The next pension business was the bill (S. 5536) granting an increase of pension to Sarah A. Hoback.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Hoback, widow of William K. Hoback, late captain Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BURNETTA B. LEHMANN.

The next pension business was the bill (S. 5484) granting a pension to Burnetta B. Lehmann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burnetta B. Lehmann, widow of Frederick A. Lehmann, late of Company C, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month and $2 per month additional on account of the minor child of said Frederick A. Lehmann until it reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN S. STEVENS.

The next pension business was the bill (S. 3640) granting an increase of pension to John S. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Stevens, late of Companies M and H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS HOWARD.

The next pension business was the bill (S. 2745) granting an increase of pension to Thomas Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Howard, late of Company G, Fifth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. STRONG.

The next pension business was the bill (S. 3329) granting a pension to Mary E. Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Strong, widow of Frank Strong, major, late of First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The bill was ordered to be laid aside with a favorable recommendation.

EMANUEL MORTER.

The next pension business was the bill (S. 2893) granting an increase of pension to Emanuel Morter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emanuel Morter, late of Company E, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH W. WILLIS.

The next pension business was the bill (S. 3502) granting an increase of pension to Joseph W. Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Willis, late of Company H, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY WHEELER.

The next pension business was the bill (S. 3414) granting an increase of pension to Henry Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wheeler, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES B. WILLIAMS.

The next pension business was the bill (S. 3033) granting an increase of pension to Charles B. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Williams, late of Company B, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES T. WOLVERTON.

The next pension business was the bill (H. R. 14936) granting an increase of pension to James T. Wolverton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Wolverton, late sergeant, Company G, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANGELINE BUCKLEY.

The next pension business was the bill (H. R. 15342) granting a pension to Angeline Buckley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angeline Buckley, widow of Calvin N. Buckley, late of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES L. OLMSTED.

The next pension business was the bill (H. R. 15762) granting an increase of pension to James L. Olmsted.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Olmsted, late of Company B, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. HAYWARD.

The next pension business was the bill (H. R. 15404) granting an increase of pension to John A. Hayward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Hayward, late of Company B, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA A. DUNN.

The next pension business was the bill (H. R. 15686) granting an increase of pension to Annie Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie Dunn, widow of Michael Dunn, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Annie" and insert in lieu thereof the words "Anna A."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Anna A. Dunn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC HANSON.

The next pension business was the bill (H. R. 15680) granting an increase of pension to Isaac Hanson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Isaac Hanson, late of Company I, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of ——— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET A. ORR.

The next pension business was the bill (H. R. 15634) granting a pension to Harriet A. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. Orr, dependent mother of Daniel B. St. John Orr, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY J. LANSING.

The next pension business was the bill (H. R. 15199) granting a pension to Mary J. Lansing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Lansing, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "formerly Mary J. Abbott."

Amend the title so as to read: "A bill granting a pension to Mary J. Lansing, formerly Mary J. Abbott."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES E. YOUNG.

The next pension business was the bill (H. R. 15785) granting an increase of pension to Charles E. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Young, late of First Independent Battery New Hampshire Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM HALL.

The next pension business was the bill (H. R. 15387) granting an increase of pension to William Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hall, late of Company I, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA L. CURKENDALL.

The next pension business was the bill (H. R. 15071) granting an increase of pension to Matilda L. Curkendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda L. Curkendall, widow of George Curkendall, late lieutenant-colonel One hundred and thirty-eighth Regiment United States Colored Troops, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "lieutenant-colonel," insert the words "first lieutenant Company D, Third Regiment Iowa Volunteer Cavalry, and."

In line 8 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMOS JONES.

The next pension business was the bill (H. R. 15207) granting an increase of pension to Amos Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Jones, late of Company G, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. REYNOLDS.

The next pension business was the bill (H. R. 15144) granting an increase of pension to William J. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Reynolds, late captain of Company , Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In the same line, after the word "Company," insert the letter "H."

In line 7, before the word "Regiment," insert the words "and Company B, Seventh."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. WATTS.

The next pension business was the bill (H. R. 14951) granting an increase of pension to Benjamin F. Watts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Watts, late of Company K, Seventieth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Seventieth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KEARNEY MAY.

The next pension business was the bill (H. R. 14919) granting a pension to Kerney May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kerney May, feeble-minded son of Thomas May, late of Company H, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month, and that the same be paid to his legally appointed and qualified guardian.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kerney" and insert in lieu thereof the word "Kearney."

In same line strike out the word "feeble-minded" and insert in lieu thereof the words "helpless and dependent."

In line 9 strike out the words "and that."

Amend the title so as to read: "A bill granting a pension to Kearney May."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NAPOLEON B. WING.

The next pension business was the bill (H. R. 14799) granting an increase of pension to Napoleon B. Wing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Wing, late of Company K, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendent was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON FANSHAW.

The next pension business was the bill (H. R. 14662) granting an increase of pension to Aaron Fanshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Fanshaw, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM SCHEALL.

The next pension business was the bill (H. R. 14601) granting an increase of pension to William Schrall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Schrall, late of Company C, Thirteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Schrall" and insert in lieu thereof the word "Scheall."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to William Scheall."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NETTIE C. LUTES.

The next pension business was the bill (H. R. 14288) granting a pension to Nettie C. Lutes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nettie C. Lutes, widow of Nelson B. Lutes, late of Company D, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN J. CARBERRY.

The next business on the Private Calendar was the bill (H. R. 14150) granting an increase of pension to John J. Carberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Carberry, late captain of Company I, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY E. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 13910) granting a pension to Henry E. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Wright, late of Fourth Unattached Company Massachusetts Volunteer Militia, and pay him a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."

In same line, after the word "Militia," insert the words "Volunteer Infantry."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "ten."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES L. TOWNSEND.

The next business on the Private Calendar was the bill (H. R. 13501) granting a pension to James L. Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Townsend, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to James L. Townsend."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN K. TYLER.

The next business on the Private Calendar was the bill (H. R. 13064) granting an increase of pension to John K. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John K. Tyler, late of Company —, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies G and C."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES DONNELLY.

The next business on the Private Calendar was the bill (H. R. 12859) granting an increase of pension to James Donnelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Donnelley, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of — dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Donnelley" and insert in lieu thereof the word "Donnelly."

In line 7, after the word "Infantry," insert the words "and Company D, Ninth Regiment Veteran Reserve Corps."

In line 8, before the word "dollars," insert the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James Donnelly."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATTHEW H. BEVAN.

The next business on the Private Calendar was the bill (H. R. 12254) granting an increase of pension to Mathew H. Bevan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew H. Bevan, late of Company A, One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mathew" and insert in lieu thereof the word "Matthew."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Matthew H. Bevan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY L. KYLER.

The next business on the Private Calendar was the bill (H. R. 11788) granting an increase of pension to Henry L. Kyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Kyler, late of Company A, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL B. BARTLEY.

The next business on the Private Calendar was the bill (H. R. 11492) granting an increase of pension to Samuel B. Bartley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Bartley, late of Companies A and I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Companies" and insert in lieu thereof the word "Company."

In the same line strike out the words "and I."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER MORRISON.

The next business on the Private Calendar was the bill (H. R. 11451) granting an increase of pension to Alexander Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Morrison, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARISSA E. M'CORMICK.

The next business on the Private Calendar was the bill (H. R. 11235) for the relief of Clarissa E. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarissa E. McCormick, widow of John C. R. McCormick, late a member of Company K, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "a member of Company K, Eleventh Regiment Wisconsin" and insert in lieu thereof the words "second lieutenant Company C, Eightieth Regiment, United States Colored."

Amend the title so as to read: "A bill granting a pension to Clarissa E. McCormick."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FOURTH REGIMENT ARKANSAS MOUNTED INFANTRY.

Mr. BRUNDIDGE. Mr. Chairman, may I ask why the bill (H. R. 14789) granting pensions to certain officers and men of the Fourth Regiment of Arkansas Mounted Infantry was passed by the Clerk? And I further ask that the bill be returned to, in order that we may consider it.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws the officers and men, except deserters and dishonorably discharged officers and men, of the Fourth Regiment of Arkansas Mounted Infantry Volunteers whose claims for service were allowed by the referee appointed by the Secretary of War under the provisions of the act of Congress approved February 27, 1899, entitled "An act for the relief of the Fourth Arkansas Mounted Infantry," shall be held and considered to have been honorably discharged therefrom, except that those of said officers and men who died in service shall be held and considered to have died in the military service of the United States; and the report of said referee shall be conclusive as to the length of service actually rendered by said officers and men and as to the fact of death in the cases of those who are shown by said report to have died in service.

The amendments recommended by the committee were read, as follows:

On page 1, lines 4 and 5, strike out the words "except deserters and dishonorably discharged officers and men."

In line 11, on the same page, before the word "honorably," insert the words "duly mustered into the military service of the United States and."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. STANFIELD.

The next pension business was the bill (H. R. 11148) granting an increase of pension to George W. Stanfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Stanfield, late of Company H, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH REESE.

The next pension business was the bill (H. R. 11090) granting an increase of pension to Joseph Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Reese, late captain of Company K, Sixth Regiment West Virginia Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL P. SHORT.

The next pension business was the bill (H. R. 11016) granting an increase of pension to Samuel P. Short.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Short, of Oquawka, Ill., late of Company B, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "Oquawka, Ill."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL B. COE.

The next pension business was the bill (H. R. 10680) granting an increase of pension to S. B. Coe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. B. Coe, late of Company C, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."

In same line, before word "First," insert the words "and hospital steward."

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Samuel B. Coe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL KURTZ.

The next pension business was the bill (H. R. 10686) granting a pension to Michael Kurtz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Kurtz, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Michael Kurtz."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA HIGGINS.

The next pension business was the bill (H. R. 9939) granting a pension to Martha Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Higgins, guardian of insane daughter of Thomas Higgins, late captain Company H, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Martha Higgins, widow of Thomas Higgins, late captain Company H, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Agnes M. Higgins, helpless and dependent child of said Thomas Higgins, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha Higgins the name of said Agnes M. Higgins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Martha Higgins."

Amend the title so as to read: "A bill granting an increase of pension to Martha Higgins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM HAYES.

The next pension business was the bill (H. R. 9824) granting a pension to William Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hayes, late private, Company E, Fifth United States Volunteers, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In same line, before the word "United," insert the word "Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. WEAVER.

The next pension business was the bill (H. R. 9771) granting an increase of pension to Mary E. Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Weaver, widow of John F. Weaver, late of Company E, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

HENRY S. AUSTIN.

The next pension business was the bill (H. R. 9696) granting an increase of pension to Henry S. Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Austin, late of Company A, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM LANCE.

The next pension business was the bill (H. R. 9621) granting an increase of pension to William Lance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lance, late a private in Company F, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In same line strike out the letter "F" and insert in lieu thereof the letter "C."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HATTIE L. RICH.

The next pension business was the bill (H. R. 9553) granting an increase of pension to Hattie L. Rich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie L. Rich, widow of Albert L. Rich, late of Company F, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Hattie L. Rich."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCINDA M. REEVES.

The next pension business was the bill (H. R. 15779) granting an increase of pension to Lucinda M. Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda M. Reeves, widow of Edward Reeves, late of Company D, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PETER WILLIAMS.

The next pension business was the bill (H. R. 9552) granting an increase of pension to Peter Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Williams, late of Company G, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Peter Williams."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL MARX.

The next pension business was the bill (H. R. 8917) for the relief of Michael Marx.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Marx, late a private of Company B, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

SEC. 2. That this act shall take effect immediately.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Strike out all of line 10.

Amend the title so as to read: "A bill granting an increase of pension to Michael Marx."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILIP H. STRUNK.

The next pension business was the bill (H. R. 7241) granting an increase of pension to Philip H. Strunk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip H. Strunk, late private of Company K, Sixteenth Wisconsin Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."
In same line, after the word "Sixteenth," insert the word "Regiment."
In line 7, before the word "Infantry," insert the word "Volunteer."
In same line, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NATHANIEL CAYES.

The next pension business was the bill (H. R. 6832) granting an increase of pension to Nathaniel Cayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Cayes, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD M. RHOADES.

The next pension business was the bill (H. R. 6506) granting an increase of pension to Edward M. Rhoades.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Rhoades, late of United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "the U. S. S. Cyane, Saranac, and Savannah."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PRESTON D. ROADY.

The next pension business was the bill (H. R. 5461) granting an increase of pension to Preston D. Roady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Preston D. Roady, late of Company G, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM BAIRD.

The next business was the bill (H. R. 5436) granting a pension to Hiram Baird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Baird, late of Company B, First Regiment East Tennessee National Guards Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JENNIE PETTEYS.

The next pension business was the bill (H. R. 5341) granting a pension to Jennie Petteys.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie Petteys, widow of William F. Petteys, late of Fifteenth Regiment New York Engineers (unassigned), and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "unassigned."
In line 7, before the word "Engineers," insert the word "Volunteer." in lieu thereof the word "unassigned."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EUGENE P. TEWKSBURY.

The next pension business was the bill (H. R. 4927) granting an increase of pension to Eugene P. Tewkesbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene P. Tewkesbury, late of Company B, Seventh Squadron Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Tewkesbury" and insert in lieu thereof the word "Tewksbury."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Eugene P. Tewksbury."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. SMITH.

The next pension business was the bill (H. R. 4728) granting an increase of pension to William W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Smith, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY JEFFERS.

The next pension business was the bill (H. R. 4655) granting an increase of pension to Henry Jeffers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Jeffers, private, Company M, Fourth Ohio Volunteer Cavalry, war between the States, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the words "late of."
In same line, before the word "Ohio," insert the word "Regiment."
In line 7 strike out the words "war between the States."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE YOUNG.

The next pension business was the bill (H. R. 4627) granting a pension to Annie Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie Young, widow of Jacob Young, late of Company H, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE M. WALLACE.

The next pension business was the bill (H. R. 4242) granting a pension to Annie M. Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie M. Wallace, widow of Jeremiah Wallace, late of Company B, First Delaware Cavalry, and pay her a pension at the rate of $18 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Delaware," insert the word "Regiment."
In same line, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "eighteen" and insert in lieu thereof the word "twelve."
In same line, after the word "month," insert the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Annie M. Wallace."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. CAPRON.

The next pension business was the bill (H. R. 15473) granting an increase of pension to James W. Capron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Capron, late of Company K, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY SUPPES.

The next pension business was the bill (H. R. 15791) granting a pension to Mary Suppes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Suppes, widow of George Suppes, late of Company D, Second Regiment District of Columbia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ELIJAH ROBERTS.

The next pension business was the bill (H. R. 4211) granting an increase of pension to Elijah Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Roberts, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH WYNNE.

The next pension business was the bill (H. R. 4112) granting a pension to Elizabeth Wynne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wynne, widow of William B. Wynne, late surgeon Fourteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."
In the same line, after the word "month," insert the words "in lieu of that she is now receiving."
Amend title so as to read: "A bill granting an increase of pension to Elizabeth Wynne."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK W. TAPPMEYER.

The next pension business was the bill (H. R. 3712) granting a pension to Frederick W. Tappmeyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frederick W. Tappmeyer, late of Company E, Thirty-fourth Regiment Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Tappmeyer, late of Company E, Thirty-fourth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ORIN PLAISTED.

The next pension business was the bill (H. R. 3287) granting an increase of pension to Orrin Plaisted.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orrin Plaisted, late of Second Battery, First Regiment Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Orrin" and insert in lieu thereof the word "Orin."
In the same line, after the word "Regiment," insert the word "Maine."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Orin Plaisted."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOPHIA C. HILLEARY.

The next pension business was the bill (H. R. 2353) granting an increase of pension to S. C. Hilleary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. C. Hilleary, widow of Henry C. Hilleary, corporal, Company C, Potomac Home Brigade Cavalry, and pay her a pension at the rate of $30 a month in lieu of any pension she may now be receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Sophia."
In the same line strike out the word "corporal" and insert in lieu thereof the words "late of."
In line 7, before the word "Potomac," insert the words "First Regiment."
In same line, before the word "Cavalry," insert the words "Maryland Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."
In same line strike out the word "any" and insert in lieu thereof the word "that."
Strike out all of line 9 and insert in lieu thereof the words "she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Sophia C. Hilleary."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WARREN F. BARNES.

The next pension business was the bill (H. R. 1901) granting an increase of pension to W. F. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. F. Barnes, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W" and insert in lieu thereof the word "Warren."
Amend the title so as to read: "A bill granting an increase of pension to Warren F. Barnes."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN F. DORSEY.

The next pension business was the bill (H. R. 912) granting an increase of pension to John F. Dorsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Dorsey, late of Company I, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DESIRE LEGLISE.

The next pension business was the bill (H. R. 15743) granting an increase of pension to Desire Leglise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Desire Leglise, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUGUSTUS H. HAINES.

The next pension business was the bill (H. R. 15688) granting an increase of pension to Augustus H. Hains.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Augustus H. Hains, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and Company K, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hains" and insert in lieu thereof the word "Haines."

In lines 6 and 7 strike out the letter and words "C, Sixtieth Regiment Ohio Volunteer Infantry, and Company."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Augustus H. Haines."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT S. GRAHAM.

The next pension business was the bill (H. R. 14744) granting an increase of pension to Albert S. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert S. Graham, late of Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD L. RUSSELL.

The next pension business was the bill (H. R. 15744) granting an increase of pension to Edward L. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward L. Russell, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES ALFRED DE ARNAUD.

The next pension business was the bill (H. R. 11324) granting an increase of pension to Charles Alfred De Arnaud.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Alfred De Arnaud, late captain on Fremont's staff, Missouri Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Charles Alfred De Arnaud."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise and report the several bills to the House with a favorable recommendation.

The CHAIRMAN. The Chair will say to the gentleman from New Hampshire that by some mistake a bill on the Calendar has been omitted.

Mr. SULLOWAY. Very well, then; I withhold that motion for a moment.

The CHAIRMAN. If there be no objection, the motion will be considered as withdrawn. The Clerk will report the bill.

RACHEL H. COLEMAN.

The next pension business was the bill (S. 3175) granting an increase of pension to Rachel H. Coleman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel H. Coleman, widow of Isaac Coleman, late of Captain J. Campbell's company, Ohio Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, if that is all, I renew my motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry House and Senate bills under the special order, and had directed him to report back the bill H. R. 1434 with the recommendation that it be recommitted to the Committee on Invalid Pensions, and sundry other bills, some with and some without amendments, and had directed him to report the same back with the recommendation that the amendments be agreed to, and that the bills do pass.

HOUSE BILLS AMENDED.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 5037. A bill granting an increase of pension to R. H. Stillwell (title amended);

H. R. 14875. A bill granting an increase of pension to Seeley Earnest;

H. R. 8166. A bill granting an increase of pension to Martha A. Johnson;

H. R. 10945. A bill granting a pension to Lola Qualls;

H. R. 9115. A bill granting an increase of pension to Merritt Mead;

H. R. 6129. A bill granting a pension to Edwin M. Raymond (title amended);

H. R. 11984. A bill granting an increase of pension to Edward C. Jones;

H. R. 6857. A bill granting an increase of pension to Lorenzo D. Jameson;

H. R. 5997. A bill granting an increase of pension to James Hammonds;

H. R. 6449. A bill granting a pension to Spencer M. Case;

H. R. 4948. A bill granting a pension to Wilson H. Davis;

H. R. 5245. A bill granting an increase of pension to W. A. Helt (title amended);

H. R. 130. A bill granting an increase of pension to Washington I. Cook;

H. R. 7367. A bill granting an increase of pension to John M. Barron;

H. R. 1286. A bill granting an increase of pension to John Brasch;

H. R. 3359. A bill granting an increase of pension to Cyrus E. Salada.

H. R. 2993. A bill granting an increase of pension to Lewis Townsend;

H. R. 2558. A bill granting an increase of pension to John Cummings;

H. R. 12577. A bill granting an increase of pension to James Graves;

H. R. 12576. A bill granting an increase of pension to William M. Kitts;

H. R. 1099. A bill granting an increase of pension to L. O. Marshall (title amended);

H. R. 14889. A bill granting an increase of pension to Alfred W. Dearborn;

H. R. 14887. A bill granting an increase of pension to William P. Davis;

H. R. 15269. A bill granting a pension to Anna C. Owen;

H. R. 15244. A bill granting an increase of pension to Rebecca V. Mackenzie;

H. R. 14576. A bill granting a pension to Evelyn M. Dunn (title amended);

H. R. 13955. A bill granting a pension to Elijah G. Wood (title amended);

H. R. 10554. A bill granting an increase of pension to John McGregor;

H. R. 11661. A bill granting an increase of pension to William H. McClurg.

H. R. 9798. A bill granting an increase of pension to Isaac W. Sherman;

H. R. 10360. A bill granting an increase of pension to Mary Flynn;

H. R. 12818. A bill granting a pension to N. M. Brockway (title amended);

H. R. 12058. A bill granting an increase of pension to John W. Dickey;

H. R. 12052. A bill granting a pension to Walter P. Mitchell;

H. R. 14789. A bill granting pensions to certain officers and men of the Fourth Regiment of Arkansas Mounted Infantry;

H. R. 3831. A bill granting an increase of pension to John W. Hartley (title amended);

H. R. 6543. A bill granting an increase of pension to Robert Liggatt;

H. R. 5692. A bill granting an increase of pension to John Shanley;

H. R. 808. A bill granting an increase of pension to George Deland;
H. R. 8996. A bill granting an increase of pension to Diah Lovejoy;
H. R. 15102. A bill granting a pension to Charles Bergman (title amended);
H. R. 11015. A bill granting an increase of pension to Joseph Wardle;
H. R. 6354. A bill granting a pension to George M. Simmons (title amended);
H. R. 12397. A bill granting an increase of pension to Alfred Chill;
H. R. 15190. A bill granting an increase of pension to James M. Paull (title amended);
H. R. 2151. A bill granting an increase of pension to Samuel H. Hunt;
H. R. 6640. A bill granting an increase of pension to John A. Courtney;
H. R. 14936. A bill granting an increase of pension to James T. Wolverton;
H. R. 15404. A bill granting an increase of pension to John A. Hayward;
H. R. 15686. A bill granting a pension to Annie Dunn;
H. R. 15680. A bill granting an increase of pension to Isaac Hanson;
H. R. 15199. A bill granting a pension to Mary J. Lansing;
H. R. 15387. A bill granting an increase of pension to William Hall;
H. R. 15071. A bill granting an increase of pension to Matilda L. Curkendall;
H. R. 15207. A bill granting an increase of pension to Amos Jones;
H. R. 15144. A bill granting an increase of pension to William J. Reynolds;
H. R. 14951. A bill granting an increase of pension to Benjamin F. Watts;
H. R. 14919. A bill granting a pension to Kerney May;
H. R. 14799. A bill granting an increase of pension to Napoleon B. Wing;
H. R. 14601. A bill granting an increase of pension to William Schrall;
H. R. 14288. A bill granting a pension to Nettie C. Lutes;
H. R. 14150. A bill granting an increase of pension to John J. Carberry;
H. R. 13910. A bill granting a pension to Henry E. Wright;
H. R. 13501. A bill granting a pension to James L. Townsend;
H. R. 13064. A bill granting an increase of pension to John K. Tyler;
H. R. 12859. A bill granting an increase of pension to James Donnelley;
H. R. 12254. A bill granting an increase of pension to Mathew H. Bevan;
H. R. 11788. A bill granting an increase of pension to Henry L. Kyler;
H. R. 11492. A bill granting an increase of pension to Samuel B. Bartley;
H. R. 11451. A bill granting an increase of pension to Alexander Morrison;
H. R. 11235. A bill for the relief of Clarissa E. McCormick;
H. R. 11148. A bill granting an increase of pension to George W. Stanfield;
H. R. 11090. A bill granting an increase of pension to Joseph Reese;
H. R. 11016. A bill granting an increase of pension to Samuel P. Short;
H. R. 10680. A bill granting an increase of pension to S. B. Coe (title amended);
H. R. 10686. A bill granting a pension to Michael Kurtz (title amended);
H. R. 9939. A bill granting a pension to Martha Higgins (title amended);
H. R. 9824. A bill granting a pension to William Hayes;
H. R. 9696. A bill granting an increase of pension to Henry S. Austin;
H. R. 9621. A bill granting an increase of pension to William Lance;
H. R. 9553. A bill granting a pension to Hattie L. Rich;
H. R. 9552. A bill granting a pension to Peter Williams (title amended);
H. R. 8917. A bill for the relief of Michael Marx (title amended);
H. R. 7241. A bill granting an increase of pension to Philip H. Strunk;
H. R. 6832. A bill granting an increase of pension to Nathaniel Cayes;
H. R. 6506. A bill granting an increase of pension to Edward M. Rhoades;
H. R. 5341. A bill granting a pension to Jennie Petteys.
H. R. 4927. A bill granting an increase of pension to Eugene P. Tewkesbury (title amended);
H. R. 4655. A bill granting an increase of pension to Henry Jeffers;
H. R. 4627. A bill granting a pension to Annie Young.
H. R. 4242. A bill granting a pension to Annie M. Wallace (title amended);
H. R. 4112. A bill granting a pension to Elizabeth Wynne.
H. R. 3712. A bill granting a pension to Frederick W. Tappmeyer;
H. R. 3287. A bill granting an increase of pension to Orrin Plaisted (title amended);
H. R. 2353. A bill granting an increase of pension to S. C. Hilleary;
H. R. 1901. A bill granting an increase of pension to W. F. Barnes;
H. R. 15688. A bill granting an increase of pension to Augustus H. Hains; and
H. R. 14774. A bill granting an increase of pension to Albert S. Graham.

HOUSE BILLS WITHOUT AMENDMENT.

House bills of the following titles, favorably reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the tird time, and passed:
H. R. 6948. A bill granting an increase of pension to Joshua Parsons;
H. R. 6961. A bill granting an increase of pension to Thomas E. Rice;
H. R. 5089. A bill granting an increase of pension to Charles W. McKenney;
H. R. 1907. A bill granting an increase of pension to Wyman J. Crow;
H. R. 14879. A bill granting an increase of pension to Benjamin Dillingham;
H. R. 13241. A bill granting an increase of pension to David Deardourff;
H. R. 13658. A bill granting an increase of pension to Henry Smith;
H. R. 10969. A bill granting an increase of pension to Joseph H. Shay;
H. R. 10272. A bill granting an increase of pension to Lorenzo Streeter;
H. R. 14855. A bill granting an increase of pension to Henry C. Thayer;
H. R. 15342. A bill granting a pension to Angeline Buckley;
H. R. 15762. A bill granting an increase of pension to James L. Olmsted;
H. R. 15634. A bill granting a pension to Harriet A. Orr;
H. R. 15785. A bill granting an increase of pension to Charles E. Young;
H. R. 14662. A bill granting an increase of pension to Aaron Fanshaw;
H. R. 9771. A bill granting an increase of pension to Mary E. Weaver;
H. R. 15779. A bill granting an increase of pension to Lucinda M. Reeves;
H. R. 5461. A bill granting an increase of pension to Preston D. Roady;
H. R. 5436. A bill granting a pension to Hiram Baird;
H. R. 4728. A bill granting an increase of pension to William W. Smith;
H. R. 15473. A bill granting an increase of pension to James W. Capron;
H. R. 15791. A bill granting a pension to Mary Suppes;
H. R. 4211. A bill granting an increase of pension to Elijah Roberts;
H. R. 912. A bill granting an increase of pension to John F. Dorsey;
H. R. 15743. A bill granting an increase of pension to Desire Leglise;
H. R. 15744. A bill granting an increase of pension to Edward L. Russell; and
H. R. 11324. A bill granting an increase of pension to Charles Alfred De Arnaud.

SENATE BILLS WITHOUT AMENDMENT.

Senate bills of the following titles, favorably reported from the Committee of the Whole House without amendment, were

severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

S. 4690. An act granting an increase of pension to Andrew W. Switzer;

S. 4417. An act granting an increase of pension to Chadbourne H. Warren;

S. 3175. An act granting an increase of pension to Rachel H. Coleman;

S. 5263. An act granting a pension to Annie M. Eopolucci;

S. 5423. An act granting an increase of pension to Ellen J. Morton;

S. 5184. An act granting a pension to Ethel Talley;

S. 2414. An act granting an increase of pension to Elise Habercom;

S. 2578. An act granting an increase of pension to Sylvester Beezley;

S. 1994. An act granting an increase of pension to Isabella Chivington;

S. 1576. An act granting an increase of pension to Emily M. J. Cooley;

S. 183. An act granting an increase of pension to John W. Currier;

S. 216. An act granting an increase of pension to Nelson Wells;

S. 1421. An act granting an increase of pension to Charles L. Houghton;

S. 922. An act granting an increase of pension to William S. Devlin;

S. 3791. An act granting an increase of pension to Edwin J. Tenney;

S. 5416. An act granting an increase of pension to James A. Hopson;

S. 5492 An act granting an increase of pension to Mary T Holden;

S. 5556. An act granting an increase of pension to Sarah A. Hoback;

S. 5484. An act granting a pension to Burnetta B. Lehmann.

S. 2640. An act granting an increase of pension to John S. Stevens.

S. 2745. An act granting an increase of pension to Thomas Howard;

S. 3329. An act granting a pension to Mary E. Strong;

S. 2893. An act granting an increase of pension to Emanuel Morter;

S. 3502. An act granting an increase of pension to Joseph W. Willis;

S. 3414. An act granting an increase of pension to Henry Wheeler; and

S. 3033. An act granting an increase of pension to Charles B. Williams.

EDWARD C. SANDERS.

The bill (H. R. 14034) granting an increase of pension to Edward C. Sanders was ordered to be recommitted to the Committee on Invalid Pensions.

PHILIP YOHUM.

On motion of Mr. WADE, the bill (H. R. 13155) granting a pension to Philip Yohum was ordered to lie on the table.

CALL OF COMMITTEES.

Mr. HILL of Connecticut. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Connecticut demands the regular order. The regular order is the call of committees.

The Clerk will call the committees.

The Clerk proceeded to call the committees.

BRIDGE ACROSS MONONGAHELA RIVER.

Mr. WANGER (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I call up the bill (H. R. 6498) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, which I send to the desk and ask to have read.

The Clerk read the bill and amendments in full.

Mr. WANGER. Mr. Speaker, by further direction of the Committee on Interstate and Foreign Commerce, I move to amend the amendment by striking out the last word, to wit, "four," and inserting the word "five."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, line 14, strike out the word "four" and insert the word "five," so that it will read "1905."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is now on agreeing to the amendment as amended.

Mr. BARTLETT. Mr. Speaker, I would like to inquire what we are considering. I have not been able to understand it.

Mr. WANGER. Mr. Speaker, I will state to the gentleman from Georgia [Mr. BARTLETT] that we are considering a bill to amend an act authorizing the counties of Washington and Westmoreland to build a bridge across the Monongahela.

The SPEAKER. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE TOMBIGBEE RIVER.

Mr. ADAMSON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River, near the town of Fulton, in said county and State, which I send to the desk and ask to have read.

The Clerk read the bill and amendment in full.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

OBSCENE LITERATURE.

Mr. ADAMSON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 9493) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," be, and hereby is, amended so as to read:

"It shall be unlawful for any person to deposit with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia into any other State or Territory of the United States or the District of Columbia, or from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction of the United States, or who shall cause to be brought into any place in or subject to the jurisdiction of the United States from any foreign country any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any article or thing designed or intended for the prevention of, conception, or procuring of abortion, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore-mentioned articles, matters, or things may be obtained or made; and any person who shall knowingly deposit, or cause to be deposited, with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States, or for carriage from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through any foreign country, to any place in or subject to the jurisdiction of the United States, or who shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing herein forbidden to be deposited for carriage shall for each offense, upon conviction thereof, be fined not more than $5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

TO BRIDGE NEWARK BAY.

Mr. ADAMSON. Mr. Speaker, there is one other bill which is reported from the Committee on Interstate and Foreign Commerce, the bill (H. R. 6805) to amend an act entitled "An act to bridge the Newark Bay," approved February 18, 1895, in which

a number of others who are not now present are interested, and I desire to reserve the right for a few moments to ask that it be called up again and we now have the bill passed without prejudice.

The SPEAKER. The Chair will state that if the gentleman interested in the measure comes in within the time to which the committee is entitled he can claim the floor.

Mr. HEPBURN. Mr. Speaker, if, later in this order, the gentleman comes in I ask unanimous consent that the measure may at that time be taken up, if our committee should be passed in the meantime.

The SPEAKER. The Chair will state that it does not require unanimous consent.

STEAM REVENUE CUTTER FOR ALBEMARLE AND PAMLICO SOUNDS.

Mr. HEPBURN. Mr. Speaker, I see the gentleman from Alabama [Mr. RICHARDSON] is in his seat, and if he desires I shall yield to him for the purpose of calling up the bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina.

The SPEAKER. That bill is on the Union Calendar?

Mr. HEPBURN. That is correct.

Mr. RICHARDSON of Alabama. Mr. Speaker, I made inquiry a few minutes ago if I could call up this bill. What is the objection to my calling it up?

The SPEAKER. Under the rule, being on the Union Calendar, it can not be considered in the morning hour.

Mr. RICHARDSON of Alabama. Well, I ask unanimous consent that it be waived for the time being to let me call it up.

The SPEAKER. Well, I think unanimous consent is universally refused on the call. The Chair would be compelled to exercise his right as a Member if nobody else appeared to make objection.

Mr. RICHARDSON of Alabama. As I understand the request of the gentleman from Iowa is that I should call up that bill. Was not that request made?

The SPEAKER. The gentleman from Iowa was under a misapprehension, I understand.

Mr. HEPBURN. I was under the impression that it was on the Private Calendar. I have no desire that the rule should be violated.

The SPEAKER. The Chair will state as the Chair's recollection it has been the practice of the Speaker on his own motion as presiding officer not to allow this order of business to be interrupted to consider matters in the morning hour on the Union Calendar.

Mr. RICHARDSON of Alabama. Now, Mr. Speaker, just a parliamentary inquiry. I do not profess to be at all advised upon parliamentary matters, and I know the Speaker is well informed on that question, but now I would like for you to give me the reason why that bill appears upon one calendar and not upon the other.

The SPEAKER. The bill makes a charge upon the Treasury. Under the rule in the morning hour bills can not be considered that make a charge upon the Treasury or appropriate money. This bill to which the gentleman refers is on the Union Calendar and subject to consideration in the Committee of the Whole House.

Mr. RICHARDSON of Alabama. I asked simply for information.

WAGON BRIDGE ACROSS THIEF RIVER, MINNESOTA.

Mr. BURKE. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I desire to call up the bill (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to authorize the proper public municipal authorities to construct a free wagon bridge across Thief River, in the State of Minnesota, at such point and subject to such conditions and restrictions as he may designate and require.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 78. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Frutos Tomas Plaza, of Ecuador; and

S. R. 79. Joint resolution granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

MAINTENANCE OF CERTAIN DAMS IN AND BRIDGES OVER THE ST. JOSEPH RIVER, INDIANA AND MICHIGAN.

Mr. TOWNSEND. Mr. Speaker, I desire to call up the bill H. R. 11361.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11361) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River in the States of Indiana and Michigan.

Be it enacted, etc., That the consent of Congress is hereby granted for the maintenance of all bridges and dams now existing in accordance with the laws of the respective States in and over the St. Joseph River in the State of Indiana and in the State of Michigan, and that the said dams and bridges are hereby legalized to the same extent, force, and effect and as fully as if the consent of Congress had been granted prior to their construction.

The Clerk read the amendment, as follows:

SEC. 2. That the right to alter, amend, or repeal this act, or to require the removal of any or all of said bridges and dams without expense to the United States is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, what is the character of this bill?

Mr. TOWNSEND. That is a bill to allow them to maintain certain dams on the St. Joseph River in Michigan and Indiana, reported unanimously by the Committee on Interstate and Foreign Commerce at the last session.

Mr. WILLIAMS of Mississippi. What is the necessity of it? Is it a navigable river?

Mr. TOWNSEND. Yes, sir.

Mr. WILLIAMS of Mississippi. Do these dams interfere with navigation?

Mr. TOWNSEND. No, sir.

Mr. WILLIAMS of Mississippi. What is the necessity for the passage of the bill; what was there that brought about the demand for its passage?

Mr. TOWNSEND. I say they do interfere with navigation, and that is the object of the bill at the present time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, does this bill require unanimous consent?

The SPEAKER. Oh, no.

Mr. WILLIAMS of Mississippi. It is a bill from a committee?

The SPEAKER. It is a bill from the Committee on Interstate and Foreign Commerce, called up by the committee in the morning hour.

Mr. WILLIAMS of Mississippi. It is a bill of such a nature it seems to me the gentleman ought to explain it to the House. I think, as a rule, it is a very bad thing to pass a bill perpetuating interference with navigation over navigable streams. What was it that required it to be brought before the committee and for the committee to bring it here?

Mr. TOWNSEND. I must confess I am not just as familiar now with it as I ought to be. I have sent for the report and will get that. It was reported unanimously by the committee, and I think there is no possible objection to it, but I am not now familiar enough with it to answer the gentleman, but I have sent for the report.

If the report is there, I would be glad to have it read.

The report (by Mr. TOWNSEND) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 11361) known as the Hamilton-Brick bill, to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River, in the States of Indiana and Michigan, having considered the same, report it with amendment and as amended recommend its passage, the amendment referred to therein having been incorporated in the bill as reported.

Amend as follows:

Add the following section:

"SEC. 2. That the right to alter, amend, or repeal this act, or to require the removal of any or all of said bridges and dams without expense to the United States is hereby expressly reserved."

Mr. WILLIAMS of Mississippi. Now, the report, the gentlemen will note, sheds no light upon the character of the bill nor the exigency which calls the bill into being.

Mr. TOWNSEND. The gentleman from Michigan [Mr. HAMILTON] introduced that bill, and does not happen to be present. If I can have that passed, I will call up the next bill.

Mr. WILLIAMS of Mississippi. The gentleman asks unanimous consent to have the bill passed without prejudice. He can get that consent; I will not object.

Mr. TOWNSEND. I would ask unanimous consent that it be passed without prejudice until Mr. HAMILTON comes in.

The SPEAKER. The bill has already been read a third time. The gentleman now desires to have the bill passed?

Mr. TOWNSEND. I desire the bill to pass, of course——

The SPEAKER. The gentleman desires to have it passed without prejudice. Is that what he asks?

Mr. TOWNSEND. Yes, sir.

The SPEAKER. The question is on the passage of the bill.

Mr. SMITH of Kentucky. He does not want it passed, but wants it laid aside.

Mr. TOWNSEND. I want it passed, of course; but I ask that it now be passed without prejudice, and will call it up after a while.

Mr. WILLIAMS of Mississippi. He wants it laid aside.

Mr. PAYNE. I would like to ask the gentleman if this is an ordinary bridge bill over a navigable stream?

Mr. WILLIAMS of Mississippi. No, sir; it is to perpetuate dams that exist there to the interference of navigation.

Mr. MANN. If the gentleman will permit me, Mr. Speaker, this is a matter which has been before the Committee on Interstate and Foreign Commerce for several years. It is in reference to dams which are already in existence, far beyond the point of actual navigation on the river. These dams were built several years ago, away up beyond the navigable waters.

Mr. WILLIAMS of Mississippi. Is it a navigable river?

Mr. MANN. It is theoretically navigable toward the mouth, but these dams are away beyond the point where it is navigable. Now, there was a conflict for quite a while, I will say to the gentleman, as to who should have these dams on this river. The gentleman from Michigan [Mr. HAMILTON] and the gentleman from Indiana [Mr. BRICK] had hearings before the committee. The question has been thrashed out before the Committee on Interstate and Foreign Commerce, and they have all settled their difficulties and agreed upon this bill as it stands. It can not in any event possibly injure the navigation interests, because at the point where these dams are there is no navigation, and no possibility of navigation, because of the depth of the water in the river; and the War Department has gone over this matter very thoroughly and reports to this effect.

Mr. WILLIAMS of Mississippi. Now, if the gentleman will please——

Mr. BAKER. Who are the beneficiaries of these dams?

Mr. WILLIAMS of Mississippi. Let me finish first. If there was no difficulty on anybody's part, why did it seem necessary that these people should come here for this legislation? I would like to ask the gentleman that question first, and then I would like to ask him another question at the same time, and his answer will be an explanation of the bill. Does the bill confine the right to erect dams in the future to anybody, or does it leave that free; or does it just leave certain dams perpetuated, and then leave it so that if other people want to erect dams they can erect them? These two things I would like to have light shed on.

Mr. MANN. So far as the existing dams are concerned, there is no conflict. In another bill the right to construct dams farther down the river was presented and the question was raised before the Committee on Interstate and Foreign Commerce in the hearings as to what authority the people, who had already constructed dams, had to construct those dams. Undoubtedly suspicion was cast that these dams had been erected without authority and might be considered legal obstructions. I presume that that affected the values of their securities, as it would very naturally do. Now the only places where they can construct these dams are at certain towns. One of the dams now constructed, as I remember, is at Elkhart, Ind. It was desired to construct a dam a little farther down the river, still in a place where the river is not navigable, at a town in the district of the gentleman from Michigan [Mr. HAMILTON]. As I understand, this dam is above where the river is navigable.

Mr. WILLIAMS of Mississippi. Now, does the bill leave it free above this point where the river is navigable for anybody to erect dams who otherwise would have the right if it is not a navigable stream——

Mr. MANN. I understand not.

Mr. WILLIAMS of Mississippi. Or does it leave a monopoly of dams in the people who now have them, and in this dam which you mention as being erected?

Mr. MANN. As I remember the bill, it is for the purpose only of making the present dams legal.

I do not remember the exact language of the bill. The purpose of the bill really is to say that this river, which has been carried upon the map, on the engineers' plats, as navigable for many years—when, in fact, it is not navigable beyond a certain point, and the engineers had reported that it would never be made navigable—may legally be used for water power. I now yield to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Speaker, I can explain one thing about that. This river is not navigable except 12 miles from Lake Michigan, up to Berrien Springs.

Mr. HAMILTON. Twenty-five miles.

Mr. BRICK. Is it 25 miles?

Mr. HAMILTON. Yes.

Mr. BRICK. This bill simply legalizes the dams and bridges that are there now, leaving it open for the future, if anybody finds a place for a dam, to have that dam legalized in the ordinary way.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I will read this bill to the House:

That the consent of Congress is hereby granted for the maintenance of all bridges and dams now existing in accordance with the laws of the respective States in and over the St. Joseph River in the State of Indiana and in the State of Michigan, and that the said dams and bridges are hereby legalized to the same extent, force, and effect and as fully as if the consent of Congress had been granted prior to their construction.

Section 2 is nothing but the usual reservation of the right to alter, amend, or repeal. Now, e converso, this bill does deny to other people the right to erect dams along this river, because it gives consent to the dams now in existence, and the expression of one is the exclusion of others, by a familiar rule of construction.

Mr. HAMILTON. If the gentleman will permit me——

Mr. WILLIAMS of Mississippi. So that the very fact that Congress comes in and takes jurisdiction of the stream at this point, even though it be at this point unnavigable, and then after having taken jurisdiction of it in this way give permission to certain dams and bridges now in existence to remain there, not adding that up above a certain point, or in the nonnavigable reaches of the river, it shall be hereafter regarded as not a navigable stream, and that other bridges and other dams may be erected, it seems to me is the vicious point about the bill.

Mr. HAMILTON. Will the gentleman permit an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HAMILTON. Perhaps I can explain the situation.

Mr. WILLIAMS of Mississippi. One moment before you explain. Why did it not add, designating a certain point, that Congress consent to the building of bridges and the erection of dams upon the St. Joseph River above a certain point, where the point of navigability reaches?

Mr. HAMILTON. Let me explain the situation. I just came in and have not heard the debate; but the situation is this: I am not informed as to whether the bill under consideration is the bill I introduced or the bill introduced by the gentleman from Indiana [Mr. BRICK]. But the St. Joseph River rises in southern Michigan about midway of the State east and west, flows southwesterly into the State of Indiana, flows back northerly into the State of Michigan again, and through the county of Berrien into Lake Michigan.

By the river and harbor act of 1898—and this is the point to which I wish to call the gentleman's attention—it was provided, in effect, that where a river is navigable in more than one State the consent of Congress shall be required before dams or bridges may be constructed. However, before that river and harbor act was passed, and therefore before the insertion of this clause, there were certain dams and bridges in and over the river above the point of actual navigability, but along that part of the river where it is theoretically navigable. The river is in practice navigable from the town of Berrien Springs to the mouth of the river, a distance of about 25 miles. The next dam above that is at the town of Buchanan, 10 miles farther up, where there is a bridge and a dam.

About 10 miles up the river from Buchanan, at the city of Niles, there is a dam and there are four bridges. The next bridge is at the little town of Bertrand, 5 miles farther up the river, near the Indiana line. The next bridges and dams are in the district represented by Mr. BRICK, of Indiana, where there are several bridges and dams. So the gentleman will perceive that the river is not actually navigable above the little town of Berrien Springs, in Berrien County, Mich.

Mr. WILLIAMS of Mississippi. Has the gentleman any statement from the Secretary of War to that effect?

Mr. HAMILTON. It has been considered by the War Department a navigable river above the point of actual navigability, as they consider many streams navigable which are not navigable as matter of fact.

Mr. WILLIAMS of Mississippi. Has the gentleman any report of the engineer saying it is not navigable above a certain point?

Mr. MANN. The Committee on Interstate and Foreign Commerce, let me say to the gentleman, had a statement from the War Department that the river was not navigable in fact, although it was so on their maps.

Mr. WILLIAMS of Mississippi. Did they say that it was of such a character that it could not be made navigable?

Mr. MANN. It never will be made navigable above this place.

Mr. HAMILTON. Well, I do not know; it may be. I will say to the gentleman that all things are possible. But the War Department reserves the right to remove all dams and bridges at any time.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon; the right is not reserved in this bill for the War Department to remove them.

Mr. HAMILTON. It legalizes these dams and bridges.

Mr. WILLIAMS of Mississippi. Oh, yes; it reserves the right to Congress to repeal the act, but you know that notwithstanding that usual clause in the bill, Congress never interferes with vested rights once granted, and it never will. If this bill passes, Congress will never alter or amend the bill so as to deprive these people of a right once granted.

Mr. HAMILTON. They have the same right to remove the dams and bridges now.

Mr. WILLIAMS of Mississippi. We all know that if this bill was not passed the Secretary of War could order the bridges and dams removed to-morrow.

Mr. HAMILTON. The point is this, that the bridges and dams ought to be legalized, and my statement was made to the gentleman from Mississippi to show——

Mr. MANN. The fact that the Secretary of War could order these dams and bridges removed to-morrow without any act of Congress is the purpose of this bill.

Mr. WILLIAMS of Mississippi. That is just what I was trying to get at.

Mr. HAMILTON. The inquiry that the gentleman made was whether or not there was a monopoly of the river created and whether other dams might be constructed.

Mr. MANN. If the gentleman will allow me to add, I will say that the policy of the committee has never been to make a monopoly.

Mr. WILLIAMS of Mississippi. That objection first made by me, I will say, now does not lie. This does not affect any monopoly. It merely provides that they are legalized, and if anybody wants to erect a dam they can go through the same process.

Mr. MANN. If the gentleman will allow me, I will make one further statement.

This river was originally called navigable with the belief or the hope that some time there might be a canal constructed uniting it with the Wabash, at an immense expense, and the passage of this bill will probably eliminate that danger. [Laughter.]

Mr. WILLIAMS of Mississippi. It will do away with that scheme or project?

Mr. MANN. Yes.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. TOWNSEND, a motion to reconsider the last vote was laid on the table.

LIGHT VESSELS FOR THE PACIFIC COAST.

Mr. TOWNSEND. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 4563) for the delivery on the Pacific coast of two light vessels now being built in New York and New Jersey, which I will send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the light vessels now being built in New York and New Jersey be delivered to the inspector of the twelfth light-house district at San Francisco, and that the cost therefor be paid from the unexpended balances for building the relief light vessel for the twelfth and thirteenth light-house districts, the relief light vessel for the third light-house district, Five Fathom Bank light vessel, New Jersey, Cape Lookout Shoal light vessel, North Carolina, Heald Bank light vessel, off Cape Mendocino, California, Pacific Ocean, each of which appropriations was made in the sundry civil appropriation act approved on March 3, 1903.

Mr. PAYNE. Mr. Speaker, I would like to inquire if that bill is on the House Calendar?

Mr. TOWNSEND. It is.

The SPEAKER. And improperly so, the Chair thinks.

Mr. PAYNE. I make the point of order that it should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair sustains the point of order, and suggests that the point of order would carry the bill into the Union Calendar.

Mr. PAYNE. I suppose it will go to the proper Calendar.

The SPEAKER. It will be referred to the Union Calendar. The Clerk will continue the call of committees.

The Clerk proceeded with the call of committees.

RANK OF CERTAIN OFFICERS IN THE ARMY.

Mr. HAY (when the Committee on Military Affairs was called). Mr. Speaker, I am authorized by the Committee on Military Affairs to call up the bill (S. 2114) to fix the rank of certain officers in the Army, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That any second lieutenant of the United States Marine Corps who may have been appointed second lieutenant of artillery since the 2d day of February, 1901, and prior to the passage of this act, shall, in determining his lineal and relative rank, be entitled to the same credit for prior commissioned service as a lieutenant of volunteers appointed under the act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901.

Mr. HAY. Mr. Speaker, I ask that the Clerk read the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2114) to fix the rank of certain officers in the Army, report the same back to the House with the recommendation that it do pass.

The foregoing measure passed the Senate January 27, 1904, and the report made to the Senate by Senator WARREN fully sets up the conditions of the proposed legislation, and is hereto appended and made a part of this report.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

RETIREMENT OF PETTY OFFICERS AND ENLISTED MEN IN NAVY.

Mr. BRICK (when the Committee on Naval Affairs was called). Mr. Speaker, by direction of the Committee on Naval Affairs I call up the bill (H. R. 3586) to provide for the retirement of petty officers and enlisted men of the Navy, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in computing the necessary thirty year's time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited.

Mr. PAYNE. Mr. Speaker, it seems to me that that bill ought to be on the Union Calendar, and I make the point of order against it.

The SPEAKER. The Chair desires to ask if this bill does not change the law? That is the object of the bill, as the Chair understands it?

Mr. BRICK. Yes.

The SPEAKER. So that in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy, their service in the Army, the Navy, and the Marine Corps shall be credited as a part of the thirty years' service in the Navy. That is the object of the bill?

Mr. BRICK. Yes.

The SPEAKER. The Chair must sustain the point of order. It seems to the Chair that upon the face of it, it makes a charge of existing law, that this bill provides for an additional charge upon the Treasury not now made by law. The Chair must take notice that if these men go upon the retired list others will fill their places, and by the terms of the bill they are to go upon the retired list by virtue of their service in the Army or the Marine Corps, as well as their service in the Navy, the law now being that they must serve thirty years' time in the Navy, as the Chair understands, before they can go on the retired list. It seems to the Chair that upon the face of it, it makes a charge upon the Treasury and should receive consideration in the Committee of the Whole House on the state of the Union. The bill will be referred to the Union Calendar.

Mr. ROBERTS. Mr. Speaker, I am directed by the Committee on Naval Affairs to call up the bill H. R. 14969.

The SPEAKER. That bill seems to be on the Union Calendar.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the bill be considered as in Committee of the Whole House.

Mr. PAYNE. Mr. Speaker, I move the regular order.

The SPEAKER. The gentleman from New York objects and in addition to that the Chair will state the practice has been, as the Chair understands, that the Speaker protects the morning hour upon his own motion if the point was not otherwise made. Of course it is desirable that the point should be made, because perhaps the Speaker would be a poor hand to protect the morning hour if the burden was left entirely upon him.

The Clerk continued the call of committees.

GRAZING IN FOREST RESERVES.

Mr. LACEY (when the Committee on Public Lands was called). Mr. Speaker, I call up the bill H. R. 6480.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 6480) to control grazing in forest reserves.

Be it enacted, etc., That every person who knowingly pastures or causes to be pastured any live stock upon public lands of the United States situated within a forest reserve without first having obtained a permit so to do, under rules and regulations prescribed by the Secretary of the Interior, shall, upon conviction, be punished by a fine not to exceed $1,000, or by imprisonment for not longer than one year, or by both such fine and imprisonment.

Mr. LACEY. Mr. Speaker, perhaps this bill should have a few words of explanation. We have a statute now that authorizes the Secretary of the Interior to prescribe rules and regulations, and that those rules and regulations should have the force and effect of statute law and the violation of them would constitute a criminal offense. The courts have held that the offense must be created by the act itself and not by regulations, and this bill was prepared by the Department to cover this difficulty—applicable to control grazing in forest reserves. I reserve the balance of my time.

Mr. JONES of Washington. Mr. Speaker, I would ask the gentleman if that affects the settler who lives close to the border of one of these reserves and his stock should happen to run over. Does this apply to those?

Mr. LACEY. It provides if he "knowingly pastures, or causes to pasture;" it has to be knowingly done. That was considered by the committee, and this bill was so drawn that it might meet the very point the gentleman suggests. Mr. Speaker, I call for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF FOREST RESERVES FROM THE DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF AGRICULTURE.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 8460).

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

Be it enacted, etc., That the Secretary of the Department of Agriculture shall, from and after the passage of this act, supervise the execution of all laws and regulations affecting public lands heretofore or hereafter reserved under the provisions of section 24 of the act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

Mr. LACEY. Mr. Speaker, this bill has been before the House in different forms for many years. The request for this transfer was made by the present President in his first message after his accession to the Presidency. It has been considered in the committee and has been made the subject of another message in the present Congress and also in the reports of the Commissioner of the Land Office and the Secretary of the Interior. The proposition is simply this, that forest reserves, after having been completed, having been established, and boundaries determined, shall be placed in the control of the Secretary of Agriculture for administration. All of the machinery for the scientific control of the forests of the country is to-day in the Department of Agriculture. It has been so for several years; in fact, this machinery was created, a bureau established, and experts selected in that Department at a time when that Department controlled no forests whatever, and the work of these men has been largely scientific. It has been in the form of aiding the various States and individuals in the interest of forestry, but they have had no control over the forest reserves proper. In short, we have a complete force authorized by Congress in anticipation of the control of these reserves, and yet they have had nothing to do with the reserves themselves. This proposition came up in connection with another measure in a previous Congress, but now stands by itself. I do not know, in view of the publicity this subject has had in the previous Congresses, that it would be useful to spend more time in its discussion at this time. I now yield such time as he may desire to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I think it is not necessary to discuss this bill at any length. It provides simply for the transfer of the management and administration of the forest reserves of the country from the Department of the Interior to the Department of Agriculture. Such transfer is desired by the Commissioner of the General Land Office, the Secretary of the Interior, and the President of the United States, and has been recommended a number of times by all of those officials. The Department of Agriculture has now charge of all of the scientific administration of forest reserves, the Department of the Interior the administrative features of the reserves, and it is believed wise by all of those having to do with the administration of the reserves that this administration and control shall be united in one Department. There are thirty-two forest reserves in the country aggregating some 62,000,000 acres of land. It seems wise that the administration and control of these reserves shall be in one Department of the Government rather than being in two, causing a duplication of work.

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. MONDELL. Yes, sir.

Mr. MANN. This same bill has been before Congress a number of times, has it not?

Mr. MONDELL. I will say it has been but once before Congress, but not in the present form. It was in a different form, and in connection with entirely different matter.

Mr. MANN. This same proposition has been before Congress several times.

Mr. MONDELL. Only once.

Mr. MANN. Well, the gentleman is mistaken about the number of times it has been before Congress. It may have been here once when he was out. I have heard this question discussed, and it was always voted down by the House.

Mr. MONDELL. It was here on but one prior occasion to this. I insist that it was but once before the House.

Mr. MANN. What I wanted to ask the gentleman was whether the adverse interests have all agreed upon this bill now before the House?

Mr. MONDELL. I understand so. I will say to the gentleman I opposed the bill when it was up before.

Mr. MANN. I had forgotten as to the gentleman himself. I thought I was with him at the time.

Mr. MONDELL. I opposed it with some vigor when before the House before because it embodied an entirely separate matter and was not, in my opinion, in proper form; and at that time——

Mr. MANN. The gentleman's apology is freely accepted.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. MONDELL. I should be glad to.

Mr. TAWNEY. The effect of this bill, as I understand it, will be to transfer to the Agricultural Department the execution of all laws and regulations respecting public lands heretofore reserved under section 24 of the act you refer to, which is an act relating to forest reservations——

Mr. MONDELL. It transfers to the Agricultural Department the administration of the reservation as set forth in the bill.

Mr. TAWNEY. Now, as I understand it, it does not affect the laws with respect to the surveying and conveying and reconveying of any such lands. In the act for the administration of the forest reserves, or the law governing the forest reserves, permits for the cutting of timber on these reserves have heretofore been granted by the Department of the Interior?

Mr. MONDELL. Yes, sir.

Mr. TAWNEY. Under this provision would these permits be granted by the Agricultural Department or by the Department of the Interior?

Mr. MONDELL. They will be granted by the Department of Agriculture. All matters except purely land matters, matters pertaining to the title to public lands, are transferred to the Agricultural Department.

Mr. TAWNEY. The gentleman understands, of course, that the matter of granting permits to cut timber necessarily affects the land. It affects the value. For that reason I wanted to know if he thought there would be any question arising as to the jurisdiction of these two Departments in the matter of granting these permits, and which Department would have authority to grant the permit to cut the timber on the reservation.

Mr. MONDELL. I will say that that question was raised both with the law officers of the General Land Office and the Secretary, and they have both held that there could be no question that this would transfer to the Secretary of Agriculture the right to provide for the cutting of timber on the reservations.

Mr. TAWNEY. Now one more question, Mr. Speaker. A few years ago, by order of the President, the forests of southeastern Alaska, known as the Alexander Archipelago, were placed in the forest reserve under an old statute, a Territorial statute, which was made to apply to Alaska.

There is a provision prohibiting the exportation of any lumber manufactured in the district of Alaska outside of the boundaries of the district. That law, in my judgment, ought either to be repealed or be so amended as to permit the exportation especially of wood pulp. We have in Alaska large areas of the finest pulp-wood timber in the world, but under existing law neither the timber or the manufactured product can be ex-

ported from that district. Would it be germane to offer an amendment to this bill repealing this statute prohibiting the exportation of lumber, or modifying the statute so as to permit the exportation of wood pulp manufactured from timber in the district of Alaska?

Mr. MONDELL. I would hardly care to express an opinion as to whether it would be germane or not.

Mr. TAWNEY. Would there be any objection on the part of those who have presented this bill to the offering of such an amendment?

Mr. MONDELL. So far as I am concerned, there would be no objection. I believe it would be wise legislation. I will say to the gentleman, however, that there is a statute prohibiting the shipment of the products of forest reserves from one State to another, which, I think, is objectionable, and it seems to me that the gentleman's amendment with regard to Alaska might very properly be taken up in connection with the general amendment of the laws on that subject. I can see no objection at all to the amendment suggested by the gentleman.

Mr. LACEY. Mr. Speaker, I doubt whether the amendment suggested by the gentleman from Minnesota would be strictly germane to this bill, and yet, as the proposition is really connected with the bill after all, I would have no objection. I think that the law ought never to have been made so strict in Alaska as to prevent the exportation of wood pulp in that district.

Mr. TAWNEY. Mr. Speaker, if it is in order, I will offer the following amendment in the nature of a proviso:

Provided, That wood pulp manufactured from timber in the district of Alaska may be exported therefrom as any other product.

Mr. LACEY. Ought you not to say "wood or wood pulp?" It would be somewhat difficult to prepare the wood pulp there.

Mr. TAWNEY. Wood or wood pulp.

Mr. PAYNE. Why not say "wood pulp or pulp wood?"

Mr. TAWNEY. I would rather have it wood, if you are going to limit it.

Mr. LACEY. I think, Mr. Speaker, that would be a wise amendment of the Alaska law, and is indirectly involved in this bill, because there is a forest reserve in Alaska from which considerable pulp wood might properly be shipped. And in that damp county there is so much rain that this pulp wood very rapidly replaces itself, and there is no danger from forest fires along that coast.

Mr. PAYNE. I do not think it is germane, but I think there is no objection to the amendment. It seems to me that it would be better, however, to have it come in as a second section or proposition by itself, because it is not germane to the first section. I suggest to the gentleman that he strike out the word "provided" and add it as a separate section.

Mr. LACEY. Then strike out the word "provided."

Mr. TAWNEY. "That wood pulp or pulp wood"——

Mr. PAYNE. Strike out "that."

Mr. TAWNEY. "Pulp wood or wood pulp manufactured from pulp wood in the district of Alaska may be exported therefrom."

Mr. LACEY. You have got it "pulp wood."

Mr. TAWNEY. "Pulp wood" first, then "wood pulp manufactured from pulp wood."

Mr. LACEY. I ask for a vote on the amendment, Mr. Speaker.

The SPEAKER. Let the amendment be reported.

The Clerk read as follows:

Add a new section, to stand as section 2, to read:
"SEC. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom as any other product of that district."

Mr. TAWNEY. Strike out the word "that," so that it will read:

SEC. 2. Pulp wood or wood pulp.

And so forth.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LACEY. I yield to the gentleman from South Dakota [Mr. MARTIN] to offer an amendment to section 1.

Mr. MARTIN. I offer the following as an amendment to section 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of section 1 of the bill:
"*Provided, however*, That forest superintendents, supervisors, and rangers shall be selected, when possible, from qualified citizens of the State or Territory in which said reserves, respectively, are situated."

Mr. PAYNE. Mr. Speaker, reserving the point of order on that, I should like to have it explained. My point of order is that it is not germane to the bill.

The SPEAKER. To which amendment the gentleman from New York [Mr. PAYNE] raises the point of order that it is not germane.

Mr. PAYNE. I reserve the point of order, for the purpose of hearing an explanation.

Mr. MARTIN. I think, Mr. Speaker, that the amendment is germane. It certainly pertains to the subject of forest reserves and their transfer to the Department of Agriculture. In explanation of the amendment I will say that it simply provides that as far as possible the rangers and other officers in the actual service in reservations shall be selected from the States and Territories where the reserves are situated. I may say that one purpose in the transfer of these reserves and their management to the Department of Agriculture is that the work may be entirely consolidated, so far as the practical administration is concerned, under one Department. On the one side there is the scientific work, and on the other the practical work.

The purpose of this amendment is to encourage citizens of the particular States and Territories where reserves are situated to prepare themselves for all branches of work in order that they may be employed in its administration. It is left, of course, to the Secretary as to the selection of these officers, but where possible they are to be selected from the States and Territories.

Mr. PAYNE. Mr. Speaker, I suppose the limitation "where possible" would simply mean that where the Secretary could find a man to take the job in the State where the lands were situated, he would appoint him; I can not imagine any other condition where it would not be possible to make an appointment from the State. I believe these appointments ought to be left within the discretion of the Secretary, as is the law to-day, because it may often happen that it is better to go outside the State and outside of any influence of these men who may be after the timber that belongs to the Government upon these reserves. I insist upon my point of order.

Mr. MARTIN. Mr. Speaker, before the point of order is passed upon, I will modify my amendment by changing the word "possible" to "practical."

The SPEAKER. The Clerk will report the modification.

The Clerk read as follows:

Strike out the word "possible" and insert the word "practical."

The SPEAKER. To which amendment the gentleman from New York [Mr. PAYNE] makes the point of order that it is not germane. The bill provides for the transfer of the forest reserves from the Department of the Interior to the Department of Agriculture. The amendment seeks to deal with the civil service of the Government, amendatory of existing law touching the civil service. It seems to the Chair that it is not germane, and therefore the Chair sustains the point of order.

Mr. LACEY. Mr. Speaker, I call for a vote on the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF CURRENCY CONDITIONS.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4831.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 4831. A bill to improve currency conditions.

Mr. BARTLETT. Mr. Speaker, I make the point of order that this is a bill coming from the Committee on Banking and Currency, and is on the Union Calendar, and that the gentleman from Connecticut [Mr. HILL] is not a member of that committee, and can not call the bill up under section 5, Rule XXIV, of the House. That section reads as follows:

5. After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or when authorized by a committtee, to go into Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative, it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

The gentleman from Connecticut makes the motion to go into Committee of the Whole House to consider a particular bill. I desire to make the point of order that the Chair must be satisfied, when the gentleman is not a member of the committee, that the committee has authorized the bill to be called up in that way before the motion is put.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] moves that the House resolve itself into Committee of the Whole House for the consideration of this particular bill. The Chair will ask the gentleman whether he is authorized by the Committee to designate this particular bill?

Mr. HILL of Connecticut. Mr. Speaker, I do not know, but I will state the circumstances. I introduced the bill. There was a hearing of two days before the committee. The committee reported by a vote of 16 to 1 in favor of the bill, as I understand it. I was instructed by the chairman to prepare a report and put it on the Union Calendar. I did so. I have not seen the records of the committee. I went up to the committee room a moment ago to see if I could find what the character of the vote was. The door was locked. I asked two members of the committee if I was authorized to call it up, and both members told me they understood that I was. If the simple fact that I am not a member of the committee bars me from calling it up, the gentleman from North Dakota [Mr. SPALDING] is here and desires to make the motion himself. So I do not think the point of order should lie.

The SPEAKER. Any Member has a right to make a motion to go into Committee of the Whole, but to designate a particular bill, it seems to the Chair, the gentleman must first have the authorization of that committee.

Mr. HILL of Connecticut. Is it on the ground that I am not a member of the committee?

The SPEAKER. Oh, no.

Mr. HILL of Connecticut. A member of the committee would have no more right than I have?

The SPEAKER. It seems to the Chair it is quite within the power of the committee to designate any member of the House to call up the bill.

Mr. HILL of Connecticut. Mr. Speaker, I could not answer in regard to that.

The SPEAKER. Does the gentleman make the motion generally?

Mr. HILL of Connecticut. I will make the motion generally.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. For the purpose of making a parliamentary inquiry upon the motion to go into the Committee of the Whole generally.

The SPEAKER. The Chair will state that he understands the effect of the conversation just had between the Chair and the gentleman from Connecticut [Mr. HILL] to be that the gentleman from Connecticut withdraws the motion to go into the Committee of the Whole House on the state of the Union for the consideration of this particular bill, and makes a motion to go into the Committee of the Whole House on the state of the Union generally.

Mr. BARTLETT. I desire to make a parliamentary inquiry as to whether, if we go into the Committee of the Whole generally, the Union Calendar will then be taken up in the order in which we find the bills reported on the Calendar.

The SPEAKER. The Chair understands that this particular bill is upon the Calendar.

Mr. BARTLETT. Yes, it is on the Calendar; but my inquiry as to whether or not, if we go into the Committee of the Whole generally, it will permit any bill on the Union Calendar to be taken up in the order in which it stands on the Calendar; in other words, whether it opens up the consideration of any bill on the Calendar.

The SPEAKER. The Chair understands that it is quite within the power of the gentleman from Connecticut [Mr. HILL], if the House should resolve itself into the Committee of the Whole House on the state of the Union, to move to take up this particular bill.

Mr. BARTLETT. I understand that.

The SPEAKER. That will be for the committee to decide.

Mr. BARTLETT. My parliamentary inquiry went to this effect, as to whether, if the House resolved itself into the Committee of the Whole House on the state of the Union generally, to consider matters generally, without some specific motion being made, the bills on the Union Calendar would be in order, according to their order on the Calendar.

Mr. TAWNEY. And at the pleasure of the committee.

Mr. BARTLETT. And at the pleasure of the committee, I might add.

The SPEAKER. It is for the committee to regulate its own order of business. The question is on the motion of the gentleman from Connecticut that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. BARTLETT. This motion is not debatable, I understand?

The SPEAKER. No; it is not.

The question was taken; and the Chair announced himself in doubt. The committee then divided; and the Chair announced that there were—ayes 77, noes 55.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] There are 201 gentleman present—a quorum. The ayes have it, and the motion prevails.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DALZELL in the chair.

Mr. HILL of Connecticut. Mr. Chairman, I move that the committee take up for consideration the bill (H. R. 4831) to improve currency conditions.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, we have gone into Committee of the Whole House on the state of the Union without any instructions from the House to consider any particular bill. Is not the regular order to take up the Union Calendar and consider bills in accordance with their priority?

The CHAIRMAN. The Chair will state that it is not. It is within the power of the committee to designate what bill it shall consider.

Mr. WILLIAMS of Mississippi. Then I move as a substitute to the motion of the gentleman from Connecticut [Mr. HILL] that the committee proceed to consider the bills upon the Union Calendar in the order of their priority.

Mr. PAYNE. Mr. Chairman, I desire to make this point on the motion just made by the gentleman from Mississippi [Mr. WILLIAMS]. As I remember the rules, they are that the motion of the gentleman from Connecticut [Mr. HILL] is amendable by substituting a certain other bill, otherwise it must be voted down, so it would not be in order to make a motion to take up the bills on the Union Calendar.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask a ruling on the point raised by the gentleman from New York [Mr. PAYNE].

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] has in mind another rule, which applies to a motion made before the House resolves itself into the Committee of the Whole, which is section 5 of Rule XXIV. The Chair considers that the rule applicable now is section 4 of Rule XXIII. The gentleman from Connecticut moves that the committee take up for consideration the bill (H. R. 4831) to improve currency conditions, and the gentleman from Mississippi moves, as an amendment thereto, that the committee proceed to the consideration of bills in their order upon the Calendar.

The first question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Chairman.

The committee divided; and there were—ayes 50, noes 86; so the amendment was not agreed to.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from Connecticut.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Chairman.

The committee divided; and there were—ayes 90, noes 46; so the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4831) to improve currency conditions.

Be it enacted, etc., That section 5153 of the Revised Statutes be, and is hereby, amended by striking out from the first clause of said section the words "except receipts from customs;" so that said clause shall read as follows:

"All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them."

SEC. 2. That so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits the deposit of more than $3,000,000 of lawful money during any calendar month for the purpose of withdrawing circulating notes is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

SEC. 3. That the Secretary of the Treasury is hereby authorized, without regard to any heretofore prescribed limit of amount of subsidiary silver coinage, and as public necessities may demand from time to time, to recoin standard silver dollars into such authorized denominations of subsidiary silver coin as he may deem necessary to meet public requirements.

SEC. 4. That the Secretary of the Treasury is hereby authorized from time to time to withdraw from circulation any denominations of silver

certificates and United States notes, and in substitution therefor to reissue like amounts of said certificates and notes of such authorized denominations as in his judgment public convenience and necessity may require.

SEC. 5. That section 6 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be, and is hereby, amended by striking out the word "twenty" in the first clause of said section and inserting in lieu thereof the word "ten;" so that said first clause of said section shall read as follows:

"That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States, in sums of not less than $10, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose."

SEC. 6. That section 12 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be, and is hereby, amended by striking out from the second proviso in said section the following words: "except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5;" so that said proviso of said section shall read as follows: *"And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law."

SEC. 7. That every national banking association having United States bonds on deposit to secure its circulating notes shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of its notes in circulation, and such taxes shall be in lieu of all existing taxes on circulating notes of national banking associations.

Mr. HILL of Connecticut. Mr. Chairman, I hardly understand why so strenuous opposition is made by our friends on the other side to this bill. With the exception of section 3 it is purely an administrative measure—purely so. There is no asset currency in it, there is no retirement of greenbacks, nothing of the kind—it is purely an administrative measure; and I will add to that that every provision in it, every one without exception, has within the last two years received the commendation of the Treasury Department, and nearly all of them have received the approval of the American Bankers' Association, an association consisting of 3,500 State banks and trust companies, as well as national banks. It is purely administrative, and I send to the Clerk's desk a letter to be read from the Secretary of the Treasury bearing on the measure and giving to it his unqualified approval.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, December 9, 1904.

MY DEAR SIR: I am in receipt of H. R. 4831, a bill to improve currency conditions.

The bill has my unqualified approval, except section 2. There is a difference of opinion with reference to the effect of a removal of the $3,000,000 per month limit. In case of a money stringency and lowering of reserve in the larger cities the banks which do most of their business by checks might find it convenient to retire their circulation and sell their bonds to increase their reserve. I therefore favor permission to retire 3,000,000 per month and such further amount as the Secretary of the Treasury may from time to time prescribe.

Mr. HILL of Connecticut. Mr. Chairman, permit me to interrupt and say that when we reach that section I shall offer an amendment to cover exactly that condition.

The Clerk read as follows:

I am of the opinion that section 4 should be restored, using the words "current denominations" in lieu of "authorized denominations." Authorized denominations might be interpreted to mean only such denominations as are now authorized. Current denominations would permit of one, two, and five dollar United States notes in case public convenience required it. There is now a deplorable demand for more money of small denominations.

I do not favor the restoration of section 7 as originally prepared, but I do recommend in lieu thereof a section permitting national banking associations to use any future issue of Government bonds as a basis of circulation, to be taxed at one-fourth of 1 per cent, semiannually. Section 7 as prepared would advance the market value of existing threes and fours, which would be of no advantage to the Government, and if the Government should desire to retire or refund it would require the payment of a larger premium. The provision I suggest will in effect, if not in specific terms, include the Panama bonds, which will have to be issued at no distant date.

Yours, very truly,

L. M. SHAW.

HON. J. G. CANNON,
House of Representatives.

Mr. HILL of Connecticut. Now, Mr. Chairman, I propose to take up the bill by sections and explain it as well as I can to the Members of the House. First, let me call attention to the fact that the one member of the Banking and Currency Committee who made a minority report states——

Mr. WILLIAMS of Mississippi. Had we not better make some agreement about general debate?

Mr. HILL of Connecticut. I have no objection. I asked the gentleman who made the minority report if he desired to make any agreement with regard to general debate, and I did not understand that he did; but I have no objection to either making an agreement as to general debate or going on with the consideration of the bill, just as the gentleman desires.

Mr. WILLIAMS of Mississippi. I have no objection to going on with the consideration of the bill if it is understood there is to be ample time for general debate.

Mr. HILL of Connecticut. I am entirely willing to make an agreement. What does the gentleman suggest?

Mr. WILLIAMS of Mississippi. Well, we might go on for the present and afterwards come to an agreement.

Mr. HILL of Connecticut. I am perfectly willing. Now it is 3 o'clock. If the gentleman desires to come to an understanding as to general debate on the bill, we will go on with it now, and if it takes more than two hours then let it go over as unfinished business, if not concluded by the usual adjournment time. How much time does the gentleman desire?

Mr. WILLIAMS of Mississippi. Well, I do not know myself now. We can go ahead, and if the general debate is not concluded by adjournment time I will allow it to go over as unfinished business.

Mr. HILL of Connecticut. Very well. Mr. Chairman, the first section of the bill provides for what is known as a uniform treatment of public money. I will read from the minority report—the minority consisting of the gentleman from Georgia, as I understand it. The other five members of the committee are in favor of the bill, and all the Republican members, so that it comes to you——

Mr. BARTLETT. I do not think the gentleman is authorized to make that statement. There are some members of the minority not in favor of the bill.

Mr. HILL of Connecticut. I state it as I understand it. As I understand it, the bill comes before the House with the approval, or without dissent, of sixteen members of the committee and opposed, in part, by one. The first section of the bill provides for the uniform treatment of public money, and the minority report says in regard to it this:

With regard to the first section of the bill, there is at present no reason existing why the receipts from customs should not be treated in the matter of deposit just as all other moneys of the Government are treated and used.

At the time of the civil war, when the national banks were organized, it was provided that national banks might be made depositories for public money, except receipts from customs. The reason for that exception was this: The Government then was bound to pay gold for interest on its bonds, and the customs duties were payable in gold. So that it became essential that the Treasury should hold that identical money in gold for the purpose of paying interest on the bonds. That law has never been repealed, although since the gold standard was passed it became obsolete by reason of the fact that customs duties are to-day, as a matter of fact, payable in any kind of money. Now, how does that operate?

Suppose the customs officer at Jacksonville, Fla., received to-day $10,000 in money for customs duties. He must, under the law, ship that money to Washington—the identical money. If the collector of internal revenue, in the same city, on the same day, should receive $10,000 in payment of internal-revenue taxes he deposits that money in the designated depository there, and the Government makes its draft on it. So that the bills themselves and the coin are not taken out of circulation in the community where they are paid. Now, then, in addition to that by striking out the words "except receipts for customs," and treating all money alike, whether from customs or internal revenue, it will be quite a matter of saving in the expenditures. In the matter of transmitting customs receipts from Puget Sound and Seattle it cost the Government three and a half dollars a thousand to transmit that money to San Francisco. This will obviate all of that expense. The argument will be brought forward that it will permit the deposit of more money in the national banks, but that argument is of little effect, because Government deposits are now being withdrawn instead of increased. This section simply applies business management to the funds of the Treasury; precisely the same course of action that a corporation, firm, or individual would apply to his own money.

I do not think there is any further explanation necessary in regard to this, as I understand there is nobody on the committee, minority or otherwise, who objects to this provision.

The second section of the bill provides for taking off the $3,000,000 limit on the retirement of national-bank notes. This legislation was had twenty years after the national-bank organization was instituted. For twenty years we were without this limitation. Why was it ever put on? There were four reasons why it was done. The national banks of the country can not retire their circulation to an amount more than $3,000,000 in the aggregate in any one month. The removal of that limit will give what possible elasticity there is in the bank-note system

with the bond-secured currency. It will not amount to much, but it will secure some more elasticity than now exists.

Why was it enacted? At that time there was no provision for the assessment of national banks for the redemption of their bills, and if it should happen that the national banks wanted to get possession of their bonds they could retire their whole circulation, the retirement made at the expense of the Government, and when they got possession of their bonds the very next day or immediately afterwards they could take it all out again, and the Government had no way whatever to prevent such action.

Now, there was another thing they could do. You understand that a national bank, in order to retire its notes, must take an equal amount of legal tender and deposit it with the Treasury. The money that was deposited was locked up in the Treasury prior to the enactment of the law providing this limit, so that at one time there was $100,000,000 of legal tenders so locked up, and it was entirely in the power of the banks to create a stringency by simply depositing legal tender. Now that is all done away with, and was done away with in 1890, when provision was made for the transfer of that money to the general fund of the Treasury. So it goes into immediate circulation upon being received.

There was another reason why the banks desired to withdraw their circulation at that time, and that was this—that they were then allowed to issue only 90 per cent of the value of the bonds, so that it became possible, if they got short of funds, to deposit their legal tenders and get not only the margin of 10 per cent, but whatever premium there was on the bonds in addition, over and above the amount of the circulation.

All those things have been changed and provided for in years gone by, and there has not been a Comptroller, Republican or Democrat, from the time of John J. Knox down to now—and you will find it in the report of the Comptroller last year, supplementing every other Comptroller's report from John J. Knox's time down to now—who does not recommend unqualifiedly that this restriction on the retirement of national-bank notes be absolutely removed. The committtee reported in favor of this provision, taking it off entirely. In giving the matter full consideration I conferred with the Secretary of the Treasury in regard to it on Saturday, and the result is the letter which was read to you. The Secretary of the Treasury thinks that it is possible that there might be some conditions arise in the future, nothing that he anticipates or looks forward to, but that it might in abundant caution be necessary to make some provision for a condition of affairs that might possibly arise in the future; and it is at his suggestion that I shall offer an amendment that the limit remain as it is, $3,000,000 a month, but that in the discretion of the Secretary of the Treasury he may from time to time prescribe a larger limit, so that if an attempt should be made by a combination of banks in some way to control the bond market he could prevent it. I never could see how it could be done. Men do not conspire to their own detriment. To withdraw their bonds and put them on the market in bulk would cause a fall in the price, and banks are not fools any more than individuals are, and they would not make a combination to their own detriment; but the Secretary of the Treasury suggests this amendment, and I shall cheerfully offer it.

In deference entirely to the wishes of the Secretary of the Treasury I shall offer an amendment providing that the limit shall remain as it is, except that he, in his discretion, may be authorized from time to time to prescribe a larger sum, which would give him absolute control of the whole situation in case any "bogey man" or combination of bankers did come forward and try to disturb the financial system of the country.

Now, I am not going to take up the third section just at this moment, because that is the question which will be most disputed in this bill. Let me read to you what the American Bankers' Association says about this $3,000,000 limit:

> Regarding the question of circulation, the first and most important requirement is the immediate repeal of the present limitation of $3,000,000 per month upon the withdrawal of circulation, so that the expansion and contraction will be automatic and governed by the surrounding conditions. Under the present restrictions many bankers are unwilling to issue currency for temporary and legitimate needs, which they would issue if they felt certain that their currency could be retired when no longer needed.

Now, gentlemen, not only that, but I want to refer you to the reports for years past of the Secretary of the Treasury and of the Treasurer of the United States, and, as I said before, of every Comptroller. No possible harm can come to anybody, and very great relief will come to many, if this section is passed as recommended by the Secretary of the Treasury.

I want to take up now sections 4, 5, 6, and 7 before taking up section 3. And this is a serious question that I am coming to now. We heard the discussion in the last session of Congress concerning unclean and filthy money. Not only concerning that, but the inability of the Treasury Department to furnish to the crop-growing sections of the country small bills with which to move the crops. The sections the bill proposes to amend were enacted under the law of 1900, known as the "gold-standard act." The purpose was to give the field of small denominations to the silver certificate. In the first place, there is not by law a gold certificate of less than $20. In the second place, silver certificates can be cut up into one and two dollar bills and fives and tens. That law made it possible that 10 per cent of the entire volume might be in twenties and fifties and thousands, but the remainder must be in $10 or less in denomination.

By the same law the greenbacks, a volume of $346,000,000, was compelled to be changed currently into ten-dollar denominations and upward, and by the same law a national bank was forbidden to issue more than one-third of its circulation in five-dollar bills. Now, what have you got? You have the possibility of putting your silver certificates into ones, twos, fives, and tens; you have the possibility of putting one-third of your bank circulation into fives, and the remainder must be larger. You have the peremptory order of that act to put the greenbacks, as rapidly as they come into the Treasury, into tens and upward, and you have no power to issue a gold certificate less than $20, and the Treasury is absolutely unable, tied up by this restriction, to anywhere meet the demand of the country for one, two, and five dollar bills. The Secretary of the Treasury says in his letter that the conditions in this respect are deplorable. I have a letter from the Treasurer of the United States, in which he states, giving the exact figures, that there were $18,000,000 of small bills called for in the two months of November and December last year, more than it was possible for the Treasury Department to supply. Now, then, gentlemen, that stands right in the way of the convenient moving of your crops.

Mr. WILLIAMS of Mississippi. Will the gentleman pardon me for a question?

Mr. HILL of Connecticut. Certainly.

Mr. WILLIAMS of Mississippi. As I understand section 5, it merely enables national banks to issue their circulating notes in any form instead of, as now, only one-third of them in fives and the balance upward. National banks, after the passage of this act, could issue one and two dollar bills.

Mr. HILL of Connecticut. Oh, not at all; they can only issue them in the authorized denominations.

Mr. WILLIAMS of Mississippi. It says: "Provided further that the circulating notes furnished the national banking associations under the provisions of this act shall be of the denomination prescribed by law."

Mr. HILL of Connecticut. That is not prescribing the denominations for national banks less than $5.

Mr. WILLIAMS of Mississippi. This refers to currency as prescribed by law.

Mr. HILL of Connecticut. It refers to the currency prescribed by law for the national banks; this is legislation concerning the national banks.

Mr. WILLIAMS of Mississippi. The law as it now is provides that not more than one-third of the amount of circulating notes shall be in the denomination of $5, and if that limit is taken off, then it is the gentleman's opinion that it would increase the number of five-dollar notes, but would give them no power to issue ones and twos.

Mr. HILL of Connecticut. That is right. Now, Mr. Chairman, this is a good illustration how individual will can nullify an act of Congress. Congress proposed that national banks should only issue one-third of their circulation in five-dollar bills, assuming that they would avail themselves of their full right to issue five-dollar bills. How did it result?

National banks to-day have $62,970,000 in five-dollar bills, whereas their right to issue would be about $135,000,000. Why haven't they issued the other $80,000,000? They would issue them; they would prefer naturally to issue them. Why? Because they remain in circulation longer, and it is more to the advantage of the banks to have the bills stay out in circulation than to have them come in. But here came in a new feature. By that same law, when its provisions were enacted, we authorized banks with a capital of only $25,000. They can issue only $25,000 of notes, and under this provision only one-third could be in five-dollar bills—or $8,000. They have to pay $50 for a five-dollar plate and $50 for a ten-dollar plate, and there are only three kinds of plates. The banks with a capital of only $25,000, which could only issue five-dollar bills up to $8,000, say it is not worth it, and they won't pay for two plates and won't buy them, and consequently they issue all their notes in tens and twenties, and the country is thus deprived of these five-dollar bills which it was supposed would be issued.

Now, there is the situation. What does this bill propose? In section 4 of the bill, as appearing on page 2, I shall offer as

an amendment the word "current" to take the place of the word "authorized" in line 23, and ask that the section be restored, and this at the request or suggestion of both the Secretary of the Treasury and the Treasurer of the United States as well. It is proposed in the first place to strike out that limitation and let the national banks buy one plate, if they want to, and issue all their notes in five-dollar bills. What benefit will be derived? Why, $291,000,000 of five-dollar silver certificates which are now held in fives and must be, because the shortage is just as embarrassing in the fives as it is in the ones and twos, can be cut up into ones and twos, and the great demand from the West and South for small bills can then be met through the cutting up of the silver certificates.

Not only that, but the bill provides also for permitting the Treasury Department in its discretion to cut up the greenbacks into ones and twos, if necessary to meet the demand, the law now being peremptory that they must be changed into ten-dollar notes, and the Treasury Department say, "If you will give us this authority, we can give you clean money, we can give you ones and twos, all you want, but if you hold us down to these restrictions, we are absolutely unable to meet this demand." Now then, what else? You have provided for your ones and twos. The bank legislation will provide for your fives, and then come in your tens. How are you going to meet the demand for tens, if you cut up your tens into ones and twos? Authorize the issue of ten-dollar gold certificates, and you have the whole problem settled. It is purely administrative, and there is not a man in the House of Representatives, in my judgment, if he will go and talk with the Treasury officials and understand the situation there as it exists, and their utter inability to meet the requirements of the country, but who will say amen to this whole proposition from start to finish, so far as these four sections are concerned.

Mr. MANN. Mr. Chairman, as I understand the gentleman, there are not enough ones and twos and too many twenties.

Mr. HILL of Connecticut. Oh, yes; too many twenties.

Mr. MANN. Mr. Chairman, I want to say to the gentleman that that is not the personal experience of the Members of the House. [Laughter.]

Mr. HILL of Connecticut. I accept the gentleman's statement, but current report makes it a little doubtful whether it is correct or not. I understand that he deals more in twenties than in ones and twos. However, we will pass that.

Now, does any gentleman wish to ask any question in regard to these three sections before we leave that? I have the letter here from Treasurer Roberts, which I will place in the RECORD, saying that in two months last year they were unable to meet the demand within $18,000,000, and I think the conditions are much worse now in that respect; and the Secretary of the Treasury says the situation is absolutely deplorable.

TREASURY DEPARTMENT,
OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., January 4, 1904.

DEAR SIR: In response to your oral inquiry, you are informed that in redemption of national-bank notes from November 17 to November 30, 1903, currency of the denominations of $1, $2, and $5 was asked for, to the amount of $3,686,205, and only $2,578,205 could be sent, and thus the demand was not met by $1,108,000, or 30.06 per cent. For the month of December the demand for such currency was $12,387,889, of which only $7,474,879 could be furnished, a deficiency of $4,913,010, or 39.66 per cent.

The silver certificates used in November and December, 1903, were:

	November.	December.
Sent to subtreasuries	$10,064,000	$12,220,000
To banks for United States notes, gold certificates, and silver certificates	3,555,573	4,896,976
Used by paying teller	1,254,700	1,872,404
Total	14,874,273	18,989,380
Aggregate	33,863,653	

The requests for such currency were made in general terms, so that a statement of the amount in figures can not well be made. A careful estimate of the demand beyond the actual shipments places that excess at thirty-three and a third per cent at least.

The amounts of certificates of $5 and less asked for which could not be sent by reason of the limit of redemptions during November and December, 1903, were not less than $18,000,000.

Respectfully,

ELLIS H. ROBERTS,
Treasurer of the United States.

Hon. E. J. HILL,
House of Representatives, Washington, D. C.

Now, I desire to call attention to the last section which the committee, as I understand it, struck out. I shall move to restore the last section, with an amendment; and I desire particularly to call the attention of the members of the committee to the fact that I shall take this course. I do it at the suggestion of the Treasury Department.

Mr. McMORRAN. Mr. Chairman, I would like to ask a question of the gentleman as to his motion to restore this section which has been stricken out by the committee. I would ask the gentleman if he is authorized by the chairman of the committee to whom this bill was referred to make that amendment?

Mr. HILL of Connecticut. Oh, no; not at all. I offer it as a Member of the House, just as any other Member would have a right to move an amendment. It is subject to being voted down.

Mr. McMORRAN. Does the gentleman not think that as a matter of courtesy, if the chairman of that committee was not conversant or had no knowledge of the matter coming up to-day, he should have it before it is presented here?

Mr. HILL of Connecticut. I do not think the objection is serious. As soon as I understood from the Speaker that this matter would come up for action every member of the committee was notified in writing and also quite a number of Members of the House who had expressed a desire at the last session of Congress to speak on the bill. The amendment which I offer will be open for full consideration and discussion as we reach the section under the five-minute rule, and will have precisely the same standing that any amendment offered by any other gentleman on the floor of the House will have, and no different.

Mr. McMORRAN. Does the gentleman think it is fair to the committee that have this bill in charge that he should take advantage of the situation to-day, when there is not one member present to bring that matter up?

Mr. HILL of Connecticut. Oh, there are a half dozen members of the committee sitting right around me now.

Mr. McMORRAN. Point them out.

Mr. HILL of Connecticut. Mr. SPALDING for one, who offered to make this motion to go into the Committee of the Whole. There is Mr. CALDERHEAD, the gentleman from Kansas; also the gentleman from Illinois [Mr. PRINCE], and the gentleman from Masachusetts [Mr. THAYER], on the minority side, as well as the gentleman from Georgia [Mr. BARTLETT]. And if I am not mistaken, the gentleman himself is a member of the committee.

Mr. McMORRAN. Just one moment. That bill was referred to a subcommittee, to consist of Mr. FOWLER and Mr. DOUGLAS. I will ask the gentleman if Mr. FOWLER is here?

Mr. HILL of Connecticut. I do not know. A written notice was sent to Mr. FOWLER on Saturday.

Mr. McMORRAN. Is Mr. POWERS here?

Mr. MANN. Yes.

Mr. HILL of Connecticut. Mr. POWERS, I think, knows it was to come up, for I told him personally.

Mr. McMORRAN. I received no notice of it.

Mr. HILL of Connecticut. Did not the gentleman receive a written notice? He is a member of the committee.

Mr. McMORRAN. Of course.

Mr. HILL of Connecticut. A written notice was sent to the gentleman on Saturday that it would probably come up this week as soon as possible.

Mr. BARTLETT. May I say to the gentleman no suggestion was made in this written notice that this bill was coming up to-day. It said this week.

Mr. McMORRAN. I think it is unfair to the House and the committee that the matter should be discussed to-day.

Mr. HILL of Connecticut. Now, Mr. Chairman, I want to take up section 7, the last section of the bill. The section stricken out provided for a uniform tax on circulation based on any class of bonds. The law as it stands to-day provides that on 3 and 4 per cent bonds, or on circulation secured by 3 and 4 per cent bonds, there is a tax of one-half of 1 per cent semiannually, or 1 per cent a year.. On 2 per cent bonds, or circulation secured by 2 per cent bonds, the tax is one-fourth of 1 per cent semiannually, or one-half of 1 per cent a year. The purpose of the bill as originally drawn was to make the tax uniform on circulation, no matter by what kind of bond it was secured.

Mr. MANN. What is the present tax?

Mr. HILL of Connecticut. The present tax is 1 per cent on circulation secured by 3 and 4 per cent bonds and one-half of 1 per cent on circulation secured by 2 per cent bonds. The proposition or the suggestion was made by the American Bankers' Association at their session in California to make it uniform, enlarging the field or the scope, so that the whole entire issue of bonds could be used for that purpose. Let me give you briefly what the situation is in regard to that. There are now of the 2 per cent $542,000,000, of which $494,000,000, or all but $47,000,000, are held either for circulation or deposit. There are very few 3 percents and 4 percents that are held for circulation, and a very large portion of the three hundred and sixty millions of bonds, outside of those now held, would become available as a basis for bank-note issues if this bill

is passed as originally drawn. We have about seven hundred and eighty-four millions of national-bank capital and we have only four hundred and sixty-four millions of circulation. There are bonds enough if the taxation was uniform to permit very much more national-bank circulation if it became necessary. Then, another thing, we are about to issue and, in fact, a bill was passed authorizing the issue of 2 per cent bonds for the construction of the Panama Canal.

Mr. CALDERHEAD. There would be bonds enough if the tax was uniform.

Mr. HILL of Connecticut. Yes, and we are about to issue another 2 per cent bond. Authorization has been given for them, the proceeds of which are to be used to pay for the construction of the Panama Canal. The Treasury Department can not sell those bonds at par with the 1 per cent tax against circulation secured by them, so it becomes absolutely necessary, if that legislation is to be effective and if we are to raise the money for the construction of the Panama Canal by the issue of 2 per cent bonds, that the bill be amended and the tax reduced to the same basis as the other 2 per cents. There is another issue of 3 per cent bonds, or another authorization of 3 per cent bonds, which never have been issued, and if they are to be issued, gentlemen, it will be necessary to do it promptly and quickly if the time should ever arrive when it became necessary to issue those emergency or parity bonds, authorized at 3 per cent, and yet with a tax of 1 per cent against them, it will be imposible to sell them at a fair price, and the Government would be a great loser. Now, the proposition was to make that uniform. I discussed the question with the Secretary of the Treasury and he said frankly that he did not think it would be wise to do it. I then stated I proposed to offer an amendment providing for a uniform tax on all bonds, except the threes and fours; in other words, taking in the Panama bonds, and the Secretary of the Treasury heartily approved it. This amendment takes in the Panama bonds, and it obviates further legislation in this respect.

Mr. MANN. But they will never be issued.

Mr. HILL of Connecticut. Then it will not make any difference with this section.

Mr. MANN. Then why should the section apply to other bonds which are issued?

Mr. HILL of Connecticut. Now, gentlemen, that takes all of the bill except section 3, and I want to come right straight down now to section 3.

Mr. PALMER. Before the gentleman passes from that I would like to ask him what is the reason of this difference in taxation on the different varieties of bonds?

Mr. HILL of Connecticut. The tax for a great many years, practically ever since the civil war, has been one-half of 1 per cent semiannually until the refunding bonds were authorized. These bonds bear a 2 per cent interest rate, and under the law could not be offered by the Treasury at less than par. In order to make them a desirable investment at this low rate, it was provided that when held by banks as security for circulating notes the tax against such notes should be only one-quarter of 1 per cent semiannually, and they are now very largely used for that purpose, and it is proposed to put the Panama bonds on precisely the same basis.

Mr. MANN. I would like to ask the gentleman why you say that 2 per cent bonds will sell for par at one-half of 1 per cent taxation and the 3 per cent bonds will not sell at par at 1 per cent tax. It would look to me that the 3 per cent bond would have the advantage in the calculation.

Mr. HILL of Connecticut. There are a great many factors that go into the matter One of them is the length of the bond. The emergency bond is a very short one and the other is a long one. That has some bearing upon the situation.

Mr. MANN. The length might affect it, but I do not see how, mathematically, it could make that difference.

Mr. HILL of Connecticut. Before leaving this portion of the bill let me add that, looking through the minority report, which I have here, I find this language with reference to the provisions of section 2:

> I would be willing to vote for a proposition which increased the limit from $3,000,000 to $6,000,000 per month, but I deem it unwise and not in the interest of anybody except the National Bankers' Association to repeal the limit altogether.

That provision is practically complied with in the amendment which I shall offer, leaving the limit three millions and giving the Secretary of the Treasury power from time to time to prescribe a higher limit.

Mr. CAMPBELL. Will the gentleman permit me to ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. CAMPBELL. It requires an act of Congress now, as I understand it, to retire or withdraw from circulation the greenbacks or Government notes?

Mr. HILL of Connecticut. There is a provision in reference to that subject——

Mr. CAMPBELL. So I understand.

Mr. HILL of Connecticut. Oh, yes.

Mr. CAMPBELL. And that is a wise provision.

Mr. HILL of Connecticut. Yes.

Mr. CAMPBELL. Then why does the gentleman propose giving permission to the national banks and the Secretary of the Treasury when they agree, by the amendment proposed, to withdraw national bank circulation. If it is wise that Congress shall control the retirement of greenbacks, why should it not control the retirement of national-bank notes?

Mr. HILL of Connecticut. This provision specifically prescribes that they shall not withdraw more than a certain quantity within a certain time. It fixes the limit at $3,000,000 a month. Now, then, the gentleman would say that they shall not be allowed to withdraw them at all?

Mr. CAMPBELL. Why not leave the provision as it is?

Mr. HILL of Connecticut. For this simple reason: That there come times and times and times again when it becomes impossible for banks to loan their money, and they desire to withdraw their circulation and sell their bonds. They desire to withdraw the nonlegal-tender bank notes, perhaps, as the Secretary of the Treasury says, to secure legal tender to make their reserves good, the national-bank notes not being reserve money. It also happens in very many cases, and for a great many reasons, that a bank which has notes outstanding wishes to pay them and take them in.

Mr. CAMPBELL. My objection is that it leaves the whole matter discretionary with the Secretary of the Treasury and the bankers.

Mr. HILL of Connecticut. It leaves it discretionary with them, and I fail to see how the discretion could rest with anybody else or how anybody else could practically have any interest in the matter.

Mr. CAMPBELL. Why not leave it as we have it now—the law and with Congress?

Mr. HILL of Connecticut. The gentleman, I do not think, has given careful consideration in asking that question.

Mr. CAMPBELL. Probably not, but I may be pardoned for endeavoring to get the benefit of some of the information which the gentleman from Connecticut has on the subject.

Mr. HILL of Connecticut. I venture to say that there would not be a national-bank note issued if the moment the bank issued a note it could not ever withdraw it. There never would be a bank note issued.

Mr. MANN. Yes; if they were never to be retired.

Mr. CAMPBELL. My proposition would be to leave it for the Congress to provide when it should be withdrawn, rather than to the banks and the Secretary of the Treasury.

Mr. HILL of Connecticut. I want to call the attention of the gentleman to the fact that prior to the making of this limit the average bank-note issue for fifteen years was $321,000,000. For the fifteen years after the limit was made the average was $327,000,000. Now, that limit of $3,000,000 was fixed and existed when there were only $120,000,000 of bank notes. There are now $460,000,000, and the same limit of $3,000,000; and as bank notes increase you are simply tying the circulation up harder and faster.

Mr. CAMPBELL. Let me ask——

Mr. HILL of Connecticut. Whereas any business man would say either take off the limit entirely or else make it a percentage of the outstanding volume, one or the other.

Mr. CAMPBELL. Let me ask another question. The gentleman is familiar, no doubt, with the causes that led Congress to prescribe this $3,000,000 limit.

Mr. HILL of Connecticut. I have stated them.

Mr. CAMPBELL. What were the causes?

Mr. HILL of Connecticut. I stated four reasons. In the first place, there was no assessment for the redemption of bank notes, and the banks, in order to get possession of their bonds on a high market, would retire their circulation—the whole of it—in one day. It did not cost them anything to do it. It does now. Then the next day after they got possession of their bonds, and the bond market went down, they would take them out again. That is stopped.

Mr. CAMPBELL. Now, right here. Are those two reasons which you have given, the second and third, now eliminated by law?

Mr. HILL of Connecticut. Absolutely. Now, the second reason for putting this on was that the moment the banks deposited this money in the Treasury to withdraw their bank notes, by law, that fund was locked up in the Treasury and carried as a separate fund, so that it became possible for the banks to cause a stringency by depositing legal tender in the Treasury. That was changed in 1890, and that money now goes right into

the general fund of the Treasury, so that it is available for circulation the next day. That former condition is all stopped.

Then, another reason, probably, was a scare that came upon Congress. You remember at one time—the gentlemen will doubtless remember—I do not remember the exact year, but I think it was in 1882, the 4 per cent bonds were extended at 3½ per cent. The banks held for circulation three hundred million dollars and odd of 4 per cent bonds. Congress said, "The power to call in these extended bonds rests with us, and we will compel the banks to withdraw these and take 3 per cent bonds in place of them. They have got to do it." And they passed a law making it a criminal offense for a bank to hold a 3½ per cent bond on which interest had ceased. The banks said, "We can not afford to take 3 per cent as security for circulation," and they declined to do it. The bill went to the President and was vetoed as an unjust and improper bill, and there were about $18,000,000, I think, of circulation withdrawn, and the Congress, in the attempt to force that through, put on this restriction. It has not availed since that time.

Mr. CAMPBELL. As I understand it, then, it is the contention of the gentleman from Connecticut that the real inducement for the retirement or withdrawal of national-bank notes that existed at the time that this law was passed has been removed by law.

Mr. HILL of Connecticut. Has all passed away. The inducements were infinitely greater then. The fluctuations in the bonds themselves were infinitely greater and made the proposition far more attractive.

This is simply in the interest of good banking management, simply in the interest of elasticity so far as it is possible to get any elasticity out of a bond-secured currency.

Mr. PAYNE. Mr. Chairman, I would like to make a practical suggestion to the gentleman in regard to the progress of this bill.

Mr. HILL of Connecticut. Yes, I will be very glad to have the gentleman make such a suggestion.

Mr. PAYNE. When the debate commenced, the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Connecticut [Mr. HILL] had some sort of agreement or talk that debate should proceed indefinitely, and both of them agreed that the bill should come up as unfinished business. Of course, that bound nobody except the gentleman from Mississippi and the gentleman from Connecticut.

Mr. HILL of Connecticut. Yes.

Mr. PAYNE. I do not doubt but what the House would be willing to ratify that agreement. Otherwise it can not be done. If that is not done, of course the House will have to stay here until 5 o'clock, and then perhaps a recess be taken, or something of that kind. Now, my suggestion was—it can not be done in Committee of the Whole, but it might be done in the House—that the gentleman now move that the committee rise, so that we may see if we can not come to some understanding that after to-day the bill come up again as unfinished business, after the impeachment proceedings are over, which I understand are the special order for to-morrow.

Mr. HILL of Connecticut. That is all right, Mr. Chairman. I will ask, Is there any objection on the part of anybody to that course being pursued?

Mr. WILLIAMS of Mississippi. Oh, there will be no objection to that, but we shall have to go back into the House in order to make the agreement.

Mr. HILL of Connecticut. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. DALZELL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4831 and had come to no resolution thereon.

Mr. HILL of Connecticut. Mr. Speaker, in accordance with an understanding reached in the committee, I ask unanimous consent that when the House adjourn this afternoon this bill may be made a continuing and special order, subject to appropriation bills.

Mr. WILLIAMS of Mississippi. And that general debate go on subject to future agreement.

Mr. PAYNE. Subject to a vote of the House.

Mr. WILLIAMS of Mississippi. I should like to have the gentleman from Connecticut add to his request unanimous consent that the time for general debate be divided, and one half in advocacy of the bill be controlled by the gentleman from Connecticut [Mr. HILL] and the other half, in opposition to the bill, to be controlled by the gentleman from Georgia [Mr. BARTLETT].

Mr. HILL of Connecticut. I agree to that.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that this bill may be made a continuing order, not to antagonize appropriation bills, special orders, and privileged business under the rule; that the motion to go into Committee of the Whole House on the state of the Union to consider this bill may be made a continuing order, not to interfere with appropriation bills, revenue bills, and matters of high privilege and special orders; that the time be controlled on the one hand by the gentleman from Connecticut, Mr. HILL, and on the other hand by the gentleman from Georgia, Mr. BARTLETT; otherwise the consideration be subject to the rules of the House. Is there objection?

Mr. BONYNGE. Mr. Speaker, I want to ask the gentleman in charge of the bill to add to the request an order for the reprint of the report. We can not get copies of the report.

Mr. PAYNE. That can be done afterwards.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. HILL of Connecticut. Now, Mr. Speaker, I ask that there be a reprint of the bill and the reports.

The SPEAKER. The gentleman asks unanimous consent for a reprint of the bill and reports. Is there objection? [After a pause.] The Chair hears none.

COMMITTEE APPOINTMENTS.

The Chair wishes to say that when the regular order was called this morning he overlooked the fact that this was District of Columbia day. The gentleman from Pennsylvania [Mr. MORRELL] had a matter to call up, but not being present at this moment, the Chair will recognize the gentleman from Connecticut [Mr. HILL]. But before doing so, the Chair desires to announce the appointment of members of the following committees:

Ways and Means.—Mr. NEEDHAM.

Coinage, Weights, and Measures.—Mr. WOOD and Mr. KNOWLAND.

Insular Affairs.—Mr. WEBBER.

Mines and Mining.—Mr. HEFLIN.

Militia.—Mr. THOMAS of Ohio.

Manufactures.—Mr. CROFT.

Expenditures in Navy Department.—Mr. CROFT.

Education.—Mr. THOMAS of Ohio.

IMPROVEMENT OF CURRENCY CONDITIONS.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4831.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DALZELL in the Chair.

Mr. HILL of Connecticut. Mr. Chairman, coming back now to section 3, I ask for the careful and considerate attention of the House for a few minutes. We have struck a pretty serious proposition. I think I shall make some statements and state some facts which are new to Members on both sides of the House in regard to this proposition. The minority report says that this feature of this bill, which is the recoinage of the standard silver dollar to make subsidiary coin, has never been submitted to the House. Let me read the exact language:

> This question has been frequently presented to the House in reports made by its committees, and many times debated on the floor, but the Republican majority have at no time ever permitted the various bills introduced for this purpose to be voted on, and doubtless the same course will be pursued as to this bill.

This identical provision was passed by the House of Representatives two years ago by a majority of 30, and every Republican Member present at that time but one, I think, voted for it. Without exception this identical provision in this third section of this bill was passed by this House. What does it propose to do? When the silver question was raised in 1896 it was a theoretical proposition. We had then one hundred and eighty-odd million dollars, I think, at any rate more than $100,000,000, of silver bullion on hand. I do not think that anybody dreamed, no matter who had won in that campaign, that the Treasury Department would proceed to buy more silver or that the free coinage of silver would go into effect, if that sentiment had prevailed, until the bullion in the Treasury had been disposed of. We are now practically face to face with the question as to what shall be the silver policy of the United States hereafter. Why? Because the bullion is exhausted, practically wholly exhausted, so far as the standard silver dollar is concerned.

Now, what have we done in regard to it since 1896? The law of March 14, 1900, known as the "gold-standard act," provided for increasing the quantity of subsidiary coin. Under the old law—I don't remember the exact date, but somewhere after 1873—a limit was put on the amount of subsidiary coin that could

be outstanding. It was $50,000,000. It covered what silver coin there was in the country and another sum large enough to provide for the redemption of the fractional paper currency. Much of the silver of old times had left the country, and when it became as good as gold it drifted gradually back until we found ourselves with seventy-odd millions of subsidiary coin, or twenty or twenty-five millions more than the law authorized, and yet there was not enough; and the law of 1900 provided that the limit might be raised to $100,000,000, the silver to make that coin coming from the bullion in the Treasury.

It was subsequent to that, and recognizing the fact that the requirements of the country demanded even more—for the Treasury Department was not able to fill the demand—that the House passed a bill providing for stopping the coinage of the silver dollar and using the entire remainder of the bullion in the Treasury to make subsidiary coins. We passed the bill and sent it over to the Senate. It is sleeping the sleep of the just over there now. That bill was reported favorably with an amendment, and then no action was taken. When the sundry civil bill of the following year, however, passed, there was an amendment put on which provided for taking the limit off subsidiary coin to the full extent that it could be procured from the bullion in the Treasury. That amendment passed the Senate, passed this House, and everybody supposed the question was settled so far as the bullion in the Treasury was concerned, until last year another amendment was attached to the sundry civil bill taking the limit off entirely. What was the result? The result was—and I want you to note what I am going to say—that it revived and put into operation the law of 1873, by which the Secretary of the Treasury of the United States can buy all the silver in the world if he chooses to do so, and that is the situation to-day; that is, provided that is good law.

The law of 1853 provided for the creation of what was known as the "bullion fund." That law was reenacted in the law of 1873, known as the "Crime of '73"—the coinage act—and that has been lying dormant and unused in recent years because the compulsory-purchase clause of the Sherman Act provided the silver. Now, the compulsory-purchase clause of the Sherman Act was repealed by Grover Cleveland and the Congress of 1893, and the silver that remained has since been exhausted, and taking the limit off subsidiary coin, unless the silver for the coinage is restricted to the money in the Treasury, gives an unlimited purchase power to the Secretary of the Treasury. I say that if it is true—if it is true, and I hold in my pocket the decision of the Attorney-General that it is true, and yet I question it, and I am free to say that it is questioned by a great many people who have given the subject full and fair consideration this summer—if it is true——

Mr. MANN. What law clerk wrote the opinion

Mr. HILL of Connecticut. I do not know. It is signed by Philander Knox. I will read the title of the decision. This is a pretty serious proposition, I will say. I read:

The Director of the Mint, with the approval of the Secretary of the Treasury, is authorized to purchase bullion for subsidiary coinage, and this authority, under the act of March 3, 1903, is without limitation, express or implied.

The opinion then follows.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am afraid that part of the House has misunderstood the gentleman from Connecticut [Mr. HILL]. All he desires to say is that the decision says that the purchasing power for the purposes of subsidiary coinage is unlimited—not for any other purpose. The gentleman a moment ago said it revived the law of 1873. I think the gentleman left the impression unwittingly on the mind of the House that there was an unlimited power to purchase, power to coin, standard silver dollars. The gentleman did not mean to leave that impression?

Mr. HILL of Connecticut. I mean to leave this impression, that the decision has gone just as far as I have read, but I submit to the gentleman from Mississippi [Mr. WILLIAMS], as a lawyer, that it will be impossible for him to examine that law and read the terms of the act of 1873, and the fact that the standard silver dollar remains to-day an authorized coin, and not bring the terms of that law to the standard silver dollar as well as the subsidiary coins.

Mr. WILLIAMS of Mississippi. I am not going to get into a debate with the gentleman as to his inferences from the decision.

Mr. HILL of Connecticut. Oh, no; the decision was only so far as subsidiary coins are concerned.

Mr. WILLIAMS of Mississippi. I merely rise to say that the decision goes only so far as to say that there is unlimited power of purchase for the purpose of subsidiary coinage.

Mr. HILL of Connecticut. I will read it again:

The Director of the Mint, with the approval of the Secretary of the Treasury, is authorized to purchase bullion for subsidiary coinage, and this authority, under the act of March 3, 1903, is without limitation, express or implied.

Mr. BARTLETT. Now, may I ask the gentleman a question, if he will pardon me, further on that line?

Mr. HILL of Connecticut. Certainly; I will be glad to answer it, if I can.

Mr. BARTLETT. Does the gentleman mean to say that the law as it now stands is that all limitation as to the amount of subsidiary silver coinage has been removed by legislation?

Mr. HILL of Connecticut. I mean to say that seems to be the decision. I do not think so.

Mr. BARTLETT. Is it a fact that during the last session of Congress Senator ALDRICH undertook to put upon the sundry civil appropriation bill an amendment which read in these words: "All limitation as to the amount of subsidiary silver coinage that may be outstanding is hereby removed;" and is it not true the conference committee of the two Houses struck that amendment from the sundry civil appropriation bill?

Mr. HILL of Connecticut. It is true that the amendment was offered and withdrawn, and the record of the last day's proceedings in the other House will show that the reason for its withdrawal was the belief on the part of that body that the power already existed.

Mr. BARTLETT. I may misapprehend the matter or the gentleman, and I rather think it is myself, because I have not followed it out, but is it not a fact that this amendment was reported by Mr. ALDRICH and put upon the sundry civil appropriation bill and went to conference between the two Houses?

Mr. HILL of Connecticut. No; it did not. They withdrew it before it came over here, as I understand it. At any rate, it was withdrawn at some time.

Mr. BARTLETT. Will the gentleman pardon me? Does the gentleman not remember saying to me—I beg his pardon for calling up a private conversation, but I say this just for the purpose of refreshing his memory—during the pendency of that bill in conference between the two committees that the conference committee struck it out from the bill?

Mr. HILL of Connecticut. I do not remember the details in regard to it. I know it was finally withdrawn, and withdrawn on the ground that it was claimed that the Secretary of the Treasury possessed discretionary power to buy all the silver he wanted.

Mr. BARTLETT. The point I want to get at, I beg the gentleman's pardon, was that that passed the Senate and went to the committee of conference. That is the point I wanted the gentleman to answer.

Mr. HILL of Connecticut. Now, Mr. Chairman, we are facing this proposition. You have to choose whether you will take useless surplus silver lying in the Treasury, or whether, by failure to legislate, you will make it practically compulsory upon the Secretary of the Treasury to go into the market again and buy silver—a power repealed under a Democratic administration by Grover Cleveland and one which has not been exercised, of course, since.

What is the situation? We have got 558,434,000 standard silver dollars, of which there were in circulation on the 1st day of December $80,000,000. There are covered by certificates $471,000,000. There are free dollars in the Treasury $6,000,000. The necessity for subsidiary coinage is not questioned, I think, by anyone. The Secretary of the Treasury in his report says that during the last four or five years he has coined something like $10,000,000 annually. Of course that includes Porto Rico subsidiary coinage, but the statistics show that the average increase of subsidiary coins in this country—I mean by that the amount that goes into circulation and remains there—for the past four years has been $5,245,000. "Now," the Secretary of the Treasury says, "What am I to do? I have 500 carloads of 15 tons each, of standard silver dollars unused, costing a hundred thousand dollars to count it every time it is counted, in the vaults of the Treasury. Am I to leave that there unused and go and buy silver to make $5,000,000 worth of subsidiary silver coins every year?" There is the proposition we have to meet. The provision in this bill is in accordance with the recommendations of the Treasury Department. They ask that as public necessity and convenience require more subsidiary coin the Secretary of the Treasury may take out from the vaults of the Treasury standard silver dollars and recoin them to meet this demand. These dollars lying in the vaults of the Treasury to-day represent a loss to the Government of more than $300,000,000.

If they could be recoined——

Mr. MARSH. If the gentleman will permit me to interrupt him. These silver dollars to which you refer—they are based on silver certificates, are they not?

Mr. HILL of Connecticut. Silver certificates are issued against the greater part of them.

Mr. MARSH. How much?

The CHAIRMAN. The gentleman has occupied one hour's time.

Mr. HILL of Connecticut. I ask unanimous consent to continue; but I will not detain the committee much longer.

Mr. PAYNE. I suppose the gentleman has the disposition of the time, and can yield to himself.

Mr. MARSH. How much of this silver is pledged to redeem the silver certificates?

Mr. HILL of Connecticut. Eighty-seven million dollars—$80,-lion dollars.

Mr. MARSH. And how much of it is unpledged?

Mr. HILL of Connecticut. Eighty-seven million dollars—$80,-000,000 in circulation and $7,000,000 free money in the Treasury, and eleven millions held against outstanding Treasury notes.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me to ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. WILLIAMS of Mississippi. I understand the gentleman to say that the silver lying in the Treasury is represented in circulation by silver certificates, and that the silver is not in use?

Mr. HILL of Connecticut. Yes.

Mr. WILLIAMS of Mississippi. And it represents a loss to the Government of three hundred millions a year?

Mr. HILL of Connecticut. Not a year.

Mr. WILLIAMS of Mississippi. Then whatever it is. Then I would like to ask the gentleman how much loss is represented by the gold bullion lying in the vaults of the Treasury, also unused, except as gold certificates are outstanding against it?

Mr. HILL of Connecticut. Not any—not a penny. This country is on a gold basis. Its circulation is supposed to be based on gold. The difference between the face value of the silver dollar and its intrinsic value is three hundred odd millions of dollars. I have the figures and can give them accurately. The difference between the face value of the gold in the Treasury and the certificate is nothing. It is value for value—dollar for dollar.

Mr. WILLIAMS of Mississippi. Well, then——

Mr. HILL of Connecticut. Let me state——

Mr. WILLIAMS of Mississippi. Before you leave that subject let me ask you this. Well, then, if what the gentleman states is true, then it follows that if we are losing this amount of money upon this so-called "unused silver" that the United States is making that amount by swindling somebody else out of it. It is exactly on the other side of the ledger.

Mr. HILL of Connecticut. Now, Mr. Chairman, I want to give the opinion of the Secretary of the Treasury and the Director of the Mint on this matter. I read an extract from a letter from the Hon. Leslie M. Shaw dated March 15, 1904:

> In view of the enormous volume of full legal-tender silver now in the vaults of the Treasury (about 500 carloads) I think it would be the part of wisdom and prudence to direct the recoinage of so much thereof as may be required to meet the growing demands of the country for subsidiary coin.

And again, under date of April 6, 1904:

> Replying to your inquiry whether in my opinion it would be wiser to purchase additional silver bullion for mintage into subsidiary coin or to use a portion of the present standard silver dollars in recoinage I beg to report:
>
> I would much prefer the recoinage of a portion of the standard silver dollars as the needs of the country might demand. Five hundred carloads of coined silver dollars, the metallic value of which is less than 40 cents, supported by an act of Congress requiring the Secretary of the Treasury to maintain the same at par with gold, suggests the prudence of reducing the amount whenever it can be done without disturbing existing financial conditions.
>
> Yours, very truly,
>
> L. M. SHAW.
>
> Hon. E. J. HILL, *House of Representatives.*

Hon. George E. Roberts, Director of the Mint, is also of the same opinion, as evidenced by his letter of the 9th of April, 1904, as follows:

> Hon. E. J. HILL, *House of Representatives.*
>
> DEAR SIR: Replying to your favor of the 5th instant relative to procuring silver bullion for subsidiary coinage, I would say that of the two methods you describe—i. e., by the purchase of new bullion and the melting down of silver dollars—the latter, in my judgment, is to be preferred.
>
> The policy under which silver bullion was purchased and coined into dollar pieces is now generally recognized to have been a mistake. It has been discontinued, and nobody suggests that such purchases be renewed. It failed to raise the value of silver to the old par with gold, and we are left with an anomalous element in our monetary system. By gradually converting this legal-tender silver into subsidiary coin we can retrace our steps without radical action. In my judgment it is desirable to do so, because it is worth while to have the system scientifically sound, which means that all money shall either be standard money or convertible into standard money at the will of the holder. The foreign countries which have had a stock of full legal-tender silver are generally recoining it for subsidiary use.
>
> Respectfully,
>
> GEO. E. ROBERTS,
> *Director of the Mint.*

Now I want to show to the gentleman just exactly the position in which we stand. I told you that the average increase has been about $5,000,000 a year, and that is what you have got to provide for—from $5,000,000 to $8,000,000. Now, let me show you how the United States stands on the question of subsidiary coin compared with other nations.

The latest reports of the per capita stock of subsidiary silver in the principal commercial countries show: United States, $1.25; Great Britain, $2.81; Germany, $2.50; France, $1.19; Austria, $1.72; Denmark, $2.27; Sweden, $1.35; Switzerland, $3.24.

Mr. CURTIS. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Kansas?

Mr. HILL of Connecticut. Yes.

Mr. CURTIS. Is there any information from the Treasury Department as to about how many silver dollars would be coined into subsidiary coin if this authority were given?

Mr. HILL of Connecticut. Why, there would not be any more coined than the requirements of the country called for, and that has averaged from $3,000,000 to $5,000,000 a year.

Mr. CURTIS. Does not the gentleman know that we have had some difficulty because of the limitation in the coinage of subsidiary coin?

Mr. HILL of Connecticut. Yes.

Mr. CURTIS. Was not that question acted upon at the session of Congress when the gold-standard bill was passed?

Mr. HILL of Connecticut. It was, and that limit has been reached and passed.

Mr. CURTIS. That is the reason why I asked the question.

Mr. HILL of Connecticut. It has been passed twice in four years.

Mr. WARNER. Mr. Chairman, in line 16, on page 2, I find the words:

> From cash in the general fund in the Treasury.

I wish to ask the gentleman, Does that include the silver dollars in the Treasury held for redemption of silver certificates?

Mr. HILL of Connecticut. No; it does not. That amendment was put in by the committee, and I really do not see that it affects the situation at all. It would simply make the amount available now $6,000,000, which is in the general fund of the Treasury; but I want to be entirely frank with the gentleman, and I will say to him that it would be perfectly possible for the Secretary of the Treasury to surrender silver certificates and take more out and make more funds in the general fund of the Treasury. I think that amendment was offered by the gentleman from Kansas, if I am not mistaken.

Now, what has been the policy of other nations? We have got to do something. We have either got to commence buying silver again, and still further dilute our currency system in the face of the gold standard which we have chosen, or else we have got to begin to retrace our steps and get back to "a sound, safe, and sensible position"—to the gold standard—which I understand from high authority is now "irrevocably established." Now, if that is true, as wise and prudent business men and legislators it becomes our duty to begin when we can to put our currency in harmony with the standard which we have chosen. In doing this are we following the example of other nations or are we not? I make the broad statement here that there is not a gold-standard nation in the world that either has not carried this programme to completion or is not doing it now. What did Germany do when she went to the gold basis in 1873? She sold her silver thalers down to about 135,000,000 as bullion and ran the price down from $1.29 to 95 cents, and then, unwilling to lose any more money, she passed a law, running through a period of twelve years, to recoin every thaler she had left into subsidiary coin. The term has not yet expired and the law is still in operation.

What did Japan, a heathen country, do? When she went to the gold basis, she had $80,000,000 of legal-tender silver. She sold half of it and recoined the balance of it into subsidiary coin. Three years ago I had the pleasure of visiting their mint at Osaka, and was informed by them that they had not coined a silver yen since that time. They coin gold as legal tender, silver as subsidiary coin, and issue bank notes as the instruments and tools of trade.

Let me show you how this process has been going on. I have here a statement from the Director of the Mint to the effect that in the last ten years $273,000,000 of full-tender silver in Europe has been withdrawn and $194,000,000 of limited-tender silver has been issued in increase of what they had before. When Austria went to the gold basis, she had $85,000,000 of full legal tender. She has not a dollar to-day, but has $81,000,000 of limited tender. She changed it all.

Germany had $105,000,000 of full-tender silver and $110,000,000, of limited-tender silver. She has to-day $62,000,000 of full-tender silver, being exchanged year by year under the law, and when the law has performed its full work she will have $3.60 per capita of subsidiary coin as against our $1.25. She now has $144,000,000 of limited-tender silver. Some gentleman said to me Saturday in a private discussion in regard to this matter that France was not engaged in carrying out this programme; that she was a bimetallic nation. In 1892 France had four hundred and fifty millions of full-tender silver and fifty millions of limited tender. In 1902 she had cut down the full tender to three hundred and seventy-three millions, and I have here a copy of an agreement made by Belgium, France, Italy, and Switzerland, under which France is recoining 130,000,000 francs of full-tender silver into limited-tender silver.

Russia had five millions full tender and thirty-six millions of limited tender; the full tender is already taken away. The limited tender is increased to $104,600,000, and the universal experience of the nations of the world, if I am not overstating it, and I do not think I am, is that the change involves a larger use for silver for subsidiary coin than was used altogether before. So that no man who stands here feeling that we ought to do something for silver can take the position that this is an objectionable proposition.

Japan had sixty-five millions of full tender and sixteen millions of limited tender, and she has removed all the full tender silver and now has thirty million four hundred thousand of limited tender. I will insert all this in the RECORD.

The matter referred to is as follows:

Estimated stock of full tender and limited tender silver coins in Austria-Hungary, Germany, France, Russia, and Japan on December 31, 1892, and December 31, 1902.

Country.	Stock of silver, 1892.		Stock of silver, 1902.	
	Full tender.	Limited tender.	Full tender.	Limited tender.
Austria-Hungary	$85,000,000			$81,000,000
Germany	105,000,000	$110,000,000	$62,800,000	144,700,000
France	450,000,000	50,000,000	373,500,000	46,300,000
Russia	5,000,000	36,000,000		104,600,000
Japan	65,000,000	16,300,000		30,400,000

Country.	Full tender.		Limited tender.	
	Increase.	Decrease.	Increase.	Decrease.
Austria-Hungary		$85,000,000	$81,000,000	
Germany		42,200,000	34,700,000	
France		76,500,000		$3,700,000
Russia		5,000,000	68,600,000	
Japan		65,000,000	14,100,000	

TREASURY DEPARTMENT, BUREAU OF THE MINT,
April 11, 1904.

Mr. HILL of Connecticut. Now, gentlemen, five hundred millions of these silver dollars are going to remain in the vaults forever unless you take some action in regard to this matter. We have spent a million dollars in trying to get them into circulation. The highest amount we have ever had in circulation is in circulation to-day, and that is $80,000,000. The highest amount last year was $78,000,000. I do not believe it is possible to put these dollars into actual circulation. You might just as well remove them entirely and issue the silver certificate without them on the faith of the Government; not that I would recommend it, but from your standpoint, the standpoint of the advocate of silver, you might just as well do that, because three-fifths of the amount is pure fiat now. You have got nothing but 40 or 46 cents on the dollar behind the silver certificate and are losing the use of five hundred millions; and, as I say, we have spent $1,000,000 in trying to get them into circulation. So you must face that proposition. It is one that has got to be met.

Now, there is one single argument, and only one, that, in my judgment, can be brought against this proposition. I am going to state it frankly and then I am going to close. A member of the minority says that it will have this effect.

Mr. McDERMOTT. Will the gentleman allow me a question?

Mr. HILL of Connecticut. Certainly.

Mr. McDERMOTT. You have $80,000,000 in circulation?

Mr. HILL of Connecticut. Yes.

Mr. McDERMOTT. You have at present six to ten millions available as subsidiary coinage. The moment you proceed without purchasing more bullion beyond the six or ten millions you have you encroach on that silver that is pledged to the silver notes.

Mr. HILL of Connecticut. The silver certificates; yes.

Mr. McDERMOTT. The minute you encroach upon that without withdrawing your silver notes in circulation, you make your silver notes——

Mr. HILL of Connecticut. Oh, we should have to withdraw the silver notes.

Mr. McDERMOTT. A moment ago the gentleman said it was quite possible to coin that silver and leave no substitute for it.

Mr. HILL of Connecticut. Oh, you would have to withdraw the certificate.

Mr. McDERMOTT. And the moment you do that without leaving a substitiute for it, but leave the silver notes issued on the faith of the Government, that moment you adopt a plain, clean-cut greenback proposition.

Mr. HILL of Connecticut. Certainly, and I do not favor it at all. I think it would be ridiculous in the present state of the financial condition of the world to consider such a proposition. Of course the certificates would have to be retired when the silver dollars are converted into subsidiary coinage. This very bill itself proposes to issue $10 gold certificates as a substitute for them—for we are on a gold basis, thank the Lord.

Mr. McDERMOTT. If you are going to use a gold substitute, I have no objection.

Mr. WILLIAMS of Mississippi. Are you going to use gold certificates without the putting of gold in the Treasury?

Mr. HILL of Connecticut. Not at all, any more than you would withdraw silver without canceling the silver certificates.

Mr. WILLIAMS of Mississippi. The gentleman will excuse me a moment——

Mr. HILL of Connecticut. I will come to that. I am coming to the increase of gold in a moment and will show how it will be done.

Mr. WILLIAMS of Mississippi. The gentleman, as I understand it, says that after these six millions are exhausted, then you will have to go back on the other silver in the Treasury, but that before you could do it you would have to withdraw the silver certificates.

Mr. HILL of Connecticut. Why, certainly.

Mr. WILLIAMS of Mississippi. How would you withdraw the silver certificates except by putting out the silver against it, and if you put it out of the Treasury, how could you coin it?

Mr. HILL of Connecticut. They are getting silver certificates in all the time for customs and payments to the Government.

Mr. WILLIAMS of Mississippi. Then you would destroy the silver certificates?

Mr. HILL of Connecticut. Certainly.

Mr. WILLIAMS of Mississippi. And coin an equal amount of silver in the Treasury?

Mr. HILL of Connecticut. Certainly; that is right. And on every dollar of these $500,000,000 coined into subsidiary coin we make 7 cents, and we literally make it in that case, provided it is not coined faster than it goes into circulation and stays there.

If it is coined faster than it will be absorbed by the country, it then becomes a debt and must be redeemel in gold, but if it is not coined faster than our necessity and convenience require, we will make 7 cents and wipe out the loss of three hundred millions if you will give us time enough. It is not necessary for us, with our great and growing country, to do what Germany did, to suffer a loss of millions and millions of dollars because of the folly of the past, or to do what Japan did and suffer a loss of millions of dollars by reason of the conditions in which they were placed at the time; but we can take our time and in the greatness of our strength can carry forward this enormous quantity of fiat in our silver currency, and as the country grows and the country absorbs the subsidiary take it out, and take it out at a profit of 7 cents on every dollar, because of the less quantity of silver in the subsidiary coin than there is in the other. But the argument, the only argument—and the argument that the gentleman from Georgia [Mr. BARTLETT], in my judgment, will make—is this, that it will withdraw legal-tender money and reduce the quantity of legal-tender money.

Now, personally that does not affect me at all. I have no respect for the quantitative theory of money personally. I believe that money is a tool of trade, a measure of value, and if you have enough to transact business with conveniently that is all you need, and that the quantitative theory is exploded by reason of the telegraphs, and telephones, and railroads, and Marconi telegraphs, and all that sort of thing, affording convenience and rapidity of exchange. However, I recognize the fact that there are many men in this country, and a great many men, who do believe in that and who say frankly that this will withdraw legal-tender money. Well, it is not so.

In the first place, the silver certificate is not legal tender and the silver dollar itself is not in circulation, so that the argument

absolutely falls to the ground. Aside from that, I want you to consider that this proposition is what? To recoin enough of this to meet public necessity and convenience, rather than buying more. How much? Five millions annually. How will that affect the country? Why, gentlemen, let me give you the statement. Since April 1, 1897, the money in this country has increased in circulation from $1,669,000,000 to $2,573,000,000, an increase of $904,000,000, and concurrently with this increase our stock of gold has increased from April 1, 1897, down to December 1, 1904, $649,000,000, an average increase of $84,000,000 in our stock of gold every year.

What becomes of the miserable bogie man of withdrawing $5,000,000 that are locked up in the vaults of the Treasury hurting the financial situation of this country, when you are having gold poured in upon you in a yellow stream of $84,000,000 every year, and you have not withdrawn from actual use one single dollar of full legal-tender money, because it has not been there, and you have had a silver certificate which was not of itself legal tender, and you have affected the finances of the country in no way different than they would have been affected by tearing up a five-dollar bank note—it would simply be of so much benefit to the bank, that is all.

Now, there is your situation so far as that is concerned. But even suppose that it was true, where would we stand? If every single dollar of the silver certificates were burned up to-morrow morning, and every dollar of the silver dollars themselves were recoined into subsidiary coins, we would stand then on a gold basis far ahead of any commercial rival we have in the world. The United States has to-day of gold alone $16.39 per capita against Great Britain with $13.18 per capita, and Germany with $13.54 per capita. So there is the situation, gentlemen. On the other hand, to open the purchase of silver again is not only unwise, but dangerous. By the mistakes of the past more than $600,000,000 of our currency represents nothing but the fiat of the Government—a forced loan from the people. It is in our power to begin now to retrace our steps and slowly and surely come back to solid ground.

To start again in a course which brought us ten years ago to the very verge of ruin would be supremest folly. During those ten years, in a Democratic Congress, but by Republican votes in the Senate, I am proud to say, that purchasing clause was repealed—by Republican votes in the Senate, but the Democratic Administration was entitled to the credit of it because it was an Administration measure. Since that time we have added to our stock of gold $639,000,000. Over and above the amount used in the arts it is the product of our own mines, $522,700,000 plus the amount paid to us—and note this, plus the amount paid to us during that time by other nations, $117,000,000. Now note this: Our production of silver during this same ten years above the amount used in the arts was $255,925,965, and every dollar of it was sold abroad for gold—every dollar of it.

You can turn this current the other way if you will. You can stop the stream of gold coming into the United States and say that you prefer to further dilute your currency system by injecting into it another five hundred millions of silver in precisely the same time that this proposition will eliminate five hundred millions of silver, but the American people have decided this problem the other way, and I had supposed that it had either been relegated to the rear a year ago or that it had been decided that the gold standard was irrevocably established and that we, as well as the late Democratic candidate for the Presidency, would govern ourselves accordingly. Gentlemen, economy, judgment, prudence, and fidelity to the speeches that we have made to the people of this country demand that we should absolutely stop and not purchase one single ounce of silver until we have eliminated from our currency system, or at least started on the way to eliminate from our currency system, the enormous surplus which we already have, and you can do it with profit to the country and with advantage to our currency system. I thank you for the time and will now yield to the gentleman from Georgia.

Mr. SHERLEY. I would like to ask, before the gentleman concludes, a question or two. If I understood the gentleman, he said that in the opinion of the Attorney-General there was now left to the Secretary of the Treasury the privilege to buy silver bullion for the purpose of coining into subsidiary silver coins. Is that true?

Mr. HILL of Connecticut. Yes, sir; that is the law.

Mr. SHERLEY. If that is the law to-day, I want to ask this question: Does he consider section 3 of this act would prevent the Secretary of the Treasury having that power; if so, what words of section 3 would prevent it?

Mr. HILL of Connecticut. I do not consider it would prevent it.

Mr. SHERLEY. Do you not think——

Mr. HILL of Connecticut. Pardon me. This bill was drawn before the decision was made. It would prevent it in this respect, it would give him another source to draw from——

Mr. SHERLEY. It would give him the option.

Mr. HILL of Connecticut. It would give him the option, an option which I am satisfied he would act upon in the demand for recoinage, because he recommends it in his report.

Mr. SHERLEY. Now, do not misunderstand my remarks. In that respect I agree with you, but if it be such an evil to buy silver bullion to coin into subsidiary coins, do you not think it would be better legislation to provide that he can only coin into subsidiary coin the silver money in the Treasury, instead of leaving it optional with him?

Mr. HILL of Connecticut. I would think it better legislation, but I take this position—I have not gone into it as fully as I would like to do because I have taken more time than I intended to do. I take this position—that that decision is wrong; that it is not in accordance with the law; that it would not be sustained if a protest was made against that action and it can be carried (I think there is a way by which it can be carried) to the Supreme Court, and that the decision would not be sustained. Of course I understand I am putting the opinion of a layman against an Attorney-General of the United States; I understand that, but I also understand another thing, that most excellent lawyers who have investigated this case are in accord with me in that.

Mr. SHERLEY. Let me ask the gentleman this further question: If I understand your statement correctly—if the Attorney-General is right in his opinion in regard to the purchase of bullion for subsidiary coinage—the same reasoning would also give the right to the Secretary of the Treasury to buy bullion for the coinage of silver dollars.

Mr. HILL of Connecticut. I do not see how the conclusion can be escaped.

Mr. SHERLEY. Then I want to suggest this further proposition: If it be true that under the opinion of the Attorney-General of the United States the Secretary of the Treasury to-day can buy silver bullion for the purpose of coining it into silver dollars, do you not think, as a matter of precaution, believing in the gold standard, and claiming the credit for all the prosperity that now exists as the result of establishing it, that you ought to legislate directly to fix it rather than leave it to a matter of opinion as to whether the Attorney-General is a good lawyer or not?

Mr. HILL of Connecticut. Absolutely; but the gentleman must bear in mind one thing. This bill was reported before the decision was made on the question, and I stand here denying the correctness of that decision. If the decision is right in regard to the subsidiary currency it follows in regard to the other also, because there are other coins besides the standard silver dollar that have been authorized since that time—the 20-cent piece, which was not included in the act of 1873.

Mr. SHERLEY. If I understand the gentleman correctly, he is willing to risk his opinion that the Attorney-General is wrong rather than prepare an amendment to settle this question of the currency.

Mr. HILL of Connecticut. I am entirely willing, as the author of this bill, to accept an amendment such as the gentleman has suggested, and if the gentleman will prepare an amendment precisely on the line that he suggests I will agree to offer it, as I recognize the gentleman as one of the best lawyers in the House.

Mr. SHERLEY. My answer to you is simply this: Here is your bill, called up, so far as I am concerned, without any notice whatever that it was to be called up. If the gentleman will give me sufficient time I will draw several amendments, though I do not claim the ability that the gentleman generously credits me with.

Mr. HILL of Connecticut. I have no objection to the gentleman having all the time he wants to prepare an amendment, and I will very cheerfully offer it if he does not desire to offer it.

Mr. SHERLEY. I wanted to bring out the point that on such important legislation notice should be given of its being taken up.

Mr. BARTLETT. The gentleman and myself differed as to what was the fact in reference to the striking out of the limitations as to the amount of subsidiary silver coinage. I thought I was right and I have the sundry civil bill, to which I call the attention of the gentleman to show that it was put on in the Senate in the sundry civil bill.

Mr. HILL of Connecticut. I have it here.

Mr. BARTLETT. It passed the Senate with an amendment

in it, and was not withdrawn, but was stricken out in conference, as shown by the report of the conferees.

Mr. HILL of Connecticut. I have the amendment here. The bill was that "all limitations as to the amount of subsidiary silver coinage are hereby removed." And I have also an amendment which I had proposed to offer if it had not been stricken out.

Mr. BARTLETT. I did not say it was withdrawn; my point was that it was placed in there by the Senate and stricken out in conference.

Mr. HILL of Connecticut. I accept the gentleman's statement.

Now, I would like to ask the gentleman from Georgia if he desires to go on now, or if there is any other gentleman on that side of the House who desires to go on; if not, I will move to adjourn.

Mr. BARTLETT. I desire to yield to the gentleman from Mississippi [Mr. WILLIAMS] as much time as he may desire.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if there ever was a bank-beridden Government it is this one; and yet there are some gentlemen who are never satisfied. They are always upon the floor to procure additional special legislation to make the banking business more profitable than it is. It is now by long odds the most profitable business in the United States, not only in the Northeast, but in the West and everywhere else. And there is this curious thing about it—that every time northeastern banks want additional special legislation some one upon this floor arises and says that if they do not get it the gold standard is impaired, is shaken, is tottering upon its foundation, and about to fall; and then he tries to turn his special bank legislation into a free-silver discussion to the best of his ability, because, having argued the free-silver question very successfully before the country and having won on it, he thinks that if he can cognate any other question with it he will win, on the principle that burnt children dread the fire.

Every time anyone has that sort of a bill "the gold standard is in great peril;" and every time a campaign has been going on "the gold standard has been established by the Republican party [applause on the Democratic side] and is responsible for all of the prosperity of the country." It is lucky that the gentleman is one of about 100 men who pretend to be acquainted with economics, who have found the quantitive theory of money ridiculous. He is one of the few men who have found that God has made one law which measures the value of gold and another law which measures the value of everything else in the world. He is one of the few men who have found that the quantity of wheat in the world has a great deal to do with its value and its purchasing power of corn, geese, ham, eggs, or money, but that the quantity of gold in the world, or of money passing as gold and doing its work and taken in its stead, has nothing to do with the purchasing power or value of it, as measured in terms of wheat, corn, ham, eggs, geese, or anything else.

It is lucky, as I say, for if we were irretrievably convinced of that we would think there was some mistake about Moses and the Almighty being mad with Aaron for erecting a golden calf. How could we escape that conclusion if it appears that God has made one law of value for everything in the world except gold, and has given that a special value measure in the markets of the world? Is not that perfectly ridiculous when anybody comes to consider it? Now, when men are talking politics they are in the habit of talking that way. The Wall Street Journal used to talk that way; but I noticed an article in it lately referring to an approximate $400,000,000 of gold production this next year, and following it an argument as to what will be the effect of the inflation of prices that will occur from it. Already gentlemen are trying to get rid of all of the other money they have, so as to make place for the addition of the annual gold crop and the rising scale of prices that must necessarily and unavoidably follow its infiltration into the work of the commerce of the world.

Now, Mr. Chairman, I do not think that the gentleman need to bother himself to death about flooding this country with dimes and quarters and halves.

The gentleman seems to think that if the Secretary of the Treasury has unlimited power of purchase—and, mind you, it is only for subsidiary coinage purposes—that the whole silver question is going to be opened up again, and that unless you can get rid of the standard silver dollars that are lying in the Treasury and "doing no good to anybody," "unused," as he says, because they are represented only by paper certificates doing their work for the people—unless you can get rid of them, according to his theory, then you will have brought into the money of the world sufficient subsidiary coinage seriously to threaten the gold standard. Now, if I understand his position, that is about it.

Nothing can disturb a standard except another standard. All the subsidiary stuff in the world, redeemable in terms of the standard, can not disturb the standard unless there gets to be so much of it, or so little of the standard, that the Government refuses or fails or finds it impossible to redeem it. Now, who imagines that there are going to be enough dimes and quarters and halves in this country for the Government not to be able to meet them and redeem them in some other form of legal tender and lawful money or even coined gold itself?

The gentleman says the bill is not subtracting from the legal tender at all, because, he says, the silver certificates are not legal tender and the silver dollars are in the Treasury and not in circulation; and yet he knows all you have to do is to carry a silver certificate to the Treasury and get a silver dollar for it and use it as a legal tender. Well, the gentleman might just as well say the same thing about the gold certificate, might he not? What is the use of all the gold piled up in the Treasury? It is "doing no good" if it is unused, because it, too, is only represented by gold certificates that are out doing the work of the people—the work of commerce.

But my main objection to this bill, Mr. Speaker, does not lie along that line. The standard silver dollar, for all practical purposes, is to-day subsidiary coin. It is true that you can pay debts with it—that it is a legal tender; but nobody is going to get a thousand of them or ten thousand of them to do that. And by your policy you have made of it practically a subsidiary coin, and by the utterances of your Secretaries of the Treasury you will redeem it in gold if it is presented at the Treasury under circumstances, in the opinion of the Secretary, demanding it. So that that is not a very grave question. But the very fact that it is not shows how ridiculous is the argument of the gentleman this morning that this sort of thing, a change from one form to another of practically subsidiary coinage, "threatens the gold standard" or threatens anything else.

Mr. HILL of Connecticut. Will the gentleman pardon me for an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HILL of Connecticut. The gentleman will admit that every civilized country on the globe is pursuing the same course?

Mr. WILLIAMS of Mississippi. I haven't the slightest doubt of it, and back of it is the same influence. There is an influence all over this world to displace government-provided money with bank-provided money, and to enable the banks to make the profit out of it instead of the government performing its functions for the people without profit.

Now, Mr. Chairman, as I was going to say, that is not my main objection to this bill. My main objection is in the first clause, which I am going to read now because I do not want to speak long, although I wanted to mention some other things in the bill, too.

Gentlemen, in connection with this clause I want to call your attention to this state of affairs which now exists. I have called the attention of the House to it once before. Here a few years ago, when agrarianism swept all over this country a great many people adopted what they called the "subtreasury scheme." The State of the gentleman from Kansas was swept into the scheme. Oregon and Washington went into it, and a great part of the country went with them. Why? Because we had set precedents that came back like poisoned chalices to our lips. These people had heard of so much money in the Treasury, and they wanted to borrow it at reasonable rates. "Let the Government lend it to us," said they. "Let them lend it to us on cotton and on corn and on iron ore, which we will put in the Government warehouse, and let us have it at 2 per cent." You refused, saying it is not a part of the function of the Government to lend money. You responded properly and rightly, but the other fellow said: "Yes, but you are lending it." You do not lend it to the miner or the farmer, but you are lending it to the banks without interest. You call it a deposit, but you are lending it without interest, and here to-day there are lying in the national banks somewhere near $140,000,000 loaned to these banks without interest.

Mr. HILL of Connecticut. One hundred and four millions, if the gentleman please.

Mr. WILLIAMS of Mississippi. I do not care about the amount. If it was only ten thousand it would be the same thing.

Mr. HILL of Connecticut. It is a quite a serious question whether it is $1,000 or $200,000,000.

Mr. WILLIAMS of Mississippi. It does not make a particle of difference about the principle, and that is what I am arguing for. If you have a right to lend a bank $10 without interest as a favor, you have a right to lend it $10,000,000,000; but whatever the amount, over $100,000,000 are loaned to the banks

to-day by the Government of the United States without charging a dollar of interest. The State of Minnesota to-day is depositing its money in banks and gets 2½ per cent. Here not long ago the Government of the United States loaned the Philippines, or gave them, coined for them, $5,000,000. I am reliably informed that a trust company still have a part of that deposit. They offered the Government of the United States 3 per cent to deposit that money there, and it was deposited, and a part of it is lying there now.

Now, you take this money out of the Treasury and deposit in the banks for long periods without charging that bank interest that the banks would be willing to pay. Whether the amount is one hundred millions or one hundred and fifty millions makes no difference. I will accept the gentleman's figures of one hundred and four millions as the amount to-day. It may be larger to-morrow or smaller, but it is lent without interest, on the subterfuge and the circumlocution of a "deposit," thereby justifying the Federal Government in interfering in all sorts of private schemes, making itself a participator in them by lending them money without interest.

That is not all, but it lends it without any fixed prescription of law by which it shall be done. It leaves it absolutely within the discretion of an officer of the Treasury Department—makes it a mere matter of favoritism on his part, if he chooses to use it as a matter of favoritism. I do not charge that he does it. I only charge that he could do so if he wanted to. No law prevents him. No cause is prescribed by law or fixed regulation for preferring one bank to another as a "depository."

If the gentleman from Michigan [Mr. WM. ALDEN SMITH] were an enemy of the Treasury official, personally or politically, and were running a national bank, and if I were a friend, personally and politically, and were running a national bank, and we were rivals in business in the same town, he could refuse to give it to the gentleman from Michigan without one word of explanation to anybody, and could give it to me without one word of explanation from anybody. Ah, it is no wonder that nine-tenths of the national bankers are Republicans! Some of them are already depositories, and the others are hoping to be. Now, what does this bil do? At present you can deposit in the banks—that is, you can lend to them without interest all of the money in the Treasury, "except receipts from customs." Now, receipts from customs are about half of the annual revenue of the Government in round numbers.

Mr. HILL of Connecticut. Mr. Chairman, will the gentleman pardon me a moment?

Mr. WILLIAMS of Mississippi. I do not care for figures.

Mr. HILL of Connecticut. I am not going to give you figures. I am simply going to ask you this question: Does the gentleman see any reason whatever why $10,000 received in Gulfport, Miss., from customs, should be taken out of Gulfport and shipped to Washington——

Mr. WILLIAMS of Mississippi. No; I do not.

Mr. HILL of Connecticut. And $10,000 received from internal revenues put into the bank in Gulfport and drawn on by draft?

Mr. WILLIAMS of Mississippi. No; I do not.

Mr. HILL of Connecticut. That is all this section proposes to do.

Mr. WILLIAMS of Mississippi. And the reason I answer as I do is because it is wrong to do what we are already doing. Governmentally speaking, it is absolutely immoral to take that amount of money that is received from internal revenues and lend it to a bank in Gulfport without interest. It is wrong for another reason. It is wrong because that bank would be willing to pay interest.

Mr. HILL of Connecticut. I will omit the question of interest entirely, and ask the gentleman this question: Is it wrong to put it in there to-day and make a draft and send it to the Treasury this afternoon, and to forbid doing the same thing with customs money? That is all.

Mr. WILLIAMS of Mississippi. The gentleman is now begging the question.

Mr. HILL of Connecticut. That is all this section is to do.

Mr. WILLIAMS of Mississippi. He knows that is not what I am talking about, the fact of an officer going down there and leaving his money "over night" for safety. That is not the matter under discussion.

Mr. HILL of Connecticut. It is a question of about $200,000 a year to the Government of the United States.

Mr. WILLIAMS of Mississippi. I have not got much time, but if gentlemen say that you can not get interest from these banks I respond that the United States Government has already got, in one case, 3 per cent. I saw it in the paper and believe it to be true. The gentleman from Minnesota tells me he saw it. I refer to this money for the Philippines—the Philippine loan fund. A part of it is now on deposit. All the States get interest. Now, then, why should you single out one business? Why does not the Government of the United States, if the system I am quarreling about is right, provided I give absolutely indubitable and undoubted gilt-edged security, outside of the question of my own solvency, deposit with me and let me have its surplus without interest? Why does it not let the State banks have it, as well as the national banks, provided, again, they give absolutely gilt-edged security outside of the question of the solvency or insolvency of the bank itself? But the point I want to get at is this, if the gentleman will allow me: What this bill does in the first section is to strike out those words "except receipts from customs," and thereby enables the other half of the revenues of this Government to be loaned to national banks without interest—doubles the existing possible wrong and governmental abuse.

Mr. HILL of Connecticut. Will the gentleman pardon an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HILL of Connecticut. I would like to call his attention to the fact that this law—precisely this law which this section will bring into effect—is now by special enactment found a business necessity, and exists with regard to Alaska, the Hawaiian Islands, and Porto Rico, and this simply puts the United States on the same basis that we have legislated for the other islands under the jurisdiction of the United States.

Mr. WILLIAMS of Mississippi. Does the gentleman mean that we have passed laws to do that in those cases?

Mr. HILL of Connecticut. Amended this section.

Mr. WILLIAMS of Mississippi. Yes. Now, then, the gentleman is one of the rarest logicians that I ever knew. Whenever I point out a wrong the gentleman attempts to convince me that I am wrong by stating another wrong on all fours with it. [Laughter.] Now, if the thing that I am saying is wrong in principle, wrong in governmental morals, the only difference between what the gentleman proposes to do here and what he says we have already done is a difference of degree and not of kind.

And I say to you that when the day of agrarianism and socialism comes or threatens to come, and when you go out among the wicked masses and say that it is not the part and function of the Government to support people either by lending them money or giving them money—giving money forever or giving it for twelve months or any stated time—that you will find your chief difficulty growing out of these two things: First, that you have said in your national bank laws there is a perfect right to do it, and you have said in your tariff laws that it is perfectly right to use the Government's revenues and Government power for the purpose of indirectly giving money to labor. That is the argument you make in defense of them, that it is for the purpose of making labor more profitable to itself, more highly rewarded by enabling employers to pay more, and yet no logician can stand for an hour and say that that which is right to be done indirectly—percolating additional profits through the hands of the employer who may or may not pay it—that that thing which it is right to do indirectly is not right to be done directly.

It follows that this Government has the right to give millions of dollars directly out of the Treasury to provide for seamstresses in the sweatshops in Chicago and New York and to make up a difference in all other laborers' wages in the United States between whatever he may earn now, if it is less than a dollar—if the dollar is supposed to be a fair wage—and that dollar. Ah, gentlemen, the children of darkness are wiser than the children of light, we are told by the Scriptures, but the Scriptures interpolate by saying they are wiser "in their generation." The children of light are generally wiser throughout "all generations." It is well to stick to firm fundamental principles. It is well to remember what the Government has the right to do and what the Government has not the right to do, and I now raise my voice in protest against almost doubling the existing iniquitous wrong which consists in lending to one class, and they a very highly prosperous one, the surplus money in the Treasury without interest.

This bill will double the possibility of the perpetuation of that very identical wrong. I do it from the consideration of conservatism; I do it as a warning against socialism and all the other isms which will come during this century. I say if you have the right to lend without return of interest to the national banks money upon a deposit of United States bonds—and I deny it—then you have the right to lend me money upon my deposit of iron ore, if I have iron ore. If you have the right to lend a bank money without interest you have the right to lend to me without interest. Now, the Government has the same right to lend money with interest that an individual has. Why? Because the Government is there not a Government, but a money owner, a property owner—just as the Supreme Court has held as a landowner it has the right to give away its land

to promote internal improvement or sell it; but if the Government continues to exercise this right in the way of giving away money forever or for a period I can not tell you now where it is going to stop or when the end is going to begin.

What I would like to do would be to offer an amendment striking out the first section, and I would like still further to offer an amendment, if I had time to draw it properly, providing that when the Secretary of the Treasury went to deposit the moneys of the Government he should deposit them in such banks as gave the best returns to the Government, just as I would deposit my money or the gentleman from Connecticut would deposit his money. Oh, the gentleman from Connecticut here last session got up and proved beyond the peradventure of a doubt by figures which he presented that if the Government put its money out at interest that those sections of the country where the smallest interest rates prevailed would borrow the most money, and that those sections of the country where the largest interest rate prevailed would be the sections that could not afford to borrow it. He brought these figures here; he put them in the RECORD, whereby he attempted to prove that if you put money out on deposit to the banks offering the largest rate of interest that the banks in New York and the Northeast, where money rates of 3 and 4 per cent prevail, would borrow every bit, because they could afford to pay the highest rate, and the banks out on the Pacific slope and in the developing South, where money is needed for new productive enterprises, could not afford to pay the same rate of interest—that where interest rates are lowest the banks could afford to pay most to the Government to get it to lend to customers, and vice versa.

Mr. HILL of Connecticut. Will the gentleman pardon me a moment? Did I not convince the gentleman himself of the correctness of my position after some two months' struggle with him? [Laughter.]

Mr. WILLIAMS of Mississippi. Why, the gentleman by his persistency, which is his next most characteristic and attractive quality after his logic, or rather illogicality, did persuade me finally to quit arguing with him. [Renewed laughter.]

Mr. Chairman, I see that it is 5 o'clock, and as I have myself frequently said it was wrong to keep the horses in the plow after 5, I shall desist now, so that the House may adjourn.

Mr. HILL of Connecticut. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4831 and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to state that this is District of Columbia day, and the Chair overlooked that fact when the "regular order" was called, and the Chair directed the call of committees. The Chair is informed by the gentleman from Pennsylvania [Mr. MORRELL] that he desires to call up a bill for the consideration of the House from that committee.

INTERNATIONAL RAILWAY APPLIANCE EXHIBITION.

Mr. MORRELL. I move that the House resolve itself into the Committee of the Whole on the state of the Union——

The SPEAKER. Why does not the gentleman ask unanimous consent to consider it in the House? Will the gentleman send his bill to the Clerk's desk?

The Clerk read as follow:

House joint resolution 160. Joint resolution granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

The SPEAKER. The gentleman asks unanimous consent for the consideration of this joint resolution in the House as in Committee of the Whole. Is there objection?

Mr. MANN. I object.

Mr. MORRELL. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of existing business.

Mr. MORRELL. I desire to call up joint resolution 160.

The Clerk read as follows:

Joint resolution (H. J. Res. 160) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the general committee of arrangements of the American Railway Appliance Exhibition, to be given in connection with the meeting of the International Railway Congress, for the use of such portion of the public reservation fronting on the south side of B street, between Fourteenth street and Sixteenth street roadway northwest, being a part of the unimproved portion of the Monument grounds in the city of Washington, which, in his opinion, will inflict no serious or permanent injuries upon said reservation, to continue from March 20 to May 25, 1905, inclusive: *Provided, however*, That all stands, platforms, or other temporary structures that may be erected on the space aforesaid shall be under the supervision of said general committee of arrangements and in accordance with plans to be approved by the officer in charge of public buildings and grounds.

SEC. 2. That the Commissioners of the District of Columbia be, and are hereby, authorized to permit said general committee of arrangements for the American Railway Appliance Exhibition to convey to such reservation, through suitable conductors, wherever necessary, and in the nearest practicable connection with the present supply thereof, gas, steam, and electricity for power, heat, and light necessary for such exhibition: *Provided*, That said conductors shall not be used for the conducting of steam or electric current after May 15, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before May 25, 1905: *Provided further*, That the work of conveying such conductors to the reservation and removing of said conductors shall be in accordance with plans to be approved by and under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, and that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the conveying, operation, or removal of the said temporary conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia be, and are hereby, authorized to permit said general committee of arrangements to temporarily occupy parts of streets with tracks and switches for the accommodation of the exhibitors attending said exhibition: *Provided*, That such temporary occupation shall not exceed the period of sixty days, and shall be subject to conditions prescribed by said Commissioners.

SEC. 4. That the Commissioners of the District of Columbia be, and hereby are, authorized to permit the Western Union Telegraph Company, the Postal Telegraph Company, and the Chesapeake and Potomac Telephone Company to extend overhead wires to said reservation and to such points thereon as shall be deemed necessary and convenient by said general committee of arrangements, the said wires to be taken down within ten days after the conclusion of the meeting of the International Railway Congress on the 14th day of May, 1905.

SEC. 5. That said general committee of arrangements, prior to the issuance of the permits hereinbefore authorized, shall make such necessary deposits with the collector of taxes, District of Columbia, as may be required by the Commissioners of the District of Columbia to guarantee the removal of any of the appurtenances placed in public space and the restoration of public works disturbed by such occupation, and said general committee shall also, by proper bond approved by said Commissioners, save the District of Columbia harmless from any claim for damages arising in any manner from their occupation of public space under this act.

The amendments recommended by the committee were read, as follows:

Page 1, line 4, after the word "permits," insert the following: "under such restrictions as he may deem necessary."

Page 3, line 7, insert, after the word "authorized," the words "in their discretion."

Mr. MORRELL. Mr. Chairman, as the report of this bill shows, this matter has been up before the Secretary of War, who has approved it. It has been submitted to the Chief of Engineers, who has approved it, and it has met the approval of the Commissioners of the District. It does not carry one single cent of appropriation with it, and the exhibition, when erected there, will be absolutely free—not one cent admission will be charged to anybody who goes to see the exhibition.

The International Railway Congress, which is to meet here, is only held once every five years, and, according to the rules governing the body, has to be held in the capital of the country in which the congress meets.

In connection with this International Railway Congress, which will bring distinguished people from all countries to the United States, it was thought highly advisable as a matter of national pride to have an exhibit of American railway appliances; and of course for this exhibit it was necessary to have the proper building and ground conveniently located upon which to erect the buildings. The sessions of the congress are to be held at the New Willard Hotel, and the only available space which, after consultation with Colonel Brownwell, could be used is the one on Monument Lot described in the bill. It is a part of the Monument Lot which is entirely unimproved, not even having any grass on part of it to speak of, and has been used by boys as a playground. It will not do any damage to that piece of ground, and sufficient money is to be deposited by the American Railway Appliance Exhibition to insure the building being removed and the grounds put back to the condition in which they were originally. I sincerely trust that this will meet the approbation of the committee, and I move that the bill with amendments do pass.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. MORRELL. Yes.

Mr. MANN. Can the gentleman inform us what is the size of the proposed buildings?

Mr. MORRELL. I have no absolute information, as far as

that is concerned, but these buildings are to be of a character sufficient to contain and exhibit some railway appliances—steam, electric, and otherwise—and also for the exhibition of cars and all railway equipment of the latest and most approved designs.

Mr. MANN. Can the gentleman tell us how much ground is to be permitted to be used?

Mr. MORRELL. Yes; I have a little map here which shows in red exactly the amount of ground to be occupied by the buildings.

Mr. MANN. Will the gentleman state, so that it can go into the RECORD, about the size of the plot of ground to be used?

Mr. MORRELL. I do not know the exact acreage. I might make a mistake if I made a statement on that subject.

Mr. MANN. The gentleman does not know the size of the building, as I understand him, or the ground which it is proposed to cover.

Mr. MORRELL. I could not be exact.

Mr. CAMPBELL. There will be a number of buildings.

Mr. MANN. Can you give us any idea? The resolution gives us no conception of it at all.

Mr. MORRELL. I should say, looking at it roughly, that it would be about three acres, as far as I can remember.

Mr. MANN. I understood the gentleman to say there was no grass on this ground. Has the gentleman been there to see?

Mr. MORRELL. Yes; I have often ridden around that part of the lot.

Mr. MANN. I hope the gentleman will go there again, and if he finds any part of it that has not any grass upon it except where it is cleared for ball games it will very much surprise me.

Mr. PALMER. Perhaps this is not a good winter for grass. [Laughter.]

Mr. MANN. I walked all over this ground for the very purpose of ascertaining that fact.

Mr. MORRELL. If you state that as a fact, then of course I must correct my statement and admit that there is grass.

Mr. MANN. I suppose that the gentleman relied upon the statement that was made to him.

Mr. MORRELL. I did to a certain extent, yes. But even if, as the gentleman states, this piece is covered with grass, I do not think the grass is of such a character there that it will be very seriously injured by temporary buildings.

Mr. MANN. The gentleman thinks it will not be any great loss.

Mr. MORRELL. No; because, as I understand, these gentlemen hold themselves responsible for placing these grounds exactly in the same condition as they are when they take possession of them.

I also understand that this same ground has been used for encampments when the Grand Army was here, and no objection was made to its use for that purpose.

This is something that interests all the different sections of the country. As I understand it, the manufacturers who propose to send their exhibits here are from over 125 different cities in the Union and give employment to over 300,000 wage-earners and feed and maintain about 1,200,000 of our population. It will be a subject of national pride, and I think that it will be of great benefit to the District and to the city of Washington. It will induce people to come here. As new inventions in railway appliances are of interest to all travelers, it will make their visit enjoyable. It will certainly do a great deal toward exploiting our railway appliances in Europe, because we pride ourselves, if I am not mistaken, on the fact that our railway appliances are equal if not superior to those of any other nation in the world. Here will be a chance for these gentlemen who represent the foreign government—because most of the railways in Europe are carried on by the government, and these people represent, to a certain extent, the governments of Europe—to see these appliances, get in touch with our manufacturers, and will, I think, be of great use, as I said before, in spreading our manufactures.

I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, will the gentleman allow me a moment?

The CHAIRMAN. Does the gentleman desire to ask the gentleman from Pennsylvania a question?

Mr. PORTER. I want to know if he will allow me a moment to explain?

Mr. MORRELL. Of course, with pleasure.

Mr. PORTER. In relation to the use of the ground, the exhibition, as I understand it, proposes to be very similar to the exhibition that is given at Saratoga nearly every year in connection with the meeting of the Master Car Builders' Association. At that time the exhibition is held on the ground of the Grand Union Hotel. To be sure, it stays there for a less length of time than it will have to remain here. These buildings will be temporary structures. There are no permanent foundations, and no very large buildings will be put up. They will be creditable structures. They will not be offensive to the eye, or anything of that kind, but they will be temporary in their nature, as the exhibitors will naturally not wish to go to useless expenditure in that connection.

Mr. MANN. Mr. Chairman, I am told from every side that nobody ought to oppose this bill. I have the greatest respect for the International Railway Congress. I have no doubt whatever that it is an exceedingly good convention of very fine gentlemen and that it would be a splendid thing to show them the patented and other railway devices in this country in the way of railway appliances. But this proposition is one to turn over a part of the park system of Washington to a private body of men for exhibition purposes.

If this proposition is agreed to by Congress, by what authority do we refuse the next request that is made in the same way? This proposition comes to us based upon the fact that years ago Congress gave authority for the use of this same ground for a week to the Grand Army of the Republic, and because the men of the Grand Army of the Republic were permitted to sleep on this ground in tents for a week or less, now we are told that we must follow the precedent and turn over for two months this piece of ground, a part of the park system lying between the Washington Monument and the White House, for the purpose of erecting a large exhibition building with railroads running into it. Next year it will be some other exhibition. There are dozens of congresses, so called, which meet in Washington every year. It is the popular convention city of the country, and it is a mighty poor convention which does not have something to show, if it can show it on the public parks of Washington, in the most prominent place there is in the city, lying between the Executive Mansion and the Washington Monument.

If this consent be granted, I have no doubt that the first suggestion that will enter the mind of every foreigner that comes to this shore is that this sordid people, so greedy for the dollar, turns over the palace for a pen or an exhibition ground.

I visited these grounds last fall with this request in view. If the other gentlemen of the House have had as many letters pleading for the passage of this resolution as have come to me, then I can readily explain the popular favor which it has met here. All sorts and conditions of men in the city of Chicago connected with the railway enterprises and those not connected with any railroad enterprises have written me at the request of the lobby, a proper lobby, which has been working for the passage of this resolution. They have written to me requesting the support of the resolution which would be offered.

For years, Mr. Chairman, I was taught to believe in my own city that the public parks should be reserved for the people—that exposition buildings should be taken away from them. I helped in my own city to see that the Chicago exposition building was removed from the Lake Front Park and that the Illinois Central Railway was driven from the rights that it claimed. I have frequently objected in my own city to turning over the parks for exhibition purposes. The only time in years in my own city, which has a much larger proportion of parks than has the city of Washington, that we have given such permission was when the World's Fair came there. I say now that the injury to the trees on the grounds on which the World's Fair was located in Chicago can never be repaired in the life of the present generation. Oh, they say to us, it is used down there for nothing but a ball ground. Why, that is a part of the purpose of a park—to be used for a ball ground. That is where the boys go to play ball. That is what they are entitled to. They are entitled to a park and playground upon which they can play ball in the summer time.

The last piece of ground in the park system which I would use for exhibition purposes would be a piece of ground where the children play in the summer time. I have frequently in going back and forth to the Agricultural grounds all summer noticed the boys playing ball there.

On one corner of this piece of ground which they propose to take they have planted shrubs and trees, which, of course, can be replaced after they have been taken up. But if this is a precedent to be made, if you put a common exhibition, and that is all this can be called, upon the most prominent portion of the park system of Washington, right at the base of the great monument to Washington, right in the rear of the Executive Mansion of the country, you can never properly refuse a request to any set of men or any convention which desires to use any portion of the public parks in Washington for their own private benefit for exhibition purposes. Mr. Chairman, I reserve the balance of my time.

Mr. MORRELL. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, this is not a common exposition. On the contrary, it is an exposition for the purpose

of enabling railway men to come together and exhibit the different manufactures and appliances that they have; and from this country alone 629 manufacturers have asked for space, 100 of them from Chicago. They come from 187 different cities in the Union, representing 29 States, and it does not seem that the mere objection that it will take the ball ground from the boys for a period of two months is tenable as against the request for an exhibition of this character.

Mr. MANN. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. I suppose the gentleman will admit that there is a great deal of vacant ground very close to Washington?

Mr. CAMPBELL. Oh, there is; but there is no vacant ground convenient for this exposition.

Mr. MANN. Well, here you have railroads interested in this, and it is a very simple matter to run a railroad to the grounds chosen for the exposition. It is not difficult at all.

Mr. CAMPBELL. But the railroads are more interested in making an exhibition that will be convenient for the people than they are in making money out of the people who might ride to the exposition on their roads.

Mr. MANN. But the gentleman surely does not claim that the ordinary people are benefited by seeing these appliances. It is members of the railway congress that the exposition people desire to show these appliances to. Probably one train would hold all of the foreign delegates that are coming here. I expect one car would.

Mr. CAMPBELL. Possibly, but the exposition is to be open for the public. Everbody is expected to visit the exposition. It will be free. There will be no charge made to anyone, and it is expected that this exposition will be of the greatest benefit to the American people as a whole; that it will give American manufacturers of railway appliances an opportunity to get into the world their products, thus giving additional labor to American employees and giving the world additional knowledge of the genius of the American inventor and of the American manufacturer, and I still say that the claim of the gentleman from Illinois [Mr. MANN] in behalf of the bal' players is untenable as against this great public enterprise.

Mr. WILLIAMS of Mississippi rose.

Mr. MORRELL. Does the gentleman from Mississippi desire to say anything?

Mr. WILLIAMS of Mississippi. Yes; I desire to say a word or two, Mr. Chairman, and that is this: That I have had occasion to look into this matter, and my reason for voting for it would be stronger than any one mentioned. If I had my way, I would not only vote for the bill, but I would give these people a not unreasonably high-priced chromo, because to the best of my knowledge it is the first bill presented here by a railroad or any corporate interest that did not ask a dollar or two of the Treasury. These people propose to hold an exposition of the highest utility to everybody, a thing that ought to be by all means done, I think that might have been done by some of the Departments very well, and they propose to do it for the purpose of finding out what are the best appliances of various sorts, many of which save human life, thus learning from one another and from the inventors. They do not ask a dollar from the Government or from the District of Columbia or anybody else. They just ask permission to put some temporary buildings here on some unimproved parkage that, as far as I can learn, is used for nothing but baseball.

Now, baseball is one of the most sacred pursuits of the American citizen, and I would not raise any interference with his pursuit of happiness in that direction or any other; but it does seem to me that these people are even moderate not to ask a chromo in addition, after the character of the bill such as has been explained. I shall vote for it.

Mr. MORRELL. Mr. Chairman, I now renew my motion.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Pennsylvania that the committee do now rise and report the resolution favorably to the House, with the recommendation that the resolution as amended do pass.

The question was taken; and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution No. 160, granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition, and had instructed him to report the same back with two amendments with the recommendation that the amendments be agreed to and that the House resolution as amended be passed.

Mr. MORRELL. Mr. Speaker, I understand that this identical resolution has passed the Senate, and I would like permission to have that resolution as it passed the Senate substituted for this.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that joint resolution 79, which is upon the Speaker's table, which he states to be identical to this bill as amended, be considered in lieu of the present resolution. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MORRELL. Mr. Speaker, I move the previous question upon the passage of the joint resolution as amended.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 66, noes 0.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that no quorum has voted. Evidently there is no quorum present.

Mr. PAYNE. Mr. Speaker, in view of the fact that there is no quorum here, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William M. Noe against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Garnett, trustee of the Baptist Church of Columbia, Ky., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel B. Patterson against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. W. Richards, administrator of the estate of Kinchen Bell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of Senia McClelland and Hunter McClelland against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. L. Patton, administrator of estate of Henry Ruby, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for an additional clerk in the Department of Justice—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of emergency appropriation for combatting the boll weevil—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a recommendation for legislation as to the assignment to duty of paymasters' clerks—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a communication from the president of the Mississippi River Commission, a recommendation as to reimbursements for losses in the burning of the steamer *Wynoka*—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, the draft of a bill for the relief of certain receivers of public moneys—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a recommendation as to the payment of the claim of George

Walker, a Potawatomi Indian—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a copy of a communication from the president of the Commercial Pacific Cable Company in relation to the removal of certain hindrances to navigation around the Midway Islands—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of an investigation as to the amount of water used by the Departments and offices of the United States Government—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, a report relative to the effect on manufacturing enterprises of prospective improvements of navigation at Willamette Falls, Oreg.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting additional papers in the claim of Naomi E. Daly—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the public schools—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation for tests of coal and liquids—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for furniture and repairs of public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate of appropriation for the diplomatic and consular service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the State, War, and Navy Department Building, submitting an estimate of appropriation for fuel, lights, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for the exposition at Liege, Belgium—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General, submitting an estimate of appropriation for the Post-Office Department and the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Flushing Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15317) to build a bridge across the Ouachita River, Arkansas, reported the same with amendment, accompanied by a report (No. 3022); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8024) granting an increase of pension to William W. Fergusen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16007) granting an increase of pension to Henry T. Helwagen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16029) appropriating the sum of $500 to pay services of Elizabeth Ballett as nurse—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 16071) for the relief of Green Edmondson—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16258) granting a pension to Susan H. Chadsey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5662) for the relief of Julia Nolan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORRELL: A bill (H. R. 16274) providing for the regulation and supervision of insurance—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa (by request): A bill (H. R. 16275) for the amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, as amended by the act approved May 9, 1900—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16276) to fix rate of postage on books and merchandise mailed at distributing post-offices of rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS of Massachusetts: A bill (H. R. 16277) to regulate the employment of child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 16278) for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia—to the Committee on the District of Columbia.

By Mr. LAWRENCE: A bill (H. R. 16279) to establish a library post—to the Committee on the Post-Office and Post-Roads.

By Mr. HERMANN: A bill (H. R. 16280) for the construction, equipment, and operation of a dredge with necessary appliances and scows—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: A bill (H. R. 16281) to amend section 5200 of the Revised Statutes of the United States so as to amend the national banking act, and for other purposes—to the Committee on Banking and Currency.

By Mr. LIND: A bill (H. R. 16282) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: A bill (H. R. 16283) to enlarge the United States court and post-office building at San Antonio, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BURGESS: A bill (H. R. 16284) to transfer Fayette County from western to southern judicial district of Texas—to the Committee on the Judiciary.

Also, a bill (H. R. 16285) to regulate salaries of United States marshals and district attorneys of Texas—to the Committee on the Judiciary.

By Mr. STERLING: A bill (H. R. 16286) for the erection of a post-office building at Pontiac, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. BROWN of Pennsylvania: A bill (H. R. 16287) applying the provisions of the act of June 27, 1890, to the men of the Mississippi River Ram Fleet and Marine Brigade, their widows and minors—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 16288) for the purchase of letters patent of the Dickenson self-righting and self-bailing lifeboat—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: A bill (H. R. 16289) to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as deceased soldiers—to the Committee on Military Affairs.

By Mr. RANDELL of Texas: A bill (H. R. 16290) to provide for the purchase of a site and the erection of a public building thereon at Denison, in the State of Texas—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16291) to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: A bill (H. R. 16292) to establish a fish-cultural station in the State of Kentucky—to the Committee on the Merchant Marine and Fisheries.

By Mr. LIND: A bill (H. R. 16293) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain

lands in the Red Lake Indian Reservation, Minn.—to the Committee on Indian Affairs.

By Mr. WILEY of Alabama (by request): A bill (H. R. 16294) to establish and maintain a national sanitarium for indigent consumptives—to the Committee on Interstate and Foreign Commerce.

By Mr. THAYER: A bill (H. R. 16295) to admit wood and lumber free of duty—to the Committee on Ways and Means.

Also, a bill (H. R. 16296) to admit hides free of duty—to the Committee on Ways and Means.

By Mr. BOWERS: A bill (H. R. 16297) amending section 8 of an act approved March 2, 1903, Public, No. 128, second session Fifty-seventh Congress, entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi"—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16298) to provide for and regulate the use of the navigable rivers and streams of the United States for manufacturing, industrial, and other purposes by means of water power obtained therefrom—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: A bill (H. R. 16299) to amend and reenact section 714 of chapter 12 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 16300) to provide for uniformity in the plans and structure of dams hereafter constructed in the navigable streams of the United States by private persons for the generation of power, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 16301) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER of Louisiana: A bill (H. R. 16302) to provide for a public building at New Orleans, La.—to the Committee on Public Buildings and Grounds.

By Mr. HEPBURN: A resolution (H. Res. 392) providing for the consideration of H. R. 4072—to the Committee on Rules.

By Mr. GREENE: A resolution (H. Res. 393) to pay Walter French, son of Walter H. French, deceased, late file clerk of the House, certain money from the contingent fund of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 16303) granting an increase of pension to Joseph W. Tyler—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 16304) granting a pension to Mary Damm—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 16305) for the relief of Aaron B. Stripling—to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 16306) for the relief of the heirs of Robert McCoy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16307) for the relief of the heirs of Bethel A. Smith, deceased—to the Committee on War Claims.

By Mr. BEDE: A bill (H. R. 16308) granting an increase of pension to Webster Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16309) granting an increase of pension to Loren H. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16310) granting an increase of pension to Hugh McKenzie—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16311) granting an increase of pension to Morris Del Dowane—to the Committee on Pensions.

Also, a bill (H. R. 16312) granting an increase of pension to Alpheus C. Townsend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16313) granting an increase of pension to Richmond Sailing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16314) granting an increase of pension to William O. Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16315) granting an increase of pension to Fred Edward Stark—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 16316) granting an increase of pension to Casper J. Schoer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16317) granting an increase of pension to Robert Stewart—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16318) granting an increase of pension to John Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting an increase of pension to Henry T. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16320) granting an increase of pension to Jacob W. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16321) granting an increase of pension to Thomas H. Muchmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16322) granting an increase of pension to Dulcina Galbraith—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 16323) granting an increase of pension to David P. De Tar—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16324) granting an increase of pension to Richard Rollings—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16325) granting an increase of pension to Jonas Myers—to the Committee on Invalid Pensions.

By Mr. BROWN of Pennsylvania: A bill (H. R. 16326) granting an increase of pension to Elizabeth R. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16327) granting an increase of pension to Thomas Camby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16328) granting a pension to Lois E. Bliss, née Motter—to the Committee on Invalid Pensions.

By Mr. BROWN of Wisconsin: A bill (H. R. 16329) granting an increase of pension to George Merrill—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16330) to remove the charge of desertion from the military record of J. V. S. Stover—to the Committee on Military Affairs.

Also, a bill (H. R. 16331) granting a pension to Sarah A. Mason—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 16332) granting a pension to Herbert O. Kohr—to the Committee on Pensions.

Also, a bill (H. R. 16333) granting an increase of pension to John H. Blessing—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 16334) to remove the charge of desertion from the military record of the late William H. Thomas—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 16335) granting an increase of pension to Frank C. Culley—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 16336) granting an increase of pension to Howard Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16337) granting an increase of pension to Daniel M. Philbrook—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 16338) granting an increase of pension to A. Fradenburg—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 16339) granting an increase of pension to Charles Stair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16340) granting an increase of pension to James M. Dumenil—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 16341) for the relief of the estate of Saphira E. Stalcup—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 16342) granting a pension to Henry Thompson—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 16343) for the relief of Sophronia E. Ramm, formerly Price—to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 16344) granting an increase of pension to John Walters—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 16345) granting an increase of pension to George Whitfield—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 16346) for the relief of Bates & Despard and Despard Brothers—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 16347) for the relief of Patrick Heelan—to the Committee on Military Affairs.

By Mr. DRESSER: A bill (H. R. 16348) granting an increase of pension to Johnson Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16349) granting an increase of pension to John F. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16350) granting an increase of pension to Thomas T. Smith—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16351) granting an increase of pension to Michael Campion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16352) granting an increase of pension to Merritt A. Carr—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 16353) for the relief of the

Society of the United Brethren in Christ of Tyrone, Pa.—to the Committee on War Claims.

Also, a bill (H. R. 16354) granting an increase of pension to John W. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16355) granting an increase of pension to John L. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16356) granting an increase of pension to William McMeanes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16357) granting an increase of pension to John Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16358) granting an increase of pension to John Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16359) granting an increase of pension to Peter Giffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16360) granting an increase of pension to David W. Madara—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16361) for the relief of Edward Gazette—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 16362) granting a pension to Nancy J. St. Clair—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 16363) granting an increase of pension to Abram Barker—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 16364) granting an increase of pension to Gustav Tafel—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 16365) granting an increase of pension to Gilbert Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16366) granting an increase of pension to Adam Shultz—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 16367) granting an increase of pension to Robert Watts—to the Committee on Pensions.

By Mr. HEMENWAY: A bill (H. R. 16368) granting a pension to Susannah Mullins—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16369) granting an increase of pension to Calvin Barker—to the Committee on Invalid Pensions.

Also a bill (H. R. 16370) granting an increase of pension to Henry H. Wright—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16371) for the relief of Michael Kelly—to the Committee on Military Affairs.

Also a bill (H. R. 16372) for the relief of William H. Wood—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 16373) granting an increase of pension to George Lawhern—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16374) for the relief of the heirs of Mrs. C. M. J. Williamson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16375) for the relief of the heirs of J. H. Peebles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16376) for the relief of the heirs of Jacob Kuykendall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16377) for the relief of the heirs of Thomas J. Babb, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16378) for the relief of the heirs of Louis Cato—to the Committee on War Claims.

Also, a bill (H. R. 16379) for the relief of the heirs of J. B. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16380) for the relief of Mrs. Mercy C. Harvey—to the Committee on War Claims.

Also, a bill (H. R. 16381) for the relief of James K. Hamblen—to the Committee on War Claims.

Also, a bill (H. R. 16382) for the relief of the heirs of U. H. Buck, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16383) for the relief of the heirs of Benjamin Whitehead, deceased—to the Committee on War Claims.

By Mr. HUNT: A bill (H. R. 16384) granting a pension to Thomas Poag—to the Committee on Pensions.

By Mr. HUNTER: A bill (H. R. 16385) granting an increase of pension to Edwin Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16386) granting a pension to Bryan Dunbar—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 16387) granting an increase of pension to Sarah F. Mathison—to the Committee on Invalid Pensions.

By Mr. KNOPF: A bill (H. R. 16388) granting a pension to Gilman J. Philbrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16389) granting an increase of pension to George F. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16390) granting an increase of pension to Mortimer C. Briggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16391) granting a pension to Michael Mariga—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 16392) granting an increase of pension to John W. Tusing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16393) granting an increase of pension to Robert Burchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16394) granting a pension to Sarah C. Johnson—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 16395) granting an increase of pension to Josephine A. Smith—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. (16396) granting a pension to E. A. Sherburne—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 16397) granting an increase of pension to W. W. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16398) granting an increase of pension to Michael Keating—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 16399) for the relief of the estate of Burrell L. Bennett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16400) for the relief of the estate of John A. Hurd, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16401) for the relief of the estate of Louisa M. Kirklin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16402) for the relief of George W. Penney and the heirs of Thomas Penney, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16403) for the relief of the trustees of Hennegan's Chapel, Methodist Episcopal Church South, of Dunlap, Sequatchie County, Tenn.—to the Committee on War Claims.

By Mr. McCARTHY: A bill (H. R. 16404) granting an inincrease of pension to Adam Wenzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16405) granting an increase of pension to Franklin Sweet—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 16406) granting a pension to Francis Murphy—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 16407) for the relief of James P. Sprott—to the Committee on War Claims.

Also, a bill (H. R. 16408) for the relief of the estate of Blythe Sprott—to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 16409) granting a pension to Mary A. Kendall—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16410) for the relief of Patrick Daily—to the Committee on War Claims.

Also, a bill (H. R. 16411) granting a pension to Rhoda C. O'Neil—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 16412) granting an increase of pension to Henry C. Steadman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16413) granting an increase of pension to Charles H. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16414) for the relief of the trustees of the Presbyterian Church of Marshall, Va.—to the Committee on War Claims.

Also, a bill (H. R. 16415) for the relief of the trustees of Grove Baptist Church, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 16416) granting an increase of pension to John Lehn—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16417) granting an increase of pension to Silas J. Baker—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 16418) to pay W. M. Edgar for mules killed by Mescalero Apache Indians—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 16419) granting an increase of pension to F. A. W. Weaver—to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 16420) granting an increase of pension to William C. Travis—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 16421) for the relief of John W. McHarg—to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 16422) for the relief of E. D. Cook—to the Committee on Claims.

Also, a bill (H. R. 16423) granting a pension to Emma Hunter—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 16424) granting an increase of pension to Charles M. Fay—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16425) for the relief of the estate of Jacob B. Russell, deceased—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 16426) granting an in-

crease of pension to Alexander Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16427) granting an increase of pension to Alfred D. Launder—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16428) granting an increase of pension to Daniel D. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16429) granting an increase of pension to William S. Phelps—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16430) granting an increase of pension to John Burkhardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16431) granting an increase of pension to Will J. Crisler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16432) granting an increase of pension to George M. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16433) granting an increase of pension to James McCurdey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16434) granting an increase of pension to Jemima Carland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16435) granting an increase of pension to William H. Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16436) granting an increase of pension to Frank T. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16437) granting a pension to Phoebe Tillson—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 16438) granting a pension to Otto Boeswetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16439) granting an increase of pension to Jerome L. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16440) granting an increase of pension to Nathaniel Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16441) granting an increase of pension to John D. Owen—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 16442) granting an increase of pension to Catherine E. Ray—to the Committee on Invalid Pensions.

By Mr. WYNN: A bill (H. R. 16443) granting an increase of pension to Johanna J. Naughton—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 16444) granting an increase of pension to Henry C. Snyder—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of James Walfenden, on the subject of tariff schedules and financial legislation—to the Committee on Ways and Means.

Also, memorial of H. T. Newcomb, in relation to the withdrawal of the names of certain individuals, firms, and corporations from petitions praying for the passage of legislation empowering the Interstate Commerce Commission to fix freight rates—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the San Francisco Chamber of Commerce, praying for legislation to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Papers to accompany a bill granting an increase of pension to Joseph W. Tyler—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Petition of A. P. Thomas Drug Store Company, of Columbus, Ga., asking for tax on alcohol to be abolished for manufacturing purposes—to the Committtee on Ways and Means.

By Mr. BARTLETT: Papers to accompany a bill for the relief of Aaron B. Stripling—to the Committee on War Claims.

By Mr. BATES: Petition of Erie County (Pa.) Board of Trade, favoring international arbitration—to the Committee on Foreign Affairs.

Also, petition of citizens of Mill Creek Township, Erie County, Pa., praying for an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Mill Creek Township, Erie County, Pa., praying for the unseating of REED SMOOT in the United States Senate—to the Committee on the Judiciary.

Also, petition of Pomona Grange, No. 26; Union City Grange; Townville Grange; Conneautville Grange; Woodcock Grange, A. J. Cropp, secretary, Meadville, and Sparta Grange, No. 110, Spartansburg, Patrons of Husbandry, all in Pennsylvania, against change or repeal of the Grout antioleomargarine bill—to the Committee on Agriculture.

Also, petition of C. E. Childs, of Guys Mills, Crawford County, Pa., against change in the Grout bill—to the Committee on Agriculture.

Also, petition of Union Township Grange, against repeal or change of the Grout bill—to the Committee on Agriculture.

By Mr. BEALL of Texas: Memorial in behalf of the estate of Robert McCoy, deceased—to the Committee on War Claims.

Also, memorial of Mrs. S. J. Smart, only child and heir of Bethel S. Smith, deceased (Southern war claims)—to the Committee on War Claims.

By Mr. BEDE: Petition of citizens of Duluth, Minn., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT: Affidavits to accompany House bill to remove the charge of desertion from the military record of J. V. S. Stover—to the Committee on Military Affairs.

By Mr. BROWN of Wisconsin: Petitions of citizens of Wabeno, Crandon, and Carter, all in Forest County, Wis., praying that the claims of the Potawatomi Indians of Wisconsin for back annuities and other moneys may be speedily adjusted—to the Committee on Indian Affairs.

Also, petition of citizens of Wittenberg, Shawano County, Wis., praying that the claims of Potawatomi Indians of Wisconsin for back annuities and other moneys may be speedily adjusted—to the Committee on Indian Affairs.

By Mr. BURLEIGH: Petition of Sedgwick Grange, No. 244, of Hancock County, Me., favoring the establishment of a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. CASSINGHAM: Papers in support of claim for pension of Herbert O'Kohr—to the Committee on Invalid Pensions.

By Mr. CONNELL: Petition of A. J. Lanfield, of Daleville, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, resolution of the board of trade of Scranton, Pa., urging the passage of the Cooper-Quarles bill defining the duties and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Pennsylvania State Grange, Patrons of Husbandry, against repeal of the Grout bill—to the Committee on Agriculture.

Also, resolution of the Grangers of Lackawanna County, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Dr. H. P. Armsby, of State College, Pa., urging the passage of bill (H. R. 8678) providing for an increased annual appropriation for agricultural experiment stations—to the Committee on Agriculture.

Also, petition of Richard Graves, of Tomkinsville, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Charles Corless, of Scranton, Pa., urging the passage of the Penrose bill for the relief of railroad engineers who served during the war—to the Committee on Invalid Pensions.

Also, resolution of Division No. 276, Brotherhood of Locomotive Engineers, of Scranton, Pa., urging the passage of bill H. R. 13354, providing for pensions for engineers who served during the civil war—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of Rose Budd Stewart et al., asking for a national forest reservation in the White Mountains of New Hampshire—to the Committee on the Public Lands.

By Mr. DANIELS: Papers to accompany bill granting a pension to Mrs. Sophronia E. Ramm—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers to accompany bill H. R. 12569, granting an increase of pension to William L. Alley—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Albany (N. Y.) Chamber of Commerce, dated December 6, 1904, recommending the passage of bill H. R. 6273, enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. DRESSER: Papers to accompany claim of Johnson Anderson for pension—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Brotherhood of Locomotive Engineers, in favor of pensioning engineers who served in the civil war—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of citizens of Middletown Springs, Vt., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of members and pastor of the Methodist Episcopal Church of Morrisville, Ill., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the stewards and pastor of the Methodist Episcopal Church of Sheldon, Vt., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Vermont, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: Resolution of the Stone Cutters' Union of Springfield, Mass., protesting against the proposed substitution of granite in the superstructure of the new Federal building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. GRANGER: Petition of citizens of Providence, R. I., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HEARST: Petition of citizens of Fairfield, Iowa, favoring the enactment into law of bill H. R. 13778, known as "the Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Petition of the Interstate Commerce Law Convention, favoring enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Papers to accompany bill H. R. 15855, granting an increase of pension to Loren Austin—to the Committee on Invalid Pensions.

By Mr. KNOPF: Papers to accompnay House bill for relief of Gilman J. Philbrick, Company F, Thirtieth Regiment United States Cavalry—to the Committee on Invalid Pensions.

Also, papers in support of claim for pension of George F. Robinson—to the Committee on Invalid Pensions.

Also, papers in support of claim of Mortimer C. Briggs, of Company K, Fifteenth Illinois Cavalry—to the Committee on Invalid Pensions.

By Mr. LILLEY: Resolution of Derby and Shelton (Conn.) Board of Trade, favoring the passage of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. MANN: Petition of National League of Commission Merchants, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of citizens of South Dakota, praying that the homestead act of April 28, 1904, relating to Nebraska, be extended to all that portion of the State of South Dakota west of the Missouri River—to the Committee on the Public Lands.

By Mr. MOON of Tennessee: Petition supporting claim of George W. Penney—to the Committee on War Claims.

Also, papers to accompany claim of trustees of Hennegan's Chapel, Methodist Episcopal Church South, Dunlap, Sequatchie County, Tenn.—to the Committee on War Claims.

Also, papers supporting the claim of estate of Louisa M. Kirklin—to the Committee on War Claims.

Also, papers supporting claim of estate of Burrel L. Bennett, deceased—to the Committee on War Claims.

Also, petition of B. B. Barker, administrator of John A. Heard, deceased, supporting claim of said estate—to the Committee on War Claims.

Also, papers to accompany House bill for relief of Hartford Matherly—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for relief of Eli Jellis—to the Committee on Invalid Pensions.

By Mr. PORTER: Papers supporting claim for relief of John W. Strayer, of Pittsburg, Pa., by granting him a pension—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: Petition of citizens of Brookline, Norfolk County, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 10099, to secure a pension for Harrison Cook—to the Committee on Invalid Pensions.

By Mr. RIXEY: Papers to accompany bill granting an increase of pension to Charles H. Pratt, of Remington, Va.—to the Committee on Invalid Pensions.

Also, papers to accompany bill for increase of pension to Henry C. Steadman, of Taylorstown, Va.—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of the Ministers' Association, by L. M. Krider, of Auburn, Ind., chairman, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Division No. 659, Brotherhood of Locomotive Engineers, of Buffalo, N. Y., favoring bill H. R. 15334, to pension men who acted as locomotive engineers in the civil war—to the Commitee on Invalid Pensions.

Also, petition of the Buffalo Baptist Church, against the Independent State of the Kongo—to the Committee on Foreign Affairs.

By Mr. SMITH of Illinois: Petition of citizens of Mounds, Pulaski County, Ill., in favor of amendment to certain provisions of the pension laws—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany House bill for increasing the pension of William C. Travis, of Company D, One hundred and twenty-fourth Ohio Infantry—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolution of the Board of Trade of Derby and Shelton, Conn., favoring the Boutell bill relating to pure alcohol—to the Committee on Ways and Means.

By Mr. STERLING: Affidavits of W. W. Johnson and Robert Orr, accompanying bill H. R. 16254, for the relief of Lydia Howard—to the Committee on Pensions.

Also, affidavits accompanying bill H. R. 16256, for the relief of Elizabeth Debord—to the Committee on Invalid Pensions.

Also, affidavits of Aaron Hetzler and George Clifton, accompanying bill H. R. 16255, for the relief of Elam Skivers—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16256, granting a pension to Laura W. Noble, now Brown, widow of Hiram Noble—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Petition of the Senior Christian Endeavor Society of Sibley, Iowa, in favor of an international congress to meet at stated intervals to deliberate upon questions of common interest to the nations—to the Committee on Foreign Affairs.

By Mr. TOWNSEND: Petition of J. H. Shepard, Anna Reed, and 39 others, of Cadmus, Mich., for an amendment to the Constitution of the United States making polygamy a breach of the national law—to the Committee on the Judiciary.

Also, petition of citizens of Cadmus, Mich., against the seating of REED SMOOT in Congress—to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Society of Erie, Mich., for the establishment of an international peace congress—to the Committee on Foreign Affairs.

By Mr. UNDERWOOD: Papers to accompany bill for relief of estate of Jacob B. Russell—to the Committee on War Claims.

By Mr. VAN VOORHIS: Papers in support of claim for relief of Alfred D. Saunders, Company B, Twentieth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. VANDIVER: Papers to accompany bill for relief of estate of S. E. Stalcup—to the Committee on War Claims.

By Mr. YOUNG: Resolution of the Società di Benevolenza Capestrano Abruzzi, of Iron Mountain, Mich., in favor of making October 12 a national holiday in honor of Christopher Columbus—to the Committee on the Judiciary.

Also, petition of the First Congregational Christian Endeavor Society of Hillyard, Mich., in favor of an international congress—to the Committee on Foreign Affairs.

Also, Petition of Ira Blossom and other citizens of the Twelfth Congressional district of Michigan, favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

SENATE.

TUESDAY, *December 13, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. HERNANDO D. MONEY, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of Louisiana and Kansas; which, with the accompanying papers, was ordered to be filed.

ESTIMATES OF DEPARTMENT OF JUSTICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an amendment to the estimates of the Department of Justice for inclusion in the legislative, executive, and judicial appropriation bill for the fiscal year 1906; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 130) granting an increase of pension to Washington I. Cook;

A bill (H. R. 808) granting an increase of pension to George Deland;

A bill (H. R. 912) granting an increase of pension to John F. Dorsey;

A bill (H. R. 1099) granting an increase of pension to Lewis O. Marshall;

A bill (H. R. 1286) granting an increase of pension to John Brasch;

A bill (H. R. 1901) granting an increase of pension to Warren F. Barnes;

A bill (H. R. 1907) granting an increase of pension to Wyman J. Crow;

A bill (H. R. 2151) granting an increase of pension to Samuel H. Hunt;

A bill (H. R. 2353) granting an increase of pension to Sophia C. Hilleary;

A bill (H. R. 2558) granting an increase of pension to John Cummings;

A bill (H. R. 2993) granting an increase of pension to Lewis Townsend;

A bill (H. R. 3287) granting an increase of pension to Orin Plaisted;

A bill (H. R. 3359) granting an increase of pension to Cyrus E. Salada;

A bill (H. R. 3712) granting a pension to Frederick W. Tappmeyer;

A bill (H. R. 3831) granting an increase of pension to John W. Hartley;

A bill (H. R. 4112) granting an increase of pension to Elizabeth Wynne;

A bill (H. R. 4211) granting an increase of pension to Elijah Roberts;

A bill (H. R. 4242) granting an increase of pension to Annie M. Wallace;

A bill (H. R. 4627) granting a pension to Annie Young;

A bill (H. R. 4655) granting an increase of pension to Henry Jeffers;

A bill (H. R. 4728) granting an increase of pension to William W. Smith;

A bill (H. R. 4927) granting an increase of pension to Eugene P. Tewksbury;

A bill (H. R. 4948) granting a pension to Wilson H. Davis;

A bill (H. R. 5037) granting an increase of pension to Richard H. Stillwell;

A bill (H. R. 5089) granting an increase of pension to Charles W. McKenney;

A bill (H. R. 5245) granting an increase of pension to William A. Helt;

A bill (H. R. 5341) granting a pension to Jennie Petteys;

A bill (H. R. 5436) granting a pension to Hiram Baird;

A bill (H. R. 5461) granting an increase of pension to Preston D. Roady;

A bill (H. R. 5692) granting an increase of pension to John Shanley;

A bill (H. R. 5997) granting an increase of pension to James Hammonds;

A bill (H. R. 6129) granting an increase of pension to Edwin M. Raymond;

A bill (H. R. 6354) granting an increase of pension to George M. Simmons;

A bill (H. R. 6449) granting a pension to Spencer M. Case;

A bill (H. R. 6480) to control grazing in forest reserves;

A bill (H. R. 6498) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

A bill (H. R. 6506) granting an increase of pension to Edward M. Rhoades;

A bill (H. R. 6543) granting an increase of pension to Robert Liggatt;

A bill (H. R. 6640) granting an increase of pension to John A. Courtney;

A bill (H. R. 6832) granting an increase of pension to Nathaniel Cayes;

A bill (H. R. 6857) granting an increase of pension to Lorenzo D. Jameson;

A bill (H. R. 6948) granting an increase of pension to Joshua Parsons;

A bill (H. R. 6961) granting an increase of pension to Thomas E. Rice;

A bill (H. R. 7241) granting an increase of pension to Philip H. Strunk;

A bill (H. R. 7367) granting an increase of pension to John M. Barron;

A bill (H. R. 8166) granting an increase of pension to Martha A. Johnson;

A bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture;

A bill (H. R. 8917) granting an increase of pension to Michael Marx;

A bill (H. R. 8996) granting an increase of pension to Diah Lovejoy;

A bill (H. R. 9115) granting an increase of pension to Merritt Mead;

A bill (H. R. 9493) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same;

A bill (H. R. 9552) granting an increase of pension to Peter Williams;

A bill (H. R. 9553) granting an increase of pension to Hattie L. Rich;

A bill (H. R. 9621) granting an increase of pension to William Lance;

A bill (H. R. 9696) granting an increase of pension to Henry S. Austin;

A bill (H. R. 9771) granting an increase of pension to Mary E. Weaver;

A bill (H. R. 9798) granting an increase of pension to Isaac W. Sherman;

A bill (H. R. 9824) granting a pension to William Hayes;

A bill (H. R. 9939) granting an increase of pension to Martha Higgins;

A bill (H. R. 10272) granting an increase of pension to Lorenzo Streeter;

A bill (H. R. 10360) granting an increase of pension to Mary Flynn;

A bill (H. R. 10554) granting an increase of pension to John McGregor;

A bill (H. R. 10680) granting an increase of pension to Samuel B. Coe;

A bill (H. R. 10686) granting an increase of pension to Michael Kurtz;

A bill (H. R. 10945) granting a pension to Lola Qualls;

A bill (H. R. 10969) granting an increase of pension to Joseph H. Shay;

A bill (H. R. 11015) granting an increase of pension to Joseph Wardle;

A bill (H. R. 11016) granting an increase of pension to Samuel P. Short;

A bill (H. R. 11090) granting an increase of pension to Joseph Reese;

A bill (H. R. 11148) granting an increase of pension to George W. Stanfield;

A bill (H. R. 11235) granting a pension to Clarissa E. McCormick;

A bill (H. R. 11324) granting an increase of pension to Charles Alfred De Arnaud;

A bill (H. R. 11361) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River in the States of Indiana and Michigan;

A bill (H. R. 11451) granting an increase of pension to Alexander Morrison;

A bill (H. R. 11492) granting an increase of pension to Samuel B. Bartley;

A bill (H. R. 11661) granting an increase of pension to William H. McClurg;

A bill (H. R. 11788) granting an increase of pension to Henry L. Kyler;

A bill (H. R. 11984) granting an increase of pension to Edward C. Jones;

A bill (H. R. 12052) granting a pension to Walter P. Mitchell;

A bill (H. R. 12058) granting an increase of pension to John W. Dickey;

A bill (H. R. 12254) granting an increase of pension to Matthew H. Bevan;

A bill (H. R. 12397) granting an increase of pension to Alfred Chill;

A bill (H. R. 12576) granting an increase of pension to William M. Kitts;

A bill (H. R. 12577) granting an increase of pension to James Graves;

A bill (H. R. 12818) granting a pension to Nichols M. Brockway;
A bill (H. R. 12859) granting an increase of pension to James Donnelly;
A bill (H. R. 13064) granting an increase of pension to John K. Tyler;
A bill (H. R. 13241) granting an increase of pension to David Deardourff;
A bill (H. R. 13501) granting an increase of pension to James L. Townsend;
A bill (H. R. 13658) granting an increase of pension to Henry Smith;
A bill (H. R. 13910) granting a pension to Henry E. Wright;
A bill (H. R. 13955) granting an increase of pension to Elijah G. Wood;
A bill (H. R. 14150) granting an increase of pension to John J. Carberry;
A bill (H. R. 14288) granting a pension to Nettie C. Lutes;
A bill (H. R. 14576) granting an increase of pension to Evelyn M. Dunn;
A bill (H. R. 14601) granting an increase of pension to William Scheall;
A bill (H. R. 14662) granting an increase of pension to Aaron Fanshaw;
A bill (H. R. 14774) granting an increase of pension to Albert S. Graham;
A bill (H. R. 14789) granting pensions to certain officers and men of the Fourth Regiment of Arkansas Mounted Infantry;
A bill (H. R. 14799) granting an increase of pension to Napoleon B. Wing;
A bill (H. R. 14855) granting an increase of pension to Henry C. Thayer;
A bill (H. R. 14875) granting an increase of pension to Seeley Earnest;
A bill (H. R. 14879) granting an increase of pension to Benjamin Dillingham;
A bill (H. R. 14887) granting an increase of pension to William P. Davis;
A bill (H. R. 14889) granting an increase of pension to Alfred W. Dearborn;
A bill (H. R. 14919) granting a pension to Kerney May;
A bill (H. R. 14936) granting an increase of pension to James T. Wolverton;
A bill (H. R. 14951) granting an increase of pension to Benjamin F. Watts;
A bill (H. R. 15071) granting an increase of pension to Matilda L. Curkendall;
A bill (H. R. 15102) granting an increase of pension to Charles Bergman;
A bill (H. R. 15144) granting an increase of pension to William J. Reynolds;
A bill (H. R. 15190) granting an increase of pension to James M. Paul;
A bill (H. R. 15199) granting a pension to Mary J. Lansing, formerly Mary J. Abbott;
A bill (H. R. 15207) granting an increase of pension to Amos Jones;
A bill (H. R. 15244) granting an increase of pension to Rebecca V. Mackenzie;
A bill (H. R. 15269) granting a pension to Anna C. Owen;
A bill (H. R. 15342) granting a pension to Angeline Buckley;
A bill (H. R. 15387) granting an increase of pension to William Hall;
A bill (H. R. 15404) granting an increase of pension to John A. Hayward;
A bill (H. R. 15473) granting an increase of pension to James W. Capron;
A bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River, near the town of Fulton, in the said county and State;
A bill (H. R. 15634) granting a pension to Harriet A. Orr;
A bill (H. R. 15680) granting an increase of pension to Isaac Hanson;
A bill (H. R. 15686) granting an increase of pension to Anna A. Dunn;
A bill (H. R. 15688) granting an increase of pension to Augustus H. Haines;
A bill (H. R. 15743) granting an increase of pension to Desire Leglise;
A bill (H. R. 15744) granting an increase of pension to Edward L. Russell;
A bill (H. R. 15762) granting an increase of pension to James L. Olmsted;
A bill (H. R. 15779) granting an increase of pension to Luciuda M. Reeves;
A bill (H. R. 15785) granting an increase of pension to Charles E. Young;
A bill (H. R. 15791) granting a pension to Mary Suppes; and
A joint resolution (H. J. Res. 176) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

[The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.]

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Hearst News Service, of New York City, N. Y., praying that the privileges of the floor be extended to them the same as is extended to representatives of the Associated Press, the Laffan Bureau, and the Publishers' Press; which was referred to the Committee on Rules.

Mr. PROCTOR presented a petition of the Vermont Federation of Women's Clubs, of West Brattleboro, Vt., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of Local Division No. 163, Brotherhood of Locomotive Engineers, of Newport, Vt., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of the Young Woman's Christian Temperance Union, the Mission Circle, the Woman's Christian Temperance Union, the congregation of the First Baptist Church, and the congregation of the Congregational Church, all of Woonsocket, in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Roger Williams Sunday School, of Providence, R. I., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

Mr. PENROSE presented a petition of the McDowell Memorial Presbyterian Young People's Society of Christian Endeavor, of Philadelphia, Pa., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

Mr. BARD presented a petition of the Yolo County Society for Medical Improvement, of California, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of 351 citizens of the United States, praying for the enactment of legislation to grant lands in severalty to the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

Mr. SCOTT presented a petition of the West Virginia Woman's Indian Association, of Wheeling, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory; which was referred to the Committee on Territories.

Mr. FORAKER presented petitions of the Short Creek Society of Friends, of Emerson; of the congregations of the Second Baptist Church of Portsmouth; the First Presbyterian Church of Canton; the Congregational Church of Medina; the Presbyterian Church of Morning Sun; the Presbyterian Church of Amesville; the Rock Creek Congregational Church; the East Trumbull Church of Disciples; the Rock Creek Church of Disciples; the Methodist Episcopal Church of Rock Creek; the Congregational Church of Eagleville; the Methodist Episcopal Church, the First Presbyterian Church, the United Evangelical Church, the United Brethren Church, the Sixth Avenue Methodist Episcopal Church, the Trinity Evangelical Church, of Lancaster; the Presbyterian, Methodist Episcopal, and Christian churches, of Delta; the Universalist Church of Mason; the Christian Church of Salem; the St. Paul's United Brethren Church, of Rising Sun; the Methodist Episcopal Church of Jacksonville; the Methodist Episcopal Church of Norwich; the Methodist Episcopal Church, the Reformed Presbyterian Church, the Presbyterian Church, the Second United Presbyterian Church, and the First United Presbyterian Church, of New Concord; the Evangelical Church of Marshallville; the St. Paul's Church and the Asbury Methodist Episcopal Church, of Delaware; the Christian Church of Solon; the Methodist Episcopal Church of Lakeside; the First Presbyterian Church of Alliance; the Church of Christ of Hillsboro; the Methodist Protestant Church of Roseville; the Methodist Episcopal Church of Dayton; the Methodist Episcopal Church of Coalton; the Religious Society of Friends of Waynesville; the Society of Friends of Walnut Creek; the Society of Friends of Hardin

Creek; the United Brethren Church and the United Presbyterian Church of Bergholz; the Presbyterian Church of Keene; the Christian Church of Quaker City; the East Congregational Church of East Cleveland; the All Souls Universalist Church, of Cleveland; the First Methodist Episcopal Church and the Christian Church of Flushing; the Woman's Christian Temperance Union of Dayton, Hardin Creek, Canton, Marion, New Concord, Reesville, Darbyville, Washington Court House, Lancaster, Wilmington, and Peebles; of the students of the Ohio Wesleyan University of Delaware; of the Rock Creek Union and the Epworth League of Rock Creek; of the Amalgamated Association of Street Railway Employees, Local Division No. 244, of New Philadelphia; of Marlboro Grange, No. 1401, of Marlboro; of Emerson Grange, No. 1426, of Emerson; of the Buckeye Farmers' Institute, of Cardington; of the Sabbath school of the Methodist Episcopal Church, the members of Wesley Chapel, and the members of Home Missionary Society of the Methodist Episcopal Church of Washington Court House; of sundry citizens of Rock Creek, Waynesville, Bloomdale, Marvin Township, Marlboro, Richland, Township, Plantsville, Wayne Township, Middlefield, Pine Hill, Roseville, Belmont, East Palestine, Coatsville Point, North Fairfield, Sugar Creek Township, Homer, Brandon, Swanton, Delta, Springfield, Wilmington, Sharon Center, Mount Vernon, Archbold, Akron, Delaware, Athens, Salem, Quaker City, Edon, Lancaster, Washington Court House, Cincinnati, Columbus, New Concord, Peebles, Mason, and of Wood, Sandusky, Highland, and Adams counties, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Brooklyn, Wis., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a petition of the congregation of the Methodist Episcopal Church of Hudson, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FULTON presented a petition of the Greater Salem Commercial Club, of Oregon, praying for the enactment of legislation placing Alaska and adjacent islands in respect to the training and education of their children under the Department of Indian Affairs; which was referred to the Committee on Indian Affairs.

Mr. QUARLES presented petitions of the Canada Land and Fruit Company, of Marinette, and of sundry citizens of Marinette, Menominee, Crystal Falls, Niagara, Green Bay, Watertown, Lake Mills, Marshfield, Abbotsford, and Faville Grove, all in the State of Wisconsin, praying for the enactment of legislation to prevent the reversion of the Isle of Pines, West Indies, to the government of Cuba; which were referred to the Committee on Foreign Relations.

Mr. DANIEL presented petitions of L. H. Santos and sundry other citizens of Norfolk, of Annie B. Crowder and sundry other citizens of Norfolk, of H. E. Thompson and sundry other citizens of Hampton, of Claude Bulls and sundry other citizens of Norfolk, of J. M. Law and sundry other citizens of Norfolk, and of L. K. Graham and sundry other citizens of Norfolk, all in the State of Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the petition of S. W. Links, of Halifax County, Va., praying that his claim against the Government be referred to the Court of Claims under the Tucker Act; which was referred to the Committee on Claims.

YOSEMITE NATIONAL PARK.

Mr. PERKINS. From the Committee on Forest Reservations and the Preservation of Game, I submit the report of the commission appointed to investigate conditions and situations in the Yosemite National Park of California, presented by the Secretary of the Interior. The committee recommend that the usual number of copies be ordered printed. The estimated cost of printing it in full as a public document is about $500.

The PRESIDENT pro tempore. Do maps accompany the report?

Mr. PERKINS. They do; and the request is that all of it be printed. The estimated cost of the printing I have before me from the Public Printer. It is $510. It is a very important document and of great interest not only to the people of California, but of the whole country. I therefore move that the usual number of copies be ordered printed.

The PRESIDENT pro tempore. The Senator from California reports from the Committee on Forest Reservations and the Preservation of Game the report of the commission appointed to investigate the conditions and situations in the Yosemite National Park of California, presented by the Secretary of the Interior, and asks that it may be printed as a Senate document, with the maps and photographs. Is there objection? The Chair hears none, and that order is made.

INAUGURAL CEREMONIES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to report back favorably, with amendments, the joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies, on the inauguration of the President-elect, March 4, 1905, and so forth.

I desire unanimous consent to make a brief statement concerning this matter, after which I shall ask unanimous consent for the consideration of the joint resolution.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator.

Mr. GALLINGER. Mr. President, heretofore the Pension Office building has been used for the inaugural ball. The use of it was granted by the proper official. But at the last session of Congress a statute was enacted in which a provision was inserted whereby a public building could only be used with the consent of Congress, the only buildings which were excluded from such use being the Capitol and the White House, as I remember it.

Now, Mr. President, it is necessary for Congress to take action in reference to the use of any building for this particular purpose. The joint resolution, among other things, provides that the Pension Office building shall be so used.

The Commissioners approve of the joint resolution, the Secretary of War approves of it, but the Secretary of the Interior raises some objection, pointing out, for instance, that there is more or less danger from fire; that there are valuable documents stored there, and he declines to take the personal responsibilty of advising the use of the building. He does say, however, in a personal letter to me, that if Congress directs him to do so he will cheerfully cooperate and do all he can to make the building safe from fire and other contingencies of a like nature.

The inaugural committee, Mr. President, have assured me personally that they will use the utmost diligence in all matters committed to them so far as the building is concerned; that they will have but a very small amount of bunting; that they will have it treated with a preparation making it practically noncombustible, and that they will have firemen and chemical engines and everything of that kind at hand and will do all that can be done to safeguard the property.

A suggestion has been made that the Library of Congress building should be used for this purpose, but I feel sure that Congress will never consent to allow the use of that building for an inaugural ball, and I see no way in which we can bring about the result that is desired except to grant the use of the Pension Bureau building.

I will state that prominent citizens of Washington have assured me that they expect to construct a building before 1908 in the District of Columbia which can be used for this and other like purposes, and that this will doubtless be the last time they will come to Congress asking for the use of the Pension Bureau or any other public building.

Under the circumstances, Mr. President, I feel that we ought to pass this joint resolution granting the use of a building which has already been occupied for a similar purpose several times in the past without any disaster or any loss occurring to the property of the United States. Therefore I ask consent for the present consideration of the joint resolution.

Mr. BAILEY. Pending that request, Mr. President, I desire to ask if it is not true that for years the building was used without question for this purpose and that for some sufficient reason in the last four or eight years Congress passed a law prohibiting the further use of it for inaugural balls?

Mr. GALLINGER. It is true, as I stated.

Mr. BAILEY. If there was any good reason for Congress passing that act, what has occurred since then to make the reason invalid now?

Mr. GALLINGER. I think, Mr. President, the provision of the statute is that the public buildings shall not be used except by consent of Congress.

Mr. BAILEY. I perfectly understand that; but, as a matter of fact, we all know that the act was passed for the express purpose of preventing the use of the Pension Office building for inaugural balls.

I suppose a Democrat is not very much entitled to say much about the ceremonies on that occasion, but I still venture to ask for the reason.

Mr. GALLINGER. I regret that I can not give the Senator

the reasons which prompted the committee—I think the Committee on Appropriations—to recommend the legislation.

Mr. BAILEY. The Senator will permit me to pay him the compliment of saying that if he does not know the reason no reason exists.

Mr. GALLINGER. The Senator is very kind.

Mr. BAILEY. I resent the idea that the Secretary of War and probably the Secretary of the Navy can agree to use the building of the Secretary of the Interior. The Secretary of the Interior might be just as liberal in the use of their buildings. It seems to me that if the recommendations of the Secretary of the Interior ought to prevail on any subject—and I have grave question in my mind about that—it ought to be on something like this. This is just about the size question that he is capable of comprehending.

Mr. GALLINGER. I will say that I was unfortunate in my allusion to the Secretary of War. The Secretary of War reported that he sees no objection to the use of the public spaces and certain details that are necessary to make this function a success, so far as the public spaces are concerned. The Secretary of the Interior declines to take the personal responsibility, he says, of advising the use, but that it is in the hands of Congress, and if Congress sees fit to so order it and directs him to do certain things he will gladly cooperate in the matter.

Mr. BAILEY. My own impression is that there was no good reason for the passage of the act of prohibition, unless the use of the hall for this purpose endangers the records which are accumulated there. If that be the reason, I suppose that it is as valid now as it was when the act was passed.

I have no care about it except the same care that any Senator would have about the public buildings, and particularly a building which contains important public records. But if they choose to use it for that purpose, I shall make no objection.

I have no objection to the young people dancing in the Pension building; but I object to the vacillation which leads Congress to pass a bill prohibiting the use of the building at one session and a bill permitting the use at the next session.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the Committee on the District of Columbia were, in section 1, on page 1, line 3, after the word "authorized," to insert the words "and directed;" in section 2, on the same page, line 11, after the word "permits," to insert "under such restrictions as he may deem necessary;" on page 2, line 12, at the end of the line, to strike out the word "superintendent" and insert "officer in charge;" in line 14, after the word "grounds," to insert:

And provided further, That the reservation or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservation or spaces.

In section 3, page 2, line 21, at the end of the line, to insert:

Provided, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

In line 22, after the word "*Provided,*" to insert the word "*further;*" on page 3 to strike out the proviso at the end of section 3, in lines 13, 14, and 15; in section 4, on the same page, line 16, to strike out the word "fifteen" before the word "thousand" and insert the word "eighteen;" on page 4, line 2, after the word "conveyance," to insert the words "and to make special regulations respecting the standing, movements, and operation of vehicles of whatsoever character or kind;" in the same line, after the word "period," to insert:

Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily papers published in the District of Columbia; and no penalty prescribed for the violation of any such regulations shall be enforced until five days after such publication.

On page 4, line 10, before the word "temporary," to insert the words "the construction, maintenance, and expenses incident to the operation of;" in the same line, after the word "stations," to insert "and information booths;" in section 5, on page 4, line 15, after the words "and so forth," to insert "belonging to the Government of the United States;" in line 16, after the word "may," to insert the words "in their judgment;" at the end of line 17 to insert "in connection with said ceremonies;" and in line 22, after the word "*Provided,*" to insert "That the loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 28th day of February, and they shall be returned by him by the 10th day of March, 1905: *Provided further;*" so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, subject to such restrictions and regulations as the said Secretary may prescribe in respect of the period and manner of such use.

SEC. 2. That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon, and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Superintendent of the United States Capitol Building and Grounds: *And provided further,* That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservation or spaces.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1905, to stretch suitable overhead conductors, with sufficient supports wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided,* That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further,* That the said conductors shall not be used for the conveying of electrical currents after March 7, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1905: *Provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further,* That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 4. That $18,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1905, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance and to make special regulations respecting the standing, movements, and operating of vehicles of whatsoever character or kind during said period. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100, in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration and may in their judgment be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided,* That the loan of the said ensigns, flags, signal numbers, and so forth, to said chairman shall not take place prior to the 28th day of February and they shall be returned by him by the 10th day of March, 1905; *Provided further,* That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1905, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided,* That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1905.

SEC. 7. That the Commissioners of the District of Columbia are

hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of the streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1905: *Provided*, That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners: *Provided further*, That no temporary tracks shall be laid upon or over any of the parks of the city.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOLIDAY RECESS.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock meridian, January 4, 1905.

BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 6017) for the relief of certain homestead settlers in the State of Alabama; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BALL introduced a bill (S. 6018) to correct the military record of John C. Carroll, alias John T. Johnson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLACKBURN introduced a bill (S. 6020) for the settlement of claims of volunteer soldiers by the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 6021) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer aid in the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6022) granting an increase of pension to John H. Barton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6023) granting an increase of pension to Caroline G. Kinzie; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6024) to correct the military record of Asa Niles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALGER introduced a bill (S. 6052) granting an increase of pension to Belle K. Theaker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6026) granting an increase of pension to Stephen Girard Nichols; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6027) granting a pension to George Evans (with an accompanying paper);

A bill (S. 6028) granting an increase of pension to Joseph W. Tyler (with an accompanying paper);

A bill (S. 6029) granting a pension to Ursula Bayard (with an accompanying paper);

A bill (S. 6030) granting an increase of pension to Joseph Orton Kerbey;

A bill (S. 6031) granting an increase of pension to Edward S. Skeel (with an accompanying paper); and

A bill (S. 6032) granting a pension to Jeremiah Derr.

Mr. PENROSE introduced a bill (S. 6033) for the relief of Joseph Orton Kerbey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6034) appropriating $300 to the heirs of John Schlipf, deceased;

A bill (S. 6035) to reimburse A. J. Caufman, Girard, Erie County, Pa., in the sum of $300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton as a substitute;

A bill (S. 6036) for the relief of the Pullman Company;

A bill (S. 6037) for the relief of the legal representatives of John B. Siedle, deceased;

A bill (S. 6038) for the relief of Margaret Dalton, widow of George Dalton, deceased;

A bill (S. 6039) for the relief of Capt. E. P. Brewer;

A bill (S. 6040) for the relief of James P. Barney; and

A bill (S. 6041) for the relief of Jacob J. Miller.

Mr. SMOOT introduced a bill (S. 6042) granting an increase of pension to James B. Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6043) to authorize the President to place Maj. Gen. Peter Joseph Osterhaus, United States Volunteers, upon the retired list of the United States Army with the grade of major-general; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6044) granting a pension to Clara J. Swain;

A bill (S. 6045) granting an increase of pension to Almon W. Bennitt; and

A bill (S. 6046) granting an increase of pension to John S. Wilcox.

Mr. BAILEY (by request) introduced a bill (S. 6047) to grant appeals in certain cases; which was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. BAILEY. I would prefer to have it go to the Judiciary Committee, but as it relates to appeals from a court in the Indian Territory which was the creature of the Committee on Indian Affairs, I think, possibly, in justice to that committee, it ought to go there.

The PRESIDENT pro tempore. At the request of the Senator from Texas, the bill will be referred to the Committee on Indian Affairs.

Mr. BAILEY. If I can be indulged for a moment, I will ask that it go to the Committee on the Judiciary. If there is no objection, I would prefer to have it go there.

The PRESIDENT pro tempore. The bill will be referred, then, to the Committee on the Judiciary.

Mr. BEVERIDGE introduced a bill (S. 6048) to correct the military record of William T. Rominger, of Hartsville, Ind.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6049) granting a pension to Judiah B. Smithson; which was read twice by its title, and with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6050) to regulate the practice of veterinary medicine in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. GALLINGER. I introduce a bill, which has the approval of the Merchant Marine Commission, for reference to the Committee on Commerce.

The bill (S. 6051) to provide for the use of vessels of the United States for public purposes was read twice by its title.

Mr. GALLINGER. I will state that it is the intention of the Merchant Marine Commission to present another and a more comprehensive bill, but this measure, which might be called a "little bill," has the approval of that Commission.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

Mr. SCOTT (by request) introduced a bill (S. 6052) for the relief of George Ivers, of Boone, Pueblo County, Colo., administrator of William Ivers; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6053) granting an increase of pension to Charles H. Friend;

A bill (S. 6054) granting a pension to Annie Ellis;

A bill (S. 6055) granting a pension to Florence Emery Blake; and

A bill (S. 6056) granting an increase of pension to William W. Herrick.

Mr. McCUMBER introduced a bill (S. 6057) making Sherwood, N. Dak., a subport of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 6058) granting an increase of pension to John S. Jones; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of John S. Jones, Company E, Thirty-second Regiment Missouri Volunteer Infantry, praying for an increase of pension, together with the affidavit of Dr. William H. Brener. I move that the bill and the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BURROWS introduced a bill (S. 6059) for the relief of Myron Powers; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6060) for the relief of the Presbyterian Church of Fredericksburg, Va.;

A bill (S. 6061) for the relief of the Shiloh Methodist Church, Fredericksburg, Va.;

A bill (S. 6062) for the relief of the trustees of the Methodist Episcopal Church South, of Fredericksburg, Va.;

A bill (S. 6063) for the relief of the trustees of the Christian Church of Fredericksburg, Va.;

A bill (S. 6064) for the relief of the trustees of the Drummondtown Methodist Episcopal Church, of Drummondtown, Va.;

A bill (S. 6065) for the relief of the trustees of Abingdon Protestant Episcopal Church, of Gloucetser County, Va.; and

A bill (S. 6066) for the relief of the St. George's Episcopal Church, of Fredericksburg, Va.

Mr. QUARLES introduced a bill (S. 6067) for the relief of the Good Shepherd Industrial School; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6068) for the relief of the estate of Alexander F. Beckham, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILLS.

Mr. PROCTOR submitted an amendment proposing to appropriate $80,000 for the purchase of certain lots in square 624, in the District of Columbia, and for the erection thereon of suitable stables for the Government Printing Office, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $2,500 for one chief of division in the office of the Commissioner of Indian Affairs, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. GORMAN submitted two amendments intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act;" which were ordered to be printed, and, with the accompanying papers, were referred to the Committee on Claims.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act;" which was referred to the Committee on Claims, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act;" which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, it was

Ordered, That J. G. and I. N. Day be permitted to withdraw from the files of the Senate the papers heretofore filed by them in support of their claim against the United States, there having been no adverse report on said case.

STATUE OF JOHN JAMES INGALLS.

Mr. LONG submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of John James Ingalls, erected in Statuary Hall in the Capitol, be made the special order for Saturday, January 21, 1905, after the conclusion of the routine morning business.

GILA RIVER INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore. The morning business is closed. The Calendar under Rule VIII will be proceeded with.

The bill (S. 3133) to restore to the public domain a portion of the Gila River Indian Reservation in the Territory of Arizona, and for other purposes, was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. FINNEY.

The bill (S. 655) for the relief of John F. Finney was read and considered as in Committee of the Whole, as follows:

Whereas, to wit, on the 16th day of March, 1901, Thomas Dougherty, messenger in the office of the assistant treasurer of the United States, Philadelphia, Pa., received from the registry department of the post-office two letters addressed to the assistant treasurer of the United States, Philadelphia, Pa., namely, one from the postmaster at Moorestown, N. J., and said to contain $500, and one from the postmaster at Myerstown, Pa., said to contain $112.45. The letters were stolen from said Thomas Dougherty in the corridor of the post-office. Thomas Dougherty not being in position to make good the amount to the Government, John F. Finney, the assistant treasurer of the United States at Philadelphia, was compelled to pay the amount, namely, $612.45, into the Treasury of the United States: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse the said John F. Finney, assistant treasurer of the United States, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $612.45, in consideration of the aforesaid payment made by him.

Mr. PLATT of Connecticut. Mr. President, I think there is no objection to that bill, but I doubt the propriety of putting a long preamble of that sort into a bill. I see that the bill is drawn in a way that it would not become effective unless the preamble were also agreed to. I think the bill ought to be so perfected that the preamble could be dispensed with. It might be done easily; and I ask that the bill be passed over for the present.

Mr. PENROSE. Mr. President, I think the Senator's suggestion is very well taken; but the bill has passed the Senate several times.

Mr. PLATT of Connecticut. The bill is all right, but it might be passed without that long preamble.

Mr. PENROSE. I hope the Senator from Connecticut, then, will fix it as he desires, and let the bill be considered.

Mr. PLATT of Connecticut. I think the Secretary can fix it.

Mr. PENROSE. I think the bill has passed every Congress for the last six years.

Mr. PLATT of Connecticut. It is a meritorious bill.

The PRESIDENT pro tempore. The Chair thinks there would be no difficulty if the last eight or nine words of the bill were stricken out, as follows, "in consideration of the aforesaid payment made by him."

Mr. PLATT of Connecticut. The words "the said," in line 4, should be stricken out as well as the part suggested by the Chair. I ask that the Secretary read the bill as it will be with the proposed corrections.

The PRESIDENT pro tempore. The Secretary will read the bill as proposed to be amended.

The Secretary read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse John F. Finney, assistant treasurer of the United States, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $612.45.

The PRESIDENT pro tempore. If there be no objection, the amendments will be considered as agreed to. They are agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT of Connecticut. Now, let the preamble be disagreed to.

The preamble was rejected.

PROOFS UNDER HOMESTEAD LAWS.

The bill (S. 3546) relating to proofs under the homestead laws, and to confirm such proofs in certain cases when made outside of the land district within which the land is situated was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, line 6, after the word "homestead," to insert "and other land;" and in line 10, page 2, after the word "entryman," to insert "subsequent;" so as to make the section read:

That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of

any local land office in receiving any proof under the homestead and other land laws, and that there was no fraud practiced by the entryman in making such proof, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there are no adverse claimants to the land described in the certificate of entry whose rights originated prior to making such final proof, and that no other reason why the title should not vest in the entryman exists except that said proof was not made within the land district in which the lands applied for are situated, as provided by the act approved March 11, 1902, such certificate of entry shall be confirmed to the entryman, his heirs or legal representatives, as of the date of such final certificate of entry, and a patent issue thereon; and the title so patented shall inure to the benefit of any grantee or transferee in good faith of such entryman subsequent to the date of such final certificate.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That in cases where proof under the homestead or other land laws has heretofore been taken outside of the district in which the land to which such proof relates is situated, the Commissioner of the General Land Office is hereby authorized, whenever in his judgment it is deemed advisable, to transfer such proof to the land office of the district in which such land is situated. And when such proof is so transferred by the order of said Commissioner it shall have the same force and effect as if originally taken before such land office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill relating to proofs under the homestead and other land laws, and to confirm such proofs in certain cases when made outside of the land district within which the land is situated."

SAMUEL S. WEAVER.

The bill (S. 2052) for the relief of Samuel S. Weaver was read, and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the claim of Samuel S. Weaver for damages arising out of an injury sustained by him while on board the United States steam launch Capron, at Delaware City, Del., on or about January 17, 1900, be, and the same is hereby, referred to the Court of Claims, with jurisdiction to ascertain and to determine whether the said injury was caused by the act, neglect, or default of the United States or its agents; and if it shall so appear, the said court shall render judgment against the United States for any damages that may have been sustained through the said injury to the said Weaver: *Provided*, That no suit shall be brought under the provisions of this act after six months from the passage hereof.

Mr. PLATT of Connecticut. Mr. President, is there any amendment reported by the committee to that bill?

The PRESIDING OFFICER (Mr. PERKINS in the chair). As the Chair observes from the Calendar, there is no amendment reported.

Mr. PLATT of Connecticut. I wish to call attention to this case as it appears on the Calendar. This is a bill proposing to submit to the Court of Claims the claim of Samuel S. Weaver for an injury sustained by him while on board of the United States steam launch *Capron*. It does not state who Samuel S. Weaver is.

The PRESIDING OFFICER. The Chair will inform the Senator from Connecticut that, according to the report of the committee, there is an amendment proposed to the bill.

Mr. PLATT of Connecticut. If the Chair will permit, I want to call attention to this bill as it appears on the Calendar and in the report of the committee as showing the loose way in which we are transacting business in the Senate. I venture to say that there are not three Senators who know what this bill is or what is under consideration or what we are doing.

This bill as presented, and as the Calendar says, was reported without amendment. It proposes to refer the case of one Samuel S. Weaver to the Court of Claims to determine whether the United States is liable for an injury which he received on a Government vessel. It tells nothing whatever about who Samuel S. Weaver is, the circumstances under which the injury was received, or anything of the sort.

The report of the committee is as follows—and I read it because it is short:

The Committee on Claims, to whom was referred the bill (S. 2052) for the relief of Samuel S. Weaver, have considered the same and recommend that the bill, with the following amendment, be passed:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Samuel S. Weaver, as full compensation for wounds received by him on board the U. S. steam launch Capron, at Delaware, on or about January 17, 1900."

There is nothing in the bill, there is nothing in the report, which in any way indicates what the injury was, under what circumstances it was received, or why the Government should be held liable. The bill, according to the Calendar, is said to be reported without amendment, referring the case to the Court of Claims. The committee report proposes an amendment to pay $1,500 and not refer the case to the Court of Claims.

Mr. SPOONER. Will the Senator allow me to inquire who reported the bill?

Mr. PLATT of Connecticut. It was reported by the Senator from Utah [Mr. SMOOT].

Mr. WARREN. I desire to say——

Mr. PLATT of Connecticut. I have merely called attention to the bill because I think the Senate ought to understand the business that it is transacting.

Mr. SMOOT. Mr. President——

Mr. WARREN. Mr. President, only a moment, and then I shall yield to my colleague on the committee.

I wish to say in behalf of the Senator from Utah [Mr. SMOOT], who reported the bill, that the bill was before the Claims Committee, and was carefully considered. The committee authorized the bill to be reported by the Senator from Utah, probably very soon after his duties commenced upon that committee. The papers accompanying the claim were full and explicit; but in some way, which the Senator from Utah doubtless failed to observe, the papers were not attached to the report, and so do not appear here. The Senator has been duly diligent in the performance of his duties as a member of the committee, and when he discovered that the papers were missing he sent to the committee to ascertain if they were there. I apprehend the papers are on file with the Secretary of the Senate, who failed to send them out with the report because they were not attached to the report in the usual way.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. WARREN. Certainly.

Mr. SPOONER. I presume the Senator is familiar with the facts of the case. What are they?

Mr. WARREN. Mr. President, if there is any human mind that can carry throughout the year all the particulars surrounding the thousands of claims that come before the Committee on Claims its possessor certainly ought to have my place upon that committee, for I can not carry them constantly in memory.

In a general way I remember the bill, but I do not wish to enter into a discussion of its merits in the absence of the papers. I ask that it may be passed over until the papers can be resurrected.

Mr. PLATT of Connecticut. Very well; let the bill be passed over.

Mr. WARREN. I beg pardon for having interrupted the Senator from Utah.

Mr. SMOOT. Mr. President, in answer to the Senator from Wisconsin [Mr. SPOONER] I will simply state that this is a bill making compensation for a personal injury. As stated by the Senator from Wyoming [Mr. WARREN], the applicant was a Government employee. The committee as a whole decided that it would be proper that we should pay directly for these personal injuries, and that rather than send the claimant to the Court of Claims the committee itself would pass upon the right of the person injured the same as if he were in the employment of a company, and if a company would not be liable for damages neither would the Government be. But in this particular case the committee thought that the party had a claim against the Government, and a just one, too; and we put the amount of damages at $1,500.

The Senator from Wisconsin asked as to what kind of injury had been sustained. It was an injury occasioned by the explosion of a boiler on the United States yacht *Capron*, on which the injured party was in the employment of the Government.

I do not, however, object to the bill going over, so that the papers may be looked up.

Mr. SPOONER. I think that the bill ought to be recommitted to the Committee on Claims, in order that he Senators who have it in charge may embody in the report all the facts, so that the Senate can determine for itself whether this is one of those cases in which the Government ought to make reparation. The Government is not responsible, as a rule, for injuries simply because a man who is injured is in its employ. Soldiers are in the employment of the Government and are oftentimes injured, and so are sailors, but the Government is not liable.

Mr. SMOOT. I recognize that fact.

Mr. SPOONER. It has always been regarded as very important that the line should be drawn. There are cases in which the Government is liable where the Government is at fault, but I think it very important that the Senator should embody in the report all the facts in the case.

Mr. SMOOT. I think the Senator from Wisconsin will find upon examination that the Department itself virtually admits that the Government was at fault.

Mr. SPOONER. But the report does not show that, and it ought to be in the report.

Mr. SMOOT. I am perfectly willing that the bill may be recommitted, as suggested by the Senator.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin [Mr. SPOONER] that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

PURE-FOOD BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes, which was discussed to some extent yesterday.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. MCCUMBER] that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. McCUMBER. Mr. President, did I not believe that there was a misconception of the ideas of this bill, of its intent, and what it proposes to do, I would not consider it necessary to even discuss it again in this form; but I desire very briefly, because of my belief that the bill is not fully understood, to state the facts with reference to its intent and its purpose.

There has been an idea among members of this body that this bill was one which gave to the Secretary of Agriculture the power to determine a standard of food and drug products. There is no such power given in the bill; there is no such power expected to be given by amendment or otherwise. The provisions of the bill are simple and, outside of the definitions, the provisions pertaining to the carrying into effect of the law are very brief and very simple.

The first question, it seems to me, that will appeal to any man is the question whether the public are entitled to protection. The amount of drugs and foods which are adulterated, misbranded, and placed upon the market as good and proper drugs and foods is simply appalling. It has been estimated, and properly estimated, that the value of adulterated and misbranded goods in the United States sold each year is about $3,000,000.

Mr. President, the Government passes stringent laws with reference to counterfeiting. Those laws provide that if I pass a counterfeit coin the penalty may be ten years' imprisonment. If the Government, therefore, compels me to use coins of absolute value and integrity, then, I submit, it is incumbent upon the Government to protect me in securing goods of absolute integrity so far as is in its power.

Mr. President, it seems to me that if it is an injury to the country to flood it with spurious coin used in the purchase of good goods it is equally an injury to the country to flood it with spurious goods to be traded for good coin.

There is a simple proposition that is placed before the public, and the question is, first, whether there is a remedy, and, secondly, whether we shall avail ourselves of the remedy. Then the question to consider is whether or not the conditions are such as to justify interference on the part of the Federal Government.

We must recognize the existence of this great evil. The fact that nearly every State in the Union has passed stringent pure-food and pure-drug laws is evidence of the existence of the necessity for that character of legislation. The fact of their inability to enforce those laws makes it evident to us that there is some reason outside of the authority of the State whereby the State is not enabled to enforce its own territorial laws.

Now, is the State entitled to this protection? By the silence of Congress on the subject we impliedly say that the State shall be the dumping ground of all spurious, adulterated, and misbranded goods, and the State itself is absolutely at the mercy of manufacturers and shippers of that character of goods; and why? Because by the construction of the interstate-commerce clause of the Constitution it has been held that the failure of Congress to pass upon the subject of what may be imported into a State is evidence of the desire of Congress that any goods that can be said to be marketable may be shipped into any State in unbroken packages, and in that condition may be sold. Therefore the State itself can not reach the goods until they have become lost in the mass of the property of the State; and when they have so become lost, I submit that the State power to reach and punish the real offender is absolutely gone. The evil is rooted in soil outside of the State and over which the State has absolutely no jurisdiction.

A manufacturer in Rhode Island may manufacture his adulterated goods, or his spurious goods, and ship them from Rhode Island over into the State of Illinois, and so long as they are in the unbroken packages they may be sold in the State of Illinois. When they have changed from that condition and have become lost in the mass of the goods of that State, then the pure-food commissioner of that State and the courts of that State may deal, not with the manufacturer, not with the shipper, but with the retailer, who is absolutely innocent of the character of the goods. It is because of those conditions that nearly all of the States, through their proper officers and those interested in pure foods and drugs, have petitioned Congress for the last ten or fifteen years for the enactment of a Federal law governing this subject. Now, all that we are asked to do is to pass some law supplementing the efforts of the States to enforce their own laws in relation to pure food products. In my own State of North Dakota there have been more than 100 arrests in the last year for the sale of adulterated and impure foods and those prohibited by the laws of the State to be sold in the State. In every instance, so far as I know, the retail dealer was absolutely innocent of the character of the goods, and so the fines in most instances were remitted for that reason. It seems to me that it would appeal to the good judgment of any legislator that there is a field on which this offense is being worked, over which the State has no jurisdiction whatever, and that the Federal power should come into play as an assistant to the State laws.

Is the honest manufacturer entitled to protection? In the first instance, he is forced, if he marks his goods just exactly as the State laws require him to mark them in order to make them marketable in that State, to come into competition with the man who does not mark his goods; and every one engaged in mercantile business knows how impossible it is for a man to sell goods upon their merit against spurious goods which are sold purporting to be of the same character.

Again, the State laws are all diverse, not only in the wording of the laws themselves, but in the construction of the laws that is given by the food commissioners of the several States. So goods marked so that they will be marketable in any one State under a certain law will not be marketable in another State under the same law. This is a condition that also calls for some remedy.

The bill as it is drafted injures no legitimate business; it does not determine what shall be shipped into any State. It does not determine what shall be done with it in the State. It neither prohibits nor interferes with any commerce whatever. It simply says that all goods must be unmasked before they cross the State line. No legitimate dealer can object to a law of that character. It does not prevent a man from buying what he desires to eat or what he desires for a drug. It simply declares that he shall be protected in buying what he does want, either for food or in the drug line. I anticipate that no person could urge any objection to a law of that kind.

It is not partisan in any sense. It does not in the least degree infringe State rights or interfere with them in any way. The Federal law will stop exactly where the State law begins, and it will not attempt to interfere in the slightest degree with the police power of the State. The provisions add no new machinery of government. They add no additional expense in order to carry out the law. There is a wrong impression, as I have suggested, that this is a law to fix standards of foods, and that in some man is placed the power to determine what may be sold and what may not be sold in the country. On the contrary, it is nothing of the kind. It is simply a bill to provide that all articles shall be sold for exactly what they are, and if the State itself has power to declare, and if it is proper for it to declare, what shall not be sold within its boundaries, then the nation has the power to declare, and it is also proper for it to declare, under the power given in the interstate commerce clause of the Constitution, what shall not pass the borders of a State. That is all this bill seeks to do—to supplement the power of the State to prevent the sale of adulterated and misbranded goods in the State.

As I have said before, it is impossible for the State to reach the real culprit. It can not go outside of its own boundaries to make an arrest. It can not exercise power outside of its own boundaries, and inasmuch as more than 95 per cent of all the adulterated goods, both in foods and drugs, are goods which are imported from one State into another, the ability of the State to enforce its own laws and to secure good and proper products—foods and drugs—within the State, is absolutely nullified.

Again, this proposed law simply provides that if the Secretary finds that there are violations of the law—in other words, if upon investigation, if upon going into the market and purchasing samples, he finds that certain manufacturers are sending adulterated or misbranded goods into any State in the Union—he will give them notice of the fact that they are so charged, and a hearing will be had before the Secretary of Agriculture. If he finds that they are going no further, that they will cease to send out such goods, then nothing further is done; but if they persist in it he simply reports the case to the proper district attorney, who will then take cognizance of it. The district attorney will act upon the recommendation of the Secretary of Agriculture or upon the sworn testimony of any State officer or other person authorized within the respective State to enforce the laws of that State.

Now, as I have stated, this proposed law keeps entirely outside of the State itself. The definitions are somewhat voluminous, it may be, but they are all clear; they are all concise. They are designed simply to protect those who are innocent and to punish those who are guilty. There has been no change in the measure as it came from the House in the matter of definitions. They have been rearranged so as to conform more particularly to their headings, "adulterated" and "misbranded," and nothing further than that.

If there are any questions that any Senator would like to ask me on this bill, I shall be glad to answer them. I have given it considerable time and considerable thought. It has been before the committee of which I was chairman for two years, and it has been before the same committee of which the Senator from Idaho [Mr. HEYBURN] is chairman for another year or two; and I believe it has had fair and just consideration. I do not wish to go into an argument of the particulars of the bill at this time, but am prepared, I think, to answer any question that may be asked if any Senator desires to ask any.

Mr. FOSTER of Washington. I ask unanimous consent to call Calendar No. 2641.

Mr. PLATT of Connecticut. The Senator from North Dakota was on the floor and said he would be glad to answer any questions about the pending bill; and I desire to ask one question. Perhaps I might have the opportunity of asking it and receiving an answer before the Senator from Washington calls up the bill.

Mr. FOSTER of Washington. I have been recognized, but I will wait.

Mr. PLATT of Connecticut. The object of this bill is a good one, but its terms are so involved that I am not sure I understand just what it does provide and mean, and therefore I wish to ask the Senator from North Dakota whether he understands that this bill provides that any person who orders goods from another State, and to whom they are shipped, does, by receiving them only, make himself liable to prosecution and penalty unless the goods are accompanied by a guaranty from the person of whom he buys them that they are pure? Does the bare receiving of them make him liable?

To illustrate, suppose a grocery merchant, a retailer, in Connecticut orders from a wholesale grocery store in New York some packages of coffee. Now, does he, by receiving those packages of coffee, make himself liable to prosecution unless they are accompanied by the guaranty of the person from whom he buys them that they are pure?

Mr. McCUMBER. I do not so understand, Mr. President. I do not understand that the mere receipt of goods without intention on his part, or attempt to sell the same goods, would, under the bill as it is proposed, subject him to a fine.

Mr. PLATT of Connecticut. If the Senator will listen a little further I will read the first section, skipping those parts of it which relate to other transactions. Commencing in line 24—

Any person—

Now go over to line 3 on the next page—

who shall receive in any State or Territory, the District of Columbia, or insular possession from any other State or Territory, the District of Columbia, or insular possession, or foreign country—

Now skip down to line 12—

such adulterated or misbranded foods or drugs, or who shall export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200.

That is the way I read the section.

Mr. McCUMBER. It seems to me the Senator leaves out the thing that modifies it.

Mr. PLATT of Connecticut. The other things relate to other transactions which are made criminal.

Mr. McCUMBER. Certainly they do. But it says:

Shall deliver in original unbroken packages for pay or otherwise.

Mr. PLATT of Connecticut. No; but "who, having received, shall deliver." He is made liable for receiving, or, having received, for delivery, as the bill reads to me. I may be mistaken about it.

Mr. McCUMBER. I think that applies to what goes before.

Mr. HEYBURN. I think I can answer the Senator.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Certainly.

Mr. HEYBURN. On page 19 of the bill there is found a provision which meets, I think, the question submitted by the Senator from Connecticut:

Provided further, That no dealer shall be convicted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it: *And provided further*, That said guarantor or guarantors reside in the United States. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

That is intended to meet the difficulty.

Mr. PLATT of Connecticut. I think the Senator could not have understood my question, for my question was whether this bill provided that a person who received merely goods purchased from another State should be liable to a penalty unless they were accompanied by this guaranty. That is the question I asked.

Mr. McCUMBER. I will say that I do not so understand from a reading of the very paragraph referred to by the Senator from Connecticut. Now, reading it again, commencing in line 24—

And any person who shall ship or deliver for shipping from any State or Territory, the District of Columbia, or insular possession to any other State or Territory, the District of Columbia, or insular possession, or to a foreign country, or who shall receive in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, or insular possession, or foreign country, or who, having received, shall deliver in original unbroken packages for pay or otherwise—

Then skipping—

shall be guilty of a misdemeanor.

The clause "shall deliver in unbroken packages for pay or otherwise" refers to all of the clauses which precede it, commencing in line 24, as I have read it. That is my construction.

Mr. PLATT of Connecticut. No; that sentence is in the disjunctive.

Or who, having received.

It also provides that if he receives it he shall be liable.

Or who, having received [it], shall deliver, etc

That is the way I read it.

Mr. McCUMBER. Yes; "for pay or otherwise."

Mr. PLATT of Connecticut. But the mere reception of it, according to the reading of this bill, makes a person liable.

Mr. McCUMBER. No; I do not understand that he can possibly be made liable unless he shall go further and "shall deliver in original unbroken packages for pay or otherwise."

Mr. SPOONER. Will the two Senators allow me to interrupt them for a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. SPOONER. If it is intended to be what the Senator from North Dakota construes it to be, it is a singularly inappropriate use of words to express the object, it seems to me. If you said "who shall receive from any State or Territory, etc., and shall deliver in original, unbroken packages for pay or otherwise, or offer to deliver," it would express precisely the purpose which the Senator construes this language to express. But it does not say that. It scrupulously excludes that. It says "or who shall." The first is "who shall ship or deliver;" the second "who shall receive in any State or Territory," etc., and the third "or who, having received, shall deliver." To give the construction which the Senator contends for is to strike a separate and disjunctive clause out of the bill; and that is what courts generally hold is not included in the canons of construction.

I beg pardon of the Senator from Connecticut.

Mr. PLATT of Connecticut. Mr. President, there is just one thing more in this connection. This guaranty, which it seems must in every article of drugs or food of any sort accompany the sale, or the person receiving and selling it is liable, does not operate in case the purchase is made abroad.

If a New York merchant imports or orders goods from abroad, and they come to him, and he sells them, he is not protected by any guaranty. He is specially excepted. He may be entirely innocent of any wrongdoing, or of any knowledge that the goods are adulterated or misbranded, and yet he is made liable under the provisions of this bill.

Now, as I said in the first instance, I think the object of this bill is good; there ought to be a law; but it ought to be very carefully considered in order to make certain that it does not go beyond what is intended and beyond what is fair and just and reasonable in trade.

Mr. McCUMBER. There were reasons, Mr. President, for drafting this bill exactly in the form in which it has been drafted in reference to the particular point urged by the Senator from Connecticut.

So far as the definitions are concerned, the bill follows more closely the pure-food law of the Commonwealth of Kentucky. So far as this provision is concerned, it also follows the law of the State of Kentucky as it existed at one time.

One of the objects for securing this guaranty is that, in addition to the protection to the purchaser, it shall furnish a means of identifying the manufacturer and holding him responsible for the character of the goods he sells.

I am informed, and it is so reported, that in the enforcement of the laws in the State of Kentucky very many importers protected themselves under a provision of this kind. The State could not go outside of its own borders and make an arrest. So it was thought best that the responsibility should be borne by the purchaser, except in those cases in which the Government itself could reach the manufacturer; and the same as it applied to the State, it was thought proper that it should apply to the Government in foreign shipments.

Under our present law we are practically protected. There is on the statute books now a provision for the examination of all adulterated and misbranded goods which are imported, and I believe it is being properly enforced. So an importer may be protected under that law.

Mr. PLATT of Connecticut. There is nothing here to prevent a person from being prosecuted, even if he has a guaranty and shows it. He is subject to prosecution; he may be put on trial. But if he produces such a guaranty as the act calls for, he could not be convicted. Does not the Senator think it ought also to be provided that he should not be prosecuted if he has such a guaranty?

Mr. McCUMBER. I think that is a very common provision in all our penal codes, and we must suppose that intelligent men would be in charge of prosecutions of this kind. No man is liable to be prosecuted where he himself has the evidence of his innocence and that which would acquit him. There are many similar laws in the States, wherein it is provided that certain things shall be a complete defense; and while such a provision does not prevent a party from being prosecuted, I have never heard of a man being prosecuted where it was known that he had that defense. Of course any attempt at prosecution would naturally elicit from him the proof of the fact, and the prosecution would be immediately dropped. I do not think there is any possible danger in that line.

Mr. SPOONER. Is it not a very remarkable provision that a man who receives in the original package an article of food or drugs, supposing he has purchased it from a reputable manufacturer in perfect good faith, should be made subject to prosecution without some preliminary investigation as to whether he has this guaranty or not? I do not know why the manufacturer might not be required to place it upon the article by way of label, and why for a false guaranty a severe penalty might not be denounced. There is no question it ought to be. But is there no way to reach the manufacturer? Then if one buys without the label——

Mr. McCUMBER. You can reach the manufacturer whether he gives a guaranty or not.

Mr. SPOONER. Yes; but if the guaranty must accompany in some conspicuous way the article, you would protect from the beginning against prosecution.

Mr. McCUMBER. I do not understand that it needs to accompany the article.

Mr. SPOONER. My suggestion is that it should. Why not?

Mr. McCUMBER. It may accompany the order or the filling of the order. A man sends in his order for certain goods. Instead of accompanying the article when the order is accepted and filled, the guaranty may go by mail and not be attached simply to the package in which the goods are shipped.

Mr. SPOONER. Yet it could be placed on a bucket, for instance, or any other vessel which contains the purchased product. Would not a requirement that it be conspicuously placed upon the article purchased tend to protect the purchaser?

Mr. McCUMBER. Yes; on goods of a certain character.

Mr. SPOONER. I am with the bill.

Mr. McCUMBER. I understand that.

Mr. SPOONER. What are you going to do with the vast importations? We import liquor, we import wine, we import food. A man orders in good faith, paying the price that would be exacted for a pure article, wines from a foreign country. He is not protected if he has a guaranty.

Mr. PLATT of Connecticut. No guaranty protects him.

Mr. SPOONER. He is not protected. He may be as innocent and as honest as the Senator. He is not only not protected against prosecution, but he is not protected against conviction. There are a vast number of cases which might very well arise where there is no possible protection, except for every merchant who purchases such an article to employ a chemist all the time.

Mr. McCUMBER. Suppose that he should obtain from the foreign producer a guaranty. You could not prosecute the foreign merchant.

Mr. SPOONER. No.

Mr. McCUMBER. Therefore he could absolutely protect himself, if we had a law of that kind, by simply getting from the foreign merchant a guaranty. Certainly I think the Senator will agree with me, after considering a moment, that we should not adopt a method of that kind.

Mr. SPOONER. That does not answer my difficulty. It makes a different situation. It does not protect the citizen in a thousand cases from prosecution and conviction when he is perfectly innocent and has acted in perfect good faith.

Mr. McCUMBER. That has been guarded in this bill.

Mr. SPOONER. Guarded how?

Mr. McCUMBER. Guarded in this bill in this way: There is only a maximum punishment; there is no minimum punishment; and when a party can show before a court that he has acted perfectly innocent the fine may be remitted or no fine at all may be imposed or a mere nominal one. Between that condition and leaving the matter absolutely open, so that he could merely allege his innocence of the character of the goods as a defense, it was considered better, and I think the Senator will agree with me that it is better, to compel him to know something of the character of the goods he is buying and selling.

Mr. SPOONER. Why not, then, in such case say "willfully" or "knowingly" receive. It is made malum prohibitum. A man has all the dishonor of a conviction. To a sensitive man the fine is the smallest part of the punishment. I do not know that this can be guarded, but it occurred to me, in reading that part of the bill, that it opens the door to vast numbers of prosecutions and inevitable convictions of men who are entirely honest and who would not deal in adulterated or deleterious articles.

Mr. McCUMBER. The matter of "willful" and "intentional" has been discussed more than any other question on this bill. The experience of those who have had to do with the enforcement of the law has been such that it was universally claimed that under that particular clause nearly every person would escape, whether guilty or innocent.

Mr. SPOONER. I am confining my suggestion as to the use of those words to those cases where the guaranty would, by the terms of the law, be no defense; that is all. I see the difficulty in the use of those words as applied generally to the bill, because it would be very difficult, if not impossible, to prove bad faith.

Mr. McCUMBER. It would be absolutely impossible in the importation of a foreign article, as well as in the shipment of an article from one State to another.

Mr. SPOONER. Then are we not put to the alternative of not regulating on the one hand or on the other regulating in this way, to the obvious injustice of a great body of honest American citizens?

Mr. McCUMBER. I can not see where any injustice will necessarily or even probably be done them under a law of this kind. We have a great many cases of like character. It is made a criminal offense probably in every State in the Union to sell a minor liquor. A man may be absolutely innocent of the fact that he is a minor when he sells it, but nevertheless he is compelled to know what he is doing; it is considered necessary that he should know.

Mr. SPOONER. That is very true, but in ninety-nine cases out of a hundred the minor carries about him conclusive evidence that he is a minor.

Mr. PLATT of Connecticut. It puts the man on inquiry.

Mr. SPOONER. Moreover, it puts the man on inquiry.

Mr. McCUMBER. I do not know that a man carries conclusive evidence, when he is twenty and a half years old, that he is either above or below 21 years.

Mr. SPOONER. I recollect one case which arose and which I had to argue in the supreme court of my State. The defense was that the minor was very much a man, that he had a heavy beard, and wore about him every evidence of being more than a minor; but the court decided that it was malum prohibitum, and that the saloon keeper was bound to ascertain at his peril whether the person was or was not a qualified drinker under the statute. Of course that has to be the law.

Mr. McCUMBER. I have already called the Senator's attention to the present law, which provides for the seizure of any adulterated or misbranded articles imported. I think the two together will amply protect the importer.

Mr. PLATT of Connecticut. The Senator from Wisconsin has suggested what to me has always appeared to be the proper groundwork for a pure-food law. I think anyone who has read this bill will admit that it requires the most careful study and analysis to determine just what it does mean. I apprehend the courts would have great difficulty in construing the law in many of its provisions by reason of the complicated and involved phrases and sentences.

I hope the Senator from North Dakota did not draw the bill with his own pen. I presume it was one which was presented to the committee—made up outside by persons who are interested in this subject. In fact, Mr. President, that has come to be almost the universal way in which we legislate. People who are interested in having some legislation come with the bills

prepared to suit their views of what the legislation should be, and those bills are taken or amended, as the case may be.

It seems to me that this whole subject can be reached in the way to which the Senator from Wisconsin has partially alluded. Suppose a bill were framed which defined what should be adulterated and misbranded articles. Then suppose the bill required that every manufacturer who put his goods into interstate commerce, or any other person who put goods into interstate commerce—that is, shipped them from one State to another—should place upon the goods a guaranty that they were not adulterated and not misbranded within the definitions in the act. I do not see why the whole subject would not be reached in that simple way. Then the party guilty of selling misbranded or adulterated articles is easily found, easily prosecuted, and all the people who might be entirely innocent, who had no desire to violate the law, would have no trouble about it whatever.

It is suggested that perhaps that can not be done. But it is done. You can not sell tobacco in this country except it has certain statements upon the packages in which it is contained. There is no difficulty in anything that is sold from one State to another in requiring that the packages in which the goods are contained shall have such a guaranty upon them, or that where it is possible the lesser article, like the bottle of liquor or medicine or the package of coffee or of cereals, shall also have such a guaranty upon it.

I have not paid enough attention to the subject so that I wish to speak positively about it, but the whole thing, it seems to me, would be much simpler if it could be reached in that way.

Mr. McCUMBER. Mr. President, a matter always seems to be simple when we look at it not for the purpose of closely analyzing it, but upon general principles, taking a broad abstract view. Whenever we attempt, however, to convert that abstract view into something that is concise and full of meaning, and that guards the rights of persons, we find that it is far more intricate than was at first supposed. That is just what I think the Senator would find when he came to draft a pure-food bill.

I certainly could not agree that it would be the proper thing to leave it to the manufacturer to construe whether or not his goods came within the meaning and intent of the pure-food law. That would be an impossibility; it would give as many constructions to the law as there are manufacturers.

Mr. PLATT of Connecticut. That is the guaranty which you require him to give in order to protect the person who receives the goods from him.

Mr. McCUMBER. But we have covered about all the Senator has spoken of. The bill itself carefully defines what are adulterated and what are not adulterated articles. If the Senator's contention should govern, we go further than the intent of this bill, because the bill does not prohibit the sale of adulterated or misbranded articles. The manufacturer has a right to manufacture them and sell them. All it does require is that when they are adulterated or misbranded they shall state that fact upon the label. Otherwise they are presumed to correspond with the requirements of the law itself.

It seems to me that that answers the suggestion of the Senator. There is nothing further I desire to say.

Mr. FORAKER. Mr. President, I was called away for a moment, and I am not informed as to whether the point which was made by the Senator from Wisconsin has been disposed of. His first objection, as I understood it, was that the proper construction of this section would make it an offense, punishable in the way prescribed by the bill, to simply receive goods unaccompanied by the guaranty provided in another portion of the bill. I understood that that objection was not assented to by the Senator having the bill in charge.

Mr. McCUMBER. It is barely possible, I will say right here, that the phraseology might bear out the construction claimed by the Senator from Wisconsin. A mere change of the word "or" to "and" would correct that.

Mr. SPOONER. I should like to ask the Senator, if he wanted to make it an offense merely to receive the goods, how would he change that sentence?

Mr. McCUMBER. That, too, would have to be changed. I would have to read it over and see.

Mr. FORAKER. And by making a change of "or" to "and" it would be obviated?

Mr. SPOONER. That is a different proposition.

Mr. FORAKER. Without that change the point would certainly be well taken.

ANNUAL REPORT OF GOVERNOR OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the fourth annual report (with appendices) of the governor of Porto Rico, covering the period from July 1, 1903, to June 30, 1904.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 13, 1904.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 6498) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

A bill (H. R. 11361) to legalize and permit the maintenance of certain dams in and bridge over the St. Joseph River, in the States of Indiana and Michigan; and

A bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State.

The following bills were severally read twice by their titles, and referred to the Committee on Forest Reservations and the Protection of Game:

A bill (H. R. 6480) to control grazing in forest reserves; and

A bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

The bill (H. R. 9493) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. J. Res. 176) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month, was read twice by its title, and referred to the Committee on Appropriations.

YAKIMA INDIAN RESERVATION LANDS.

Mr. FOSTER of Washington. I ask unanimous consent to call up the bill (H. R. 14468) to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

The Secretary proceeded to read the bill.

CIVIL GOVERNMENT OF THE PHILIPPINES.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, the pending question being on the amendment submitted by Mr. FORAKER.

Mr. FORAKER. I ask the Senator having the bill in charge if he will not accept the amendment under consideration?

Mr. LODGE. I have no objection to the amendment, Mr. President.

Mr. CULBERSON. What is the amendment?

The PRESIDENT pro tempore. It will be read for the information of the Senate.

The SECRETARY. In section 1, line 6, after the words "District of Columbia," insert "and all the provisions of this section are hereby made applicable to Porto Rico;" so as to make the section read:

That all bonds issued by the government of the Philippine Islands, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of the Philippine Islands or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia, and all the provisions of this section are hereby made applicable to Porto Rico.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. FORAKER].

The amendment was agreed to.

Mr. WARREN. I ask the Senator from Massachusetts to yield to me that I may ask the Senate to consider a small bill.

Mr. LODGE. Unless Senators on the other side desire to debate this bill now, of course I would be very happy to yield, first to the Senator from Washington [Mr. FOSTER] and then to the Senator from Wyoming [Mr. WARREN], who desire to call up bills. If no Senator desires to go on at this time with the unfinished business, I will yield first to the Senator from Washington and then to the Senator from Wyoming.

Mr. FOSTER of Washington. Then let the bill called up by me be proceeded with.

YAKIMA INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore. The Secretary will continue to read the bill called up by the Senator from Washington [Mr. FOSTER].

The Secretary resumed and concluded the reading of the bill (H. R. 14468) to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WESLEY HOYT.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 2021) for the relief of John Wesley Hoyt.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to John Wesley Hoyt, of the District of Columbia, for the expenses actually incurred by him in the travel necessary to the preparation of his report on education in Europe and America, requested by Hon. William H. Seward, Secretary of State of the United States, and published by Congress in the year 1870, the sum of $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF UNOBJECTED PENSION BILLS.

Mr. McCUMBER. I ask unanimous consent for the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the unfinished business may be temporarily laid aside, so that the Senate may proceed to the consideration of unobjected pension bills on the Calendar. Is there objection to the request?

Mr. CULBERSON. About how much time does the Senator from North Dakota need for the consideration of those unobjected pension cases?

Mr. McCUMBER. I think it will take nearly an hour to get through with all which are on the Calendar.

Mr. CULBERSON. Very well.

The PRESIDENT pro tempore. Is there objection?

Mr. LODGE. Mr. President, I yield, of course, to having the unfinished business temporarily laid aside, provided only that no Senator desires to proceed on the Philippine bill.

Mr. CULBERSON. The proposed arrangement is entirely satisfactory, Mr. President.

The PRESIDENT pro tempore. In the absence of objection, the request of the Senator from North Dakota [Mr. McCUMBER] is agreed to. The Secretary will state the first pension case on the Calendar.

JOHN W. CARLETON.

The bill (S. 5512) granting an increase of pension to John W. Carleton was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Carleton, late of Third Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. WILLIAMS.

The bill (S. 1996) granting an increase of pension to William R. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "sergeant, of Company D," and insert "of Companies D and E;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Williams, late of Companies D and E, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES N. WOOD.

The bill (S. 2212) granting a pension to Charles N. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to insert "twenty-four;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Wood, late of Company B, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles N. Wood."

SAMUEL S. LAMSON.

The bill (S. 5514) granting an increase of pension to Samuel S. Lamson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Maine," to strike out "Regiment" and insert "Battalion;" and in the same line, before the word "and," to strike out "Battalion" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Lamson, late of Company A, First Battalion Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIET A. B. HOFF.

The bill (S. 3742) granting an increase of pension to Juliet C. Bainbridge-Hoff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliet A. B. Hoff, widow of William Bainbridge Hoff, late captain, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Juliet A. B. Hoff."

EDWARD SHIFLETT.

The bill (S. 1539) granting an increase of pension to Edward Shiflett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Shiflett, late of Company K, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY SNIDEMILLER.

The bill (S. 4767) granting an increase of pension to Henry Snidemiller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Cavalry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Snidemiller, late of Company H, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. VENIER.

The bill (S. 3906) granting an increase of pension to James H. V. Voldo, alias James H. Venier, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the words "name of," to strike out the name "James H. V. Voldo, alias;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Venier, late of Company H, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James H. Venier."

GEORGE W. LEHMAN.

The bill (S. 424) granting a pension to George W. Lehman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer" and insert "Emergency Militia;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Lehman, late of Company I, Twenty-seventh Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE R. LINGENFELTER.

The bill (S. 5450) granting an increase of pension to George R. Lingenfelter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "captain Company C, Forty-ninth," and insert "of Company A, Thirty-first;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Lingenfelter, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL J. BRAINARD.

The bill (S. 2287) granting an increase of pension to S. J. Brainard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "S." and insert the name "Samuel;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Brainard, late of Company B, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel J. Brainard."

CATHERINE JONES.

The bill (S. 5531) granting an increase of pension to Catherine Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Jones, widow of Henry F. Jones, late of Company E, Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. ROWE.

The bill (S. 5501) granting an increase of pension to Sarah A. Rowe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Rowe, widow of Amos M. Rowe, late of Company K, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN E. ARMITAGE.

The bill (S. 4002) granting an increase of pension to Susan E. Armitage was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Armitage, widow of Isaac Armitage, late of Company B, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY E. CRAM.

The bill (S. 3390) granting a pension to Emily E. Cram was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily E. Cram, widow of De Witt C. Cram, late major, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BIRD SOLOMON.

The bill (S. 5379) granting an increase of pension to Bird Solomon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Light," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bird

Solomon, late of Battery A, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. ASH.

The bill (S. 5378) granting an increase of pension to John H. Ash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty," and insert twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Ash, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW FELLENTRETER.

The bill (S. 4070) granting an increase of pension to A. Fellentreter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the letter "A." and insert the name "Andrew;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Fellentreter, late of Company E, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew Fellentreter."

WILLIAM STRAWN.

The bill (S. 2238) granting an increase of pension to William Strawn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 9, after the word "receiving," to insert "payable to his duly constituted guardian;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Strawn, late captain Company F, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, payable to his duly constituted guardian.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALAFAIR CHASTAIN.

The bill (S. 5572) granting an increase of pension to Alafire Chastain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alafair Chastain, widow of James M. Chastain, late of Captain Williams's company, Georgia Mounted Volunteers, and second lieutenant Captain Redding's company, Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alafair Chastain."

SAMUEL G. MAGRUDER.

The bill (S. 1208) granting an increase of pension to Samuel G. Magruder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Magruder, late of Company H, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLON THOMAS.

The bill (S. 5574) granting an increase of pension to Colon Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Colon Thomas, late of Captain Hart's independent company Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. STEWART.

The bill (S. 1207) granting an increase of pension to James D. Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Stewart, late of Company B, First Regiment Mississippi Rifles, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR W. POST.

The bill (S. 3076) granting a pension to Arthur W. Post was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur W. Post, helpless and dependent child of John P. Post, late second lieutenant Company C, Fourth Regiment Illinois Volunteers, war with Mexico, and colonel Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE L. SANDERS.

The bill (S. 5496) granting an increase of pension to Jesse L. Sanders was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse L. Sanders, late of Captain Sutton's company, Bell's regiment, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. WEEMS.

The bill (S. 5472) granting an increase of pension to Mary J. Weems was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "war," to strike out "Baltimore and Washington Battalion" and insert "District

of Columbia and Maryland Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Weems, widow of William M. Weems, late of Company G, District of Columbia and Maryland Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. BURRELL.

The bill (S. 5589) granting an increase of pension to Mary E. Burrell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Burrell, widow of William Alexander Burrell, late of Company I, Thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAHAM B. MILLER.

The bill (S. 5508) granting a pension to Abraham B. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham B. Miller, late pilot, U. S. S. *Minnesota*, United States Navy, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN C. SCHROEDER.

The bill (S. 5558) granting an increase of pension to Susan C. Schroeder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan C. Schroeder, widow of Henry T. Schroeder, late of Company A, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and first lieutenant Company B, First Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELMORE Y. CHASE.

The bill (S. 316) granting an increase of pension to Elmore Y. Chase was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmore Y. Chase, late surgeon, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BOYLE.

The bill (S. 2972) granting an increase of pension to Thomas Boyle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Fifth," to insert "Regiment;" in line 7, after the word "Thirteenth," to insert "Regiment," and in line 9, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Boyle, late of Company K, Fifth Regiment United States Infantry, and Company E, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMON A. WEBSTER.

The bill (S. 5346) granting an increase of pension to Amon A. Webster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amon A. Webster, late of Company C, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP L. HITESHEW.

The bill (S. 2117) granting an increase of pension to Philip L. Hiteshew was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" in line 7, before the word "Maryland," to insert "Regiment;" and in the same line, before the word "Cavalry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip L. Hiteshew, late captain Company I, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON PURCELL.

The bill (S. 2574) granting an increase of pension to Nelson Purcell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Purcell, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN WELCH.

The bill (S. 5741) granting an increase of pension to Stephen Welch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Welch, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA A. TETER.

The bill (S. 3356) granting an increase of pension to Rebecca A. Teter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and hospital chaplain, United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Be-

becca A. Teter, widow of Isaac P. Teter, late chaplain Seventh Regiment Iowa Volunteer Infantry, and hospital chaplain, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. CREED.

The bill (S. 3286) granting an increase of pension to Charles D. Creed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Creed, late of Company A, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS P. FARLEY.

The bill (S. 554) granting an increase of pension to Thomas P. Farley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Farley, late second lieutenant Twenty-fifth Independent Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. MILLETT.

The bill (S. 2096) granting an increase of pension to John W. Millett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Millett, late of Company H, Second Regiment, and Company C, Twenty-fourth Regiment Maine Volunteer Infantry, and Company I, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. HARVEY.

The bill (S. 4382) granting an increase of pension to John B. Harvey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Harvey, late of Company E, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. RENFRO.

The bill (S. 5214) granting an increase of pension to William P. Renfro was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Company," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Renfro, late captain Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT N. BUTTON.

The bill (S. 4408) granting an increase of pension to Robert N. Button was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert N. Button, late of Company D, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. GOULD.

The bill (S. 3232) granting an increase of pension to William O. Gould was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Gould, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. THOMAS.

The bill (S. 1810) granting an increase of pension to George W. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Thomas, late of Company D, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. COVERT.

The bill (S. 3755) granting an increase of pension to William H. Covert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Covert, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUHEMA C. HORSMAN.

The bill (S. 5427) granting an increase of pension to Ruhema C. Horsman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruhema C. Horsman, widow of Samuel Horsman, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her

a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY C. STROMAN.

The bill (S. 4221) granting an increase of pension to Henry C. Stroman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Stroman, late of Company I, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRA K. EATON.

The bill (S. 552) granting a pension to Ira K. Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira K. Eaton, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ira K. Eaton."

BESSY FORSYTH BACHE.

The bill (S. 4208) granting an increase of pension to Sarah Forsythe Bache was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bessy Forsyth Bache, widow of Dallas Bache, late colonel and Assistant Surgeon-General, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Bessy Forsyth Bache."

WELCOM B. FRENCH.

A bill (S. 3357) granting an increase of pension to Welcome B. French was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the words "name of," to strike out the name "Welcome" and insert "Welcom;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Welcom B. French, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Welcom B. French."

HOWARD WILEY.

The bill (S. 3100) granting an increase of pension to Howard Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Regiment," to insert "and Company G, One hundred and twenty-eighth Regiment;" and in line 9, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard Wiley, late of Company E, Sixty-third Regiment, and Company G, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EZRA W. CARTWRIGHT.

The bill (S. 377) granting an increase of pension to Ezra W. Cartwright was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "blacksmith;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra W. Cartwright, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. PENN.

The bill (S. 4383) granting a pension to Mary E. Penn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "thirty" and insert "fifteen," and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Penn, widow of Benjamin H. Penn, late captain Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Penn."

SAMUEL J. DENISON.

The bill (S. 3522) granting an increase of pension to Samuel J. Dennison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Dennison" and insert "Denison;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Denison, late of Company G, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel J. Denison."

FRAZIE A. CAMPBELL.

The bill (S. 4273) granting an increase of pension to Frazee A. Campbell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the words "name of," to strike out the name "Frazee" and insert "Frazie;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frazie A. Campbell, late of Company C, One hundred and fifteenth Reg-

iment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frazie A. Campbell."

JAMES THOMPSON.

The bill (S. 2286) granting an increase of pension to James Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "artificer;" in the same line, after the word "of," where it occurs the second time, to strike out "Company" and insert "Battery;" and in line 8, before the word "dollars," to strike out "thirty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Thompson, late of Battery A, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID WHITNEY.

The bill (S. 3453) granting an increase of pension to David Whitney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war with Mexico;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill raed:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Whitney, late of Company F, Fifteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP LAWOTTE.

The bill (S. 5732) granting a pension to Philip Lawotte was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Lawotte, late Indian scout, United States Army, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLEMON CLOOTEN.

The bill (S. 5740) granting an increase of pension to Clemon Clooten was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clemon Clooten, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BRESLIN.

The bill (S. 5859) granting an increase of pension to Henry Breslin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Breslin, late of Company A, First Regiment Indiana Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON LENHART.

The bill (S. 5735) granting an increase of pension to Washington Lenhart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Washington Lenhart, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH A. RHODES.

The bill (S. 5744)) granting an increase of pension to Joseph A. Rhodes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Rhodes, late captain of Company M, Third Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES RIORDAN.

The bill (S. 5743) granting an increase of pension to James Riordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Riordan, late of Company K, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICKLES DOCKENDORF.

The bill (S. 5742) granting an increase of pension to Nickles Dockendorf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nickles Dockendorf, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENOCH RUSSELL.

The bill (S. 5738) granting an increase of pension to Enoch Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch Russell, late of Company C, Twelfth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. SEE.

The bill (S. 5737) granting an increase of pension to John W. See was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. See, late of Company G, Forty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONROE W. WRIGHT.

The bill (S. 5733) granting an increase of pension to Monroe W. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Monroe W. Wright, late of Company B, Second Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HUBBARD.

The bill (S. 5858) granting an increase of pension to John Hubbard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hubbard, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BRYSON.

The bill (S. 5857) granting an increase of pension to James Bryson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Bryson, late of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. WOODBURY.

The bill (S. 5734) granting an increase of pension to George H. Woodbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Woodbury, late of Company F, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. MITCHELL.

The bill (S. 5745) granting an increase of pension to Mary M. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. Mitchell, widow of Solomon F. Mitchell, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. GILBERT.

The bill (S. 5736) granting an increase of pension to Charles E. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Gilbert, late of Company K, Thirtieth Regiment, and Company A, One hundred and ninetieth Regiment, Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNE JONES.

The bill (S. 5746) granting an increase of pension to Anne Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anne Jones, widow of William H. Jones, late of Company E, Fourth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPHE BESSIE.

The bill (S. 5739) granting an increase of pension to Adolphe Bessie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adolphe Bessie, late first lieutenant and adjutant, Third Regiment South Carolina Volunteer Infantry (colored), and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMPSON MARTIN.

The bill (S. 5129) granting an increase of pension to Thompson Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thompson Martin, late of Company I, Fifty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH J. HEDRICK.

The bill (S. 5428) granting an increase of pension to Joseph J. Hedrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Hedrick, late of Company I, Fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED H. LE FEVRE.

The bill (S. 3482) granting an increase of pension to Alfred H. Le Fevre was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Le Fevre, late of Company F, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAUL DIEBITSCH.

The bill (S. 5271) granting an increase of pension to Paul Diebitsch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Diebitsch, late of Company H, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED TICHURST.

The bill (S. 2493) granting an increase of pension to Alfred Tichurst was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Tichurst, late of U. S. S. Curlew, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE G. TUTTLE.

The bill (S. 2492) granting an increase of pension to George G. Tuttle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Tuttle, late of Company C, One hundred and fortieth Regiment Illinois Volunteer Infantry, and Company K, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORA A. BAKER.

The bill (S. 4393) granting an increase of pension to Cora A. Baker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora A. Baker, widow of Robert S. Baker, late captain Company F, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH J. CARSON.

The bill (S. 2274) granting an increase of pension to Joseph J. Carson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Carson, late first lieutenant Company I and captain Company F, Third Regiment

Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY B. HAMILTON.

The bill (S. 5339) granting an increase of pension to Sidney B. Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney B. Hamilton, late of Company E, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WORLEY.

The bill (S. 4808) granting an increase of pension to John Worley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Worley, late of Company F, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINA APFEL.

The bill (S. 2339) granting an increase of pension to Carolina Apfel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "a private in" and insert "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carolina Apfel, widow of William Apfel, late of Company H, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM RUFUS KELLY.

The bill (S. 4199) granting a pension to William Rufus Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Rufus Kelly, late medical cadet and acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW C. KEMPER.

The bill (S. 2890) granting a pension to Andrew C. Kemper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Kemper, late captain and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew C. Kemper."

MARY L. DUFF.

The bill (S. 844) granting an increase of pension to Mary L. Duff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "regimental" and insert "assistant surgeon and;" in line 7, after the word "surgeon," to strike out "of the;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Duff, widow of Henry M. Duff, late assistant surgeon and surgeon, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. HALL.

The bill (S. 2333) granting a pension to Benjamin F. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first-class;" and in the same line, after the word "pilot," to strike out "of the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Hall, late first-class pilot U. S. S. Victory, United States Navy, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILO S. BARTOW.

The bill (S. 4986) granting an increase of pension to Philo S. Bartow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philo S. Bartow, late of Company B, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS TAYLOR.

The bill (S. 5358) granting an increase of pension to Thomas Talor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Taylor, late of Company K, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADRIANNA LOWELL.

The bill (S. 3001) granting an increase of pension to Adrianna Lowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike

out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adrianna Lowell, widow of Samuel Lowell, late of Company I, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BERRY.

The bill (S. 5190) granting an increase of pension to William Berry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Berry, late of Company E, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CODY.

The bill (S. 567) granting an increase of pension to William Cody was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cody, late of Company K, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARINDA A. SPEAR.

The bill (S. 2518) granting an increase of pension to Clarinda A. Spear was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and acting master's mate, United States Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. HART.

The bill (S. 566) granting an increase of pension to William H. Hart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to insert "Company K, First Regiment Rhode Island Volunteer Cavalry, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hart, late of Company K, First Regiment Rhode Island Volunteer Cavalry, and Company K, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE L. GUILD.

The bill (S. 5445) granting an increase of pension to Caroline L. Guild was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "surgeon," to insert "Fifty-second Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline L. Guild, widow of Phineas K. Guild, late assistant surgeon Fifty-second Regiment and surgeon One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY JANE BALL.

The bill (S. 5206) granting an increase of pension to Lucy Jane Ball was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to strike out "Troops" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Jane Ball, widow of Joseph J. G. Ball, late captain Company G, Eighty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA E. NEALE.

The bill (S. 5444) granting a pension to Julia E. Neale was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia E. Neale, former widow of William A. Linn, late second lieutenant, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL L. D. GOODALE.

The bill (S. 801) granting an increase of pension to Samuel L. D. Goodale was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. D. Goodale, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MYRON D. HILL.

The bill (S. 2581) granting an increase of pension to Myron D. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myron D. Hill, late of Company A, Third Regiment Vermont Volunteer Infantry, and Company A, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS COUGHLIN.

The bill (S. 5345) granting an increase of pension to Thomas Coughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Coughlin, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY V. SIMS.

The bill (S. 850) granting an increase of pension to Henry V. Sims was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry V. Sims, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now reeiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. CHAMBERLIN.

The bill (S. 5120) granting an increase of pension to William H. Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Chamberlain" and insert "Chamberlin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Chamberlin, late of Company G, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Chamberlin."

BESSIE M. DICKINSON.

The bill (S. 2231) granting an increase of pension to Bessie M. Dickinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company B" and insert "second lieutenant Company E;" and in line 9, before the word "dollars," to strike out "twenty" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bessie M. Dickinson, widow of William G. Dickinson, late second lieutenant Company E, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE B. WEBER.

The bill (S. 5758) granting an increase of pension to Sallie B. Weber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sallie B. Weber, widow of Charles G. Weber, late first lieutenant Company A, Santa Fe Battalion, Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK CLARK.

The bill (S. 4766) granting an increase of pension to Frederick Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Clark, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. WALKER.

The bill (S. 4395) granting an increase of pension to Thomas H. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Walker, late second lieutenant Company K, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. AUSTIN.

The bill (S. 1830) granting an increase of pension to Sarah E. Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Austin, widow of Joseph A. Austin, late of Company K, First Regiment New Hampshire Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JERRY L. GRAY.

The bill (S. 5297) granting an increase of pension to Jerry L. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerry L. Gray, late of Company A, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN A. KNIGHT.

The bill (S. 5332) granting an increase of pension to Edwin A. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin A. Knight, late hospital steward, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. SPENCER.

The bill (S. 4151) granting an increase of pension to Thomas J. Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Spencer, late of Company I, Twenty-seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'KENNE.

The bill (S. 5714) granting an increase of pension to John McKenne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McKenne, late of U. S. steamers *Ohio*, *Kearsarge* and *Tahoma*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT CROWTHER.

The bill (S. 5713) granting an increase of pension to Robert Crowther was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Crowther, late of First Independent Battery, New Hampshire Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN BICKFORD.

The bill (S. 5715) granting an increase of pension to Benjamin Bickford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Bickford, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, and Company F, Seventeenth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. STEELE.

The bill (S. 5781) granting an increase of pension to John A. Steele was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Steele, late of Company C, Second Regiment Delaware Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. CAHOON.

The bill (S. 5530) granting a pension to William R. Cahoon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Cahoon, late of Company A, Sixth Regiment Delaware Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH REBER.

The bill (S. 5810) granting an increase of pension to Joseph Reber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Reber, late of Company G, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DOTHA J. WHIPPLE.

The bill (S. 5716) granting a pension to Dotha J. Whipple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dotha J. Whipple, widow of Charles Whipple, late lieutenant-colonel Nineteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dotha J. Whipple."

FRANKLIN WALLER.

The bill (S. 5811) granting an increase of pension to Franklin Waller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Waller, late of Company B, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH J. F. ROBINSON.

The bill (S. 5807) granting an increase of pension to Sarah J. F. Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. F. Robinson, widow of William W. Robinson, late colonel Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOEL F. HOWE.

The bill (S. 5476) granting an increase of pension to Joel F. Howe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel F. Howe, late of Company B, Sixth Regiment Minnesota Volunteer Infantry, and Company K, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL B. BUSH.

The bill (S. 5661) granting an increase of pension to Daniel B. Bush was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Bush, late of Company A, First Regiment Illinois Volunteers, war with Mexico, and colonel Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE J. CALKINS.

The bill (S. 2850) granting an increase of pension to Sallie J. Calkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie J. Calkins, widow of Ebenezer D. Calkins, late of Capt. John Meacham's company, New York Militia, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. LEWIS.

The bill (S. 2248) granting an increase of pension to William H. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lewis, late of Company C, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD DUNN.

The bill (S. 2009) granting a pension to Richard Dunn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Dunn, late of Company B, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER M'CONNEHA.

The bill (S. 5535) granting an increase of pension to Alexander McConneha was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to insert the letter "K;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander McConneha, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALVIN H. MORRIS.

The bill (S. 776) granting an increase of pension to Calvin H. Morris was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin H. Morris, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH V. REYNOLDS.

The bill (S. 1981) granting an increase of pension to Elizabeth V. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth V. Reynolds, widow of William Reynolds, late first lieutenant Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. D. BUCHANAN.

The bill (S. 3239) granting an increase of pension to George W. D. Buchanan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. D. Buchanan, late of Company A, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA D. MILLER.

The bill (S. 1413) granting a pension to Louisa D. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa D. Miller, widow of James Miller, late colonel One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA S. HARNEY.

The bill (S. 266) granting a pension to Emma S. Harney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "and $2 per month additional on account of the minor child of said Thomas F. Harney until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma S. Harney, widow of Thomas F. Harney, late of the United States Marine Corps, any pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Thomas F. Harney until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. CRAVEN.

The bill (S. 4477) granting an increase of pension to John C. Craven was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Craven, late of Company C, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. YINGLING.

The bill (S. 4038) granting an increase of pension to George E. Yingling was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Yingling, late of Company G, Sixteenth Regiment, and Companies G and D, Eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM DAR.

The bill (S. 2310) granting an increase of pension to William Dar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "William," to strike out "Dor" and insert "Dar;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dar, late of Company I, Ninth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Dar."

BEVERLY WAUGH.

The bill (S. 784) granting an increase of pension to Beverly Waugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "G" and insert the letter "I;" in line 7, before the word "Volunteer," to strike out "Iowa" and insert "West Vir-

ginia;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Beverly Waugh, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE M. NUZUM.

The bill (S. 2945) granting an increase of pension to Sallie M. Nuzum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie M. Nuzum, widow of Andrew J. Nuzum, late first lieutenant Company B, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMODORE P. HALL.

The bill (S. 1541) granting an increase of pension to Commodore P. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "Commodore" and insert "Commodore;" and, in line 7, before the words "West Virginia," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Commodore P. Hall, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and Company A, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Commodore P. Hall."

JOHN W. ROULLETT.

The bill (S. 4103) granting an increase of pension to John W. Rulette was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Roullett, late of Company A, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Roullett."

PETER D. MOORE.

The bill (S. 3624) granting an increase of pension to Peter D. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter D. Moore, late of Company E, Second Regiment West Virginia Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY WILLIAMSON.

The bill (S. 2915) granting a pension to Mary Williamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Williamson, widow of James Williamson, late of Company B, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 14, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 13, 1904.

CONSULS-GENERAL.

James Johnston, of New Jersey, now consul at Palermo, Italy, to be consul-general of the United States at Hankau, China.

Hezekiah A. Gudger, of North Carolina, lately consul-general at Panama, Colombia, to be consul-general of the United States at Panama, Panama.

William F. Wright, of Pennsylvania, to be consul-general of the United States at Munich, Bavaria.

CONSULS.

Leo Bergholz, of New York, lately consul at Three Rivers, Quebec, Canada, to be consul of the United States at Dawson City, Yukon Territory.

Alfred K. Moe, of New Jersey, lately consul at Tegucigalpa, Honduras, to be consul of the United States at Dublin, Ireland.

Edward J. Sullivan, of New York, lately consul at Erzerum, Turkey, to be consul of the United States at Trebizond, Turkey.

James H. Worman, of New York, lately consul-general at Munich, Bavaria, to be consul of the United States at Three Rivers, Quebec, Canada.

Southard P. Warner, of Maryland, to be consul of the United States at Leipzig, Saxony.

James Jeffrey Roche, of Massachusetts, to be consul of the United States at Genoa, Italy.

William H. Bishop, of Connecticut, now consul at Genoa, Italy, to be consul of the United States at Palermo, Italy.

REGISTER OF LAND OFFICE.

Alexander C. McGillivray, of Dickinson, N. Dak., to be register of the land office at Dickinson, N. Dak.

RECEIVER OF PUBLIC MONEYS.

Leslie A. Simpson, of Dickinson, N. Dak., to be receiver of public moneys at Dickinson, N. Dak.

DISTRICT JUDGE.

William M. Lanning, of New Jersey, to be United States district judge for the district of New Jersey.

ASSOCIATE JUSTICE OF SUPREME COURT OF NEW MEXICO.

Edward A. Mann, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico.

ASSOCIATE JUSTICE OF DISTRICT SUPREME COURT.

Wendell P. Stafford, of Vermont, to be associate justice of the supreme court of the District of Columbia.

MARSHALS.

George F. White, of Georgia, to be United States marshal for the southern district of Georgia.

Robert Grimmon, of Nevada, to be United States marshal for the district of Nevada.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

P. A. Surg. Alexander Condee Smith, of New York, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 21, 1904.

Asst. Surg. Matthew Kemp Gwyn, of Maryland, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from August 8, 1904.

Asst. Surg. John M. Holt, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. William A. Korn, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. Thomas B. McClintic, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 28, 1904.

Asst. Surg. Frederick E. Trotter, of New York, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. Charles William Vogel, of Maryland, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst Surg. Robert L. Wilson, of Texas, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 1, 1904.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

William T. Stromberg, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Clarence J. Curtiss, of New York, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States.

Frederick H. Young, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, with the rank of third lieutenant.

POSTMASTERS.

GEORGIA.

Lewis R. Farmer to be postmaster at Louisville, in the county of Jefferson and State of Georgia.

Walter C. Terrell to be postmaster at Ocilla, in the county of Irwin and State of Georgia.

William R. Watson to be postmaster at Lithonia, in the county of Dekalb and State of Georgia.

ILLINOIS.

Charles H. Hurt to be postmaster at Berry, in the county of Pike and State of Illinois.

Henry C. Jones to be postmaster at Marion, in the county of Williamson and State of Illinois.

KANSAS.

Edwin J. Bookwalter to be postmaster at Halstead, in the county of Harvey and State of Kansas.

Orlando A. Cheney to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas.

Raymond S. Frazier to be postmaster at Bucklin, in the county of Ford and State of Kansas.

Charles E. Green to be postmaster at Effingham, in the county of Atchison and State of Kansas.

Charles W. Hawes to be postmaster at Augusta, in the county of Butler and State of Kansas.

George B. Hollenbeck to be postmaster at Tonganoxie, in the county of Leavenworth and State of Kansas.

Robert D. Kirkpatrick to be postmaster at Nortonville, in the county of Jefferson and State of Kansas.

Frank S. McKelvey to be postmaster at Gas, in the county of Allen and State of Kansas.

John F. Price to be postmaster at Cherokee, in the county of Crawford and State of Kansas.

Warren D. Vincent to be postmaster at Hoisington, in the county of Barton and State of Kansas.

John T. Walthall to be postmaster at Osawatomie, in the county of Miami and State of Kansas.

MARYLAND.

Jesse West to be postmaster at Northeast, in the county of Cecil and State of Maryland.

MISSOURI.

Robert A. Booth to be postmaster at Buffalo, in the county of Dallas and State of Missouri.

William Bostian to be postmaster at Independence, in the county of Jackson and State of Missouri.

John H. Bryant to be postmaster at Burlington Junction, in the county of Nodaway and State of Missouri.

Charles Ferguson to be postmaster at Willow Springs, in the county of Howell and State of Missouri.

William R. Lewis to be postmaster at Eldorado Springs, in the county of Cedar and State of Missouri.

Iola W. Morsey to be postmaster at Warrenton, in the county of Warren and State of Missouri.

Edward R. Williams to be postmaster at Richmond, in the county of Ray and State of Missouri.

NEW JERSEY.

Richard A. Applegate to be postmaster at Alpha, in the county of Warren and State of New Jersey.

Frederick P. Baker to be postmaster at Millington, in the county of Morris and State of New Jersey.

Thomas Graham to be postmaster at Point Pleasant, in the county of Ocean and State of New Jersey.

Guido C. Hinchman to be postmaster at Dover, in the county of Morris and State of New Jersey.

William F. Williams to be postmaster at Cape May, in the county of Cape May and State of New Jersey.

NEW YORK.

Arthur C. Agan to be postmaster at Fayetteville, in the county of Onondaga and State of New York.

N. Austin Baker to be postmaster at Salem, in the county of Washington and State of New York.

George W. Belton to be postmaster at Whitestone, in the county of Queens and State of New York.

Dana Brasted to be postmaster at Westport, in the county of Essex and State of New York.

Robert P. Brown to be postmaser at West New Brighton, in the county of Richmond and State of New York.

William T. Chapman to be postmaster at Pawling, in the county of Dutchess and State of New York.

Jairus S. Chase to be postmaster at Windsor, in the county of Broome and State of New York.

Delevan C. Ford to be postmaster at Mohawk, in the county of Herkimer and State of New York.

John J. Gethins to be postmaster at Victorhill, in the county of Erie and State of New York.

Elmer A. Johnson to be postmaster at Wilson, in the county of Niagara and State of New York.

Frank H. Johnson to be postmaster at Interlakein (late Farmer), in the county of Seneca and State of New York.

Kathryn C. M. McGrath to be postmaster at New Lebanon, in the county of Columbia and State of New York.

Samuel P. Poole to be postmaster at Hicksville, in the county of Nassau and State of New York.

Frederick B. Powell to be postmaster at Amityville, in the county of Suffolk and State of New York.

William A. Serven to be postmaster at Pearl River, in the county of Rockland and State of New York.

Isaac W. Sherrill to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York.

Daniel Smiley to be postmaster at Mohonk Lake, in the county of Ulster and State of New York.

Charles J. Sweet to be postmaster at Black River, in the county of Jefferson and State of New York.

Edward L. Ware to be postmaster at Lake Placid, in the county of Essex and State of New York.

James W. Welch to be postmaster at Hamilton, in the county of Madison and State of New York.

Earl L. Whiting to be postmaster at Delevan, in the county of Cattaraugus and State of New York.

OHIO.

Charles E. Ainger to be postmaster at Andover, in the county of Ashtabula and State of Ohio.

Adolphus Baker to be postmaster at North Amherst, in the county of Lorain and State of Ohio.

John C. Burrow to be postmaster at Cortland, in the county of Trumbull and State of Ohio.

Tarlington B. Carson to be postmaster at New Washington, in the county of Crawford and State of Ohio.

William E. Chapple to be postmaster at Sylvania, in the county of Lucas and State of Ohio.

William A. Coble to be postmaster at Delphos, in the county of Allen and State of Ohio.

Walter Elliott to be postmaster at Ada, in the county of Hardin and State of Ohio.

Hattie A. Huffman to be postmaster at Bradner, in the county of Wood and State of Ohio.

Thomas M. Irwin to be postmaster at Fairport Harbor, in the county of Lake and State of Ohio.

Thomas L. Knauf to be postmaster at Calla, in the county of Mahoning and State of Ohio.

Henry M. Larkins to be postmaster at Sebring, in the county of Mahoning and State of Ohio.

William T. Marshall to be postmaster at Pleasant Hill, in the county of Miami and State of Ohio.

E. Calvin Miller to be postmaster at New Carlisle, in the county of Clark and State of Ohio.

Ward B. Petty to be postmaster at Sycamore, in the county of Wyandot and State of Ohio.

Theodore Totten to be postmaster at Findlay, in the county of Hancock and State of Ohio.

OREGON.

Edgar Hostetler to be postmaster at The Dalles, in the county of Wasco and State of Oregon.

PENNSYLVANIA.

Charles W. Bugh to be postmaster at Hughesville, in the county of Lycoming and State of Pennsylvania.

Elmer D. Carl to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania.

Joseph B. Colcord to be postmaster at Port Allegany, in the county of McKean and State of Pennsylvania.

Robert S. Davis to be postmaster at Leetsdale, in the county of Allegheny and State of Pennsylvania.

Matthew P. Frederick to be postmaster at Gallitzin, in the county of Cambria and State of Pennsylvania.

Christian E. Geyer to be postmaster in Catawissa, in the county of Columbia and State of Pennsylvania.

Royal A. Stratton to be postmaster at Conneaut Lake, in the county of Crawford and State of Pennsylvania.

Uriah H. Wieand to be postmaster at Emaus, in the county of Lehigh and State of Pennsylvania.

WEST VIRGINIA.

Joe Williams to be postmaster at St. Marys, in the county of Pleasants and State of West Virginia.

WYOMING.

Frederick E. Davis to be postmaster at Wheatland, in the county of Laramie and State of Wyoming.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 13, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported the bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MADDOX. Mr. Speaker, I desire to reserve all points of order upon the bill.

The SPEAKER. The gentleman from Georgia reserves all points of order upon the bill.

Mr. HEMENWAY. Mr. Speaker, I will serve notice that I will call that bill up to-morrow immediately after the House convenes.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. BIRDSALL, for ten days, on account of important business.

To Mr. COCHRAN of Missouri, for fifteen days, on account of important business.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PALMER. Mr. Speaker, the consideration of resolution No. 274, reported by the Committee on the Judiciary in the matter of the impeachment of Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, was postponed until the 13th day of December——

The SPEAKER. The gentleman will suspend. The Chair desires to hear the gentleman from Pennsylvania, and he is satisfied the House also desires to hear him, and the House will please be in order. Gentlemen will please be seated and cease conversation.

Mr. PALMER. This order was made on the 7th of April, and the time has arrived for the consideration of this resolution, and I move that the resolution be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, be impeached of high misdemeanor.

Mr. PALMER. Mr. Speaker, I propose to state in the briefest possible form the facts found by a majority of the Judiciary Committee from the testimony in the case, which justifies the conclusion that Charles Swayne, district judge of the United States in and for the northern district of Florida, ought to be impeached by the House and sent before the Senate of the United States for trial. The acts of misbehavior proved by the evidence, briefly stated, are:

First, that the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States, in and for the northern district of Florida, on the 1st day of April, 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, 1890, took the oath of office, and assumed the duties of his appointment, whereupon it became and was the duty of the said Charles Swayne to comply with the act of Congress of the United States which provides that—

A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Nevertheless, the said Charles Swayne, totally disregarding his duty as aforesaid, did not acquire a residence or, within the intent and meaning of said act, reside in his said district, to wit, the northern district of Florida, from the year 1894 to the year 1903, a period of about nine years.

Wherefore the said Charles Swayne, having persistently and continuously violated the aforesaid law, is guilty of a high misdemeanor.

Second, the said Charles Swayne, judge of the United States in and for the northern district of Florida, while in the exercise of his office as judge did knowingly, arbitrarily, and unjustly impose a fine of $100 upon and commit to prison for a period of ten days without authority of law E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States, to wit, at Pensacola, in the county of Escambia, in the State of Florida, on the 12th day of November, in the year 1901.

Wherefore the said Charles Swayne misbehaved himself in his office of judge, and was and is guilty of an abuse of his judicial power and of a high misdemeanor in office.

Third, the said Charles Swayne, judge of the United States in and for the northern district of Florida, while in the exercise of his office as judge did knowingly, arbitrarily, and unjustly impose a fine of $100 upon and commit to prison for a period of ten days without authority of law Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States, to wit, at Pensacola, in the county of Escambia, in the State of Florida, on the 12th day of November, in the year 1901.

Wherefore the said Charles Swayne misbehaved himself in his office of judge, and was and is guilty of an abuse of his judicial power and of a high misdemeanor in office.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. PALMER. Certainly.

Mr. TAWNEY. Was there any affirmative evidence showing the committee that Judge Swayne had a permanent residence outside of his district?

Mr. PALMER. Yes and no. The evidence states that when he left Pensacola he went to Guyencourt, Del.; the evidence states that he generally told his clerk at Pensacola that he was going to Guyencourt, Del., when he left. The evidence was that he left word with the clerk that if anybody wanted to transact any business with him they could do it at Guyencourt, Del. There was no testimony, and I do not think anybody undertook to prove where his residence actually was. It seemed to be sufficient to prove that his residence was not in Florida, as the act provides that he shall reside in Florida. It was of no particular consequence where he lived if he did not live there. He never voted in Florida; he never was registered in Florida; he never lived there in any proper sense of the term. The idea of the committee was that this act of Congress means what it says, that a man shall be bodily present in the place where he ought to be. A potential residence, a constructive residence, or a legal residence does not answer the purpose for which the act of Congress was passed. It meant that when a judge was appointed to a district he should be there to attend to the business of the people, and not 3,000 miles or 1,000 miles or any number of miles away. Of course, residence is a question of intention, but if a man could gain residence by intention, he might have gone to Florida and said: "It is my intention to live at the Escambia Hotel," or anywhere else, and then have gone to England and spent his time there, coming home when it was necessary to hold his court. But, as I said, I am not going to argue that question now.

Mr. BURKE. Will the gentleman permit a question at that point?

Mr. PALMER. Yes.

Mr. BURKE. What was done with the other attorney who, you say, went to New Orleans?

Mr. PALMER. Mr. Paquet came back some time later and filed a kind of statement in which he said that their conduct was such that Judge Swayne might presume they intended a contempt, whereupon Judge Swayne excused him, and he was neither fined nor imprisoned.

Fourth, the said Charles Swayne, judge of the district court of the United States in and for the northern district of Flor-

ida, did, while in the exercise of his office as judge, without authority of law, commit to prison for a period of sixty days one W. C. O'Neal for an alleged contempt of the United States court for assaulting one Greenhut, who was trustee in a certain bankruptcy proceeding, the said assault having been committed out of the presence of the court and not so near thereto as to obstruct or hinder the administration of justice, and while the said court was not in session; neither was the said assault committed in defiance of any rule, command, or decree of the said court, to wit, at the city of Pensacola, in the county of Escambia, in the State of Florida, on the 9th day of December, 1902.

Wherefore the said Charles Swayne misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

Fifth, the said Charles Swayne, judge of the United States court in and for the northern district of Florida, did, while in the exercise of his authority as aforesaid, appoint to the office of commissioner of the United States one B. C. Tunison, to wit, at the city of Pensacola, in the State of Florida, on or about the 1st day of July, 1897, who was at the time of such appointment, and is now, a man of bad character for truth and veracity, the character of said Tunison being well known to the said Charles Swayne at and before the time the said appointment was made.

Wherefore, the said Charles Swayne brought the administration of justice into disrepute, and was, and is, guilty of misdemeanor in office.

Sixth, the said Charles Swayne, judge of the United States in and for the northern district of Florida, so conducted himself in his said office of judge as to beget and induce a general belief among the members of the bar practicing in his court and district, and among the suitors in the court of the United States in the northern district of Florida, that one B. C. Tunison had and could exercise undue and improper influence over him, the said Charles Swayne, and that on account of said influence it was advisable to employ the said Tunison to prosecute cases before the said Charles Swayne, and that the said Tunison was in fact employed in cases for that reason.

Wherefore the said Charles Swayne was and is guilty of misbehavior in office.

Seventh, the said Charles Swayne, while exercising the office of judge, to wit, at Pensacola, Fla., arbitrarily and unjustly refused to hear witnesses summoned and present in a pending case on the ground that he would not believe them if sworn, and continued without day, without any sufficient cause or reason, the said case, to wit, of one W. H. Hoskins, an alleged bankrupt, whose property had been seized and who denied that he was insolvent, and in whose case an order had been made for a trial before a jury, to wit, on the 31st day of March, 1902, to the great injury of said Hoskins, the action of said Charles Swayne in the premises being a denial of justice, a violation of his official oath, and an abuse of his judicial power and a high misdemeanor in office.

Eighth, that the said Charles Swayne misbehaved himself in his office of judge of the United States court in and for the northern district of Florida in that the said Charles Swayne used the property of the Jacksonville, Tampa and Key West Railroad, to wit, a car belonging to the said company to transport himself, his family, and friends from Guyencourt, Del., to Jacksonville, Fla., the said car having been supplied with provisions and furnished with a conductor and porter and transported over other roads at the expense of said company. At the time the said property was used as aforesaid the said railroad was in the hands of a receiver appointed by the said Charles Swayne, judge of the district court of the United States for the northern district of Florida. The accounts of the said receiver, containing this expenditure as aforesaid, were passed upon and allowed by the said Charles Swayne.

The said Charles Swayne further misbehaved himself by attempting to justify the use of the property as aforesaid by claiming that he had a right to use it because the railroad and its property were in the hands of the court. [Laughter.]

Now, maybe you think that is a joke, but I want to read the testimony of Judge Swayne on that subject:

By Mr. PALMER:

Q. You said this car was one of the cars in possession of the court, because the road was in the hands of a receiver?—A. Yes.

Q. You said that it was the privilege of the court to use that car, because the road was in the hands of a receiver?—A. Yes; that was the reason why it was used.

Q. You thought that the railroad being in the hands of the court you had the right to use the property of the railroad without rendering the railroad any compensation for it?—A. The receiver, in talking that over with me, stated that it was generally understood that a car was in better condition running than if it were standing idle on a siding.

[Laughter.]

I thought I was lawyer enough to see he had not answered it.

Mr. PALMER. Will the stenographer read that question, please?

The STENOGRAPHER (reading). "Q. You thought that the railroad being in the hands of the court you had the right to use the property of the railroad without rendering the railroad any compensation for it?"

Mr. PALMER. That is the question.

The WITNESS. Yes, sir. I had ten railroads in my hands as judge in six years.

Mr. PARKER. Will the gentleman read the next question?

Mr. PALMER. Yes; you can read it for me.

Mr. GILLETT of California. I will read it.

Q. And you fancied you had the right to use the property of any of the railroads that were in the hands of the court whenever you pleased without rendering any compensation to the railroad for it?—A. I did not say that.

Mr. PALMER. How does that qualify what he stated?

Mr. GILLETT of California. That is what he said.

Mr. PALMER. He said he had the right to use that property, because it was in the hands of the receiver, because the railroad was in the hands of the court; that is what he said and stuck to it.

Mr. MANN. And he did it?

Mr. PALMER. He did.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask if he charged up the expense against the receiver?

Mr. PALMER. The receiver took credit for it when he settled his account; of course he provisioned this car and put on a porter and conductor at the expense of this railroad company, and got the car passed over the different railroads between Jacksonville, Fla., and Guyencourt, Del. In other words, this man took out of the assets of the bankrupt company, which were in his hands or in the hands of the court, which he was bound to administer for the benefit of the creditors, several hundred dollars, because it costs about a hundred dollars a day to run a private car if a private person has to pay for provisions and transportation. He took a sum out of the assets of that company and applied it to his own use, the use of his family and friends. The car came to Guyencourt, Del., and took Judge Swayne and Judge Swayne's wife's sister and her husband and transferred them, at the expense of the railroad company, to Jacksonville, Fla.

Mr. GILBERT. Was it an inspection trip?

Mr. PALMER. Not of the Jacksonville, Tampa and Key West. He passed over two or three different railroads between Jacksonville and Guyencourt.

Mr. FINLEY. I thought he perhaps merely inspected the condition of the road.

Mr. PALMER. No.

The said Charles Swayne further misbehaved himself in that he used the car above mentioned to transport himself, his family, and friends from Jacksonville, Fla., to the Pacific slope, the said car, a porter, or cook, and some liquid supplies, and transportation over other roads having been furnished at the expense of the said railroad company. The said Charles Swayne also justified the use of the said car upon the grounds aforesaid.

I do not think it necessary to make any further comment on that subject.

That the said Charles Swayne has been guilty of a high misdemeanor, viz, in obtaining money from the Treasury of the United States by a false pretense.

The said Charles Swayne was entitled by law to be paid his reasonable expenses incurred in travel and attendance when holding court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Tyler, Tex., forty-one days from January 21, 1903, and received therefor from the Treasury of the United States, by the hand of the United States marshal, the sum of $410, when the reasonable expenses of the said Charles Swayne, incurred and paid by him during said period, were much less than said sum, total for board and lodging, the sum of $1.25 per diem, amounting to $51.25, and for traveling expenses in going and returning from the said court, not to exceed $50, in all $101.25.

Mr. LACEY. I would like to ask the gentleman a question in this connection. Does he have a copy of any of the certifications complained of here? They do not seem to be printed in the record.

Mr. PALMER. I have a copy of the certificate.

Mr. LACEY. I would like to ask what the form of certificate was that he is charged with misstating the facts?

Mr. PALMER. He certified that he had expended the sum of $10 a day, or some $400 for forty days, for necessary expenses of attendance and travel. That is the form of certificate. It is

a printed form that is used in the Department. The certificate was not put in the evidence because counsel for Judge Swayne admitted he had made use of the regular legal certificates in all these cases.

Mr. LACEY. Is this the usual certificate used by any district judge—the printed blank furnished by the Treasury Department?

Mr. PALMER. They have a printed form, and every judge has to certify how much his reasonable expenses for travel and attendance are—not his actual expenses; it is his reasonable expenses—and it turned out that Judge Swayne held court out of his district seven hundred and forty-five days in the eight years, and that he charged $10 a day for every day; that is to say, he received $7,450 for holding court outside of his district as expenses, and he received close to a thousand dollars a year over and above his salary.

The same charge was made against him where he held court at Tyler, Tex., where the charge was for $310 expended. According to the testimony, he paid $77.50 for lodging; $50 for traveling expenses, which would cover from Pensacola; in all, $127.50. In one case he got a rebate on his board bill of 10 or 15 per cent. The usual charge was $2.50 a day, or something like that, and in the certificate he put in a bill of $110, which was paid for $97.

Mr. ADAMS of Pennsylvania. Will my colleague permit me to ask him a question?

Mr. PALMER. Certainly.

Mr. ADAMS of Pennsylvania. Does the gentleman know if it is customary among United States judges to charge the maximum?

Mr. PALMER. No, sir; and if it was customary that would be no evidence in this case. We are trying the case of Charles Swayne—not other judges.

Mr. ADAMS of Pennsylvania. I am only asking for information.

Mr. PALMER. And I am giving it to you. [Laughter and applause.]

Mr. LACEY. I would like to ask whether there is any testimony before the committee showing that this statute is construed that there should be $10 allowed for reasonable expenses and attendance, and it is fixed as not beyond $10? The word used, "attendance," so far as the expense was concerned, was not that part of the compensation for holding the court?

Mr. PALMER. What do you mean?

Mr. LACEY. That $10 meant that it covered compensation. Is not that the construction that is put upon it?

Mr. PALMER. No, sir.

Mr. OLMSTED. Does not the act also say that he shall have no compensation for holding the court out of his district?

Mr. PALMER. The act of Congress forbids a judge from receiving any compensation for holding court out of his district. He is paid a salary for his services.

Mr. LACEY. I only wanted to see how it is construed by others.

Mr. PALMER. The act provides that they shall not get any other compensation.

Mr. LACEY. It was passed on an appropriation bill, and is for traveling expenses and attendance.

Mr. PALMER. It is for "reasonable expenses of travel and attendance." That was limited formerly by the act of 1881, which was construed to give "actual expenses," but this act gives him his "reasonable expenses."

Mr. OLMSTED. I will ask my colleague whether instead of the act providing, as the gentleman from Iowa said, that the charge is for "attendance," it is expressly stated for "reasonable expenses of his attendance?"

Mr. PALMER. The act of 1896, the sundry civil appropriation bill, provides for—

> Reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges.

Mr. HITCHCOCK. The gentlemen on this side of the House would like to ask the gentleman from Pennsylvania if he would talk a little louder, so that he can be heard.

Mr. PALMER. If the gentlemen on that side will keep a little stiller, I think I could be heard.

Mr. HITCHCOCK. It is not a question of keeping a little stiller, but of the gentleman talking a little louder.

Mr. PALMER. If the House will keep a little stiller, I will try to talk a little louder.

The judge must certify, under that statute, before he can get the money from the marshal, what his reasonable expenses have been for traveling and attendance.

Mr. LACEY. Now, I will ask the gentleman if in the same district and in the same circuit it has been the uniform practice of the other judges to charge the fixed sum, this $10 a day; so that if we are going to impeach this man for that, why, the House ought to have a job lot of impeachments, covering the whole district or circuit. I will ask whether the committee looked into that.

Mr. PALMER. No; we didn't look into it, and we didn't need to; it would not have been relevant or competent; when one man is charged with larceny, it is not relevant to see if somebody else has been guilty of the same thing. This is briefly the plain statute, and if a judge will certify that his expenses have been $10 a day and he has paid $10 per day then he is entitled to it, and if he hasn't paid that he is not entitled to it.

Mr. CLAYTON. Will the gentleman permit me, in that connection, to refer him to the case of Dunwoodie against The United States (22 Ct. Cls., 269, 278), where it was held:

> "Expenses," as used in an act appropriating money for salaries and expenses of the national board of health, means those expenses which are necessarily incident to the work directed to be done, including payment for clerk hire or office rent.

And in Heublein *v.* City of New Haven (54 Atl., 298, 299; 75 Conn., 545), where it was held that:

> The word "expenses," as used in a city charter providing that the selectmen shall receive a certain sum per hour for the time spent in their duties, and their necessary expenses, means something due to the selectman for money paid by him or debt incurred by him necessarily in the performance of his duty.

And also in the case of the United States *v.* Shields (153 U. S. Rep., p. 91), where it is said:

> It is true in the present case that the district attorney has made no claim for a per diem allowance for Sunday, but it certainly can not be held that this left it optional with him to waive his per diem fee and take mileage to and from his home in lieu thereof as a matter of pleasure or convenience to himself, especially when the mileage exceeded the per diem allowance. Fees allowed to public officers are matters of strict law, depending upon the very provisions of the statute. They are not open to equitable construction by the courts nor to any discretionary action on the part of the officials.

Mr. PALMER. Tenth, that the said Charles Swayne has been guilty of a high misdemeanor in obtaining money from the Treasury of the United States by a false pretense, in that the said Charles Swayne was entitled by law to be paid his reasonable expenses incurred in travel and attendance when holding court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Dallas, Tex., forty days from January 21, 1896, and received therefor from the Treasury of the United States, by the hand of the United States marshal the sum of $400, when his reasonable expenses incurred and paid by the said Charles Swayne did not exceed $125 for board, lodging, laundry, express, telegrams, and drugs, and not to exceed the sum of $50 for traveling expenses in going and returning; in all, the sum of $175.25.

Eleventh, that the said Charles Swayne has been guilty of a high misdemeanor in obtaining money from the Treasury of the United States by a false pretense.

The said Charles Swayne was entitled by law to be paid his reasonable expenses incurred in travel and attendance when holding court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal for the district in which the court was held, and was forbidden by law to receive compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Tyler, Tex., thirty-one days from December 3, 1900, and received therefor from the Treasury of the United States, by the hand of the United States marshal, the sum of $310, when the reasonable expenses incurred and paid by the said Charles Swayne did not exceed $2.50 per diem for board and lodging, amounting to $77.50, and $50 for traveling expenses going and returning, not to exceed $127.50 in all.

In support of the first charge, viz, that Judge Swayne violated the act of Congress which makes it a high misdemeanor for a district judge not to reside in his district, the testimony shows that Judge Charles Swayne was appointed district judge of the United States for the northern district of Florida in 1890. At that time the boundaries of the district included St. Augustine, where he resided. In the year 1894 the boundaries of the district were changed by an act of Congress, and St. Augustine and Jacksonville were included in the southern district, leaving Pensacola and Tallahassee as the only places at which a United States court was held in the northern district.

From the time the boundaries of the northern district were

changed until the year 1903 Judge Charles Swayne boarded at hotels or boarding houses in Pensacola and Tallahassee during the times his court was in session, except a portion of the year 1900, about two or three months, when he lived with his family in Pensacola, in a house rented by his wife. The testimony establishes the fact that substantially he was not in the district at any other time except when his court was in session. From 1896 to 1904 his court was open for business four hundred and ninety-two days, being the average of sixty-one and one-half days per annum for eight years. No testimony was offered to show how many days the court was open or closed during the years 1894 and 1895.

In the year 1903 his wife purchased a house in Pensacola. There is no evidence that he has occupied it, or that he has ever been registered, paid taxes, or voted in the northern district of Florida since the boundaries of the district were changed, or that his family has been there, except a part of one winter.

Upon the part of Judge Swayne, a witness testified that he had, at the request of Judge Swayne, endeavored at different times between 1894 and 1903 to find a suitable house in Pensacola which he could purchase, and at one time endeavored to get a house built for him, but that he had not succeeded in either effort.

Judge Swayne testified that when he first went to Pensacola he asked a man connected with a bank to have his name placed on the registry. It was not done. Judge Swayne admitted that he never was registered in the northern district of Florida, never paid a tax, voted, or in any manner exercised the rights of citizenship. After making the request of a person not connected with the registration of voters, he never inquired to find if it had been done. He stated to at least one person that his home was at Guyencourt, Del.; that was the place where he went when court was not in session in Florida, or when he was not holding court in other States.

From the testimony in the case it is clear that Judge Swayne has never acquired a legal residence in the northern district of Florida, nor has he actually resided there, within the meaning of the act of Congress, which is as follows:

> A district judge shall be appointed for each district, except in the cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be guilty of a high misdemeanor.

This act needs no interpretation. Its purpose is plain. A nonresident judge can not perform the duties of his office properly or rightfully administer justice to the people of his district. Whether he can or not, the law requires him to live there, and makes him guilty of a high misdemeanor if he does not obey it. There is sufficient evidence, if evidence were needed, to satisfy your committee that the continued absence of Judge Swayne subjected lawyers and suitors to inconvenience, delay, and expense, and in some cases amounted to a denial of justice. Let it be granted that there is not; let us suppose that no one suffered harm. We do not find that Judge Swayne is therefore to be excused from obeying the law. No exception is contained in the act; we can not write one in for his benefit.

Judge Swayne does not claim that he had a residence in his district from 1894 to 1903. His testimony is rather in the nature of a series of excuses for not having it. He says he authorized his clerk to look for a house in Pensacola; that he spoke to a bank cashier about being registered; that he was always ready to go back to his district when needed; that he was called to hold court elsewhere; that other southern judges go North in the summer season. All this does not excuse Judge Swayne for noncompliance with a highly penal statute. It ill becomes a judge to set up excuses for disobeying the law. After the Florida legislature had acted and passed the condemnatory resolution upon which this proceeding is founded, he apparently awoke to the fact that his plain duty in respect to residing in the district had been neglected. His wife purchased a house in Pensacola. The evidence does not show that he ever even lived in that house. This statute is as binding upon Judge Swayne as any other law upon the statute book. If he may violate this act with impunity, he ought to be allowed exemption from obedience to all laws.

It may be conceded that residence is ordinarily a question of intention. A man's legal residence is, doubtless, where, after having gained a residence, he intends to reside. But in order to comply with this statute we submit that there must be something more than an intention on the part of a judge to reside in his district. There must be an actual as well as a legal residence. One may establish and have a legal residence in the United States and remain continuously abroad any number of consecutive years without losing it; but such a constructive or legal residence certainly would not answer the purpose of this statute, which clearly was to secure the bodily presence of the judge within his district where the people who had need of his official services could have them.

It has been said that the word "residence" is an elastic term of which an exhaustive definition can not be given, but that it must be construed in every case in accordance with the object and intent of the statute in which it occurs. (Eng. and Am. Enc., p. 696.)

It may happen that one may have two places of residence, in one of which he resides during one portion of the year, in the other during the remaining portion. In such case the place where he happens to be constitutes his residence so long as he is there, and ceases to be such as soon as he leaves for the other place. (Ibid., 699. Walcott *v.* Bolfield, 1 Kay, 534; 18 Jurist, 570; Stout *v.* Leonard, 37 N. J. L., 492.)

In the case of The People *v.* Owen, 29 Colorado, 535, it was held that when a statute requies a district judge to reside in his district the residence contemplated was an actual as distinguished from a legal or constructive residence.

Judge Swayne offered himself as a witness upon this question after the committee came to Washington after visiting Florida. He was sworn, and his testimony was as follows:

Mr. PALMER. Judge Swayne will proceed and will make his statement to the stenographer.

Judge SWAYNE. I was born in 1842 in Delaware, and resided there with my parents. I read law in Philadelphia and was admitted to the bar and took my degree of B. A. in the Pennsylvania Law School. I practiced law there, with the exception of one year, until 1885, when I removed with my family to Sanford, Fla. I practiced law there until 1887, when I was burned out, when I removed with my family to the county seat, where I was residing when appointed to the bench on May 17, 1889. I took the oath of office June 1, 1889.

Mr. PALMER. That was a recess appointment, was it not?

Judge SWAYNE. Yes, sir; I can not tell positively what date I was confirmed. The confirmation came up before Congress the following December, and in consequence of the election trials, which had taken place in the meantime, the confirmation did not occur until April 1, 1890. I addressed the Senate on the subject, which can be seen by the CONGRESSIONAL RECORD of the first session of the Fifty-first Congress, volume 21, February 21, 1890, and which was a very interesting debate, showing exactly what the questions were. In the summer of 1890 I moved to St. Augustine. I think we arrived there the 1st of October, having been North on a vacation, as was the custom of most of the Federal judges, perhaps of all of them, to take such vacations.

I resided in St. Augustine with my family, and about the time when the bill making the change in the district which has been spoken of received President Cleveland's signature, after a consultation with my friends in Jacksonville and vicinity, they urged me not to move my furniture nor my family, saying that the next Congress would be Republican and the district would be placed back in its usual form. My furniture was allowed to remain, and I went at once to Pensacola. I found a leading Democratic friend there, and I stated to him that I had concluded not to move my furniture there, and it was all well understood by the people there. I was there for a considerable period, sometimes early in October and sometimes a little later, and I was there all the time I was needed unless holding court somewhere else. By special assignment for five months I was in the court at Dallas. In 1899, in July, I went with my family to Europe. In the spring, in 1900, I was holding court at Birmingham, where I had a great many friends, and after that I went to Pensacola and rented a house.

Mr. GILLETT. Was that in 1899?

Judge SWAYNE. That was in 1900. I think I moved there early in October. I then went North with my wife and son to spend Christmas week in Wilmington. On the 12th of the following January I was in Tyler, Tex., and two days later I got a telegram about the breaking down of my son's health, but I stayed on until February and finished the case and then came back, as his condition was very critical and serious, and, after a week or two, perhaps, I returned and held court and finished what I had to do and got back to Delaware that spring. In February, 1903, I was again in Tyler, Tex., and went early to Wilmington. In the spring we bought the property that had been formerly occupied by Judge A. C. Blount, in Pensacola, and moved in it the 1st of October.

I never was a registered voter and I have not voted in fourteen years. When I left Delaware I moved my domicile and have taken no part in political questions arising in the State of Delaware or Florida. Mr. Turner, whom Mr. Laney said he did not know, was an attorney for my matters for four years. My father died in 1889 and left property to my mother for life. She is still living, and the property comes to me and my sister as a residuary legatee at the time of her death. But that has never been my home, but I have spent my summers there mostly, arriving sometimes in June and sometimes in July, and from that point I could always reach Pensacola in thirty-six hours, and the record will show I have always been there to attend to anything of a serious nature.

My recollection is that no one has ever suffered because of my absence, and I can offer testimony which will entirely clear up that proposition. My recollection is that, from the testimony taken, the most the committee has on this point before them is that counsel may have been sometimes inconvenienced in the summer time during my absence on vacation. As near as I can recollect, these are the facts which cover the period since I have been on the bench.

Mr. GILLETT. Did the business of the court suffer because of your absence?

Judge SWAYNE. I never heard of it.

Mr. GILLETT. The summer time was the time usually taken for vacations?

Judge SWAYNE. Yes; I so understand it. Another suggestion was that the only way to get rid of me would be to do away with the district entirely. But I do not suppose the parties care very much whether the office is abolished or not, just so long as they can get the individual.

Bearing in mind that Judge Swayne is presumed to be learned in the law, and that he is fully aware of what is needful to entable a man to gain a legal residence and also to maintain an actual residence in a given place, it is apparent that he does not claim that, prior to 1903, he had either gained a legal or maintained an actual residence in the northern district of Florida. His testimony is prolific of reasons why he did not do so.

Apparently he had an actual and legal residence in St.

Augustine, which was in his district before the boundaries were changed. After that event he broke up housekeeping and stored his furniture; then being advised, as he states, by some of his friends that the next or some succeeding Congress would be Republican and that the boundaries of his district would be extended. After that he attended the session of his court at Pensacola and Tallahassee, living at different boarding houses or hotels, being present substantially at no time except when court was in session. When he left Florida he states that he always left directions with his clerk that he would come back if needed. Correspondence was addressed to him at Guyencourt, Del.; that place he spoke of as his home. To that place he returned when his labors in his district were ended or after he concluded terms of court in other States. He had live stock and personal property at Guyencourt, in Delaware. His family generally lived there; sometimes abroad. In the year 1900 his wife rented a house in Pensacola and lived there with her husband a portion of the winter, going North with him about the holidays. Rent was paid for the house a year or more, but it was not again occupied by him or his family. He spoke to a bank cashier about being registered, but the bank cashier had nothing to do with the registration; that was an act which, under the law, must be attended to personally.

Judge Swayne never was registered. When there, did he gain even a legal residence in the northern district of Florida? Has he ever gained such a residence? His actual residence was measured by about sixty days in each year. Did he gain a legal residence when he broke up housekeeping and stored his furniture awaiting the time when a Republican Congress would change the boundaries of his district, so that he would not need to move away from St. Augustine? Did he gain a legal residence when he asked the bank cashier about being put on the register of voters? Asking his clerk to find a suitable home for him to rent or purchase evidenced his intention to reside in Pensacola when such a house was found. It did not gain a residence for him while the fruitless search progressed. It may be gathered from Judge Swayne's testimony that he intended to reside in Pensacola some time when he could buy or build a house.

There was no place in the northern district of Florida where legal service of process could have been made on Judge Swayne during the ten months of each year when he was absent from the State. The fact that Judge Swayne held court in other States, being assigned to do so by the circuit judge, does not tend to show that he had or had not a residence in his district. If to be present in the district during the time necessarily spent in holding the terms of court fixed by law, in March and November of each year, was to reside in the northern district of Florida, within the meaning of the act that requires a judge to reside in his district, under penalty of being guilty of a high misdemeanor if he does not, then Judge Swayne has complied with the law and is not subject to be charged on that ground. If he has persistently and continuously evaded and refused to obey this law, according to its plain intent, as the committee find from the testimony, then he should be impeached and sent before the triers.

Your committee can see no reason for overlooking or excusing his default. The law itself measures the grade of Judge Swayne's offense. It is a high misdemeanor. For that, by the express words of the Constitution, he is impeachable. It is not for the House of Representatives to seek for excuses exonerating a judge for a plain violation of statutory law, but to charge him before the tribunal fixed for the trial and let him abide the consequences of his act. If the Senate chooses to regard his excuses and exempt him from just punishment, the House will have done its duty to the people, and responsibility for miscarriage of justice will rest elsewhere.

In support of the second and third charges, viz, that Judge Swayne arbitrarily, unjustly, and unlawfully fined and imprisoned E. T. Davis and Simeon Belden, attorneys at law, the facts of the cases, as set forth by the testimony, are as follows:

In the year 1901 an action of ejectment was pending in the circuit court of the United States at Pensacola in which Florida McGuire was plaintiff, and the Pensacola City Company and numerous individuals, among them W. A. Blount and W. Fisher, attorneys at law, were defendants for a tract of land called the "Rivas or Chavaux tract." The plaintiff's lawyers were Louis Paquet and Simeon Belden, of New Orleans. In the month of October, in the year 1901, Paquet and Belden joined in a letter to Judge Swayne, which they addressed to him at the place where he resided when not holding court in his district or elsewhere—viz, Guyencourt, in the State of Delaware—stating that they had been informed that he, the said Charles Swayne, had purchased a portion of the land in controversy in the said ejectment suit—viz, block 91, in the business part of the city of Pensacola—and requesting him to recuse himself and arrange for some other judge to preside at the trial of the case. To this letter no answer was returned by Judge Swayne.

At the term of court which convened at Pensacola in November Judge Swayne announced on the 5th of November that a relative of his had purchased the land, but later in the week he volunteered from the bench that the relative was his wife, and that she had purchased the land with money obtained from her father's estate; that the bargain had not been concluded for the reason that the owner, Mr. Edgar, offered a quitclaim deed. The evidence shows that the agents of Edgar, with whom Judge Swayne negotiated the purchase of block 91, and also of another lot, wrote him stating that Edgar would not give a general warranty because the land was part of a tract which was in dispute. Swayne answered saying that they might drop out block 91 without stating a reason. The agents had pending in October, when the letter to Swayne was written, a suit in the State court against Edgar for commission on the sale to Swayne. The agents had taken Judge Swayne over the tract, and had agreed upon the terms and had sold block 91 to him.

The custom in Judge Swayne's court was to dispose of the criminal calendar first, and when that was concluded to call the civil list and set the cases for trial at convenient times in the future. The criminal cases were not concluded at the November, 1901, session until about 5 o'clock Saturday night. Judge Swayne then took up the civil list, upon which the case of Florida McGuire appeared, and made a further statement that the member of his family who had contracted through him for block 91 was his wife, and that she was purchasing with money derived from her father's estate. He declined to recuse himself, and stated that the case would be heard on the Monday following unless legal ground for continuance was laid.

The plaintiff's lawyer, Paquet, asked that the case should be set down for Thursday of the following week, averring that it was too late to summon witnesses that night; that Sunday they could not be summoned, and therefore the case could not be ready on Monday. This request was refused by Judge Swayne, who insisted that the case should go on on Monday. At about 5.30 or 6 o'clock the court adjourned. Neither Simeon Belden nor E. T. Davis was present in court at any time when Judge Swayne made announcement concerning his connection with the purchase of block 91, Belden being ill with facial paralysis and confined to his bed at the hotel in Pensacola. E. T. Davis was not of counsel in the case and had no connection with it up to the time that court adjourned on Saturday, November 9, at 6 o'clock. During the evening Paquet drew up the necessary papers to commence an action of ejectment in the county court of Escambia County, Fla., against Judge Swayne for this block 91, upon the theory that he had contracted for the land with Edgar, who claimed to own it, and who had admitted that he was in possession and that the contract was subsisting between them, and that the title of the alleged owner could be tried out in the State court, where the parties would get better justice, Swayne standing in the shoes of Edgar. They took the liberty of believing, from all the evidence, that Judge Swayne was the real purchaser, though he had said that the title was to be taken by his wife.

The papers were taken to Simeon Belden at his hotel where he was ill, and he signed them. E. T. Davis was employed to bring this suit. At the same time it was agreed that the suit of Florida McGuire in Judge Swayne's court should be dismissed on Monday. Davis was engaged to do it, Paquet having been called to New Orleans by sickness in his family. The suit against Judge Swayne was brought that Saturday night and the process served on him. On Monday, at the opening of the court, Mr. E. T. Davis asked for and obtained from Judge Swayne an order dismissing the suit of Florida McGuire. Immediately Mr. W. A. Blount, esq., one of the defendants, and also attorney for defendants, arose and suggested that Paquet and Belden, attorneys for Florida McGuire, and Davis, who appeared to ask for a dismissal of the suit, had been guilty of contempt of court for bringing suit against Judge Swayne in the county court of Escambia County. This action was in pursuance of a previous conference between Blount and Swayne held before court convened, when it was agreed upon. Judge Swayne ordered a rule to show cause upon an unsworn statement prepared by Blount, which was served on Davis and Belden, Paquet being absent. The next day (Tuesday) Davis and Belden appeared and submitted an answer purging themselves of the contempt and averring their right, as counsel, to bring the suit.

Some testimony was taken to show that the suit against Judge Swayne had been brought and process served on him Saturday night about 8 o'clock; that was all. Whereupon Judge Swayne proceeded to adjudge Belden and Davis guilty of the "charges which were in violation of the dignity and good order of the

said court and a contempt thereof," and after some abusive remarks sentenced them to be disbarred for the term of two years, to pay a fine of $100 each, and to undergo an imprisonment for the period of ten days in the county jail.

They were duly committed and remained confined three days, when they were released pending a habeas corpus allowed by Judge Pardee, of the circuit court. That habeas corpus case resulted in a decision that Judge Swayne had jurisdiction of Belden and Davis in a contempt proceeding, as the averment in the paper filed by Blount was that they were officers of the court, and therefore the circuit court could not question his decision, his findings of fact, or the correctness of his judgment that they had committed a contempt, except in so far as he had exceeded his jurisdiction by imposing both fine and imprisonment, the statutes providing in certain cases for fine or imprisonment as a punishment for contempt. To that extent the decision of Judge Swayne was reversed and the culprits allowed to choose which they would suffer, fine or imprisonment. Belden, who was a very sick man, about 70 years of age, chose to serve out his sentence in prison; Davis paid the fine of $100.

I am of opinion that Judge Swayne was guilty of gross abuse of judicial power and misbehavior in office in this case. I believe that he had no authority or right to adjudge Simon Belden and E. F. Davis guilty of a contempt of court under the circumstances of the case.

Second. That if authority can be found in the law for holding the action of these attorneys a contempt, that in the absence of evidence of intent to commit a contempt other than that to be gathered from the fact that the suit was brought Saturday night and the process served the same night, and in the face of their answer that no contempt was thought of or intended, to adjudge them guilty was a gross abuse of power.

Third. That the sentence imposed by Judge Swayne was unauthorized and unlawful. It can be accounted for only on the theory that the judge imposing it was ignorant or vindictive.

The statute conferring power upon the court of the United States is as follows:

> The said courts shall have power to impose and administer all necessary oaths and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said court.

In his address to the subcommittee Judge Swayne was asked to point out the part of the statute which conferred the authority for his action. He said: "The words 'the misbehavior of any of the officers of the said courts in their official transactions.'"

At the time he sentenced Davis and Belden Judge Swayne declared that the contempt did not consist in bringing the suit in the State court; that the attorneys had a perfect right to sue him there, but that his belief was that the suit was brought to force him to recuse himself in the case of Florida McGuire.

It must be remembered that at the time the sentence was pronounced, indeed, before the contempt proceeding was commenced, the case of Florida McGuire had been ended by the consent of Judge Swayne, upon motion of E. T. Davis, for the plaintiff, and that the agreement to end the case had been reached by the lawyers, Paquet, Davis, and Belden, before the suit was instituted against Swayne in the State court on Saturday. How, then, could their action in bringing that suit be construed into an attempt to force Judge Swayne to recuse himself in the case of Florida McGuire? Such a pretense was idle, especially in view of the fact that the purpose to arrest and punish these men for contempt of court had been formed and agreed upon between Blount and Swayne in the morning before court met and before either could know that the Florida McGuire case was to be dismissed by the plaintiffs. The accused lawyers had a right to bring the suit. Their motive could not have been to affect in any way the disposition of the Florida McGuire case in Judge Swayne's court, because that case being ended could not be affected or the conduct of the judge influenced thereby.

There was no testimony before the court from which a conclusion as to the motives of the accused could be judged except the fact that the suit had been brought in the State court Saturday night and the process served that night. The fact, viz, that the process was served Saturday night was, in Judge Swayne's eyes, according to his statement before the committee, the chief gravamen of the offense. From that fact he concluded that the motive of the accused was to "insult the dignity and disturb the good order of his court." The committee is of opinion that there was no evidence before Judge Swayne from which such a motive could be inferred, certainly not from the facts in evidence before him.

The words under which he claims the right to condemn have been quoted, but they do not fit the case. They are the "misbehavior of any of the officers of the said courts in their official transactions." The act complained of was not done by these men as officers of the district court of the United States. They were acting as officers of the court of Escambia County, Fla., in bringing the suit. Therefore the action was not susceptible of being construed as a contempt of the district court. It was not an official transaction in any sense by officers of the United States court. Their character as officers or attorneys of that court gave them no power to do the act complained of. It was only because they were attorneys of the court in which the suit was brought that they could do it.

If it was an "official transaction," it was an official transaction in the county court of Escambia County, not in the district court of the United States. Certainly no one will contend that Judge Swayne could punish them for an official transaction in another court, no matter how offensive it might be to his dignity or humiliating to his pride or disgracing to his character; certainly such an act could not offend against the "dignity or good order of his court."

If, then, they could not be properly fined and imprisoned for bringing the suit, what offense did they commit that warranted such severe and disgracing punishment?

But it may be contended no judge can be held responsible for a mistake of law. All judges make mistakes. For an error of judgment or wrong exercise of discretion a judge ought not to be and can not be punished. Let this contention be granted. At the same time, none can dispute that for a misbehavior in office a judge may be impeached.

All the cases that have been tried may be cited as proof of that proposition.

Judge Pickering was impeached by the House and convicted by the Senate for releasing the ship *Eliza* to her owner without taking a bond after she had been seized for violating the excise law, and for appearing upon the bench when drunk, and for using profane language.

Judge Addison was impeached and removed from office for refusing to allow an associate judge to address a grand jury and a petit jury.

Judge Chase was impeached for refusing to allow counsel to address the court and jury upon a point of law that had already been decided.

Judge Peck was impeached for disbarring and imprisoning a lawyer who wrote and published a criticism of one of his opinions.

In all these cases the defense was stoutly made that they were mere mistakes of law, not indictable, and therefore not subject for impeachment. It did not avail to prevent the House from preferring charges. If this reason is good, then no judge can be called to answer for a misbehavior in office which is not also an indictable offense. This is not the law nor the practice.

In imposing sentence upon Davis and Belden Judge Swayne exceeded his authority by imposing both fine and imprisonment. This error was set right by Judge Pardee, the circuit judge, but not until both had served three days in the common jail.

The animus and evil intent of the judge was manifest by his action and speech. So eager was he to punish that he disbarred these lawyers for a term of two years. If his amicus curia, Blount, had not warned him, that unlawful sentence would have remained. His speech when imposing sentence is described by the witness.

Simeon Belden testifies:

Q. Now, I will ask you what was the manner of Judge Swayne when he was inflicting this penalty?—A. Well, it was gross and offensive; he entered with a slanderous attack on the attorneys.

Q. Very slanderous?—A. Yes.

Q. Tell what he said.—A. I don't recollect his words exactly; it was published in the newspapers here.

Q. It was harsh and offensive?—A. Very, indeed. (P. 264–265.)

E. T. Davis, page 284:

Q. At the time of imposing this sentence what was Judge Swayne's manner?—A. Very abusive.

Q. Can you state what he said?—A. I don't know that I can state it in so many words. He called us ignorant, said our action was a stench in the nostrils of the people, and a good many other things I can not repeat.

Q. His manner was very harsh and abusive?—A. Extremely so.

For a constructive or indirect contempt it is the law that one charged may purge himself, and that he can not thereafter be punished. In this case Judge Swayne listened to no excuse. He found an evil motive for a lawful action without evidence and against the oath of the accused. The excessive and unlawful character of the sentence and the grossly offensive manner in which it was pronounced leave no room for doubt that Judge Swayne was not animated by a desire to protect the dignity and good order of his court, but to punish what he considered a per-

sonal affront to himself. This constituted an arbitrary, unlawful, and oppressive abuse of his judicial power and a high misdemeanor in office.

The fact can not be disputed that Judge Swayne imposed a punishment on Davis and Belden which the law did not warrant. The only question in the case, then, is whether he is to be excused and go unpunished on the ground that he made an innocent mistake of law. No one doubts the proposition that a judge can not and ought not to be held responsible for innocent mistakes of law. Neither can anyone justly contend that a judge should not be punished according to law for knowingly and willfully imposing an illegal sentence. Whether his motive be revenge, or mere wanton disposition to exercise arbitrary power, or an intention to punish for a personal insult, in either case he can not be held guiltless or excused on the plea that he innocently erred.

The great question, then, in every case that arises must be, Why did he do it? What motive prompted? What intent animated? Being a human being and not divine or infallible, the actions of a judge are to be interpreted by the same rules that apply to the actions of other men. It is not to be supposed that a judge who evilly intends to do an unlawful act will declare his intention or publish his purpose. The motive and intention of a judge must therefore be sought, and generally will be made plain by the circumstances surrounding the particular case. If a judge has no personal interest or feeling in a matter under consideration, if coolly, calmly, and with deliberation he reasons himself into giving a wrong judgment, a wrong motive is never or rarely ever attributed to him. On the other hand, if the case involves a question of insulted dignity, a personal affront, or, if with heat and passion, if with vituperation and denunciation, a judge imposes a harsh and unlawful sentence upon a prisoner, his motive is not a matter of doubt. His motive is as plain as that of a man who assaults with a deadly weapon. Such a man is held responsible for the natural and reasonable consequence of his act. He can not be heard to say, "I made a mistake; I thought I had a right to strike with a club a blow which produced death." The law pronounces a layman and a judge who knowingly does an unlawful act conclusively guilty of an unlawful intent.

Apply these principles to the case in hand. Judge Swayne knew that the act of 1831 limited the powers of United States courts over contempt to the special cases named in the act. He knew it, because the Supreme Court of the United States has many times decided the very point, notably in 19 Wallace, 511, where it is said:

> The act of 1831 is therefore to them (the district courts) the law specifying the cases in which summary punishments for contempt may be inflicted. It limits the power of these courts in this respect to three classes of cases—
>
> First. Where there has been misbehavior of a person in the presence of the court, or so near thereto as to obstruct the administration of justice;
>
> Second. Where there has been misbehavior of any officer of the court in his official transaction; and,
>
> Third. Where there has been disobedience or resistance by any officer, party, juror, witness, or other person to any lawful process, order, rule, decree, or command of the courts. And thus seen, the power of these courts in the punishment of contempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to enforce obedience to their lawful orders, judgment, and processes.

Presuming that Judge Swayne knew the law, he knew that proceeding for a contempt not committed in the presence of the court must be founded on an affidavit setting forth the facts and circumstances constituting the alleged contempt, sworn to by the aggrieved party or some other person who witnessed the offense. Unless such affidavit be presented process will not be granted. (Burke *v.* The State, 47 Ind., 528; Batchelder *v.* Moore, 42 Cal., 412; Rapalje on Contempts, p. 122.)

> The most common and, in the United States, the almost universal practice in this matter is to present to the court an affidavit setting forth the facts and circumstances constituting the alleged contempt, sworn to by the aggrieved party or some other person who witnessed the offense. Unless such affidavit be presented process will not be granted. (Burke *v.* State, 47 Ind., 528; Re Judson, 3 Blatch., U. S., 148; Batchelder *v.* Moore, 42 Cal., 412; Whittem *v.* State, 36 Ind., 196.)

Judge Swayne knew that issuing of process without filing the proper affidavit was erroneous and that the error is not cured by a subsequent filing thereof. (Wilson *v.* The Territory, 1 Wyo., 155; Whittem *v.* The State, 36 Ind., 196; McConnell *v.* The State, 46 Ind., 298.)

He knew that in a rule to show cause why a person shall not be punished for contempt the actual intention of the respondent is material, in which respect it differs from an indictment for the like offense. Therefore, when the respondent meets the words of the rule by disavowing, upon oath, any intention of committing in contempt of court the rule must be discharged. (63 N. C., 397.) He knew that the practice in the courts of the United States, as well as in the State courts, was:

> If the party purge himself on oath the court will not hear collateral evidence for the purpose of impeaching his testimony and proceeding against him for contempt, but if perjury appear the party will be recognized to answer. (U. S. *v.* Dodge, 2 Gall., 313 Circuit Court U. S. 1st Circuit, Mass.; in the matter of John I. Pitman, 1 Curtis, 189, contempt proceedings.)
>
> The master did not treat the answer of the clerk as evidence. This was erroneous, as will plainly appear when we consider what this proceeding is. * * *
>
> Now, one of the most important privileges accorded by the law to one proceeded against as for contempt is the right to purge himself, if he can, by his own oath. So rigid is the common law as to this that it does not allow the sworn answers of the respondent to be controverted as to matter of fact by any other evidence. (U. S. *v.* Dodge, 2 Gall., 313.)

The rule was the same at common law:

> If any party can clear himself upon his oath he is discharged. (4 Bl. Com., 286, 287; Burke *v.* The State, 214 Ind., 528.)
>
> When the answer to a rule to show cause why one should not be attached for contempt negatives under oath any intentional disrespect to the court of purpose to obstruct its process the rule should be discharged. (In re Wilson Walker, 82 N. C., 95.)

Knowing the law, Judge Swayne issued a rule to show cause why Davis and Belden should not be committed for contempt upon an unsworn statement of Mr. W. A. Blount. He put upon the record another statement of his own, presumptively as evidence or as a justification of his act—an unsworn statement of alleged facts, some of which were true and some untrue.

He ignored the sworn denial of the accused that they had committed or had intended to commit a contempt, and without any evidence whatever to establish the fact, except that they had brought a suit against him in the State court and served him with process Saturday night. He condemned them to be disbarred two years, to be fined, and cast into prison. The charge against them, and of which they were convicted, was a contempt of the "dignity and good order" of the district court of the United States. The offense consisted, as stated by Judge Swayne, not in the act, but in the intent with which it was done, viz, to force him to recuse himself in the case of Florida McGuire.

Suppose, for the sake of argument, that such was their intention, viz, to force the judge to recuse himself. The intent was never carried out. No one was harmed. The judge was not forced to recuse himself. The suit against him in the State did not exercise any influence on him in that direction, for the very good reason that the suit in his court was disposed at the request of the plaintiff, with his consent, at the opening of the court on the first secular day after the suit was brought against him in the State court. The law does not punish guilty intentions. One may intend to slander, steal from, or even kill his neighbor. If the intent is never carried out no human law exists to punish.

All these plain and common principles Judge Swayne must be presumed to have known. Therefore he knowingly and unlawfully held these attorneys guilty of a contempt when none had been committed, when none could have been committed which were punishable under the act of Congress, and he did it in violation of the well-established law of procedure in such cases.

We are seeking for the motive which actuated Judge Swayne in the light of the circumstances. He must have known that he had no right to impose a fine and also an imprisonment upon these officers of his court. The act of Congress is very plain. A wayfaring man, though a fool, need not err there. It provides fine or imprisonment, not fine and imprisonment. The Supreme Court, with whose decisions Judge Swayne will not plead that he was not familiar, has also settled that point. (See 131 U. S., 267.)

Again, still in search of the motive of Judge Swayne in imposing his unlawful punishment, attention is called to the fact that he sentenced these lawyers to disbarment for two years; in other words, to ruin. To forbid a lawyer the right to practice his profession for two years is, standing alone, a severe sentence. Such a sentence will scatter a lawyers practice; seriously damage, if not irretrievably ruin, his reputation, and generally destroy his usefulness and earning power. Ought Judge Swayne be heard to say that he knew no better? Evidently if he might it would be true, because when his amicus curia stepped up to the bench and suggested that he had exceeded his authority he remitted that part of the sentence. He ought not to be heard to plead his ignorance, because the highest court decided (19 Wallace, 512) that punishment by disbarment could not be imposed under the act of 1831. The fact that he found it in his heart to impose such an unlawful sentence is helpful in ascertaining the true intent that actuated him in the whole transaction.

The last evidence that Judge Swayne was actuated by an evil intent to punish a personal affront by a clear violation of the law and an arbitrary abuse of judicial power is found in his vituperation and abuse of the respondents at the time he sen-

tenced them. The facts, as stated by them, are not denied by the Judge or his amicus curia, who both testified in the case. His manner was "offensive and insulting." He denounced these lawyers as "ignorant." He vituperated them as a "stench in the nostrils of the people." From these circumstances the fact is found that Judge Swayne had something in his heart besides an honest intent to vindicate the dignity of his court, and that that something was an intent to punish these unfortunate persons who had fallen into his power, not for offending against the dignity and good order of the court, but for what he conceived to be a personal affront.

Doubtless an argument may and will be made that Judge Swayne believed that the lawyers, Paquet, Belden, and Davis, brought an unfounded action against him for the purpose of influencing his action in the Florida McGuire case, and also that their conduct in bringing the suit after dark Saturday night and procuring the service of process upon him that night was intended as a personal affront, and that he also believed they caused to be published in the papers next morning notice of the suit (which was not proved), and therefore he was properly and righteously indignant and should be leniently dealt with, because what he did was done under provocation and in the heat of his displeasure.

The answer is that if he had observed the common rules of administering justice and had decided the case as the law requires he would never have thought for a moment of punishing a constructive contempt after the accused had purged themselves under oath.

Certainly no hurt feelings, no offended dignity, even no legitimate desire to punish a punishable contempt could justify or excuse the grossly unlawful and excessive punishment imposed in this case.

If the independence of the judiciary and their power to protect their own dignity and honor are indispensable to a free government, the right of the great body of earnest, learned, and faithful men who practice at the bar to be exempt from cruel, unusual, and unlawful punishments at the hands of judges for imaginary or real offenses is no less sacred.

For such a high misdemeanor in office no judge should be allowed to escape just punishment on the plea that he made a mistake of law. If allowed, there is no arbitrary abuse of discretion, no disobedience of law, no oppression or outrage upon the rights of liberty or property that could not go unwhipt of justice.

In support of the fourth charge, viz, the arbitrary and unlawful imprisonment of W. C. O'Neal, the facts in the case are as follows:

One Greenhut had been appointed trustee in bankruptcy of one Scarritt Moreno. Greenhut brought an action in the county court of Escambia County for the purpose of having certain land, the title to which was in the bankrupt's wife, brought into the bankrupt's estate, and also to relieve the said land of a certain mortgage of $13,000, which appeared to be a lien upon it, which had been given the National Bank of Pensacola and by them assigned to the bank. Greenhut was a director and O'Neal was president. Greenhut was also indorser on Moreno's paper in the bank for $1,500.

On the 20th day of October O'Neal was passing along the street in front of Greenhut's store. Greenhut was in conversation with another man. O'Neal spoke to him and said when he was at leisure he wished to speak with him. Greenhut said he could speak at once and invited him to enter his store. O'Neal reproved Greenhut for including the bank in the suit which he had brought. He stated to Greenhut that he, Greenhut, was aware of the fact that the $13,000 mortgage was genuine; that the bank had advanced the money and had parted with it for a valuable consideration; also that he, Greenhut, had often promised to pay the indorsed paper upon which he was liable to the bank, but had not done so. But words passed, when O'Neal passed out of the store, followed by Greenhut to the sidewalk, where an affray occurred in which Greenhut was stabbed by O'Neal with a pocketknife and seriously injured. O'Neal swore that Greenhut assaulted him and that, being a much weaker man physically, he defended himself with a small pocketknife.

A proceeding for contempt of the district court of the United States was commenced, in which B. C. Tunison appeared for the receiver, Greenhut.

At the time of the affray the district court was not in session. The difficulty took place at a considerable distance from the court-house on a public street. Judge Swayne was not at the time in the district.

The charge for contempt proceeded upon the theory that, the assault having been made upon a receiver in bankruptcy appointed by the district court for some matter growing out of his actions as receiver, a contempt of the district court had been committed. O'Neal had been arrested in the State court for his offense against the law. When the rule to show cause why he should not be committed for contempt was served, he employed counsel and made answer, denying any intent to commit a contempt of court.

The testimony of Greenhut and O'Neal was taken; none of the bystanders were sworn, nor was any other person sworn. O'Neal denied the contempt and explained that the quarrel grew out of the relations of Greenhut to the bank and what he claimed to be his dishonesty in including the bank in the suit. Greenhut contended that he was an officer of the court, and that he had been assaulted on account of his official acts, and, as a consequence, had been laid up for a period of time and rendered unable to perform his duty as receiver.

Judge Swayne sentenced O'Neal to be imprisoned in the county jail for a period of sixty days.

The act of Congress defining the power of the United States courts to punish contempt is as follows:

> The said courts shall have the power to impose and administer all necessary oaths and to punish by fine or imprisonment, at the discretion of the court, contempt of their authority: *Provided*, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any such officer or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said court.

Manifestly the case of O'Neal was not within the act. The offense was not committed—

(*a*) In the presence of the court;

(*b*) Or so near thereto as to obstruct the administration of justice.

(*c*) It was not a misbehavior of an officer of the court in an official transaction.

(*d*) Was not resistance of any lawful act, order, rule, decree, or command of said court by any person.

This act was passed after an unsuccessful attempt to impeach Judge Peck for striking the name of an attorney from the roll for an alleged contempt of court committed by him in publishing a criticism of a published opinion of the judge in a case in which the attorney had appeared and which had been appealed.

The impeachment proceedings provoked long discussion as to the common-law power of the United States courts to punish contempt not committed in the presence of the court. To set doubts at rest and to define the powers of such courts this salutary act was passed. It bounds and limits the rights and powers of these courts, and its transgression ought not to be regarded lightly in cases involving the liberty of citizens of the Republic.

The action of Judge Swayne was, to say the least, arbitrary, unjust, and unlawful. It could have proceeded only from either willful disregard of the law or from ignorance of its provisions, an excuse which he will not be likely to set up.

If an unlawful act is committed by judge or layman the law conclusively presumes an evil intent.

The theory upon which O'Neal was held guilty of contempt of court was:

(*a*) That Greenhut was an officer of the court.

(*b*) That he was assaulted for performing an official act in the line of duty.

(*c*) That he was disabled by the assault from performing his duties as receiver for about two weeks.

Suppose all the allegations to have been proved, before the assailant of Greenhut could be held guilty of contempt of court some proof should have been produced to show that O'Neal's purpose in committing the assault was to punish Greenhut for his official action and to disable him from performing his duty as receiver.

If his purpose was to rebuke Greenhut for his bad faith as a bank director, or if the quarrel between the men which resulted in the fight had its origin in a dispute about Greenhut's knowledge that the mortgage was genuine or that Greenhut was endeavoring to escape liability upon his indorsement to the bank of Moreno's paper, and if he had no thought of the court or intention to interfere with its operations, then certainly he was not guilty of a contempt. O'Neal did not assault Greenhut because Greenhut had sued the bank, but because he had sued the bank knowing that his contention was false. That was the occasion of O'Neal's remonstrance which led to the fight.

Whatever his purpose, the assault was not committed in resistance of any order, decree, rule, or command of the court. No one pretends that it was. The only claim is that the court has power and should protect a receiver in bankruptcy by punishing anyone who quarrels with him on account of anything he does in the line of his duty as receiver. If it has such power, it is not conferred by the statute. And as the district court has no

other authority to punish for contempt except that which is conferred by the statute, the conclusion is that in this case a citizen of the United States was unlawfully condemned to prison.

The answer of O'Neal purged the contempt, and it was error to punish him for it.

In support of the fifth and sixth charges, viz, the appointment by Judge Charles Swayne of B. C. Tunison to the office of United States commissioner, knowing him to be a man of bad reputation for truth and veracity, and that the said Tunison was reputed to exercise undue influence over Judge Swayne, the evidence established the fact that Judge Swayne reappointed B. C. Tunison commissioner of the United States after a trial in his court in which Tunison, as prosecutor, had been successfully impeached as a witness.

The evidence also establishes that the members of the bar at Pensacola, Fla., and elsewhere in the district, and suitors in the United States court are of opinion that Tunison has the power to exercise undue influence over Judge Swayne and that he does exercise such influence. To such an extent does this belief prevail that lawyers advise their clients to employ Tunison in their business as the best and only way to succeed in Judge Swayne's court.

No special acts of favoritism were shown. Neither was it proved that Tunison won an undue proportion of cases in the United States court. Nevertheless, the opinion stated is widely entertained. Tunison was shown to be very friendly with Judge Swayne—so friendly that he declined to pursue a habeas corpus case in which he had received a fee of $100, averring that he did it because Judge Swayne was his friend. The case referred to is that of Davis and Belden, committed by Judge Swayne for contempt of court. It may be remarked that Tunison neglected to return the retainer. The testimony satisfies the committee that Tunison is a dishonest man; also that he is indorser on a note of Judge Swayne that has been renewed for seven successive years in the Pensacola Bank.

The charges and specifications not covered by the foregoing findings were not proved by sufficient evidence to warrant action upon them.

Upon the whole case it is plain that Judge Swayne has forfeited the respect and confidence of the bar of his court and of the people of his district who do business there. He has so conducted himself as to earn the reputation of being susceptible to the malign influence of a man of notoriously bad character. He has shown himself to be harsh, tyrannical, and oppressive, unmindful of the common rule of a just and upright judge. He has continuously and persistently violated the plain words of a statute of the United States, and subjected himself to punishment for the commission of a high misdemeanor. He has fined and imprisoned members of his bar for a constructive contempt without the authority of law and without a decent show of reason, either through inexcusable ignorance, a malicious intent to injure, or a wanton disposition to exercise arbitrary power. He has condemned to a term of imprisonment in the county jail a reputable citizen of the State of Florida over whom he had no jurisdiction, who was guilty of no thought of a contempt of his court, for no offense against him or in the presence of the court, or "in obstruction of any order, rule, command, or decree," and after the accused had purged himself on oath.

For all those reasons Charles Swayne has been guilty of misbehavior in his office of judge and grossly violated the condition upon which he holds this honorable appointment. The honor of the judiciary, the orderly and decent administration of public justice, and the welfare of the people of the United States demand his impeachment and removal from the high place which his conduct has degraded.

It is vitally necessary to maintain the confidence of the people in the judiciary. A weak executive or an inefficient or even dishonest legislative branch may exist, for a time at least, without serious injury to the perpetuity of our free institutions, but if the people lose faith in the judicial branch, if they become convinced that justice can not be had at the hands of the judges, the next step will be to take the administration of the law into their own hands and do justice according to the rule of the mob, which is anarchy, with which freedom can not coexist.

In support of the seventh charge—viz, that Judge Swayne arbitrarily and unlawfully refused to hear witnesses produced by a litigant in his court upon the ground that he would not believe them if sworn, and that he continued his case arbitrarily and unlawfully without day—the testimony showed as follows:

The case of W. H. Hoskins is one of peculiar hardship. This man was advanced in years and was unable to read or write. He was engaged in the business of producing turpentine, growing cotton, and general merchandising. He had accumulated property worth about $40,000, and owed debts amounting to about $10,000. A part of this indebtedness was of the firm of Hoskins & Hilton, of which he had been a partner. He had sold out his interest in the firm under an agreement that the purchaser would pay the indebtedness of the firm. This agreement was not kept, and some suits were brought against Hoskins, in which he was defended by a lawyer named J. N. Calhoun on the ground that the suit should have been brought against the person who had agreed to pay the debts. Of course the defense failed and Hoskins paid.

This was the beginning of trouble. The evidence is full and convincing that a lawyer named Boone conspired with Calhoun to put Hoskins in bankruptcy in order to plunder his estate. Some claims came into their hands for collection. Hoskins paid promptly on demand, and notified Boone, through his counsel, Judge Liddon, that he was prepared to pay everything he owed. Boone secured claims to the amount of $500, and without authority of his clients commenced proceedings involving bankruptcy against Hoskins, swearing to the petition himself. Certified checks were sent to all the creditors; some took them and withdrew; others were deterred by Boone's action. He told them that they would subject themselves to large costs and fees if they took their money.

Judge Swayne, against objection, gave time to Boone to obtain a proper verification of the complaint; then to get more creditors to sign the petition in place of those withdrawn. This he did at least twice. Hoskins filed a denial of insolvency and demanded a trial. Meantime, one Tunison, United States commissioner and next friend of Swayne, was taken into the conspiracy. Hoskins was adjudged bankrupt, a receiver was appointed, all his property seized, his store closed, his men intimidated, and ruin stared him in the face, as his business of producing turpentine needed daily care. He went to Boone with the money to pay all his debts. Boone told him he would be in contempt of court if he attempted to pay money to the creditors, and demanded $1,000 for himself and $1,000 for Tunison, and all costs. Hoskins refused.

Calhoun, as receiver, sent a man named Richardson to seize Hoskins's books of account at one of his branch stores. He found a book belonging to the firm of Hoskins & Bro., which had been left there for a bookeeper to make up. On his return he met C. H. Hoskins, a son of W. H. Hoskins, one of the firm of Hoskins & Bro., who demanded the book, stating that it did not belong to his father and contained nothing pertaining to his business. Richardson refused to give it up; a fight ensued, and young Hoskins took the book by force. The next step of the conspirators was to commence proceedings for contempt of court against young Hoskins. The motive is fully explained by a letter from Boone to Tunison:

[Robt. J. Boone, attorney and counselor.]

MARIANNA, FLA., *March 13, 1902.*

GENTLEMEN: In re W. H. Hoskins, involuntary bankruptcy.

I beg to inclose you herewith another claim to be added to the amended petition, to the amount of $200, which you will please have the court to include. I have just received telegram from Calhoun stating that the petition had not yet arrived. I have wired for same three times in the last two days and trust same will reach you to-night. This additional claim of $200 is a stunner to them I presume.

I trust you all will be able to handle the matter all right. I feel sure that we have them coming our way now, and if we can have C. D. Hoskins attached for contempt it will break the old man down sure.

Please advise me in the premises as early as possible and oblige,

Very truly, yours,

ROBT. J. BOONE.

Messrs. TUNISON & LOFTIN, *Pensacola, Fla.*

(Inclosures.)

W. H. Hoskins, finding that he was not allowed to pay everything, averred his solvency, and demanded a trial on that question. Judge Swayne refused to proceed with the case until the book taken by young Hoskins was produced.

The following motion was made by Mr. Tunison on behalf of petitioning creditors:

On account of the forcible taking away of certain books belonging to the estate of the alleged bankrupt by the son of the bankrupt from the possession of the receiver herein, as fully set forth in the petition and affidavit of J. M. Calhoun, receiver, heretofore filed, which books are essential to the ascertainment of the true condition of the estate, and the continued withholding of the books from the custody of the receiver, petitioning creditors ask for a postponement for such a time as will enable them to secure the information believed to be contained in those books.

By Mr. Eagan, representing intervening creditors; also by Judge B. S. Liddon and W. H. Price, representing W. H. Hoskins, respondent.

Now, your honor, we desire to oppose the action for a postponement and continuance on the grounds stated, for the reason that the said C. H. Hoskins alleged to have the books in question is not a party to the record of these proceedings; for the further reason that those books are not under the control of the intervening creditors or respondent, W. H. Hoskins; on the further ground that it is not true that the books contain any matter, items, or accounts, or any business transac-

tions of any kind or in connection with the business of W. H. Hoskins, who is the respondent, or of any firm with which he was ever connected, or of which he was a member, and we are ready now to submit to your honor proof of these facts by W. H. Hoskins, W. H. Price, who has recently examined these books, and also by T. A. Jennings, vice-president of the J. P. Williams Company, Savannah, Ga., that he has recently examined these books—that is, since the beginning of these proceedings—and that the same did not contain any accounts or business transactions of any kind of the business of W. H. Hoskins or in connection with these proceedings.

We also proffer to prove the same things by W. H. Hoskins, who also knows the books and what they contain.

We offer to prove that the books in question are the books of a firm called Hoskins Brothers, composed of J. P. and C. D. Hoskins, and have reference solely to the matters of said firm, and that W. H. Hoskins was never in any manner a partner or in any way connected with said firm; and further, that the books are not absent by the consent or advice of counsel or any of the intervening creditors herein, or of the said W. H. Hoskins, and that none of them know the whereabouts of the said books, or have seen them since the absconding of the said C. D. Hoskins.

By the Court: The court, in answer to the motion, states that it believes from the showing and circumstances, the only showing before the court was an affidavit by Calhoun, who had never seen the book, that he believed it contained something important; that the bankrupt in this case is in a measure responsible for the absence of the books in question, and under these circumstances can not permit the bankrupt nor his friends to testify to their contents in their absence until some better showing is made or tendered as to their whereabouts.

W. H. Hoskins was present in court with his counsel and offered testimony of several disinterested persons who knew the facts that the books to which Judge Swayne alluded had been taken by one C. D. Hoskins, to whom, as one of the firm of Hoskins & Bros., they belonged; that W. H. Hoskins, the alleged bankrupt, had no interest in said firm; that the said books were not in the possession of W. H. Hoskins or under his control; that they contained no written items or accounts of any business transacted of any kind connected with the business of W. H. Hoskins, or of any firm of which he was ever a member, and that he had nothing whatever to do with the taking or any knowledge of their whereabouts.

Notwithstanding, the said Charles Swayne, in the absence of any evidence to the contrary save an affidavit of one Calhoun, who had never seen the books, but swore he believed they contained something of importance in the case, refused to proceed with the case, stating that he "would not believe the evidence offered if sworn to by his brother," and continued the hearing of the same without day, to the great injury of the said W. H. Hoskins.

Young Hoskins had been hiding out to escape arrest, of which he was so fearful that he said he would rather die than go to jail. His uncle, one Rhodus, went to Tunison, who had instituted the contempt proceeding, and paid him $50 and agreed to give $50 more if Tunison would intercede with Judge Swayne to let young Hoskins off with a fine without imprisonment. Tunison took the money, but Swayne insisted upon going on with this case against young Hoskins, who finally put an end to Swayne's persecution by taking his own life.

W. H. Hoskins, despairing of getting justice or a hearing, paid the creditors in full and such costs as Calhoun demanded.

The whole disgraceful perversion of law and justice was made possible by the complaisancy, stupidity, or worse, of Judge Swayne, who lent himself to a conspiracy to ruin an honest man by aiding the conspirators in every way in his power. He had no right to refuse a hearing to Hoskins on the ground that a book taken out of the custody of the receiver's clerk by any other person must first be produced. It was a denial of justice. It was an arbitrary and oppressive abuse of power. There was no sufficient testimony before the judge that the book had any relevancy to the case; nothing but the affidavit of the receiver, who had never seen the book, that he believed it contained something necessary to the determining of the question of Hoskins's solvency. In the face of an offer to prove the fact by disinterested and competent testimony, among others that of a person who had examined it, the judge refused to believe anything, saying that he would not believe his own brother if he would swear to it. In his argument before the subcommittee, Judge Swayne was asked why he refused to hear Hoskins's witnesses to prove that the book was that of Hoskins Brothers, and contained nothing whatever pertaining to the business of W. H. Hoskins. His answer was, Because he would not believe the witnesses.

Being interrogated by the subcommittee as to why he refused to hear Hoskins's witnesses, Judge Swayne testified as follows:

Mr. Palmer. Did you state it was unnecessary for Hoskins to submit any proof about these books? Does not the record show that?

Judge Swayne. There was a witness upon the stand who testified as to Mr. Hoskins's ability to pay his debts.

Mr. Palmer. But what had that to do with the proof submitted by the witness Jennings?

Judge Swayne. Well, that requires a further answer. And there was, I believe, some evidence by a man they called Price, on this subject, but that man's name was not Price, although he went by that name. He was designated as Price, but his name was really something else, which I do not now recall.

Mr. Palmer. Then you mean to say in substance that you did not have any confidence in that witness?

Judge Swayne. I certainly did not.

Mr. Palmer. Well, do you think a judge has the right to take that view of a witness in the administration of justice?

Judge Swayne. Yes, sir.

Mr. Palmer. At the time you made that ruling was there any proof that Hoskins had ordered his son to take the books back?

Judge Swayne. Well, I wanted to have the books in court when the trial came on or show that they could not be had.

Mr. Palmer. That is just the point; and you refused to hear anything on the point, and would not hear the witness or hear the testimony?

Judge Swayne. I did not see how I could.

Mr. Palmer. That is correct, is it?

Judge Swayne. Yes, sir.

This action of the judge presents at least an entirely new feature in the administration of justice. A suitor is denied the right to offer evidence in support of his case because the judge has made up his mind in advance that the witnesses offered are not worthy of belief.

In this case Mr. Price, one of the witnesses, was a practicing attorney of the courts of Florida, and, presumptively, a perfectly worthy man. Mr. Jennings was one of the largest producers of turpentine in the State, a substantial business man, personally known to at least one member of the committee to be of irreproachable character and standing. W. H. Hoskins was at least competent to testify that the book was not his and was not used in his business.

To refuse to hear these witnesses was an unwarranted and unheard-of proceeding. To continue the case of Hoskins without day, under the circumstances, was an unparalleled abuse of discretion on the part of the judge which amounted to a denial of justice.

In support of the eighth charge, the testimony taken establishes the following facts, which are not disputed by the respondent.

1. That at a time when the Jacksonville, Tampa and Key West Railroad was in the hands of Mr. Durkee, a receiver appointed by Hon. Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, the receiver provisioned a private car which belonged to the railroad company, placed a conductor and cook upon it, and sent it to Guyencourt, Del., for the purpose of bringing Judge Swayne to Jacksonville, Fla. Judge Swayne, his wife, his wife's sister, and her husband were transported on the private car to Jacksonville, Fla., and subsisted at the expense of said railroad company.

Judge Swayne acknowledged the facts, as above stated, but defended his action upon the ground that the property of the railroad company being in the hands of the court, he, the judge of the court, had a right to use it without making compensation to the railroad company.

When questioned on the subject he answered as follows:

By Mr. Palmer:

Q. You said this car was one of the cars in possession of the court, because the road was in the hands of a receiver?—A. Yes.

Q. You said that it was the privilege of the court to use that car, because the road was in the hands of a receiver?—A. Yes; that was the reason why it was used.

Q. You thought that the railroad being in the hands of the court you had the right to use the property of the railroad without rendering the railroad any compensation for it?—A. The receiver, in talking that over with me, stated that it was generally understood that a car was in better condition running than if it were standing idle on a siding.

Mr. Palmer. Will the stenographer read that question, please?

The Stenographer (reading):

"Q. You thought that the railroad being in the hands of the court you had the right to use the property of the railroad without rendering the railroad any compensation for it?"

Mr. Palmer. That is the question.

The Witness. Yes, sir. I had ten railroads in my hands as judge in six years.

The testimony further establishes the fact that Judge Charles Swayne made use of the same car for the purpose of taking a trip to the Pacific coast with his family and friends. The proof was that the car had some liquid supplies on board when taken. Judge Swayne expressed the opinion that he left as much when it was returned.

In the case of the trip from Delaware, and also the trip to California, transportation was secured by the receiver over other railroads, and in return therefor the private cars from the other roads were transported over the Jacksonville, Tampa and Key West without charge. A porter or cook employed by the railroad company went with the car to the Pacific coast at the cost of the company.

In support of the ninth, tenth, and eleventh charges the testimony further establishes the fact that for every day that Judge Swayne has held court out of his district since he has been a judge he has received from the Treasury of the United States the sum of $10, which has been paid upon his certificate that he had expended that sum for reasonable expenses. Judge

Swayne's account, as proved by an official of the Treasury Department, is as follows:

Name of marshal paying voucher.	Account No.	Place of holding court.	Period covered by voucher.	Amount paid.
Guillotte	9349	Baton Rouge, La	Apr. 19 to May 4, 1895	$140
Do	9349	New Orleans, La	May 13 to May 31, 1895	170
Love	18650	Waco, Tex	30 days from Nov. 18, 1895	300
Do	18650	Dallas, Tex	40 days from Jan. 21, 1896	400
Do	18650	Graham, Tex	2 days from Mar. 9, 1896	20
Do	26252	Waco, Tex	18 days from Apr. 27, 1896	180
Do	26252	Dallas, Tex	36 days from May 18, 1896	360
Do	29482	Waco, Tex	28 days from Nov. 18, 1896	280
Do	35513	Dallas, Tex	42 days from Jan. 11, 1897	420
Do	35513	Fort Worth, Tex	12 days from Mar. 1, 1897	120
Do	36910	Waco, Tex	23 days from Apr. 20, 1897	230
Do	36910	Dallas, Tex	39 days from May 17, 1897	390
Guillotte	61252	New Orleans, La	19 days from Jan. 1, 1898	190
Do	44704	do	40 days from Jan. 20, 1898	400
Do	44704	do	11 days from Mar. 1, 1898	110
Do	44704	do	10 days from Mar. 11, 1898	100
Do	44704	do	10 days from Mar. 22, 1898	100
Do	61252	do	10 days from Apr. 1, 1898	100
Do	61252	do	15 days from Apr. 16, 1898	150
Do	61252	do	10 days from May 1, 1898	100
Do	61252	do	19 days from May 11, 1898	190
Fontelieu	54281	do	19 days from Nov. 21, 1898	190
Do	54397	do	10 days from Jan. 30, 1899	100
Do	54397	do	10 days from Feb. 8, 1899	100
Do	54397	do	10 days from Feb. 18, 1899	100
Do	54397	do	10 days from Feb. 28, 1899	100
Do	54397	do	10 days from Mar. 10, 1899	100
Cooper	56988	Birmingham, Ala	28 days from Apr. 4, 1899	280
Do	56988	do	19 days from May 22, 1899	190
Do	60217	Huntsville, Ala	29 days from Oct. 9, 1899	290
Fontelieu	70206	New Orleans, La	10 days from May 24, 1900	100
Do	70206	do	10 days from June 2, 1900	100
Do	70206	do	5 days from June 12, 1900	50
Cooper	69592	Birmingham, Ala	29 days from Sept. 3, 1900	290
Do	73109	do	8 days from Sept. 3, 1900	80
Grant	71960	Tyler, Tex	31 days from Dec. 3, 1900	310
Cooper	78334	Birmingham, Ala	21 days from Sept. 2, 1901	210
Houston	93964	Tyler, Tex	41 days from Jan. 12, 1903	410

Witnesses with whom Judge Swayne boarded at Fort Worth, Dallas, Tyler, and Waco, in hotels and boarding houses, during the times when he held court in those places testified in part as follows:

Samuel McIlhenny, having been duly sworn, testified as follows:

Direct examination by Judge LIDDON:

Q. Give your name in full.—A. S. C. McIlhenny.

Mr. HIGGINS. What is your first name?

The WITNESS. Samuel.

By Judge LIDDON:

Q. Your residence?—A. Dallas, Tex.

Q. Your business or occupation?—A. I am manager of the Oriental Hotel.

Q. How long have you been such manager?—A. Eight years.

Q. Were you such manager in January, 1896?—A. No; I was in the office in 1896. I was connected with the house.

Q. In January, 1896?—A. Yes, sir.

Q. Did you know Judge Charles Swayne?—A. Yes, sir.

Q. How long have you known him?—A. Well, I did not know the Judge until I went to the hotel. I was in a former hotel there. He was there when I first went to the hotel.

Q. He was at the Oriental when you first went there?—A. Yes, sir.

Q. You say that was when?—A. In 1896.

Q. Do you know the date in 1896?—A. The first part of the year; I don't know exactly the date—either January or February. In January, I think it was, some time.

Q. In January?—A. Yes, sir.

Q. Do you know whether Judge Charles Swayne was at Hotel Oriental in January, 1896?—A. He was there when I went there. I went there in the latter part or middle part of January.

Q. Do you know when he left?—A. No; I do not.

Q. Can you refresh your memory from that memorandum—did you make that [submitting paper]?—A. The cashier or bookkeeper made that——

Judge LIDDON. I submit this as an exhibit:

EXHIBIT F.

DALLAS, TEX., *March 5, 1896.*

Mr. Chas. Swayne to the Oriental, Dr.

[S. E. McIlhenny, manager.]

March 1 to 3/6, 6 days	$16.00
For board month of Feb. 9 to 2/29, 20½ days	68.35
Feb. 1 to 2/9, 8½ days	19.80
Express, 2/3, .60	.60
Laundry, 2/12, 1.30, 1.10; 3/5, .75	3.15
Wine, etc., 2/26, .40	.40
Telegrams, 2/24, 1.15	1.15
Drugs, 2/6, 1.35	1.35
	110.80
3/6, cr. by rebate on rate	$13.80
3/6, cr. by cash	97.00
	110.80

The WITNESS (continuing). But I looked over it.

Q. Is that his handwriting?—A. Yes, sir.

Q. He is in charge of the books there?—A. Yes, sir.

By Mr. PALMER:

Q. Did you examine it to ascertain if it was correct or not?—A. Yes; I looked over it when he made it off the board book.

By Judge LIDDON:

Q. Do you know how much he paid for his board there in January, 1896?—A. I do not, only from this memorandum.

Q. Can you tell from that memorandum?—A. Yes, sir.

EXHIBIT G.

DALLAS, TEX., *January 31, 1896.*

Mr. Chas. Swayne to the Oriental, Dr.

[S. E. McIlhenny, manager.]

For board month of Jan. 20 to Jan. 31, 1896	$26.80
Laundry, 20/95	.95
Wine, etc., 20/50	.50
	28.25
Cr. Feb. 5, 1896, by chk	28.25

Q. How much was it?—A. According to that, in January he paid $28.25. The books correspond with this statement exactly; that is, in January.

Q. He paid $28.25?—A. Yes.

Q. Now, were you connected with the same hotel—you said you were—in March, 1896?—A. Yes, sir.

Q. Do you know whether Judge Swayne stopped at that hotel, then, in February or March, 1896?—A. Yes, sir.

Q. Do you know how much he paid?—A. He paid cash $97.

Mrs. Annie E. Russell, having been duly sworn, testified as follows:

Direct examination by Judge LIDDON:

Q. Where do you live?—A. Tyler, Tex.

Q. How long have you been there?—A. About twenty-two years.

Q. You are engaged in running a hotel, or have been, or a boarding house there?—A. No, sir.

Q. Have not at all?—A. No, sir; we just had a very large house, and during this court Mr. Butler came and asked me if I would take some of the judges and lawyers, and I told him I would. We had a large house and were renting the rooms. I had only been there about two years.

Q. That was at Tyler?—A. Yes, sir.

Q. Did Judge Swayne ever board with you there?—A. Yes, sir.

Q. Do you know the date?—A. No, sir; I did not make any memorandum of it, but it was during that trial of the bank there.

Q. In the United States court room?—A. Yes, sir.

Q. Do you know in what year it was?—A. It was last year.

Q. 1903?—A. Yes, sir.

Q. Do you know what part of the year—the early part or the latter part?—A. It was January, as well as I can recollect.

Q. Do you know how long he stayed with you?—A. From the beginning until the end. I did not keep any memorandum of it at all. He was there from the time the court opened until it closed.

Q. You do not know how long; could not approximate the time?—A. I think it was about six weeks or more; I am not sure about that.

Q. Do you know what rate of board he paid you?—A. Yes, sir; $1.25 a day.

Q. Did that include lodging?—A. Yes, sir.

Mr. CLAYTON. That included table board and lodging?

A. Yes, sir; everything.

By Judge LIDDON:

Q. $1.25 a day?—A. Yes, sir.

Q. In the early part of the year 1903 he was there from four to six weeks?—A. He was there during the whole term of court.

Susan Lyle Downs, having been duly sworn, testified as follows:

Direct examination by Judge LIDDON:

Q. Where do you reside?—A. Waco, Tex.

Q. You are engaged in the business of keeping a boarding house or hotel there?—A. A private boarding house.

Q. How long have you been so engaged, madam?—A. Seventeen years.

Q. Do you know Judge Charles Swayne?—A. Yes, sir.

Q. Has he ever been a guest of your house?—A. I think three terms of court. Of course, I am not sure, but that is my recollection.

Q. Three terms?—A. Three terms of court.

Q. Can you fix the date?—A. No, sir; I can not.

Q. Can you say whether it was since 1895?

Mr. HIGGINS. Speak of your own knowledge and without suggestion.

A. I really could not answer as to the year he was there. I could not; I do not.

By Judge LIDDON:

Q. You can not say how many years, or approximate how many years ago?—A. If you can tell when Judge Rector was disabled, I could tell you, but otherwise I can not.

Q. It was while he was holding United States court?—A. Yes, sir.

Q. And he stopped with you three terms?—A. Yes, sir.

Q. Did you ever know him to hold United States court there at any other time except the three times he stopped with you?—A. No; I don't remember it.

Q. Do you know how long he stopped with you at the time he was there?—A. No, sir; I do not. I know he was at the term of court, but I never made any memorandum of it.

Q. During a term of court three times?—A. I think so.

By Mr. CLAYTON:

Q. Do you mean the term while the court was lasting, the whole session of the court?—A. Yes.

Q. Not just for a day and then a day?—A. Oh, no.

By Judge LIDDON:

Q. You can not approximate how long he would stay at a time?

Mr. PALMER. About?

A. I really do not know.

By Mr. CLAYTON:

Q. Was he a transient, or did he stay a day or half a day?—A. He stayed during the whole term. I suppose probably from three to five weeks possibly.

Judge LIDDON. At a time?

A. Yes.

Mr. CLAYTON. That is to the best of your recollection, from three to five weeks?

By Judge LIDDON:

Q. Do you know what rates you charged him for board?—A. At the rate of $40 for himself and $65 for himself and wife.

By Mr. CLAYTON:

Q. What is that, per month?—A. Per month. I do not want to do any injustice here. That is to the best of my knowledge.

By Judge LIDDON:

Q. And $65 per month when he had his wife with him?—A. Yes, sir.
Q. Are those your best rates?—A. Yes, sir.
Q. All you ever charged?—A. Yes, sir.
Q. You said he was there sometimes without his wife?—A. I think two terms without Mrs. Swayne; one term with her.
Q. When he was there without her it was $40 a month, or $65 for the two?—A. Yes, sir.
Q. That included room as well as board?—A. Room and board.
Q. Was it winter or summer that he was there?—A. I am not sure whether it was two fall terms or two spring terms of court. There was one term and then two of the other.

The act of Congress of 1871, Revised Statutes, section 596, provides, when a district judge is assigned to hold court outside his district, as follows:

And it shall be the duty of the district judge so designated and appointed to hold the district or circuit court aforesaid without any other compensation than his regular salary as established by law.

The act of 1881, page 454, provides as follows:

And so much of section 596, Revised Statutes, as forbids the payment of expenses of district judges while holding court outside of their districts is hereby repealed.

And the act of 1896, page 451, as follows:

For reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts not to exceed $10 per day each, to be paid on written certificates of the judges, and such payment shall be allowed the marshal in settlement of his account with the United States.

It was admitted that Judge Swayne made and signed the certificates required by law before receiving each payment of $10 per day, viz, that his reasonable expenses for travel and attendance amounted to a sum which was equal to $10 for each day that he held court out of his district, whereas the testimony showed that his outlay for board and lodging at Waco, Tyler, and Dallas, Tex., ranged from $1.25 to $3 per diem, and that his traveling expenses from Pensacola could not have exceeded $50.

The preliminary question to be submitted to the House is, Ought Judge Swayne to be impeached upon any or all the charges? Some gentlemen may be of opinion that some of the charges are insufficient, or that they are insufficiently proved, and that others are sufficient. If impeachment is ordered, the next step will be the selection of managers by the House, and the preparation by them of formal charges upon which the House will have an opportunity to pass.

In my opinion all the charges made are properly the subject of impeachment, and all are sustained by sufficient testimony.

It is true that some of these charges would not sustain an indictment, but it is also true that all the precedents establish the law that a judge may be impeached for misbehavior in office which is not indictable. I will repeat what has already been said on this subject.

Judge Pickering, of New Hampshire, a district judge of the United States, was impeached by the House, tried and found guilty by the Senate, and removed from office upon charges which did not import criminality and for which no indictment would have laid against him.

The charges were that he released the bark *Eliza* to her owners after she had been seized for a violation of the revenue laws, without requiring a bond, and that he refused an appeal to the United States. Second, that he appeared upon the bench in an intoxicated condition, and used profane language.

The claim was made, and strongly urged, that as to the first charge it was at most a mistake of law, not indictable, for which no judge can ever be questioned; and as to the second, that, however reprehensible, it also was not a criminal act. The House and Senate swept away this plea and proceeded to try and condemn.

In the case of Judge Chase the main charge was that he refused counsel the privilege of arguing to the court upon a question of law which had been fully argued and decided at a previous trial of the same cause, viz, whether forcible resistance to officers of the United States engaged in collecting revenue under an act of Congress amounted to levying war against the United States, and was, therefore, punishable as treason.

The defense was made that at the most Judge Chase was guilty of nothing more than an innocent mistake of law, not indictable or particularly reprehensible. It was not claimed that he acted maliciously or vindictively or from any bad motive. In point of fact, the ruling was withdrawn and counsel instructed to proceed with any argument upon the point they had to offer before the case was tried, but they refused, withdrew from the case, and advised their client to decline to have counsel assigned by the court. He was tried, convicted of high treason, and sentenced to death, and pardoned by the President.

The House impeached Judge Chase, and a majority of the Senate voted that he was guilty. Certainly Judge Chase could not have been indicted for his act.

Judge Peck was impeached and tried by the Senate for imprisoning for twenty-four hours and suspending from practice one Luke E. Lawless, an attorney at law, for writing a criticism of a published opinion of the court on a case which had been appealed to the Supreme Court.

The defense was taken that the act of Judge Peck was not of a criminal nature, was not indictable, and therefore not the subject of impeachment. The House did not take that view. Twenty-one Senators voted guilty; 22 not guilty.

Many more precedents of a similar nature might be cited, but these are sufficient to settle the question that a judge may be impeached for misbehavior which is not indictable. Upon this point the remarks of Hon. James Buchanan in the case of Judge Peck may be profitable.

What is an impeachable offense? This is a preliminary question which demands attention. It must be decided before the court can rightly understand what it is they have to try. The Constitution of the United States declares the tenure of the judicial office to be "during good behavior." Official misbehavior, therefore, in a judge is a forfeiture of his office. But when we say this we have advanced only a small distance. Another question meets us. What is misbehavior in office? In answer to this question, and without pretending to furnish a definition, I freely admit we are bound to prove that the respondent has violated the Constitution or some known law of the land. This, I think, was the principle fairly to be deduced from all the arguments on the trial of Judge Chase, and from the votes of the Senate in the articles of impeachment against him, in opposition to the principle from which his counsel in the first instance strenuously contended, that in order to render an offense impeachable it must be indictable. But this violation of law may consist in the abuse as well as the usurpation of authority.

The abuse of a power which has been given may be as criminal as the usurpation of a power which has not been granted. Can there be any doubt of this? Suppose a man to be indicted for an assault and battery. He is tried and found guilty, and the judge, without any circumstances of peculiar aggravation having been shown, fines him a thousand dollars and commits him to prison for a year. Now, although the judge may possess the power to fine and imprison for this offense at his discretion, would not this punishment be such an abuse of judicial discretion and afford such evidence of the tyrannical and arbitrary exercise of power as would justify the House of Representatives in voting an impeachment?

But why need I fancy cases? Can fancy imagine a stronger case than is now, in point of fact, before us? A member of the bar is brought before a court of the United States guilty, if you please, of having published a libel on the judge—a libel, however, perfectly decorous in its terms, and imputing no criminal intention, and so difficult of construction, that though the counsel of the respondent have labored for hours to prove it to be a libel, still that question remains doubtful. If, in this case, the judge has degraded the author by imprisonment, and deprived him of the means of earning bread for himself and his family, by suspending him from the practice of his profession for eighteen months, would not this be a cruel and oppressive abuse of authority, even admitting the power to punish in such a case to be possessed by the judge?

A gross abuse of granted power and an usurpation of power not granted are offenses equally worthy of and liable to impeachment. If, therefore, the gentleman could establish on the firmest foundation that the power to punish libels as contempts may be legally exercised by all the courts of the United States, still he would not have proceeded far toward the acquittal of his client. (Trial of Judge Peck, pp. 427–428.)

I believe Judge Charles Swayne is impeachable, and that he ought to be impeached, for persistent and long-continued violation of a wholesome statute, which commanded him to live in his district—not constructively, but actually; for arbitrarily, cruelly, and unlawfully casting into prison and fining two reputable lawyers for a constructive contempt, of which he had no jurisdiction under the statute law and the decisions of the Supreme Court of the United States; for refusing to hear reputable witnesses offered in his court to prove a relevant fact, on the ground that he would not believe them if sworn; for unlawfully, arbitrarily, and vindictively imposing the disgraceful punishment of sixty days in the county jail upon a citizen for an alleged constructive contempt of court, of which he purged himself on oath, and of which the court had no jurisdiction; for accepting from a bankrupt corporation valuable favors, which lessened the assets to which creditors were entitled and which it was his duty to secure for them, and for defending his action upon the ground that he had a right to do it; for representing to disbursing officers of the Government that his reasonable expenses for travel and attendance was $10 per diem while holding court out of his district, and for receiving that amount, when in truth the expenses incurred and paid by him were less than $10 and probably not more than $4 or $5 per diem.

This judge has behaved himself well or ill. If well, he should be vindicated by the vote of this House and dismissed with the commendation, "Well done, good and faithful servant." If ill, he should be sent before the constitutional triers, where his apologies and excuses may or may not be heard. If the House is of opinion that the conduct of Charles Swayne has been commendable, let him go scot-free with your approval. In my humble judgment, it will be a sorry day for this Republic when such

behavior as his is commended by the representatives of the people.

In this country, more than any other, the courts are the cities of refuge for the weak, the defenseless, and the oppressed. Upon their integrity, ability, and purity depends the preservation of liberty, property, and life. They are the first objects of attack by those who would tear down all government. The anarchist finds the courts in his way and would destroy them by legislation, by detraction, or any other efficient means. If the courts maintain their influence and power to do good, they must have the confidence and respect of the people. That lost, their days of usefulness will be numbered and "Mene, mene, tekel, upharsin" may be written upon their walls.

No better method can be devised to destroy public confidence in the judiciary than for this House to commend and sanction such conduct as that of which Charles Swayne has been guilty. Advise the people that the judges have the right to use the power given them to punish contempts against the dignity and good order of their courts for the purpose of revenge upon their enemies or of gratifying their hatred and malice; let them know you approve the conduct of a judge who takes away the assets of a bankrupt corporation committed to his charge, and applies them to his own use and that of his friends for their personal gratification; tell the people that petty larceny, which would consign a man to prison who stole to keep from starving is commendable in a judge, and how long do you think they will respect and honor the courts, and, after public confidence is gone, how long will the courts remain sanctuaries or guardians of liberty or property?

For more than forty years I have stood before the courts of the State and nation, a practicing lawyer. I enjoy and greatly value the friendship of many judges, State and Federal. I have never had a personal difference with one. To me the office is so exalted and so sacred that its occupant commands and receives my respect without regard to his personality. I believe that the great majority of the judges of this country fill the requirements laid down to Moses in the wilderness of Sin more than four thousand years ago. They are "able men, swift to hear, slow to speak, and slow to wrath;" they "fear God, love the truth, and hate covetousness." The fact that no trial has been had for the impeachment of a judge for more than seventy years is high testimony to the efficiency, integrity, and honor of the courts. That they may be kept pure and free from all reproach is my prayer and hope.

For this reason I shall vote to impeach Charles Swayne.

Mr. CLAYTON. Mr. Speaker, doubtless no Member of the present House has ever before been called upon to make special study of the provisions of the Constitution relating to impeachments. Assuming this to be true, I beg, therefore, for the convenience of the House, to state in brief form and in proper order the provisions that are applicable in the present case.

The Constitution provides:

1. That the House of Representatives, and the House of Representatives only, may impeach a civil officer of the United States.
2. That the Senate, and the Senate only, may try such civil officer.
3. That such impeachment may be presented for treason, bribery, or other high crimes and misdemeanors.
4. That the judgment shall be in case of conviction removal from office or removal from office and disqualification.

These several propositions are founded upon the following provisions of the Constitution:

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment. (Art. I, sec. 2.)

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law. (Art. I, sec. 3.)

In case of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected. (Article 2, section 1.)

The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices, and he shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. (Article 2, section 2.)

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. (Article 2, section 4.)

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may, by law, have directed. (Article 3, section 2.)

Inasmuch as there is no contention in this case that Judge Swayne has been guilty of either treason or bribery, the only two specific impeachable offenses named in the Constitution, it may be well to inquire

WHAT IS AN IMPEACHABLE OFFENSE?

The Constitution denounces all impeachable offenses under the terms of "treason, bribery, and other high crimes and misdemeanors." "Other high crimes and misdemeanors" are general terms, and for the import and meaning reference may be had to English jurisprudence and parliamentary law, to the provisions of the constitutions of the several States relating to impeachments in existence prior to and at the time of the adoption of the Federal Constitution, and from the interpretation put upon the words in the debates in and by the action of the United States Senate in impeachment cases which have there been tried.

An impeachable crime or high misdemeanor is one which in its nature and consequences is subversive of the Government or is highly prejudicial to the public interest, and the impeachable offense may consist of a violation of some provision of the Constitution, or of some law, or of an official oath, or of some duty by act of commission or omission, or by the abuse of discretionary powers from improper motives, or for an improper purpose without the violation of a positive law, such as a constitutional provision or statute. Such offenses are included in the words "high crimes and misdemeanors."

An impeachment may involve an inquiry whether a crime against any positive law has been committed, but it is not exclusively a trial for a crime. The objects of impeachment lie wholly beyond the penalties of the statute. The purpose of this proceeding is to discover whether a cause exists for removing a public officer from office. (Curtis's Hist. of Const., 260, 261; 5 Elliott, 507–529; Gelden's Judicature in Parliament, London, 1681, p. 6; 1 Story on Const., pars. 799, 800, 797; Rawle on Const., 200. See 6 Wheaton, 204; 1 Kent's Com., 289.)

It was observed at an early day by an eminent British authority that "when the words 'high crimes and misdemeanors' are used in prosecutions by impeachment the words 'high crimes' have no definite signification, but are used merely to give greater solemnity to the charge." (Note to 4 Blackstone, 5.)

And again it was said by another English author:

Magistrates and officers * * * may abuse their delegated powers to the extensive detriment of the community, and at the same time in a manner not properly cognizable before the ordinary tribunals.

And he proceeds to say the remedy is by impeachment. Woddeson's Lectures, 596.

The Constitution defines the crime of treason, but we must refer to the common and parliamentary law for the definition of bribery and other high crimes and misdemeanors.

Story, on the Constitution, says:

In examining the parliamentary history of impeachments it will be found that many offenses not easily definable by law, and many of a purely political character, have been deemed high crimes and misdemeanors worthy of this extraordinary remedy.

There are many offenses purely political which have been held to be within the reach of parliamentary impeachments, not one of which is in the slightest manner alluded to in our statute books. And, indeed, political offenses are of so various and complex a character, so utterly incapable of being defined or classified, that the task of positive legislation would be impracticable, if it were not almost absurd, to attempt it. What, for instance, could positive legislation do in cases of impeachment like the charges against Warren Hastings in 1788? Resort, then, must be had either to parliamentary practice and the common law in order to ascertain what are high crimes and misdemeanors, or the whole subject must be left to the arbitrary discretion of the Senate for the time being. The latter is so incompatible with the genius of our institutions that no lawyer or statesman would be inclined to countenance so absolute a despotism of opinion and practice, which might make that a crime at one time or in one person which would be deemed innocent at another time or in another person. The only safe guide in such cases must be the common law. * * * And however much it may fall in with the political theories of certain statesmen and jurists to deny the existence of a common law belonging to and applicable to the nation in ordinary cases, no one has as yet been bold enough to assert that the power of impeachment is limited to offenses positively defined in the statute book of the Union as impeachable high crimes and misdemeanors.

Rawle, in his work on the Constitution, says:

The delegation of important trusts affecting the higher interests of society is always, from various causes, liable to abuse. The fondness frequently felt for the inordinate extension of power, the influence of party and of prejudice, the seductions of foreign states, or the baser appetite for illegitimate emolument, are sometimes productions of what are not inaptly termed political offenses (Federalist, No. 65), which it would be difficult to take cognizance of in the ordinary course of judicial proceeding.

The involutions and varieties of vice are too many and too artful to be anticipated by positive laws. (Rawle on Constitution, 200.)

In general, those offenses which may be committed equally by a private person as by a public officer are not the subjects of impeachment. (Id., 204.)

We may perceive in this scheme one useful mode of removing from

office him who is unworthy to fill it, in cases where the people, and sometimes the President himself, would be unable to accomplish that object. (Id., 208.)

Chancellor Kent, in discussing the subject of impeachment, says:

The Constitution has rendered him [the President] directly amenable by law for maladministration. The inviolability of any officer of government is incompatible with the republican theory as well as with the principles of retributive justice.

If the President will use the authority of his station to violate the Constitution or the law of the land, the House of Representatives can arrest him in his career by resorting to the power of impeachment. (1 Kent's Commentaries, 289.)

Neither in Congress nor in any State has any statute been proposed to define impeachable crimes, so uniform has been the opinion that none was necessary, even in those States, few in number, where common-law crimes do not exist.

The assertion that "unless the crime is specifically named in the Constitution, impeachments, like indictments, can only be instituted for crimes committed against the statutory law" (vol. 6, Am. Law Reg. N. S., 269) is a view which has not been held at any time either in England or America.

It would certainly seem clear that impeachments are not necessarily limited to acts indictable by statute or common law, and that it would be impossible for human foresight to define in advance by statute the necessary subjects of impeachment. The Constitution contemplated no such impossibility. But the power has been limited as it is by the Constitution, and time has demonstrated that the limitations are sufficient.

The system of impeachment is to be governed by great general principles of right, and it is not probable that the Senate will ignore these.

The House has the sole power of impeachment and the Senate has the sole power of trial. The Senate is the sole judge of what constitutes "other high crimes and misdemeanors." There are many misdemeanors in violation of official oaths and duty shocking to the moral sense and inconsistent with a pure administration of public office, and yet these misdemeanors may not violate any positive law. (2 Chase's Trial, 289; Peck's Trial, 309.)

I beg to call attention briefly to some of the cases illustrative of impeachable offenses. Mr. Speaker, I shall ask the indulgence of the House while I do this, for the reason that I know the membership here present, owing to their multitudinous duties before the committees and the Departments, have not had time to read the books and authorities which they would desire to consult before voting here to-day, and in no spirit of vanity, but with apology, I shall offer this summary of these cases, to which I hope the Members will listen.

The first impeachment trial in the United States Senate was that of William Blount, a Senator of the United States from Tennessee. There it was held that the penalty in such case was expulsion from the Senate.

The next case was that of Judge Pickering. There he was charged with having made an order restoring a ship to the claimant without producing the certificate of payment of duties and tonnage tax as required by the act of Congress, and he was also charged with drunkenness and profanity on the bench. He was convicted on each charge and removed from office in March, 1804.

The next case was that of Samuel Chase, as associate justice of the Supreme Court of the United States. In this case he was not charged with an indictable offense, but was charged with misconduct in the trial of certain cases. It was there insisted that no judge could be impeached or removed from office for an act or offense for which he could not be indicted, either by statute or common law, but after argument this defense was practically abandoned.

In 1830 Judge Peck, of the United States district court of Missouri, was impeached for imprisoning and suspending from practice an attorney who had published an article criticising an opnion rendered by the judge in a case tried in his court. The proposition that a judge can not be impeached except for an indictable offense was in this case repudiated.

In the next case, that of Judge Humphreys, of the United States district court for the district of Tennessee, it was charged that he had advocated secession in a public speech in Nashville, and other charges of similar import were included in the articles of impeachment. The report of the Judiciary Committee recommending impeachment in Judge Humphreys's case did not charge any indictable offense, but on the trial no doubt was expressed as to the right to convict on each of the articles.

Judge Addison was impeached in Pennsylvania in 1802, and his defense was that he had committed no act indictable at common law; but the Senate almost unanimously convicted him, utterly repudiating that as a defense.

In Massachusetts the rule is well settled in conformity with what seems to be the recognized doctrine in the Senate of the United States.

Among the cases tried with great learning and ability there is that of James Prescott, who was convicted before the Senate.

Mr. Blake, for the defense, insisted that impeachment is "a process which can only be resorted to for the punishment of some great offense against a known, settled law of the land." The prosecution maintained "that any willful violation of law, or any willful and corrupt act of omission or commission in execution or under color of office * * * is such an act of misconduct and maladministration in office as will render him liable to punishment by impeachment."

High crimes and misdemeanors are punishable by impeachment when committed by civil officers of Government. These terms are used to express every offense inferior to felony, punishable by indictment; in its common acceptation it is applied to all of those crimes and offenses for which the law has not provided a particular name. Misdemeanors comprehend all indictable offienses which do not amount to felony, as perjury, battery, libels, conspiracies, and public nuisances. The Constitution resorts to the common and parliamentary law for its definition; and by the constitution of Massachusetts the senate is to hear and determine all impeachments made by the house of representatives against any officer of the Commonwealth for misconduct and maladministration in office. These words "high crimes and misdemeanors" have the same import as the words misconduct and maladministration, and the same as are employed by the constitution of Great Britain in its description of impeachable offenses, but they are subject to the limitations of the State law and constitution. (American and English Encyclopaedia of Law, vol. 9.)

In its characteristics impeachment is quasi criminal. The House of Representatives sits as the grand inquest of the people and performs the duty of inquiring into the complaints made against the judge, and if satisfied, as in the case of a grand jury, that any just ground exists for the removal of the judge from office, appoints its committee to prepare and present in formal order the charges of misconduct on the part of the judge to the Senate as the trial court—the judge and jury that shall pronounce upon the law and the facts, either sustaining the accusation or acquitting the respondent. The authority of the House is, therefore, inquisitorial and accusatory. Under our complex scheme of popular and representative government impeachment is the sole remedy that the people can invoke against a judge who is unjust, corrupt, tyrannical, oppressive, indecent, and unworthy. A Senator or Representative who takes part in the highest function of government, that of law making, may be judged according to his "daily walk and conversation," and be summarily expelled from the body of which he may be a member, or may in an election by the legislative representatives of the people or by the people themselves be retired to private life.

In the present case the people of Florida have invoked the extraordinary and sole remedy that exists for the trial and removal of a judge whom they contend is unworthy of his high office. It is for this House to say whether he shall be indicted here and required to undergo trial before the Senate as the high court of impeachment. I am sure that the members of this House would refuse to condemn in any wise a just and upright judge, and am also sure that after they have examined carefully the charges affecting the honesty and integrity of this judge they will do justice between him and the people.

Judge Swayne is here charged with having violated section 551 of the Revised Statutes, which is as follows:

A district judge shall be appointed for each district, except in cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be guilty of a high misdemeanor.

The plain purpose of this statute is to require a judge to reside in his district. If the statute had made this requirement and said no more, its violation would have been a high misdemeanor, but Congress went further than necessary and denounced such failure as a high misdemeanor, as if to give special emphasis to this plain statutory requirement. Let us inquire what is residence.

Reside: (1) To make an abode for a considerable time; be settled as in a home; live; dwell; as they reside in Chicago.

* * * * * * *

Residence: (2) The act of residing, or the state of being a resident.

* * * * * * *

Legal residence: A phrase variously used, as to denote (1) the place where one's home or family is, (2) fixed and permanent abode or domicile, (3) an abode of sufficient length to confer political rights or subject to personal taxation, or (4) permanency of abode more marked than mere lodging or boarding, but not fixed and final. (P. 1547, Funk & Wagnall's Standard Dictionary of the English Language, 1899.)

"Residence" and "domicile" are different things. They are

not convertible terms or synonyms. (21 American and English Encyclopedia of Law, 124.)

There is a broad distinction between a resident and a citizen. A man may be a resident of one State and a citizen of another State. (Dart *v.* Bates, 51 Illinois, 349.)

A residence is a fixed and permanent abode or dwelling place for the time being, as contradistinguished from the mere temporary locality of existence. (Anderson's Law Dictionary.)

To reside is to dwell permanently or for a length of time; to have one's home or settled abode; to abide continuously or for a lengthened period. (Encyclopedic Dictionary.)

A resident of a place is one whose place of abode is there and who has no present intention of removing therefrom. (21 American and English Encyclopedia of Law, 122.)

Residence is a question of fact. (Witbeck *v.* Hardware Co., 188 Illinois, 154.)

In order to acquire a residence, there must be a settled fixed abode and an intention to remain permanently, at least for a time, for business or other purposes. (Supervisors *v.* Davenport, 40 Illinois, 197.)

And in the English and American Encyclopedia, page 691, it is stated:

> It has been said that the word "residence" is an elastic term of which an exhaustive definition can not be given, but that it must be construed in every case in accordance with the object and intent of the statute in which it occurs.

In the case of The People *v.* Owen (29 Colorado, 535) it was held that when a statute requires a district judge to reside in his district the residence contemplated was an actual as distinguished from a legal or constructive residence.

In Mitchell *v.* The United States (21 Wallace Reports, 353) the court said:

> A domicile once acquired is presumed to continue until it is shown to have been changed. Where a change of domicile is alleged the burden of proving it rests upon the person making the allegation. To constitute the new domicile two things are indespensable: First, residence in the new locality, and, second, the intention to remain there. The change can not be made except facto et animo. Both are alike necessary. Either without the other is insufficient. Mere absence from a fixed home, however long continued, can not work the change. There must be the animus to change the prior domicile for another. Until the new one is acquired, the old one remains. These principles are axiomatic in the law upon the subject. * * * Among the circumstances usually relied upon to establish the animus manendi are: Declarations of the party, the exercise of political rights, the payment of personal taxes, a house of residence, and a place of business. All these indicia are wanting in the case of the claimant.

The principles laid down in this case are affirmed in the following cases:

Desmare *v.* United States (93 United States, 609, 612; 23 L., 960), an identical case; Chambers *v.* Prince (75 Federalist, 180), holding payment of taxes not evidence against repeated declarations of intention to return; Marks *v.* Marks (75 Federalist, 325), but holding said facts evidence tending to establish citizenship, not conditions thereof; Fulham *v.* Howe (60 Vermont, 359, 361, 14 At. L., 657), admissible to show domicile.

Doubtless the purpose of the statute was to secure the presence of the judge for the benefit and convenience of parties litigant, lawyers, and others having business before him and in his court. Long and repeated absences from his district were also, doubtless, in the judgment of Congress, calculated to put those having business before the judge and the court to inconvenience, delay, and expense, which sometimes amounted to a denial of justice. The statute is plain and mandatory, and no excuse can shield the judge from a failure to reside in his district.

The evidence tends to show that when the boundaries of the district were changed so as to exclude St. Augustine, Judge Swayne was keeping house at St. Augustine. In 1894, by act of Congress, St. Augustine and Jacksonville were transferred to the southern district, thus leaving Pensacola and Tallahassee as the only placés in which a United States court is held in the northern district. After this change in the boundaries of the district was made Judge Swayne ceased to keep house at St. Augustine and stored his furniture. He says he was advised by some of his friends that the next or succeeding Congress would be Republican and that the boundaries of his distrct would be restored. After having stored his furniture he attended the sessions of the court at Pensacola and Tallahassee, boarding at different hotels or boarding houses.

The evidence shows that he has never remained in his district until this impeachment proceeding was inaugurated more than upon an average of sixty days in each year, and substantially he was in the district at no time except when the court was in session. Whenever he went away from Florida he left directions with his clerk that he would come back if needed. Letters were sent to him at Guyencourt, Del., and he spoke of that place as his home, and to that place he returned when his courts ended in Florida and again when his courts ended in other States where he had been designated to hold court. He had live stock and personal property in Delaware. His family, as a rule, lived there. They lived abroad one year. In 1900 his wife rented a house in Pensacola and lived there with him a portion of the winter, until about the time of the Christmas holidays, when she went north. Rent was paid for this house for a year or a little more, but it was not again occupied by him or his family.

He says that when he first went to Pensacola he requested the clerk of the court to find a suitable house for him to rent or to buy. The clerk never found the house, and the same witness testified that he endeavored to have a house built for Judge Swayne, but he did not succeed. Judge Swayne testified that when he first went to Pensacola he asked a bank officer to have his name placed on the voters' registry. This was not done. He was never registered in the northern district of Florida, never paid taxes, never voted, nor did he in any manner exercise the rights of citizenship. He never inquired as to whether he had been registered or not. A number of witnesses who are resident citizens of Pensacola, and had been such prior to 1890 and ever since, testified that they knew generally the citizens and residents of the town of Pensacola, and in effect that Judge Swayne never was a resident of that place.

Among these witnesses were reputable professional and business men engaged actively in their pursuits in Pensacola during the time of Judge Swayne's incumbency as judge of the northern district of Florida as presently constituted. In his first testimony Judge Swayne never asserted or claimed that he had ever acquired actual residence in the northern district of Florida as it is now constituted. Let me read what he said to the committee last spring:

> Mr. PALMER. Judge Swayne will proceed and will make his statement to the stenographer.
>
> Judge SWAYNE. I was born in 1842 in Delaware, and resided there with my parents. I read law in Philadelphia and was admitted to the bar and took my degree of B. A. in the Pennsylvania Law School. I practiced law there, with the exception of one year, until 1885, when I removed with my family to Sanford, Fla. I practiced law there until 1887, when I was burned out, when I removed with my family to the county seat, where I was residing when appointed to the bench on May 17, 1889. I took the oath of office June 1, 1889.
>
> Mr. PALMER. That was a recess appointment, was it not?
>
> Judge SWAYNE. Yes, sir; I can not tell positively what date I was confirmed. The confirmation came up before Congress the following December, and in consequence of the election trials, which had taken place in the meantime, the confirmation did not occur until April 1, 1890. I addressed the Senate on the subject, which can be seen by the CONGRESSIONAL RECORD of the first session of the Fifty-first Congress, volume 21, February 21, 1890, and which was a very interesting debate, showing exactly what the questions were. In the summer of 1890 I moved to St. Augustine. I think we arrived there the 1st of October, having been North on a vacation, as was the custom of most of the Federal judges, perhaps of all of them, to take such vacations.
>
> I resided at St. Augustine with my family, and, about the time when the bill making the change in the district which has been spoken of received President Cleveland's signature, after a consultation with my friends in Jacksonville and vicinity they urged me not to move my furniture nor my family, saying that the next Congress would be Republican and the district would be placed back in its usual form. My furniture was allowed to remain, and I went at once to Pensacola. I found a leading Democratic friend there, and I stated to him that I had concluded not to move my furniture there, and it was all well understood by the people there. I was there for a considerable period, sometimes early in October and sometimes a little later, and I was there all the time I was needed unless holding court somewhere else. By special assignment for five months I was in the court at Dallas. In 1890, in July, I went with my family to Europe. In the spring, in 1900, I was holding court at Birmingham, where I had a great many friends, and after that I went to Pensacola and rented a house.
>
> Mr. GILLETT. Was that in 1890?
>
> Judge SWAYNE. That was in 1900. I think I moved there early in October. I then went North with my wife and son to spend Christmas week in Wilmington. On the 12th of the following January I was in Tyler, Tex., and two days later I got a telegram about the breaking down of my son's health, but I stayed on until February and finished the case, and then came back, as his condition was very critical and serious, and, after a week or two, perhaps, I returned and held court and finished what I had to do and got back to Delaware that spring. In February, 1903, I was again in Tyler, Tex., and went early to Wilmington. In the spring we bought the property that had been formerly occupied by Judge A. C. Blount, in Pensacola, and moved in it the 1st of October.
>
> I never was a registered voter and I have not voted in fourteen years. When I left Delaware I moved my domicile, and have taken no part in political questions arising in the State of Delaware or Florida. Mr. Turner, whom Mr. Lancy said he did not know, was an attorney for my matters for four years. My father died in 1889 and left property to my mother for life. She is still living, and the property comes to me and my sister as a residuary legatee at the time of her death. But that has never been my home, but I have spent my summers there mostly, arriving sometimes in June and sometimes in July, and from that point I could always reach Pensacola in thirty-six hours, and the record will show I have always been there to attend to anything of a serious nature.
>
> My recollection is that no one has ever suffered because of my absence, and I can offer testimony which will entirely clear up that proposition. My recollection is that, from the testimony taken, the most the committee has on this point before them is that counsel may have been sometimes inconvenienced in the summer time during my absence on

vacation. As near as I can recollect, these are the facts which cover the period since I have been on the bench.

Mr. GILLETT. Did the business of the court suffer because of your absence?

Judge SWAYNE. I never heard of it.

Mr. GILLETT. The summer time was the time usually taken for vacations?

Judge SWAYNE. Yes; I so understand it. Another suggestion was that the only way to get rid of me would be to do away with the district entirely. But I do not suppose the parties care very much whether the office is abolished or not, just so long as they can get the individual.

Let us note—

1. That he did not move his furniture nor his family, for the reason that he thought that the next Congress would restore his district back to its original form.

2. That he told a friend at Pensacola that he had concluded not to move his furniture, and that it was well understood by the people there.

Why? Because he thought the district would be restored and it would be unnecessary to remove to Pensacola. That he was there at Pensacola for a considerable period sometimes early in October, sometimes a little later, but he was there all the time—that is the language—he was needed, unless holding court somewhere else. That is his excuse for nonresidence, "that I stayed there all the time when I was needed, and when I was not needed I was at Guyencourt, Del.," or somewhere else without the boundaries of that district where he was required to actually reside.

3. That he was there (at Pensacola) for a considerable period—sometimes early in October, sometimes a little later—and was there all the time "I was needed, unless holding court somewhere else."

4. In July, 1890, he went with his family to Europe. In 1900 he held court at Birmingham, and after that went to Pensacola and rented a house.

5. "I think I moved there early in October (1900)."

6. He then went North with his wife and son to spend Christmas in Wilmington.

7. January 12 he was at Tyler, Tex., and stayed there, holding court until February.

8. Then, after a week or two perhaps, "I returned and held court and finished what I had to do and got back to Delaware that spring."

9. In this statement he is silent as to his whereabouts after he went to Delaware in the spring of 1901 and until February, 1903.

10. He was again in Tyler, Tex., and went early to Wilmington.

11. In the spring of 1903 he bought a house from Blount in Pensacola and moved in the 1st of October.

Oh, but he had wind of these impeachment proceedings when that was done!

12. "But that (Guyencourt) has never been my home, but I have spent my summers there, mostly arriving sometimes in June and sometimes in July, and from that point I could reach Pensacola in thirty-six hours, and the record will show that I have always been there to attend to anything of a serious nature."

13. "My recollection is that no one has ever suffered from my absence * * *."

14. "My recollection is that from the testimony taken, the most the committee has on this point is that counsel may have been sometimes inconvenienced in the summer time during my absence on vacation."

15. "As near as I can recollect these are the facts which cover the period since I have been on the bench."

16. Question by Mr. GILLETT: "Did the business of the court suffer because of your absence?" Answer by Judge Swayne: "I never heard of it."

Here is a mandatory statute requiring residence, and he thinks he can excuse himself for the violation of that statute by saying as a pretext that the business of the court never suffered, or, if it did, he never heard of it.

We find from this testimony that Judge Swayne did not acquire a residence at Pensacola when he first went there to hold court after the district was changed. He stored his furniture at St. Augustine believing that next session of Congress would restore the original boundaries of his district. In his last statement made before the subcommittee of the Judiciary Committee in November, last month, he said:

> Many of my friends suggested that the next Congress might change the boundaries of the district back so as to put St. Augustine again in the district, and that I should not move furniture until that was determined.

And then goes on to say:

> But I announced that it was my intention to move my residence to Pensacola, and I then and there made Pensacola my residence.

His first testimony clearly indicated an intention on his part not to change his residence, and that he stored his furniture at St. Augustine to await the restoration of his district to its original boundaries, which included St. Augustine.

And then in his second testimony, given after the committee of this House had reported that he was a nonresident of the district as now constituted, and after he had been heard on the subject, he goes on to say:

> I came to the Escambia Hotel in Pensacola, Fla., and registered as follows: "Charles Swayne, City," and announced to my friends there repeatedly that I was now a resident of Pensacola.

It is very strange that he omitted to make this statement when his nonresidence of the district was charged against him last spring and when he then testified, and it is also strange that he was unable to prove that he had announced repeatedly that he was a resident of Pensacola. If he had become a resident of Pensacola, why was it necessary for him to repeatedly announce the fact? If he did repeatedly make this announcement, it was done because he knew he had not in fact acquired residence there, and he was manifestly endeavoring to establish a residence which he knew he had not acquired by making a declaration of his residence.

Every indicia of residence on the part of Judge Swayne at Pensacola is totally lacking in this case except the fact that he held court there, was there throughout the holding of the court, and that his wife stayed there with him three months; that he rented a house for about a year. There is an entire absence of evidence of residence. Now, suppose a neighbor of the Speaker of this House were called upon to state where the residence of the Speaker is. Would there be any difficulty in his answering that question? He would say, it is in Danville, Ill. How do you know? Why, I know he owns a home there; I know his family lives there; I know that after Congress adjourns he goes there and stays there; I know that his business is there; I know that he pays his taxes there, personal and real, and I know that his property is there—I know all these things; I know that he votes there. But in this case there is an entire absence of any indications of residence.

Now, residence being a question of law and fact, it is difficult to frame a proper legal question to a witness on that subject; but the witnesses all testified, in effect, and we are authorized to draw that conclusion from the testimony—not all of the witnesses, but a large number of them, and their names will be found there in the printed book of testimony—that he was not a resident of Pensacola, and they mentioned many of these circumstances to which I have alluded to prove that he was not a resident of that place.

Adverting to the declarations, it would not be necessary for the gentleman from California to go about the streets of his town announcing that he is a resident; it would not be necessary for the Speaker of this House to go about the streets of Danville, up and down them, crying "I am a resident of Danville." It is a plain fact, and it is not necessary to repeatedly declare. It is unnecessary for an honest man to repeatedly say "I am honest," nor is it necessary for a virtuous woman to constantly proclaim her virtue. If she did, I might say, in the language of the Shakesperean character, "The lady doth protest too much, methinks."

In The People *v.* Estate of Moir (207 Ill., 186) it was said:

> In this case the evidence relied upon to show a change of residence of Mr. Moir from Oquawka to Burlington consisted wholly of the proven declarations of the deceased. While such declarations are admissible in evidence they are not considered a high class of evidence, and when the acts of the party are inconsistent with his declarations the declarations are entitled to but little weight. (Kreitz *v.* Behrensmeyer, 125 Ill., 141.)

And, again, it was held in Kreitz *v.* Behrensmeyer (125 Ill., 197):

> That declarations in regard to present or future domicile or future residence are admissible in evidence, but that they are the lowest species of evidence, and that such declarations may be disputed by his acts.

Now, Judge Swayne's first testimony is set out in the first report made by the committee on this subject, and you will observe from that that he did not claim to have acquired an actual residence there. He framed a series of excuses why he had not acquired that residence, and then he undertakes to justify his nonacquirement of the residence by saying that no business ever suffered because of his failure to so acquire a residence; that nobody suffered any detriment because of his absence from the district. He never asserted that he had acquired the actual residence. Now, I lay down this proposition, that no man can have a legal or constructive residence in any community until he has first acquired an actual residence. An actual residence can be acquired in the different ways that I have mentioned, or, rather,

the different circumstances which I have mentioned in the case furnish evidence that he has a residence in that place. Now, did he ever acquire an actual residence there? I challenge any man to name when and how he acquired it. Then I will interpose against his assertion these facts and negatives. I will interpose his excuses, by which he seems to have thought that he could exculpate himself for nonrequirement with the statute by giving these excuses.

From 1896 to 1904 his court was open for business four hundred and ninety-two days and no more, being an average of sixty-one and one-half days per annum for eight years. There was no testimony to show how many days the court was open during the years 1894 and 1895.

Except for having been in Pensacola and Tallahassee during the sittings of his court, the occupancy of a house for about three months at one time with his family, and his request of a bank officer that his name be put on the voters' register, and his request that a suitable house be found for him to rent or buy, and that one be built for him, there is nothing to show that he ever acquired an actual residence in the district, either at Pensacola or Tallahassee. The evidence offered in his defense on this point can be no more than excuses for not having complied with a plain statute commanding him to reside within the district.

A man's legal residence is where, after having gained an actual residence, he intends to reside, but he can never gain a legal residence without having first acquired an actual residence. The statute requires an actual and legal residence. His declarations of intention to acquire a residence in the district can not constitute a compliance with the statute. The purpose of this statute was manifestly to require the physical presence and actual residence of the judge within his district, where the Government and the people who had need of his official services could have them. It is evident that Judge Swayne saw the force and effect of this statute, which he had so long defied, after the present impeachment proceedings were inaugurated, for since they were begun he seems to have endeavored to acquire residence. But this can not excuse him. The impeachable offense had been committed and it can not be cured by a subsequent act.

His request of a bank cashier to be put on the list of registered voters, which was not done and about which he made no subsequent inquiry, and what he said to the witness about finding a suitable house for him to buy or rent, and what he also said to the same witness about having him a house built, in their nature amount to no more than a mere declaration on his part of a vague intention at some time to acquire a house in one way or the other at Pensacola. I have already adverted to his statement that he repeatedly said that he was a resident of Pensacola.

In view of the facts in this case it may be well said that these declarations as to residence, while admissible evidence, are the lowest species of evidence, and that such declarations are indeed disputed by his acts. I refer again in this connection to Kreitz *v.* Behrensmeyer. (125 Ill., 197.)

And while on the subject of his declarations it is well to note that Judge Swayne, according to the testimony of several of the witnesses, often spoke of Delaware as his home. Let me note what he said in his last testimony before the committee last month:

By Mr. PALMER:

Q. You say you rented the Simmons cottage in October of what year?—A. 1900.

Q. Now, I recollect before that it was testified you occupied the cottage for a few months, and then went North about Christmas time. Is that correct?—A. That is correct.

Q. How many months, in point of fact, did you and your family live in the Simmons cottage?—A. I do not know.

Q. Can you give any estimate of the number of months you lived in the Simmons cottage?—A. I can not. I know that my son was taken seriously sick, broke down in college from nervous prostration, and I had to hurry home to him.

Q. You mean, when you say "hurry home," to Guyenecurt, Del.?—A. He was in Wilmington, Del., with his sister, and I went up there to Delaware, where I was born, and spent all the time I could with him, and came back to hold court.

At what time, until after these impeachment proceedings were begun, did Judge Swayne acquire a legal residence in the northern district of Florida? Where and how did he acquire it? He certainly did not acquire such residence by boarding there the sixty days during the sessions of his court. He certainly did not acquire it by the act of giving up housekeeping at St. Augustine and storing his furniture, believing that the district would be restored to its original boundaries, so that it would be unnecessary for him to move away. He certainly did not acquire a legal residence at Pensacola by asking a bank cashier to have him registered as a voter. He certainly did not acquire such residence by asking the clerk of his court to find a suitable house for him in Pensacola, which house was not found.

I repeat that at most the testimony in his behalf shows that he had a vague intention at some undetermined future time to reside in Pensacola when he could buy or build a house, but the evidence shows conclusively that he was indifferent to a compliance with this statute until these proceedings were begun. Certainly the fact that he held court in other States does not furnish any evidence that he had a residence in the northern district of Florida. We submit that his excuses and his requests to be registered and to find him a suitable house do not exculpate him. This is a statute highly penal and must be strictly construed. It enjoins the imperative duty of residence in the district. The evidence shows that he has failed or refused to obey this law according to its plain intent, and he should be impeached.

Now, Mr. Speaker, upon the charges of having wrongfully imprisoned Simeon Belden and E. T. Davis and W. C. O'Neal, and for his appointment of Tunison a United States court commissioner I shall, doubtless, if this resolution be adopted, take occasion to make some remarks showing that charges of impeachment should be predicated upon those matters, but I have already trespassed longer than I intended upon your patience, and I now come to the last proposition, which I believe the gentleman from Pennsylvania urged for your consideration. Now, all of the committee agree that he should be impeached upon this ground—they differ as to some of the other grounds—the majority holding that he should be impeached upon several grounds.

I desire to call the attention of the House to the fact that all of the committee agree that he should be impeached upon the ground that I have just referred to.

I regret that the gentleman from California has gone, as I believe he concurred in that conclusion.

Mr. LITTLEFIELD. The gentleman from California is present.

Mr. CLAYTON. I would like his attention.

Mr. LITTLEFIELD. He is listening to you.

Mr. CLAYTON. He does not dispute it, then?

Inasmuch as it is agreed upon, and the House doubtless has not had an opportunity to read this testimony since it was taken a few days ago, I desire now to recite briefly the law and the evidence in support of it.

The act of Congress of 1871, Revised Statutes, section 596, provides, when a district judge is assigned to hold court of his district, that "it shall be the duty of the district judge so designated and appointed to hold the district or circuit court aforesaid without any other compensation than his regular salary as established by law."

And the act of March 3, 1881, 21 Statutes at Large, 454, provides that "so much of section 596, Revised Statutes, as forbids the payment of expenses of district judges while holding court outside of their districts is hereby repealed."

The act of June 11, 1896, 29 Statutes at Large, 451, provides that—

For reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payment shall be allowed the marshal in settlement of his account with the United States.

It is his expenses while attending court. The gentleman from Iowa [Mr. LACEY] a while ago fell into error, it seemed to me, when he seemed to think that the construction to be put upon this statute was that the judge was to have pay for his attendance. This statute provides, I contend, for expenses for traveling and expenses while in attendance, and not for compensation for holding court. Now, I submit it to any lawyer if the statute does not mean that—for reasonable expenses for travel and reasonable expenses for attendance while attending court—his expenses incurred necessarily in the process of his attendance upon the court; not compensation. It would be a sweep of the imagination to put any other construction upon the statute.

Undoubtedly the statute means actual expenses of travel and actual expenses incurred while attending court, and the word reasonable, instead of being an enlargement or liberalization of the statute, is a limitation, and restricts the actual expenses to reasonable actual expenses.

[Here the hammer fell.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the gentleman may be permitted to complete his remarks.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman may have time to complete his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. On the hearing of the testimony by the subcommittee of the Judiciary Committee it was admitted by the counsel of Judge Swayne for him, the judge being present, that Judge Swayne had made and signed the certificates prescribed by law for the following sums:

Name of marshal paying voucher.	Account No.	Place of holding court.	Period covered by voucher.	Amount paid.
Guillotte	9349	Baton Rouge, La	Apr. 19 to May 4, 1895	$140
Do	9349	New Orleans, La	May 13 to May 31, 1895	170
Love	18650	Waco, Tex	90 days from Nov. 18, 1895	900
Do	18650	Dallas, Tex	40 days from Jan. 21, 1896	400
Do	18650	Graham, Tex	2 days from Mar. 9, 1896	20
Do	29252	Waco, Tex	18 days from Apr. 27, 1896	180
Do	29252	Dallas, Tex	36 days from May 18, 1896	360
Do	29482	Waco, Tex	28 days from Nov. 18, 1896	280
Do	35513	Dallas, Tex	42 days from Jan. 11, 1897	420
Do	35513	Fort Worth, Tex	12 days from Mar. 1, 1897	120
Do	36910	Waco, Tex	23 days from Apr. 20, 1897	230
Do	36910	Dallas, Tex	39 days from May 17, 1867	390
Guillotte	61252	New Orleans, La	19 days from Jan. 1, 1898	190
Do	44704	do	40 days from Jan 20, 1898	400
Do	44704	do	11 days from Mar. 1, 1898	110
Do	44704	do	10 days from Mar. 11, 1898	100
Do	44704	do	10 days from Mar. 22, 1898	100
Do	61252	do	10 days from Apr. 1, 1898	100
Do	61252	do	15 days from Apr. 16, 1898	150
Do	61252	do	10 days from May 1, 1898	100
Do	61252	do	19 days from May 11, 1898	190
Fontelieu	54281	do	19 days from Nov. 21, 1898	190
Do	54397	do	10 days from Jan. 30, 1899	100
Do	54397	do	10 days from Feb. 8, 1899	100
Do	54397	do	10 days from Feb. 18, 1899	100
Do	54397	do	10 days from Feb. 28, 1899	100
Do	54397	do	10 days from Mar. 10, 1899	100
Cooper	56988	Birmingham, Ala	28 days from Apr. 4, 1899	280
Do	56988	do	19 days from May 22, 1899	190
Do	60217	Huntsville, Ala	29 days from Oct. 9, 1899	290
Fontelieu	70206	New Orleans, La	10 days from May 24, 1900	100
Do	70206	do	10 days from June 2, 1900	100
Do	70206	do	5 days from June 12, 1900	50
Cooper	69592	Birmingham, Ala	29 days from Sept. 3, 1900	290
Do	73109	do	8 days from Sept. 3, 1900	80
Grant	71960	Tyler, Tex	31 days from Dec. 3, 1900	310
Cooper	78334	Birmingham, Ala	21 days from Sept. 2, 1901	210
Houston	93964	Tyler, Tex	41 days from Jan. 12, 1903	410

I will not trespass upon the time of the House by reading the testimony, which was excellently stated and summarized by the gentleman from Pennsylvania [Mr. PALMER], but I will here insert it in the RECORD.

And it was admitted that he received payment of $10 per day as his reasonable expenses for travel and attendance for each day that he held court out of his district. This account shows that he charged $10 per day for each day.

The testimony showed that he paid for board and lodging at Waco, Tyler, and Dallas, Tex., from $1.25 to $3 per day, and that his traveling expenses to and from Pensacola to each of these places in Texas could not in any case have exceeded $50. I read from the testimony:

Witnesses with whom Judge Swayne boarded at Fort Worth, Dallas, Tyler, and Waco, in hotels and boarding houses, during the times when he held court in those places, testified in part as follows:

Samuel McIlhenny, having been duly sworn, testified as follows:

Direct examination by Judge LIDDON:

Q. Give your name in full.—A. S. C. McIlhenny.
Mr. HIGGINS. What is your first name?
The WITNESS. Samuel.

By Judge LIDDON:

Q. Your residence?—A. Dallas, Tex.
Q. Your business or occupation?—A. I am manager of the Oriental Hotel.
Q. How long have you been such manager?—A. Eight years.
Q. Were you such manager in January, 1896?—A. No; I was in the office in 1896. I was connected with the house.
Q. In January, 1896?—A. Yes, sir.
Q. Did you know Judge Charles Swayne?—A. Yes, sir.
Q. How long have you known him?—A. Well, I did not know the Judge until I went to the hotel. I was in a former hotel there. He was there when I first went to the hotel.
Q. He was at the Oriental when you first went there?—A. Yes, sir.
Q. You say that was when?—A. In 1896.
Q. Do you know the date in 1896?—A. The first part of the year; I don't know exactly the date—either January or February. In January, I think it was, some time.
Q. In January?—A. Yes, sir.
Q. Do you know whether Judge Charles Swayne was at Hotel Oriental in January, 1896?—A. He was there when I went there. I went there in the latter part or middle part of January.
Q. Do you know when he left?—A. No; I do not.
Q. Can you refresh your memory from that memorandum—did you make that [submitting paper]?—A. The cashier or bookkeeper made that——

Judge LIDDON. I submit this as an exhibit:

EXHIBIT F.

DALLAS, TEX., *March 5, 1896.*

Mr. Chas. Swayne to the Oriental, Dr.

[S. E. McIlhenny, manager.]

March 1 to 3/6, 6 days		$16.00
For board month of Feb. 9 to 2/29, 20½ days		68.35
Feb. 1 to 2/9, 8½ days		19.80
Express, 2/3, .60		.60
Laundry, 2/12, 1.30, 1.10; 3/5, .75		3.15
Wine, etc., 2/26, .40		.40
Telegrams, 2/24, 1.15		1.15
Drugs, 2/6, 1.35		1.35
		110.80
3/6, cr. by rebate on rate	$13.80	
3/6, cr. by cash	97.00	
		110.80

The WITNESS (continuing). But I looked over it.
Q. Is that his handwriting?—A. Yes, sir.
Q. He is in charge of the books there?—A. Yes, sir.

By Mr. PALMER:

Q. Did you examine it to ascertain if it was correct or not?—A. Yes; I looked over it when he made it off the board book.

By Judge LIDDON:

Q. Do you know how much he paid for his board there in January, 1896?—A. I do not; only from this memorandum.
Q. Can you tell from that memorandum?—A. Yes, sir.

EXHIBIT G.

DALLAS, TEX., *January 31, 1896.*

Mr. Chas. Swayne to the Oriental, Dr.

[S. E. McIlhenny, manager.]

For board month of Jan. 20 to Jan. 31, 1896		$26.80
Laundry, 20/95		.95
Wine, etc., 20/55		.50
		28.25
Cr. Feb. 5, 1896, by chk		28.25

Q. How much was it?—A. According to that, in January he paid $28.25. The books correspond with this statement exactly; that is, in January.
Q. He paid $28.25?—A. Yes.
Q. Now, were you connected with the same hotel—you said you were—in March, 1896?—A. Yes, sir.
Q. Do you know whether Judge Swayne stopped at that hotel, then, in February or March, 1896?—A. Yes, sir.
Q. Do you know how much he paid?—A. He paid cash $97.

Mrs. Annie E. Russell, having been duly sworn, testified as follows:

Direct examination by Judge LIDDON:

Q. Where do you live?—A. Tyler, Tex.
Q. How long have you been there?—A. About twenty-two years.
Q. You are engaged in running a hotel, or have been, or a boarding house there?—A. No, sir.
Q. Have not at all?—A. No, sir; we just had a very large house, and during this court Mr. Butler came and asked me if I would take some of the judges and lawyers, and I told him I would. We had a large house and were renting the rooms. I had only been there about two years.
Q. That was at Tyler?—A. Yes, sir.
Q. Did Judge Swayne ever board with you there?—A. Yes, sir.
Q. Do you know the date?—A. No, sir; I did not make any memorandum of it, but it was during that trial of the bank there.
Q. In the United States court room?—A. Yes, sir.
Q. Do you know in what year it was?—A. It was last year.
Q. 1903?—A. Yes, sir.
Q. Do you know what part of the year—the early part or the latter part?—A. It was January, as well as I can recollect.
Q. Do you know how long he stayed with you?—A. From the beginning until the end. I did not keep any memorandum of it at all. He was there from the time the court opened until it closed.
Q. You do not know how long; could not approximate the time?—A. I think it was about six weeks or more; I am not sure about that.
Q. Do you know what rate of board he paid you?—A. Yes, sir; $1.25 a day.
Q. Did that include lodging?—A. Yes, sir.
Mr. CLAYTON. That included table board and lodging?
A. Yes, sir; everything.

By Judge LIDDON:

Q. $1.25 a day?—A. Yes, sir.
Q. In the early part of the year 1903 he was there from four to six weeks?—A. He was there during the whole term of court.

Susan Lyle Downs, having been duly sworn, testified as follows:

Direct examination by Judge LIDDON:

Q. Where do you reside?—A. Waco, Tex.
Q. You are engaged in the business of keeping a boarding house or hotel there?—A. A private boarding house.
Q. How long have you been so engaged, madam?—A. Seventeen years.
Q. Do you know Judge Charles Swayne?—A. Yes, sir.
Q. Has he ever been a guest of your house?—A. I think three terms of court. Of course, I am not sure, but that is my recollection.
Q. Three terms?—A. Three terms of court.
Q. Can you fix the date?—A. No, sir; I can not.
Q. Can you say whether it was since 1895?
Mr. HIGGINS. Speak of your own knowledge and without suggestion.
A. I really could not answer as to the year he was there. I could not; do not.

By Judge LIDDON:

Q. You can not say how many years, or approximate how many years ago?—A. If you can tell when Judge Rector was disabled, I could tell you, but otherwise I can not.
Q. It was while he was holding United States court?—A. Yes, sir.
Q. And he stopped with you three terms?—A. Yes, sir.
Q. Did you ever know him to hold United States court there at any other time except the three times he stopped with you?—A. No; I don't remember it.

Q. Do you know how long he stopped with you at the time he was there?—A. No, sir; I do not. I know he was at the term of court, but I never made any memorandum of it.

Q. During a term of court three times?—A. I think so.

By Mr. CLAYTON:

Q. Do you mean the term while the court was lasting, the whole session of the court?—A. Yes.

Q. Not just for a day and then a day?—A. Oh, no.

By Judge LIDDON:

Q. You can not approximate how long he would stay at a time?

Mr. PALMER. About?

A. I really do not know.

By Mr. CLAYTON:

Q. Was he a transient, or did he stay a day or half a day?—A. He stayed during the whole term. I suppose probably from three to five weeks possibly.

Judge LIDDON. At a time?

A. Yes.

Mr. CLAYTON. That is to the best of your recollection, from three to five weeks?

By Judge LIDDON:

Q. Do you know what rates you charged him for board?—A. At the rate of $40 for himself and $65 for himself and wife.

By Mr. CLAYTON:

Q. What is that, per month?—A. Per month. I do not want to do any injustice here. That is to the best of my knowledge.

By Judge LIDDON:

Q. And $65 per month when he had his wife with him?—A. Yes, sir.

Q. Are those your best rates?—A. Yes, sir.

Q. All you ever charged?—A. Yes, sir.

Q. You said he was there sometimes without his wife?—A. I think two terms without Mrs. Swayne; one term with her.

Q. When he was there without her it was $40 a month, or $65 for the two?—A. Yes, sir.

Q. That included room as well as board?—A. Room and board.

Q. Was it winter or summer that he was there?—A. I am not sure whether it was two fall terms or two spring terms of court. There was one term and then two of the other.

Let me again say that the statute which allowed these expenses seems to be too plain to admit of any double construction. "Reasonable expenses * * * not to exceed $10 per day each," means actual expenses incurred, and there is but one qualification, and that is that the expenses shall be reasonable and not unreasonable, although actual expenses reasonable, that is, necessary and ordinary expenses.

In Dunwoody *v.* United States (22 C. of Cls., 269, 278) it was held:

"Expenses," as used in an act appropriating money for salaries and expenses of the National Board of Health, means those expenses which are necessarily incident to the work directed to be done, including payment for clerk hire or office rent.

And in Heublein *v.* City of New Haven (54 Atl., 298, 299; 75 Conn., 545) it was held that—

The word "expenses," as used in a city charter providing that the selectmen shall receive a certain sum per hour for the time spent in their duties and their necessary expenses, means something due to the selectman for money paid by him or debt incurred by him necessarily in the performance of his duty.

I read in the hearing of the House these cases construing statutes allowing expenses and fees, and I promised the House at that time to refer to another case, that of Shields against The United States, construing a statute allowing fees. In the United States *v.* Shields (153 U. S., p. 91) it is said:

It is true in the present case that the district attorney has made no claim for a per diem allowance for Sunday, but it certainly can not be held that this left it optional with him to waive his per diem fee and take mileage to and from his home in lieu thereof, as a matter of pleasure or convenience to himself, especially when the mileage exceeded the per diem allowance. Fees allowed to public officers are matters of strict law, depending upon the very provisions of the statute. They are not open to equitable construction by the courts nor to any discretionary action on the part of the officials.

I believe that Judge Swayne has, under the guise and pretense of alleged expenses, charged the Government on different occasions very material sums of money in excess of what his expenses were. Certainly this is a grave misconduct in office. In the ordinary and parliamentary sense it constituted a high misdemeanor and an impeachable offense. It was dishonest and corrupt and authorizes his impeachment, conviction, and removal from office.

But while he is impeachable for this offense without any special statute denouncing such conduct to be a crime, it so happens that there is a positive law forbidding such conduct and making it a crime. Section 5438 of the Revised Statutes covers this case, and it is in this language:

Every person who makes or causes to be made, or presents or causes to be presented for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any Department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any Department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certification or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, every person so offending in any of the matters set forth in this section shall be imprisoned at hard labor for not less than one nor more than five years, or fined not less than one thousand nor more than five thousand dollars.

And in The State *v.* Moore (57 Tex., 320) and Wharton County *v.* Ahldag (84 Tex., 15) the doctrine is there also maintained that statutes allowing fees must be strictly construed and against the claimant.

Now, Mr. Speaker, as the time is limited and at the suggestion of the chairman of the committee, I shall not proceed with all I had to say upon this subject. I thank the House for its considerate attention.

Mr. HUNT. Will the gentleman give us information as to whether Judge Swayne was a resident of the State when he was appointed judge?

Mr. CLAYTON. He said at the time he was appointed that he had a home at Kissimmee, Fla., and after he was appointed he moved to St. Augustine, took and occupied a house there, and he claims that his residence was there; but the case is entirely lacking of any evidence to show that after the district was changed and St. Augustine excluded from the northern district he ever acquired a residence in the district, either at Pensacola or Tallahassee, in the northern district as now existing.

Mr. GILLETT of California. Mr. Speaker, I have listened with a great deal of interest to the arguments presented by the gentleman from Pennsylvania [Mr. PALMER] and by the gentleman from Alabama [Mr. CLAYTON]. I was a member of the subcommittee appointed by the Committee on the Judiciary to investigate the charges preferred in this House by resolution against Judge Charles Swayne, of the northern district of Florida. We went to Florida for the purpose of taking the testimony of witnesses, and after a number of days of careful consideration of the same we were unable to agree, not alone on the facts, but whether or not the charges made were of such a character as would warrant us in recommending impeachment proceedings. And it is on some of these charges that I desire briefly to address this House. I consider this one of the most serious occasions that can come before this honorable body. We are charged with a grave duty, and we ought to discharge it conscientiously, without any feelings of malice or prejudice, and weigh the matter with great candor and care in order that no injury shall be done to anyone. In this spirit I have examined the evidence in this case carefully, and until recently I have been unable to find, on the charges preferred by the resolution against Judge Swayne, any evidence or any facts that would warrant us in finding sufficient grounds on which to impeach him. The following resolution was offered here and passed in December last:

Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the official misconduct of Charles Swayne, judge of the United States district court for the northern district of Florida, and say whether said judge has held terms of his court as required by law; whether he has continuously and persistently absented himself from the said State, and whether his acts and omissions in his office of judge have been such as in any degree to deprive the people of that district of the benefits of the court therein to amount to a denial of justice; whether the said judge has been guilty of corrupt conduct in office, and whether his administration of his office has resulted in injury and wrong to litigants of his court.

Before proceeding to take testimony under this resolution, which appears to be quite general in its terms, the committee called upon Representative LAMAR of Florida, the author of the resolution, to specify more particularly the grounds which were relied upon. In response to that request thirteen specifications were preferred, and we started to take evidence on the same. It was not until a few days ago that there was injected into the case two distinct matters which were not referred to in the resolution or referred to in the specifications furnished by Mr. LAMAR of Florida. But I undertake to say that, notwithstanding these matters were brought up at the last moment, they hav-

ing been but recently brought to the attention of this House, it is proper to consider them, although not referred to in the resolution. To that matter I shall address myself later on.

Of these thirteen specifications all were abandoned except three or four. The question of residence, the question of the rightful or wrongful act of finding O'Neal guilty of contempt, the question involving the Hoskins matter, and the finding of Belden and Davis guilty of contempt were considered by a majority of the Judiciary Committee sufficient to warrant a report in favor of impeachment. And, inasmuch as the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. CLAYTON] have only considered those grounds, I will only call your attention to them as I understand them.

First, take the question of residence. In 1885 Judge Swayne moved from Pennsylvania to the State of Florida, established a home there, and commenced the practice of the law. In 1889 or 1890 he was appointed district judge of the northern district of Florida. He moved his family to St. Augustine, that being a city within his district. He resided there continuously during several years until there arose a strong political feeling in that State, which finally resulted in the changing of the lines of the district and legislating him out of Jacksonville and St. Augustine. After this was done he was no longer residing in his district. What did he do? The question of residence now arises. Judge Swayne tells us that he knew the law required him to reside within his district. It is to his intention, coupled with his acts, that we are to look to see whether or not such residence was established. He says he went at once to Pensacola and registered at the Escambia Hotel as from that city. He spoke to the clerk of his court, asking him to try and find for him a suitable place in which to live. He also called upon Captain Northrup, a prominent citizen of Pensacola, to try and find for him such a place. These gentlemen tell us that, acting at his suggestion, for three years they sought to find a suitable house in that city where Judge Swayne might make his home. During this time he was living in the Escambia Hotel or with Captain Northrup. He had a room there which was known as "Judge Swayne's room." His family visited him there; and the law is that when a person holds an office during good behavior the presumption is that he resides within the district where he is to perform the duties of his office. So that this presumption attaches in Judge Swayne's case.

Not only did he, through his friends and himself, seek to hire or rent a place, but he went so far as to make arrangements to build a house that he might live in.

This continued for several years, until in 1890 he finally succeeded in renting the Simmons house. He moved his furniture there, he took his family there, he resided there, he made his home there; not all the time, but there was his abiding place. He had no home in Guyencourt, he had no home in Pennsylvania, he had no home any place in the world excepting in Pensacola, Fla. There is where his home was; he paid taxes on his furniture, or his wife did; he paid his insurance and he stayed there. It seems to me this must go to show the intent on his part to make that city his home, and that city is within his district.

Now, in 1893 his wife purchased a piece of property in Pensacola for a home. Shortly afterwards they moved into this place and made their home there. It has been said that he did not reside on this piece of property. Judge Swayne in his own statement says that he did. You have only to read his own statement to show that he did. It is sworn to by Marsh and others that he did reside in this home where his furniture was. Does not that go to make up a residence? The prosecution submitted to us names of a number of witnesses to prove that he lived in Guyencourt, Del. We called upon them to bring these witnesses here to be examined, and notwithstanding the assertion that was made, not a single witness from Delaware, where they try to make you believe he lived, was brought before the committee, and they sent men into that territory to investigate and find out, so as to swear to it.

Now, if he lived in Delaware, if he had his personal property in Delaware, if he had his home in Delaware, his neighbors and his friends must have known it. But, with all the efforts and industry of these gentlemen touching this matter, they were unable to bring before the committee a single witness who would testify that Judge Swayne resided or had a home in Delaware. They say that he did not pay taxes, that he did not vote in his district. These facts are not necessary in order to establish a residence, or to fix one's intent. Many men living in the South do not pay taxes and do not vote, although they were born and have their homes there. This is true also of the North. It is no evidence at all of what his intention was that he did not pay taxes or vote. When Judge Swayne went off to a place outside of his district to hold court, he registered "Charles Swayne, Pensacola, Fla.;" and that was long before he knew that these impeachment proceedings were coming on; long before they were ever spoken of or mentioned.

Suppose that a gentleman here going into another city, myself, for instance, should register "Eureka, Cal.," as I always do without any thought of the future, would not that be strong evidence of where I considered my home to be? This is what Judge Swayne did. Now, in face of this fact, in face of the fact that he requested that his name be placed on the great register, in face of the fact that he had two men trying to find him a home, in face of the fact that he tried to build a home, in face of the fact that at last he did buy one—or his wife did—and that he moved his family into it long before these proceedings commenced, can we now say that he has violated the laws of his country, that he has not been a resident of his district, and that he ought to be impeached therefor?

Why, suppose the only question before this body was the question of residence, and you had the statement made by Judge Swayne and witnesses in his behalf, would this House for one moment impeach him on that ground alone? Certainly not, because it is not sufficient.

Mr. PALMER. Will the gentleman allow me an interruption?

Mr. GILLETT of California. Certainly.

Mr. PALMER. Will the gentleman state how many days Judge Swayne was actually in the district for the first six years?

Mr. GILLETT of California. I do not know how many days he was in the district, and no member of the committee knows. It appears that he held court a certain number of days, but when a man is in a place he is not all the time holding court. I do not know how many days he was down there except when he was holding court. I say it makes no difference if he was not there more than twenty days, he might be somewhere discharging the duties of his office, and he would not lose his residence for that reason. When he was away trying cases in his circuit or visiting his aged mother in Guyencourt, was he getting a residence somewhere else? Was he establishing a home in some other country? No; the records show that he was in Florida and Alabama and in Texas, directed to go there and hold court, and when he was there he was discharging his duty to the best of his ability.

Mr. PALMER. Will the gentleman answer another question?

Mr. GILLETT of California. With pleasure.

Mr. PALMER. Does not the testimony show that the only time he was in the State of Florida was when his court was in session, and does not the testimony show that that was an average of sixty-one days a year?

Mr. GILLETT of California. I do not understand it that way. I understand that we took a number of days from the docket of the court when the court was called and found that he held court there on an average of sixty-one days a year. We found, also, that he was holding court in other States and districts on an average of about seven months a year, and this shows where he was at least a great part of the time.

Mr. PALMER. Mr. Speaker, may I ask the gentleman another question?

Mr. GILLETT of California. Yes; the gentleman can ask as many as he pleases.

Mr. PALMER. Does not the testimony show that he held court on an average, during the eight years from 1894 to 1903, ninety-three days a year, and where was he during the other two hundred and twelve days?

Mr. GILLETT of California. The testimony shows that in 1895 he held court three months—April, May, November, December—outside of his district—not all the days during those months, but in those months in 1895. In 1896 the evidence shows that in January, February, March, April, June, November, December—eight months—he held court outside of his district, being sent there by judges superior to him. In 1897 the record shows that during the months of January, February, March, April, June, July—seven months—he held court in those other States, and the record also shows that in 1899, during the months of January, February, March, April, May, June, October, November—eight months—he held court in these other States, having been sent there by his superiors. In 1900 the evidence shows he held court during January, May, June, September, October, November—six months—out of his district; and in 1903, January and February. I shall not contend that every day from the first of the month to the last he was sitting there holding court, but I do contend that during those months he was going back and forth to those courts and discharging his duties as a judge, and rendering his decisions; and I also say that because a judge was absent for that reason it is no argument that he had no residence in Florida, where

he came from. Why, when he was directed to hold court, the order would go out that Judge Swayne, of the northern district of Florida, whose residence is at Pensacola, should go and hold court in these different districts, and yet the gentlemen are seeking to impeach this man—this judge—simply because he did not pay taxes, he did not vote, and was not in his district all of the time. He was there whenever his court business demanded that he should be there. There is no evidence that anybody suffered any injury by reason of the fact that he was not there. His docket was kept clean all the time, and he was sent out of his district to hold court because he, of all the other judges, was the least busy; because, on account of political troubles, a large part of his district had been cut off, and which ought to be restored. So much for the question of residence.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman answer a question?

Mr. GILLETT of California. Yes.

Mr. STEPHENS of Texas. I read in the Boston Globe, of December 12, yesterday, that Judge Swayne himself states that on an average of the last seven years he has held court only sixty days while in the district, and outside of the district ninety-three days. Is that approximately correct?

Mr. GILLETT of California. I do not know.

Mr. STEPHENS of Texas. That comes from the judge himself, this statement in the Boston Globe.

Mr. GILLETT of California. That may all be true, but can you impeach a man when you have cut down his district for political reasons, so that he has no business in it, and say that because he only held court sixty days a year that he did not reside there? If he had had business in his district, he would have remained there and discharged it. It is because he had no business there, because he could be sent abroad, that they chased him from Alabama away down through Texas nearly every month in the year, as shown by the record; and there is no complaint that he did not discharge his duties well. I believe that this charge of nonresidence ought not to be considered for one moment by this honorable body. I do not believe it has been established. A crime has been charged, and it is a crime, if this charge is true, which must be established beyond all reasonable doubt and to a moral certainty. You can not guess at it. It is a crime under the statute for a judge not to reside in his district, and it must be tried as crimes are tried, and I submit it is not proved beyond a reasonable doubt that Judge Swayne never had a residence in northern Florida. He always returned to his district when away, either on business or pleasure, because it was his home, the place where he was to discharge his official duties. It is true that he went to Guyencourt, Del., during the summer. His mother had a homestead there, where she and her husband had resided for many years. She is an old and feeble lady. And because, in the heat of the summer, when the rest of the judges of the South are taking their vacations, Judge Swayne went back to his mother's place, in Guyencourt, Del., to the old homestead, to visit and be with her, to say that he lost his residence in Florida and gained one in Delaware is absurd. Who ever heard of his voting in Delaware?

Now, on the question of Belden and Davis, the majority of the committee recommend that Judge Swayne be impeached because of his wrongful, unlawful, and arbitrary conduct in imposing a judgment of contempt against those two lawyers in his court.

Let us look at the facts out of which this controversy arose. There was a case pending in Judge Swayne's court which was termed the "Florida McGuire case." The land involved in the case was described as a large tract of land running from trees, upstream, etc., the description being so indefinite that no surveyor could locate it. This case was pending in his court. During the summer his wife was seeking to buy some property of Thomas Watson & Co. Among this property, which she was seeking to purchase in her own right, was a block called "block 91," and deeds were made out in her favor and sent to Judge Swayne, at Guyencourt, where he then was. A quitclaim deed was offered. Now, Judge Swayne could have had no knowledge of the fact that this block 91 was within the tract. It was a block described like many other lots and blocks were described, and there was nothing in the pleadings that would indicate or call to his attention or raise the least suspicion that this particular block of land was involved in the suit; but as soon as inquiry was made, as soon as he learned it was involved in the land which he was trying the title to, he told Thomas Watson & Co. he would not take it. His wife did buy the other two pieces of property, but this piece of property was absolutely excluded. This is all Judge Swayne could do. He never bought it. He never owned it. He never was in possession of it, and as soon as he found it was involved in litigation pending before his court that was the end of it. Now, along in the fall——

Mr. LITTLEFIELD. Right there, there is not a thing in the record that indicates that he even knew it was included in the tract he was negotiating for.

Mr. GILLETT of California. Nothing at all; there was no evidence showing that fact. The description of the property would not tell it to him. He could not read the complaint and know it. Immediately after it came to his notice he advised the agents of the owner that he would not take it. Now, Judge Belden, Judge Davis, and Judge Paquet wrote to him asking him to recuse himself on the ground that he was an interested party. He very soon left for Pensacola, and he did not answer this letter; but the first day court was called and all interested parties were present in court Judge Swayne brought the matter up and made a statement in their presence concerning this matter. Now I will give the testimony of Judge Blount, one of the leading lawyers of Florida, on this subject. This is the evidence:

Mr. HENRY of Texas. Will the gentleman permit an interruption? What date was it the judge made his first statement in reference to this land?

Mr. GILLETT of California. This date was immediately upon his coming to Pensacola. Immediately on opening court in the presence of the attorneys for the plaintiff in that action, and I want to read from the testimony of Judge Blount, who was an attorney for the defendant on that occasion and was present in the court and heard his statement.

Mr. HENRY of Texas. What was the day of the week and day of the month he made that statement? He made two statements, and I want to get that clearly before the House.

Mr. GILLETT of California. On November the 5th, in open court.

TESTIMONY OF MR. BLOUNT.

The judge stated that he had not purchased any such land; that his wife had, through him, negotiated for the purchase of a block of that tract, but when the deed was sent to close the trade he saw it was a quitclaim and he asked why a warranty deed had not been given. The reply by Watson & Company, Edgar's agents, was that the reason a warranty deed was not given was because this land was in controversy in this suit, and he did not care to give a warranty. Judge Swayne learning this, caused the deed to be returned, and while there was not a formal application to recuse himself, he would try the case.

Now, I submit that is right. What is wrong about it? He did not own the land; he never did own the land; no member of his family owned it; he had no interest in it whatever. That case was there in his court and witnesses had been summoned there to try it, and, moreover, these lawyers asked him to recuse himself on the ground that he had an interest in it; and, having none, it was his duty to proceed to try the case. It being his duty to try the case, having no interest in it at all, he said that he would proceed with the criminal calendar called, and, as the criminal calendar would be finished that week, the civil cases would come up on the Monday following. The only civil case on the docket was the Florida McGuire case, and they asked on Saturday afternoon for a continuance until Thursday—that is, the attorneys for the plaintiff, Belden, Davis, and Paquet. This was resisted by Mr. Blount, attorney for the defendant. He said that his case had been tried about eleven times and the witnesses all resided within thirty minutes' walk of the court-house; that he had his witnesses ready and he was ready to proceed to trial and that there was no occasion why the jury should be held over until Thursday, when the witnesses were all at hand. Judge Swayne said: "I will not continue the case until Thursday. This matter will go over until Monday morning, when I will try the case unless you can show me good reasons why it should be continued." That is right. He gave them an opportunity to present their reasons why it should not be tried that day. He said, "I will give you a chance to make the proper showing before the judge." That is the procedure in the courts of our land every day.

Judge Belden, Davis, and Paquet that evening went into a grocery store owned by one of the complainants. They talked the matter over. They conceived the idea of commencing a suit in the State court to eject Judge Swayne from this property, in which he had told them that he had no interest. The records of that county at that time show that the Pensacola Improvement Company owned this land. It did not stand in his name, and if it was ever owned by anybody it was by Lydia Swayne, and not Judge Swayne. They did not sue Lydia Swayne, but the judge. They claimed that they had been damaged in the sum of $1,000, and prayed for a judgment in that amount. They went to the office of the clerk about 8 o'clock at night and persuaded him to go and commence suit. They went to the office of the sheriff, but the sheriff demurred against serving the papers. They informed him that they must be served at all

hazards that night. Then they prepared a statement—wrote it themselves—and rushed to the printing office, and next day it was proclaimed in big scare lines that suit had been commenced against Judge Swayne. Why did they commence the action so hurriedly? Why did not they wait until Monday? The question was asked them, and they said they were afraid that the judge would get out of the territory. Why should he leave before his docket was cleaned up? What reason had he to make his escape? Why this unseemly haste, in the dead hours of the night, if these attorneys were acting in good faith as officers of the court? The prosecution have tried to excuse Davis by saying that he was not a party to the suit pending before Judge Swayne. The evidence showed that he was. He joined in the letter requesting Judge Swayne to recuse himself. Mr. Belden said that he was one of the attorneys and Judge Paquet said the same. They were all attorneys of Judge Swayne's court. They were representing clients who had business pending before that court. They ought to have had proper respect for it, instead of commencing a suit against the judge for the purpose of forcing him to recuse himself and calling in another judge to try the case. They commenced a suit that they never had any right to start and no just grounds upon which to base it. No papers were served upon the judge or any further action taken; and now it is seriously urged that the judge, after this reprehensible conduct on their part, after they claimed that he was trying or insisting upon trying a case in which he had an interest, and after maliciously publishing this fact to the world, that he had no right to bring these men before the court to answer for contempt.

These lawyers were officers of the court, and the laws of the United States provide that when an officer of the court is guilty of misbehavior he may be punished for contempt. A statement was made setting forth all of these facts, and these lawyers were cited to appear and show cause why they should not be punished for contempt. They never sought to purge the contempt. But they defended their position as right and tried to defy the court. After all the evidence had been heard and the facts had been brought to the court's knowledge, and they had been permitted to make their answer, the court found them guilty of contempt. I think it was quite right for him to do so, and not wrong and unlawful. It was within the pale of the law. And because he did this, this honorable body is asked to impeach him. Is not a judge of this land allowed to maintain the integrity of his court, to see that its orders are obeyed, and that no action is taken by its officers which brings the court into disrepute? Has he not a right to say that it is the duty of these officers to help to maintain the peace, good order, and dignity of the court and to see that they do so? If he did not do so, but permitted attorneys to disobey the court's orders, to make motions and commence actions that would have a tendency to bring discredit upon it, how long would it be before the court would cease to have the confidence of the people? How long would its decrees and judgments be respected and what officer could enforce them?

These attorneys only had one object in view, and that was to force Judge Swayne, by bringing against him a fictitious suit, out of the case, and there can be no doubt that when an attorney brings unfounded proceedings against a judge for this purpose solely, as these attorneys did, that he is guilty of contempt and should be punished therefor.

Judge Paquet fled, went back to New Orleans, and returned later on. He knew what had been done. He did not defy the judge upon his return. They say the judge is arbitrary and unjust in his judicial conduct. See what he did to Paquet, one of the instigators of the suit commenced against him, when he returned to Pensacola. Paquet filed the following statement:

> Now comes Louis P. Paquet, respondent in the above-entitled matter, and says:
>
> That upon full and mature consideration of his actions and conduct in the matter referred to in the motion, made as the basis of the above-entitled proceedings, through excessive zeal in behalf of his clients, he did so act that this honorable court was justified in believing that the said actions were committed in contempt thereof and as showing disrespect therefor. That respondent regrets exceedingly the course taken by him in this matter, and now appears in court and requests that he be permitted to apologize for his behavior and file with the records in the above-entitled cause this paper.
>
> LOUIS P. PAQUET, *Respondent.*

Did Judge Swayne, after this man came forward and made this frank apology, find him guilty of contempt? Did he show any undue arbitrary power? Did he show that he was a man unfit to sit as a judge? He excused him with a reprimand for what he did, and the proceedings were dismissed. There is no judge in the country who could have acted more honorably than that, and I have no doubt, had these other gentlemen followed the same course and presented the matter as Paquet did, that they, too, would have been excused in the same way.

There is another case, that of O'Neal, which the prosecution claims is a most serious offense, one which shows that this man is an unsafe judge to administer justice in the courts of this land.

What are the facts? A man by the name of Scarritt Moreno was forced into insolvency. After a trustee had been appointed by the court it came to his attention that a certain deed standing in Moreno's wife's name was property that belonged to the estate, and that a certain bank in Florida held a mortgage on the property with the full knowledge of the facts. An action was commenced against Mrs. Moreno, the bank, and other parties for the purpose of declaring the property to be that of the bankrupt and bringing the same into court to be distributed to the creditors. The trustee who brought the suit was acting as an officer of the court, he was acting under the authority of the court, and he was discharging the duties which the law imposed upon him when he commenced this action.

The action was commenced Saturday afternoon. Monday morning Mr. O'Neal, the president of the bank, coming by, saw Greenhut, the trustee, and a conversation commenced between them. They went inside of Greenhut's office, where the books were kept and where the business of the bankrupt estate was transacted. O'Neal says he went in there for the purpose of reproaching Greenhut for bringing this action. What took place inside nobody saw but themselves. Mr. Greenhut, after he was able to do so, filed an affidavit that this man came in there and abused him because of the suit that he had commenced, and during the controversy he drew a knife from his pocket and cut him through his ear, across his cheek to the corner of his mouth, and stabbed him in the body three times. When Mr. Greenhut was able to make affidavit to these facts, he did so, and the matter was brought to the attention of Judge Swayne. Here was an influential citizen of Pensacola, a man who was president of a leading bank there, a man that the people should have respected, and who must have held considerable power; but Judge Swayne investigated the matter. He called witnesses. The parties were sworn. He tried the matter and found just what Mr. O'Neal said that he did; that is, that he went there to reproach Greenhut for commencing this action, and because he did so and to punish him for so doing he stabbed him in the manner just stated.

Mr. PALMER. Will you not be good enough and fair enough to state that the reason why he reproached Greenhut was that the testimony showed that Mr. Greenhut was one of the directors of the bank of which O'Neal was president, and that he was present and knew that the bank loaned this money on this property; that it was a fair transaction and bona fide throughout; that the bank had sold the mortgage to others and had got the money for it? Will you not state that that was what O'Neal complained to Greenhut about, and that he brought this suit knowing these facts, and that he was a liar, a scoundrel, and a perjurer when he did so?

Mr. GILLETT of California. That may be, but it is denied.

Mr. PALMER. It is not denied at all.

Mr. GILLETT of California. Greenhut was acting as an officer of the court in bringing this suit. He had reason to bring that suit, and O'Neal had no reason to come in there and assault him with a knife because he did bring it. He was not assaulting Mr. Greenhut as an individual alone, but he went in there and tried to commit murder upon an officer of the court who was discharging his duty, and O'Neal had no excuse for so doing. Why, if a man can bring up matters of this kind and excuse his conduct, all any man has got to do when he is brought before the court is to bring up personalities and use them as a basis to excuse himself for interfering with the orders of the court and trying to kill its officers.

Mr. POWERS of Massachusetts. I would like to ask the gentleman a single question.

Mr. GILLETT of California. Very well.

Mr. POWERS of Massachusetts. I notice there is printed in the majority report, on page 20, a statute regulating the punishment for contempt of court.

Mr. GILLETT of California. Yes.

Mr. POWERS of Massachusetts. I would like to have the gentleman explain under what provision of that statute Judge Swayne was justified in imposing the sentence of contempt, which he did impose, upon O'Neal.

Mr. GILLETT of California. I have not the report before me. O'Neal was interfering, as I understand it, with an officer of the court, and it was just as much contempt of court as if he had been in the presence of the court when he made the assault upon Greenhut. That is the reason why.

Mr. POWERS of Massachusetts. I would like to ask the gentleman if he understands that the suit brought by Greenhut was brought under any express order of the court?

Mr. GILLETT of California. The suit was brought, under his

duty as an officer of the court, in order to get the assets that belonged to the bankrupt, so that the same might be distributed by the court to the creditors. If he had no right to bring it under the law, he had no right to bring it at all.

Mr. POWERS of Massachusetts. He was bringing it under his general authority as trustee?

Mr. GILLETT of California. Yes.

Mr. POWERS of Massachusetts. Suppose a lawyer who is an officer of the court brings a suit in his own name against another lawyer, and the other lawyer defends the suit, and a quarrel takes place between them and one assaults the other. Do you think that would be, under the statute to which I called your attention, a contempt which would be punishable by fine or imprisonment, one or the other?

Mr. GILLETT of California. That is not a parallel case.

Mr. POWERS of Massachusetts. Why not?

Mr. GILLETT of California. For this reason: One is an individual matter between the parties. Here was an officer bringing the suit as trustee, whose duty it was to see that the assets were brought into court for the benefit of the creditors. He brought the suit as an officer of the court. He represented the court, and any interference with him in the discharge of his official duty was a contempt of court from whence his authority came.

Mr. POWERS of Massachusetts. Are not all officers of the court entitled to the protection of the court under your theory?

Mr. GILLETT of California. If the judge of a court appoints a lawyer to bring a suit and the judge had the right to make the order he would then be an officer of the court. Lawyers all stand as officers of the court before which they practice. In the case the gentleman put, the lawyer was not bringing the suit as an officer of the court; he was bringing it on his own account. Here the statute imposed upon this man the duty of bringing the suit. He looked, as he had the right, to the court for protection, and a murderous assault was made upon him; and because Judge Swayne had the courage to hold that this man, one of the foremost citizens, had committed a murderous assault upon an officer of his court and found him guilty of contempt you want to impeach him.

Mr. POWERS of Massachusetts. It appears in the evidence that this suit was a fraudulent suit and a groundless suit. Was he justified by this order to bring such a suit?

Mr. GILLETT of California. It does not appear that that was so, but it makes no difference if it was. The suit was brought and was pending before that court. The court was not to inquire into the merits of the action or why the trustee started it. It was a proper suit on the records, and the officer of the court was entitled to protection of that court, which they justly gave him. This matter has been before the courts of the land. Judge Swayne's conduct was upheld. It is held that he had jurisdiction, and that he did inquire into it. It seems to me all the way through this matter there has been a great deal of bad blood, a great deal of ill feeling, and a considerable amount of persecution. This man O'Neal went before the Florida legislature and employed lawyers to go there and spend large sums of money to lobby through a resolution upon which these proceedings are based. There has been a lot of bitter feeling from start to finish while Judge Swayne has been trying to discharge his duties, and I think he has discharged them to the best of his ability; that he did so fearlessly and conscientiously, and that his acts are justified by law.

Now, in relation to the Hoskins matter, I have this to say.

Mr. ALEXANDER. Before the gentleman enters upon that, will he not speak of the appeal which was made from the contempt decision?

Mr. LITTLEFIELD. And sustained by the court above.

Mr. GILLETT of California. Well, Mr. Speaker, I might say that these matters went on. First, it went on writ of certiorari to the Supreme Court of the United States, and it was dismissed there. They came back and brought it up again on habeas corpus proceedings before the circuit judges. I have been trying to find what was said there in relation to it. Now, in answer to the gentleman's position I desire to call the attention of the House to the case reported in 125 Federal Reporter, page 967, where O'Neal had this matter before that court after he had been found guilty of contempt. This is the language of the court:

> The charge of contempt against the relator is based upon the fact that he unlawfully assaulted and resisted an officer of the district court in the execution of orders of the court and in the performance of the duties of his office. Under such orders, and in that respect, it would seem to be immaterial whether at the time of the resistance the court was actually in session with a judge present in the district, or whether the place of resistance was 40 or 400 feet from the actual place where the court was actually held, so long as it was not in the actual presence of the court nor so near thereto as to embarrass the administration of justice.
>
> Under the bankruptcy act of 1889, section 2, the district courts of the United States sitting in bankruptcy are continuously open; and, under section 33, and others of the same act, a trustee in bankruptcy is an officer of the court. The question before the district court in the contempt proceedings was whether or not an assault upon an officer of the court—to wit, a trustee in bankruptcy—for an account of and in resistance of the performance of the duties of such trustee, had been committed by the relator, and if so, was it under the facts proven a contempt of the court whose officer the trustee was. Unquestionably the district court had jurisdiction summarily to try and determine these questions, and having such jurisdiction said court was fully authorized to hear and decide and adjudge upon the merits.

Now, Judge Swayne punished O'Neal for contempt, as he had the right to do, and to-day this House is asked to impeach him for doing an act which the courts of this country have said he had a lawful right and the jurisdiction to do. This is the position in which we are here, and it seems to me to be going a long way when we are requested to impeach a judge for a judgment rendered by him when it appears that it has been affirmed by a higher court.

Mr. LITTLEFIELD. That is the answer the court makes to the question of the gentleman from Massachusetts.

Mr. GILLETT of California. And I suppose at the time this was being discussed the same question was asked there as to whether it was a suit well founded. Now, whether a suit is well founded or not can be no defense to a man who tries to justify his conduct in taking a knife and attacking an officer of the court for the purpose of deterring him from the faithful discharge of his duties as such officer. The question is, Did he make the assault? Was it made upon an officer of the court, and was his act intended to intimidate such officer, and would it be likely to do so. Now, if such was the fact, there is no judge or court in this land or world where justice is thoroughly administered who would not punish parties for contempt of court in so doing.

Coming now to the Hoskins case: An action or proceeding was commenced to force old man Hoskins into bankruptcy. A petition was filed by the creditors. It was not verified. It was demurred to. The demurrer was sustained, because it was not verified, within a few days after the suit had been commenced. The petitioners asked permission for ten days in which to prepare an amended petition. Judge Swayne ought to have granted the request and he did grant it. Any judge in the country would have done so. He gave them ten days in which to amend their petition. Then, in the meantime, before the matter finally came up for hearing, a receiver was appointed, who took charge of the property of the bankrupt. Hoskins had been declared a bankrupt, and the property was in the hands of the United States marshal and was being turned over to the receiver. One Richardson, an old man about 66 years of age, went to the store of Hoskins to take charge of the property. There he discovered a book which contained some of Hoskins's accounts. These accounts were necessary for the court to have, as they showed Hoskins's business dealings and business relations with people in that part of the country. When Mr. Richardson started to take this book away, young Hoskins, in the presence of his father, W. H. Hoskins, made an assault upon him, dragged him from his buggy, and with brass knuckles pounded him into insensibility. The old man was finally gathered up and put into his buggy and driven away and the books were taken from him. Now, then, that matter was before Judge Swayne when he refused to try the case. They wanted to go to trial without these books. They said: "We have witnesses here who will swear that there was nothing in these books at all, and that they belonged to young Hoskins and contained no accounts of the father." The others said that they believed they did contain accounts, because they had seen them. Old man Richardson was on his back because of the bruises that he had received and he could not attend, and he did not get up for some time. Judge Swayne said that he would not proceed to trial until a reasonable time had elapsed in which to procure those books. Mr. Hoskins was there during the trial and he could have brought them in if he wanted to. Now, as a matter of fact, those books never did come into court, and the case was continued until June. It was to be tried in June, and Judge Swayne came in June to try it, and they continued it until the fall, at which time it was settled without trial.

Mr. CRUMPACKER. It was continued by agreement.

Mr. GILLETT of California. By agreement between the parties. It is alleged that Judge Swayne acted arbitrarily. It is alleged that there was a conspiracy to rob old man Hoskins. Now, I care nothing about what the lawyers agreed amongst themselves. I care not how dishonorable they may have been. That fact was not known to Judge Swayne, and the other day the gentleman from Pennsylvania [Mr. PALMER] in the committee room said that Judge Swayne knew nothing about it. I

think there is a statement in this record that proves that. Now, how can Judge Swayne be tried for impeachment when he knew nothing of the conspiracy, if there was one; when he took no part in it, if there was any; when he did not encourage it, and knew nothing about it, and nothing was lost, because this property was turned back to Mr. Hoskins upon his filing a bond? It seems to me this is a most flimsy case upon which to impeach a man. Young Hoskins was then cited to show cause why he should not be found guilty of contempt for assaulting the receiver. I have here the statement of the gentleman from Pennsylvania [Mr. PALMER], made in the committee room:

Mr. PALMER. There is no allegation that Judge Swayne knew anything about this alleged conspiracy between Calhoun and Boone and Tunison at all. There is no testimony of that kind.

And still you want to impeach him for something that he did not know anything about. Is that the way justice is to be administered in this House? Is the greatest body in the world to stand and listen to charges of this kind? That is the report on file here. It is the report that has gone broadcast over this land. Let me call attention to something else that they claim is wrong and of which there is no evidence, and they have abandoned it. They said that Judge Swayne was so corrupt in the management of affairs of bankrupt matters pending before his court that the assets were all frittered away and there was nothing for creditors. We went there and found that 125 bankrupt cases had been commenced in his court. They brought before us the records of five only. We asked them to show us wherein a single wrongful act was done or a claim allowed that ought not to have been allowed, and they abandoned it all; but they published to the world and throughout the world that the bankrupt assets of the northern district of Florida have been robbed through the actions of Judge Swayne, and when we bring them down to it they can not put their finger on a single instance. Besides, the record kept by the Attorney-General of this nation shows that the bankrupt cases in his court are administered much more cheaply than they are in the average courts throughout the United States.

Mr. PALMER. While the gentleman is on that, will he not please state that the record of the Attorney-General's office also shows that there never was a dividend in any bankrupt case in Judge Swayne's court in the world?

Mr. GILLETT of California. That makes no difference. Suppose there are no assets there with which to pay a dividend; are you going to impeach a man on that account?

Mr. PALMER. But is it not a remarkable circumstance that out of a hundred and twenty-five cases there has not been a penny of dividend paid?

Mr. MOON of Pennsylvania. Was not that explained by the fact that the exemption law of Florida allowed each man a thousand dollars and a hundred acres of land?

Mr. GILLETT of California. Now, we find because there have been no dividends paid from bankrupt estates pending in Judge Swayne's court that that is a sufficient reason for impeaching him. This is in line with many other things charged against Judge Swayne as grounds for impeachment, and if it does nothing more, it warns us to be careful in the judgment we pronounce. Now, as to the other things, I would speak of them briefly, and then I have finished.

In the case of the car that Judge Swayne used on his trip from Guyencourt to Jacksonville and on his trip to California, I have nothing to say in favor of that. I do not believe it is good policy for the courts of this land, even though the railroads are in their custody and receivers are appointed to take charge of them, to use the private property of that company, and I do not propose to justify that act at all. I think it should be criticised and frowned down upon so that judges hereafter will not do it, but it does not appear any harm was done. It does not appear any injury was inflicted. It does not appear there was intended any corrupt purpose or that Judge Swayne was corrupted thereby or intended to be corrupted thereby, and it does not show any moral turpitude. I do not think that anybody could possibly vote to impeach him on that ground alone. Had he received the car with the corrupt intention of granting favors for that purpose in matters pending before his court, then he ought to be impeached, but there is no evidence of that kind. It was a private car, used by the company, and when it went over the roads of other companies it was drawn free of charge as a matter of courtesy as is the president's car when drawn over these particular roads.

Mr. RICHARDSON of Alabama. If I understand you in the matter of the car, Judge Swayne did use that car for the benefit of his family and his friends, and it was passed upon by him and the receiver allowed a credit for it. Do you not think that is an impeachable matter?

Mr. GILLETT of California. Credit for what?

Mr. RICHARDSON of Alabama. For the expenses of the car.

Mr. GILLETT of California. He said he bore his own expenses.

Mr. PALMER. Not from Guyencourt.

Mr. RICHARDSON of Alabama. I would like to be informed on that; I would like to know——

Mr. GILLETT of California. It may be and it may not be.

Mr. RICHARDSON of Alabama. Would not that be larceny?

Mr. GILLETT of California. We must take this case as we find it. We find, first, the receiver of this road of his own motion sent to Delaware a private car belonging to the road of which he was receiver and Judge Swayne and his family get in it and ride down to Jacksonville, but there is nothing shown that anything particular is spent on the part of the company—perhaps a little for provisions. But does an offense of that sort involve such turpitude as requiring this House to impeach him? It is not an act I stand for. It is something we ought to condemn, but it has not that gravity, it has not that misbehavior and offense for which we are authorized to impeach.

Mr. RICHARDSON of Alabama. Just one other question for information, nothing else in the world. What does the receiver's account show?

Mr. GILLETT of California. There is no evidence showing anything of this.

Mr. PAYNE. It was stated here this morning that the receiver accounted for the expenses of this trip and the judge passed upon it.

Mr. GILLETT of California. I do not know any evidence of that kind.

Mr. LITTLEFIELD. There is not a thing of that kind in the case.

Mr. PALMER. There is evidence in the testimony of Mr. Axtell, Judge Swayne's lawyer. Now, is it not a fact the expenses of that trip from Jacksonville to Guyencourt were paid by the railroad company? Did not they pay the conductor and the cook?

Mr. GILLETT of California. I did not know there was a conductor on that car.

Mr. PALMER. The conductor was a sworn witness, and if the gentleman had read the testimony he would have known it.

Mr. GILLETT of California. I was not here when the testimony was taken. This thing was brought on us in the dead hours of the night. We received the testimony on Thursday evening, and we were called upon Friday morning to pass upon 230 pages, just like another time when the committee was forced to act without having an opportunity to read the evidence.

Mr. PALMER. You should have been able to read the case. The testimony of the conductor was that he got the car at Jacksonville by order of the receiver—a car provided at the expense of the road—that the car went to Guyencourt and laid over one day and took on Judge Swayne, his wife, and his wife's sister and husband, and went to Jacksonville at the expense of the company, and Judge Swayne also testified those expenses were allowed.

Mr. GILLETT of California. Well, it may have been——

Mr. PALMER. If it was right for him to take two or three hundred dollars, it was right for him to take a thousand dollars.

Mr. GILLETT of California. But the point I make is here: This is a matter that is of a trifling character—well, it is not trifling, but it is a matter of such character that does not warrant impeachment proceedings. While I would not say it was right and would say it was wrong, I do not believe it is of sufficient importance to warrant us to impeach him.

Mr. PALMER. About how much money ought a judge to take out of a bankrupt court before you would impeach him? If you can not for $300, would you do so for $3,000?

Mr. GILLETT of California. There is no evidence that he took any money out.

Now, in reference to this question of expenses.

Mr. LACEY. If the gentleman will permit me a moment. I think that nearly all the House this morning understood the gentleman from Pennsylvania [Mr. PALMER] to make the charge that the receiver not only furnished the car, but also supplied the provisions.

Mr. PALMER. That is what I said, and I say it now.

Mr. LACEY. On page 595 of the record the statement is made that the only thing that was not furnished was a small quantity of liquid that was in the car.

Mr. PALMER. That is the trip to California. I was not talking about that trip. I was talking about the trip from Jacksonville to Guyencourt.

Mr. LACEY. He furnished all the provisions himself——

Mr. PALMER. That is the California trip.

Mr. LACEY. Except liquid provisions.

Mr. CRUMPACKER. Permit me to ask the gentleman from California, is there any evidence in this record showing Judge Swayne requested the receiver to send that special car up there for him at all? I read the evidence through carefully and it seemed to me that it was an act of courtesy and accommodation on the part of the receiver. There is absolutely no evidence showing that Judge Swayne requested the receiver to bring a car to Guyencourt at all.

Mr. GILLETT of California. Here is the evidence on that point:

The only time I ever came to Florida in a private car was in the autumn of 1893, when, at the suggestion of the receiver of the Jacksonville, Tampa and Key West Railroad, Mr. Durkee, the car came to Guyencourt and took myself and family to St. Augustine.

It was at the suggestion of Receiver Durkee.

Mr. CRUMPACKER. So that there is absolutely no evidence showing that the judge requested it, or even knew in advance that the receiver was going to do it.

Mr. GILLETT of California. Let me refer to Mr. Axtell's testimony on page 512. Of course this evidence was rushed in here at the very last moment. It was held back until a few days before this occasion, and Members have not had a fair opportunity to get this evidence and examine it. But Mr. Axtell in his testimony says, "the car was passed without expenses to the receiver or to the railway property." Now, I think I have taken about all the time I care to take up in this matter, Mr. Speaker.

Mr. STEPHENS of Texas. I wish to state that I find the statement published in the Boston Globe was made by the reporter of that paper, and was not an interview of Judge Swayne. I wish to make that correction. The figures he gave were correct.

Mr. GILLETT of California. I never saw the Boston Globe or the reporter either, so I can not say.

Mr. LITTLEFIELD. The gentleman said that Judge Swayne had given an interview. It was simply written by the reporter of the Boston Globe, giving his conclusions, and not a statement of Judge Swayne.

Mr. STEPHENS of Texas. I understood he made the statement in an interview, but it appears the figures were made up by the reporter.

Mr. LITTLEFIELD. And not an interview at all.

Mr. GILLETT of California. I wish gentlemen would allow me to quote a couple of questions and answers on page 512 in relation to the sending of his car—that is, the private car—to Guyencourt, Del.

Q. There has been testimony here of the receiver's car being sent for Judge Swayne and his family to Delaware. Was that while Mr. Durkee was receiver?—A. Yes, sir.
Q. Was it within your knowledge at the time?—A. It was.
Q. Do you know at whose instance it was sent?—A. The receiver sent it at his own instance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GILLETT of California. I ask unanimous consent for fifteen minutes longer.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the gentleman from California may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. GILLETT of California. There is one more point that I want briefly to mention, and that is in relation to the last charge that is made, on which it is asked that Judge Swayne shall be impeached, namely, the receiving of sums of money for expenses in excess of what his reasonable expenses were, and that upon his written certificate.

The testimony taken since Congress adjourned discloses the fact, which has not been referred to either in the resolution passed by the House on December 10, 1903, referring the matter of the impeachment of Judge Swayne to the Committee on the Judiciary, or in the specifications furnished the committee by the gentleman from Florida [Mr. LAMAR], which commands attention.

Under an act of Congress approved June 30, 1896, district judges directed to hold court outside of their districts were entitled to receive sums not to exceed $10 per day, to be paid on their written certificates, for reasonable expenses for travel and attendance upon court outside of their districts. This has continued to be the law up to the present time.

On March 3, 1891, an act was passed providing that a justice or judge attending the circuit court of appeals "shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance, not to exceed $10 a day." It is charged that Judge Swayne, at stated times between May, 1895, and March, 1903, when holding court outside of his district, filed a certificate for his expenses at the rate of $10 per day and collected the same when his reasonable expenses were less than $10 per day. There is no evidence in the record showing what his reasonable expenses were, it only appearing what his hotel expenses were; but it is fair to presume that in most instances they were less than the amount above named.

This charge, unless explained away and excused by some justifying circumstances, is a serious one. If this money was collected by Judge Swayne with a wrongful intent, fully believing and knowing that he had no lawful right to the same and that its collection was unauthorized, then he can not be excused for so doing, while on the other hand, if it was collected with the honest and well-founded belief that it was the intention of the law to allow him $10 a day for expenses while absent from his district attending court, independent of the amount which he actually expended, and that this was the generally accepted construction of the law placed upon the statute by many of the district and circuit judges, of which fact he knew, and that they are, at least a large majority of them, so believing, filed their certificates for $10 a day irrespective of their reasonable expenses, then this is a fact which ought to be taken into consideration.

Now, in this particular instance, while there may be some doubt as to the construction of the law, and my mind is not yet fully decided upon it, it appeared that Judge Swayne asked the committee to permit him to show what the usual practice was, to allow him to go into this mater, but that he was refused that right. As far as we know there are no extenuating circumstances at all. He had no chance to put on witnesses to prove that fact. It seems to me that this is something worthy of consideration, something that we should think over carefully before we act.

If it is true that since 1891, when the law was changed, itemized statements have no longer been received or required, and judges do not make them out, that this Government has recognized this practice, and with a full knowledge of these certificates for eight years have paid them, then it might be said that the Government itself construes this in the same way in which Judge Swayne himself might have construed it. It may be a judicial construction placed upon it, not only by the judges, but by the Treasury Department month in and month out allowing these bills for $10 a day. This seems to me to be the only vital question for us to pass upon. This seems to me the only one worthy of consideration, and I ask and hope that before we pass upon it we will give it careful thought and careful consideration. Nobody wants to see any wrong done. We do not care to put ourselves in a position that will be unjust to others. We ought to maintain, though, the law of the land and do our duty, but we ought to do it fairly and honestly and fearlessly, and that, too, after we have had ample time carefully to read the law and the evidence in relation to the facts before us.

Mr. Speaker, if I have any further time I reserve it for those in the minority.

Mr. JENKINS. Mr. Speaker, will my colleague yield for a question?

The SPEAKER pro tempore. Does the gentleman from California yield to the gentleman from Wisconsin?

Mr. GILLETT of California. Yes.

Mr. JENKINS. I understood you to criticise the committee for excluding evidence as to the practice of other judges.

Mr. GILLETT of California. No; I said that he asked to do it, and it was refused; and that he had no opportunity to do it.

Mr. JENKINS. Well, now, allow me to ask you if you did not sign this statement:

Evidence as to the alleged practice of other judges in this respect was offered and excluded, and, we think, properly.

Mr. GILLETT of California. Yes; I signed that.

Mr. JENKINS (reading):

It would have been competent for him, when a witness in his own behalf, to have stated why he made those certificates.

Mr. GILLETT of California. Yes.

Mr. JENKINS (reading)—

As a witness, he answered and explained every other charge.

Mr. GILLETT of California. Yes.

Mr. JENKINS (reading)—

This charge he made no effort, as a witness, to answer or explain. The inference from the record, on general principles, is that the charge is admitted to be true, and that he has no answer or explanation thereto. Whether a satisfactory explanation can be made we do not say. We must take the record as it stands. Upon this record, unanswered and unexplained, we are of the opinion that in this particular an impeachable offense had been made out.

Mr. GILLETT of California. I said that. All I say is this,

while that might be our individual opinion, when he asked that, he was not permitted to show it. That is what I say. It was excluded. We have before us the vote in relation to it.

Mr. JENKINS. One more question. What difference does it make as to what other judges were doing when the proof shows that in two separate cases he never expended for his reasonable expenses but one dollar and a quarter a day, and then certified to the Government of the United States that he had expended $10 per day? I want to ask my colleague this question: Was there any evidence from anybody showing that any other judge had been guilty of such corrupt practice?

Mr. GILLETT of California. No; there was not.

Mr. JENKINS. The only evidence that they brought before us was that the other judges had certified that the reasonable expenses were $10 a day.

Mr. GILLETT of California. Will the gentleman show me any evidence that shows that Judge Swayne's expenses were only a dollar and a quarter a day?

Mr. JENKINS. But the gentleman from California has not answered my question.

Mr. GILLETT of California. I am answering your question by asking another.

Mr. JENKINS. What is the question?

Mr. GILLETT of California. I ask you if you know of any evidence in this case, fairly before us, that shows that Judge Swayne only expended one dollar and a quarter a day?

Mr. JENKINS. There is the evidence against him. There is his own statement. There is the evidence in three cases.

Mr. GILLETT of California. That does not prove that was his expenditure in all cases.

Mr. JENKINS. He had an opportunity to explain it. The point I am making is this: Was there any evidence offered to show that any other judge had certified that he had expended $10 when the contrary was the fact?

Mr. GILLETT of California. Senator Higgins made a request like this, and I want to read it. Now, this took place at the hearing, and I ask to have it go in as a part of my statement. It is on page 433 of the hearing:

Q. The accounts of all the judges pass through your division of the United States Treasury Department?—A. Yes, sir.
Q. And as the chief of that division you have supervision, and it is your duty to inspect all of them?—A. Yes, sir.
Q. I observe here that the charge as certified by Judge Swayne for any particular number of days seems to be at the rate of $10 a day?—A. Yes, sir.
Q. Is that usual?
Mr. PALMER. I do not think that is of any consequence. You need not answer that question. We are not trying any judge except Judge Swayne.
Mr. HIGGINS. The point that I make, if the committee pleases, is that the action of the several and respective judges of the courts of the United States are practically a judicial interpretation of the statute—as to what it means—and that if the judges are informed to furnish the certificates at the rate of $10 a day it is their interpretation of its being proper and right under the statute.

Later on he says, on page 434:

Mr. HIGGINS. Before passing from that one consideration I would say a word as to the character of this inquiry and in respect to the tribunal. Of course the committee is gathering evidence for Congress. It is not itself a final court to pass upon the matter. And I submit that there might be a desire upon the part of many Members of Congress, and possibly a majority to have an answer to the question I put before, as to the course of the judges in the United States, and as to their passing upon the merits of this case, and in view of the latitude that has been allowed up to this time, that there is no reason why that should be excluded.

Mr. GILLETT of Massachusetts. Will the gentleman allow me a question?

Mr. GILLETT of California. Certainly.

Mr. GILLETT of Massachusetts. If we as individuals know that 75 per cent of the judges of the United States file just such statements as this—that their expenses are $10 a day—would it not be a fair inference to conclude that they did not spend $10 a day, but sent in the net sum of $10 a day, and that Judge Swayne was sending in exactly the same kind of a return that 75 per cent of the judges of the United States courts did?

Mr. GILLETT of California. I think that would be a fair inference.

Mr. MANN. Will the gentleman from California yield to me for a question?

Mr. GILLETT of California. Certainly.

Mr. MANN. Will the gentleman tell us whether he is in favor of the resolution or not? [Laughter.]

Mr. GILLETT of California. As far as the matter stands on this record, I signed a report the other day that upon this matter I thought an impeachable offense had been committed. But I am bringing this matter before the Members of Congress. I may vote differently than some other Member, I may vote differently from what you do, but I am discussing this state of facts as I understand them.

Mr. MANN. Well, the gentleman is a member of the Committee on the Judiciary and has given great attention to this matter, and I have great confidence in him. He has made a report one way and a speech the other. [Laughter.]

Mr. GILLETT of California. No; I beg the gentleman's pardon, I am simply speaking of these circumstances and the inferences that might be drawn from them, what was attempting to be done.

Mr. MANN. Now, I beg the gentleman's pardon, he has made a report one way and a speech the other. I have great confidence in the gentleman's ability, and I would like to know, if the gentleman is willing to tell the House what his opinion is, whether this resolution should pass or not.

Mr. GILLETT of California. When the roll is called, the gentleman from California will tell the gentleman from Illinois how he will vote.

Mr. MANN. Well, I will pay attention to the roll call and vote after the gentleman.

Mr. GILLETT of California. If the gentleman does so, he will vote correctly, and I hope he will. [Laughter.]

Mr. HENRY of Texas. Mr. Speaker, the impeachment of a Federal judge is a most serious and solemn undertaking. Entertaining this view, I have cautiously and deliberately investigated the evidence and the law from the inauguration of the accusations against Judge Charles Swayne. Remembering that he has been an honored member of the Federal judiciary for many years and that he is now frosted and gray with the weight of sixty-eight winters on his head, is another cogent reason claiming my most deliberate action. The question will now recur upon the adoption of the resolution to impeach Judge Charles Swayne, which is stated as follows:

Resolved, That Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, be impeached for high misdemeanor.

The gentleman from California [Mr. GILLETT] has made an argument opposing all the substantial charges against Charles Swayne by the majority of the Committee on the Judiciary, and he maintains that there is now only one impeachable accusation that can be sustained by the House. He maintains that the charges in reference to the accounts of Judge Swayne while holding court out of his district and in other States is the only charge left upon which a conviction can be had. If this case should be sent to the Senate without the substantial specifications upon which the majority of the Judiciary Committee deliberated for months, there would be an entire omission of the acts and misdeeds of the judge which clearly show his misbehavior and tyranny. Hence this House should vote in favor of the resolution impeaching him, carrying with it all the charges upon which the majority of the committee agree, in order that the Senate may take the evidence upon all such accusations and investigate every one of them and not base this case upon one isolated charge.

Mr. Speaker, it is not my purpose to discuss all the accusations embraced in the majority report. Only three propositions shall claim my attention during this discussion. The three points to which my argument shall be directed are: First, the nonresidence of Judge Swayne in the district for which he was appointed; second, his imprisonment of the two attorneys, Simeon Belden and E. T. Davis, for a supposed contempt of his court; third, the matter of the alleged fraudulent accounts and certificates of Judge Swayne against the United States, made while holding court out of his district. None of the other accusations reported upon by the majority of the committee shall be waived by me.

The first specification reads:

Specification 1.—That the said Charles Swayne, judge of the United States court in and for the northern district of Florida, for ten years, while he has been such judge, was a nonresident of the State of Florida, and resided in the State of Delaware. That he never pretended to reside in Florida until May, 1903. That during said time of his nonresidence, by such nonresidence, he has caused great inconvenience, annoyance, injury, and expense to litigants in his court, not so much by failure to hold terms of court as by failing to be in reach for the disposition of admiralty and chancery matters and other matters arising between the terms of court needing disposition.

Mr. Speaker, for what offense may a Federal judge be impeached? During the fifty-seven impeachment trials in Great Britain, and the seven cases of impeachment before the Senate of the United States, there has been an overwhelming current of decision and opinion that a judge may be convicted and removed from office for misconduct and misbehavior, whether he has committed an indictable or criminal offense or not. The authorities are everywhere sustaining such proposition. Mr. Lawrence, a noted authority on this subject, states the law as follows:

Whatever crimes and misdemeanors were the subjects of impeachment in England prior to the adoption of our Constitution, and as un-

derstood by its framers, are therefore subjects of impeachment before the Senate of the United States, subject only to the limitations of the Constitution.

Again, the same author holds:

The authorities are abundant to show that the phrase "high crimes and misdemeanors," as used in the British and our Constitution, are not limited to crimes defined by statute or as recognized at common law.

Again, he most happily states the law relative to the impeachment of Federal judges in this wise:

The Constitution contains inherent evidence, therefore, that as to judges they should be impeachable when their behavior was not good, and the Senate are made the exclusive judges of what is bad behavior.

Mr. Curtis, in his History of the Constitution, lucidly states the true doctrine, as follows:

But a cause for removal from office may exist where no offense against positive law has been committed, as where the individual has from immorality or imbecility or maladministration become unfit to exercise the office.

Mr. Story, one of the strongest of American law writers, in his Commentaries on the Constitution, with convincing logic maintains the same doctrine. It is not amiss to quote from this high authority. He thus pertinently states the proposition:

And however much it may fall in with the political theories of certain statesmen and jurists to deny the existence of a common law belonging to and applicable to the nation in ordinary cases, no one has as yet been bold enough to assert that the power of impeachment is limited to offenses positively defined in the statute book of the Union as impeachable high crimes and misdemeanors.

Mr. Rawle sustains Mr. Story in his statement of the law. In one brief sentence he recites the correct principle, as follows:

Neither in Congress nor in any State has any statute been proposed to define impeachable crimes; so uniform has been the opinion that none was necessary, even in those States, few in number, where common-law crimes do not exist.

So, Mr. Speaker, I maintain that it is not necessary for an impeachable act to be one which violates a positive law. There are various misdemeanors violating duties of office and official oath which shock the moral sense of men, and yet they may contravene no known or positive law of the land.

So I assert that if a Federal judge should persist in acting a buffoon or clown, unbecoming his dignity upon the bench, or should persistently refuse to hold the regular terms of his court, or should insist upon receiving the verdict of six men as that of a jury of twelve, he would be guilty of misbehavior in office and impeachable, although he violates no law or positive criminal statute. Hence I say to this House that the overwhelming line of decision and precedent in impeachment trials in the United States and Great Britain has conclusively settled the proposition that a Federal judge or official may be impeached for misbehavior, although he has committed no criminal or indictable offense. In one of the latest works on the Constitution of the United States these propositions are steadfastly maintained and upheld by Mr. Roger Foster. He exhausts the subject and leaves the points stated above unanswerable and unanswered. Hence it is here asserted that the words "high crimes and misdemeanors," for which we are impeaching Judge Swayne, have the same import as the words "misconduct and maladministration" as the same are employed by the constitution of Great Britain in its description of impeachable offenses, and are only subject to the limitations of State and Federal constitutions.

Research of the thousands of pages in law books and legislative precedent clearly sustains my position. And again, it is undoubtedly true that the term "misdemeanor" covers every act of misbehavior in a Federal judge. Indeed, this very point was argued and decided in the impeachment trials of Judge Addison and Judge Chase. Recur to Article I, section 3, of the Constitution of the United States. It reads:

The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services compensation, which shall not be diminished during their continuance in office.

The express verbiage of the Constitution prescribes that the Federal judiciary shall hold their offices during good behavior, and when such good behavior ceases the judges shall forfeit their high and responsible offices. The judiciary should remain forever in this Republic as a city of refuge for the high and the low, for the strong and the weak, for the greatest and the humblest citizen of the land. Every patriot should yearn for the independence, glory, and justice of the judiciary. In the truest and best analysis of government it should be and remain for all time the palladium of American liberty. So long as the judiciary of this Republic is pure, untarnished by corruption, and free from tyranny it will be a potent factor to perpetuate our institutions and the best Government yet devised by men. So let this House hold all Federal judges to a strict accountability, requiring them to look to the written laws of this land as the north star of our destiny.

Keeping steadfastly in mind the gravity and solemnity of this occasion, permit me truthfully and faithfully to recite substantially the evidence on some of the salient points involved in this case. These facts we do know: That Judge Swayne was a resident of Florida in 1885; that shortly afterwards his office was burned in Sanford, Fla., and he removed to the county seat of the same county. We furthermore know that in 1889 he was appointed by the President of the United States to the position of district judge of the northern district of Florida, and that in 1890 he took the oath of office, after his appointment had been confirmed by the Senate of the United States and duly qualified as judge of such district. We know that in 1895 Congress changed the lines of the northern district of Florida and left Judge Swayne residing in St. Augustine. It then became his duty to remove from St. Augustine into the northern district, for which he was appointed judge.

The gentleman from California [Mr. GILLETT] contends that a judge holding office during good behavior is presumed to reside in the district for which he is appointed. Such proposition can not be sustained by any good authority as law. If so, it would not have been necessary or appropriate for Congress to pass the statute requiring residence in the district. Let me call attention of the gentlemen of the House to the specific language of the statute. I shall endeavor, by evidence, to clearly demonstrate that Judge Swayne has never been a resident of the present district for which he was appointed. The Federal statute reads:

A district judge shall be appointed for each district, except in the cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be guilty of a high misdemeanor.

He is required to reside in the district, and if he is not a bona fide resident of that district he is subject to impeachment and removal from office. In the beginning of this investigation, permit me to say, all my predilections and sympathies were in favor of Judge Swayne. My respect for the judiciary of my country is unbounded, and I was slow to come to the conclusion that this judge had been guilty of misconduct. But what has the unimpeached evidence disclosed? Appointed in 1890 to serve as Federal judge in the northern district of Florida, it is undeniably plain that he flagrantly and defiantly violated the above statutes down to the year 1903; and any gentleman may take the record, read it from beginning to end, and it will convince him that Judge Swayne has never been an inhabitant or resident of that district of Florida. The unvarying testimony is not controverted by a single witness that Judge Swayne would proceed to Florida from Delaware or some other State, hold his court about thirty days, and immediately upon adjournment "rise and fly" to Guyencourt, Del., or elsewhere.

Mr. WM. ALDEN SMITH. It is your contention that Judge Swayne never acquired any legal residence in this judicial district of Florida?

Mr. HENRY of Texas. It certainly is my contention that he never acquired a legal residence in this judicial district. When they took St. Augustine out of his district, instead of removing into the district, as the law required him to do, he said:

After consultation with my friends in Jacksonville and vicinity they urged me not to remove my furniture nor my family, saying that the next Congress would be Republican and the district would be placed back in its usual form.

Mr. GILBERT. When was the boundary changed?

Mr. HENRY of Texas. In 1895 the boundary was changed, and Judge Swayne failed to remove from St. Augustine to Pensacola or any other city in the district.

Mr. RICHARDSON of Alabama. Mr. Speaker, will the gentleman allow me to ask a question?

Mr. HENRY of Texas. I yield for a while, but I have not much time at my disposal.

Mr. RICHARDSON of Alabama. Is it not the contention that he did not have any residence in the district?

Mr. HENRY of Texas. Undoubtedly. You may take this entire record, and reading it you will find that Judge Swayne never moved his family into the district; that he never became a resident of the district, and that he simply held court, completed the term, and hied himself away out of the district. Defiantly he refused to make his residence there. You can take the testimony of his best friends, of the chief witnesses, and they all testify that in every instance the only residence he ever acquired in the district was when he came to hold court, which lasted about thirty days. Then he went elsewhere after court had adjourned.

Take the testimony of one of his good friends, Judge A. C. Blount, from whom he purchased a house in 1903. Judge

Blount was one of his witnesses and perhaps one of his most confidential friends except the lawyer and commissioner, Tunison. Judge Blount said:

When Judge Swayne purchased a house from me in 1903 he had a home in Guyencourt, Del. I learned this from him and others. I have been on pretty friendly terms with Judge Swayne. Have had conversations with him. I heard him talk about his place in Guyencourt. I don't know as he called it home or residence—he called it his place. He spoke about his horses, etc. I don't know whether he considered it his summer home or residence or what.

The testimony of J. E. Wolf, who has been district attorney and assistant United States district attorney in the State of Florida, gives convincing evidence against him. This is the substance of his statement:

I think that it was generally understood that Judge Swayne had a home in Guyencourt, Del., where he resided when he was not required to be in Pensacola or Tallahassee at terms of court. He boarded some with Captain Northup in Pensacola. I think he rented a residence a few months. When terms of court opened in Pensacola Judge Swayne would come, and when they closed he would go away.

Substantially the same evidence is adduced by every witness called before the subcommittee, to wit, that Judge Swayne would come to Pensacola and hold his term of court and immediately leave for some other State and locality. It is true that he did board with Captain Northup in Pensacola while he was actually holding court. It is a fact that in 1901 he moved his furniture into what is called the "Simmons house." His family moved into the house for a brief period of two or three months, when they returned to Delaware. He kept his furniture in such house for some time.

Although he was a judge of the northern district of Florida from 1894 to the present time, he has never undertaken to qualify himself to vote in that district. He knew it to be a fact that in order to vote he must go before the registrar of voters and take an oath to support the Constitution of the United States and the State of Florida. He offers evidence of a feeble effort to qualify himself to vote by saying that he requested some one, not connected with the registrar's office, to see that his name was placed on the list of voters for the county in which Pensacola is situated. The whole record sustains the proposition that Judge Swayne has overridden the statute of the United States requiring his personal residence in the district for which he is to act as judge. This statute was passed to require actual, bona fide residence for the convenience of the inhabitants of the district and the litigants in the court.

As to what constitutes a legal residence I shall not extensively argue, but content myself with stating that the able and exhaustive argument just delivered by the distinguished gentleman from Alabama [Mr. CLAYTON] is most convincing, and demonstrates beyond the peradventure of a doubt that Judge Swayne never acquired a legal residence in the northern district of Florida. In the broadest acceptation of the term, he was only a temporary sojourner, a transient, fleeting inhabitant of the district only while his court was actually occupied transacting the business therein. And on this charge he should be impeached and removed from office. Permit me to substantially recite the testimony of one or two other witnesses.

C. M. Coston, an attorney from Pensacola, states substantially:

I do not suppose that he held court more than a month at any time, say from two to five weeks. * * * His residence here consisted only of the length of time it required for him to come here and hold court and go away.

Capt. W. H. Northup, of Pensacola, testified substantially as follows:

I have heard Judge Swayne speak of his home at Guyencourt.

George P. Wentworth, of Pensacola, testified substantially:

Judge Swayne boarded with Captain Northup at the Escambia Hotel and sometimes stopped with the clerk. * * * He occupied the old Simmons residence. His family came down there while court was being held and went back to his place at Guyencourt, Del. His residence in Pensacola was generally limited to holding terms of court here.

The next proposition I wish to discuss is the one of the alleged contempt in Judge Swayne's court by two attorneys, Simeon Belden and E. T. Davis. Mr. Belden is a former speaker of the house of representatives of the State of Louisiana and was attorney-general of that State, and is a distinguished citizen over 70 years of age. He and Davis were arraigned before Judge Swayne on the charge of contempt solely because the judge imagined his dignity had been offended. He surrounded himself with a blaze of glory and assumed to himself more power and prerogatives than the satraps of old.

In all my researches of tradition and judicial history never have I found evidence so convincing of the tyranny and oppression of a petty, provincial judge, who sets himself up as a veritable dictator and autocrat. Mr. Speaker, we have had seven impeachment trials before the Senate of the United States. In 1803 Judge Pickering was removed from office because he had violated his oath of office and disregarded Federal statutes. He was found guilty of the four charges against him and lost his high office. The next Federal judge impeached by this body was in 1831. Judge Peck, a district judge in the State of Missouri, was arrainged and tried before the United States Senate. His imagined dignity had been offended by an Irish lawyer named Lawless. Lawless was counsel in a case instituted before the judge which had been decided and appealed to the Supreme Court of the United States. The judge had rendered his decision, and some time after the judgment of his court had caused to be printed what he termed his opinion.

Lawless, in a mild and dignified communication in a St. Louis paper, criticised this opinion of the judge. For this published criticism of his opinion, Judge Peck had him brought before him on a charge of contempt, committed him to prison, and disbarred him for eighteen months. Without a trial by jury, disregarding the constitutional rights of every citizen, this judge placed the stigma of a criminal upon this practicing attorney and denied him the right to pursue his profession for eighteen months. In the trial before the United States Senate Mr. Buchanan, who was afterwards President of the United States, was one of the managers on the part of the House. In his argument before the Senate he most ably discussed the law of impeachments and delivered one of the strongest and most luminous legal arguments on that branch of our jurisprudence to be found in the books anywhere.

Mr. Buchanan predicted that it would be many years before another Federal judge would be impeached for thus punishing a citizen for contempt. In this respect his judgment was erroneous. While the impeachment failed in the Senate by a vote of 22 to 21, it was only a few brief years until Federal judges commenced to again harass, imprison, and maltreat citizens and attorneys in their courts. The example furnished by this case was not sufficient to deter judicial tyrants from trampling under their feet the rights of lawyers and citizens. That trial, however, had one salutary effect: It aroused sentiment against the encroachment of the Federal judiciary and inspired a determination to control and restrict them in their powers and jurisdiction. Upon the termination of this trial Congress passed an act setting upon the jurisdiction of Federal judges in contempt cases exact limits. Such has been the law of contempt from that day to this.

Judge Swayne well knew this act of 1831, and if not, he is grossly ignorant of one of the elementary rules that govern his court and should be removed for incompetency and lack of legal knowledge. In that year Congress made a statute on contempts so plain and specific that the wayfaring man, though a fool, might thoroughly understand it. Still Judge Swayne, who has occupied his exalted position upon the Federal bench for fifteen years, blandly pleads that he was ignorant of this statute that has been invoked so often in the United States. If he has not learned his power and jurisdiction within fifteen years, to punish a citizen or a lawyer for contempt without the right of trial by jury, it is high time that this body should call him to task and send this case where appropriate punishment can be administered to him for his acts of injustice, misbehavior, and corrupt conduct.

Mr. Justice Field, in 1873, in delivering the opinion of the Supreme Court of the United States, construed the statute of 1831 and plainly reiterated the law of punishment for contempt before Federal courts. This decision must have been known to Judge Swayne; otherwise his lack of knowledge of the leading case on contempt is a sad commentary on his judicial ability. It is not amiss to quote a few lines from that opinion, as follows:

The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcements of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831.

The act in terms applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officer of the courts in his official transactions; and, third, where there has been resistance or disobedience by any officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts.

As thus seen, the power of these courts in the punishment of con-

tempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to force obedience to their lawful orders, judgments, and processes.

In the act of 1831 it is provided that a judge might fine or imprison for contempt of his court, but under no circumstances, however flagrantly his imagined dignity might be violated, can he fine and imprison. This penalty is provided for in the statute so clearly, and discussed by Mr. Justice Field in the case referred to, that if Judge Swayne was not aware of the statute and decision his career as a jurist for fifteen years has been, indeed, barren and unsuccessful. But in the face of this statute and this decision he flagrantly violated their provisions by fining and committing to prison the two attorneys, Belden and Davis. On the 15th day of February, 1901, there had been filed in his court a case styled "Florida McGuire *v.* The Pensacola City Company."

After the filing of this suit in Judge Swayne's court a rumor became current and general that the Judge had purchased block 91 of the land in controversy. The rumors became so definite that there was left no doubt in the minds of the public and counsel for the plaintiffs that Judge Swayne had purchased a part of the land involved. Whereupon counsel addressed to him a letter at Guyencourt, Del., asking him to recuse himself, because of the fact that he had contracted for or purchased block 91 of this land. Far be it from me to do him an injustice, but let any man intelligently read the record and he must come to the deliberate conclusion that in some way, either by himself or through his wife, he became interested in block 91 after the litigation had been instituted in his court.

The fact is patent from a perusal of the record. Judge Swayne declined to recuse himself, and said in his first statement after reaching Florida and opening court that a "relative" of his had purchased a part of the land in question, and that he had got hold of the deed and returned it to the vendor. In this statement he only referred to the "relative," not saying who the relative was. On the next day, or several days thereafter, in court he called up the counsel for the plaintiff in the McGuire case and said that the relative he had referred to yesterday or the day before was "his wife," and stated that she had paid for the land with funds inherited from the estate of her father in Delaware.

The evidence of his best friend, Judge W. A. Blount, perhaps the foremost lawyer of the State of Florida, is most persuasive and convincing against Judge Swayne. He and Judge Swayne were intimate friends, and Judge Blount was the friend who moved that contempt proceedings be instituted against Belden and Davis. Belden and Davis had simply asked, as they had a right to do, after hearing of the current and well-founded rumors that Judge Swayne had purchased a part of the land in controversy, that he recuse himself and not try the case, because by virtue of his interest, or his wife's interest, in block 91 he was clearly disqualified as a judge. He declined to do so and grew furious and indignant. Let us deal with him justly.

Take the evidence of his good friend, Judge Blount, who defended his outraged dignity and originated the contempt proceedings. He tells us that when Judge Swayne opened court, or a day or so thereafter, counsel for Florida McGuire being in the room, Judge Swayne stated that he had received a letter from some of them asking him to recuse himself, because he had purchased a piece of the land which was a part of the land embraced in the Florida McGuire case; that he had not purchased any such land; that his wife had negotiated for the purchase of a part of this tract, through him, but when the deed was sent to close the trade he saw it was a quitclaim and he asked why a warranty had not been given. The reply by Watson & Co., Edgar's agents, was that the reason a warranty deed was not given was because the land was in controversy in this suit and he did not care to give a warranty. Judge Swayne, learning this, caused the deed to be returned, and that while there was not a formal application to recuse himself he would try the case.

Never once did Judge Swayne hint that he returned the deeds because the land was in litigation in his court, but because a warranty deed was not given and a quitclaim had been forwarded to him. If a warranty deed had been sent he would have retained it, apparently, although block 91, which he was purchasing, was in litigation in his court. This is the fair and legitimate inference from his statement, his acts, and the evidence of his good friend, Judge W. A. Blount. Belden and Davis had asked him to recuse himself on the trial of the McGuire case. He came from Guyencourt to open the November term of his court in 1901.

When the attorneys for the plaintiff in the case appeared in the court room he called them up and stated that he would not disqualify himself in the case because a relative of his had purchased the land. He held himself not interested, although a relative was interested. He failed and refused to communicate to the counsel for the plaintiff who this relative was on the first day it was mentioned. However, he told them on the 11th of November that the relative was his wife. Why did he not make this announcement at the first and say that his wife had bargained for or purchased block 91, which was in litigation in his court? The merest tyro in the law knows, without the submission of a single argument, that the judge had no right to try the case and that he was clearly disqualified. There is an express statute in the State of Florida to the effect that anything which disqualifies a juror to sit in the case will also disqualify a judge to try it. Judge Swayne knew of this statute, if his ignorance of Federal statutes and decisions did not extend to State statutes and decisions in the State of Florida.

Mr. GILBERT. May I interrupt the gentleman?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Kentucky?

Mr. HENRY of Texas. Just for a moment.

Mr. GILBERT. I want to know just how much time intervened from the time he disclosed the fact that it was a relative of his until it came out in the testimony that it was his wife?

Mr. HENRY of Texas. According to several of the witnesses it was from the 5th till the 11th of November, 1901. This relative had purchased the land. The so-called "relative" was his wife, and yet he held that he was qualified to try the case. Was it his "relative," or was it his "wife?" These are pertinent inquiries. No; it was neither.

The testimony shows, and it is in this record, that as a matter of fact he had bought upon credit, and was to give his note and mortgage, and the most significant fact of all is revealed in the letters which Mr. Hooten brought into court, showing that a blank note and mortgage were sent to Judge Swayne for him to fill in the amount of it. In other words, he was purchasing the land at his own price, without any price being named by the vendor. There is evidence to the effect that the Judge purchased block 91 on credit, and that he was to give his notes and a mortgage on the land in payment for the same; but for some reason best known to himself the proceedings for the sale of the land were suddenly terminated, although letters, deeds, notes, and mortgages had been forwarded to and fro between him and the real estate agents in Pensacola who were interested in the land in litigation in the McGuire case.

In spite of all that he would try the case as a "most just judge." Although he stated from the bench that a relative had purchased the land, and later that the relative was his wife, he had returned the deed to the real estate agents not because of the litigation, but solely because it was a quitclaim and not a warranty deed. Still his imaginary dignity is offended when an upright attorney suggests to him his own disqualification, and such attorney is forthwith charged with contempt of his court. Contempt on the part of this attorney would be a mild term; indignation, injustice, and outrage would have been feelings more compatible with a true lawyer's ethics and sentiments. To this distinguished judge no injustice should be done, but I say to you that for this one act alone, as revealed and photographed in this record from beginning to end, his judicial ermine, which he has disgraced, should be stripped from his shoulders. He should be dragged from his high place of power, and an upright and honorable judge should fill his station.

Later on in the trial of this case, when it was subsequently refiled, after the first dismissal, he charged the jury to return a verdict in favor of the title to the land of which he had purchased a part. Such history and such acts on his part are peculiarly significant, and perhaps have a deeper meaning than that revealed on the surface of the record. Judge Swayne avers that he could not tell from the description of the land contained in the pleadings in the Florida McGuire case that block 91 was a part of it. Permit me to call to your notice that this lack of candor of the gentleman on trial here in this statement indicates a glaring lack of fairness on his part. He solemnly states before the subcommittee that the land as sued for by McGuire and others is described as follows in the petition:

> Certain parcel or piece of land known as the Gabriel Rivas plat, containing 263½ acres, more or less, in the eastern portion of the city of Pensacola.

Whereas the pleadings in that case reveal that his statement is not true and that the land is described in it as follows:

> Certain parcel or piece of land known as "the Gabriel Rivas tract," containing 262½ acres, more or less, in the eastern portion of the city of Pensacola, Escambia County, State of Florida, mostly in section 8, township 2 south, range 29 west.

In a matter of detail like this propriety would require that in making his statements before the subcommittee of the Judiciary Committee that he should accurately state what the description was as contained in the original pleadings and not

curtail or change the descriptions given in the papers of the case.

Mr. JAMES. What was the judgment he rendered in this case?

Mr. HENRY of Texas. I will tell you in a moment. Later on, upon the second institution of the suit for the same land, he gave a peremptory charge to the jury to return a verdict in favor of the title of the claimaints against Florida McGuire and others. It appears that he endeavors to mislead the House by stating that he could not understand that it was a part of the Rivas tract, and gave the description in his statement as being bona fide, when it was not a correct description, as found in the original papers filed in the case. What next occurs? Belden and Davis, upon learning of his supposed interest in the land by reason of his purchase, ask him by letter and in person to recuse himself. He declined to do so. On Saturday evening at 5.30 o'clock he announced that on the following Monday he proposed to take up the McGuire case.

His court met at 10 o'clock. The criminal docket was being tried and about to be completed Saturday night. There were fifty or more witnesses in the McGuire case to be summoned for Monday morning. There would be no time to have process issued Monday morning and get the witnesses in court. The Judge knew that and would try the case whether or no, and would not hold himself as being disqualified. Up to this time, Saturday evening at 5.30, E. T. Davis had not been of counsel in the McGuire case. When Judge Swayne made the announcement that he would try the case on Monday morning, Belden and Paquet met and agreed together to bring suit in the State court of Escambia County, Fla., against Judge Swayne for the purpose of trying his title to block 91 of the land in litigation.

They believed, and seemingly had a right to do so, that it was he who had purchased the land and not his wife. At least there was a well-grounded suspicion which caused the attorneys to most seriously question his statements. Saturday evening late Belden and Paquet associated E. T. Davis, an attorney of Florida, with them for the purpose of instituting a suit in the State court against Judge Swayne. These three gentlemen brought the suit in the State court against him for the possession of the land and for rents and mesne profits, amounting to something like a thousand dollars, which is the usual allegation in ejectment cases. On the following Monday morning Davis, who had not been an attorney in the McGuire case, appeared before Judge Swayne and asked for the dismissal of the McGuire case. The order of dismissal was granted by the judge and entered.

Judge Swayne says that he does not contend that counsel had no right to sue him, but complains of the manner in which the suit was brought. If there was any contempt in the institution of this suit it was a contempt of the State court and not of the Federal court, and Judge Swayne had no right or jurisdiction to punish in his court acts committed in another court. He objects to the manner in which they approached the throne and sued the Judge. They would not do as he would will it; they did not come with smiles and bouquets when they instituted the case against him in the State court. They simply charged that he was interested in the land, and they were exercising a constitutional right to sue an interested party, although he occupied the position of Federal judge.

When the McGuire case was dismissed Judge W. A. Blount, one of the most intimate friends of the judge, arose and said that Belden, Davis, and Paquet were guilty of contempt of the court in instituting a suit in the State court of Florida. He filed no affidavit, as the law requires, although the supposed contempt was committed out of the presence of the judge. Belden and Davis were arraigned before Judge Swayne on the charge of contempt and had a brief trial, wherein the judge denounced them and abused them from the bench, and said that their acts "created a stench in the nostrils of the people of Florida." He used epithets, his manner was not temperate, as befits a just judge on such an occasion; but he was acrimonious, violent, vindictive, and tyrannical. He transcended his legitimate powers, spat upon the statutes of the United States and the decisions of the Supreme Court on contempts, and entered a judgment fining, imprisoning, and disbarring two attorneys who had exercised a constitutional privilege.

Upon the suggestion of his amicus curiæ, he remitted the sentence disbarring them from the practice of their profession. He should have known that he could only fine or imprison, yet he imposed the extreme penalty of fine and imprisonment. He oppressed them maliciously and vindictively, according to every fair inference of this record. On habeas corpus Belden and Davis carried their cases before Judge Pardee at New Orleans. The court at New Orleans held that they could not question the jurisdiction of Judge Swayne, but inasmuch as he transcended his power it would hold that he could not fine and imprison them for contempt, and would give Belden and Davis the alternative of either paying the fine or going to prison. In pursuance of the judgment of Judge Pardee, Davis paid the fine and escaped imprisonment. Belden, although he was over 70 years of age, went to jail and served his sentence.

Still Judge Swayne, in his cooler moments, when his conscience should have been aroused and his better feeling as a judge revived, did not recall his unjust and vindictive judgment. He resented the action of the attorneys for asserting a legal right, and punished them strictly as a partisan and not as a judge. The proof is overwhelming that he oppressed them and harassed them as no Federal judge should ever be permitted to do.

There is another contempt case in this record which, it seems to me, makes an impeachable ground against Judge Swayne. He oppressed, punished, and perhaps sent to his death one O'Neal, who happened to fall a victim to his tyranny and wrath, because, forsooth, he had become involved in a difficulty with a trustee in bankruptcy in his court in a matter altogether foreign to the duties of such trustee as an officer of the court. In that case he again showed his malice and spleen and clearly transcended his prerogatives as a judge.

Let me briefly advert to the accounts of Judge Swayne while holding court out of his district. For many months he was detailed to hold court at points in Alabama, Texas, and perhaps other States. While he was thus absent from home holding court, the law provides for his expenses as follows:

> For reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts not to exceed $10 per day each, to be paid on written certificates of the judges, and such payment shall be allowed the marshal in settlement of his account with the United States.

This is the act of Congress of 1896. It is agreed that Judge Swayne made and signed on each and every occasion the certificates required by law before receiving the payment of $10 per day for "reasonable expenses" for holding court out of his district. He never charged less than $10 per day for such expenses, although in Waco, Tyler, and Dallas, Tex., his expenses ranged from $1.25 to $3 per day, and his traveling expenses from Pensacola could not possibly have exceeded $50. His actual expenses were much less than $10 per day, and in every instance he certified the amount of $10 as being his reasonable expenses. Since 1896 he has held court many months outside of his district, and for so doing he has drawn from the Treasury over $7,000, while his actual expenses have not exceeded $3,000. In violation of the statute he has drawn from the Treasury more than $4,000.

For making this false and fraudulent account he should be impeached and removed from office. In Waco, in 1895, he held court thirty days and drew from the Treasury $300, although his actual expenses were much less than that amount. In Dallas, in 1896, he held court forty days and drew from the Treasury $400, although his actual expenses little exceeded $100, if that. In Waco, in 1896, he held court eighteen days and drew from the Treasury $180, although his actual expenses were little more than $1 per day. In Dallas, in 1896, he held court thirty-six days and drew from the Treasury $360, while his reasonable and actual expenses were much less than that amount. In Waco he held court twenty-eight days and drew from the Treasury $280, although his reasonable and actual expenses were little more than $1 per day.

The gentleman from Iowa [Mr. LACEY], in a colloquy to-day, suggested that this $10 allowance was "compensation," but the law denominates it as being "for reasonable expenses." No law of Congress could constitutionally authorize a Federal judge to receive more pay than his legal salary. The Constitution itself expressly provides—

> The judges, both of the Supreme and inferior courts, * * * shall at stated times receive for their services compensation, which shall not be diminished during their continuance in office.

At stated times they must receive their compensation, and it has been fixed by law as their legal salaries. The Constitution does not authorize them to draw this compensation as a salary under the pretext of reasonable expenses.

The Constitution does not permit a Federal judge to secure his salary under statutes providing for expense accounts, but authorizes that the salary shall be fixed by law. Under the law prior to 1896 judges were allowed money for actual expenses, but the act of 1896 was more stringent and requires that they incur only reasonable expenses. Under the old law the expenses might have been unreasonable; now they must be reasonable, and so certified.

Mr. Speaker, I have already detained the House beyond the limit of my time, and in a few moments I shall conclude my remarks. After reading this testimony and hearing some of the

witnesses, I assert that a perusal of the record will convince any unbiased, unprejudiced Member of this House that Judge Charles Swayne should be sent before the high court of impeachment.

Not upon the separate question of his fraudulent accounts, but upon all his wrongful acts as a judge in Florida, which demonstrate that he has been a petty tyrant there, openly defying the people and refusing to make his residence among them. He should be sent before the Senate, in order that they may be able to investigate his acts in the Belden and Davis contempt cases, in the O'Neal case, and in the Hoskins bankrupt case, where he sat on the bench and saw an old man who could not read or write, worth $40,000, owing only $10,000, plundered by a coterie of attorneys. And when the old man appealed to him for a trial, without a suggestion from anyone, he looked down from his place of power and said: "You had better get together in this case." He intended to imply by such suggestion: "Mr. Hoskins, you pay over to these attorneys, Calhoun and Boone, $1,000 each, as blood money, as a fee, and all the costs of bankruptcy proceedings, and then your property will be released."

All these combined acts reveal his perfidious record as a judge. They make plain that he must have known of the corrupt conduct of the attorneys going on under his very eyes. He should go before the Senate of the United States on all these propositions, and then if he had another or a better defense than he has given to the Judiciary Committee, which has reported unanimously against him, if his escutcheon as a judge be unstained, he can clear himself before the Senate and before the American people. [Applause.]

Mr. POWERS of Massachusetts. Mr. Speaker, as the hour is late, it is my purpose to only speak briefly upon this resolution. It appears that the Judiciary Committee have, by a unanimous vote, reported that the respondent, Judge Swayne, has committed an impeachable offense. A majority of that committee have reported that he has, in their opinion, committed several impeachable offenses. For the purpose of the discussion which is now before the House, it seems to me that it is immaterial at the present time to enter at any great length into a discussion of whether all these charges constitute impeachable offenses. The real question which is before this House and upon which we will be called to vote is the question whether the respondent ought to be impeached. The question of whether he shall be impeached upon one or more articles is a question that must be settled at some future day. At the present time the question is whether the resolution of impeachment which has been reported by the majority of this committee shall be adopted. This House has no constitutional power to pass upon the question of the guilt or the inocence of the respondent. He is not on trial before us. We have no right to take from him the presumption of innocence which he enjoys under the law. All we have the right to do is to say whether there has been made out such probable cause of guilt as to entitle the American people to the right to have the case tried before the Senate of the United States. Even if we vote this resolution, we do not take from him the presumption of innocence. He is entitled to enjoy that, so far as any action of ours is concerned. We simply say by voting this resolution that the people are entitled to have this cause tried before the tribunal which under the Constitution is ordained for the purpose of trying cases of this character. We say that and we say no more. There has been a somewhat lengthy discussion today as to whether certain offenses charged here are impeachable offenses. I assume, Mr. Speaker, that we shall have the opportunity to discuss those questions later on. We shall have the opportunity to discuss the question whether the act of Judge Swayne in the Davis and Belden case constitutes an impeachable offense or not. We shall also have the opportunity later on to discuss the question whether the act of the respondent in the O'Neal case constitutes an impeachable offense or not.

Those are questions which can be considered at a future time better than now. I assume, however, that this discussion has taken the broad range that it has in order that this House might be fully acquainted with the evidence which was presented to the committee. Now, the evidence which came before the subcommittee came both from the complainant and the respondent. The evidence that was offered in behalf of the respondent was offered as a mere matter of courtesy and not as a matter of right. We are sitting here, as has already been said, as the grand inquest of the nation. We are exercising the functions of a grand jury, nothing more. We can not pass at this time upon the question of the innocence or guilt of the respondent. All we can do is to ascertain whether or not this cause is worthy of trial before that body which, under the Constitution, has exclusive authority to hear it. In other words, the question is this: Has there been such a case made out; has there been cause shown sufficient to entitle the American people to the trial which the Constitution provides? More than that we are not called upon at the present time to determine. I am of the opinion it is the duty of this House, upon all the evidence, to vote the resolution of impeachment. I reached that conclusion with the greatest reluctance. For nearly thirty years I have enjoyed pleasant and harmonious relations with the members of the judiciary of my circuit and State. No American lawyer can review the long list of distinguished and eminent jurists which Massachusetts has given to the service of the State and the nation without feeling an increasing pride in the profession to which he belongs. I think, Mr. Speaker, we all agree that our bias as lawyers—and the majority of this House are lawyers—is in favor of the judge against whom the accusation has been made. If the path of duty in this particular case was beset with doubt, I would gladly accord the benefit of the doubt to the respondent; but to my mind the path of duty is clear.

The seventeen members of your Judiciary Committee who have studied this question, and studied it with care, have reached the conclusion that the respondent has, at least, committed one impeachable offense. I am aware that rumor has it that this prosecution was instigated by the political enemies of Judge Swayne. I can not believe that well founded. When I voted for the original report I was not advised as to which political party the respondent belonged. I did not then and I do not now consider that question of any importance. Whatever his political views may be they neither injure nor benefit his right of protection. All that I ask, all that Judge Swayne asks, is that if he is to have a trial it is to be a trial upon the evidence, and the evidence before the proper tribunal, and that is all that any American citizen insists upon. If we vote this resolution we simply vote that this case shall go forward to trial. The question of the innocence or the guilt of Judge Swayne is to be determined by another tribunal over which we exercise no influence, and a tribunal that will examine every question and the evidence and reach a just and correct conclusion. I want to say, however, before I sit down just one word with reference to the exercise of that tremendous power known as the power of punishing for contempt. The resolution now before us is a resolution of a most serious and far-reaching character. We shall have an opportunity when we come to discuss the articles upon which the impeachment is to be based to take into consideration to what extent the people have given to the courts the power to protect their dignity and independence. We shall also have an opportunity to determine the rights of the people and the prerogatives of the courts. Now, it is claimed in this particular case that the power which was vested in the office of judge has been abused, and it is claimed that this respondent has exercised a power beyond that which the law conferred upon his office. To my mind the most serious charges against the respondent are those charges growing out of the O'Neal case and the Belden and Davis case.

I am aware, Mr. Speaker, that there is proof that the respondent, by false certifications, has taken from the Treasury of the United States several thousand dollars which properly did not belong to him. That if it amounts to anything it was the obtaining of money belonging to the people by false pretense. I know that there is evidence here that this respondent made use of property in the custody of his court for his personal convenience and enjoyment at the expense of the creditors of a bankrupt corporation. I think that those two propositions have been proven, but to my mind the most serious proposition is something that does not involve the property rights of the American people or the property rights of any railroad corporations. It strikes deeper than that. It involves the liberty of American citizens [applause], and I shall be surprised when this question is fought out, this evidence is examined, when the question of articles of impeachment comes up, if this House does not reach the conclusion that the most serious charge against the respondent is, first, the O'Neal case and, second, the Belden and Davis case. I say that because to my mind those are the two most serious charges against the respondent. I feel today, and I have felt all the time while this question was under discussion, that there was a misconception upon the part of many lawyers here as to what those cases were.

I do not propose at this time to undertake to discuss the evidence relating to those cases. I want, however, that this House should bear in mind that the power to imprison for contempt is, to say the least, a very dangerous one, never to be exercised except for the best of reasons, and then well within the authority conferred, for the protection of the dignity and the authority of the court. We have conferred that power in the belief that it never would be exercised except for the best of reasons and for the sole purpose of preserving the dignity and the authority of the courts. [Applause.] This question of imprisonment for contempt is one that has been under discussion for years in

this country. What does it mean? It means that any Member of this House or any American citizen can be sent to prison by a member of the judiciary without the safeguard of being tried by a jury of his peers. Now, that is a tremendous power. It is a dangerous power. In my State it never is exercised except for the best of reasons and for the sole purpose of preserving the independence and the dignity of the judiciary.

Now, I say to you, Mr. Speaker, that I believe this House will reach the conclusion that in the O'Neal case and in the case of Belden and Davis that it was exercised in disregard of law. That it was exercised by the judge, who, at the time, breathed forth malice toward his victims and violated a law that was plain and explicit. Before him in the Belden and Davis case was that statute which said he might fine or he might imprison, but he could not both fine and imprison. What did he do? He both fined and imprisoned; disbarred these members of the court for two years, thereby attempting to ruin their reputation and deprive them of the means of earning their living. Yet that statute which he violated was a statute plain and explicit. He knew that it had been construed by the United States Supreme Court—that clause as to whether he could both fine and imprison—yet, in violation of a plain and explicit reading of the statute, disregarding the opinion of the Supreme Court, he fined, imprisoned, and disbarred.

Mr. CRUMPACKER. Will the gentleman permit me to ask him a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. CRUMPACKER. Both Belden and Davis were attorneys in the general practice of law, were they not?

Mr. POWERS of Massachusetts. I understand so—one in Florida and one in Louisiana.

Mr. CRUMPACKER. Did either of these attorneys call attention to the fact that the judge did not have the power both to fine and imprison at that time?

Mr. POWERS of Massachusetts. I do not know that they were in a position to call attention to that fact.

Mr. CRUMPACKER. Did any attorney?

Mr. POWERS of Massachusetts. I do not think they were permitted to do so. I do not think they even called the judge's attention to the fact that he did not have a right to disbar them. The very man who prosecuted them gave his opinion to the judge that he had gone much further than the law permitted him. "Why do you disbar these men? You ought not to do that; but you may fine and imprison them." So far as it appears these two lawyers had been told by the judge that they were a stench to the nostrils of the people; that they were ignorant. They stood, no doubt, dumb. They did not know what sentence might be imposed upon them. He was irritated, apparently full of malice at that time, and they did not ask him what he was going to do. They did not discuss the law.

Mr. LITTLEFIELD. Will the gentleman permit me to interrupt him?

Mr. POWERS of Massachusetts. Certainly.

Mr. LITTLEFIELD. The gentleman said that Judge Swayne said that he knew the law, that he could not fine and imprison, and that he knew the Supreme Court had construed it. Will the gentleman state where this appears in the record?

Mr. POWERS of Massachusetts. I think that is a fair presumption.

Mr. LITTLEFIELD. But you stated it as a fact. If it is, will you point me a place in the record where it appears?

Mr. POWERS of Massachusetts. There is a presumption that every man knows the law.

Mr. LITTLEFIELD. And that is the basis of your statement?

Mr. POWERS of Massachusetts. And I believe that a member of the judiciary must be presumed to know the law.

Mr. LITTLEFIELD. Is that all the foundation you have for the statement of fact that you have made, as going to prove the knowledge of the man?

Mr. POWERS of Massachusetts. I do not think I said that. I said he was bound to know.

Mr. LITTLEFIELD. You said that he did know.

Mr. POWERS of Massachusetts. If I stated he did not know I would charge him with ignorance, and I am not permitted to charge Judge Swayne with ignorance, because I know that he is a very capable judge, so far as legal attainments are concerned.

Mr. LITTLEFIELD. You charge him with ignorance of an opinion, and make an assertion of fact that is not sustained by the record.

Mr. POWERS of Massachusetts. I presume the court must have known of the existence of such a statute and must have known of the construction of that statute by the Supreme Court; certainly he was presumed to know. Every man is supposed to know what the law is, and he was presumed to know it when he was about to violate a statute which had been construed by the Supreme Court.

But I have already taken, perhaps, all the time I ought to take in this discussion.

I believe it to be the duty of this House, when these articles of impeachment come before it, to examine the evidence carefully, and to reach the conclusion as to all the articles upon which the respondent ought to be impeached. I had rather, so far as I am concerned, see the impeachment go forward upon the broad ground that he has abused his power, as I believe he has. Why, to my mind, we might forgive him if he had stolen five or six thousand dollars of the money belonging to the American people; but I am never ready to forgive any judge who has willfully taken from the American people the liberty which the Constitution guarantees. [Applause.] And I believe that we shall reach the conclusion that this is a case that ought to go forward for trial. That is the only question before us. If we believe there is probable cause, and that the people ought to have an opportunity to have this case tried, then it becomes our duty to send it forward for trial before the proper tribunal. [Applause.]

Mr. LITTLEFIELD. Mr. Speaker, I do not know that I quite agree with my distinguished friend as to the circumstances under which this House should vote to sustain the resolution pending before it. I do not think it is a question altogether of probable cause. I agree, however, that it is a matter that addresses itself to every man's conscience and judgment, and he should exercise them here independently, fairly, and honestly.

Now, so far as I am concerned, I can not vote for any specification or any charge unless, in my judgment, the Senate of the United States, upon the record as it stands here before us, would be required in honor and in conscience to find the charge sustained. That may be too drastic a rule, but I can not, so far as I am concerned, evade the operation of that rule. It is not my purpose, Mr. Speaker, to enter upon a detailed discussion of the various propositions relied upon to sustain this resolution. I do not agree that when the House comes to consider the questions which seem to be relied upon by my distinguished friend from Massachusetts [Mr. POWERS] with such zeal, upon a fair analysis of the facts, the House will vote to sustain a specification based upon the suggestion of the question of contempt in either case. I am not going to discuss it in detail now. I do not agree with the majority of the committee in any of the items upon which they rely, except the last item. I do not agree that the gentlemen representing the majority of this committee have succeeded—mark you, have succeeded—in stating the rightful conclusions in relation to the other charges. Nor do I agree that they have succeeded in stating the facts as they are disclosed by this record in connection with those other charges. But I am not going into a discussion of this question now. Later on, if the House should adopt this resolution, the time will come when it is for the House to say, in the exercise of its intelligence and its judgment, what the specifications shall be.

I do not propose to discuss them for the further reason that it is my purpose, when the question is taken upon this resolution, to vote in favor of it, and I want to give the House, for a moment, the reason that I have for so doing. I do it solely upon the ground of the last specification—the using of a false certificate for the purpose of receiving money from the Treasury of the United States. And it is because I feel bound by the record as it stands before us to vote for this resolution for that reason that I do not consider it now essential to discuss the other reasons that have been relied upon in argument. If we reach that stage, as I understand the orderly method of procedure, if the House in the exercise of its wisdom adopts this resolution——

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. LITTLEFIELD. Yes.

Mr. HENRY of Texas. I understand the gentleman to say that he is willing to submit the charge on the question of the fraudulent account.

Mr. LITTLEFIELD. I am coming right to that.

Mr. HENRY of Texas. Then, if the gentleman believes that Judge Swayne acted fraudulently in making those accounts, does he not think these other specifications would throw light on the intent of Judge Swayne in the account matter?

Mr. LITTLEFIELD. I do not think this House, in an impeachment proceeding, grave as it is, will undertake to present to the Senate of the United States and stand before this country upon the proposition that it is necessary to rely upon the atmosphere created by unsustained charges in order to sustain a charge that is valid in its character. That is the way I answer

that. I do not believe in recognizing the validity of a proposition that is not sustained for the purpose of creating in the mind of any tribunal, either this one or the Senate of the United States, any element of prejudice or passion against the man charged. He is entitled to be judged when it reaches the Senate of the United States. If I understand the law of this land, which has been so affectingly referred to by my distinguished friend, who seems to labor under the impression that in some way or other the law has been abused by this man under some circumstances—if I understand the law he is entitled to be judged upon the specifications filed, and the evidence under each specification is to be relied upon alone for the purpose of establishing that specification. I do not believe that an unfounded specification or the evidence relied upon to support it can be imported into the case in order to support a good specification. That is my view of that.

Mr. HENRY of Texas. Nor do I believe that an unfounded specification should be so presented.

Mr. LITTLEFIELD. That, I think, answers the gentleman's proposition. Of course this is a matter that every man must exercise his judgment upon. Personally, I will not vote for a moment to sustain any specification that I do not believe the Senate of the United States on its oath and its conscience on this record would not be bound to sustain as established beyond a reasonable doubt. That is my attitude in connection with that. I may be wrong, but I am obliged to be governed by it.

Now, I want to say just a word or two about this last specification. I think this House is entitled to the benefit of the work and the investigation of this committee and a fair statement from the committee of the reasons that have produced the conclusions which we have reached.

Upon the record in this case there is no question but that Judge Swayne, since 1896, has uniformly certified for his travel and attendance and his "reasonable expenses" $10 per diem. There is no question upon the record in this case but that at least in several instances, and the latest in 1903, only last year, the only amount that he could have expended for his board and sustenance while attending court for forty-one days is $1.25 a day. There is no evidence in this case as to what Judge Swayne may have expended for travel going from his place of residence or wherever he may have been to Tyler, Tex., and return; but upon any hypothesis it could not have exceeded sixty or seventy-five dollars, so that there can be no question but that the issue is squarely raised upon this question of the false certificate, and it runs all along during that period.

Now, what is the law in relation to the question of false certificate? I am simply stating my belief, so far as I am concerned. I certainly hope that no man in this House will feel that I am urging him either to sustain or to refuse to sustain this resolution. I think it is beneath the dignity of any man on this committee to urge that proposition upon this House. Later on, if I have occasion in the discussion of the items which are involved, I will give the House my reasons, and then let every man say what he ought to do without any urging or any pressing from me, either one way or the other.

Now, what is the law in relation to these certificates? The statute in general terms expressly prohibits a judge from receiving anything by way of compensation in addition to his stipulated salary of $5,000 a year. Up to 1896, after 1881, there appeared in the various appropriation bills an appropriation for the judicial department, an appropriation which provided for the payment of expenses of district judges when sent into other districts for the purpose of holding court under direction of the proper authority. The Comptroller of the Treasury held under that language in the appropriation bill that there was payable to the district judges under such circumstances simply their actual disbursement for expenses. They were required to certify them in detail. That is up to 1896.

In the appropriation bill of 1896 there appeared for the first time the language which I can quote in substance, near enough for the purpose of the point I want to make—the language under which the judges have since been paid. To my mind the only question for us to determine, or at least for me to determine, is, assuming the existence of the legislation, which simply authorizes the payment of the actual expenses up to 1896, How is it affected by this new legislation?

Mr. LACEY. Let me interrupt the gentleman right there.

Mr. LITTLEFIELD. If the gentleman will wait until I finish this sentence.

Mr. LACEY. I want to make a correction. I want to state that prior to 1896 the act of 1891 was passed, using the same identical language as to the court of appeals. It provided that the court of appeals should have expenses for travel, and was in exactly the same language that was passed in 1896 and had been in force for five years, and the circuit judges, sitting in the court of appeals, had been drawing $10 a day in this circuit and all other circuits, and consequently, when this act was passed in 1896, we had five years of construction of the same identical language.

Mr. LITTLEFIELD. That may be so. I want to state frankly that the history of that statute never has been called to my attention. I do not question the gentleman's statement about it.

I am calling attention to this legislation. What the facts are as to that statute I do not know. I think perhaps I ought to say here in all fairness that I do not think it is fair to assume that because judges have on file a certificate showing the payment of $10 a day that they have not disbursed that sum of money. I do not wish to discuss facts that are not before the House and are not within my personal knowledge. I will say this: I have no doubt in the case of many judges that $10 a day does not equal the sum they actually expend. So that it is quite obvious that upon the statement of $10 per day, without giving further facts necessary to establish the proposition, it is not quite fair to assume, in discussing this in the presence of the House and before the country, that every judge who has on file a certificate showing expenses of $10 per day has exceeded his actual disbursement, because there is no evidence of that fact, and no man can fairly assume it in the absence of the evidence.

I will resume the history of this legislation. The Comptroller held that under the legislation prior to 1896 only actual disbursements could be paid. In 1896 there appeared in the appropriation bill for the first time the language under which these certificates in controversy have been paid, at least since 1896. The only question in my mind is this: Taking the legislation which by the construction of the Comptroller simply allows the payment of actual expenses, what did the new legislation do? Did it enlarge, or did it narrow or restrict the operation of the language of the previous legislation? As I understand, the appropriation of 1896 provided that the expenses should be "reasonable." So I am obliged to conclude that, although they might have been actual, if they were in excess of "reasonable expenses" they would not be authorized, because they could only certify to reasonable expenses. The language "expenses" alone is used in a previous appropriation, and in the appropriation for 1896 we find the language "travel and attendance." Expenses is a general term and would probably include everything that could be called expenses. I find it limited in 1896 by travel and attendance, and then the further limitation of "not to exceed $10 a day." All of which will be narrow and restrict the operation of the statute, minimizing the discretion that existed under the previous legislation.

Then the judge is authorized to certify in accordance with the provision of the statute, and his certificate is taken by the disbursing officers as importing absolute verity, and therefore, I suppose, we have the right to assume and perhaps the right to demand, and I feel that we have, that the certificate should import actual verity. I can not help the conclusion, so far as I am concerned—though I may be wrong about this, and I do not undertake to force it upon the judgment or intelligence of any other Member of the House—that this statute of 1896 is narrower and more restricted in its construction than the legislation that existed prior to that time. Now let me read, for the information of the House, a section of the Revised Statutes of the United States which to my mind, although I somewhat regret it, but I can not help feeling, has more or less of a distinct bearing upon this whole subject as to the magnitude of the offense and its character.

SEC. 5438. Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, mili-

tary stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, every person so offending in any of the matters set forth in this section shall be imprisoned at hard labor for not less than one nor more than five years, or fined not less than one thousand nor more than five thousand dollars.

It will be noticed that it does not require the qualification of intent to defraud; simply actual knowledge of falsity. While I do not like to reach the conclusion, I am bound to say that I am driven to the conclusion that we can not quite hold, if the record discloses an offense under this section, that it is de minimis non curet lex; that it is to be ignored as a trifling matter. At least, that is the way I feel. Of course, every other man must exercise his own judgment. Now, what are the facts in the case with reference to this before the committee?—and I hope the House will realize and appreciate it. If I apprehend it correctly, it is the duty of this committee on this great subject to not only investigate thoroughly and give full and free opportunity to be heard, but to report its conclusions, and give the House its reasons upon any of these questions involved. Now, the facts are that Judge Swayne was a witness before the subcommittee. He answered and explained every charge before that committee except this charge. We all know that the general rule is that when a man meets a complaint involving several items and fails to answer one item and answers the others the irresistible conclusion is that there is no answer to the one, and when he explains five and fails to explain the sixth the same inference necessarily follows upon the record. Now, it is true that Judge Swayne, through his counsel, offered to show that the general practice in the United States upon the part of district and circuit judges was precisely like the practice in which he engaged. There is no dispute about the facts of the certificate. There is no dispute about the fact that only $1.25 in some instances was paid. Now, that testimony, in my judgment, was rightly and properly excluded, because I do not believe that a controversy between other people could be inquired into affirmatively as a matter of original evidence by Judge Swayne by way of exculpation. I think it would be clearly res inter alios acta.

I do not know of any rule—of course I may be mistaken about this—that would authorize the introduction of that testimony as an affirmative proposition. Yet I have no doubt that Judge Swayne, if he had desired to do so, could have been heard before that subcommittee to give the reasons why he signed this certificate, and if those reasons involved the fact that, within his knowledge, there were other judges situated in like manner, who had uniformly given that same construction to this legislation, or if it involved the fact, as it might possibly, that he had signed that certificate on the suggestion of the marshal, for instance, that it was the custom and practice of the judges to sign in the same manner, I have no doubt but that evidence would have been admissible on his part for the purpose of showing, so far as he could show—I am not saying whether he could do it successfully or not—that he signed the certificate with an honest intent, without any intention of wrong, or that the construction that he placed upon it was one that he could fairly place upon it. But he was before the committee and failed to do so. It was open to the committee, although his counsel did not ask him that question, to so inquire; but I submit that the committee could hardly have done it with great propriety, because he was present—not only in person, but by counsel—controverting the greatest crime that could be alleged against him. It may be—I do not know what the fact is—that his counsel, for reasons of his own, did not desire the explanation made and, therefore, did not allow it to be made, and if that was the feeling of counsel it would have been an outrage upon the rights of Judge Swayne for a man on that committee to have insisted upon making him at that time, in this stage of these proceedings, disclose his reasons therefor. Now, I simply have this to say: I do not know what will appear when this case reaches the United States Senate, in case this House impeaches and places this man before that body, but I do not quite see how, on this record, as it stands here, the Senate of the United States could fail to sustain this charge, unanswered and unexplained.

Now, I go further, as the minority views indicate. I do not say that Judge Swayne may not be able at the proper time and in the proper place, in his judgment selected, to give a reason that may satisfy the Senate of the United States that this charge can not be sustained. But your committee was confronted with this proposition. Here was the evidence and here was the statement of the respondent taken in his own behalf, and I must say, so far as I am concerned, I can not reach any other conclusion than the conclusion I have reached, and that is upon the record unanswered and unexplained. I am obliged to vote, and I shall vote when the time comes, to sustain this resolution. Later, if there is occasion and the House desires it and will give me a hearing, I will try to express in my weak and feeble way some views I have upon the other proposition, as to which I not only do not agree, but I absolutely disagree from beginning to end with my distinguished friends who have taken the other side of this controversy.

Mr. PALMER and Mr. LAMAR of Florida rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. PALMER. I rose for the purpose of giving notice that I shall move the previous question after Mr. Lamar concludes his address.

Mr. LAMAR of Florida. Mr. Speaker, I shall detain the House but a very few moments, because I see that this debate has taken a more extended range than is necessary, considering the fact that the entire committee has recommended the resolution for the impeachment of Judge Swayne. It is not to be assumed that when the entire Judiciary Committee of this House submits a resolution to impeach a judge for corrupt conduct, after that committee has been in charge of making investigation of his conduct for a year, and having the entire evidence before them, that this House would pretend to vote against that resolution. I assume, therefore, that the resolution to impeach will pass—will be voted upon affirmatively. When it comes to the further question of specific charges against Judge Swayne, then, Mr. Speaker, I shall ask to prefer the charge and conclusively to prove it to every fair-minded man in this House that he is a tyrannical and a corrupt judge.

I was glad to hear, Mr. Speaker, the gentleman from Massachusetts lay small stress, comparatively, upon his swindling the Federal Government, small stress compared with the offense of persecuting some of the citizens of Florida. And I was very glad, Mr. Speaker, that it came from a State outside of the section in which I live. I was glad to hear the voice also of the gentleman from Pennsylvania upon the same line, for I declare to you, Mr. Speaker, and I am acquainted with the general political history of my State, I am acquainted with the general reputation of Judge Swayne in my State, I am acquainted with the men who were sworn before that committee in that State and out of it, and I declare to you, as far as my word is worth anything with this House, that the highest and best testimony, of the highest and best men sworn in that case, fixes upon Judge Swayne the character not only of a corrupt judge, but, worse still, of a tyrannical judge. Judge Swayne has been denounced by the legislature of the State of Florida twice for his corrupt conduct—in 1903 and in the year 1893, an intervening period of ten years. This judge has been denounced by the State of Florida twice.

Now, Mr. Speaker, I congratulate this House and the country, and especially the people of the State of Florida, that we have got one ground upon which we can all stand to impeach Judge Swayne. He has mulcted the Federal Government out of money that now ought to be in the Federal Treasury. I am glad that the people of Massachusetts and Maine and California can meet the people of my State upon the common ground that he is a violator of the law. But the charge of falsely certifying his accounts is a small and puerile charge compared with the charge I lay against him and for which the people of the State of Florida have denounced him, through their legislature, and that is that under the specious pretext of administering justice he has administered the Federal court in the northern district of Florida in the private interest of his own individual private hates and in the individual monetary interests of attorneys before his court; that there is a corrupt collusion between Judge Swayne and at least one attorney in his court to secure litigation to the one and revenge to the other that stamps Judge Swayne with infamy. That is the charge.

There is no indirection about that charge, so far as I am concerned, and I will undertake to prove it upon the floor of this House or forfeit its respect.

But, as I stated, I do not consider this the time to bring forth the proof; but in a general way I will undertake to say, Mr. Speaker, that Judge Swayne is under the corrupt domination of a corrupt man, and that Judge Swayne himself is corrupt, and that these two have conspired in the State of Florida to perpetrate the most villainous wrongs upon the people of that State, and all under the guise of legal discretion. The pretext is made that he might make a mistake in a matter—that he might err here and err there. Everybody concedes, Mr. Speaker, that a judge may sometimes honestly err. But who believes that an honest man of ordinary intelligence will or can err when the facts are so plain before him that a fool can not err? And that is the charge I lay against this corrupt judge.

I have nothing further to say at this time. When the charges

and specifications come up I desire to submit my views upon the question pending. [Loud applause.]

Mr. PALMER. Before moving the previous question, I move to add to the resolution, after the word "high," the words "crimes and," and add the letter "s" to the word "misdemeanor;" so that it will read:

Resolved, That Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, be impeached of high crimes and misdemeanors.

Mr. PARKER. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will send up his amendment.

The Clerk read as follows:

Amend by striking out all after the word "*Resolved*" and inserting "That Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, be impeached of high crimes and misdemeanors."

Mr. PARKER. I make the point of order that in my judgment the previous question is not to be directly ordered upon a question of high privilege of this sort.

The SPEAKER. The Chair sees no reason, even without the precedents, why the House can not, if the majority desires, by vote order the previous question; but the Chair is informed that the precedents are numerous upon this subject. The previous question is in order.

Mr. PALMER. I move the previous question on the passage of the resolution as amended.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the resolution and the amendment thereto.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PARKER. Division.

The House divided; and there were—ayes 198, noes 61.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. HEPBURN. Mr. Speaker, I would like to have the resolution read as amended.

The SPEAKER. Without objection, the amendment will again be reported.

The Clerk read as follows:

Resolved, That Charles Swayne, judge of the district court in and for the northern district of Florida, be impeached of high crimes and misdemeanors.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. PALMER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. PALMER. I move the adoption of the following resolution, and send it up to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That a committee of five be appointed to go to the Senate, and at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and to acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and that the committee do demand that the Senate take order for the appearance of said Charles Swayne to answer said impeachment.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. PALMER. Mr. Speaker, I move the adoption of the following resolution, which I send to the Clerk's desk to be read.

The SPEAKER. The gentleman from Pennsylvania sends the following resolution to the Clerk's desk, which the Clerk will report.

The Clerk read as follows:

Resolved, That a committee of seven be appointed to prepare and report articles of impeachment against Charles Swayne, judge of the district court of the United States for the northern district of Florida, with power to send for persons, papers, and records.

The SPEAKER. The question is on agreeing to the resolution.

Mr. LITTLEFIELD. Mr. Speaker, would the gentleman from Pennsylvania [Mr. PALMER] be kind enough to explain to the House what has been the practice heretofore in matters of this kind?

Mr. PALMER. In all cases, except the Belknap case, the practice has been to appoint a special committee to prepare the articles of impeachment to be brought in and be voted upon by the House. In all cases I have found since the foundation of the Government down to date, except the Belknap case, that has been the course pursued. In that case the Judiciary Committee investigated the case and practically brought in the articles in their report, so that it was purely a formal matter to have the Judiciary Committee formulate the charges and specifications.

Mr. LITTLEFIELD. I notice that the resolution, may it please the Chair, proposes to clothe this committee with power to send for persons and papers. Is that simply following the form that has been heretofore used?

Mr. PALMER. That is simply following the form that has been adopted heretofore.

Mr. LITTLEFIELD. Does it seem to the gentleman from Pennsylvania that it would be proper to confer upon this new committee that authority and power?

Mr. PALMER. Well, it might be that the committee might need to send for somebody to get some light. I do not know.

Mr. LACEY. Would it be proper for that committee to send for those papers, which the Judiciary Committee refused to allow to be examined, as explanatory of this question of payment of per diem?

Mr. PALMER. I do not know that the committee declined to send for any papers, and I do not think it will do any harm to leave that in. It has always been inserted in similar resolutions.

Mr. LITTLEFIELD. Of course the gentleman from Iowa [Mr. LACEY] understands that the record shows that that action was taken by the subcommittee. Now, I want to make this suggestion, if the Chair please.

As I understand the gentleman from Pennsylvania, up to the time of the Belknap trial, the practice has been to refer the matter to a special committee for the purpose of formulating the charges and specifications. I do not know that the course has been such as to establish a precedent that should not be departed from. At least it was departed from in the Belknap case. Now, I want to make this practical suggestion, if the Speaker please. The Judiciary Committee have spent a very great deal of time in the investigation of this case, and I suggest whether the House would not be likely to get as good results from the Judiciary Committee, familiar as they are with the facts in this case, although their conclusion might not be unanimous, as from a new committee that would take, or at least ought to take, relatively, quite a considerable time for the purpose of preparing the charges, and whether the House would not be entitled to have the judgment of either the majority or the minority of the committee that have given time and investigation to this case, who have, of course, indicated more or less their opinion.

I do not wish to obscure that fact at all, but merely to suggest whether the House would not receive fully as good or better results by action of that kind. In order to raise that question, Mr. Speaker, I move to strike from the resolution the words "committee of seven" and to insert in place thereof "the Committee on the Judiciary."

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

Strike out "a committee of seven is appointed" and insert "the Committee on the Judiciary be empowered."

Mr. PALMER. Mr. Speaker, it seems to me the best practical result can be obtained by appointing a select committee. It must be obvious to every Member of the House that the Judiciary Committee is hopelessly divided on this question as to what Judge Swayne should be impeached for. The House has decided to impeach him. Now, if a select committee is raised, they will take up the testimony and report to the House articles which in their opinion can be sustained by the testimony, and then the House can intelligently pass on the subject. If this question goes to the Judiciary Committee, inevitably there will be two reports, about eleven men standing by one and the balance of the committee standing by the other. For that reason it seems to me it would be more rational and that we could get better results by the appointment of a select committee.

Mr. PAYNE. Does the gentleman from Pennsylvania think that there ought to be a committee that would be anything in the nature of a packed committee?

Mr. PALMER. No, I suppose the committee will be appointed by the Chair, and I do not imagine that anybody in this House would for a moment dream that the Speaker would appoint a packed committee. [Applause.]

Mr. PAYNE. Of course not; but I understood the gentleman from Pennsylvania to say that the Judiciary Committee was divided on this subject—upon the various articles of impeachment—and he wanted the motion to prevail so that there might be a unanimous report. It strikes me that the House is divided on the question upon what articles of impeachment this

man should be tried upon before the Senate, and that the committee ought to represent both sides of this question and all branches of it. I have no doubt the Speaker would take that into consideration, but it seems to me that there would be no objection to referring it to the Judiciary Committee because, as the gentleman says, they represent different sides of the question. It seems to me all the more desirable to refer it to a committee that takes that view of it.

Mr. PALMER. Let us get some fresh blood into this committee. Let us get somebody that is not excited over it; somebody that can take a calm and dispassionate view of the whole subject and formulate the charges upon which this man is to be tried. The Judiciary Committee has got pretty hot over it. Mr. Speaker, I ask for a vote on the amendment to the resolution.

The SPEAKER. The question is on the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD].

The question was taken; and on a division (demanded by Mr. LITTLEFIELD) there were 113 ayes and 140 noes.

So the amendment was rejected.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. PALMER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendments, joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

H. J. Res. 158. Joint resolution construing the act for the relief of Julius A. Kaiser as carrying an appropriation.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5567. An act to exclude from the Yosemite National Park, California, certain lands therein described and to attach to and include the said lands in the Sierra Forest Reserve.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk announced that the Senate had passed without amendment bill of the following title:

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock meridian January 4, 1905.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5567. An act to exclude from the Yosemite National Park, California, certain lands therein described and to attach to and include the said lands in the Sierra Forest Reserve—to the Committee on the Public Lands.

ANNOUNCEMENT OF COMMITTEE.

The SPEAKER announced as the committee to carry the impeachment before the Senate the following:

Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLETT of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit, for the information of the Congress, the Fourth Annual Report (with appendices) of the Governor of Porto Rico, covering the period from July 1, 1903, to June 30, 1904.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 13, 1904.*

WITHDRAWAL OF PAPERS.

Mr. SNOOK, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of H. R. 15948, Fifty-eighth Congress, no adverse report having been made thereon.

On motion of Mr. PAYNE, the House (at 5 o'clock and 18 minutes p. m.) adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting additional papers in the claim of Julian Pedrera—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting reports of inspections of disbursements and transfers of officers of the Army received in the office of the Inspector-General during the past fiscal year—to the Committee on Expenditures in the War Department.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes—to the Union Calendar.

By Mr. BARTLETT: A bill (H. R. 16446) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by act approved February 5, 1903, and for other purposes—to the Committee on the Judiciary.

By Mr. KYLE: A bill (H. R. 16447) to increase the pensions of those who have lost both feet or been totally disabled therein in the military or naval service of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16448) to amend an act to increase the pensions of those who have lost limbs or been totally disabled therein in the military or naval service of the United States, passed March 2, 1903—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 16449) to incorporate the American National Red Cross—to the Committee on Foreign Affairs.

By Mr. BABCOCK: A bill (H. R. 16450) to authorize certain changes in the permanent system of highways, District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 16451) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia—to the Committee on the District of Columbia.

By Mr. WATSON: A bill (H. R. 16452) to amend and reenact section 714 of chapter 12 of the Revised Statutes of the United States, relating to judges—to the Committee on the Judiciary.

By Mr. MINOR: A bill (H. R. 16453) to provide for the use of vessels of the United States for public purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. SOUTHWICK: A bill (H. R. 16552) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof—to the Committee on the Judiciary.

Also, a bill (H. R. 16553) to protect free labor and the industries in which it is employed from the injurious effects of convict labor—to the Committee on Labor.

By Mr. KALANIANAOLE: A joint resolution (H. J. Res. 177) to appropriate certain moneys to reimburse the Territory of Hawaii for expenditures made for certain improvements on public works—to the Committee on Claims.

By Mr. STEPHENS of Texas: A resolution (H. Res. 394) directing the Secretary of the Interior to inform the House of Representatives in regard to the Indian trust funds—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 16454) granting a pension to William Mayer—to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 16455) granting a pension to Howard P. Ketcham—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 16456) granting an increase of pension to Alonzo Douglass—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 16457) granting an increase of pension to Herbert S. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16458) granting an increase of pension to Lorenzo B. Fish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16459) granting an increase of pension to Amos B. Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16460) granting an increase of pension to Helen L. Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16461) granting an increase of pension to Mary R. Neville—to the Committee on Invalid Pensons.

Also, a bill (H. R. 16462) granting an increase of pension to Abraham Moore—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 16463) granting an increase of pension to Franklin Taylor—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 16464) granting an increase of pension to Austin Handy—to the Committee on Pensions.

Also, a bill (H. R. 16465) granting an increase of pension to Constantine P. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16466) granting a pension to Harriet Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16467) granting an increase of pension to Seth Carpenter—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 16468) granting a pension to Mary A. Hammett—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 16469) for the relief of James C. Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16470) for the relief of Laura J. Dills—to the Committee on War Claims.

Also, a bill (H. R. 16471) granting a pension to Martha C. Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16472) granting a pension to Frances A. McQuiston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16473) granting a pension to John R. Karns—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 16474) granting an increase of pension to Oliver McFadden—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 16475) for the relief of Annie T. Jones, widow of Jonathan L. Jones, deceased—to the Committee on Claims.

By Mr. CROFT: A bill (H. R. 16476) granting an increase of pension to P. P. Toale—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 16477) granting an increase of pension to William Ostermann—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 16478) for the relief of George Weathersbee—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 16479) for the relief of Isaac W. Busey—to the Committee on Claims.

Also, a bill (H. R. 16480) granting an increase of pension to Preston Glover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16481) granting an increase of pension to F. M. Halbritter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16482) granting an increase of pension to Samuel Edmond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16483) granting an increase of pension to James H. Silcott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16484) granting an increase of pension to Thomas Flumm—to the Committe on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16485) to remove the charge of desertion from the military record of Samuel Gordon—to the Committee on Military Affairs.

Also, a bill (H. R. 16486) granting an increase of pension to Parmenas A. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16487) granting an increase of pension to Freeman Stanton—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16488) granting an increase of pension to Daniel Reagan—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16489) granting a pension to William Shannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to David A. Maple—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16491) for the relief of Robert G. Carter, United States Army, retired—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 16492) for the relief of Malinda S. Gray—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 16493) granting a pension to Anna Johnson—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 16494) to refer to the Court of Claims the claim of John S. Armstrong for compensation for loss of wheat in 1862—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 16495) granting a pension to Lucinda Stamper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16496) granting an increase of pension to John P. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16497) correcting the military record of Levi Carpenter and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 16498) correcting the military record of Henry Craig and granting him a pension—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 16499) granting an increase of pension to Green Yeiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16500) granting an increase of pension to Fuller B. Errickson—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 16501) granting an increase of pension to George Jaggers—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 16502) granting a pension to Henry Rader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16503) granting a pension to Dillion Asher—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 16504) granting an increase of pension to L. L. Lowell—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 16505) granting a pension to Frances F. Mower—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16506) granting a pension to Samuel B. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16507) granting a pension to Daniel Carter—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 16508) granting an increase of pension to Ferdinand Weise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16509) granting an increase of pension to Egbert J. Olds—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 16510) to remove the restrictions upon the alienation of lands in Indian Territory—to the Committee on Indian Affairs.

By Mr. LLOYD: A bill (H. R. 16511) granting an increase of pension to Henry J. Otto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16512) granting a pension to Sarah J. Ridgeway—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 16513) granting an increase of pension to Enoch McCabe—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 16514) granting an increase of pension to Robert W. Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16515) granting an increase of pension to Jacob Herbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16516) granting an increase of pension to William Mays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16517) granting an increase of pension to Philip Liebrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16518) to correct the war record of Edward J. Gallagher, late first lieutenant Company G, Thirty-third Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 16519) granting a pension to Mary E. Quick—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 16520) granting an increase of pension to George D. Street—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16521) granting a pension to Georgia A. Richardson—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 16522) granting a pension to Emma J. Campbell—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 16523) for the relief of Maj. E. W. Halford, paymaster, United States Army—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 16524) granting an increase of pension to Nancy B. Stratton—to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 16525) granting an increase of pension to Henry A. Glenn—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 16526) granting an increase of pension to John H. Caton—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 16527) granting an increase of pension to Francis A. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16528) granting an increase of pension to Joseph G. Bailey—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 16529) for the relief of J. V. McDaniel—to the Committee on War Claims.

By Mr. SIBLEY: A bill (H. R. 16530) granting an increase of pension to William P. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to Samuel R. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16532) granting an increase of pension to Samuel Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16533) granting an increase of pension to Samuel Greenlee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16534) granting an increase of pension to Robert Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16535) granting a pension to Blanche Douglass—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 16536) granting a pension to Mary Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16537) granting an increase of pension to Edward Mailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16538) granting an increase of pension to Solomon Spradling—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 16539) for the relief of the drafted men of Pendleton and other counties in the State of Kentucky—to the Committee on War Claims.

By Mr. SMITH of Pennsylvania: A bill (H. R. 16540) granting a pension to Annie Orr—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 16541) for the relief of Lawrence Collins and Edward J. Flanigan—to the Committee on Claims.

Also, a bill (H. R. 16542) to correct the record of Harrison Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 16543) for the relief of Daniel Leary—to the Committee on War Claims.

Also, a bill (H. R. 16544) granting an increase of pension to Varner G. Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16545) granting an increase of pension to Jacob F. Bradt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16546) granting an increase of pension to George A. Van Bergen—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 16547) for the relief of Z. T. Taylor—to the Committee on Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 16548) granting an increase of pension to Hamilton Se Cheverell—to the Comimttee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16549) for the relief of the heirs of Dr. J. B. Owen—to the Committee on War Claims.

By Mr. WEBB: A bill (H. R. 16550) to complete the military record of James A. Sams, and for an honorable discharge—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 16551) granting an increase of pension to William Morris—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of 107 citizens of the United States, asking an appropriation to pay depositors of the defunct Freedman's Savings Bank—to the Committee on Banking and Currency.

Also, petition of citizens of Lawrence, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BEIDLER: Papers accompanying bill granting a pension to Herbert S. Nelson—to the Committee on Invalid Pensions.

By Mr. BENNY: Petitions of Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City, N. J., and Division No. 157, Brotherhood of Locomotive Engineers, of Jersey City, N. J., favoring pensions for locomotive engineers who served during the civil war—to the Committee on Invalid Pensions.

By Mr. BENTON: Papers to accompany bill granting a pension to Harriet Wilson—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Seth Carpenter—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Constantine P. Berry—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Austin Handy—to the Committee on Pensions

Also, papers to accompany bill H. R. 15819, granting a pension to Testus H. Sanders—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Petition of James C. Blair, of Company H, Eighteenth, and Company G, Fourteenth Illinois Infantry, for a pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Frances Amanda McQuinston, for a pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Martha C. Watkins—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of homesteaders on Rosebud Reservation, asking extension of sixty days' time to perfect required improvements on land, owing to unfavorable weather—to the Committee on the Public Lands.

By Mr. CASSEL: Petition of certain business men of Lititz, Pa., urging the passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Papers to accompany House bill granting a pension to Mrs. Mary Kennedy—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Solomon Spalding—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Edward Mailey—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 15608, preventing the sale of intoxicants on certain days in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DARRAGH: Petition of W. E. Winton and 55 other residents of Ithaca, Gratiot County, Mich., for a constitutional amendment making polygamy a breach of the national law—to the Committee on the Judiciary.

Also, petition of A. W. Wright and 70 other citizens of Alma, Mich.; the Monday Club, of St. Louis, Mich., and the Woman's Club, of Big Rapids, Mich., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. DAYTON: Papers to accompany bill granting an increase of pension to Samuel Edmond—to the Committee on Invalid Pensions.

Also, papers to accompany bill to increase the pension of Frederick M. Halbritter—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of church members of Schaghticoke, N. Y., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. DWIGHT: Petition of Parmenas A. Norton, for an increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill to correct the military record of Samuel Gordon by removing the charge of desertion—to the Committee on Military Affairs.

By Mr. ESCH: Petition in favor of the Lovering bill—to the Committee on Ways and Means.

By Mr. EVANS: Affidavits in support of bill H. R. 16353 for relief of the Society of the United Brotherhood in Christ—to the Committee on War Claims.

By Mr. FULLER: Memorial of the grand jury of United States district court of Porto Rico, on the necessity of public buildings for Porto Rico—to the Committee on Insular Affairs.

By Mr. GARDNER of Massachusetts: Petition of Rev. George F. Beecher and twenty-eight others, of Gloucester, Mass.; Woman's American Baptist Home Mission Society, of Salem, Mass., and Mrs. Helen L. Willmonton, of Manchester, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of Henry Crocker and others, of Windsor, Chester, Andover, and Weston, Vt., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HOWELL: Papers in support of bill for the relief of Henry C. Snyder— to the Committee on Invalid Pensions.

By Mr. HUGHES: Petition in favor of bill H. R. 13778, to increase the power of the Interstate Commerce Commission for the purpose of securing equalities of rights of transportation for all citizens over the interstate railroads of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of Farwell & Rhines, of Watertown, N. Y., praying for the enactment of bill H. R. 7775—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of Daniel Carter for increase of pension by special act of Congress in lieu of pension he is now receiving—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Grand Camp of the Arctic Brotherhood, demanding elective representation in Congress for Alaska—to the Committee on the Territories.

Also, memorial of the Travelers' Protective Association, in favor of amending the bankruptcy laws—to the Committee on the Judiciary.

Also, petition of C. B. Parsons, president of the Maritime Association of the Port of New York, calling the attention of the Rivers and Harbors Committee to the importance of completing the work at Point Judith Harbor—to the Committee on Rivers and Harbors.

By Mr. LITTLE: Petition and memorial of Leroy Noble, to accompany bill H. R. 16126, for the relief of Leroy Noble—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of A. F. Bumpus and others, asking for increase of pension for Henry J. Otto, of Kirksville, Mo.—to the Committee on Invalid Pensions.

Also, petitions and affidavits to accompany application of Sarah J. Ridgeway for pension—to the Committee on Pensions.

By Mr. LOVERING: Petition of Woman's Missionary Society of Mansfield, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. McCALL: Petition of the Warren Avenue Baptist Church, of Boston, Mass., in favor of an investigation by this Government of conditions in Kongo State—to the Committee on Foreign Affairs.

By Mr. McMORRAN: Petition of citizens of Michigan, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. McNARY: Petition of Susan E. Cheney and others, of Boston and Dorchester, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. NEEDHAM: Resolution of the Chamber of Commerce of San Francisco, relative to the barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of San Francisco, relative to enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of San Francisco, relative to the port of Honolulu, Hawaii—to the Committee on Rivers and Harbors.

Also, resolution of the chamber of commerce of San Francisco, relative to the harbor of Oakland—to the Committee on Rivers and Harbors.

Also, resolution of the chamber of commerce of San Francisco, relative to the erection of a military depot in San Francisco—to the Committee on Military Affairs.

Also, resolution of the chamber of commerce of San Francisco, relative to proposed improvements at the Presidio Military Reservation—to the Committe on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of A. D. Morse and 25 other citizens of Butler, Ind., in favor of bill H. R. 13778, known as the Hearst bill, to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, affidavit to accompany bill granting an increase of pension to John C. Caton, captain Company F, One hundred and fifty-second Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of several citizens of Texas, asking that an increase of pension be granted to James McCorkle, formerly a member of Company K, First United States Naval Volunteer Engineers—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Maritime Association of New York, favoring improvements at Point Judith Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the chamber of commerce of Buffalo, N. Y., favoring the introduction of the pneumatic-tube system in Buffalo, N. Y.—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Petition of J. V. McDaniel, of Pecan Gap, Tex., for payment for property confiscated by the Union Army in 1863—to the Committee on War Claims.

By Mr. SIBLEY: Papers to accompany bill to increase pension of William P. Johnson—to the Committee on Invalid Pensions.

Also, resolution of Pomona Grange, No. 10, of Warren County, Pa., asking for establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Pomona Grange, No. 10, of Warren County, Pa., against repeal of the Grout Act—to the Committee on Agriculture.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., favoring a report of statistics relating to marriage and divorce laws—to the Committee on the Judiciary.

By Mr. STERLING: Papers to accompany bill H. R. 16423, for relief of Emma Hunter—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany bill for relief of the heirs of Dr. J. B. Owen, deceased—to the Committee on War Claims.

By Mr. WARNOCK: Papers to accompany bill H. R. 16168, for relief of Isaiah H. McDonald, late lieutenant, United States Army—to the Committee on Military Affairs.

By Mr. WEBB: Papers to accompany bill to correct the military record of James A. Sams—to the Committee on Military Affairs.

By Mr. WOOD: Petition of Hightstown (N. J.) Grange, No. 96, Patrons of Husbandry, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *December 14, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

COMMITTEES OF THE SENATE.

Mr. HALE. Mr. President, I rise to present a privileged resolution, which I ask may have immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the membership of the after-named committees, for the present Congress shall be as follows, to take effect December 15, 1904:

On the Judiciary.—Messrs. Platt of Connecticut (chairman), Clark of Wyoming, Fairbanks, Nelson, McComas, Depew, Mitchell, Spooner, Bacon, Pettus, Culberson, Blackburn, and Patterson.

On Interoceanic Canals.—Messrs. Mitchell (chairman), Platt of New York, Millard, Kittredge, Dryden, Hopkins, Knox, Morgan, Carmack, Taliaferro, and Gorman.

On Organization, Conduct, and Expenditures of the Executive Departments.—Messrs. Allee (chairman), Wetmore, Beveridge, Allison, Knox, McLaurin, Blackburn, Carmack, and Stone.

On Agriculture and Forestry.—Messrs. Proctor (chairman), Hansbrough, Warren, Foster of Washington, Dolliver, Quarles, Burnham, Bate, Money, Simmons, and Latimer.

On Appropriations.—Messrs. Allison (chairman), Hale, Cullom, Perkins, Warren, Wetmore, Gallinger, Elkins, Cockrell, Teller, Berry, Tillman, and Daniel.

On Canadian Relations.—Messrs. Fulton (chairman), Dryden, Hale, Fairbanks, Crane, Tillman, Bailey, Clark of Montana, and Clarke of Arkansas.

On Coast Defenses.—Messrs. Knox (chairman), Hawley, Alger, Ball, Ankeny, Heyburn, Culberson, Taliaferro, Clay, Simmons, and Foster of Louisiana.

On Commerce.—Messrs. Frye (chairman), Elkins, Nelson, Gallinger, Penrose, Depew, Perkins, Foster of Washington, Quarles, Alger, Hopkins, Berry, Martin, Clay, Mallory, Foster of Louisiana, and Stone.

On Cuban Relations.—Messrs. Burnham (chairman), Platt of Connecticut, Aldrich, Mitchell, Kittredge, Hopkins, Clapp, Teller, Money, Taliaferro, and Simmons.

On Engrossed Bills.—Messrs. Cockrell (chairman), Clapp, and Dick.

To Examine the Several Branches of the Civil Service.—Messrs. Clapp (chairman), Ball, Smoot, Crane, Culberson, Simmons, and McCreary.

On Indian Affairs.—Messrs. Stewart (chairman), McCumber, Bard, Clapp, Gamble, Clark of Wyoming, Long, Dillingham, Knox, Morgan, Dubois, Clark of Montana, Teller, Stone, and Overman.

On Indian Depredations.—Messrs. Dick (chairman), Beveridge, Dillingham, Dietrich, Smoot, Long, Bacon, Martin, Berry, Pettus, and McLaurin.

On Mines and Mining.—Messrs. Scott (chairman), Stewart, Kearns, Heyburn, Dick, Tillman, Clark of Montana, Clarke of Arkansas, and Newlands.

On Naval Affairs.—Messrs. Hale (chairman), Perkins, Platt of New York, Penrose, Gallinger, Burrows, Dick, Tillman, Martin, McEnery, and Blackburn.

On Post-Offices and Post-Roads.—Messrs. Penrose (chairman), Dolliver, Beveridge, Mitchell, Proctor, Burrows, Scott, Burton, Crane, Clay, Culberson, Taliaferro, Simmons, and Gorman.

On Privileges and Elections.—Messrs. Burrows (chairman), McComas, Foraker, Depew, Beveridge, Dillingham, Hopkins, Knox, Pettus, Dubois, Bailey, Overman, and Clarke of Arkansas.

On Public Buildings and Grounds.—Messrs. Fairbanks (chairman), Warren, Scott, Quarles, McCumber, Wetmore, Crane, Culberson, Simmons, Clay, Stone, and Latimer.

On Rules.—Messrs. Spooner (chairman), Aldrich, Elkins, Lodge, Teller, Cockrell, and Bacon.

On Territories.—Messrs. Beveridge (chairman), Dillingham, Nelson, Bard, Burnham, Kean, Dick, Bate, Patterson, Clarke of Arkansas, and Newlands.

SELECT COMMITTEE.

On Industrial Expositions.—Messrs. Crane (chairman), Hawley, Hansbrough, Lodge, Clapp, Alger, Fulton, Daniel, Cockrell, Carmack, Gibson, McCreary, and Newlands.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of West Virginia and Kentucky; which, with the accompanying papers, were ordered to be filed.

PENSION OFFICE FORCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting certain information relative to a reduction of the force in the Pension Office as proposed by the legislative, executive, and judicial appropriation bill for the fiscal year 1906 as passed by the House of Representatives, etc.; which, on motion of Mr. GALLINGER, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Preston Lodge, No. 47, Ancient, Free, and Accepted Masons, of Jonesville, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of J. W. Howett, administrator of William Howett, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted at a meeting of sundry citizens of California, held at San Francisco, Cal., favoring the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. FORAKER presented petitions of the Damascus Farmers' Institute, of Garfield; of Jackson Grange, No. 403, of Farmersville; of Bainbridge Grange, of Bainbridge; of the local council of Delhi; of the Farmers' Institute of Holmesville; of the Franklin Farmers' Institute, of Groveport; of the local council of Reading; of Union Grange, No. 62, of Thompson; of sundry citizens of Miami; of the local council of College Hill; of the general assembly of Ohio; of the board of trustees of Columbia; of sundry citizens of Crosby; of Columbia Grange, No. 1451, of Columbiana; of the Patrons of Husbandry of Crawford County; of Marlboro Grange, No. 1401, of Marlboro; of the Patrons of Industry of Chandlersville; of the Farmers' Mutual Protective Association of Carryall, and of sundry citizens of Arabia, Columbus, Lockland, Coshocton, Brandt, Cincinnati, Newark, Toledo, Amesville, Fremont, Hilliards, Akron, Mechanicsburg, Clermontville, McConnelsville, Hartsgrove, Marietta, Cambridge, Dayton, Waterville, Groesbeck, Plainfield, Archbold, Norwich, Swanton, Chagrin Falls, New Philadelphia, Uhrichsville, Middleport, Wooster, Millersburg, Millersport, Milford, and Cleveland, all in the State of Ohio, praying for the enactment of legislation providing for the construction of good roads throughout the country; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the congregation of the First Baptist Church of Nashua, N. H., praying for an investigation into the conditions of the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of the Equal Suffrage Association of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a petition of the congregation of the Presbyterian Church, the Young People's Society of the Presbyterian Church, and the Ladies' Aid Society of the Methodist Episcopal Church, all of Waverly, in the State of West Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. WETMORE presented a petition of the Rhode Island State Federation of Woman's Clubs, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the South Lawn Improvement Society, of Pawtucket, R. I., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. SMOOT presented petitions of the National Woman's Relief Society of Weber County; the Young Ladies' National Mutual Improvement Association of Salt Lake City; the Dix Logan Woman's Relief Corps, of Ogden; the Woman's National Relief Society of Hyrum, Third Ward; the Relief Society Pioneer Stake, of Salt Lake County; the Woman's National Relief Society of Paradise Ward, and of the Woman's National Relief Society of Hyrum, First Ward, all in the State of Utah, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. ANKENY presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Grand Camp of the Arctic Brotherhood of Alaska, praying for the enactment of legislation granting representation in Congress to Alaska; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Wenatchee, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. DOLLIVER presented a petition of Creston subdivision, No. 642, Brotherhood of Locomotive Engineers, of Creston, Iowa, praying for the enactment of legislation to prohibit the employment of locomotive engineers who have not had at least three years' experience; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Arthur, Iowa, and a petition of the Epworth Seminary, of Epworth, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of Muscatine, Iowa, praying for the enactment of legislation providing for the deepening of the Mississippi River to a 6-foot channel from St. Paul, Minn., south; which was referred to the Committee on Commerce.

He also presented a petition of the Salvation Army of Des Moines, Iowa, praying for the enactment of legislation to create the colonization bureau and to provide for advances to actual settlers on the public domain; which was referred to the Committee on Public Lands.

He also presented the memorial of A. D. Wescott and sundry other citizens of Spencer, Iowa, remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Evangelical Association of Grand Junction, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Woman's Christian Temperance Unions of Chariton, Edgewood, Orchard, Missouri Valley, Burlington, Central City, Atlantic, New Sharon, Marshalltown, Sac City, and Deloit; of the Political Equality Club of Des Moines; of the Professional Woman's League of Des Moines; of the Woman's Protest Committee of Hull; of the Equal Rights Club of Nora Springs; of the Woman's Club of Dubuque; of the Political Equality Club of Sioux City; of the Civic Club of Oelwein; of the Woman's Suffrage Club of Shellrock; of the Equal Suffrage Associations of Decorah, Boone, and Des Moines; of Henrietta Curtis and sundry other citizens of Greene; of the Ellis Political Study Club, of Iowa Falls; of D. O. Forbes and sundry other citizens of Elgin; of C. J. Cary and sundry other citizens of Atlantic; of the congregation of the Presbyterian Church of Ida Grove; of Laura Lovett and sundry other citizens of Ida Grove; of the Woman's Missionary Society of the First Presbyterian Church of Jefferson, and of the Mothers' Club of West Liberty, all in the State of Iowa, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. KEARNS presented a memorial of the legislature of Utah, relative to the annexation to the State of Utah of that portion of Arizona Territory lying north of the Colorado River; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

House joint memorial.

Memorial to the Congress of the United States, asking that that portion of Arizona Territory lying north of the Colorado River be annexed to the State of Utah.

To the honorable Senate and House of Representatives of the Congress of the United States:

Whereas that portion of the Territory of Arizona lying north of the Colorado River, by reason of its geographical position, is cut off from said Territory and the benefits of local or other government, and said river operates as an impassible barrier, separating such portion from the rest of the Territory and rendering communication between the inhabitants of the subdivisions almost impossible, thus depriving the inhabitants of the territory north of said river of the benefits of local or Territorial government; and

Whereas such inhabitants have their interests in common with the people of Utah, and all their associations and dealings with the latter, and it is desired by them that said area north of said river be detached from Arizona and annexed to the State of Utah; and

Whereas such area is deprived of water and other resources by which alone it can be developed or become valuable, and its physical conditions are such that its future development, either in population or wealth, is impossible, and it can be used only for grazing purposes, so that its segregation from the counties and Territory of which it is now a part will prove of no disadvantage to them; and

Whereas the greater portion of the property, both real and personal, within such area is owned by the inhabitants of the State of Utah, and the value of the property within such section will not increase because of the scarcity of water and the absence of resources therein, and the greater portion of the property therein consists of cattle, horses, and sheep, which graze in Utah and within such section, crossing and recrossing the boundary line, so that it is impossible either for the State of Utah or the Territory of Arizona to obtain revenue by assessment or otherwise from such property; and

Whereas by reason of such area being isolated from the rest of the Territory of Arizona, it is imposible to administer the laws of said Territory, or enforce the criminal statutes, or the legal ordinances or provisions, or preserve peace and order; as a result of which criminals rendezvous therein and obtain immunity from prosecution; and

Whereas such area, by reason of its physical situation and of the interests of the people owning property therein, should belong to the State of Utah, and its annexation to the State of Utah would be productive of the greatest good to all interests, and would be of advantage to the people residing in and who are interested in said tract of land, the majority of said residents having petitioned the Congress of the United States to annex said tract to the State of Utah: Therefore, be it

Resolved by the senate and house of representatives of the State of Utah and the governor concurring, That your honorable body be, and are hereby, asked and petitioned to enact the necessary legislation in order that the tract of country in Arizona Territory lying north of the Colorado River be annexed to and become a part of the State of Utah, and the making of said river the boundary line between the State of Utah and the Territory of Arizona.

THOMAS HULL,
Speaker of the House.
EDWARD M. ALLISON, Jr.,
President of the Senate.

Approved this 28th day of February, 1903.

HEBER M. WELLS, *Governor.*

Mr. KEARNS. When the proper order is reached, I shall introduce a bill to carry out the purpose of the memorial.

Mr. McCOMAS presented a petition of the Maryland Anti-Saloon League and a petition of the Baltimore Yearly Meeting of the Religious Society of Friends, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were referred to the Committee on Territories.

Mr. PLATT of Connecticut presented a petition of the Board of Trade of Derby and of the Board of Trade of Shelton, in the State of Connecticut, praying for the enactment of legislation authorizing the use of free alcohol in the arts and manufactures; which was referred to the Committee on Finance.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 5643) for the relief of the estate of Mrs. E. R. Morris, deceased; which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5645) for the relief of William H. Morris; which was referred to the Committee on Claims.

CHANGE OF REFERENCE OF PETITIONS.

Mr. FORAKER. Yesterday I presented certain petitions relating to the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and asked that they be referred to the Committee on the Judiciary. After they had been sent to the desk the Secretary suggested that they ought to go to the Committee on Interstate Commerce and I consented to that change of reference. I now find that the bill to which the petitions have relation has been referred to the Judiciary Committee. I therefore send them to the desk again and ask that the reference made yesterday may be changed and that they be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. There being no objection, the Committee on Interstate Commerce will be discharged from the further consideration of the petition, and they will be referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 3313) to amend section 1706 of the Revised Statutes, reported it without amendment, and submitted a letter from the Secretary of State to the chairman of the Committee on Foreign Relations on the subject; which was ordered to be printed.

Mr. BURNHAM. From the Committee on Forest Reservations and the Protection of Game, I present a report to accompany the bill (S. 2327) for the purchase of a national forest reserve in the White Mountains, to be known as the "National White Mountain Forest Reserve," which has heretofore been reported from that committee. I ask that there be printed 2,500 copies of the report for the use of the committee, in addition to the regular number.

Mr. GALLINGER. I suggest to my colleague that it might be well to have an equal number of additional copies of the bill likewise printed.

Mr. BURNHAM. Very well.

Mr. GALLINGER. The bill and report.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that 2,500 additional copies of the bill and report be printed. The Chair hears no objection, and that order is made.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 5396) for the relief of Caroline Murtagh, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was recommitted the bill (S. 1779) for the relief of Caroline Murtagh, widow of the late William J. Murtagh, formerly proprietor of the National Republican, of Washington, D. C., reported adversely thereon, and the bill was postponed indefinitely.

COMPILATION OF NAVAL APPROPRIATION LAWS.

Mr. HALE. I report from the Committee on Naval Affairs a Compilation of Annual Naval Appropriation Laws from 1883 to 1904, including provisions for the construction of all vessels of the "New Navy." I move that it be printed as a document, and referred to the Committee on Naval Affairs, and that 300 additional copies be printed for the use of the Navy Department.

The motion was agreed to.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That there be printed for the use of the Department of the Interior 1,500 additional copies of the Report of the Superintendent of Indian Schools for 1904.

EXECUTIVE REGISTER OF THE UNITED STATES, 1789–1902.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted on the 12th instant by Mr. LODGE, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed from existing stereotype plates, and bound in cloth, 1,500 copies of the Executive Register of the United States, 1789 to 1902, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

ADDITIONAL CLERK TO COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted on the 12th instant by Mr. PENROSE, reported it without amendment; and by unanimous consent it was considered, and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, authorized to employ an additional clerk, who shall be a stenographer, at an annual salary at the rate of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

AMERICAN NATIONAL RED CROSS.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 5704) to incorporate the American National Red Cross, to report it favorably without amendment; and I ask for its present consideration.

The Secretary read the bill.

Mr. BAILEY. I simply desire to ask if the bill makes this a District of Columbia corporation?

The PRESIDENT pro tempore. It does.

Mr. BAILEY. I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PAY OF OFFICERS AND EMPLOYEES.

Mr. ALLISON. I report back without amendment from the Committee on Appropriations the joint resolution (H. J. Res. 176) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month, which was referred to the Committee on Appropriations yesterday. It is the usual joint resolution, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 6069) for the relief of the trustees of the Methodist Episcopal Church South, of Charleston, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6070) granting an increase of pension to Robert J. Dennis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6071) granting an increase of pension to Isaac D. Winters; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6072) granting an increase of pension to Siotha Bennett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6073) granting an increase of pension to Daniel Carter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ANKENY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6074) granting an increase of pension to William Smith;

A bill (S. 6075) granting an increase of pension to Samuel M. Jones; and

A bill (S. 6076) granting an increase of pension to James B. Clark.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6077) granting a pension to Thomas F. Hebb;

A bill (S. 6078) granting a pension to Mary A. Parks;

A bill (S. 6079) granting an increase of pension to John T. Haskins (with an accompanying paper);

A bill (S. 6080) granting an increase of pension to John Holley (with an accompanying paper); and

A bill (S. 6081) granting a pension to America Lawrence.

Mr. ELKINS introduced a bill (S. 6082) for the relief of the county court of Randolph County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6083) referring to the Court of Claims the claims of the lock tenders, lock masters, and assistant lock masters on the St. Marys Falls Canal, Kanawha River locks, and Monongahela River locks; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6084) for the relief of George W. Green; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 6085) granting an increase of pension to Leonard Delamater; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 6086) granting a pension to George L. Van Dyne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6087) granting an increase of pension to Salmon S. Matthews; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6088) authorizing the closing of part of an alley in square No. 733 in the city of Washington, D. C.;

A bill (S. 6089) to authorize certain changes in the permanent system of highways, District of Columbia; and

A bill (S. 6090) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia.

Mr. GALLINGER introduced a bill (S. 6091) granting an increase of pension to William Welch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6092) granting an increase of pension to Elijah W. Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6093) granting a pension to Mary A. Sands;

A bill (S. 6094) granting an increase of pension to Ephraim W. Harrington; and

A bill (S. 6095) granting an increase of pension to Miranda W. Howard (with an accompanying paper).

Mr. DIETRICH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6096) granting an increase of pension to Charles Grass;

A bill (S. 6097) granting an increase of pension to Thomas M. Clark;

A bill (S. 6098) granting an increase of pension to Seth Lewis (with accompanying papers);

A bill (S. 6099) granting an increase of pension to Dempsey Ferguson;

A bill (S. 6100) granting an increase of pension to Robert S. Pettijohn;

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6101) granting an increase of pension to Charles M. Wittig (with an accompanying paper);

A bill (S. 6102) granting an increase of pension to Silas A. Reynolds (with an accompanying paper);

A bill (S. 6103) granting a pension to Rebecca E. Collins (with an accompanying paper);

A bill (S. 6104) granting an increase of pension to John Chase (with an accompanying paper);

A bill (S. 6105) granting a pension to Ellis C. Helmer (with an accompanying paper);

A bill (S. 6106) granting an increase of pension to A. H. Slocum;

A bill (S. 6107) granting an increase of pension to Emma Mudgett;

A bill (S. 6108) granting an increase of pension to Ellen Quinn;

A bill (S. 6109) granting an increase of pension to John Allman;

A bill (S. 6110) granting an increase of pension to David M. Caviness;

A bill (S. 6111) granting an increase of pension to Emily Peterson;

A bill (S. 6112) granting an increase of pension to Joseph Gregory; and

A bill (S. 6113) granting an increase of pension to Jacob Shannon.

Mr. DOLLIVER introduced a bill (S. 6114) removing charge of desertion from Robert Redmon, alias Jordon R. Redmon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 6115) granting an increase of pension to Edmund B. Kanada; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6116) granting an increase of pension to Francis M. Sams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6117) for the relief of the estate of the late James Makoy (with an accompanying paper);

A bill (S. 6118) for the relief of the trustees of the Methodist Episcopal Church South, of Phoenix, Miss.; and

A bill (S. 6119) for the relief of the estate of John Epperson, deceased (with accompanying papers).

Mr. DUBOIS introduced a bill (S. 6120) for the relief of the legal representatives of Samuel Schiffer; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6121) granting a pension to Granville C. West; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6122) for the relief of the trustees of the Christian Church of Crab Orchard, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEARNS introduced a bill (S. 6123) to annex all that portion of Arizona lying north of the Colorado River to the State of Utah; which was read twice by its title, and, with the acompanying paper, referred to the Committee on Territories.

Mr. McCOMAS introduced a bill (S. 6124) for the extension and improvement of Massachusetts and Boundary avenues NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAPP introduced a bill (S. 6125) granting an increase of pension to Webster Eaton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6126) to authorize the issue of

patents of lands embraced in Indian allotments in South Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BEVERIDGE introduced a bill (S. 6127) granting a pension to Harriet Sprague Robins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6128) for the relief of the estate of Simeon Houk, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6129) granting a pension to Florence Emery Blake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6130) granting an increase of pension to Charles L. Harmon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 6131) for the relief of the estate of James B. Eads; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6132) granting an increase of pension to Oscar M. Parsons; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BALL submitted an amendment proposing to increase the salary of the superintendent of repairs to the Treasury building and annexes from $1,500 to $2,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. BURROWS submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENTS TO PURE-FOOD BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes; which was ordered to lie on the table and be printed.

Mr. LODGE. I ask unanimous consent that the amendment which I send to the desk may be printed as an amendment to the pure-food bill, and that it may lie on the table. It is a clause taken from the House bill, which is omitted in the Senate amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator desire to have the amendment read?

Mr. LODGE. No; there is no need of having it read.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. McCUMBER. I should like to hear read the amendment just offered by the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read as follows:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Mr. LODGE. The amendment is a clause of the House bill which the Senate has omitted.

Mr. McCUMBER. I think we have something substantially the same in the Senate amendment.

Mr. LODGE. I dare say the Senator can show me a point that covers it. I did not find it.

CIVIL GOVERNMENT OF THE PHILIPPINES.

Mr. FORAKER. I submit an amendment intended to be proposed to House bill 14623 and ask that it may be read, printed, and lie on the table.

The PRESIDENT pro tempore. The amendment will be read, if there be no objection.

The SECRETARY. On page 5, line 12, after the word "duty" insert:

And all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 25 per cent of the rates of duty levied, collected, and paid on said articles imported from foreign countries, and all duties so collected shall be paid into the treasury of said islands, to be used and expended for the benefit of the government of said islands.

Mr. LODGE. That is a very important amendment, and we have only two days in which to consider the bill. I ask that the amendment may be printed immediately, so that, if possible, Senators may have copies this afternoon, for I have no doubt that some Senators will desire to discuss the amendment to-day.

Mr. CARMACK. What amendment is it?

Mr. LODGE. It is an amendment proposing substantially the Philippine tariff bill of last year upon articles coming into this country as an amendment to the pending bill.

Mr. FORAKER. It proposes to reduce the duty to 25 per cent of the Dingley rates on tobacco and sugar and to admit everything else free of duty, imported from the Philippine Archipelago into the United States.

Mr. LODGE. I think if we could have it in print this afternoon it would be very desirable.

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the request of the Senator from Massachusetts will be complied with.

LUCY WARDEN.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy Warden, widow of Clifford Warden, late assistant librarian of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ADMISSION OF UTAH.

Mr. DUBOIS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That 3,000 copies of Report No. 2337, House of Representatives, Fifty-second Congress, second session, same being a report to accompany House resolution 10190, from the Committee on Territories of the House of Representatives, be printed for the use of the Senate.

STATEMENT OF ACCOUNTS.

The PRESIDENT pro tempore. If there is no further morning business, the Calendar is before the Senate.

The bill (S. 269) regulating the settlement of the accounts between the United States and the several States relative to the disposition of public lands, and for other purposes, was announced as first in order on the Calendar.

Mr. PLATT of Connecticut. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill will go over. It will go over retaining its place?

Mr. PLATT of Connecticut. Yes.

SOLDIERS' ADDITIONAL HOMESTEAD RIGHT.

The bill (S. 701) to validate certain certificates of soldiers' additional homestead right was considered as in Committee of the Whole. It makes valid the certificates of soldiers' additional homestead right, under section 2306, Revised Statutes United States, issued by the Commissioner of the General Land Office in May, 1896, under authority of the act of Congress of August 18, 1894, to M. J. Wine, assignee of Thomas O. George, Moses Roley, Andrew A. Harrison, William Bohanan, Leland L. Betterton, Dio C. W. Brashears, James R. Blades, John Pendleton, Charles M. Blair, Elbert S. Wittenberg, William D. Reynolds, John M. Walker, and Caleb Sill.

NEW DUNGENESS LIGHT-HOUSE IMPROVEMENT.

The bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington, was considered as in Committee of the Whole. It proposes to appropriate $5,000 for an additional suitable building or dwelling, cistern, oil house, and other improvements in connection with the New Dungeness light-house station, in the State of Washington.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, was delivered, as follows:

Mr. President, I am directed by the House of Representatives to communicate to the Senate the following resolution:

Resolved, That a committee of five be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and to acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same, and that the committee do demand that the Senate take order for the appearance of said Charles Swayne to answer said impeachment.

The Speaker announced the appointment of Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLETT of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky, members of said committee.

The Assistant Sergeant-at-Arms (B. W. LAYTON) announced the presence of the committee from the House of Representatives.

The PRESIDENT pro tempore. The Senate will receive the committee from the House of Representatives.

The committee from the House of Representatives was escorted by the Sergeant-at-Arms (D. M. RANSDELL) to the area in front of the Vice-President's desk, and its chairman, Mr. PALMER, said:

Mr. President, in obedience to the order of the House of Representatives we appear before you, and in the name of the House of Representatives and of all the people of the United States of America we do impeach Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office; and we do further inform the Senate that the House of Representatives will in due time exhibit articles of impeachment against him and make good the same. And in their name we demand that the Senate shall take order for the appearance of the said Charles Swayne to answer the said impeachment.

The PRESIDENT pro tempore. Mr. Chairman and gentlemen of the committee of the House of Representatives, the Chair begs to assure you that the Senate will take proper order in the premises, notice of which will be given to the House.

The committee of the House of Representatives thereupon retired from the Chamber.

BATTERY POINT POST LIGHT, WASHINGTON.

The bill (S. 3982) making an additional appropriation for the Battery Point post light, in the State of Washington, was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate an additional sum of $6,000 for the completion of the Battery Point post light, in the State of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT BLACK LEDGE, CONNECTICUT.

The bill (S. 3932) to establish a light and fog signal at or near Black Ledge, New London Harbor, entrance to New London Harbor, Long Island Sound, Connecticut, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT of Connecticut subsequently said: In my absence this morning, when the Calendar was being considered, the bill (S. 3932) to establish a light and fog signal at or near Black Ledge, New London Harbor, entrance to New London Harbor, Long Island Sound, Connecticut, was passed. The bill was on the Calendar. It was put on the Calendar at the last session when it came here, but in the meantime an appropriation for the same purpose was put in the sundry civil appropriation bill, so that this bill ought to have been indefinitely postponed. I move a reconsideration of the votes by which the bill was ordered to a third reading and passed, and I ask that it be then indefinitely postponed.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The Chair hears no objection, and the bill is indefinitely postponed.

DWELLING FOR KEEPERS AT POINT BONITA, CALIFORNIA.

The bill (S. 4007) to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That there be constructed at Point Bonita, California, a keeper's double dwelling at a cost not to exceed $15,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a keeper's double dwelling at Point Bonita, California."

FOG SIGNAL AT HUMBOLDT BAY, CALIFORNIA.

The bill (S. 4005) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California, was considered as in Committee of the Whole. It proposes to establish on one of the jetties at the entrance to the harbor at Humboldt Bay, California, a fog signal, at a cost not to exceed $15,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARTERS FOR LIGHT KEEPER AT CAPE MENDOCINO, CALIFORNIA.

The bill (S. 4004) to establish at Cape Mendocino, California, quarters for the light keeper, was considered as in Committee of the Whole. It proposes to construct at Cape Mendocino, California, quarters for the accommodation of the light keeper, at a cost not to exceed $5,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARTERS FOR LIGHT-HOUSE KEEPERS AT POINT CONCEPTION, CALIFORNIA.

The bill (S. 4006) to authorize the construction of quarters for light-house keepers at Point Conception, California, was announced as next in order on the Calendar.

Mr. PERKINS. The provisions of this bill have already been incorporated into the sundry civil appropriation bill; and I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

MARY C. MAYERS.

The bill (S. 174) for the relief of Mary C. Mayers was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "Treasury," to strike out "immediately upon the approval of this act" and insert "in monthly installments of $100 each until the whole amount is paid;" so as to make the bill read:

Whereas Joseph L. Mayers, lately an American citizen, residing at Yokohama, Japan, died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. Charleston, then lying in Victoria Harbor, Hongkong, China, and which whaleboat was negligently detached from the davits of said ship by some of the ship's crew, said Mayers having gone to said ship on official business; and

Whereas the said Mayers left surviving him a widow, Mary C. Mayers, who was wholly dependent on her husband for support, and said widow is now without means: Therefore,

Be it enacted, etc., That the sum of $5,000 for the aid and support of the said Mary C. Mayers, widow of the said Joseph L. Mayers, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be paid to said Mary C. Mayers by the Secretary of the Treasury in monthly installments of $100 each until the whole amount is paid.

Mr. PLATT of Connecticut. Is there a report in that case?

The PRESIDING OFFICER (Mr. KEAN in the chair). There is, and it will be read.

Mr. STEWART. I want to say with regard to that case that if there is any personal-injury case which ought to pass this is the one. The husband of Mrs. Mayers was employed in Hongkong in furnishing coal to one of our war ships, and he was notified to go and get his pay. They paid there in silver. So he went in a boat manned by Chinamen. They loaded the silver on, and as he was getting on the yawl boat dropped on him and killed him. If he had not been an American citizen the claim would have been settled.

In cases where foreigners were killed we settled, but we could not, under the rules, pay in the case of an American citizen.

Mr. SPOONER. Has this bill been under discussion before?

Mr. STEWART. I do not know whether it has or not, but I do not think it has.

The PRESIDING OFFICER. The Chair does not so understand.

Mr. SPOONER. Has it been under consideration and been debated before in the Senate?

Mr. STEWART. I think not. It has, however, been reported several times.

Mr. SPOONER. How are the facts in regard to it established?

Mr. STEWART. They are established from the Navy Department. The facts are all well established. There is no question about the facts.

Mr. SPOONER. Has the Senator any objection to the bill going over without losing its place on the Calendar?

Mr. STEWART. I think it had better be considered now, in order that it may go in the omnibus claims bill.

Mr. PLATT of Connecticut. This is a case where, as I understand it, the naval board of inquiry found that the accident occurred where a boat became detached through the carelessness or ignorance of one of the ship's men who were handling it. Its passage would make the Government liable for the carelessness of a sailor or apprentice on board a ship.

Mr. STEWART. This naval board found that the Government was liable, so far as foreigners were concerned, and we have settled with them, though none of them were killed.

Mr. SPOONER. What would be the end of that doctrine?

Mr. STEWART. What would be the end of that doctrine?

Mr. SPOONER. Yes; if the Government be liable for injuries resulting from the carelessness of its employees?

Mr. STEWART. There have been a great many bills of this kind passed.

Mr. SPOONER. There never ought to have been one of them passed.

Mr. STEWART. But there have been a great many, and there will be a great many more, though there is a general indisposition to pass such bills. I was speaking of bills of that kind and stating that a good many of them have been passed, and I think we should pass this, as it is as clearly proven and as meritorious as any bill can be.

Mr. PLATT of Connecticut. This, I imagine, would set a precedent for paying damages to any citizen who might be injured through the carelessness of a soldier or sailor of the Government. I think that states the principle involved in the bill.

Mr. STEWART. I am sorry to say we have a great many such cases; I have not them at hand, but I could furnish precedents. However, if this bill is not passed and is objected to, it certainly is a declaration that we will not pass any more bills of this kind.

Mr. SPOONER. Certainly, Mr. President, this is a declaration, so far as the Senate is concerned, that it will not recognize the liability on the part of the United States for the mere negligence of its soldiers and its sailors, and its great army of employees. I know this, that during the six years I was a member of the Committee on Claims, we never felt at liberty, although some of the cases appealed very strongly to our sympathy, to inaugurate any such rule. I think the Senator from Nevada ought to be willing that this case should go over without prejudice in order that we may look it up. There may be some elements in it which make it exceptional.

Mr. STEWART. It has been pending for a long time. We had better have the report read.

Mr. SPOONER. I have no objection to having the report read. Is this bill open to objection, Mr. President?

The PRESIDING OFFICER. It is.

Mr. SPOONER. Is it being considered by unanimous consent?

The PRESIDING OFFICER. The bill is open to objection at any time.

Mr. SPOONER. Let the report be read.

The PRESIDING OFFICER. The report will be read at the request of the Senator from Wisconsin.

The Secretary read the following report, submitted by Mr. STEWART February 11, 1904:

The Committee on Claims, to whom was referred the bill (S. 174) for the relief of Mary C. Mayers, having considered the same, beg to report the bill back with an amendment as follows:

On page 2, lines 2 and 3, strike out the words "immediately upon the approval of this act" and insert the words "in monthly installments of $100 each until the whole amount is paid," and as so amended recommend the passage of the bill.

The object of this bill is to pay to the widow of Joseph M. Mayers the sum of $5,000 on account of the death of her husband, who died from injuries received by the dropping upon him of a whaleboat belonging to the U. S. cruiser *Charleston*, at or on which some of the ship's crew were working. Mr. Mayers went to the cruiser *Charleston* in a launch on official business and met his death as he was about to depart. The court of inquiry found that the accident was due either to the carelessness or ignorance of one or more of the ship's crew and without any contributory negligence on the part of Mr. Mayers. All the papers and documents from the Navy Department, hereto attached, substantiate this finding. Several other parties who were in the launch at the time and who were injured, being foreign citizens, have been paid certain sums of money by our Government and the cost of repairs made to the launch were paid by the United States. The widow, who suffered the greatest loss, has received nothing.

This case is one calling for relief. The facts are well stated in your committee's former report, which is adopted and made a part hereof.

[Senate Report No. 302, Fifty-sixth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 2216) for the relief of Mary C. Mayers, having considered the same, beg to submit the following report:

Joseph L. Mayers, the late husband of the lady for whose relief the provisions of this bill are intended, was an American citizen residing in Yokohama, Japan, where he was engaged as a commission merchant, and also represented the parties who were supplying the U. S. S. *Charleston*, then in Asiatic waters, with coal. He was in receipt of a good income from these sources, which, however, only sufficed to support himself and wife, the aforesaid Mary C. Mayers, and he had no property.

On May 6, 1899, he went aboard the U. S. S. *Charleston*, which was lying in Victoria Harbor, Hongkong, China, to receive on behalf of his principals payment for the coal that had been supplied to said ship. He went to the vessel in a steam launch (the *Connie*) belonging to the Hongkong Steam Launch Company and received payment for the coal in silver coin, which was in boxes that were deposited upon the deck of the launch.

Mr. Mayers had just reached the launch, having taken his departure from the cruiser, when the first whaleboat belonging to the *Charleston*, and at or on which some of the ship's crew were working, became detached and fell down on the launch. It injured three of the crew of the launch, three of the ship's crew, a man who was in the boat, and Mr. Mayers. Mr. Mayers was sent on shore as soon as possible in the care of the assistant surgeon of the ship and taken to the civil hospital of Hongkong. The injury produced immediately total paralysis of his entire body from the neck down, and Mr. Mayers died from the effects thereof the following morning. A post-mortem examination revealed a fracture of the spinal cord at the point of the sixth cervical vertebra. Dr. H. T. Percy, the surgeon of the *Charleston*, reports that the cause of Mr. Mayers's death was a traumatic myelitis, due to fracture of the spine.

From the report of the court of inquiry convened immediately after the occurrence by the captain of the *Charleston* it is clear that the accident was due to either carelessness or ignorance of one or more of the ship's crew and without any contributory negligence on the part of Mr. Mayers. The launch which carried Mr. Mayers to the ship was in its proper position at the starboard gangway. Mr. Mayers had gone to the ship on official business and had the right to believe himself free from the danger of such an accident as occurred.

The Government settled the claims of the members of the crew of the launch who were injured by the accident, and also the claim of the Hongkong Steam Launch Company for the injury done the launch, all of which appears from the accompanying reports. The report of Captain Whiting to the Navy Department, the report of the chief naval constructor, Admiral Hichborn, relating to the accident, and the letter from the Secretary of the Navy to your committee, transmitting same, are annexed hereto and made a part of this report.

The death of Mr. Mayers deprived his wife of her only means of support, and her claim for relief under the circumstances appears to your committee to be one that should receive recognition. The amount asked is not large—less than the average that is permitted to be recovered from private individuals and private and public corporations under existing statutes in the United States, and an act of Congress regulating the question for the District of Columbia, which latter act permits recovery for the negligent killing of a person of damages to the amount of $10,000.

The Congress of the United States has at different times recognized its obligation to make compensation to the surviving widows or heirs at law of persons who have lost their lives through the negligent acts of agents, officers, or employees of the Government. The committee call attention to the following precedents in this connection:

Case of H. H. Lemon (20 Stat. L., p. 580); case of James M. Combs (25 Stat. L., p. 16); private act No. 101, for the relief of the families of the late John T. King and L. B. Cutler, approved July 19, 1876; private act No. 96, for the relief of the owner of the schooner *Henry R. Tilton* and the personal effects thereon, approved August 15, 1894; Ford's Theater cases (28 Stat. L., p. 932); case of Thomas Williams (30 Stat. L., p. 686); case of Annie E. Maccubbin, widow of William M. Maccubbin, to whom relief was given in the sundry civil bill approved March 3, 1899.

Had it not been that Mr. Mayers left a small amount of insurance, sufficient only to pay the debts that Mr. Mayers owed at the time of his death and to bring his widow from Hongkong to her home in this country, she would have been left an object of charity in a distant part of the world. Mrs. Mayers having been made a widow through the acknowledged fault of the agents of the Government and deprived of her sole means of support, and she being now wholly without income, are circumstances which strongly appeal to the generosity of the nation in her behalf. The sum of money appropriated in the bill will be but a small recompense for the irreparable loss she has sustained.

Your committee therefore report the bill favorably and recommend that it do pass.

NAVY DEPARTMENT,
Washington, January 18, 1900.

SIR: Referring to your communication of the 10th instant, requesting the views of the Department as to the bill (S. 2216) for the relief of Mary C. Mayers on account of the death of her husband, caused, in May last, by being struck by the whaleboat falling from the U. S. S. *Charleston*, at Hongkong, China, I have the honor to inclose herewith copies of all the papers on file in this case, and to state that, while the Department does not consider that there was any failure on the part of the officers or crew of the ship to exercise due and proper care, it is evident that the accidental fall of the boat was caused by an error on the part of an apprentice, second class, who, in endeavoring to clear the anchor, mistook the chain of the boat-detaching apparatus for the cable of the anchor, and by pulling it detached the boat. It does not appear that there was any contributory negligence on the part of Mr. Mayers.

It is believed that, with all the papers before it, the committee will be able to determine whether, in accordance with its practice in similar cases, the relief provided for in the bill should be granted.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. WILLIAM M. STEWART,
Committee on Claims, United States Senate.

U. S. S. CHARLESTON,
Hongkong, China, May 10, 1899.

SIR: I have to report the following accident which occurred alongside of this ship about 9 a. m. Saturday, May 6, 1899:

The steam launch *Connie*, belonging to the Hongkong Steam Launch Company, was lying at the starboard gangway, having brought off Mr. Joseph L. Mayers, who had come to receive payment for the coal supplied the ship. The boxes containing Mexican dollars had just been placed on the launch's forecastle, when the first whaleboat, which was at the davits and directly over the launch *Connie*, was accidentally detached and fell down on the launch, slightly injuring three of the crew of the launch (Chinamen), three men of this ship's company who were on the forecastle of the launch handling the boxes containing the money, and one man who was in the boat, and seriously injuring Mr. Joseph L. Mayers. Those injured received immediate attention from the medical officers of the ship, and Mr. Mayers was sent on shore as soon as possible, accompanied by the assistant surgeon of the ship, and removed to the civil hospital. Mr. Mayers was paralyzed from his shoulders down, and died the following morning. The report of Surg. H. T. Percy in regard to the injuries received by Mr. Mayers is attached, marked "A."

I settled the claims of the three men (Chinamen) of the crew of the launch for $60 (Mexican), and the following papers relating to their case are attached: "B," the statement of the Chinese physician in regard to their injuries, signed by himself and the Chinese interpreter; "C," an English translation of the same; "D," the waiver of all future claims against the United States Government. On account of the peculiar local laws in the colony regarding Chinamen, I referred this waiver to the United States consul-general to ascertain whether it was legal, and, if not, what further steps I would have to take to secure the United States Government. He informed me that he had seen the acting colonial secretary regarding the arrangement I had made for the indemnification of the three injured Chinamen, and the secretary replied that my action was legal, and, as far as he knew, was satisfactory to the colonial government. See paragraph 2 of letter of consul-general, dated May 8, 1899, attached and marked "E."

In considering the accident, the fault was wholly on the part of the ship, as the *Connie* was at the starboard gangway on legitimate business, and could by no means be considered at fault. Mr. A. G. Gordon, general manager of the Hongkong Steam Launch Company, owners of the *Connie*, placed his case in the hands of Messrs. Deacon & Hastings, solicitors. See letters attached, marked "F" and "G."

The damages to the steam launch *Connie* were ascertained by a board of officers ordered by myself, whose report is attached, marked "H," and also by the Government marine surveyor, Mr. John W. Kinghorn, a copy of whose report is attached, marked "I." On a comparison of the two reports it will be noticed that the estimated cost of repairs varies greatly. The board of officers thought that the port rail might be repaired, while the surveyor requires it to be renewed; the officers thought that the small awning, which was old, could be patched, while the surveyor requires it to be renewed. These two items are the main points of difference in estimating the cost and time of repairs.

In the meantime the owners had discovered that the launch was leaking slightly, which they claimed was due to the blow which she had received by the boat falling upon her, as the sockets for the awning stanchions after passing through the rail were secured to the frames of the launch. They stated that the launch did not leak before the accident, and as she was leaking now the leak was wholly due to the blow received. They claimed to have had the launch carefully covered over to protect her from the rain, all water removed from her boiler and bilge, and after the lapse of twelve hours that they bailed nine pails of water out of her. They then had the launch hauled upon the slip, so that the Government surveyor might view her underbody. I was unable to either prove or disprove their statements, but I contended that the blow could not have produced damage below the water, and I refused to admit of any liability on the part of the Government for the so-called "leak" which they had discovered.

Believing that if I left the port without settling their claim they would increase their estimate for damages to a large amount, and that if it was taken into the admiralty court it would, in all probability, be allowed, and the United States Government, in addition, saddled with the costs, I decided to make such reasonable concessions as might be necessary in order to effect a settlement. I therefore had a personal interview with Mr. Gordon, and, after considerable discussion and seeing no means of reaching a satisfactory agreement, I concluded that it would be for the best interests of the Government to compromise by accepting the surveyor's estimate of damage, as he was presumably a noninterested party. This was finally mutually agreed upon on the part of myself and Mr. A. G. Gordon, general manager of the Hongkong Steam Launch Company, owners of the *Connie*, and all claim for damage was settled on the basis of $300 for repairs and ten days' time at $20 a day, equal to $200, making a total of $500 Mexican. A copy of Mr. Gordon's receipt is attached and marked "J."

I was informed by the United States consul-general that Messrs. Deacon & Hastings have filed with him a claim against the United States Government on the behalf of Mrs. Joseph L. Mayers, widow, to indemnify her for the loss she sustained in the death of her husband, the late Joseph L. Mayers. (See paragraph 4 of letter of the consul-general, dated May 8, 1899, and attached, marked "E.")

Very respectfully,

W. H. WHITING,
Captain, U. S. N., Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

A.

U. S. S. CHARLESTON,
Hongkong, China, May 8, 1899.

SIR: In obedience to your order, dated May 6, 1899, in regard to the injuries sustained by Mr. Joseph Mayers, caused by the falling of the whaleboat upon the steam launch, I have to report as follows: He was struck upon the head by the falling boat, and the immediate result was a total paralysis of his entire body from the neck down.

He was removed, with medical attendance, to the civil hospital of Hongkong, China, where he died the following morning, May 7, 1899.

Post-mortem examination revealed a transverse fracture of the body of the sixth cervical vertebra and almost complete laceration of the cord at this point. The remaining vicera were found to be normal. The cause of death was a traumatic myelitis due to fracture of the spine.

Respectfully,

H. T. PERCY, *Surgeon, U. S. N.*

Capt. W. H. WHITING, U. S. N.,
Commanding U. S. S. Charleston.

II.

U. S. S. CHARLESTON,
Hongkong, May 8, 1899.

SIR: In compliance with your order of May 6, we have investigated the circumstances attending the accident to the steam launch *Connie*, belonging to the Hongkong Steam Launch Company.

(1) The launch was alongside the starboard gangway ladder of this ship.

(2) Mr. Joseph L. Mayers was in the launch, receiving a box of money from this vessel.

(3) Lieutenant Van Duzer, the officer of the deck, was seeing that the money was safely transferred from the ship to the launch.

(4) James Hawkins (apprentice, second class) and J. J. Connaughten (apprentice, second class) were in the starboard whaleboat, hoisted directly over the starboard gangway ladder, engaged in passing out gear.

(5) About 5 a. m. James Hawkins, wishing to clear the anchor, and thinking the chain of the detaching apparatus was the cable for the anchor, attempted to clear the chain and detach the boat.

(6) The whaleboat fell on the forward part of the *Connie*, after striking the rail of the starboard gangway.

(7) Mr. Joseph L. Mayers was severely injured and has since died.

(8) George Wolf (ordinary seaman) received a scalp wound. Frank Byrne (apprentice, second class) a scalp wound, and John Belevsen (seaman) suffered from shock.

(9) These men were in the *Connie* transferring money.

(10) James Hawkins (apprentice, second class) sprained his ankle.

(11) Sai Ko, Ah You, and Ah Seing, members of the crew of the *Connie*, were slightly injured.

(12) All the injured persons were promptly examined by Surgeon Percy and Assistant Surgeon Armstrong, of the *Charleston*, and a technical report will be made of their injuries.

(13) The ridgepole of the forward section of the *Connie's* awning was broken.

(14) The scarfing of the rail on port bow was damaged.

(15) The cover of the forward cabin hatch was damaged.

(16) The jack staff was broken.

(17) Six awning stanchions were bent.

(18) Three wooden ridgepieces of awning were broken.

(19) There were several holes in forward section of awning.

(20) There was no apparent damage below the deck, and on questioning the crew they knew of none.

(21) The estimated cost of repair is $50.

(22) The time required, three days.

(23) Detention, at $20 a day.

(24) Total, $110; all estimates in Mexican dollars.

Very respectfully,

T. B. HOWARD,
Lieutenant, U. S. Navy.
G. R. SLOCUM,
Lieutenant, U. S. Navy.
JOHN H. GILL,
Acting Carpenter, U. S. Navy.

The CAPTAIN.

[First indorsement.]

U. S. S. CHARLESTON,
Hongkong, China, May 9, 1899.

Respectfully forwarded and approved, although I consider the repairs underestimated, for the forward part of the awning would probably have to be made new. The detention does not include the days lost from the time of the accident until repairs are completed, but only the time to do the repairs. In my opinion, the day of the accident, the 6th, Sunday, the 7th, and Monday, the 8th, should have been included in the detention, making six days in all.

W. H. WHITING,
Captain U. S. Navy, Commanding.

C.

U. S. S. CHARLESTON, *May 6, 1899.*

I hereby certify to the following statements as to the condition of the following Chinamen wounded this day:

Sai Kio. Small scalp wound, contusion of left shoulder, and small incised wound of left chest, pectoral region.

Ah You. Small laceration of lip, contusion in region of right scapula.

Ah Sling. Contusion of right elbow and side.

I consider the injuries slight and in no way endangering subsequent disability.

In witness thereto I hereby fix my hand.

AH CHEE (his mark),
(Chinese Doctor).

Witnesses:

E. V. ARMSTRONG,
Assistant Surgeon, U. S. Navy.

HERBERT HENRY,
Hospital Steward, U. S. Navy.

CHANKEY (Interpreter).

HONGKONG, CHINA.

D.

U. S. S. CHARLESTON,
Hongkong, China, May 6, 1899.

In consideration of the sum of $60 for medical attention and care of Ah Chee (doctor) during our recovery, we hereby waive all claim against the U. S. S. *Charleston*, of the United States Government, for further damages.

SAI KIO.
AH YOU.
AH SLING.

U. S. S. CHARLESTON,
Hongkong China, May 7, 1899.

I personally witnessed the signatures of Taiko and Ah Sling in a sampan, in the presence of a police sergeant, of Ah Chee, and Chan Key, this mornng. I also witnessed the signature of Ah You on board this afternoon, in the presence of Ah Chee and of Chan Key.

G. R. SLOCUM,
Lieutenant, U. S. Navy.

E.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Hongkong, May 8, 1899.

SIR: I have to acknowledge receipt of your letter of 6th instant, relative to an accident which occurred alongside the U. S. S. *Charleston*, resulting in the death of Mr. Joseph Meyers, an American, the injury slightly of three Chinamen, and certain damage to the steam launch *Connie*.

I have seen the acting colonial secretary regarding the arrangements you have made for the indemnification of the three injured Chinamen. He informs me that your action is legal, and, as far as he knows, is satisfactory to the colonial government.

I am herewith inclosing two original letters from Deacon & Hastings, solicitors, acting as attorneys for Mr. A. G. Gordon, owner of the steam launch *Connie*. In the letter of to-day you will note they will accept "the sum of $1,000 (local currency) in full settlement of his claim, if paid promptly."

Deacon & Hastings are also attorneys for Mrs. Joseph Meyers, widow of the late Joseph Meyers, who died at the Government Civil Hospital, Sunday, the 7th instant, on or about 7 o'clock a. m., from injuries sustained as noted in paragraph 1.

Mr. Herbert Lucker, of Deacon & Hastings, called this morning relative to filing a claim against the United States Government on behalf of the widow to indemnify her for the loss she has sustained in his death.

Very respectfully, yours, ROUNSEVELLE WILDMAN,
Consul-General.

Capt. W. H. WHITING,
Commanding U. S. S. Charleston, Hongkong.

F.

35 QUEENS ROAD, *Hongkong, May 6, 1899.*

SIR: We are instructed by Mr. A. G. Gordon, owner of the steam launch *Connie*, to give you notice that while the said steam launch was alongside the U. S. cruiser *Charleston* this morning, owing to the negligence of those on board the said cruiser, a boat from the said cruiser fell on board the said launch, causing severe injuries to several persons and doing considerable damage to the launch.

We beg, therefore, to give you notice that our client holds the United States Government responsible for all damage occasioned to the said launch.

Particulars of the amount of the said damage will be forwarded to you later.

We have the honor to be, sir, your most obedient servants,

DEACON & HASTINGS.

R. WILDMAN, Esq.,
United States Consul-General, Hongkong.

Respectfully referred to Capt. W. H. Whiting, United States Navy, commanding U. S. S. *Charleston*, Hongkong.

ROUNSEVELLE WILDMAN,
Consul-General.

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35 QUEENS ROAD, *Hongkong, May 8, 1899.*

SIR: With reference to our letter of the 6th instant on the subject of the U. S. S. *Charleston* and the launch *Connie*, we are now instructed to inform you that our client, Mr. Gordon, has had the launch surveyed, but the precise amount of damage can not be ascertained owing to the fact that the surveyor requires the launch to be put upon the slip, as she is leaking, before being able to do so.

As, however, we understand it is desired to effect an immediate settlement, we are instructed to inform you that our client is willing to accept (of course without prejudice to his legal rights) the sum of $1,000 in full settlement of his claim, if paid promptly.

Of course it is understood that this is outside of any claim by Mr. Mayers's representatives or the Chinese.

We have the honor to be, sir, your obedient servants,

DEACON & HASTINGS.

R. WILDMAN, Esq.,
United States Consul-General, Hongkong.

Respectfully referred to Capt. W. H. Whiting, United States Navy, commanding U. S. S. *Charleston*, Hongkong.

ROUNSEVELLE WILDMAN,
Consul-General.

I.

Engineer's report of damage survey.

HONGKONG, *May 8, 1899.*

At the request of Messrs. Gordon & Co., I, the undersigned marine surveyor, have this day proceeded on board the steam launch *Connie* for the purpose of surveying the damage done the hull and fittings by the falling of a boat from the U. S. S. *Charleston*, and have to report as follows:

Cabin skylight, broken in three places, requires to be renewed.

Iron stanchion supporting boom to be renewed.

Thirty feet of rail on port side to be renewed and bulwark to be repaired; three awning stanchions to be repaired and three renewed.

Fore part of awning to be renewed.

There is no damage under water, as far as I can see, but I would recommend the boat to be put on the slip for inspection. I estimate the cost of these repairs at $300, and time required ten days.

JOHN W. KINGHORN.

HONGKONG STEAM LAUNCH COMPANY,
Hongkong, May 9, 1899.

Received from J. S. Phillips, paymaster, United States Navy, the sum of $500, being a full settlement of all claims against the United States Government for damage to steam launch *Connie* on account of accident of May 6 by fall of *Charleston's* whaleboat.

Received payment.

HONGKONG STEAM LAUNCH CO.
A. G. GORDON, *General Manager.*

Mr. PLATT of Connecticut. Now, Mr. President, let the case go over for to-day without prejudice.

The PRESIDING OFFICER. Without objection, that order will be made.

GEORGE F. ORMSBY.

The PRESIDING OFFICER. The Secretary will state the next bill on the Calendar.

The bill (S. 810) to authorize the detail of George F. Ormsby in the interest of commerce was announced as next in order.

Mr. PLATT of Connecticut. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is.

Mr. PLATT of Connecticut. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. ALLISON. I ask that that bill may go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

MOUNT RAINIER NATIONAL PARK.

The bill (S. 342) for the improvement of the Mount Rainier National Park, in the State of Washington, was considered as in Committee of the Whole.

The bill was reported from the Committee on Forest Reservations and the Protection of Game with an amendment, in line 5, after the word "dollars," to insert "to remain available until expended and;" so as to make the bill read:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $50,000, to remain available until expended, and to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads.

The amendment was agreed to.

Mr. ALLISON. Let the report in that case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. ANKENY on February 15, 1904:

The Committee on Forest Reservations and the protection of Game, to whom was referred the bill (S. 342) for the further improvement of the Mount Rainier National Park, in the State of Washington, have had the same under consideration and beg leave to submit the following report thereon and recommend its passage, with the following amendment:

After the word "dollars," in line 5, insert "to remain available until expended, and," thereby making the body of the bill to read as follows:

"That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $50,000, to remain available until expended and to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads."

During the first session of the Fifty-seventh Congress a bill providing for the improvement of the Mount Rainier National Park was introduced by Senator FOSTER, of Washington, and was favorably reported upon by the honorable Secretary of the Interior, to whom it was referred for examination. From a report presented by Senator KITTREDGE on this bill (S. 255) the following excerpt is taken:

"By act of Congress approved March 2, 1899 (30 Stat., 993), a portion of the lands of the State of Washington, known as the Pacific Forest Reserve, was set aside for a public park, to be known as the Mount Rainier National Park.

"This act provided against the wanton destruction of fish and game found within the park and against their capture or destruction for purposes of merchandise or profit. Trespassing was also prohibited and provision was made for the promulgation of rules and regulations to preserve the wonderful natural scenic effects of the park against destruction.

"During the Fifty-sixth Congress legislation was proposed for the assignment of troops to the Mount Rainier National Park for the purpose of preventing trespassers and intruders from entering the same to destroy game or objects of curiosity therein. The legislation then asked for set aside an appropriation of $20,000 for the improvement of the park and the construction of roads. This proposed legislation met with the approval of the honorable Secretary of the Interior, who made the following statement:

"'* * * I have to state that the legislation contemplated * * * is in line with the recommendations relative to Mount Rainier National Park contained in my last annual report to the President of the operations of this Department, pages 132–133.

"'I have the honor, therefore, to recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate and that it may receive the favorable consideration of Congress.

"'Very respectfully,

"'E. A. HITCHCOCK, *Secretary.*'

"A bill (S. 270) providing for the assignment of troops to the park by the Secretary of War, upon the request of the Secretary of the Interior, has been favorably reported by the Senate Committee on Military Affairs, and an appropriation for the construction of roads and trails is deemed eminently proper. A large and constantly increasing number of tourists visit the park each summer, although at the present time no satisfactory trails, roads, or bridges have been constructed within the limits of the reserve or park. Such improvement is needed, and for the accommodation of the general public should be made at once.

"The mountainous country within the park constitutes scenic beauties unsurpassed anywhere in the world. An abrupt peak rises nearly 15,000 feet from the snow line, and is pronounced by mountain climbers from all parts of the globe to be one of the most, if not the most, striking mountain peaks in the world. The glaziers surrounding the park, the water courses, the forests, and the canyons are of the greatest possible interest, and the protection provided for and the improvements to be secured by the proposed legislation are to be commended.

"We therefore recommend the bill do pass without amendment."

The bill now under consideration has been examined by the Secretary of the Interior, who makes the following statement:

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1904.

SIR: Your letter of the 9th instant has been received, inclosing, with request for report thereon, Senate bill 342, for the improvement of the Mount Rainier National Park, in the State of Washington. The bill in terms is as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $50,000, to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads."

In response thereto I have the honor to state that I have no objections to interpose to the passage of this bill, provided that the moneys therein authorized to be expended are made available until used.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. J. R. BURTON,
Chairman Committee on Forest Reservations and the Protection of Game, United States Senate.

Since the first appropriation of $3,000 was made for the improvement of Mount Rainier National Park, in accordance with a bill originally introduced by Senator FOSTER of Washington, a large numebr of tourists have been attracted annually to this great scenic resort, and a new line of railroad has been constructed over half of the distance to the mountain, which has heretofore been traversed by wagon or stage. This railroad is pushing its lines to a point nearer the mountain, and in a very short time Mount Rainier National Park can be reached without a long, difficult, and trying ride by wagon or on horseback, and visitors will be enabled to reach the glaciers without difficulty, particularly when the improvements contemplated by the War Department, and provided for in the above appropriation, have been made.

Mr. ALLISON. I thought an appropriation for this purpose had been provided in the sundry civil act of last year, but after a necessarily hurried investigation, I do not see that it was. I observe that the Senator from Washington [Mr. ANKENY], who made the report in this case, is present. I should think that a smaller appropriation than that proposed in the bill would be sufficient to do the work for the next year or two, and I suggest that the amount be reduced from $50,000 to $25,000. I think that will be ample. I make that motion.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In line 5, before the word "thousand," it is proposed to strike out "fifty" and insert "twenty-five;" so as to read "twenty-five thousand dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINING EXPERIMENT STATIONS.

The bill (S. 271) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. Let the bill go over.

The PRESIDING OFFICER. The bill will go over, and the Secretary will state the next case on the Calendar.

PURE-FOOD BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. McCUMBER. Mr. President, I understand that the Senator from Oregon [Mr. FULTON] desires to offer certain amendments and also to make some remarks on the bill.

If the Senator will allow me for a moment, I should like to read from a magazine entitled "What to Eat" a little statement from the pure-food commissioner of the State of North Dakota, and which will explain to some extent why we in that State are deeply interested in the enactment of a bill of this kind. It is very short, but it recites a condition of things that I think ought to appeal to any Senator. With the permission of the Senate, I will read the article. It is entitled "Some adulterations and frauds in the food markets."

One might suppose that the meats offered for sale in North Dakota would be generally pure and true to name, but, while potted chicken and potted turkey are common products, I have never yet found a can in the State which really contained in determinable quantity either chicken or turkey. More than 90 per cent of the local meat markets in the State were using chemical preservatives, and in nearly every butcher shop could be found a bottle of freezem, preservaline, or iceine.

The amount of borax or boracic acid employed in meats varied to a considerable extent, and, expressed in terms of boracic acid in sausages and Hamburger steak, would probably range from 5 grains to 45 grains per pound, while the medical dose is from 5 to 9 grains per day.

In other words, in one single pound of meat used there would be about five times as much as would be given in doses for medical purposes in a single day.

The use of these chemicals is not confined to the local butchers. Scarcely a ham could be found that did not contain borax. In the dried beef, in the smoked meats, in the canned bacon, in the canned chipped beef, boracic acid, or borates, is a common ingredient. Certainly it can not be said that the use of this preservative is necessary in goods sealed in glass and tin, whatever may be said with regard to their use in other classes of meats.

Probably sodium sulphite is more generally used than any other preservative in sausages and Hamburger steak by the local butcher. At times the meat which he employs in the preparation of these products has been tainted, and the use of the sulphites helps him to dispose of these meats as ripened products.

Canned salmon was frequently found to contain borax and in varying quantity, and while many of the canners protested that they were not using borax, nevertheless it was shown that the special salt sold them for use contained sufficient borax to act as a preservative agent. Ninety per cent of the so-called French peas which we have taken up in North Dakota were found to contain copper salts in varying quantities, and in a few samples, in addition to the copper salts, there was present aluminum salts.

Of all the canned mushrooms on the market in North Dakota 85 per cent were found to be bleached by the use of sulphites.

When the food law went into effect in North Dakota there was but one brand of catsup, so far as I am able to find by my records, which was pure—that is, free from chemical preservatives and coal-tar coloring matters. Many of the catsups offered for sale in the State were made from the waste products from canners—pulp, skins, ripe tomatoes, green tomatoes, starch paste in considerable quantity, coal-tar colors, chemical preservatives, usually benzoate of soda or salicylic acid, the whole highly spiced and not always free from saccharin. In other instances the basis for the catsup was largely pumpkin. I consider the use of starch paste in the manufacture of catsup as a fraud and that its use should be condemned.

I have found tomatoes in cans with all appearance of being ripe, but in reality the cans were filled mainly with tomato pulp and coal-tar dye. In some cans less than 12 per cent of the contents failed to pass through a good grade of cheese cloth. The use of coloring matter—coal-tar dye—alone permitted of the practice of such frauds. Of cocoas and chocolates examined about 70 per cent have been found to be adulterated.

This is signed by E. F. Ladd, food commissioner of the State of North Dakota. I simply present it at this time that we may understand a few of the adulterations in food products in the several States. Possibly the condition is no worse in our own State than in other adjoining States, and it is shown that of the products which have been examined on an average 80 to 90 per cent have been of an adulterated character, and not only adulterated, but injuriously adulterated; and it will be found, as I have stated, that from 90 to 95 per cent of all of those products have been imported products. So it is impossible for the food commissioner to reach the source of the evil—the manufacturer.

I may say, in addition, that during the summer there was held at St. Louis a session of the National Pure Food Congress, which was continued during a considerable period while the fair was in progress at that place. The requests from everywhere, and the resolutions contained in their reports, were in favor of a national pure-food law. Without going especially into the question of adulteration, they simply showed clearly by their reports the inability of the States to cope with this great subject.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. McCUMBER. With pleasure.

Mr. ALDRICH. I understood him to say that of the impurities discovered in North Dakota 90 to 95 per cent were in imported articles. I should like to ask him this question: Can the man who sells or ships or receives articles of this kind have any protection in the form of a guaranty under this bill?

Mr. McCUMBER. Yes; he is absolutely protected in the form of a guaranty. The man who purchases, you say? Do I understand the Senator?

Mr. ALDRICH. No; the man who receives or transports.

Mr. McCUMBER. Certainly. He is protected absolutely under this bill.

Mr. ALDRICH. How is he protected?

Mr. McCUMBER. It is made a defense if he receives a guaranty with respect to the quality of the goods.

Mr. ALDRICH. I know; but there is no provision for a guaranty with respect to imported articles.

Mr. McCUMBER. You mean imported from a foreign country?

Mr. ALDRICH. Yes.

Mr. McCUMBER. That matter was discussed here yesterday, and I can only answer the question the same as I answered it yesterday. The object of requiring a guaranty in the States is that we may follow up the article to the manufacturer and may hold the manufacturer of the article responsible. Such a provision could not apply, of course, where the article is imported from a foreign country. This country has no jurisdiction, of course, over the producer in a foreign country, and for that reason it was deemed unnecessary and improper even to have the same provision in reference to the importation of foreign products.

In addition to this, we now have a national law which provides for the inspection of all of these imported articles, and I believe it is working very well. There is very little complaint.

Mr. ALDRICH. The Senator does not quite apprehend my question.

Mr. McCUMBER. Possibly not.

Mr. ALDRICH. What I am asking the Senator is whether the innocent purchaser for sale or a man who is transporting articles, without knowledge that they are, as they may ultimately happen to be found to be, misbranded or impure, has any protection at all, if the articles are imported, as to the guaranty of anybody?

Mr. McCUMBER. Certainly he has not under this bill.

Mr. ALDRICH. In other words, if a man innocently receives misbranded goods that are imported, he can be sent to prison and has no protection whatever from any source?

Mr. McCUMBER. The protection is given in the law as we now have it, as it is enforced by the Agricultural Department, which has been reenacted every year, which practically protects the importer. I do not understand that there is very much trouble from imported articles. Most of the articles of a fraudulent character that are really sold here as being imported articles have never been imported.

Mr. SPOONER. Are the French peas to which the Senator has referred imported?

Mr. McCUMBER. I do not understand that they are at all. They are not imported articles.

Mr. ALDRICH. Will the Senator from Wisconsin excuse me?

Mr. SPOONER. I thought the Senator from Rhode Island was through.

Mr. ALDRICH. Here is a concrete illustration. It is well known in the trade, and the Senator from North Dakota undoubtedly knows it, that large quantities of cotton-seed oil are sold in this country imported from abroad as olive oil or salad oil, and under various other names.

Mr. McCUMBER. They are not imported from abroad.

Mr. ALDRICH. They are not imported?

Mr. PLATT of Connecticut. They are sent from this country.

Mr. ALDRICH. There are millions of gallons of cotton-seed oil sent to France every year, a considerable part of which comes back as olive oil under various brands, Italian and French, and is sold here. Suppose a retail grocer in Philadelphia orders from a wholesale grocer in New York a case of imported oil, and it is received in due course and sold by him. I wish to ask the Senator from North Dakota whether that man and the man who transports it and the man who shipped it can be sent to prison under this bill without any intent on their part to deceive or any knowledge on their part as to the character of the goods?

Mr. PLATT of Connecticut. Certainly they can.

Mr. McCUMBER. I will speak first as to the particular item of which the Senator from Rhode Island spoke.

Mr. ALDRICH. As I understand the bill, everyone of them, from the man in New York to the man who finally receives it, can be found guilty and sent to prison when there is not the slightest possible intent on their part to deceive or any knowledge as to the character of the goods.

Mr McCUMBER. Speaking now of olive oil, or oil which is imported as olive oil, if the reports of the Agricultural Department are correct, there is practically nothing of that kind going on.

Mr. ALDRICH. Oh!

Mr. McCUMBER. I am simply taking the report as it is before us. While it is true that a small amount of cotton-seed oil comes back to this country as olive oil, it may be said that practically there is none coming back at the present time. But this is the way we get our imported cotton-seed oil as olive oil: It is taken out of a tank in the city of New York or in Boston or in some other place, and a foreign label is put on the bottle and it is shipped as a foreign product all over this country. But the adulteration is done in this country and not in the old country. I am informed by the chemist of the Agricultural Department that under the law of which I have spoken they have practically excluded importations of that kind.

Now, answering the Senator's second proposition as to the liability of the importer, the law of every State in the Union makes it an offense punishable by fine and imprisonment to sell any adulterated article or an article that does not meet the requirements of the law of the State. None of the State laws, so far as I know, provide any shield to the party by reason of his not understanding that the article is of an impure character. He is made absolutely liable. I do not understand that there has been any great suffering under laws of this country. There are being enforced, day after day, in every one of the States of the Union, laws practically the same as this proposed law, so far as concerns making the seller responsible, irrespective of his innocence of knowledge as to the character of the particular goods.

Mr. ALDRICH. Is there any State which applies the penalty to a man who receives the goods or transports them, and who may have no knowledge of the deception or any connection with their sale in any way or with what becomes of them Is there any law that you know of, before this suggested one, which imposes any penalty for that?

Mr. McCUMBER. Every one of them does.

Mr. ALDRICH. Do you mean the man who receives them or the man——

Mr. McCUMBER. The innocent receipt alone would not make a party guilty.

Mr. PLATT of Connecticut. This bill does.

Mr. ALDRICH. Yes; this bill does.

Mr. McCUMBER. It is so stated on the floor, but that is not intended.

Mr. ALDRICH. The bill so reads. I do not know what was intended. That is the way it reads. Is there any State which has a law of that kind?

Mr. McCUMBER. Every State has a law practically the same as the law which is proposed here, and I have not heard that there has been any difficulty. But I wish to say——

Mr. MONEY. Will the Senator permit me for a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. In a moment. I understand that in Rhode Island if a man has such articles in his possession he is made criminally liable, whether innocent of any intent to deceive or not.

Mr. PLATT of Connecticut. He ought not to be.

Mr. McCUMBER. It is the law practically of every State, and, as I stated yesterday in my remarks, experience has demonstrated that if we insert the words "knowingly" or "willfully receiving" it leaves a ground on which many a criminal will escape.

Mr. ALDRICH. Does the Senator mean to say that the law of Rhode Island punishes a man for having in his possession a misbranded article?

Mr. McCUMBER. I have not the law here.

Mr. ALDRICH. I think the Senator had better read it.

Mr. McCUMBER. I think the Senator will find it reads "misbranded" or "adulterated."

Mr. ALDRICH. I think you will find that it does not.

Mr. MONEY. Will the Senator from North Dakota permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. With pleasure.

Mr. MONEY. Mr. President, the information the Senator from North Dakota has just given, that there is no cotton-seed oil imported under the brand of olive oil is new to me, and I am glad to hear it. I regret that there is any imitation in the United States. However, I recollect very well that a few years ago the Italian Government forbade entirely the importation of cotton seed, cotton-seed oil, or any quality of cotton seed, upon the ground that it was destroying the olive industry in Italy. That prohibition was afterwards removed, and my impression has been, derived from a good many sources, that the very best olive oil that is used is refined cotton-seed oil——

Mr. McCUMBER. It may be.

Mr. MONEY. And that it comes from Lucca and other Italian ports, and probably some comes from France.

A few years ago there was in the French Chamber of Deputies a proposition to put a prohibitory tax upon cotton-seed oil, and at the request of the Secretary of State the minister of foreign affairs requested the withdrawal of the bill from the Chamber, because we were then negotiating a treaty of reciprocity with France, and retaliation was threatened unless the bill was withdrawn pending the negotiations.

I know it is a fact that in more than one European state the introduction of cotton-seed products has been forbidden, or that course is contemplated, because of the exportation of that oil refined in place of olive oil, and upon the grounds mainly that it is destroying the olive industry.

The Senator has given me some information upon that subject which I am very glad to get, and I hope he is quite correct in the statement.

Mr. McCUMBER. I have the statement from the Chief of the Bureau of Chemistry of the Agricultural Department, who, in the investigation had before the Committee on Manufactures, showed that very little cotton-seed oil was imported into this country misbranded; that since the new law went into effect, giving the Agricultural Department control over the importation of wines and such articles, practically none is now being

imported. But it is true that an immense amount of cotton-seed oil is sold in this country for imported olive oil, when, as a matter of fact, it is simply cotton-seed oil with the foreign brand placed on the package in this country and nowhere else.

Now, I am not condemning, and I do not think anybody else is condemning, the use of cotton-seed oil. It may be to a great extent better than mere olive oil. I know that olive oil is prescribed very often by physicians for children's diseases. I know that the effect of olive oil is not the same on the system as that of cotton-seed oil; and I know that a person having a prescription filled is entitled to know whether it is olive oil he is buying or whether he is buying something that is really better for some purposes—cotton-seed oil.

I had not completed my answer to the inquiry of the Senator from Rhode Island. Any person purchasing from the importer is amply protected under this bill. Possibly it may be so amended that he will be better protected. He may obtain a guaranty from the person from whom he purchases or who ships to him that the article shipped to him corresponds in quality and character with the requirements of this bill, should it become a law; and in that way everyone will be thoroughly protected, unless it be the importer from a foreign country.

Mr. PLATT of Connecticut. Mr. President, I think it must be admitted that this bill, in terms, punishes an innocent retailer of misbranded goods unless he can produce a guaranty from the manufacturer or the person who sold him the goods that they are not misbranded. The Senator from North Dakota [Mr. McCUMBER] says, "Oh, that is true; but the retail dealer will not be punished if he is innocent; no harm has resulted from such laws in the States; that although the same provision occurs in State laws no retail dealer has suffered particularly."

Now, the other day when the Senator from North Dakota gave a reason why Congress should pass a law of this sort, the reason he gave was that the law was not enforced in the States; that they had similar laws, subjecting the innocent retail dealer to punishment, but that the laws were not enforced. Now, let us see what he says:

> When they——
>
> That is, the goods—
>
> have changed from that condition—
>
> That is, the unbroken packages that are in interstate commerce—
>
> and have become lost in the mass of the goods of that State, then the pure-food commissioner of that State and the courts of that State may deal, not with the manufacturer, not with the shipper, but with the retailer, who is absolutely innocent of the character of the goods. It is because of those conditions that nearly all of the States, through their proper officers and those interested in pure foods and drugs, have petitioned Congress for the last ten or fifteen years for the enactment of a Federal law governing this subject. Now, all that we are asked to do is to pass some law supplementing the efforts of the States to enforce their own laws in relation to pure food products. In my own State of North Dakota there have been more than 100 arrests in the last year for the sale of adulterated and impure foods and those prohibited by the laws of the State to be sold in the State. In every instance, so far as I know, the retail dealer was absolutely innocent of the character of the goods, and so the fines in most instances were remitted for that reason.

Now, we are to have a law based upon the necessity which exists for a law by which such fines shall not be remitted. That is the reason which is given here for the passage of this bill. The States are fully empowered to deal with this subject. They have passed laws on it, but the Senator complains that the fines are remitted where the dealer is innocent of an intent, and therefore we must have a law of Congress. I can not see it any other way.

Mr. McCUMBER. That is all true with the exception of "therefore" and what follows. I simply gave that as an illustration of the difficulty of enforcing the law, without doing more or less injustice, as it now stands. The dealer will be enabled to protect himself entirely by securing from the manufacturer or the wholesale dealer a simple guaranty that the goods are as they purport them to be, nothing less and nothing more.

Mr. ALDRICH. It does not apply to imported goods at all?

Mr. McCUMBER. I have stated that it does not apply to imported goods from the first importer. It applies to imported goods, however, from the wholesale dealer or anyone else except from the first importer.

Mr. ALDRICH. How can the wholesale dealer give a guaranty of something that has been imported as to its purity or branding?

Mr. McCUMBER. He can give a guaranty if he has a mind to. He is not compelled to sell anything he does not know what it is composed of. He can test the articles that he gets from a foreign country and ascertain whether or not they correspond with the laws of the United States before he puts them on the market.

The Senator might as well ask how we secure proper goods from importations at the present time. Simply the chemists of our own Departments analyze them, and they are not allowed to pass unless they are found to be either marked in such a way that they will indicate exactly what they are or else that they shall correspond entirely with the name that is given them. It is not a very difficult problem that would affect the importer or anyone else in knowing what his goods are before he ships them. The Senator might as well ask why should a man be held responsible for selling some yellow concoction that looks like butter. He may not know that it is not butter; but he can test it and ascertain whether it is oleomargarine or whether it is butter, and after he has tested it he knows what it is. Then he is entitled to put it on the market for just exactly what it is and not for something else.

Mr. ALDRICH. If the Senator from Oregon will permit me, I should like to say just another word about cotton-seed oil. My experience and knowledge, which, of course, is not equal to that of the Senator from North Dakota, is that there is a very large quantity of cotton-seed oil all the time being imported in the form of and branded as olive oil and sold under that brand. I do not know what the Chemist of the Agricultural Department may say about that, but I think there is not a man in trade and who knows about trade conditions who will not differ absolutely from the Chemist of the Agricultural Department in that regard. Neither the Chemist of the Agricultural Department nor any other chemist, in my judgment, can tell absolutely whether an oil which is sold upon the market contains 90 per cent olive oil and 10 per cent of cotton-seed oil or not, and there is nothing in the chemical analysis of oil by which you can tell. One chemist might send a man to jail under this bill for selling oil that was adulterated or having in his possession an adulterated article, when twenty other chemists might say there was no cotton-seed oil in the product at all.

Mr. McCUMBER. That would be tried by a jury and they could weigh the evidence. That is true in the enforcement of all laws of this character.

Mr. ALDRICH. Does the Senator think that a man's liberty ought to be put in peril because some chemist of the Agricultural Department or some other might think that the oil was adulterated; not that anybody's health was in danger, because I assume, and I think I can assume with great truth, that an oil which contains even 50 per cent of cotton-seed oil is just as good for all purposes of health as though it were all olive oil?

Mr. McCUMBER. Let me answer the Senator. In our State we have the prohibition law. There is a prohibition against the sale of intoxicating liquors in the State. A great many concoctions are sold there, and the question arises very often in the enforcement of that law whether they are intoxicating liquors.

We take a brand of lager beer, tonics, etc., and the question of their intoxicating quality is determined by chemists who analyze them and determine the amount of alcohol. One chemist might find that there was 5 per cent of alcohol. There is also the probability, or possibility, that other chemists might not find that there was 2 per cent, and therefore it might not be intoxicating. Would the Senator say that we should jeopardize a man's life and imprison him when chemists might disagree? But they do disagree, and it is for the jury to determine whether or not it is an intoxicating liquor, and ordinarily they will determine about right. A man is safeguarded. He can have the other twenty chemists present to show that the article does not contain 5 per cent of alcohol—that it contains only 1 or 2 per cent. The same thing would apply to a case of this kind.

Mr. ALDRICH. Is there anything in the existing condition of affairs that makes it the duty of Congress to put the liberty of all the people of the United States in jeopardy because some man thinks that at some time some imported article contains certain substances which ought not to be there? Take this question of oil. Are we to pass a sumptuary law that will prevent people all over the United States from using or selling or receiving or transporting articles which, in the opinion of some of the people of North Dakota, may be injurious to their health? Are we going to decide that question here? Are we going to take up the question as to what a man shall eat and what a man shall drink, and put him under severe penalties if he is eating or drinking something different from what the chemists of the Agricultural Department think it is desirable for him to eat or drink?

Mr. McCUMBER. No.

Mr. ALDRICH. Is that the purpose of Congress?

Mr. McCUMBER. I can tell the Senator what the purpose is.

Mr. ALDRICH. That seems to be the purpose of the proposed legislation, so far as I can see.

Mr. McCUMBER. On the contrary, it is the purpose of the bill that a man may determine for himself what he will eat and what he will not eat. It is the purpose of the bill that he may go into the markets and when he pays for what he asks for that he shall get it and not get some poisonous substance in lieu thereof for the benefit of some particular individuals who desire to make a little money out of the sale of these poisonous articles which are imposed on the public. Are we going to put every man under the ban of suspicion or liability for being convicted of murder because we have a law on our statute books that prohibits murder? This proposed law prevents no man from selling what he wishes. It simply says to him, "You shall sell it for what it is. It defines what are adulterated articles. He can adulterate them as much as he has a mind to, but it provides that he shall place upon the label the fact that it is adulterated. Is that a hardship upon any individual? Is it an injustice to him? I think Congress may well protect the people of the State of North Dakota and of every other State against the impositions I have enumerated, as I have read this article from our own pure-food commissioner.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. As I stated yesterday, I conceive that probably some legislation on this subject is necessary. I realize, as my friend from North Dakota must, the length and depth of the subject, the intricacy of it, and the difficulty of framing a bill full of specific provisions which will not be susceptible of very great oppression in its execution.

Now, turning to the question of guaranty, which in a limited sense, perhaps not so limited—it is limited, however—is a defense, I wish to ask the Senator this question: Suppose a firm in New York imports a consignment of foreign-made food or confectionery. They bring it in; they ship it in the packages to some State for sale. It is found there to be misbranded or, upon being opened—or it may not be necessary to open it—it is found to be adulterated. That firm, I suppose, would be subject to prosecution and punishment under this bill?

Mr. McCUMBER. If they sold it.

Mr. SPOONER. If they sold it or if they shipped it for sale?

Mr. McCUMBER. Yes.

Mr. SPOONER. Now, no guaranty of the foreign manufacturer would protect that firm?

Mr. McCUMBER. No.

Mr. SPOONER. Would proof by that firm that the package had never been broken from the time of withdrawal from the custom-house until its shipment for sale into another State be a defense?

Mr. McCUMBER. I think not.

Mr. SPOONER. I think not, too, because it is malum prohibitum. Now, where does that leave this bill? Confessedly the Government of the United States, however it may be restricted, from the standpoint of such a bill is restricted to its power to regulate commerce. But it is not restricted, as my friend knows, as to the power to regulate imports. Congress has the power to provide for the examination and the testing of imports to the end that the misbranding or the adulteration which occurred on the other side may be detected and the consummation of it prevented.

The Senator says there is a law for that purpose. Then this importer to whom I have referred would have the right, would he not, to assume that the Federal officials had executed that law, and that the original package, with which the firm never interfered, came to the dealer after examination by the Federal official whose duty it is to make the examination? One illustration, of course, brings to the mind of any Senator the extent of the field. He would be subject to prosecution and punishment it being malum prohibitum, being absolutely honest himself, simply because he had relied upon the faithful execution by Federal officials of a Federal law. He had been lulled to rest, left without ground of suspicion, by the assumption that before the package came from the custom-house into his custody it had passed and met the test prescribed by the Federal law.

The PRESIDENT pro tempore. Will the Senator from Wisconsin yield for one moment?

Mr. SPOONER. I ask for one moment. What I wish to ask the Senator is whether in such a case it ought not to be a complete defense upon proof that the package came from the custom-house into the custody of the importer, and that from the time it came into his custody until it was delivered for sale in another State it had remained unbroken. Ought not that to be a defense?

Mr. McCUMBER. There certainly could be no objection——

The PRESIDENT pro tempore. The Senator from North Dakota will please suspend. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. DUBOIS. Mr. President, I do not rise to discuss the bill which has just been laid before the Senate, but as I am engaged on a committee which will be at work in the afternoon I should like to have an understanding in regard to the bill. I assure the Senator from North Dakota that I shall not take much time.

Mr. LODGE. The Senator from North Dakota, I suppose, merely desires to finish his statement.

Mr. McCUMBER. I simply desire to answer the question of the Senator from Wisconsin.

Mr. LODGE. I suppose that the unfinished business will be temporarily laid aside for that purpose.

Mr. SPOONER. Just for a moment, that the Senator from North Dakota may answer the question.

Mr. DUBOIS. Very well.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the unfinished business be temporarily laid aside in order that he may finish his reply. Is there objection? The Chair hears none.

Mr. McCUMBER. There certainly could be no objection to throwing around every citizen the safeguards which would be necessary to establish his innocence and to allow him to establish innocence. It is a serious question, however, whether it would be better to say to importers, "You may rely entirely upon the fact that Federal officials have allowed certain goods to pass into this country as a complete defense," or whether it would be better in the long run to compel them to know what they were selling to the public. I certainly would not desire to object to any amendment that would safeguard any particular class of importers the Senator might suggest.

Mr. SPOONER. The honor of the citizen and exemption from prosecution and punishment throughout the whole country are perhaps of quite as much consequence as this matter of adulteration.

Now, it is not a question as to whether there is objection to it or not. The Senator does not answer my question. In the case I put I can see no possible escape from the conclusion that the importer, without any fault on earth upon his part, without having been in the slightest degree neglectful, would be liable to prosecution and conviction.

This whole bill is to be carried forward and administered by Federal officials. The whole country has got to rely on Federal officials and on their reports, their analyses. Why may not the importer rely upon the certification of the Federal official at the threshold of the country, whose sworn duty it is to analyze samples of the importations and certify them? Why is the whole country to rely upon the fidelity and accuracy of these Federal officials, and yet the importers and the people along the seaboard are not to be entitled to rely upon their scrupulous discharge of duty? I mention this to the Senator as one additional case which makes it seem that this bill needs some revamping in the interest of the liberty of the citizen.

Mr. McCUMBER. Let us take the parallel case of the States. There is a food commissioner in every State, whose duty it is, so far as it is in his power, to prevent the sale of goods of an adulterated or a misbranded character in his State, and not only to prevent the sale after it has gone into the mass of the property of the citizens of the State, but also to prevent it from being shipped into the State as much as possible or to be distributed after it gets into the State. Every State law provides for the punishment of the individual who sells these adulterated or misbranded articles. The same reason, therefore, might be urged against any punishment of those sellers, because they can say, "I have a right to rely upon the assumption that the commissioner of foods and drugs in my State has prevented any goods from being sold in the State that are of an impure or adulterated character." And yet we would not for a moment consider that that should be a proper defense. Our State laws make the individual responsible for what he sells. Therefore, a Government law would not be more harsh which would compel the shipper or the importer to know what he is distributing throughout the country.

Mr. SPOONER. If my friend will permit me, take this case.

Throughout the country the retailer or the wholesaler who buys the imported article from the importer would be protected by his guaranty.

Mr. McCUMBER. I understand that. He would under this proposed law. He is not protected under the present State laws by any guaranty.

Mr. SPOONER. I am dealing with this bill.

Mr. McCUMBER. I was giving a case similar to the one the Senator presented.

Mr. SPOONER. It is not a similar case.

Mr. McCUMBER. It is exactly if——

Mr. SPOONER. If the official of a government, State or national, whose duty it is to certify upon the subject, certifies falsely, the citizen ought not to be punished for it. The local dealer ought to be permitted to rely upon it, but the government official should meet with punishment—removal or imprisonment.

However, in the case I put—and there will be cases without limit, and there will be an army of employees under this bill, and it will deal all over the United States—the law provides that no article of foreign food or drink—and drink is part of the food—or confectionery shall be admitted until it has been tested by the representatives of this very Department under whose dominion the whole country, drugs and all, is to be placed, and found neither misbranded nor adulterated. The importer receives it; he pays the duty; the fact that it is permitted to be withdrawn from the custom-house or the warehouse is evidence to him that it has met the test. Ought he not to be at liberty to execute this guaranty to the firm in Massachusetts to whom he sends that package, never broken in his custody?

Mr. McCUMBER. I am not contending that he should not.

Mr. SPOONER. But under this bill he is not at liberty to do that.

Mr. McCUMBER. The bill will be subject to amendment, and if it is thought best to cover a case of that character——

Mr. SPOONER. But what I want to know is, does the Senator think it best to cover it?

Mr. McCUMBER. I would think it best to have the same character of guaranty from the foreign merchants that you would have from the domestic merchants and manufacturers. I am willing to concede that for my own——

Mr. SPOONER. Otherwise it follows that the imported article meets the test of the Agricultural Department, and then no importer on tide water or dealer in the interior will dare to sell an unbroken package. He will be obliged to employ his own chemist to open it.

Mr. McCUMBER. No.

Mr. SPOONER. He will be obliged to make his own test of it before he can execute his guaranty and protect his consignees. Now, the bill in that respect needs amendment.

Mr. McCUMBER. That would cover perhaps not to exceed one thousandth of one per cent of the entire food products that are sold in the United States.

Mr. SPOONER. But the Senate and the House, passing legislation involving prosecution, conviction, and penalties to the citizen, owe no higher duty as legislators than industriously to see to it that no innocent citizen shall be punished under Federal law.

Mr. McCUMBER. Just to close, I beg to state, however, that I know of no particular reason why the importer should be shielded to any greater extent than the wholesale or retail dealer in any State.

Mr. SPOONER. He is shielded by the importer's guaranty under your bill.

Mr. McCUMBER. Under this law, if it should become a law. He is not at the present time.

Mr. SPOONER. I am talking about this bill, not about no bill.

Mr. McCUMBER. I think the Senator misunderstands the point I have been trying to make in the matter, that by reason of the State enacting the law in that form and not protecting them by the shield is the fact that it does operate and has operated as a shield for the escape of the guilty.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of Connecticut. Mr. President, I present a resolution, for which I ask immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the message of the House of Representatives relating to the impeachment of Charles Swayne be referred to a select committee to consist of five Senators to be appointed by the President pro tempore.

The PRESIDENT pro tempore appointed as the committee Messrs. PLATT of Connecticut, CLARK of Wyoming, FAIRBANKS, BACON, and PETTUS.

PONCE RAILWAY AND LIGHT COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Ponce Railway and Light Company the right to construct branch tracks or extensions of its present line of railway around the Playa of Ponce, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

THE AMERICAN RAILROAD COMPANY OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track connecting its warehouse at the Playa of Ponce with its main line, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

VANDEGRIFT CONSTRUCTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on July 7, 1904, amending "An ordinance granting to the Vandegrift Construction Company the right to build and operate a line of railway between the municipality of San Juan and the Playa of Ponce, in the island of Porto Rico, and to develop electric energy by water or other power for distribution and sale for railway, lighting, and industrial purposes."

This ordinance was approved by the President of the United States on August 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

THE AMERICAN RAILROAD COMPANY OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompany papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on November 4, 1904, granting to the Campania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track running from its station of Lajas in the southwest direction toward the district of Boqueron, for a distance of about 7 kilometers, which ordinance was approved by the President of the United States on December 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

Mr. HALE. I ask that the bill just received from the House be referred to the Committee on Appropriations.

The bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. The Senator from Idaho [Mr. DUBOIS], I understand, desires to ask some questions in regard to the bill.

Mr. DUBOIS. The senior Senator from Ohio [Mr. FORAKER] offered an amendment to the bill this morning. I understood it was to have been printed by this time and we are expecting it. The amendment provides for a reduction in the tariff duties on certain articles in the Philippines, if I understood it correctly.

I wish to say to you, Mr. President, and to the Senator from Massachusetts, in charge of the bill, that there was no amendment of that character pending, and I was preparing to make some remarks on tariff reductions, but postponed it because I did not think the measure would be before the Senate so soon. I think at this session there is no bill for the reduction of the tariff in the Philippines pending in the Senate, but there is one pending in the House.

I have serious objections to the bill pending in regard to the percentage granted for the building of railroads and also I desire to be certain as to the enforcement of the immigration laws, but my objections were not of so weighty a nature as to delay the passage of the bill. However, as a member of the Committee on the Philippines, I never would have given my consent to the taking of a vote day after to-morrow had I known that the tariff-reduction proposition was to be voted upon in connection with this bill. It is not germane; it is a subject which affects my own State and our western country very much, and I am desirous when that question comes properly before the Senate to submit some remarks upon it. I do not like to be bound by an agreement to vote on that proposition day after to-morrow, and I hardly think it was contemplated that such an amendment would be offered to be voted upon. I certainly as a member of that committee would not have given my consent to vote day after to-morrow had I known that I would have been called upon to vote on that proposition.

Mr. LODGE. Mr. President, the Senator from Idaho is of course aware that the amendment did not emanate from me or from the Committee on the Philippines, directly or indirectly. I knew nothing about it until the Senator from Ohio spoke yesterday of offering it.

Mr. DUBOIS. I understand that thoroughly. I think there was a sort of tacit understanding among the members of the committee, so far as that is concerned.

Mr. LODGE. If the Senator will allow me, I had no understanding in regard to it one way or the other. The subject was not mentioned to me, as I said, until yesterday.

As the Senator is of course aware, this is the bill that passed the House in the last session, was reported from our committee, and went to the Calendar, where it failed at the close of the short session, with the single exception that the Senator from Ohio proposes to lower the rate which the committee proposed on sugar and tobacco from 50 per cent of the present duties to 25 per cent. Otherwise it is precisely the same bill that our committee reported in the last Congress, and which was then so much debated.

The question whether it is germane to the bill is something as to which a point of order may be raised when the amendment is offered.

Mr. DUBOIS. Well, Mr. President, that is not exactly the point that I raised. I certainly, as a member of the Philippine Committee, would not have consented to have voted on the two bills at once. I supposed that we were to vote on the administrative bill for the Philippine Islands. That is the bill which is now pending. There never was an intimation from any member of the committee on either side that we were to merge two bills into one. It was my understanding distinctly, and I think it was the understanding of my colleagues on this side that we were to vote on the Philippine bill, and, of course, any amendments properly offered to that bill.

Mr. LODGE. The Senator from Idaho must be aware that no unanimous consents or agreements can be made here if we undertake to limit the amendments that may be offered. The agreement in regard to this bill is in the usual form—that is, that the vote is to be on the bill and all amendments pending and to be offered. There is no possible method of which I know of preventing other Senators from offering any amendments they choose on this or any other bill. I never heard of such a thing being done.

Mr. DUBOIS. I thoroughly agree with the Senator from Massachusetts in regard to that; but, on the other hand, whenever we make a unanimous-consent agreement there are implied obligations on all sides.

Mr. LODGE. I can not conceive what obligation there is that binds Senators not to offer any amendments they want to unless it is so expressed. You can not limit the right of amendment in any agreement ever made in the Senate. You can not limit the right of any Senator to offer any amendment he chooses. I myself when I asked for that unanimous consent and received it had no idea that this amendment was going to be offered; but I was perfectly aware that any amendment might be offered under that consent, and I have no doubt amendments will be offered to which I am entirely hostile.

Mr. DUBOIS. Mr. President, if it is in order, I should like to have the unanimous-consent agreement abrogated.

Mr. LODGE. That is impossible, Mr. President.

Mr. DUBOIS. Set aside——

Mr. LODGE. That is utterly impossible.

Mr. DUBOIS. So that we can amicably arrange some way of settlement of the matter. I would not ask Senators to wait on my convenience, but I am exceedingly interested in this subject, and I think it would be impossible to prepare properly for a vote on this question on the day agreed for a vote—the day after to-morrow.

Mr. SPOONER. Mr. President, I suggest to the Senator not to make that request at this time——

Mr. DUBOIS. I beg the Senator's pardon.

Mr. SPOONER. And that he let this matter go over. I am myself disposed to think there is some justice in the attitude of the Senator, and I know the Senator from Ohio would be the last man in the Chamber to take any unfair advantage.

Mr. DUBOIS. I understand that, but I will say to the Senator from Wisconsin—and it is no reflection on him or on the committee—that I know we thought we were to consider the Philippine administrative bill, and I have no desire to offer any objections to its speedy passage. The other question is much more intricate and one requiring more debate.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, I was out of the Chamber when this colloquy commenced, and I am not yet advised as to what has been said. I only infer from the remarks now being made what is under consideration.

I offered this amendment never dreaming that anybody would take any exception to it such as has been stated. We have repeatedly had this question presented in the Senate. Every time Philippine legislation has been under consideration, where it was at all germane I have offered practically the same amendment, and I have in each instance given notice that I would continue to offer it from time to time as opportunity was presented until we got favorable action, if that was possible.

The agreement entered into with respect to voting on this bill is the usual one—that at a day and an hour on that day named we should vote on the bill and all amendments that might be offered.

Mr. GALLINGER. All pending amendments.

Mr. FORAKER. All pending amendments; all amendments that might be offered at the time before we vote. So that I have offered the amendment strictly within the agreement. It did not occur to me at the time that agreement was made that it was necessary for me to state that I intended to offer this amendment. I had a right to offer it, and if any Senator here had a thought on the subject he should have been of the opinion that I would offer it again, for I had given that kind of notice.

Mr. BAILEY. Will the Senator from Ohio permit me to inquire if the proposition he has made heretofore was not a general reduction on all articles as contrasted with the present one? I understand this only reduces the duty on two articles—sugar and tobacco.

Mr. LODGE. It makes everything else free.

Mr. FORAKER. The amendment which I proposed to offer, which has been introduced and is lying on the table, provides

that all goods and merchandise imported from the Philippine Archipelago shall come in free of duty except only sugar and tobacco, on which there shall be paid 25 per cent of the Dingley rates. So that this does vary somewhat from the amendments I have heretofore offered from time to time.

Mr. LODGE. It is identical——

Mr. FORAKER. But it is in spirit precisely the same as that which was reported by the Philippine Committee two years ago.

Mr. LODGE. It is identical with the bill, I will say to the Senator, which came over from the House during the last session of Congress, and which was reported, except in the rate on sugar and tobacco, which the Senator's amendment makes 25 per cent lower.

Mr. FORAKER. The Philippine Committee of the Senate reported a proposed amendment to the House bill making the duty on sugar and tobacco imported 50 per cent. I put it at 25 per cent. That is the rate I think we ought to adopt, and it did not occur to me when we were making that agreement the other day that any Senator needed notice, for I had given it, that this was a matter that I thought very important, and I intended to press it on every appropriate occasion; and I had a right to offer it without any notice, certainly.

Mr. DUBOIS. Mr. President, it is perfectly evident from the remarks of the Senator from Ohio that there is opposition to his amendment of a very serious nature.

There was not any intimation whatever from the Republican members of the Philippine Committee that we were to discuss anything except the Philippine administration bill. This opposition exists to the reduction as proposed by the amendment of the Senator from Ohio, and under those circumstances I hardly think it is entirely fair to hold us to an agreement to vote day after to-morrow on a proposition which a great many of us want to discuss. I have no disposition to delay a vote on it. A bill is now pending in the House on this proposition, I think, and if the Philippine Committee will bring a bill in and give us any reasonable time to debate it, they will be able to secure a vote on it.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him there, I do not know of any such bill now pending in the House.

Mr. DUBOIS. I may have been in error.

Mr. FORAKER. Yes. I do not know of any bill pending anywhere except only this one where this amendment may be properly offered.

Mr. BAILEY. Will the Senator from Ohio, then, permit me this inquiry? If the bill pending does not lay duties or taxes, exactly how, by amendment in the Senate, we can propose a revenue measure is beyond my comprehension just at this time.

Mr. FORAKER. This is not an amendment affecting the revenues of the United States. The Constitution provides that measures to raise revenues must originate in the House, but they are revenues of the United States; they are not revenues of the Philippine Islands.

Mr. BAILEY. The Constitution——

Mr. FORAKER. If the Senator will pardon me just a moment until I get through—all the revenues, all the tariff duties collected on importations from the Philippine Archipelago are paid over to the Philippine government for its support; and this is simply a reduction in the amount of the revenues that we are to collect for the benefit of the Philippine government. So this is not an amendment to raise revenue for either our Government or the Philippine government.

Mr. BAILEY. Mr. President, the Senator from Ohio is perfectly well aware that the Senate by an overwhelming majority has itself decided that a bill to reduce duties was still a bill to raise revenue; and the fact that this amendment proposes to reduce the duties would not take it out of the constitutional prohibition against originating outside of the House of Representatives if——

Mr. FORAKER. Mr. President——

Mr. BAILEY. Just a moment; I have not finished—if it were clearly a bill to raise revenue for the United States. Now, the Senator interpolates those words into the Constitution, for he will not find the Constitution confining the power of originating revenue bills for the United States to the House of Representatives, because I take it that the men who framed that Constitution never dreamed that the Congress of the United States would undertake to raise revenue for anybody but the United States.

This is not the time nor place, however, to go into the whole argument as to whether the Philippine Islands are a part of the United States, but I believe on a fair understanding of the clause the power to lay duties for any purpose or upon any article must rest with the House of Representatives in its origin.

Mr. FORAKER. I understand the Supreme Court has already decided that legislation affecting the revenues of our insular possessions is not subject to the constitutional provision referred to.

Mr. BAILEY. They have decided that by 4 to 5.

Mr. FORAKER. Well, that was enough, as in many other cases.

Mr. BAILEY. That is the usual division now.

Mr. FORAKER. The point I was making was simply that this is a bill (speaking of the amendment) that affects the revenues of the Philippine Islands and does not affect in any sense whatever the revenues of the United States; and there is no constitutional objection that I know of to introducing such legislation here originally, as a separate bill, or by amendment, for, except only that provision of the Constitution to which the Senator from Texas alludes, it would not be necessary for us to wait on the House to originate a measure laying duties.

Mr. BAILEY. Mr. President——

Mr. FORAKER. If the Senator will excuse me just a moment, I want to call attention to the fact that the amendment which I offered is to be added to section 5 of the bill. This section affects the revenues of the Philippine government, therefore my amendment is perfectly pertinent. Section 5—this is the House bill and this amendment originated there and came into the Senate from the House—reads:

SEC. 5. That material imported into the Philippine Islands for the construction and equipment of railroads therein may, in the discretion of the general government of said islands, under rules and regulations to be by it prescribed, be admitted free of duty.

I add my amendment to that, and it is consistent with it.

Mr. CARMACK. Mr. President, there is a plain, manifest unfairness which is apparent—I do not think any intended unfairness—but I say there is a manifest unfairness in presenting this amendment here at this stage of the bill. As the Senator from Massachusetts [Mr. LODGE] himself says and as the Senator from Idaho [Mr. DUBOIS] says, no member of the Philippine Committee, no Senator here, anticipated or expected or had any right to suppose that any such amendment as that presented by the Senator from Ohio [Mr. FORAKER] would be offered to this bill.

This is a bill which deals with matters of civil government in the Philippine Islands. We have heretofore dealt with the question of tariff on Philippine products by separate bills. We had a bill pending here at a former session of Congress which was debated at length. I understand that the committee of the House of Representatives is now considering a measure of that sort, and nobody supposed that any amendment of this kind would be offered to this bill.

I have always supported the idea of reducing or entirely abolishing all duties on Philippine products, but this amendment raises another question; it raises a very serious constitutional question, whether or not this Senate can proceed to originate a bill raising revenue simply because articles involved come from the Philippine Islands. It does not seem to me that the fact that the revenue goes back to the Philippine Islands has anything to do with that question.

What disposition this Government may choose to make of the revenue it raises does not affect the constitutional question in the least, as it seems to me. As at present advised, I could not afford to vote for this bill no matter how much I favored it, believing, as I do, that the amendment offered by the Senator from Ohio abridges the right of the House of Representatives—its constitutional right.

In addition to that, the plain fact that we were considering one measure, when Senators very much interested in the other matter had no supposition that an entirely different question would be brought up for consideration, is something that ought to control in this matter, it seems to me. There never would have been a consent to vote on this bill on the 16th instant if there had been an understanding that at the very last moment this amendment would be offered, at a time when there is no opportunity to fairly consider or debate it either in its aspects as a revenue measure or the constitutional question involved in it.

I want to say, Mr. President, that there will be a great deal of hesitation about making unanimous-consent agreements hereafter, if a matter of this sort is to be brought in right at the tail end of the discussion and to be added to this bill.

Mr. FORAKER. It is not an unusual thing for something to be raised by a proposed amendment which Senators had not foreseen when agreements to vote have been made; that repeatedly happens. It has frequently happened during my experience here. I do not want to be put in the attitude of appearing even to take any advantage of anybody. That never occurred to me.

Mr. CARMACK. I do not believe the Senator intended anything of that kind.

Mr. FORAKER. It never occurred to me that this was a

question that anybody could say anything new on, or that needed any special debate. We have debated it repeatedly in the Senate. I want to call attention to the fact that on the 24th day of February, 1902, I offered and debated this same measure in general effect. Again on February 14, 1903, the same measure was offered—I mean in effect, not the same language. Again on March 3, 1903, when the Philippine Committee had under consideration a bill affecting the government and revenues of the Philippine Islands, I offered that amendment, and in connection with those debates everybody in the Senate who wanted to speak on the subject was heard, so far as I could observe. We had an exchange of opinions in those debates. I from time to time gave notice, in effect, that this was a matter I thought very important, that I wanted to see the Senate vote on it favorably, and that I would from time to time, as suitable opportunity offered, renew this amendment. At the last session we had under consideration a measure—I have forgotten now what it was—affecting the Philippines, and I intended then to offer this amendment, but we were hurrying along to an adjournment, and I concluded, after Senators had expressed a desire that I should not then offer it, to postpone offering it until this session.

I then gave notice to all who spoke to me on the subject that I should offer it at this session and that I would press the matter upon the Senate. So it never occurred to me when I offered this amendment this morning that I was taking any advantage of my privilege under the agreement to vote, that I was offering an amendment that I did not have a perfect right to offer, or that any Senator would have any thought of taking exception to it.

We have all of to-day, and we have all to-morrow, and we have until 3 o'clock on Friday to debate this proposition. There does not seem to be any disposition to debate anything else in this bill. Why not debate this? I want to debate it but very briefly. I can in twenty or thirty minutes say all I care to say about it, and I do not know of any Senator who will not have an opportunity to say all he has heretofore intimated that he was desirous to say on the subject. Certainly there will be plenty of time for that. I do not know of any Senator who will be cut off.

Mr. BAILEY. I want to ask the Senator from Ohio if he has not heretofore offered this amendment, or substantially this amendment, to revenue bills affecting the Philippine Islands? It has not heretofore, I believe, been offered to a purely administrative bill, or to any bill other than a revenue bill coming from the other House to the Senate. I ask that for information. I am inclined to think that is true.

Mr. FORAKER. I am referring to the RECORD to see. I think the Senator from Texas is probably correct about it.

Mr. BAILEY. I am very much inclined, under proper circumstances, to vote with the Senator from Ohio for a reduction all along the line. Of course I dislike to vote to reduce the duties on sugar and tobacco, in view of the fact that those articles are almost completely controlled by corporations operating in those respective lines; but inasmuch as the reduction on everything else is the total abolition of duty, I would be inclined ordinarily to follow him.

Mr. FORAKER. By reference to the RECORD, I find the Senator from Texas is correct in saying that amendments heretofore offered by me were to revenue bills, but for the reason I stated a moment ago I think it is perfectly competent to offer it to this bill. It is not an amendment that necessarily goes to a purely revenue bill.

Mr. PLATT of Connecticut. Mr. President, I do not wish at the present time to discuss this amendment by inquiring whether the duties ought to be reduced on goods coming from the Philippine Islands, as proposed in the amendment. I should want to be heard upon that question. It is a very serious question and it may affect very seriously and injuriously many interests in the United States. I do not think, however, that we are sufficiently informed at the present day of the facts and of the possibilities and probabilities which would result economically from the adoption of such an act to consider it at this time. Of course, if we are forced to consider it, I shall desire to be heard; but the point I wish to make is this: First, there is reason—moral reason, to say the least—in the point made by our friends on the other side of the Chamber that when they agreed to vote on Friday upon this bill they had no reason to apprehend that such an amendment, not in any way germane to the bill then under consideration, would be presented, and I think, indeed, that their claim that they understood, or had reason to suppose, that no such amendment would be presented or otherwise they would not have given their consent, is well founded.

Now, Mr. President, these unanimous-consent agreements can not be broken, but, on the other hand, they ought to be observed with reference to the conditions under which they were made and what was fairly in the minds of Senators at the time they were made. It is just as bad to break them as it is to force something on the Senate that Senators had no reason to anticipate would come before them for action, and it is just as bad to force something on the Senate that was not anticipated, which relates to another subject that is not dealt with in the bill, as it is to break them. Therefore, Mr. President, I think that that consideration alone should induce the Senator from Ohio not to press his amendment at this time.

I think, also, that there is great force in the suggestion which has been made here that this amendment is not in order upon the pending bill, and if technically it be in order the Senate ought to hesitate a long time before it takes action which the other House of Congress would naturally feel infringed upon its prerogatives. This bill is not a revenue measure. Section 5 is not a revenue bill. It is not a bill raising money for the United States. Under the Constitution such bills must originate in the House of Representatives. This measure comes from the House. It is not, in my judgment, a bill raising revenue within the meaning of the Constitution, and, therefore, we can not by amendment infringe upon the prerogative of the House to originate bills raising revenue. When we propose to reduce the revenue on imports into the United States, then we deal with the question of raising revenue, as has been decided by precedent and by the courts. I think strictly the amendment is not in order, and if technically it be in order, the Senate ought to hesitate about taking such action as will make the other branch of Congress feel that we have trenched upon their prerogatives.

Mr. FORAKER. Mr. President, in view of what I have concluded to do, I shall not undertake to answer at length what the Senator from Connecticut [Mr. PLATT] has just said. I shall content myself, in so far as concerns his remarks about this not being a revenue measure within the meaning of the Constitution, by a citation of the title of this proposed act. It is a revenue measure, according to its title, for it is "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,'"

And this bill, with that title, has a section in it to which I have already called the attention of the Senate, which provides that certain enumerated classes of articles shall be admitted into the Philippine Islands free of duty, and the amendment I have proposed is to be attached, if it be acted upon favorably, to that section. So it seems to me that would be enough under any circumstances. But however that may be, it is all I intend to say now, in view of what I have concluded to do, in answer to what the Senator from Connecticut has said upon that subject.

As to the other suggestions made by him, I recognized the fact when I offered the amendment that it did raise important questions, and I expected we would debate them. I had no idea that any Senator who wanted to debate them would be deprived of the privilege of debating them. I had no thought of cutting off anybody. My thought in that regard, in so far as I may have had any thought at all on the subject, was that it was a question which has been repeatedly considered in the Senate. It has been debated here from time to time elaborately, and every question that has been suggested by the Senator from Connecticut has been dwelt upon by Senators in debate. They have dwelt particularly upon the effect of admitting into this country free of duty, or at lower rates than those now obtaining, the articles which are to be imported from the Philippine Archipelago hereafter, as heretofore, especially sugar and tobacco. Senators have been heard on both sides of that proposition.

But I had no thought in introducing this amendment at a late hour in this discussion of cutting anybody off and do not wish to do so. It is because I sympathize fully with what the Senator from Connecticut has said as to the importance of not taking advantage of a consent agreement that I am willing not to press this amendment at the present time. I do not want any Senator to think for one moment that I would take advantage of any agreement to force upon the Senate the consideration of a question that I could not, under other circumstances, force to a consideration.

But I desire to say that this is not a good precedent for us to establish. When we make a consent agreement that we will take a vote at a certain time named upon a bill, and all pending amendments and all amendments that may be then offered, without any limitation or qualification, we agree that every Senator shall have the right to offer any amendment he may feel it his

duty and his privilege to offer, and it will not do for us to make a precedent that because some Senator, when a bill is about to be voted upon, offers an amendment which some other Senator did not foresee would be offered, it is taking an advantage of him, and that the amendment must be withheld or the unanimous-consent agreement be abrogated. When we make an agrement we expect to vote according to that agreement, and to vote on whatever any Senator may see fit to propose to be voted upon without regard to whether we have foreseen it or not.

Nevertheless I am willing, in view of what Senators have said here, to withdraw or withhold the amendment and not press it to consideration at this time, for I can not afford to be classed as one who is willing to take advantage of anybody. Yet I want it distinctly understood that I do not regard that in doing so I am establishing any precedent that anybody is to be bound by in the future.

One thing more. As I now give notice that I will not, under the circumstances, press the amendment, I wish to give notice that hereafter—and I give this notice to all Senators—whenever there is pending a bill affecting the Philippine Islands to which I think this amendment or something like it can with propriety be proposed, I shall propose it if I am here and able to do so. And Senators, when a Philippine Islands bill comes up for consideration, can understand that the subject presented in this amendment, or what will be in general effect its equivalent, will be up for consideration, and that, after having given this explicit notice, I am not going to feel called upon to give any special notice beforehand that I am going to offer it or to withdraw it when I do offer it.

Mr. PLATT of Connecticut. Mr. President, I only wish to say that the title of the bill does not determine the character of the measure necessarily, or indeed at all. I suppose that sometimes, in construing the provisions of a bill as to what they mean, the title of the bill is incidentally considered by courts; but the fact that a bill is called a bill to raise revenue for the United States, if the provisions of the bill do not raise it, would not make it a bill to raise revenue for the United States. I think, as it is, it is an entirely different thing in the title. A bill affecting the revenues of the Philippine Islands is not necessarily a bill raising revenues for the United States.

Mr. FORAKER. Mr. President, I do not know that I understand just what the Senator from Connecticut said, for my attention was diverted and I heard only the closing of his remarks. The point I made awhile ago is that this does not affect the revenues of the United States. The duties that are now collected and paid on importations from the Philippine Islands all go to the treasury of the Philippine government, and under this proposed amendment that provision is continued. The point I make is that the constitutional provision relates to all revenues raised for the United States, and the Supreme Court has held that that provision does not apply when we raise revenues for the insular possessions.

Mr. PLATT of Connecticut. Section 5 relates to imports into the Philippine Islands.

Mr. FORAKER. Yes.

Mr. PLATT of Connecticut. The amendment proposed relates to imports into the United States from the Philippine Islands. That is the difference.

Mr. FORAKER. Whether they go the one way or the other, they are revenues which are raised for the benefit of the Philippine government.

Mr. DIETRICH. I offer the amendment I send to the desk, and ask that it may be read, printed, and lie on the table.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from Nebraska offers an amendment, which will be stated.

The SECRETARY. On page 5, section 5, after the word "island," in line 9, it is proposed to insert:

That all officers of the United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government shall have privilege of free entry of all articles, including used household goods, uniforms, and articles for equipment and service, forming a part of the official equipment of United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government, imported for their own use and benefit and not for barter or sale, upon the personal certificate of such an officer that they fulfill the above conditions.

Mr. DIETRICH. Mr. President, I wish to state that the amendment is indorsed both by the Army and Navy Departments and is much desired. Our officers have often been obliged to purchase their uniforms and equipments in this country and to pay duty upon them. It is a hardship to which they ought not to be subjected.

Mr. CULBERSON. My attention was diverted for the moment, and I should like to have the amendment read again.

The PRESIDING OFFICER. The amendment will again be read.

The Secretary again read the amendment.

Mr. LODGE. I believe the amendment is to be printed.

The PRESIDING OFFICER. It is to be printed and to lie on the table.

Mr. LODGE. I do not wish to discuss it now. I merely desire to say that as I understand the amendment it would practically wipe out the revenues of the Philippine government, and I think it would be an extremely dangerous amendment to adopt.

Mr. McCOMAS. I offer an amendment, which I ask may lie on the table and be printed.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment, which will lie on the table and be printed.

Mr. McCOMAS. I should like to have it read.

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. It is proposed to strike out all of section 5 and to insert the following:

SEC. 5. The Philippine Commission, and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power from time to time to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago," passed by the Philippine Commission September 17, 1901, and ratified by an act of Congress approved March 8, 1902.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. McCOMAS. I should like to say, in explanation of the amendment, that it is recommended by the Secretary of War. It is an administrative feature. The tariff was made in 1901, and there are defects in classification; some rates are excessive; there are some bad definitions and the like, and the merchants of Manila especially, and perhaps of other places, have been desirous of getting some modifications.

Mr. MONEY. If the Senator from Maryland will allow me, I can not hear anything that he says, nor could I hear what the Secretary read.

Mr. McCOMAS. I will speak louder.

Mr. MONEY. If you please.

Mr. McCOMAS. I will repeat that this is simply a convenient administrative amendment, recommended by the Secretary of War. In his report for this year he states that in the Philippine tariff—the tariff upon goods entering the archipelago—there are incongruities and uncertainties of definition and of classification and the like. The merchants of Manila notably, and perhaps of other places, in 1903 urged speedy action, and of course they got no action. Congress can not act very quickly in the matter of changing the classification, not affecting the tariff upon articles coming into the United States, but simply the tariff, under the guidance of the Philippine Commission, upon articles entering the archipelago.

Now, within two years probably the islands will have a legislative body with certain powers, and this amendment simply enables the Commission, an organized body, to make these administrative changes and corrections, subject to approval, correction, or change by the Congress of the United States when it has time to approve, change, or correct what may be done by the Commission in respect to these features of their own tariff.

The amendment is strongly recommended, and while I shall not read it to the Senate, I will refer Senators to the discussion, on pages 58, 59, and 60, by the Secretary of War, who has very strongly stated the urgent reasons why this administrative power in respect of their own tariff should be accorded temporarily to the Philippine government, subject to change, repeal, or approval by Congress.

Mr. CULBERSON. Mr. President, at the proper time I shall offer several amendments, which now lie on the table, to the pending bill. Among them is an amendment to strike out section 4 entirely. If that amendment should be defeated, I shall then offer one to reduce the maximum rate of interest or income, in section 4, to 3 per cent. If this is defeated, I shall offer an amendment reducing the maximum rate of interest to 4 per cent.

It is not my purpose to discuss the entire bill, for with reference to most of its provisions there is no controversy. Nor do I intend to enter upon the general subject of the future of the Philippine Islands. In two national campaigns in which the question was more or less involved the people of the United States, whether wisely or not, have determined that at least for the present there shall be no change in the political status of these islands. How long this purpose will be adhered to no one may safely say, but if conditions there improve, if trade between the two countries shall become profitable and extensive, and if American capital is widely invested in the Philippines, as now seems probable, thus suggesting an additional reason or pretext for the continued protection and sovereignty of the United States, the present colonial relation may subsist for years, if not indefinitely.

What, therefore, should most concern us now, it seems to me, is to provide the best government for the Filipinos which is compatible with this view, and to adopt such economic and industrial measures as will lead to the development of the islands for the benefit of the inhabitants, without oppressive taxation.

In this spirit I have endeavored to consider the pending bill, and while I will offer no objection to many of its provisions I can not in any way support section 4. This section provides in effect and substance for the guaranty by the Philippine government, which is practically that of the United States, of 5 per cent interest or income per annum for thirty years on $30,000,000 of railway bonds or other securities. Section 4 of the House bill, which has been substituted for the Senate bill, is more objectionable than the Senate section, because the rights of the United States under the guaranty are not so well guarded, and, notwithstanding what was said the other day by the Senator from Massachusetts [Mr. LODGE], it includes, in my judgment, the guaranty of income or interest on electric street-railway bonds or other securities.

I do not doubt that railroads are essential to the proper and full development of the islands, and that their construction will greatly improve the military situation there as well as tend to the establishment of an orderly and stable government; but the rate of interest proposed will lay an unnecessary, if not oppressive, burden upon a people already impoverished by war and pestilence, and the policy of guaranteeing interest or income particularly at a high rate and for a long period of years, is both contrary to experience and unwise in principle.

The Philippine government, Mr. President, is not now self-supporting, as will appear from a brief statement of the receipts and disbursements of that government:

Philippine revenue and expenditures for 1904.

Total revenue		$15,297,969.31
Total ordinary expenditures	$15,227,106.50	
Expenditures, account 1903	1,265,711.38	
Expenditures, account 1902	73,485.12	
Expenditures from Congressional relief fund	2,548,035.74	
		19,114,338.74
Total deficit		3,816,369.43

This statement does not include the cost of maintaining the Filipino scouts, nor does it include the share of the Filipinos in the maintenance of the Army and Navy of the United States there, though in fairness the Philippine government ought to be charged with some just proportion of this expense of the Federal Government.

Notwithstanding this large deficit, which is an increase of $2,720,000 over the deficit of the preceding year, this bill will increase annual expenses in interest alone $1,750,000. Section 4, as it does not provide for a sinking fund, will in thirty years levy a tax in interest of $45,000,000 upon the people and leave the bonded debt of $30,000,000 principal intact and unpaid as a charge upon the railway property and the commerce of the country; and unless the experience of all other countries is reversed at the end of that time, unless the Government of the United States shall remit the $45,000,000 of interest, that sum will also stand as a charge against the railway property and the commerce of the islands.

The bonded and other debt of the Philippines, present and proposed, is as follows:

Present indebtedness.

Certificates of indebtedness under coinage act (4 per cent)	$3,000,000
Second series of such certificates (4 per cent)	3,000,000
Friars' land bonds (4 per cent)	7,000,000

Proposed indebtedness.

Public-improvement bonds under this bill (4½ per cent)	5,000,000
Railway bonds under this bill (5 per cent)	30,000,000
Total	48,000,000

In addition to this the act approved July 1, 1902, as proposed to be amended by section 3 of this bill, authorizes municipalities in the Philippines to incur indebtedness and to issue bonds bearing 5 per cent interest to the extent of 5 per cent of the assessed valuation of real estate in the municipalities, without the approval of the Congress.

The War Department, through the Bureau of Insular Affairs, seeks to reduce the interest charge upon this indebtedness by showing that the certificates and friars-land bonds were sold at a premium, but this explanation is subject to important qualifications. In the case of both the certificates and the friars-land bonds the interest is payable quarterly, which will be a material addition to the nominal annual rate. The interest is payable in gold, while the income of the Philippine government, out of which it must be paid, is payable in the money of the Philippines, and consequently there will be a charge for exchange.

In addition to this it is well known that the friars' land sold for $7,239,000, but in anticipation of the sale of the bonds which were to be issued in payment for the land, at a premium, bonds were issued for only $7,000,000, and of the $530,370 premuim on the bonds nearly one-half of it, or $239,000, was paid in cash for the land.

This indebtedness of $48,000,000 will amount to a per captia debt of about $7, and will impose an annual interest charge of $2,245,000. The principal source of revenue is customs duties, which in 1904 amounted in round numbers to only $8,745,000, and more than 25 per cent of this would be necessary to meet interest. It is obvious, therefore, that the danger limit is approached in this undue ratio which the interest burden bears to the revenue.

Unquestionably, Mr. President, the guaranty of 5 per cent interest or income on the railway bonds by the Philippine government is substantially the guaranty of the United States. There is absolutely no risk or hazard in these securities, and consequently 5 per cent interest, payable quarterly, which is practically 6 per cent, is high if not exorbitant. Two per cent bonds of the United States sell at a premium, and while there is some difference in the uses which may be made of them there is no material distinction between bonds issued directly by the United States and those guaranteed by them or by one of their governmental agencies.

The experience of the Philippine government, as reported by the Bureau of Insular Affairs, as well as the experience of India, to which we have been pointed, demonstrate that 5 per cent is excessive. Section 2 of the very bill under consideration provides for the issue of public improvement bonds at 4½ per cent. Although they nominally bear 4 per cent, yet in view of the premium at which they sold the last issue of certificates under the coinage act were floated at 2¾ per cent. The friar-land bonds, which bear 4 per cent, were negotiated at practically 3 per cent. In India, from which this legislation was taken, the policy of guaranteeing interest or income on independent railway enterprises has been abandoned, and now, whether railways are constructed and operated by the government or are financed or leased by corporations, the interest charge on borrowed capital does not exceed from 3 to 3½ per cent, when formerly it was 5 per cent.

It is estimated, Mr. President, upon high authority, that from 1859 to 1899, largely because of the excessive rate of interest, the Indian government lost on guaranteed railways more than $289,000,000 in the forty years. Sir James Strachey, in his admirable work on India, written in the most friendly spirit, declares that this loss exceeded $250,000,000. In 1892 the director-general, in his report for that year, declared that the great loss to the government on guaranteed railways was attributable mainly to the high rate of interest.

Not only is the rate of 5 per cent interest excessive, but the policy of guaranteeing interest or income upon capital invested in railway enterprises for a long period of years is unsound in principle, even though the rate of interest be reasonable. Such a policy, in my judgment, fosters a dependence upon government and encourages a spirit of paternalism in work which although indirectly of benefit to the public is undertaken chiefly for private gain and can not but be hurtful to individual activity and endeavor.

As the guaranty extends over a period of thirty years the Philippine government can not avail itself of favorable conditions in the money market and the decreasing rate of interest. Investors ordinarily will look exclusively to the guaranty, and there will be no incentive to economy and business methods in the control and management of these great properties. If there should be exceptions now and then to this rule, it will, nevertheless, be at the expense of the income, which, in any event, is safe under the guaranty, for, until the expiration of the thirty years, high salaries will be paid to railway officials and the earnings will be placed in betterments and extensions.

The Secretary of War in the hearings before the committee referred particularly to India as offering a successful example of the policy of guaranteeing interest or income, but the history of the period establishes the very opposite conclusion. In truth, the policy has long since been practically discontinued there as expensive and unwise. I have a short historical statement of the construction and operation of railways in India which will bear out my contention and which I will ask the Secretary to read for the information of the Senate.

Mr. ALDRICH. Did the Senator state from what the paper is taken?

Mr. CULBERSON. I prepared it myself——

Mr. ALDRICH. Oh, I beg pardon.

Mr. CULBERSON. And the authority for the statements is given in the paper.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

RAILWAYS IN INDIA.

The toal length of railways in India open on December 31, 1902, was as follows:

	Miles.
State lines worked by companies	13,668
State lines worked by state	5,201
Lines worked by guaranteed companies under contract	1,440
Lines worked by assisted companies	2,235
Lines owned by native states and worked by companies	1,689½
Lines owned by native states and worked by state railway agency	235¼
Lines owned and worked by native states	1,317½
Foreign lines	73¾
District boards' lines	71
Total	25,931

In 1903 the total amount of capital raised by the various guaranteed companies was £22,411,054, and for the state lines leased to companies £33,564,178, or a total amount of £55,975,232. This does not include the direct expenditures made by the Indian government in the construction and operation of railways. (Statesman's Yearbook, 1904, pp. 166, 167.)

PLANS OF CONSTRUCTION AND OPERATION.

1. From 1849, when the guaranty policy was entered upon fully, until 1869, the construction and operation of railways was left wholly to companies under some form of guaranty of interest by the Government. This is known as the "guaranteed-interest plan," inaugurated by Lord Dalhousie as governor-general. Stated generally, this plan guaranteed interest at 5 per cent per annum on the capital invested for a period of years, reserved to the government the right to determine the route, to control expenditures, to fix passenger and freight rates, and to superintend and even veto the action of railway agents and officials. The gross receipts were to be paid into the government treasury, mails and postal servants were to be carried free, and troops and military stores were to be carried at reduced rates. At the end of the guaranty period the land and works became the property of the government, the rolling stock and other movable property to be paid for at a fair value. The government had the option of purchasing the line within stated periods at the value of "all shares and capital stock" on the mean market value in London for the preceding three years. (Reed's Railway Policy in India, pp. 10, 20, 57, 60, 61, 62.)

2. From 1870 to 1880 practically all new lines were constructed directly by the government and with the funds of the government. This was the policy inaugurated and pursued by Lord Lawrence as governor-general, and was adopted, it was insisted, because the government could perform the work more satisfactorily and economically. The Duke of Argyle, then secretary of state, replying to the government of India, declared that "both in raising and in expending such additional capital as may be required for new lines in India, the government should secure for itself the full benefit of the credit which it lends and of the cheaper agencies which ought to be at its command." During this and subsequent periods the government, availing itself of the option reserved in the contracts, purchased all except 1,440 miles of the original guaranteed roads, and this mileage will be purchased, it is said, in 1906 and 1908, when the right accrues. The interest cost to the government, both in constructing and operating roads, has been far less under this plan than under the guaranteed-interest plan. (Reed's Railway Policy in India, pp. 20, 22, 23, 57, 94, 95, 96.)

3. Since 1880 railways have been constructed and operated directly by the government and also by what are termed "assisted companies." The policy of guaranteeing interest on roads owned and controlled by companies has, however, been abandoned. The character of the assistance given companies during this period, as distinguished from the plan of guaranteeing interest, has been various. At the outset, in 1880, Lord Hartington, secretary of state, expressed the hope that an effort would be made to attract capital "on the exclusive security of the success of the undertaking," and the financial member of the council, in 1881, Sir Evelyn Baring (now Lord Cromer) declared "if ever the natives of this country are to be schooled in the first rudiments of self-government it is desirable that they should be encouraged to act for themselves in such matters, rather than that they should rely always upon that coercive philanthropy which insists upon doing everything for them." Nevertheless companies were aided and assisted during this time, and chiefly because of necessities resulting from famines. In some cases the assistance was in the form of favorable working arrangements for branch lines with main lines. In other cases companies were mere agents of the government for raising loans for the construction of roads, upon which the government guaranteed interest at rates varying from 3 to 4 per cent, but in these cases the excess of earnings over the guaranteed rate was to be apportioned in certain proportions between the companies and the government, and the road when completed, with its movable property, should belong to the government, which, of course, was responsible for the principal of the borrowed money. In some instances during this time companies successfully undertook the construction of roads without guaranty of any character. (Reed's Railway Policy in India, pp. 30, 31, 32, 57, 81, 82, 83, 84, 85, 89.)

LOSS TO THE GOVERNMENT UNDER THE GUARANTEED-INTEREST PLAN.

Sir James Strachey, in his work on India, though written in a friendly spirit, declares that the total amount paid by the government until the roads ceased to be a burden on the revenues exceeded £50,000,000. They ceased to be burdens principally because they were purchased by the government and the interest charge was reduced.

Reckoning from 1858–59 to the end of 1899, the total loss to the state on railroad account has been £57,817,487, which, in general terms, may be looked on as the price at which its railway experience and the indirect advantages resulting from the construction of railways have been acquired by the government of India. (Encyclopædia Britannica, vol. 29, pp. 444–445.)

In 1892 it was said in the report of the director-general: "The loss on guaranteed railways is mainly attributable to the comparatively high rate at which the guaranteed interest has to be paid. Under its contracts with guaranteed railway companies the state has to pay interest at the guaranteed rates until the contracts terminate, and it is consequently unable to obtain any advantage from the increasingly easy condition of the money market; that is to say, where the state could now raise money at a little over 3 per cent to pay off loans raised at higher rates of interest it has still to continue to pay at or near the high average rate of 4.8 per cent on the capital raised by the guaranteed companies; and now, owing to the fall in exchange, the amount of rupees which have to be remitted to England to pay the sterling interest charges is equivalent to a payment of interest of over 6.4 per cent on the total capital raised converted at par."

Mr. CULBERSON. Section 4 of this bill, to which I have devoted my attention, should not appeal to those who would lift burdens from the Filipinos rather than impose them. All of these people are yet in poverty, and some of them are yet in ignorance and barbarism. At a time when they should be taught the elementary principles of self-government and infused with a spirit of self-confidence they are being educated to lean upon the government for support, and to rely, as Lord Cromer expressed it, upon that "coercive philanthropy which insists upon doing everything for them." The guaranty, moreover, as I have endeavored to point out, is unduly onerous upon the Filipinos. It will create a per capita debt and an interest charge extending over thirty years, which, with other indebtedness and current expenses, their commerce and industries are in no condition to bear.

Following Great Britain in India, it is proposed to adopt the policy of guaranteeing interest and income on capital invested in railways controlled and owned by corporations, although that Government, after trial, abandoned the policy thirty-five years ago. The same high rate of interest is insisted upon in this bill which Great Britain only accepted as far back as 1849, notwithstanding that Government is now obtaining all necessary railway capital at 3 per cent and notwithstanding the general trend of the interest rate is downward.

Measured by the experience of India, which has been invoked by the Secretary of War in support of this bill, the construction and operation of the roads directly by the Government would certainly be more economical and probably would be more efficient.

There are in the Philippines, as I said the other day, 70,000,000 acres of unappropriated public domain, and it is claimed that a thousand miles of railway should be constructed in the islands. If 20,000 acres of land to the mile of railway be granted, which is in excess of the grant made under the policy which was pursued in Texas, all the necessary road could probably be secured without further cost to the Government, and it would be relieved of the necessity for the increased taxation which would be created by the passage of the pending bill. It would, in my judgment, Mr. President, be preferable to the guaranteed-interest plan to adopt a land-grant policy in the Philippines or to remit the question of railway development there to private enterprise, encouraged, if need be, by grants of the right of way over the public domain of the islands and such lands as may be necessary for depots, shops, roundhouses, and other like railway purposes.

Mr. LODGE. Mr. President, I wish to say a single word in regard to the amendment which was offered by the Senator from Maryland [Mr. McCOMAS], embodying an amendment which is in the report of the Secretary of War.

Under the present law the Philippine Commission can not revise the tariff of the Philippine Islands—that is, can not put a revision into effect—without the assent of Congress. The amendment proposed by the Secretary of War gives them the power to put a new tariff into effect, subject only to repeal and modification by Congress. It is a very important alteration. It was never suggested until the appearance of the report of the Secretary of War.

I have more confidence in the opinion of the Secretary of War in regard to matters in the Philippine Islands than that of any other man. My disposition would be to follow him almost blindly on anything that he recommended. But this, Mr. President, is a very important change. It is giving to that Commission a very large power, one that not only affects the revenues and the condition of the Philippine Islands, of which they, no doubt, are the best judges, but it may affect our business and the relation of foreign nations to the business of the islands.

This proposition has never been considered by any committee. It has never been before Congress. It is very far-reaching, and I think it would be most unfortunate on this bill at the last moment, without an opportunity to consider it more fully, to make such a radical change in our arrangements there.

I have seen, as it happens, some of the changes now proposed by the Commission in the Philippine Islands in the revision of the tariff which they are undertaking. Of course, under the open-door policy, which it is most important to maintain there, all nations go in at the same rates; but rates can easily be arranged so that in their incidents they are more favorable to one country than to another. In some of the duties which I have heard were proposed by the Philippine Commission the manner of the arrangement is very unfavorable to the United States. I

think all nations ought to go in as equally as possible, but I am very certain that duties ought not to be arranged so as to discriminate against us.

The importing business in Manila is carried on almost exclusively, if not wholly, by foreign houses, who naturally make their importations from countries other than the United States. They are on the spot; they are the people whose voices are heard by the Philippine Commission. The Commission is far removed from the United States and from the people here who are familiar with our industries and manufactures.

It seems to me that we ought not to make such a radical change as this amendment proposes without more consideration than has been given to it. I do not mean to say that I myself could not be convinced of the wisdom of the change proposed by the amendment, but I am not prepared to support it now, and I hope very much that it will not be adopted by the Senate.

I desire, Mr. President, while I am on the floor, to make one or two verbal changes, which I think improve section 4 in construction. They do not go to the substance of it at all. In line 2, after the word "of" and before the word "railroads," I propose to insert the word "such."

The PRESIDENT pro tempore. Is there any objection to the Senator's proposed amendment? The Chair supposes that under the unanimous-consent agreement ordinarily all amendments should lie until the hour of voting came.

Mr. LODGE. Very well. These are merely verbal amendments. I do not suppose that any Senator will object to making them.

The PRESIDENT pro tempore. That is why the Chair asked whether there was any objection.

Mr. LODGE. If there is objection, of course I will let them go until the vote is taken.

The PRESIDENT pro tempore. The Chair hears no objection to this one.

Mr. LODGE. They were amendments, I am bound to say, suggested by the Senator from Iowa [Mr. ALLISON] to me, and they seem to me to improve the wording of the section very much.

After the word "railroads" insert:

as the Philippine government may specifically authorize to be constructed.

The PRESIDENT pro tempore. Is there objection to this amendment? The Chair hears none.

Mr. LODGE. So it will read:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads as the Philippine government may specifically authorize to be constructed.

The PRESIDENT pro tempore. The Chair hears no objection to the amendment, and it is adopted.

Mr. LODGE. In line 17 strike out the words "as well as."

The PRESIDENT pro tempore. The word "as" is already stricken out.

Mr. LODGE. The words "as well" should also come out. So all three go out.

The PRESIDENT pro tempore. The Chair hears no objection to the amendment, and it is agreed to.

Mr. LODGE. In line 20 strike out the words "as also" and insert the word "and."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. LODGE. In line 22, after the word "Government," insert "or in any other method than."

The PRESIDENT pro tempore. Is there objection to this amendment? The Chair hears none.

Mr. LODGE. That is simply to enlarge in the fullest possible way the supervision of the Commission.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. CULBERSON. In view of the amendments proposed by the Senator from Massachusetts and adopted, I suggest that the bill be reprinted to-morrow, so that we can have it in its present form.

Mr. LODGE. We can have a reprint of the bill embodying the amendments, showing just where they come in, because they are mere changes in the wording.

The PRESIDENT pro tempore. The Senator from Texas asks that there may be a reprint of the bill as amended.

Mr. ALLISON. I ask that these amendments may be read in connection with the text, so as to see the full effect of them.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. LODGE. Beginning at line 15—"and shall provide."

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

And shall provide for supervision by said government of the conduct of the finances of the road and its location, construction, and maintenance by the presence in the board of directors of two or more government directors, the number and manner of their selection to be determined by law, and by such further supervision, through the auditing, engineering, and railroad bureaus of said government, or in any other method than as the public interest shall require.

Mr. ALLISON. May I suggest to the Senator in charge of the bill that the word "or" should be stricken out and "and" inserted in lieu?

Mr. LODGE. So as to read, "and by any other method?"

Mr. ALLISON. "And by any other method." The object of this amendment, as I understand it, is that the Philippine government shall have full control of the location, construction, and maintenance of these railways, either by the presence of two directors or by engineers, etc., and by such other methods as they may provide for.

The PRESIDENT pro tempore. The Chair will ask the Secretary to read a particular line in the section to see if it is as the Senator desires it.

The SECRETARY. Beginning in line 19:

The number and manner of their selection to be determined by law and by such further supervision, through the auditing, engineering, and railroad bureaus of said government and by any other method than as the public interest shall require.

Mr. ALDRICH. No; not "than."

The PRESIDENT pro tempore. It reads "than."

Mr. ALDRICH. It ought not to be there.

Mr. CULBERSON. The word "than" should not be there.

Mr. LODGE. No.

Mr. SPOONER. It has no use there.

Mr. LODGE. There is no word "than" there that I can see.

The PRESIDENT pro tempore. After the word "government," the amendment proposed was to make it read "and by any other method than."

Mr. LODGE. "Any other method that" is the way the amendment reads.

Mr. DIETRICH. I should like to ask the Senator from Massachusetts who has charge of the bill a question. I will first read the balance of section 4, commencing on line 22, after the word "require."

The said guaranty may be made in the form of a guaranty of interest on bonds or of income on preferred or common stock.

I should like to ask the Senator if the bill passes and becomes a law, and the Commission should conclude to pay that guaranty upon preferred stock or common stock, would that prevent the railroad company from issuing bonds upon said road, and, if the company should do so would not that become a first lien upon said road and would not the interest upon those bonds have to be paid?

Mr. LODGE. Mr. President, that point has been raised before. I think, under the large powers given to the Commission, of course they would protect the Government against that. To suppose that such a condition as that would arise would be to suppose a criminal negligence in the Commission.

Mr. SPOONER. Mr. President, I have been unable to rid my mind of some doubt as to the wisdom of the following amendment proposed by section 3 of this bill to section 66 of the act of July 1, 1902:

SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality shall not exceed 5 per cent of the assessed valuation of the real estate in said municipality, and any obligation in excess of such limit shall be null and void.

The language is, of course, very broad. There is no doubt but that all municipalities ought to be able to supply themselves with adequate sewer and drainage facilities and to secure a sufficient supply of water. But there is no possible municipal betterment, whether needed or not needed, whether more a luxury than anything else or the result of competition in municipal improvement, that would not be covered by the language of the section: "All kinds of municipal betterments and improvements in municipalities."

Mr. LODGE. That is taken from the present law.

Mr. SPOONER. The Senator, I knew, was about to say that it is taken from the present law. It makes practically but one change in the present law, and that is to eliminate Congress from it and to put the entire responsibility for what may turn

out to be preparation for a general bankruptcy over there upon the Philippine Commission and the President. It reads:

SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds.

Mr. LODGE. The Senator will notice, as he did not finish reading the last part of the section, that we have in this bill restricted the amount which any municipality can borrow.

Mr. SPOONER. To 5 per cent of the assessed valuation of the real estate.

Mr. LODGE. The old law covers all property in the municipality. This bill proposes to limit it to the real estate.

Mr. SPOONER. Well, that is an improvement. Out in the western section of the country the power in municipalities, counties, and cities to issue bonds for the construction of railroads brought a great deal of trouble. It brought repudiation in my own State in a number of municipalities. There was a time when every community was ready to vote money to aid in the construction of railroads.

Mr. LODGE. The Senator seems to think that this language includes railroads.

Mr. SPOONER. No; I do not.

Mr. LODGE. I thought the Senator did.

Mr. SPOONER. I know it does not. I have had very grave doubt whether a power so general, so absolutely without limit as to the improvements for which bonds might be issued, without restriction as to the size of the municipality, its necessities, or its taxable property, should be granted. I have very grave doubt whether the Congress should divest itself of some supervision over a subject of so great consequence in the islands. I agree that it would be embarrassing if no municipality there could be authorized to issue bonds for a municipal purpose without first awaiting the authority of Congress, but I think some general legislation might be enacted in the Philippines with general restrictions limiting somewhat the issue of bonds according to the size of the municipalities. They do not have municipalities like ours; they are not a people like ours. In the competition among those villages and among that people for improvements they will not realize, as our people realize, that it is easier to vote bonds than it is to pay them. We are their guardians, and we have got to look after their future so far as they are under our charge and supervision.

I think the Philippine Commission might be authorized to frame some general legislation providing what might seem to the Commission adequate safeguards, and let that be submitted to Congress and to the President. It is a subject about which we can not be too careful. It is capable of all sorts of abuse. It is a great power to vest in a board of commissioners representing the authority of the United States over there among 7,000,000 people—people who have lived under Spanish domination and have not been accustomed to much in the way of improvements, who might go wild with it and be captivated by it; and I am frank to say that I do not feel quite satisfied with the proposition that Congress should be—and that is pretty much the purpose of this bill, evidently—eliminated altogether from the situation in respect to the issuance of bonds by municipalities. If legislative safeguards are adopted over there and submitted to Congress, then, of course, whether a given municipality shall be permitted to incur a bonded debt for municipal improvements I should be entirely willing to leave to the approval of the President; but I doubt the wisdom of turning the whole subject over without Congressional supervision in some of its aspects.

Mr. LODGE. I have given a good deal of consideration to this point in the bill. If I thought the supervision of Congress would really give any protection or be any restriction I should be very slow to assent to its removal. I think, as a matter of fact, the present arrangement requiring the action of Congress on the loans of every small municipality in the Philippine Islands produces great delay, and sometimes a delay that may be very serious to the inhabitants of the municipality and with no corresponding benefit. It is impossible, as it seems to me, for Congress to judge of the necessities of those towns in the Philippine Islands. We are obliged to rely on the Philippine Commission. I recognize the very great power put into their hands, but we are obliged to rely upon the Commission's judgment; and if they sent over a number of loans, asked for by a dozen or twenty small municipalities, Congress would accept the opinion of the Commission, if approved by the Secretary of War and the President. It would be impossible for us to do otherwise. We have no knowledge of our own.

We could not send committees out there to visit those villages and towns. It does not seem to me that we really gain anything by Congressional supervision. Whether the Congressional supervision is there or not, I think the responsibility must rest primarily with the Philippine Commission and secondarily with the President and the War Department. I think the addition of Congressional supervision is only productive of delay and adds very little to the safety that is required.

We have improved the provisions of the present law, I think, by limiting the property on which a debt is to be based to the real estate. That is a very large restriction, and I really think that the law as a whole as proposed in the bill now pending is an improvement on the existing law. We limit the amount of money that they can borrow, and I do not think we reduce the safeguards at all by removing the supervision of Congresss.

Mr. ALLISON. I want to call the attention of the Senator from Massachusetts to the present law on this subject, especially as respects the city of Manila. In the law passed two years ago we specifically authorized the city of Manila to borrow $4,000,000, under certain limitations, for the purpose of securing to that city an adequate sewage and drainage system, supply of water, government buildings, and so forth. I ask the Senator whether it is the intention by this general clause to supersede the legislation found in the law of 1902; and if it is, what effect the 5 per cent clause will have upon that city?

Mr. LODGE. I think that is a very important point, which I confess had not occurred to me. I think that after the word "municipalities," in line 12, should be inserted the words "other than the city of Manila."

Mr. ALLISON. I am not quite sure that such an amendment should be made, because the authorization of $4,000,000 is a limitation upon the city of Manila, and it might be inferred, if we leave out the city of Manila here, that in no case could the city of Manila borrow money for the purposes authorized in this bill, but any other city might.

Mr. LODGE. The point which I have suggested may not be the right place for the amendment; but it had not occurred to me that this might be taken to include the city of Manila.

We made specific arrangements for Manila, apart from all the other municipalities, in the general bill. I do not understand that there is any desire to borrow more money for Manila, and I think Manila stands on a different basis from all the others.

Mr. ALLISON rose.

Mr. LODGE. I say I do not understand that there is such a desire.

Mr. ALLISON. I do not know that there is.

Mr. LODGE. I think for that great city alone, for it is a great city, it is a question which might well remain as it is in the organic act. If Manila needs to borrow additional money, that is a matter which can be brought to Congress, and for which special arrangements may be made. I think Manila ought to be excluded from the operation of this section. The amendment I suggested may not properly come in at the particular point at which I suggested it, so I will reserve it until to-morrow. But I think Manila ought to be excepted.

Mr. CULBERSON. The Senator from Massachusetts [Mr. LODGE] has said once or twice, unless I misunderstood him, that section 3, to which the Senator from Wisconsin has alluded, was limited to 5 per cent of the total taxable real estate of the municipality. I do not understand that as does the Senator from Masachusetts. The section provides:

That the entire indebtedness of any municipality shall not exceed 5 per cent of the assessed valuation of the property in said municipality.

Mr. LODGE. The committee adopted that amendment. It was reported to the Senate, and has been adopted by the Senate. So the clause now reads: "The assessed valuation of the real estate in said municipality."

Mr. CULBERSON. When was the amendment adopted?

Mr. LODGE. It was adopted last April.

Mr. CULBERSON. It is not in the bill we have here.

Mr. LODGE. Then the Senator is unfortunate in not having the latest print of the bill. I had the bill reprinted the first day of the session.

Mr. CULBERSON. I will get a copy of the reprint.

Mr. NEWLANDS. Mr. President, there is one matter which I should like to call to the attention of the Senator from Massachusetts, and that is that there seems to be no provision regarding the taxes to be paid by these railroads or the regulation of their rates. Is there anything in the present organic law of

the Philippine Islands, of which this is amendatory, that provides for anything of the kind?

Mr. LODGE. The railroads there are taxed in common with all the other property of the islands.

Mr. NEWLANDS. How about the regulation of rates?

Mr. LODGE. There is nothing here about the regulation of rates.

Mr. NEWLANDS. I should like to ask the Senator from Massachusetts——

Mr. LODGE. I think we had better leave the matter of the regulation of rates until we get the railroads. Does not the Senator from Nevada think so?

Mr. NEWLANDS. I should think it is a matter which should go in here.

Mr. LODGE. I do not see how you can tell what the rates ought to be until the roads are built.

Mr. NEWLANDS. I do not think this body can fix the rates, but it can provide for a body that can fix the rates and fix the principle upon which those rates shall be determined.

Now, with reference to taxes, I think it is of the highest importance that we should provide a rational system of taxation of railroads in the Philippine Islands at this time, when a comprehensive railroad system is about to be inaugurated. We trusted to accidental legislation in this country upon this important matter, and we all know that there is no subject concerning which there is so much confusion in this country to-day as that of railway taxation.

It seems to me we have an opportunity here to provide for a scientific adjustment of this question, and that in inaugurating all these various plans for the improvement of the Philippine Islands we should avail ourselves of the experience we have had in this country and should not wait until time develops the evils and abuses that are bound to creep in unless we guard against them. I believe in anticipatory and preventive legislation rather than corrective legislation.

The Senator from Massachusetts says this property will be subject to taxation in the Philippine Islands as all other property is. I should regard that as a misfortune, for under the laws of most of the States, or a great many of them, railroad property is taxed as other properties are, and yet we find the greatest inequalities existing. We find in one State an assessment of $10,000 a mile and we find in an adjoining State an assessment of $20,000 a mile upon a part of the same system of railroad. We find in one State an imposition of the usual tax upon the assessed value, while we find in another State a certain percentage of the gross receipts of those railroads or a certain percentage of the net receipts of those railroads paid to the State government as taxes.

Now, the matter of taxation is important not only to the people of the Philippine Islands, but it is also of the highest importance to the projectors of this railroad. As a business proposition it is of the highest importance to the owners of this railway that the tax shall be mathematically adjusted at the very start, so that it will be a matter of certainty upon which they can count in financing the road. If you have a system of assessment there as you have in this country, I presume the assessments will vary with the judgment of the various assessing officials. One assessor in one province will put a low valuation. An assessor in an adjoining province will put a higher valuation. An assessor in the next province will put a still higher valuation. Then we will have the railroad interesting itself in all the problems of government in the various provinces and municipalities so far as they relate to taxation. They will be forced by their own interests into a partial or entire control of administration.

Even if they are willing to submit to a fair tax, they will always have in view the fact that the assessing officials have the absolute power of determining the amount of their assessment, and that the assessor who wants to blackmail or the assessor who wants to oppress has the power to raise their assessment and to raise their taxes; and they know that their taxes will be as variable as the number of assessors—that they will be as variable as the number of provinces and municipalities.

Now, it seems to me we can easily put into this bill a provision which will determine to a mathematical certainty the amount of the tax that is to be paid. It will be well to commence with a very small tax in the first place and gradually to increase it to such a percentage of the gross receipts of the railways as experience in this country has shown they can fairly pay.

If there is a system of reports of gross receipts of the railways to the Philippine Commission, which I have no doubt will be provided for, the Philippine Commission will know exactly the amount of gross receipts annually, and if you impose a percentage tax upon the gross receipts of the railways the Philippine government will know exactly what it will receive; the railways will know exactly what they have to pay; and, above all, the projectors of the railways, whilst they are financing them, will know to a certainty their obligations for the future.

So it seems to me we ought to provide in this bill for a certain percentage tax upon the gross receipts of the railroads, commencing with a very small percentage, perhaps 1 per cent, running over a period of five years or more during the infancy of the railroads, and then gradually increasing it at the rate of a quarter of a cent per annum, running over a period of years, until it reaches 5 per cent upon the gross receipts; and I should say that in the ultimate 5 per cent upon the gross receipts of the railroads would be a fair tax.

The experience of all men engaged in railroad building in this country is that about 65 per cent of the gross receipts go toward operation and the other 35 per cent go to taxes and to profit upon capital. That is the experience of successful and well-conducted railroads in this country. An imposition of a 5 per cent tax on gross receipts, then, means that of the total net receipts of the railroads over operating expenses they will contribute one-seventh toward the expenses of government. In our country to-day we have 200,000 miles of railroad, capitalized in bonds and stocks at about $12,000,000,000, whose market value is about $10,000,000,000. The gross annual receipts of all those railroads aggregate about $1,700,000,000, and the total taxes paid by these railroads, under different methods of assessment and taxation, amount to about $51,000,000, or 3 per cent of the gross receipts on the average.

Some of the railroads in this country pay too much. Most of them, however, pay too little, and there is a constant movement toward higher taxation, and, as the result of popular agitation, the pendulum is likely to swing too far the other way. It is claimed by many that railroads should pay taxes upon the same valuation as that upon which they receive rates. Such a rule of assessment, though apparently fair, would result in more than trebling the present total taxes paid by the railroads of this country and sadly impair present dividends, and yet under the present system it is within the discretion of the assessing officials of the country, numerous as they are, to vary the assessment of railroads from $10,000 per mile to $50,000 or more per mile, according to the rule of valuation which they adopt. Is it any wonder that railroads feel the necessity of keeping in politics when these variable powers exist, and would it not be conducive to clean politics and to a more scientific regulation of railroads if the taxes of railroads could be mathematically ascertained by a percentage tax on gross receipts, so that they would know to a certainty what they would have to pay, and so that they would be free from the necessity of interfering in the election of every assessor and every board of equalization and every other body that has anything to do with taxation in this country?

We would free them from the necessity of intervening in politics, so far as taxation is concerned, and we would free the government of every State, county, and municipality in this country from what now constitutes a corrupting influence. So it seems to me with reference to taxes we should provide for a percentage tax upon the gross receipts of the Philippine railroads, gradually increasing it, so that when the railroads are prosperous they will fairly contribute to the support of the Philippine government.

Now, then, as to the question of rates. The Senator from Massachusetts [Mr. LODGE] suggested that we should wait until the railroads are built and in successful operation. It seems to me that it is fair to the railroads to tell them now what we propose to do in the way of the regulation of rates, and it is fair to the people of the Philippine Islands that we should tell them what we propose shall be done by the Philippine Commission with reference to the regulation of rates.

All this contributes to certainty in the financing of these corporations. And besides, if we allow $35,000,000 of private capital to go into these railroads without any control either as to taxation or rates we will find that the men owning the $35,000,000 of investment will be the dominating influence in the Philippine Islands, just as similarly situated men have been in every State in this Union. We will find that unless they are properly controlled by law they will reach out for exaggerated profits, and we will find also that they will endeavor to control legislation and regulation in the interest of exaggerated profits; and so we will have another corrupting influence in the Philippine Islands in the conduct of government there.

The question is, What is a fair regulation of rates? That is the question which is before us now in this country. The President has called the attention of the entire country to the necessity for regulation of rates by the Interstate Commerce Commission with reference to interstate commerce. I am not

prepared to say that I could suggest at this moment a just and fair and accurate method of determining the rates of railroads, but it does seem to me that it is a matter which should receive the study of this Congress. It is a matter upon which we ought to have expert opinion. Here we have the Interstate Commerce Commission, composed of men who for years have been devoting themselves to these problems, and who have been presenting year after year to Congress reports that are never read. It is a body of capable, trained, experienced, and efficient men, convenient to us.

Why should they not be called in by the Committee on the Philippines and consulted with reference to a method of regulating the rates of the roads after they are built? Why should we not take their advice, or modify their advice or take our own action after their advice and incorporate in this bill a fair and just provision—fair to the people of the Philippine Islands and fair to the railroads themselves? It will reduce the railroad business, so far as legislation is concerned, to a mathematical certainty, so that these men will know what they are about to finance and so that the people of the Philippine Islands and the government of the Philippine Islands will know what are the obligations of the railroads so far as concerns their relation to the Government.

There are various methods of determining the rates. We can not fix them in this bill, of course, but there is one method which works automatically, and that is to limit the dividends of the railroad upon its capital invested. That limitation may be a low one, it may be a high one, according to your judgment. The extraordinary condition of things in the Philippine Islands may warrant at the commencement a higher rate of interest upon the capital invested than obtains in this country. If you should conclude to allow that higher rate of interest, you can put in the act itself a provision that it shall be gradually lowered.

A limitation of dividends will operate automatically toward a reduction in rates, for the gross receipts of the railroads go first to operating expenses, second to taxes, and third to the profit on the stocks or bonds. If the income of a railroad increases, and you limit dividends to 5 per cent or 6 per cent or 7 per cent, whatever you may determine shall be the limit under the act, an increase of business will accomplish automatically one of three things—either a diminution in rates, or a betterment of the road, or an increase in the wages of the operatives. One of those three things is bound to be accomplished and possibly all, and all will operate to the benefit of the people served by the railroads. Thus you do not impair initiative or affect the energy or the enterprise or the powers of those who control the railroad.

You give them entire freedom of action with the sole limit that there shall be equality of service and equality of rates. A limitation of the dividends will necessarily cause a reduction in rates, the betterment of the road, or an increase of the pay of the men employed on the road if there is any increase of business. I am sure that on this bill we ought to deal liberally and justly and fairly with the men who are going into this project, and we certainly do not want to put into this bill anything that would be prohibitory of enterprise. But it does seem to me it is essential that we determine with absolute certainty the obligations of the railroads, not only in their own interest, but in the interest of the public.

There is one thing further I wish to say in this line, and that is to urge again that we consider the question of authorizing the Philippine government to construct the 1,000 miles of railroad which will constitute, according to the testimony of Secretary Taft, a comprehensive system of railways for the islands. Under this bill you authorize the Philippine government to guarantee an income of 5 per cent upon the capital invested, $35,000,000, or rather upon $30,000,000 of that $35,000,000, $35,000,000 being the estimate of the cost, $30,000,000 being the extent of the guaranty. That means a possible payment by the Philippine government of $1,500,000 a year for thirty years, making $45,000,000 in all, a very large sum.

Judging from our experience with State-aided railroads, we must conclude that that guaranty will be paid, for never in the history of our country has such an obligation been assumed by the public, either national or State, that its execution has not been forced. So we can safely assume that these railroads will be so conducted that the Philippine government will have to pay that 5 per cent, amounting in all to $45,000,000. Under this bill has the Philippine government any lien upon the roads for the repayment of the $45,000,000, or are the railroads put under any obligation whatever to repay it? Oh, no. It is a guaranty of income, and if it is paid it is an entire loss to the Philippine government.

The Philippine Commission is admirably constituted for executive work. It is a legislative and an administrative and an executive body, composed of capable and well-trained men. To whom could you better intrust such a work as this? And if you authorize the Philippine government to issue bonds for $35,000,000 and make those bonds a lien upon the road, it can certainly negotiate those bonds on a less interest basis than 5 per cent. The bonds already issued by the Philippine government have been issued at a less rate of interest. If you will add to the bonds the guaranty of the United States, they can be negotiated at 2 per cent, and I see no reason why we should not add the guaranty to those bonds.

It is to be assumed—and must be admitted—that when the Government of the United States, making use of the Philippine Commission as a Government agency, authorizes it to issue bonds, those bonds ultimately will become the moral if not the legal obligation of the United States if they are not paid. And as in the eyes of Government, a moral obligation is equal to a legal obligation, I would make this a legal obligation now, so as to reduce the rate of interest to 2 per cent. You could certainly reduce it to 2½ per cent. Then, what would happen? If the business of this railroad yields 5 per cent upon its cost, as seems to be anticipated by this bill, 2½ per cent will go to the payment of interest on the bonds and the other 2½ per cent will go toward the liquidation of the bonds.

You thus have over $800,000 a year applicable to the interest on the bonds, and in addition over $800,000 a year which can either go to the redemption of the bonds or into a sinking fund for the redemption of the bonds; and as the redemption of the bonds goes on the proportion of this total sum of over $1,600,000 annually which can be applied to the redemption of the bonds will constantly increase, while the amount that is applicable to interest upon the remaining bonds will constantly diminish. So that year by year the interest on the bonds will constantly diminish as they are retired, while the sum applicable to the redemption of the bonds will constantly, year by year, increase.

I have made no mathematical calculation regarding this matter, but my impression is that under this system, if the income of the railroad does not exceed 5 per cent per annum on cost, the entire bonds will be extinguished within twenty years, and the Filipino people will be subjected to no greater burden in the shape of rates than this bill seeks to impose, and they will at the end of twenty or twenty-five years be the owners of $35,000,000 worth of property, whereas if the plan of this bill is carried out the Philippine government may and probably will pay out $45,000,000 on this income guaranty, and at the end will have nothing to show for it.

It seems to me that business considerations ought to control us in this matter, whether it be a spontaneous or an enforced benevolence. We are endeavoring to legislate in the interest of these people, and their interest means that we should make the annual charge of these railroads upon their labor and industry as small as possible, and that we should give profit, if we give it at all, not to private individuals, but to the Philippine government and to the Philippine people. Thus, without incurring any further obligation than is incurred under the operation of this bill, without imposing any further burden upon the people of these islands than is provided for by this bill, a burden in the shape of rates for freight and fares, we will secure to them in the ultimate the absolute ownership of all the property into which this large sum goes.

Mr. DIETRICH. I offer an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. LODGE. As I am perfectly certain that in the two days which remain we are not going to undertake to fix freight rates for unbuilt railroads, and I am equally certain that we shall not be guilty of the cruelty of imposing on the Philippine Islanders experiments in scientific taxation formulated by Congress, and I know we are not going to enter on Government ownership, I shall not undertake to answer the Senator from Nevada; but I will simply move that the Senate proceed to the consideration of executive business.

Mr. KEAN. Will the Senator from Massachusetts withhold his motion for a moment?

Mr. LODGE. I will do so.

LUCY WARDEN.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted this day by Mr. FORAKER, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy Warden, widow of Clifford

Warden, late assistant librarian of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

EXECUTIVE SESSION.

Mr. LODGE. Before the motion for an executive session is put I desire to give notice that I shall call up the unfinished business to-morrow immediately after the routine morning business, and I shall do the same on Friday, so that all the time possible may be given to the Senate for further debate.

I now renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 15, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1904.

MARSHAL.

Clinton D. MacDougall, of New York, to be United States marshal for the northern district of New York. A reappointment, his term expiring on January 8, 1905.

COLLECTOR OF CUSTOMS.

Sherman T. Newton, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire, to succeed Rufus N. Elwell, resigned.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Charles F. Larrabee, of Portland, Me., to be Assistant Commissioner of Indian Affairs, vice A. Clarke Tonner, resigned.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, in the county of Contra Costa and State of California, in place of Josiah R. Baker. Incumbent's commission expired December 10, 1904.

George W. Stevens to be postmaster at Benicia, in the county of Solano and State of California, in place of Charles Durner. Incumbent's commission expired December 10, 1904.

ILLINOIS.

Henry C. Bogue to be postmaster at Vermont, in the county of Fulton and State of Illinois, in place of Henry C. Bogue. Incumbent's commission expires December 20, 1904.

Swan J. Chilberg to be postmaster at Cambridge, in the county of Henry and State of Illinois, in place of Swan J. Chilberg. Incumbent's commission expires December 20, 1904.

Oscar H. Harpham to be postmaster at Havana, in the county of Mason and State of Illinois, in place of Oscar H. Harpham. Incumbent's commission expired December 19, 1903.

Charles G. Watrous to be postmaster at Waukegan, in the county of Lake and State of Illinois, in place of Clarence A. Murray, deceased.

INDIAN TERRITORY.

Stephen A. Douglas to be postmaster at Ardmore, in district 21, Indian Territory, in place of David Redfield. Incumbent's commission expires December 20, 1904.

MASSACHUSETTS.

William F. Wiley to be postmaster at Peabody, in the county of Essex and State of Massachusetts, in place of William F. Wiley. Incumbent's commission expired March 6, 1904

MINNESOTA.

Lewis O. Norheim to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota, in place of Frank E. Bentley, resigned.

MISSOURI.

Edward D. Lowe to be postmaster at Cuba, in the county of Crawford and State of Missouri. Office became Presidential October 1, 1904

Edgar W. Prentiss to be postmaster at Bethany, in the county of Harrison and State of Missouri, in place of Edgar W. Prentiss. Incumbent's commission expires December 20, 1904.

NEW JERSEY.

Charlotte Ketcham to be postmaster at Belvidere, in the county of Warren and State of New Jersey, in place of Josiah Ketcham, deceased.

NEW YORK.

F. A. Davis to be postmaster at Fort Edward, in the county of Washington and State of New York, in place of Alfred C. Hodgman. Incumbent's commission expired December 10, 1904.

Herbert B. Eaton to be postmaster at Youngstown, in the county of Niagara and State of New York. Office became Presidential October 1, 1904.

NORTH DAKOTA.

Francis R. Cruden to be postmaster at McHenry, in the county of Foster and State of North Dakota. Office became Presidential July 1, 1904.

Millard F. Kepner to be postmaster at New Rockford, in the county of Eddy and State of North Carolina, in place of Millard F. Kepner. Incumbent's commission expired February 5, 1904.

OHIO.

Benjamin F. Jackson to be postmaster at Clyde, in the county of Sandusky and State of Ohio, in place of Benjamin F. Jackson. Incumbent's commission expired March 3, 1903.

John A. Koeper to be postmaster at New Bremen, in the county of Auglaize and State of Ohio, in place of Albert C. Buss, removed.

Edmund L. McCalley to be postmaster at Middletown, in the county of Butler and State of Ohio, in place of William M. Sullivan. Incumbent's commission expired June 5, 1904.

William B. Wallace to be postmaster at Oxford, in the county of Butler and State of Ohio, in place of William B. Wallace. Incumbent's commission expires December 20, 1904.

OREGON.

Frank G. Jewett to be postmaster at Sumpter, in the county of Baker and State of Oregon, in place of Frank G. Jewett. Incumbent's commission expires December 20, 1904.

SOUTH DAKOTA.

William F. Bancroft to be postmaster at Wessington Springs, in the county of Jerauld and State of South Dakota. Office became Presidential October 1, 1904.

VERMONT.

Lewis A. Skiff to be postmaster at Middlebury, in the county of Addison and State of Vermont, in place of Lewis A. Skiff. Incumbent's commission expires December 20, 1904.

WEST VIRGINIA.

Grace O. Montgomery to be postmaster at Tunnelton, in the county of Preston and State of West Virginia, in place of Samuel B. Montgomery, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1904.

ASSISTANT SECRETARY OF AGRICULTURE.

Willet M. Hays, of the State of Minnesota, to be Assistant Secretary of Agriculture.

SURVEYOR-GENERAL OF ALASKA.

William L. Distin, of Illinois, to be surveyor-general of Alaska.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Ira Harris, of New Jersey, who was appointed October 26, 1904, during the recess of the Senate, to be supervising inspector of steam vessels for the second steamboat-inspection district, in the Department of Commerce and Labor.

RECEIVERS OF PUBLIC MONEYS.

Mathias N. Koll, of Alexandria, Minn., who was appointed August 2, 1904, during the recess of the Senate, to be receiver of public moneys at Cass Lake, Minn.

Julius H. Weiss, of Del Norte, Colo., who was appointed August 26, 1904, during the recess of the Senate, to be receiver of public moneys at Del Norte, Colo.

Sidney R. De Long, of Tucson, Ariz., who was appointed July 30, 1904, during the recess of the Senate, to be receiver of public moneys at Tucson, Ariz.

REGISTERS OF LAND OFFICES.

Dick T. Morgan, of Elreno, Okla., who was appointed November 23, 1904, during the recess of the Senate, to be register of the land office at Woodward, Okla.

John E. Watson, of Boonville, Mo., who was appointed November 14, 1904, during the recess of the Senate, to be register of the land office at Boonville, Mo.

Egbert S. Oakley, of Buffalo, Minn., who was appointed August 2, 1904, during the recess of the Senate, to be register of the land office at Cass Lake, Minn.

COLLECTOR OF CUSTOMS.

Sherman T. Newton, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire.

POSTMASTERS.

CALIFORNIA.

Alfred R. Booth to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California.

Vivian Tresslar to be postmaster at Fullerton, in the county of Orange and State of California.

CONNECTICUT.

Alexander B. Gardner to be postmaster at Milford, in the county of New Haven and State of Connecticut.

IDAHO.

Alfred J. Dunn to be postmaster at Wallace, in the county of Shoshone and State of Idaho.

Julia A. Garber to be postmaster at Grangeville, in the county of Idaho and State of Idaho.

Edna P. Madden to be postmaster at Burke, in the county of Shoshone and State of Idaho.

ILLINOIS.

John F. Ashwill to be postmaster at Toledo, in the county of Cumberland and State of Illinois.

Joseph G. Greeson to be postmaster at Greenup, in the county of Cumberland and State of Illinois.

INDIANA.

Phineas O. Small to be postmaster at Laporte, in the county of Laporte and State of Indiana.

INDIAN TERRITORY.

Millard C. Faulkner to be postmaster at Caddo, in district 23, Indian Territory.

Alice M. Robertson to be postmaster at Muskogee, in district 10, Indian Territory.

IOWA.

William L. Comstock to be postmaster at Mechanicsville, in the county of Cedar and State of Iowa.

George H. Otis to be postmaster at Monona, in the county of Clayton and State of Iowa.

Charles Smith to be postmaster at Clarence, in the county of Cedar and State of Iowa.

KANSAS.

Eva B. Milligan to be postmaster at White City, in the county of Morris and State of Kansas.

Jared C. Richcreek to be postmaster at Oswego, in the county of Labette and State of Kansas.

KENTUCKY.

Clarence H. Wilson to be postmaster at Sturgis, in the county of Union and State of Kentucky.

MAINE.

Edward B. Buck to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine.

Elliott Wood to be postmaster at Winthrop, in the county of Kennebec and State of Maine.

MISSISSIPPI.

David G. Dunlap to be postmaster at Sardis, in the county of Panola and State of Mississippi.

Laura M. Gowdy to be postmaster at Batesville, in the county of Panola and State of Mississippi.

Fannie Hillerman to be postmaster at Kosciusko, in the county of Attala and State of Mississippi.

Samuel M. Howry to be postmaster at Oxford, in the county of Lafayette and State of Mississippi.

Nannie B. Richardson to be postmaster at Woodville, in the county of Wilkinson and State of Mississippi.

Edward M. Scott to be postmaster at Rosedale, in the county of Bolivar and State of Mississippi.

Augustus S. Weigert to be postmaster at Grenada, in the county of Grenada and State of Mississippi.

MISSOURI.

John W. Key to be postmaster at Mountain Grove, in the county of Wright and State of Missouri.

Albert T. McAdow to be postmaster at Lamar, in the county of Barton and State of Missouri.

MONTANA.

Arthur G. Foster to be postmaster at Columbia Falls, in the county of Flathead and State of Montana.

NEW HAMPSHIRE.

Joseph H. Avery to be postmaster at Milton, in the county of Strafford and State of New Hampshire.

NEW JERSEY.

Albert M. Bradshaw to be postmaster at Lakewood, in the county of Ocean and State of New Jersey.

NEW YORK.

Jay Jackson to be postmaster at Pine Plains, in the county of Dutchess and State of New York.

George A. McKinnon to be postmaster at Sidney, in the county of Delaware and State of New York.

Albert P. Seaton to be postmaster at New Hartford, in the county of Oneida and State of New York.

OHIO.

J. K. Allen to be postmaster at Greenwich, in the county of Huron and State of Ohio.

Ford Lanning to be postmaster at Norwalk, in the county of Huron and State of Ohio.

Lawrence R. Watts to be postmaster at London, in the county of Madison and State of Ohio.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, in the province of Humacao, Porto Rico.

Ramon A. Rivera to be postmaster at Arecibo, in the county of Arecibo and Territory of Porto Rico.

RHODE ISLAND.

Edward W. Jones to be postmaster at River Point, in the county of Kent and State of Rhode Island.

SOUTH CAROLINA.

J. R. McClue to be postmaster at Bishopville, in the county of Lee and State of South Carolina.

TENNESSEE.

Jasper N. Fitzwater to be postmaster at Collierville, in the county of Shelby and State of Tennessee.

William H. Hollinger to be postmaster at Waverly, in the county of Humphreys and State of Tennessee.

Thomas J. Lovell to be postmaster at Obion, in the county of Obion and State of Tennessee.

John Redd to be postmaster at Bolivar, in the county of Hardeman and State of Tennessee.

Rufus Rutherford to be postmaster at Clinton, in the county of Anderson and State of Tennessee.

UTAH.

James Clove to be postmaster at Provo (late Provo City), in the county of Utah and State of Utah.

Jonathan S. Page, jr., to be postmaster at Payson, in the county of Utah and State of Utah.

George H. Richards to be postmaster at Sunnyside, in the county of Carbon and State of Utah.

WASHINGTON.

William L. Shearer to be postmaster at Toppenish, in the county of Yakima and State of Washington.

Harry C. Bilger to be postmaster at Cle Elum (late Clealum), in the county of Kittitas and State of Washington.

WISCONSIN.

Robert Johnson to be postmaster at Mellen, in the county of Ashland and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 14, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SWAYNE IMPEACHMENT.

The SPEAKER announced the following gentlemen as members of the committee for the preparation of articles of impeachment against Judge Charles Swayne: Messrs. PALMER, GILLETT of California, PARKER, LITTLEFIELD, POWERS of Massachusetts, CLAYTON, and DE ARMOND.

ENCOURAGEMENT OF RIFLE PRACTICE.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15894) to encourage rifle practice and excellence in marksmanship among citizens of the United States, so as to render them quickly available for efficient service in time of war, may be withdrawn from the files and any order for printing the same vacated. I desire to say in explanation of this that it is a bill that came to me, as chairman of the Committee on Military Affairs, from the War Department, officially transmitted, and was introduced by me, as a matter of course, without reading. That was a mistake on my part. I should have read the bill before introducing it. It is for the encouragement of rifle practice, but there are only two pages of the bill proposed to be enacted and about seven pages of argument why it should be enacted. The argument has no place in the bill, and should never have been introduced in the House. While I am probably to blame for taking it as a matter of course from the Department, I can not help believing that the head of the Department himself was imposed upon when he officially trans-

mitted it as part of the bill. It is the first time this has been done by the Department, and I have no doubt it will be the last.

The SPEAKER. Without objection, leave will be granted to withdraw the bill from the files.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3133. An act to restore to the public domain a portion of the Gila River Indian Reservation, in the Territory of Arizona, and for other purposes;

S. 655. An act for the relief of John F. Finney;

S. 3546. An act relating to proofs under the homestead laws and to confirm such proofs in certain cases when made outside of the land district within which the land is situated;

S. R. 84. A joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.; and

S. 2021. An act for the relief of John Wesley Hoyt.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2021. An act for the relief of John Wesley Hoyt—to the Committee on Claims.

S. 3133. An act to restore to the public domain a portion of the Gila River Indian Reservation, in the Territory of Arizona, and for other purposes—to the Committee on Indian Affairs.

S. 655. An act for the relief of John F. Finney—to the Committee on Claims.

S. 3546. An act relating to proofs under the homestead and other land laws, and to confirm such proofs in certain cases when made outside of the land district within which the land is situated—to the Committee on the Public Lands.

S. R. 78. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Frutos Tomas Plaza, of Ecuador—to the Committee on Military Affairs.

S. R. 79. Joint resolution granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Applicance Exhibition—to the Committee on the District of Columbia.

S. R. 84. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, and so forth—to the Committee on the District of Columbia.

LOCK AND DAM IN TENNESSEE RIVER NEAR CHATTANOOGA.

Mr. BURTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes," be, and the same is hereby, amended by inserting in section 1, line 7, after the words "Scott Point," "near Chattanooga, Tenn.," and before the word "under," the following: "or at such other point or place in the mountain section of said river below Scott Point as may be agreed upon by the Secretary of War and the parties contracting to build said lock and dam."

The Clerk read the following amendments:

On page 2, line 2, strike out the words "may be agreed upon by the Secretary of War and parties contracting to build said lock and dam" and insert in lieu the words "the Secretary of War may approve."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read the third time, read the third time, and passed.

On motion of Mr. BURTON, a motion to reconsider the last vote was laid on the table.

UNITED STATES STEEL CORPORATION.

Mr. JENKINS. Mr. Speaker, I am directed by the Committee on the Judiciary to report back House resolution No. 383 with the recommendation that the same do lie upon the table.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas it is generally known that a combination exists among the large steel manufacturing companies—the United States Steel Corporation, the Lackawanna Steel Company, the Pennsylvania Steel Company, and others—the purpose of which is, by limiting production, to force buyers of steel to pay exorbitant prices; and

Whereas the "arbitrator" of this combination has recently decided the percentage that each member of the combine shall manufacture during the coming year; and

Whereas it is publicly charged that by thus combining and restricting the output these companies are able to exact an exorbitant price, which yields them the enormous profit of $16 upon a ton of steel rails, equal to 133 per cent on the cost of production, as shown by Charles M. Schwab, a recent president of one of the companies forming the combine, the United States Steel Corporation; and

Whereas the combination and the act of said "arbitrator" is in restraint of trade, and is apparently a violation of the United States statutes: Therefore, be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to communicate forthwith to this House his opinion as to what extent these acts constitute a violation of law, and what steps, if any, he has taken as Attorney-General to prosecute criminally those forming the combination.

Mr. JENKINS. Mr. Speaker, I move that the resolution do lie on the table.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the resolution do lie on the table.

Mr. BAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BAKER. For the purpose of asking the chairman of the Judiciary Committee whether he will yield me, say, five minutes' time.

Mr. JENKINS. Mr. Speaker, I can not, because this question is not debatable, and I have no time to yield.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and the motion was agreed to.

Mr. JENKINS. Mr. Speaker, I move to reconsider, and lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the motion to reconsider and to lay that motion on the table.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is it proper to reconsider a motion to lay on the table? This motion is already laid on the table. The proper motion would be a motion to take from the table, as I understand it.

The SPEAKER. The Chair is of opinion that a motion to reconsider would apply to a motion to lay a resolution on the table, which is primary in its nature and is one way of disposing of a bill or resolution. The Chair thinks that a motion to reconsider and lay that motion on the table is proper, because the substance of the motion to lay on the table is to finally dispose of the proposition, and the substance should govern rather than the form of the motion.

The question is on the motion to reconsider and lay that motion on the table.

The question was taken; and on a division (demanded by Mr. BAKER) there were—ayes 141, noes 43.

So the motion was agreed to.

JULIUS A. KAISER.

The SPEAKER laid before the House H. J. Res. 158, entitled "Joint resolution construing the act for the relief of Julius A. Kaiser as carrying an appropriation," with Senate amendments.

The Senate amendments were read.

Mr. BINGHAM. Mr. Speaker, I move that the House concurs in the Senate amendments.

Mr. PAYNE. Mr. Speaker, I would like to have a little explanation of this.

Mr. BINGHAM. I would ask the gentleman from Pennsylvania [Mr. BUTLER] to explain this.

Mr. BUTLER of Pennsylvania. Mr. Speaker, three years ago, I think, a bill was passed in this House providing for the relief of Julius A. Kaiser. Although it was intended by the House that an appropriation be carried in the bill, it was held by the Comptroller that the necessary formal language not being used, Kaiser's money could not be paid him. The Department then sent to the House the form of bill which the Auditor for the Navy Department determined would be the proper form to carry the appropriation. That form of bill sent by the Auditor for the Navy Department failed to have in it the formal words "money not otherwise appropriated."

The Comptroller of the Treasury held that the money could not be paid because those words were not formally inserted in the bill. Another measure was prepared and passed in the House at the last session, a joint resolution declaring it to be the intention of the House to make the appropriation, having made the attempt twice. The joint resolution was sent to the Senate and was amended. Gentlemen will understand from a reading of the joint resolution as amended by the Senate that

it carries the appropriation direct, and thereby changes the language.

Mr. PAYNE. It does not change the amount any?

Mr. BUTLER of Pennsylvania. No, sir.

Mr. WILLIAMS of Mississippi. What is the appropriation for?

Mr. BUTLER of Pennsylvania. It is for the relief of a man by the name of Kaiser, an officer in the Navy, who was not promoted, according to the judgment of the Navy Department and Congress, at the time he should have been. A very serious accident occurred, wounding him frightfully while in the service of the Navy. He was in the Eastern service when the time for his promotion arrived, but was not ordered home for examination for nearly three years after this period. When he returned he was retired at the grade in which he served at the time, and not in the grade he would have been entitled to had he been ordered home for his examination. He should have been ordered home, according to naval regulations, three years earlier. Owing to circumstances over which the Department had no control they were unable to bring him. In the meantime he received the injury which forced his retirement.

Mr. WILLIAMS of Mississippi. This is to give him pay for the grade above that at which he was retired.

Mr. BUTLER of Pennsylvania. This, I will say to the gentleman from Mississippi, is to give him the difference in pay which he lost through no fault of his own.

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the resolution as amended was passed was laid on the table.

DAVID WOLFE BROWN.

Mr. HILDEBRANT. Mr. Speaker, I offer a privileged resolution and report from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to the widow of David Wolfe Brown, late Official Reporter of Debates in the House of Representatives, a sum equal to one year's salary as such Reporter, and that the Clerk be further directed to pay out of the contingent fund the expenses of the last illness and the funeral expenses of said David Wolfe Brown, such expenses not to exceed the sum of $250.

The Clerk read the amendment, as follows:

In lines 4 and 5 strike out the words "one year's" and insert "six months';" so as to read "six months' salary."

Mr. PAYNE. I would like to ask the gentleman if this is the usual length of time?

Mr. HILDEBRANT. This is simply following out the custom which has obtained in the House for many years.

Mr. PAYNE. I had the idea it was the custom to only pay three months' salary.

Mr. HILDEBRANT. It is always six months, I understand. That is what the record shows.

Mr. PAYNE. If the gentleman is right about that, of course I make no objection.

Mr. ROBINSON of Indiana. I would like for an explanation upon this subject as to the rule of employees of the House receiving what is practically an insurance. Has that been the custom?

Mr. HILDEBRANT. That has been the custom, as the Committee on Accounts understands, for many years, and we are simply following the custom and precedent that has been established.

Mr. ROBINSON of Indiana. Is the gentleman quite sure that the period is six months?

Mr. HILDEBRANT. I am quite sure; I am quite positive of it.

Mr. ROBINSON of Indiana. To what employees in past years can the gentleman cite us?

Mr. HILDEBRANT. I can not state as to any particular employees, but I can get the record if the gentleman desires and point it out to him, as I have it right at my finger's end. The Committee on Accounts has the record and can show, if the gentleman desires, any number of cases.

Mr. ROBINSON of Indiana. To what class of House employees has this rule applied heretofore?

Mr. HILDEBRANT. I think all.

Mr. ROBINSON of Indiana. Has there been any reporter?

Mr. HILDEBRANT. All classes of employees, where there have been deaths. That, I understand, is the rule.

Mr. ROBINSON of Indiana. Is there a report here of the committee that considered the resolution?

Mr. HILDEBRANT. There is a report, and I will ask the Clerk to read the report.

The report (by Mr. HILDEBRANT) was read, as follows:

The Committee on Accounts, to whom was referred House resolution No. 388, authorizing a payment out of the contingent fund of the House to the widow of David Wolfe Brown, late Official Reporter in the House of Representatives, of a sum equal to one year's salary as such Reporter, and an additional sum of not exceeding $250 to defray expenses of the last illness and the funeral expenses of said Brown, have had same under consideration, and recommend its adoption with the following amendment:

In lines 4 and 5 strike out the words "one year's" and insert in lieu thereof the words "six months'."

As thus amended this resolution will conform to the practice of the House with reference to payment to the legal representatives of deceased employees, and your committee recommends the adoption of the resolution.

Mr. BARTLETT. Will the gentleman yield to me for a moment?

Mr. HILDEBRANT. I yield.

Mr. BARTLETT. Mr. Speaker, this is the usual resolution that has been passed by the House when an employee of the House died in all the years that I have been here, and for a great many years prior to the time I have been a Member of Congress. This resolution is simply to pay six months' salary and $250 toward the funeral expenses of an employee of the House, one of the Official Reporters——

Mr. HILDEBRANT. Not to exceed $250.

Mr. BARTLETT (continuing). Who had for long years served this body in that capacity very faithfully, as everybody knows. And this particular resolution is nothing except what has been done heretofore, and, I apprehend, will be done many years to come.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

WALTER H. FRENCH, DECEASED.

Mr. HILDEBRANT. I submit the following privileged report.

The Clerk read as follows:

House resolution 393.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Walter French, son of Walter H. French, deceased, late file clerk of the House of Representatives, a sum equal to one year's salary as file clerk, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the last illness and funeral of said Walter H. French, such expenses not to exceed $250.

The amendment recommended by the committee was read, as follows:

In lines 4 and 5 strike out the words "one year's" and insert in lieu thereof "six months'."

The amendment was agreed to.

The resolution as amended was agreed to.

HUGH WILLIAMS, JR., ADDITIONAL PAGE.

Mr. HILDEBRANT. I also submit the following privileged report.

The Clerk read as follows:

House resolution 387.

Resolved, That the Doorkeeper of the House is hereby authorized and directed to employ an additional page, Hugh Williams, jr., in the press gallery up to and including March 4, 1905, to be paid out of the contingent fund of the House, at the rate of $75 per month.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MADDOX. Mr. Speaker, I would like to inquire as to the necessity of this additional page. It seems to me that we have more of them now than there is any use for on the face of the earth.

Mr. HILDEBRANT. This is simply a resolution in line with what was done at the last session of this House. The young man has been employed as a page in the press gallery for several sessions, as I have been informed, and this is the method of paying him.

Mr. MADDOX. Then he is not an additional one?

Mr. HILDEBRANT. He is not an additional one. This is merely fixing the method of his payment.

The resolution was agreed to.

SESSION CLERKS TO COMMITTEES.

Mr. HILDEBRANT. Also the following privileged resolution.

The Clerk read as follows:

House resolution 389.

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint session clerks to such committees, to serve for the remainder of this Congress, to be paid out of the contingent fund of the House of Representatives, at the rate of $6 per day each from the commencement of the present session, to wit, the Census, Indian Affairs, Interstate and Foreign Commerce, Pacific Railroads, and Private Land Claims.

Mr. HILDEBRANT. In explanation of that resolution I ask to have the report read.

The report (by Mr. HILDEBRANT) was read, as follows:

The Committee on Accounts, to whom was referred House resolution No. 389, authorizing the appointment of clerks to the committees on Census, Indian Affairs, Interstate and Foreign Commerce, Pacific Railroads, and Private Land Claims, to serve for the remainder of this Congress, have had the same under consideration, and recommend its adoption.

This resolution is necessary to correct a typographical error. At the last session of Congress, on December 17, 1903, the House passed a resolution, which was recommended by the Committee on Accounts, authorizing the appointment of session clerks to the said committees, and the intent of the committee and of the House was that these clerks should serve during both sessions of the Fifty-eighth Congress. The resolution as passed, however, was, by a typographical error, made to read "the session" instead of the "sessions." The resolution reported herewith is corrective of that error, and your committee therefore recommends its adoption.

The resolution was agreed to.

UNITED STATES CIRCUIT AND DISTRICT COURTS AT MUNCIE, IND.

Mr. CROMER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15285.

The bill was read, as follows:

A bill (H. R. 15285) establishing a regular term of the United States circuit and district courts at Muncie, Ind.

Be it enacted, etc., That hereafter and until otherwise provided by law there shall be held annually on the first Monday in September a term of the circuit and district courts of the United States for the district of Indiana at the city of Muncie, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy to reside in said city of Muncie, unless he shall reside there himself, and also maintain an office at that place of holding court.

SEC. 3. That the judge of the United States circuit or district court for said district may, by order, from time to time appoint and hold additional special terms of said court in said district, for the disposal of the unfinished business thereof, whenever the interest of the public and the condition of the docket shall so require: *Provided, however,* That suitable rooms and accommodations are furnished for holding said courts free of expense to the Government of the United States until such time as a Federal building shall be erected in said city of Muncie.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CROMER, a motion to reconsider the vote by which the bill was passed was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

On motion of Mr. HEMENWAY, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16445, the urgent deficiency appropriation bill, with Mr. CURTIS in the chair.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I think copies of the report on this bill are on the desks of most Members.

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. HEMENWAY. I do.

Mr. LIVINGSTON. Do you propose to take this bill up for action without any general debate?

Mr. HEMENWAY. I would like, Mr. Chairman, if possible, to pass the bill without general debate, for this reason: The Senate has but little time in which to act upon the bill. It carries only three or four items of original matter that ought to be passed before the holidays; and as we shall have ample time for debate on other matters I hope we can pass this bill without any general debate.

Mr. LIVINGSTON. Very well.

Mr. HEMENWAY. The bill provides for just a few items. First, for wrapping paper, pasteboard, twine, etc., for the House. We were short on that item, and we appropriate $3,000 to pay for certain items necessary for the House. Then the pay for the messengers who will bring to the Capitol the returns of the Presidential election must be provided for, and we appropriate for that.

The new public building at Chicago will be completed by about next April or May. By oversight of the architect in charge proper provision was not made for getting the mail into and out of this building, and it is necessary that this shall be done before the building is completed. If not, it would be necessary to tear out work that they would do before then in order to install this work. So we provide here for certain work in connection with the public building at Chicago, in order that they may get the mails out and in.

Mr. STEPHENS of Texas. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. HEMENWAY. I yield with pleasure.

Mr. STEPHENS of Texas. In line 25, on the second page of the bill, you use the words "and so forth," making the line read this way:

Chicago, Ill., post-office, court-house, and so forth.

Does that mean some other building?

Mr. MANN. It is just a description of the building, which contains the subtreasury, etc.

Mr. HEMENWAY. It simply means the new public building there, which includes the post-office, customs office, and all of the different offices of the Government.

They are all in this same building, so that it can not be described simply as a post-office building, or a building for the collection of customs. They are all in the one building.

Mr. STEPHENS of Texas. Then it is the one building?

Mr. HEMENWAY. It is the one building.

Mr. MADDOX. I trust the gentleman from Indiana is not serious about appropriating $12,000 for the purpose of bringing up those election returns? [Laughter.]

Mr. HEMENWAY. I suppose it is absolutely necessary.

Mr. MADDOX. You do not think that $12,000 would pay for that job, do you? [Laughter.]

Mr. BARTLETT. Referring to the subject of the Department of the Interior and the Geological Survey, "for the continuation of the analyzing and testing of the coals and lignites of the United States," and that sort of thing, is this the same work that was authorized to be done at St. Louis under one of the appropriation bills?

Mr. HEMENWAY. That is the same work that was authorized. But I will reach that item in just a moment.

Mr. BARTLETT. I want to inquire of the gentleman if there has been any other authority for doing that work heretofore, except the provision made in the bill whereby we appropriated money to have it done in St. Louis? That is the only place heretofore——

Mr. HEMENWAY. That is the only place, and this appropriation is to continue that work until March 4 next.

Mr. BARTLETT. I do not wish to interrupt the gentleman now if he is going to explain that later, but I want to ask one question. If he remembers that the parties who were to perform this service at St. Louis were to furnish the material and machinery?

Mr. HEMENWAY. That has all been done. When we reach that item in the reading of the bill, I will take pleasure in explaining it to the House if they desire to hear it.

Mr. BARTLETT. I desire to hear it, whether the House does or not.

Mr. HEMENWAY. If there is no further explanation desired, I will ask the Clerk to read the bill.

The Clerk proceeded with the reading of the bill and read as follows:

DEPARTMENT OF THE INTERIOR—GEOLOGICAL SURVEY.

For the continuation of the analyzing and testing of the coals and lignites of the United States, in order to determine their fuel values and most economic method for their utilization for different purposes, and for the purchase or rental of such additional equipment as is necessary for the proper conduct of the work, under the supervision of the Director of the United States Geological Survey, $25,000, to be available until expended.

Mr. BARTLETT. Mr. Chairman, I desire to ask a question of the chairman of the committee.

Mr. HEMENWAY. Very well.

Mr. BARTLETT. I desire to ask what is the urgency of this appropriation?

Mr. HEMENWAY. I will explain. At the last session of Congress we appropriated, I think, fifty or sixty thousand dollars for testing coal and lignites at the St. Louis Exposition. The manufacturers who owned the machinery donated the machinery to the Government, and the gentlemen who own the coal and lignites delivered them at St. Louis free of cost to the Government. This work has developed so rapidly and it has been ascertained that it is of such great value to the Government that great pressure has been brought to bear to continue the work until March 4 next, and then, if Congress deems it wise, to continue it for another year.

The machinery has been donated to the Government, and it pays nothing for it except for wear and tear. All coal and lignites are delivered to this plant free of cost to the Government. The Government pays the running expenses of the plant. Our coal interests over the country did not wake up to the fact that

these tests were of such great importance until a short time ago, and now they are demanding more of this work than the gentlemen in charge have anticipated.

It is claimed that discoveries as to lignites will save the country west of the Mississippi River large sums of money. I think on the whole it is one of the best pieces of work that the Government ever entered into. The gentlemen who own the ground are willing that the plant should stay there free of rent. It seems as if it would be very unfortunate if at this time, while the work is in progress, it should be discontinued.

As to the urgency of the work, of course it will have to be discontinued unless this appropriation is made; because the sums for the purpose are now exhausted, and there can be no additional work done between now and March 4 unless this appropriation is made at once.

Mr. BARTLETT. May I ask another question? Is the plant at St. Louis to remain there?

Mr. HEMENWAY. It is to remain at the same place exactly, and the ground will be donated; the machinery has been donated, except that the Government pays for the wear and tear. In fact, it will continue right where it is now. The different railroad companies are delivering to this plant, free of cost to the Government, the materials for the work.

Mr. BARTLETT. I would like to ask the gentleman one more question. Is the provision in the appropriation bill which has reference to having the work done at the Exposition at St. Louis, which the gentleman spoke of, the only law now in existence with reference to this matter?

Mr. HEMENWAY. It is the only law that authorizes this work. It is the first time the Government ever entered into a work of this kind, and that is the only law authorizing it.

Mr. Chairman, it has been suggested to me that the committee rise for the purpose of receiving a report. I move that the committee rise.

The motion was agreed to, and accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 16445, an urgent deficiency bill, and had come to no resolution thereon.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The committee appointed to go to the Senate and at the bar thereof and, in the name of the House of Representatives and of all the people of the United States, to impeach Judge Charles Swayne, appeared at the bar of the House.

Mr. PALMER. Mr. Speaker, in obedience to the order of the House, we proceeded to the bar of the Senate, and, in the name of this body and of all the people of the United States, we impeached, as we were directed to do, Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and we demanded that the Senate should take order to make him appear before that body to answer for the same; and announced that the House would soon present articles of impeachment and make them good, to which the response was: "Order shall be taken."

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CURTIS in the chair.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman a question.

Mr. HEMENWAY. I yield.

Mr. STEPHENS of Texas. As I understand, the plant is in operation at St. Louis, and they have purchased materials and supplies which are all on hand and they are now making the investigation.

Mr. HEMENWAY. The Government has not purchased the machinery; it has been donated.

Mr. STEPHENS of Texas. Is it the request of the Geological Department that they be permitted to do this work?

Mr. HEMENWAY. Yes; they have the machinery and the material on hand, and the ground has been donated. The Government is paying no rent for the ground, nothing for machinery, except for the wear and tear, and they simply desire to continue the work where they now are and complete it under the same administration.

Mr. SLAYDEN. Under the same administration?

Mr. HEMENWAY. Under the same administration, certainly.

Mr. STEPHENS of Texas. I hope the bill will pass, then.

Mr. LIVINGSTON. Mr. Chairman, may I suggest to the chairman of the committee, the gentleman from Indiana [Mr. HEMENWAY], in addition to what he has already said, that the railroads have agreed to leave the side track and the Government has agreed to give us the building that is there now, and the only expense outside of the labor done will be the wear and tear of the machinery. The railroads have agreed to haul the coal. That coal belongs to the Government when tested, and that coal keeps up the motive power. Therefore the only net expense is the wear and tear of the machinery, which is about $10,000.

Mr. BAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BAKER. To offer an amendment.

The CHAIRMAN. To what paragraph?

Mr. BAKER. To the paragraph referring to the Geological Survey.

The CHAIRMAN. The gentleman will offer his amendment.

Mr. BAKER. Mr. Chairman, I offer the following amendment, to strike out the word "twenty-five," on page 16, and substitute in lieu thereof the word "twenty-four." I do so for this reason: This appropriation recites that it is for the purpose of analyzing and testing coal. Now, the people of the section of the country where I come from, the district that I represent, which will have to contribute a part of this $25,000 in indirect taxation, through tariff taxes, are far more interested in the way in which the combination called the "coal trust" is stealing $60,000,000 in extortionate prices than they are in finding out the merits of a particular kind of coal in some State for fuel purposes. This House has voted $500,000 to the Attorney-General of the United States for the purpose of investigating and prosecuting combinations in restraint of trade, and so far as we know not a dollar of that money has been expended profitably.

Money is taken out of the Treasury all of the time for all kinds of purposes, on all kinds of pleas. But in this case, while the $500,000 has been appropriated, it apparently has not been expended for that purpose but the Republican party here stands as a defender, has stood here this morning and defended the steel trust; absolutely refused, in spite of the agreement made with me—the introducer of the resolution reciting the extortion of the Steel Rail Association—to give me one moment in which to say a word in favor of that resolution requiring the Attorney-General to report what he has done to prosecute this combination in restraint of trade. Now you are going to vote $25,000 to investigate the value of fuels, but you care nothing about the $60,000,000 that the coal trust is taking from the American people in the extortionate prices they are able to secure because they have combined in restraint of trade, a fact known to all except, of course, to the Department of Commerce or to the Attorney-General, whose duty it is to discover it. Mr. Chairman, I have made my protest on behalf of my district, and I withdraw the amendment.

The CHAIRMAN. The gentleman from New York, without objection, will withdraw his amendment.

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I would not occupy the time of the House in further discussion of this particular item, except that I think it is of vast importance to the people of a very large section of the country. The Government in the past has spent a great deal of money in experiment, but I do not know of any particular experiment that has had in it so much promise of benefit to the people and return for the money expended as that for which we are expending money here. Of course, it goes without saying that coal is almost a necessity of life. In some of our western countries, where timber is scarce, it is practically the only fuel they have to sustain life, and one of the great points that has been demonstrated by this experiment so far is that in that particular country they have shown that the lignites which exists in Montana, Wyoming, Texas, and our northwestern country, which heretofore have been used only partially for fuel purposes, and then not very successfully, can be converted into gas and the gas used for all fuel purposes very successfully—converted into electricity and heat, thereby furnishing those people with power and heat. And at the same time it has been demonstrated that the same lignites in this way converted into gas and then into power or heat produce the same results per ton as will bituminous coal. Now, that experiment alone has been worth far more to the people of the country where these lignites are found than all the money the Government has expended. In the same way, in the Central States, a large number of coals are found and their slag can not be utilized. It has been of no benefit and is a waste. These experiments have demonstrated so far that by mixing that slag with other ingredients it can not be made into briquettes and utilized as a good fuel coal.

But more than all that—and this, I think, applies especially to the coals of the South, coals near the Gulf coast—these experiments are and will be of lasting importance to us. Our coal fields are new. They are not known in the commerce of the world. Even a coal as well known as the Pocahontas coal in Virginia can not to-day compete with English and Welsh coal in foreign markets, especially because the foreign shipowner when he reaches a port knows the English and Welsh coals, and if he can buy them he buys that coal in preference to even the best American coals, because he does not know what he is buying in the American coal. Almost all European and English coals have a government test. There is no government test in this country. When the shipowner goes into a foreign port to buy an English or European coal, he has got a government test and a government report there to show what he is buying and what he is putting in his ship. When the shipowner goes into a port and finds American exported coal there for sale, the shipowner has got nothing to rely on except the certificate of the company itself.

Well, now, here is a great field for the development of our export trade in coal, especially to Mexico and South America to the south of us, where there are practically no coals that they can use. It is a field that ought to belong to a large extent to the southern coals that are in touch with the Gulf. It is a field we ought to go into and develop, but right at the doorway we meet the obstacle that when we want to sell to foreign ships we have no certificate to show what our coals are; how much fixed carbon they have in them; how much volatile matter they have in them; how much ash; what is their horsepower per ton; and the shipowner naturally buys something that he knows something about—that he has got a certificate for—in preference to something that is unknown and something that has got no certificate standing behind it except the certificate of the owner. Well, now, these gentlemen in testing these coals will be able to issue a certificate of this department as to what is in the coals, how much fixed carbon they have got, how much volatile matter, how much gas they will produce, and how much horsepower per ton they have; and when that certificate is issued and published in the Government report these coals in foreign markets have got something to stand on and something to sell on, and for that reason I think these experiments ought to be continued, and continued to the extent that all the coal fields in the United States that desire to have the benefit of the experiment may have it. [Applause.]

The Clerk concluded the reading of the bill.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The CHAIRMAN. The Chair desires to call the attention of the chairman of the committee to the note on page 3. Should not the bill be amended by striking out that note?

Mr. HEMENWAY. That always drops out. It is not part of the bill.

The CHAIRMAN. Without objection, the note on the bottom of page 3 will be dropped from the bill.

The motion to rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16445) making appropriation to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, and had directed him to report the same to the House with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RIDER, indefinitely, on account of sickness.

The SPEAKER. The regular order is the call of committees.

ADJUDICATION AND PAYMENT OF CLAIMS ARISING FROM INDIAN DEPREDATIONS.

Mr. BURKE (when the Committee on Indian Affairs was called). Mr. Speaker, I desire to call up House bill No. 54.

The SPEAKER. The gentleman from South Dakota calls up a bill the title of which the Clerk will report.

Mr. CURTIS. Mr. Speaker, I raise the point of order against the consideration of that bill.

The Clerk read as follows:

A bill (H. R. 54) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

The SPEAKER. The gentleman from Kansas makes the point of order upon the bill. The gentleman will state it.

Mr. CURTIS. The bill makes a charge against the Government and it increases the jurisdiction of the Court of Claims. If you take the bill and report together, you will see that it is admitted in the majority report that it involves an appropriation of perhaps $8,000,000. That being true, I think it is not properly upon the House Calendar.

Mr. STEPHENS of Texas. Is not the gentleman mistaken about the amount?

Mr. CURTIS. I think it is admitted in the report of the majority of the committee. I do not care if it only made a charge of a dollar it would be subject to the point of order——

Mr. STEPHENS of Texas. My understanding is that this is an Indian claims bill, and it is about thirty years since the acts transpired on which the claims are based, so that it will be impossible for the bill to carry that amount.

Mr. SLAYDEN. I would ask the gentleman if it is possible for the bill to carry a dollar of appropriation? Everything has to go to the Court of Claims.

Mr. CURTIS. The bill does not make an appropriation, but it changes existing law so as to make a charge against the Government.

Mr. BURKE. Before the Chair rules I desire to say just a word.

The SPEAKER. The Chair will hear the gentleman.

Mr. BURKE. I want to be perfectly fair with the Chair. I find this bill upon the House Calendar. I naturally assume that it belongs to that Calendar. It does not provide for any appropriation whatever, but it changes existing law so that it might make a charge upon the Treasury to the extent of four or five million dollars. On the other hand, it might not make any charge whatever; and from the little inquiry I could make I came to the conclusion it was properly on the House Calendar.

Mr. CURTIS. Mr. Speaker, the rule provides:

All reports of committees, except as provided in clause 57 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the RECORD.

The inference is that the bill and report shall be taken together. The report of the majority admits that there will be a charge against the Government of perhaps $13,000,000. That being true, it surely is a charge against the Government, and not properly upon the House Calendar.

Mr. BURKE. The gentleman is mistaken about that.

Mr. CURTIS. The report says of a total of $43,000,000 claimed, that it will not in judgments exceed twelve or thirteen millions.

Mr. BURKE. That would include the judgments if the law is not amended; there will be an increase from four to five millions. I admit that.

Mr. CURTIS. It is true that the amount mentioned, $13,000,000 or $14,000,000, includes the judgments that would be rendered if the law is not amended, but the report admits that the amendment will increase the judgments about $8,000,000. I find in Parliamentary Precedent (p. 232):

On February 9, 1897, during the morning hour for the call of committees, Mr. W. C. Anderson, of Tennessee, called up the bill (H. R. 7539) to facilitate the payment of pensions, which was on the House Calendar.

Mr. SERENO E. PAYNE, of New York, made the point of order that the bill was improperly on the House Calendar.

The Speaker ruled:

"The Chair sustains the point of order. The bill has been placed on the House Calendar, but there is a rule of the House which provides that a point of order may be made as to the reference of a bill at any time before consideration; and while the charge upon the Treasury made by the bill is a small one, nevertheless it is a charge, and the question is not one of amount, but of principle."

The SPEAKER. The Chair calls attention to Rule XXIII, and that portion of the rule that the Chair believes to be material and vital to this point of order is as follows:

All motions or propositions involving a tax or charge upon the people * * * shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, then, the question is whether this bill involves a tax or charge upon the people. The Chair, in deciding this question, must necessarily take into view the law as it now is, together with the proposed legislation, and inquire whether the legislation proposed in this bill, changing existing law, if enacted, involves a tax against the people.

Now, the bill provides:

All claims for property of citizens of the United States, or inhabitants thereof who have since become citizens of the United States, taken or destroyed within the jurisdiction of the United States by Indians belonging to any band, tribe, or nation subject to the jurisdiction of the United States, without just cause or provocation on the part of the

owner or agent in charge, and not returned or paid for; and the alienage of the claimant, provided he has since become a citizen of the United States, or the want of amity of such Indians shall not be a defense to said claims.

Under the law as it now exists, if the depredation was made against an individual who was not a citizen of the United States at the time the depredation was committed, the United States is not responsible. This provision, if enacted into law, would make the United States responsible. Then, again, it changes the law as it now stands touching amity. The Chair must take notice of the law; has read the bill, and shown wherein it changes existing law. It changes it in other respects it is not necessary for the chair to refer to in deciding this point of order. In substance it certainly covers the proposition "involving a tax or charge upon the people;" and therefore the Chair sustains the point of order, and the bill is referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY. Mr. Speaker, when the House adjourned the other day the call rested on the Committee on the Public Lands. We were not quite through when the motion was made to interpose the currency bill. There are two or three more bills that the committee wanted to call up.

The SPEAKER. The gentleman's committee was called this morning, and the Committtee on Indian Affairs was called; but if there is no objection, the House will return to the Committee on the Public Lands. Is there objection?

There was no objection.

TIMBER LANDS IN LIEU OF FOREST-RESERVE LANDS.

Mr. LACEY. Mr. Speaker, Calendar No. 30 (H. R. 4866), prohibiting the selection of timber lands in lieu of lands in forest reserves, ought to be laid on the table, as we have passed another bill on the same subject, and this one ought to be gotten rid of.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman asks that this bill be laid on the table for the reason assigned. Is there objection?

There was no objection.

COAL-LAND LAWS IN ALASKA.

Mr. LACEY. I call up the bill (H. R. 8869) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900.

The bill was read, as follows:

Be it enacted, etc., That any person or association of persons, qualified to make entry under the coal-land laws of the United States, who shall have opened and improved a coal mine, or coal mines, on the unsurveyed public lands in the district of Alaska, and who may desire to enter and purchase the same, according to the provisions of the said coal-land laws, before the extension of the public-land surveys over the lands on which such mines are located, shall file in the proper land office an application to enter the lands held and claimed by them, together with a plat and field notes of the survey of the same made under the direction of the surveyor-general of the district of Alaska, showing the boundaries of said tracts and their location as regards permanent natural landmarks or other surveys. All tracts shall be rectangular in form, containing 40, 80, or 160 acres, and distinctly marked by monuments on the ground, and the boundaries of the same shall be true east and west and north and south lines as nearly as practicable. Upon presentation of said plat and field notes, the application, if otherwise regular, shall be accepted as though the tract sought to be entered were embraced within the regular public-land surveys.

SEC. 2. That six months' preference right shall be allowed to the actual settler or claimant who has located or staked coal lands, either by himself or agent, at the date of the passage of this act, to file his declaratory statement and enter said lands.

SEC. 3. That five years from and after the expiration of the period allowed for filing the declaratory statement and making entry is allowed claimant in which to make proof and payment for said lands, provided the claimant shall cause to be performed at least $100 worth of labor or improvements during each of said years upon such claim.

SEC. 4. That upon filing of the declaratory statement and application to enter lands, together with the plat and field notes of the same, under the provisions of this act, the register and receiver of the land office shall issue to claimant a certificate setting forth the facts of said entry and of the right of claimant to purchase the same; and thereafter the claimant will be entitled to sell and transfer his right to purchase said land, and the purchaser be entitled to make due proof and payment therefor under the provisions of this act in the same manner as the original claimant; and nothing in this act shall prevent a bona fide purchaser for value from making proof and payment for more than one claim so purchased, provided the original claimant was qualified under the law to enter and purchase coal lands.

SEC. 5. That the price to be paid to the receiver for said coal lands taken under this act shall be not less than $5 per acre.

SEC. 6. That the Secretary of the Interior shall make all necessary rules and regulations for the purpose of carrying into effect the provisions of this act.

The following amendments recommended by the committee were read:

Strike out all of sections 2, 3, 4, and 5.

Strike out the words "Sec. 6," on page 3, in line 14, and insert in lieu thereof the words "Sec. 2."

On page 1, in line 12, strike out the word "the," which immediately precedes the word "survey," and insert in lieu thereof "a."

Mr. LACEY. Mr. Speaker, the only effect of this bill is to make the same provision——

Mr. PAYNE. Mr. Speaker, I wish to raise the question whether this bill is properly on this Calendar or not. I acknowledge that I can not understand from the reading anything about a land law.

Mr. LACEY. I will explain the bill in a moment, and the gentleman can reserve the point of order.

Mr. PAYNE. I will reserve the point of order.

Mr. LACEY. Very well. Mr. Speaker, in the last session of this Congress we passed a bill authorizing special surveys in a rectangular form for homesteads in Alaska. The public-land surveys have been extended to that country, but owing to the expense of carrying them into effect, the settlement of that district has been greatly retarded and interfered with. This provision simply applies the same method of survey to coal lands that we applied to the survey of homesteads in the former bill, permitting an individual to make the survey himself in a rectangular form, due north and south and east and south. It does not involve any expenditure on the part of the Government, and consequently the bill was put on the House Calendar. It is merely a regulation in relation to making the survey of lands already taken under existing law, or that may be taken under existing law.

Mr. PAYNE. Exactly. It is an amendment to a law authorizing the taking of the land of the United States for the purpose of mining, as I understand it.

Mr. LACEY. Not the taking of it, but it is merely the method of surveying, and relieving the Government of the expense of surveying. It relieves the Treasury of the expense, instead of making an expense on the Treasury.

Mr. PAYNE. That is one of the preliminary steps in taking this land?

Mr. LACEY. It is one of the steps in obtaining title, of course.

Mr. PAYNE. The point of order is that this involves a charge upon the Treasury in connection with property of the United States.

Mr. LACEY. I would ask the gentleman wherein it involves any charge?

Mr. PAYNE. My suggestion was this, that it is an amendment to the general law providing for the taking of lands of the United States for the purpose of mining. This facilitates the procedure of getting this land from the United States.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. LACEY. Certainly.

Mr. STEPHENS of Texas. I will ask him if it is not a fact that the Government would receive more under this law, if it is passed, than it receives at present under the homestead law? I believe the Government gets $20 an acre under this law, if it is extended?

Mr. LACEY. It would be $10 an acre, unless within a limited distance of a railway. Most of this land would lie beyond that limit.

Mr. STEPHENS of Texas. The price received for homestead land is $1.25, is it not; or if the homesteader lives on it for five years the Government gets nothing for it?

Mr. LACEY. Well, this coal land can not be homesteaded, anyhow.

The SPEAKER. May the Chair ask the gentleman from Iowa a question?

Mr. LACEY. Certainly.

The SPEAKER. Under the law now can a title be obtained to these lands?

Mr. LACEY. A possessory title can be obtained under which the land can be worked, but a title to the land can only be obtained after survey, and the effect of this statute would be to facilitate the method of making the survey. The land may be taken now and occupied and mined, but title can not be obtained from the Government until the public surveys have first covered the land thus actually to be taken.

The SPEAKER. Title to public lands belonging to the Government that are unsurveyed can not be obtained until a survey has been had, and it is in order under the existing law, and is constantly done every year, to make an appropriation for the survey of these public lands. I will ask the gentleman if it is in order to make an apppropriation for the survey of public lands in Alaska as it is in the States?

Mr. LACEY. Yes; and appropriations have been made. It is proper now to put in appropriation bills under existing law a sum for the survey of lands in Alaska.

The SPEAKER. That is the impression the Chair had. If that be true under existing law, as the Chair glanced at the bill, this is a proposition to relieve the Government from the expense of making those surveys.

Mr. LACEY. That is all; it is a relief from an appropriation instead of an actual appropriation.

The SPEAKER. It seems to the Chair that instead of making a charge on the Treasury it is a proposition to relieve the Treasury from that charge.

Mr. PAYNE. If that is the opinion of the Chair, I withdraw the point of order.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman from Iowa if it would not be well to extend this to oil and asphalt?

Mr. LACEY. That might involve difficulties that the committee has not considered. I do not think it ought to be included in this bill, because the oil can be taken under the placer mining law, and that would involve questions not germane to this bill and might needlessly complicate the situation up there.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Subsequently,

Mr. CUSHMAN said: Mr. Speaker, I call attention to the fact that the bill H. R. 8869, called up by the gentleman from Iowa [Mr. LACEY] and just passed by the House, to extend the coal-land laws to the district of Alaska, is identical with Senate bill 2814, which passed the Senate eight days after the House committee favorably reported the House bill. It is on the Speaker's desk, as I understand it, and I ask unanimous consent to substitute it.

The SPEAKER. No such bill is upon the Speaker's table, the Chair is informed.

Mr. CUSHMAN. It may have been referred to the committee. I do not know.

The SPEAKER. It has not been referred this morning. Has the gentleman the printed bill, showing whether it has been referred?

Mr. CUSHMAN. I have not, Mr. Speaker.

The SPEAKER. We will have to have the Senate bill.

Mr. LACEY. The Senate bill does not seem to be on the Calendar.

Mr. CUSHMAN. Mr. Speaker, it is my recollection that during the last session we passed this bill relating to coal lands in Alaska. I think we passed the Senate bill and that it is now a law, and that the House bill should therefore lie upon the table. I will look up the RECORD and call this matter up later.

The SPEAKER. It may be taken up later.

Mr. LACEY. I will have it examined, and it can be disposed of a little later, before the House leaves this order.

Mr. LACEY. Mr. Speaker, I would like to be recognized for a moment. In the passage of the bill H. R. 8869 a while ago the fact was overlooked that a Senate bill on the same subject was disposed of in the last sesson, which obviates the necessity for this bill. By some oversight this bill was not taken from the Calendar at the time. I ask unanimous consent to vacate the action of the House as to H. R. 8869. The disposition of the Senate bill covers the question, rendering the present bill unnecessary. In the haste of the call of the committees the previous action on the Senate bill was overlooked.

The SPEAKER. What is the title of the bill?

Mr. LACEY. It is the bill referring to the coal lands in Alaska.

The SPEAKER. The gentleman makes a statement, and asks unanimous consent to vacate the action of the House in passing the bill referred to to-day, and that the bill do lie upon the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PROTECTION OF WILD ANIMALS AND BIRDS IN THE WICHITA FOREST RESERVE.

Mr. LACEY. Mr. Speaker, I now call up the bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such areas in the Wichita Forest Reserve as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

SEC. 2. That when such areas have been designated as provided for in section 1 of this act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000 or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the report on this bill may be printed in the RECORD.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The report is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve, having had under consideration said bill, would respectfully submit the following report and recommend that said bill do pass without amendment:

The Wichita Forest Reserve has been set apart in the Wichita Mountains in Oklahoma. This mountainous tract of land is surrounded on all sides with farming lands and has been reserved as a permanent timber reserve. The bill proposes to permit the President of the United States to designate such part of the said reserve as in his opinion may be proper also as a game preserve for animals and birds. The President in one of his messages has asked that this authority be given as to all the forest reserves in the United States. He recommended that the Executive be permitted to designate portions thereof as havens of refuge for the small remaining portion of our game and birds. Congress thus far has not favorably acted upon any such a general law.

This bill applies to one particular reserve, and many people in Oklahoma Territory have expressed their desire that this action be taken, and no opposition thereto has been expresed from the country affected thereby.

Oklahoma and Indian Territory are the favorite breeding grounds for quail and grouse, and there has been a great desire expressed from all parts of the country that some suitable portion of that region be protected from hunting so as to be used as a breeding ground. The game and birds from this reserve would migrate to other parts of Indian Territory and Oklahoma and thus provide a supply for all parts of the surrounding country. This land is all public land, is now in a state of reserve, and is protected by Federal custodians. To protect the animals and birds in this forest, as well as the forest itself, would therefore not involve additional expense.

It would be an advantage to all the people of that Territory and in no wise interfere with the use of the forest reserve. The Department of Agriculture could also obtain supplies there for purposes of propagation in other parts of the country.

The President in his message to Congress called attention to the propriety of making some havens of refuge for the surviving wild birds, game, and fish within these reserves. He said:

"Certain of the forest reserves should also be made preserves for the wild forest creatures. All of the reserves should be better protected from fires. Many of them need special protection because of the great injury done by live stock, above all by sheep. The increase in deer, elk, and other animals in the Yellowstone Park shows what may be expected when other mountain forests are properly protected by law and properly guarded. Some of these areas have been so denuded of surface vegetation by overgrazing that the ground-breeding birds, including grouse and quail, and many mammals, including deer, have been exterminated or driven away. At the same time the water-storing capacity of the surface has been decreased or destroyed, thus promoting floods in times of rain and diminishing the flow of streams between rains.

"In cases where natural conditions have been restored for a few years, vegetation has again carpeted the ground, birds and deer are coming back, and hundreds of persons, especially from the immediate neighborhood, come each summer to enjoy the privilege of camping. Some at least of the forest reserves should afford perpetual protection to the native fauna and flora, safe havens of refuge to our rapidly diminishing wild animals of the larger kinds, and free camping grounds for the ever-increasing numbers of men and women who have learned to find rest, health, and recreation in the splendid forests and flower-clad meadows of our mountains. The forest reserves should be set apart forever for the use and benefit of our people as a whole and not sacrificed to the shortsighted greed of a few.

"The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

EXPLORATION AND PURCHASE OF MINES WITHIN THE BOUNDARIES OF PRIVATE LAND CLAIMS.

Mr. RODEY (when the Committee on Mines and Mining was called). Mr. Speaker, I desire to call up the bill (H. R. 1954) to authorize the exploration and purchase of mines within the boundaries of private land claims.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter all gold, silver, and quicksilver deposits, or mines, or minerals of the same, on lands embraced within any land claim confirmed by the decree of the Court of Private Land Claims, or as to which a suit for confirmation shall be pending in any court having jurisdiction thereof, are hereby declared to be free and open to exploration and purchase, under the mining laws of the United States, the local mining laws and regulations, and such regulations in addition thereto and consistent therewith as may be prescribed by the Secretary of the Interior from time to time, by citizens of the United States and those who have declared their intention to become so.

SEC. 2. That any person qualified to acquire title to such mineral deposit under the provisions of this act, who shall have first discovered and located any such mineral claim by posting thereon a notice of such discovery and location, and by marking the boundaries thereof by visible monuments upon the surface of the ground, at any time since the 3d day of March, 1891, and prior to the passage of this act, shall, within ninety days after the passage of this act, and any such discoverer and locator subsequent to the passage of this act shall, within ninety days after the posting of the notice of location and marking the boundaries of any such claim, record the location notice thereof in the office of the recorder of the county within which such claim is situated, and shall otherwise comply with the mining laws of

the United States and the local laws and regulations applicable thereto, and in addition thereto shall comply with such regulations as may be prescribed by the Secretary of the Interior.

SEC. 3. That any person qualified to acquire title to such mineral deposits under the provisions of this act shall have the right to enter in and upon the lands, if not cultivated and improved, embraced within such private land claim, for the purpose of exploring and prospecting the same for such mineral deposits, and posting notices and marking the boundaries of any mineral claim to which he may seek to acquire title, and shall only be liable to the owner or owners of such land for the actual damage thereby done to the same.

SEC. 4. That the locators of all such mineral claims shall, within the said period of ninety days, take steps to acquire the lawful right to use the surface ground embraced within the limits of such claim and necessary access thereto, and they are hereby authorized to acquire the same by condemnation under judicial process: *Provided*, That before beginning such condemnation proceedings the locator shall tender to the owner of the land in which such mineral claim is located the sum of $2.50 an acre in full payment for the said surface ground, and the receipt of such sum by the owner of the land shall authorize the immediate entry of the locator upon such land.

SEC. 5. That the United States circuit court, or district courts of the district, and the Territorial courts of any Territory of general jurisdiction within the district where said land is located shall have jurisdiction of such proceedings for such condemnation.

SEC. 6. That the practice, pleading, and mode of proceedings in cases arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in causes for the condemnation of land for railroad purposes in the courts of record in the State or Territory within which such land is situated, any rule of the court or local law to the contrary notwithstanding.

SEC. 7. That this act shall take effect and be in force from and after its passage.

The amendments recommended by the committee were read, as follows:

In section 1, line 5, after the word "confirmed" and before the word "by," insert the words "or hereafter confirmed."

In line 6, after the word "claims," strike out the remainder of the line and all of line 7 to and including the word "thereof" and insert "and which did not convey the mineral rights to the grantee by the terms of the grant, and to which such grantee has not become otherwise entitled in law or in equity."

Mr. PAYNE. Mr. Speaker, I make the point of order against this bill that it ought to be considered in the Committee of the Whole. It not only provides the method for taking mineral claims belonging to the United States and compensation, but it provides for condemnation proceedings to be instituted under the authority of the United States, which, of course, would make a charge upon the Treasury.

Mr. LACEY. Mr. Speaker, I think the Chair ought to understand the legal situation of this land before ruling upon the point of order. In all of the Spanish grants the mineral was reserved to the Crown, but when private-land claims were recognized under the decrees of the Private Land Court these confirmations authorized patents, and the patents gave the fee simple title to the owner of the land grant, reserving the mineral until Congress should provide the method of working the same.

Now, the minerals all belong to the United States, and there is a law already authorizing the opening of these minerals to exploration and location to anybody who may discover them. So that any man that owns a private-land claim may discover mineral on that claim and may work it and may obtain title by having it patented under the mineral-land laws, thus getting under his surface title for the remainder of the property and a patent for the minerals.

That is existing law, and the only effect of this law is to permit persons who do not own the surface to exercise the existing right of discovery and location, notwithstanding the fact that some one else owns the surface. It does not appropriate a surface that belongs to the United States. It does not appropriate mineral that belongs to the United States, because that is already appropriated under existing law, but it merely designates a method by which the explorer may pay compensation to the owner of the surface in reaching the mineral that has already been opened to exploration and to acquisition under the mineral-land laws. Consequently this does not provide for taking anything that belongs to the Government of the United States which may not already be taken. It deals only with methods. Therefore the point does not lie. The question is only between these explorers and the owners of the surface under the private land claims.

Mr. PAYNE. If a law already exists to sell some of the Government property in the city of Washington to A and another act is passed here allowing B also to purchase the property, or some other party, then the gentleman from Iowa [Mr. LACEY] holds, because the law already exists to sell the property to A, that the law authorizing the sale to B is not a disposition of that property.

Mr. LACEY. No; if A already has a method of reaching the land which has been thrown open to both A and B, but if by reason of the title of somebody else there is an obstacle that can not be overcome and which stands in the way of B and belongs to an outsider, the Government can provide means of condemnation of this in order that the public property may be disposed of.

Mr. PAYNE. Of course it can; but it will have to appropriate the property.

Mr. LACEY. That is all this bill proposes to do—to provide a method not of appropriating public property, but of getting over private property for the general public, just the same as if you are establishing a highway across private lands in order to reach a section of land that belongs to the public and that has been surrounded by private land and that no one could enter because he could not reach it; and if Congress should pass a law granting a highway to that land after compensation to the owner of the surrounding land, that would not be taking of public property, but the taking of private property for public use, with compensation, and enabling the Government to make use of its own property. There is no charge on the Treasury under this bill.

Mr. TAWNEY. Mr. Speaker, I would ask the gentleman if this is a new provision or does it exist to-day in the present law?

Mr. RODEY. It is unique in itself.

Mr. LACEY. This bill is a new provision, but the appropriation of minerals is not new. That exists under the old law.

Mr. MADDOX. Mr. Speaker, I desire to suggest to the Chair that if there is time the Clerk read the report of the Secretary of the Interior on this bill, and I think that will throw a great deal of light on the subject. He reports diametrically opposed to this proposition. I think it is in the report. The Secretary of the Interior reports against it and supports the contention of the gentleman from New York [Mr. PAYNE].

Mr. RODEY. Mr. Speaker, this bill refers almost entirely to the Territory of New Mexico, and the gentleman from Georgia [Mr. MADDOX] was the gentleman who, at the last session of this present Congress, objected to the bill being taken up by unanimous consent. I think I can explain to the House what it involves. It is sui generis—it is unique. There is no such condition of affairs existing anywhere else which would necessitate any such legislation. As was well explained by the gentleman from Iowa [Mr. LACEY], when the land grants in New Mexico were confirmed by the Court of Private Land Claims, created by this Congress, a provision was inserted in the bill creating the land courts that that court should not confirm to the grantee any minerals contained in the grants unless the title was unquestionably passed by the former government.

In many instances the court found that the minerals did not pass with the title, and they held the minerals to belong to the United States; but it was also provided in that statute that citizens of the United States should not take up or mine those minerals save by leave granted by legislation to be hereafter passed by Congress. This legislation proposes to give that leave to go upon those grants, some of which are large tracts, and discover minerals, condemn the surface ground, and then proceed as in ordinary cases to get title to the minerals. A grave dispute has arisen as to what the United States reserved to itself, whether it reserved minerals known at the time of the confirmation and patenting of the grants or whether it reserved minerals to be discovered thereafter; and the Secretary of the Interior and the lawyers in his Department were of opinion that it only reserved minerals known to exist on the several grants at the time of their confirmation and patenting. The bar of the Territory disagrees largely with that view of the law, and the committee unanimously disagreed with that view of the law and reported that this bill is proper legislation to bring about the leave or license to mine these minerals on these grants which was contemplated by Congress when it enacted the Court of Private Land Claims law.

That is all that this bill does. Probably one of the first cases tried will go to the Supreme Court of the United States and settle this question forever. Nobody can lose anything by it; but the right to mine minerals belonging to people of the United States will be settled, and forever, with the first case that arises. The clause of the private-land-claim act to which I have referred reads as follows:

No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in all patents issued under this act.

Now, here is the clause I referred to particularly:

But no such mine shall be worked on any property confirmed under this act without the consent of the owner of such property until specially authorized thereto by an act of Congress hereafter passed.

This is the legislation contemplated by that phrase just quoted. This is the legislation that was then required to be hereafter passed to give people leave to go on these grants, and, if they discover minerals, to locate them in the ordinary way—tender the surface owner a proper price for it and, if he refuses to take it, to condemn it. If the Department of the Interior is

right, that it meant only minerals known to exist at the time of the issuance of the patent, the first case that goes to the courts will settle the question. The committee in the report on this subject states this:

Notwithstanding those two adverse reports upon the bill by the Department of the Interior, the committee is of the opinion that it should pass with the amendments above suggested.

The committee is unable to agree with the construction put upon the third subdivision of section 13 of the act of Congress of March 3, 1891, creating the Court of Private Land Cairns, as such construction is above set out in the communication from the honorable Secretary of the Interior. The committee believes that the said subdivision of said act of Congress was intended to mean and does mean that all the minerals of the character described in the act, in every private land claim where such reservation of minerals was made in the Government, is still the property of the Government; and it is of opinion that whenever any claimant for a land grant submitted himself to the jurisdiction of the Court of Private Land Claims he was bound by its decree which reserved the minerals to the Government, with the right to work the same by legislation subsequently to be passed.

Congress promised the people living in the vicinity of these land grants that it would permit them, by legislation at some future day, to avail themselves of these mineral lands. It is the opinion of the committee that if such prohibition had not been made citizens might have proceeded to avail themselves of such mineral ground in the usual way without interruption.

The committee can not agree with the Department of the Interior that the effect of this bill would be to permit the taking of private property for private use, but, on the contrary, it is of opinion that the taking of these mineral lands is the taking of public property for the widest kind of a public use—that is, the benefit of the entire citizenship of the United States.

The SPEAKER. The Chair will say to the gentleman from New Mexico that it is not the province of the Chair to consider the merits of this legislation. The point of order is made to the legislation here and the bill, under Rule XXIII, which is as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole.

The Chair has read hurriedly this bill and takes the statement of the gentleman from Iowa, which confirms the general recollection of the Chair, that the grant made by the Spanish or Mexican Government prior to the treaty of peace with Mexico reserved minerals. The gentleman from Iowa so states and that confirms the impression which the Chair has. Now, this bill upon its face proposes, on the initiative of a locator of mineral rights, condemnation proceedings. As to the power of Congress to confer on an individual such rights to initiate condemnation proceedings for his benefit, the Chair states no opinion; in fact, he will say he has no opinion.

Mr. RODEY. Congress has that power in a Territory.

The SPEAKER. It is not necessary for the Chair to decide whether Congress has or has not. As the Chair understands the law to be, the mineral rights in these claims referred to in the bill are in the Government and subject to location under the law as it now is. The Chair so understood the gentleman from Iowa, and the Chair is under the impression the statement is correct and it has not been controverted by any gentleman.

Upon the face of this bill there does not seem to be any charge upon the Treasury in the language of the rule "involving a tax or charge upon the people." In other words, it takes a roundabout argument to show the Government is to be charged, or that the people are to be charged, by virtue of this legislation. And after the argument is made, the Chair apprehends that it would still be in the air as to whether a charge is made against the people by the proposed legislation. So that under prior decisions that the Chair will not now take time to read, made by Mr. Speaker Carlisle and by Mr. Speaker Reed, it seems to the Chair that the point of order is not well taken. The Clerk will now report the amendments.

The Clerk read as follows:

In section 1, line 5, after the word "confirmed" and before the word "by," insert the words "or hereafter confirmed."

In line 6, after the word "claims," strike out the remainder of the line and all of line 7 to and including the word "thereof" and insert "and which did not convey the mineral rights to the grantee by the terms of the grant, and to which such grantee has not become otherwise entitled in law or in equity."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF COPYRIGHT LAWS.

Mr. CURRIER (when the Committee on Patents was called). Mr. Speaker, I call up the bill H. R. 6487.

The bill was read, as follows:

A bill (H. R. 6487) to amend chapter 4952 of the Revised Statutes.

Be it enacted, etc., That section 4952 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors or their assigns shall have exclusive right to dramatize or translate any of their works for which copyright shall have been obtained under the laws of the United States.

"Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall, within twelve months after the first publication of such book in a foreign country, obtain a copyright for a translation of such book in the English language, which shall be the first copyright in this country for a translation of such book, he and they shall have, during the term of such copyright, the sole liberty of printing, reprinting, publishing, vending, translating, and dramatizing the said book, and, in the case of a dramatic composition, of publicly performing the same, or of causing it to be performed or represented by others.

The amendment recommended by the committee was read, as follows:

In line 22, page 2, after the word "others," insert "*Provided*, That this act shall only apply to a citizen or subject of a foreign state or nation, when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on the same basis as is given to its citizens by this act."

Mr. CURRIER. Mr. Speaker, this bill is unanimously reported from the Committee. It has the approval of the registrar of copyrights, the publishers, and the Typographical Union. It gives to a foreign author of a book the same measure of protection when written in a foreign language as is now afforded to American or British authors.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURRIER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill to amend section 4952 of the Revised Statutes."

PATENTS ON DRUGS.

Mr. HINSHAW. Mr. Speaker, I wish to call up the bill H. R. 13679, and ask unanimous consent that the substitute bill may be read instead of the original bill.

The SPEAKER. The gentleman asks unanimous consent to read the substitute and to omit the reading of the original bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 13679) amending the statutes relating to patents.

Be it enacted, etc., That section 4886 of the Revised Statutes as amended by act of Congress approved March 3, 1897, be, and the same is hereby, amended so as to read as follows:

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, obtain a patent therefor: *Provided*, That no patent shall be granted, on any application filed subsequent to the passage of this act, upon any drug, medicine, or medicinal chemical, except in so far as the same relates to a definite process for the preparation of said drug, medicine, or medicinal chemical."

SEC. 2. That section 4887 of the Revised Statutes as amended by act of Congress approved March 3, 1897, and as further amended by act of Congress approved March 3, 1903, be, and the same is hereby, amended so as to read as follows:

"SEC. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section 4886 of the Revised Statutes, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

"An application for patent for an invention or discovery, or for a design, filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same applicaton would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing: *Provided, however*, That in case any drug, medicine, or medicinal chemical, on which a patent for

a definite process for the preparation thereof has been granted on any application filed subsequent to the passage of this act, is not manufactured in the United States by or under authority of the patentee, within two years of the granting of said patent and after the commencement of said manufacture the same is not continuously carried on in the United States in such a manner that any persons desiring to use the article may obtain it from a manufacturing establishment in the United States, then said patentee shall have no rights under the patent laws of the United States as against any citizen of the United States who may import such drug, medicine, or medicinal chemical into the United States, or who may produce or manufacture the same in the United States, or who may handle for sale or use such article so imported or manufactured."

Amend the title so as to read: "A bill to amend sections 4886 and 4887 of the Revised Statutes, relating to patents."

The SPEAKER. The question is on the amendments to the bill.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. STEPHENS of Texas. Mr. Speaker, I want some explanation of the objects of the bill.

Mr. RICHARDSON of Alabama. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. RICHARDSON of Alabama. I rise, Mr. Speaker, for the purpose of making a motion to go into the Committee of the Whole House on the state of the Union to take up a certain bill authorized by the Interstate and Foreign Commerce Committee to be called up, the morning hour having expired.

The SPEAKER. The Chair will state to the gentleman that his motion is in order, the hour having expired, but the gentleman will be recognized immediately after this bill is disposed of. The gentleman can make his own terms if he yields for the disposition of this bill.

Mr. RICHARDSON of Alabama. I understand the Speaker that he will recognize me as soon as this bill is disposed of, I having made this motion.

The SPEAKER. The gentleman is entitled to recognition now unless he voluntarily yields for the disposition of this bill.

Mr. RICHARDSON of Alabama. Being in order, as I understand the Speaker to say that I am, I insist on this motion now.

Mr. HINSHAW. Mr. Speaker, it will take but a moment to dispose of this bill.

Mr. TAWNEY. Will not the gentleman from Alabama yield until the gentleman from Nebraska [Mr. HINSHAW] has disposed of this bill?

Mr. RICHARDSON of Alabama. If that be the understanding, of course I will yield.

Mr. HINSHAW. It is all right as far as I am concerned.

The SPEAKER. The gentleman yields for the present.

Mr. STEPHENS of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Nebraska [Mr. HINSHAW] yield to the gentleman from Texas [Mr. STEPHENS]?

Mr. STEPHENS of Texas. I desire some explanation of the bill. I see it is a change of the law in respect to patents.

Mr. HINSHAW. I will explain it. This bill is a reenactment of the existing law, except as to one provision. On the top of page 6 of this bill it reads as follows:

> That no patent shall be granted, on any application filed subsequent to the passage of this act, upon any drug, medicine, or medicinal chemical, except in so far as the same relates to a definite process for the preparation of said drug, medicine, or medicinal chemical.

That is the only change. It relates simply to a patent upon a process instead of upon the finished product, and is in accordance with the laws of other nations with which we have reciprocal treaties on patents, and it is to conform to the laws of other nations, so that we will be put in no worse position under their patent laws than they are under ours.

Mr. STEPHENS of Texas. That is saisfactory, but I would like to ask this further question: What change does it make with reference to foreigners coming to our country and obtaining patents? I see there is a change in the other part of the bill.

Mr. HINSHAW. The only other change in this bill is that these people shall work their patents in this country within two years after the commencement of the manufacture of the product.

Mr. STEPHENS of Texas. They must show an actual working of the patent?

Mr. HINSHAW. Within two years of the manufacture.

Mr. STEPHENS of Texas. Or else it becomes public property?

Mr. HINSHAW. Else it becomes public property.

The SPEAKER. The question is on the engrossing and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HINSHAW, a motion to reconsider the last vote was laid on the table.

STEAM REVENUE CUTTER FOR ALBEMARLE AND PAMLICO SOUNDS, NORTH CAROLINA.

Mr. RICHARDSON of Alabama. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to go into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 2510) reported by that committee for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina.

Mr. BURKE. Mr. Speaker, I desire to make the point of order against the form of the motion. The proper motion would be to go into the Committee of the Whole, without designating the bill.

The SPEAKER. Was the gentleman from Alabama instructed by the committee reporting the bill to make the motion?

Mr. RICHARDSON of Alabama. I was, as I understood it.

Mr. BURKE. Then I withdraw the point of order.

Mr. RICHARDSON of Alabama. I desire to say that I would not have made the motion unless I had been so instructed by the chairman of the committee.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class adapted to service in the waters of Albemarle and Pamlico sounds and Neuse River, North Carolina, at a cost not to exceed the sum of $175,000.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask that the report also be read.

The CHAIRMAN. Without objection, the Clerk will read the report.

The Clerk read the report, as follows:

> The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina, having considered the same, report thereon with a recommendation that it pass.
>
> The bill has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 11, 1903.

SIR: I have to acknowledge the receipt of letter of the 7th instant inclosing House bill 2510, "to provide for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina," for such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have to say that a new vessel is needed to take the place of the steamer *Boutwell*, now on duty in the waters of North Carolina. This vessel is over 30 years of age, is virtually worn out, and ill adapted for the duty required.

The original cost of the *Boutwell* was $70,000. Since her purchase repairs amounting to nearly $60,000 have been made to the vessel. She now requires very extensive repairs, including new decks, new boiler, and general overhauling, and it is not considered for the interests of the Service to put other than minor repairs upon the vessel.

I recommend the passage of the bill, which is herewith returned.

Respectfully,

L. M. SHAW, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. RICHARDSON of Alabama. Mr. Chairman, I desire to state to the committee that this bill was unanimously reported by the Interstate and Foreign Commerce Committee, and, as has just been read by the Clerk, the Secretary of the Treasury states very clearly why the bill should become a law. Such other time as I have at my command I yield to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, it is not necessary to make any extended remarks about this bill. As has been stated by the gentleman from Alabama [Mr. RICHARDSON], it is indorsed not only by the committee, but by the Secretary of the Treasury, and is regarded by the Treasury Department as a governmental necessity. The old cutter is worn out and it is absolutely necessary to have a new cutter to protect the revenues of the Government and at the place mentioned in the bill.

Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of

the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 2510, and had instructed him to report the same back without amendment, and with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. PAYNE. I rose, Mr. Speaker, to say that yesterday, when the Committee on Ways and Means was called, my colleague from New York on the committee was out of the House. I had a bill which I desired to call up under the call of committees and to which he objected. I notified him that the bill would probably be reached to-day. He said he did not care to be present or to make any opposition to it. Now, I would like to return to the call of the Committee on Ways and Means.

Mr. FITZGERALD. What is the nature of the bill?

Mr. PAYNE. It is the brokers' bill.

Mr. FITZGERALD. I have an amendment which I want to offer to that.

Mr. PAYNE. I move, Mr. Speaker, that we return to the Committee on Ways and Means.

Mr. FITZGERALD. I object, Mr. Speaker.

REORGANIZATION OF THE CONSULAR SERVICE.

Mr. ADAMS of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS of Pennsylvania. Have I not the privilege under Rule 24, section 5, to call up a bill at the expiration of the morning hour?

The SPEAKER. The Chair can not tell the gentleman unless he states what the bill is and upon what Calendar it is.

Mr. ADAMS of Pennsylvania. It is on the Union Calendar and it is the bill H. R. 11677. I was unanimously instructed by the committee to call it up on the first parliamentary opportunity, and I move that the House go into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11677.

The SPEAKER. The gentleman from Pennsylvania states that the committee has instructed him to make this motion.

Mr. CLARK. I would like to inquire what the bill is.

The SPEAKER. The Clerk will report the bill by its title.

The Clerk read as follows:

A bill (H. R. 11677) to provide for the reorganization of the consular service of the United States.

Mr. CLARK. Mr. Speaker, I would like to inquire what it is that the gentleman from Pennsylvania [Mr. ADAMS] is trying to do with that bill.

The SPEAKER. The Chair will state. The gentleman from Pennsylvania, by direction of the committee, moves that the House do resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which has just been reported.

Mr. CLARK. Mr. Speaker, I would like to inquire how much time we are going to have in which to discuss the bill.

The SPEAKER. That will be for the committee to decide.

Mr. ADAMS of Pennsylvania. That will be decided when the bill comes up.

Mr. CLARK. I will state this to the House, that it is one of the most important bills which has been brought here in some time and deserves to be thoroughly discussed.

Mr. PAYNE. I will state to the gentleman from Missouri [Mr. CLARK] that debate can not be limited if we go into the Committee of the Whole.

Mr. CLARK. That is what I want to find out.

Mr. PAYNE. It can not be done under the rules.

Mr. CLARK. I am very much obliged to the gentleman for the information. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. ADAMS], that the House resolve itself into the Committee of the Whole House on the state of the Union.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 34, noes 52.

So the motion was rejected.

ORDER OF BUSINESS.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTHOLDT. Mr. Speaker, I rise to demand the regular order.

Mr. PAYNE. Mr. Speaker, I will ask the Chair if the regular order is not the bill reported by the gentleman from Connecticut [Mr. HILL]—the currency bill?

The SPEAKER. The Chair will state that that is the regular order.

Mr. PAYNE. Well, in the absence of the gentleman from Connecticut [Mr. HILL], I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 19 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a petition from the Brotherhood of Leather Workers on Horse Goods, a recommendation for an amendment regulating per diem pay as to the holiday known as Labor Day for employees in the Ordnance Department—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting a copy of a note from the British ambassador requesting the attention of Congress to the claim of Messrs. Sivewright, Bacon & Co. for damages to the steamer *Eastry*—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LIND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest, reported the same without amendment, accompanied by a report (No. 3128); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15415) granting an increase of pension to Jonas H. Upton, reported the same without amendment, accompanied by a report (No. 3024); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15660) granting an increase of pension to Jacob R. Sharretts, reported the same with amendment, accompanied by a report (No. 3025); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10181) granting an increase of pension to Andrew Hall, reported the same with amendment, accompanied by a report (No. 3026); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15617) granting an increase of pension to A. S. Gatliff, reported the same with amendment, accompanied by a report (No. 3027); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15558) granting an increase of pension to Edwin R. Manson, reported the same with amendment, accompanied by a report (No. 3028); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15633) granting an increase of pension to Henry King, reported the same without amendment, accompanied by a report (No. 3029); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15719) granting a pension to Cynthia A. Jones, reported the same with amendment, accompanied by a report (No. 3030); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15732) grant-

ing an increase of pension to Edward O. Pierce, reported the same with amendment, accompanied by a report (No. 3031); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15893) granting an increase of pension to James A. McClung, reported the same without amendment, accompanied by a report (No. 3032); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15886) granting an increase of pension to William S. Radcliffe, reported the same with amendment, accompanied by a report (No. 3033); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15911) granting an increase of pension to Edwin Ellis, reported the same with amendment, accompanied by a report (No. 3034); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12795) granting an increase of pension to John L. Lee, reported the same without amendment, accompanied by a report (No. 3035); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13105) granting an increase of pension to William F. Gant, reported the same with amendment, accompanied by a report (No. 3036); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13419) granting an increase of pension to George Weeks, reported the same with amendment, accompanied by a report (No. 3037); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14635) granting an increase of pension to Alexander Moore, reported the same without amendment, accompanied by a report (No. 3038); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15019) granting an increase of pension to John H. Elston, reported the same without amendment, accompanied by a report (No. 3039); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14908) granting an increase of pension to Henry Lieb, reported the same with amendment, accompanied by a report (No. 3040); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15782) granting an increase of pension to Charles H. Warner, reported the same without amendment, accompanied by a report (No. 3041); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15722) granting an increase of pension to David Guthrie, reported the same with amendment, accompanied by a report (No. 3042); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14680) granting an increase of pension to Monroe Chapin, reported the same with amendment, accompanied by a report (No. 3043); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15776) granting an increase of pension to Harrison Ball, reported the same with amendment, accompanied by a report (No. 3044); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9774) granting an increase of pension to James M. Prince, reported the same with amendment, accompanied by a report (No. 3045); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15835) granting a pension to James M. Walker, reported the same with amendment, accompanied by a report (No. 3046); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15855) granting an increase of pension to Loren T. Austin, reported the same with amendment, accompanied by a report (No. 3047); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15431) granting an increase of pension to Andrew Pinney, reported the same with amendment, accompanied by a report (No. 3048); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16123) granting an increase of pension to William Smith, reported the same with amendment, accompanied by a report (No. 3049); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11018) granting an increase of pension to William B. Bruner, reported the same with amendment, accompanied by a report (No. 3050); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9550) granting a pension to William Butler, reported the same with amendment, accompanied by a report (No. 3051); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15903) granting an increase of pension to George T. Barker, reported the same with amendment, accompanied by a report (No. 3052); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15784) granting an increase of pension to Joseph Wingate, reported the same without amendment, accompanied by a report (No. 3053); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9769) granting an increase of pension to Joseph Pershing, reported the same with amendment, accompanied by a report (No. 3054); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10948) granting an increase of pension to John N. Matthews, reported the same with amendment, accompanied by a report (No. 3055); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12255) granting an increase of pension to Benjamin F. Gudgell, reported the same with amendment, accompanied by a report (No. 3056); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11055) granting an increase of pension to Winfield S. Russell, reported the same without amendment, accompanied by a report (No. 3057); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2046) granting an increase of pension to Peter W. Krieger, reported the same with amendment, accompanied by a report (No. 3058); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2469) granting an increase of pension to William Stone, reported the same with amendment, accompanied by a report (No. 3059); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3373) granting an increase of pension to Jacob Cochran, reported the same with amendment, accompanied by a report (No. 3060); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4900), granting a pension to Sarah Hodgson, reported the same with amendment, accompanied by a report (No. 3061); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5243) granting an increase of pension to Hiram Qualk, reported the same without amendment, accompanied by a report (No. 3062); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5286) granting an increase of pension to Obadiah J. Merrill, reported the same without amendment, accompanied by a report (No. 3063); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6957) granting an increase of pension to

A. C. Bowen, reported the same with amendment, accompanied by a report (No. 3064); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7097) granting an increase of pension to John White, reported the same with amendment, accompanied by a report (No. 3065); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15768) granting an increase of pension to R. Howard Wallace, reported the same with amendment, accompanied by a report (No. 3066); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7252) granting a pension to James M. Garrett, reported the same with amendment, accompanied by a report (No. 3067); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9065) granting an increase of pension to Albert Z. Norton, reported the same with amendment, accompanied by a report (No. 3068); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7074) granting an increase of pension to Jesse Sims, reported the same with amendment, accompanied by a report (No. 3069); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12155) granting a pension to Nancy Hill, reported the same with amend ment, accompanied by a report (No. 3070); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8049) granting an increase of pension to John S. Parker, reported the same with amendment, accompanied by a report (No. 3071); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8477) granting a pension to John W. Guest, reported the same with amendment, accompanied by a report (No. 3072); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8839) granting an increase of pension to Thomas N. Hicks, reported the same with amendment, accompanied by a report (No. 3073); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4322) granting an increase of pension to Francis M. Hay, reported the same with amendment, accompanied by a report (No. 3074); which said bill and report were referred to the Private Calendar.

Mr. FRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15631) granting an increase of pension to John Brooks, reported the same without amendment, accompanied by a report (No. 3075); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4873) granting an increase of pension to John McKenzie, reported the same without amendment, accompanied by a report (No. 3076); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4942) granting an increase of pension to Adam Hand, reported the same with amendment, accompanied by a report (No. 3077); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5154) granting an increase of pension to Barnett Smith, reported the same with amendment, accompanied by a report (No. 3078); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5821) granting a pension to Mary A. Johns, reported the same with amendment, accompanied by a report (No. 3079); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5884) granting an increase of pension to S. K. White, reported the same with amendment, accompanied by a report (No. 3080); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6507) to increase the pension of James J. Champlin, reported the same with amendment, accompanied by a report (No. 3081); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 132) granting an increase of pension to James P. Griffith, reported the same with amendment, accompanied by a report (No. 3082); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 963) granting an increase of pension to Ara D. Benjamin, reported the same with amendment, accompanied by a report (No. 3083); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1573) granting an increase of pension to Cyrus Hurd, reported the same with amendment, accompanied by a report (No. 3084); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3002) granting an increase of pension to Samuel Tillinghast, reported the same with amendment, accompanied by a report (No. 3085); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3286) granting an increase of pension to Jacob F. French, reported the same with amendment, accompanied by a report (No. 3086); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15685) granting an increase of pension to Elizabeth A. Krehbeil, reported the same with amendment, accompanied by a report (No. 3087); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8859) granting an increase of pension to Charles J. Esty, reported the same without amendment, accompanied by a report (No. 3088); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15504) granting an increase of pension to Ellen Tuite, reported the same with amendment, accompanied by a report (No. 3089); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11847) granting an increase of pension to James B. Croly, reported the same with amendment, accompanied by a report (No. 3090); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15710) granting an increase of pension to Luther W. Cannon, reported the same without amendment, accompanied by a report (No. 3091); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15730) granting an increase of pension to Benjamin F. Shireman, reported the same without amendment, accompanied by a report (No. 3092); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15746) granting an increase of pension to Israel Roll, reported the same with amendment, accompanied by a report (No. 3093); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15872) granting an increase of pension to Marvin Welton, reported the same with amendment, accompanied by a report (No. 3094); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15869) granting an increase of pension to Benjamin H. Scrivens, reported the same with amendment, accompanied by a report (No. 3095); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15924) granting an increase of pension to William Shadrick, reported the same with amendment, accompanied by a report (No. 3096); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12820) granting an increase of pension to Isabella Bryson, reported the same with amendment, accompanied by a report (No. 3097); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13170) granting an increase of pension to Ruth M. Haskell, reported the same with amendment, accompanied by a report (No. 3098); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 723) granting an increase of pension to Thomas Smart, reported the same without amendment, accompanied by a report (No. 3099); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13260) granting an increase of pension to William Starks, reported the same with amendment, accompanied by a report (No. 3100); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14028) granting an increase of pension to Carrie E. Risley, reported the same with amendment, accompanied by a report (No. 3101); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14219) granting an increase of pension to Earl J. Lamson, reported the same with amendment, accompanied by a report (No. 3102); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15239) granting a pension to Isabella Burk, reported the same with amendment, accompanied by a report (No. 3103); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15240) granting an increase of pension to James C. Baker, reported the same with amendment, accompanied by a report (No. 3104); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15344) granting an increase of pension to William B. Atwater, sr., reported the same with amendment, accompanied by a report (No. 3105); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15466) granting an increase of pension to Isaac B. Snively, reported the same with amendment, accompanied by a report (No. 3106); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15489) granting an increase of pension to Oliver H. Martin, reported the same with amendment, accompanied by a report (No. 3107); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6702) granting an increase of pension to James Slater, reported the same with amendment, accompanied by a report (No. 3108); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12252) granting an increase of pension to James Baremore, alias James Baker, reported the same with amendment, accompanied by a report (No. 3109); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15864) granting a pension to Margaret Laparle, reported the same with amendment, accompanied by a report (No. 3110); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15632) granting an increase of pension to Barney Carroll, reported the same without amendment, accompanied by a report (No. 3111); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15863) granting an increase of pension to Mark Wilde, reported the same with amendment, accompanied by a report (No. 3112); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16121) granting an increase of pension to Edward Root, reported the same with amendment, accompanied by a report (No. 3113); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14785) granting an increase of pension to Warren C. Gilbreath, reported the same with amendment, accompanied by a report (No. 3114); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 968) granting an increase of pension to Charles Warren Young, reported the same with amendment, accompanied by a report (No. 3115); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9062) granting a pension to John Goodspeed, reported the same without amendment, accompanied by a report (No. 3116); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8476) granting a pension to Rolan J. Southerland, reported the same with amendment, accompanied by a report (No. 3117); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1491) granting an increase of pension to Martin L. Pembleton, reported the same without amendment, accompanied by a report (No. 3118); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15871) granting an increase of pension to John Leonard, reported the same with amendment, accompanied by a report (No. 3119); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15922) granting an increase of pension to William J. Cheney, reported the same without amendment, accompanied by a report (No. 3120); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13756) granting a pension to Mary A. Shaw, reported the same with amendment, accompanied by a report (No. 3121); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13877) granting an increase of pension to Fredrick Lilje, reported the same with amendment, accompanied by a report (No. 3122); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14798) granting an increase of pension to Lucern Allen, reported the same with amendment, accompanied by a report (No. 3123); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 5159) granting a pension to Julia A. Marlow—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8107) granting a pension to Ruel Sherman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R 15669) granting an increase of pension to Matthew C. Danforth—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 16554) to establish a commissioner's court at Stigler, Ind. T.—to the Committee on the Judiciary.

By Mr. DIXON: A bill (H. R. 16555) to define the boundaries of the Bitter Root Valley, in the State of Montana—to the Committee on the Public Lands.

By Mr. DUNWELL: A bill (H. R. 16556) to increase the efficiency of United States shipping commissioners and to provide for the organization of a free shipping bureau—to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16557) authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BEIDLER: A bill (H. R. 16558) to establish a fish-cultural station in the State of Ohio—to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULDEN: A bill (H. R. 16559) to amend the laws governing the Steamboat-Inspection Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. BONYNGE. A bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same—to the Committee on Patents.

By Mr. HULL: A bill (H. R. 16561) to encourage rifle practice and excellence in marksmanship among citizens of the United States, so as to render them quickly available for efficient service in time of war—to the Committee on Military Affairs.

By Mr. BURGESS: A bill (H. R. 16562) for the survey of an inland waterway along the Gulf of Mexico from the Rio Grande River, in Texas, to Donaldsonville, La.—to the Committee on Rivers and Harbors.

By Mr. HERMANN: A bill (H. R. 16563) for the construction, equipment, and operation of a dredge with necessary appliances and scows—to the Committee on Rivers and Harbors.

By Mr. CLAUDE KITCHIN: A bill (H. R. 16564) authorizing a public building at Kinston, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. HEDGE: A bill (H. R. 16565) extending privileges of immediate transportation to Burlington, Iowa—to the Committee on Ways and Means.

By Mr. COWHERD: A bill (H. R. 16566) to authorize the Secretary of the Treasury to examine the evidence relating to payments made by the State of Missouri to the military forces of said State in suppression of the rebellion, and of the debts due the officers and men for service rendered and to individuals for supplies furnished, and to report thereon to Congress—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16567) to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 16568) increasing the limit of cost of public building at Charlottesville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. COWHERD: A bill (H. R. 16569) extending general pension laws to include Kansas City Station Guards—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 16571) to provide for building an annex to the court-house and post-office at Shreveport, La.—to the Committee on Public Buildings and Grounds.

By Mr. SOUTHALL: A bill (H. R. 16572) for the improvement and enlargement of public building at Petersburg, Va.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 16573) granting an increase of pension to Jonathan Wiggins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16574) granting an increase of pension to Leonard C. Davis—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 16575) granting an increase of pension to John E. Hurley—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 16576) for the relief of Charles John Houser—to the Committee on Claims.

By Mr. BURKETT: A bill (H. R. 16577) for the relief of Cora B. Thomas—to the Committee on Claims.

Also, a bill (H. R. 16578) granting an increase of pension to Caroline Vifquain—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 16579) granting an increase of pension to Isaac Vanatta—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 16580) granting a pension to Katie Cushman—to the Committee on Pensions.

Also, a bill (H. R. 16581) granting an increase of pension to Eli Dabler—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name—to the Committee on the District of Columbia.

By Mr. CROFT: A bill (H. R. 16583) for the relief of the heirs of Richard Reynolds, deceased—to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 16584) for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.—to the Committee on Claims.

By Mr. DANIELS: A bill (H. R. 16585) granting a pension to George H. Rice—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 16586) granting an increase of pension to Francis Weiss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16587) for the relief of Couer De Leon W. Williams—to the Committee on Military Affairs.

By Mr. DRESSER: A bill (H. R. 16588) granting an honorable discharge to William Larkin—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 16589) granting an increase of pension to Martha Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16590) to correct the military record of Louis Ploof—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 16591) granting an increase of pension to William J. Sperry—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 16592) far the relief of James H. Andrews—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 16593) for the relief of David R. Mister—to the Committee on War Claims.

By Mr. KENNEDY: A bill (H. R. 16594) granting an increase of pension to Jacob A. Kryer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16595) granting a pension to Charles Schultz—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 16596) granting a pension to Caleb Shreve—to the Committee on Invalid Pensions.

By Mr. KNOPF: A bill (H. R. 16597) granting a pension to Joseph Malone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16598) granting an increase of pension to John Bryan—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 16599) granting an increase of pension to Amos McAllister—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 16600) granting an increase of pension to John Ward—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16601) granting a pension to Cecilia H. Long—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 16602) for the relief of owners of rents in Louisiana—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 16603) granting an increase of pension to George S. Williams—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 16604) granting an increase of pension to John S. McClary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16605) for the relief of Horace J. Rowell—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 16606) granting a pension to Morgan Gulick—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 16607) granting an increase of pension to Margaret Drum—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 16608) granting an increase of pension to Freeling H. Amick—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 16609) granting a pension to Frederick Oliver—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16610) granting an increase of pension to William M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16611) granting an increase of pension to William Wiggins—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 16612) granting a pension to Josephine Worth James—to the Committee on Pensions.

By Mr. SHULL: A bill (H. R. 16613) granting a pension to Cornelia J. Schoonover—to the Committee on Pensions.

Also, a bill (H. R. 16614) granting a pension to Jacob Repsher—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 16615) granting a pension to Christian Flanigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16616) granting an increase of pension to F. M. Powell—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16617) granting a pension to Jacob Bowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16618) granting a pension to Alfred N. Brown—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 16619) granting an increase of pension to George Meisner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16620) granting an increase of pension to Alonzo Ackerman— to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 16621) granting a pension to William Merideth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16622) granting a pension to William H. Bogle—to the Committee on Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 16623) granting an increase of pension to George H. Hitchcock—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 16624) granting an increase of pension to Henry Good—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16625) granting a pension to Laura A. Baughey and her minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16626) granting a pension to Morris Osborne—to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 16627) granting an increase of pension to John Morrison—to the Committee on Pensions.

By Mr. WILSON of Arizona: A bill (H. R. 16628) granting an increase of pension to Charles E. Eberhart—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 16629) granting an increase of pension to Nathan C. D. Bond—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Grange of Cambridge Springs, Pa., against changing the provisions of the Grout bill—to the Committee on Agriculture.

Also, petition of Richmond Grange, Crawford County, Pa., against changing the so-called Grout bill—to the Committee on Agriculture.

Also, petition of citizens of McLane, Erie County, Pa., against changing the present oleomargarine law—to the Committee on Agriculture.

By Mr. BOWERS: Papers to accompany bill H. R. 16378, for the relief of the heirs of Lewis Cato—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Good Will Grange, No. 376, Hancock County, Me., favoring the establishment of a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. CANDLER: Papers to accompany bill H. R. 16377, for relief of heirs of Dr. Thomas J. Babb—to the Committee on War Claims.

By Mr. COWHERD: Papers to accompany bill regulating the trusts—to the Committee on the Judiciary.

By Mr. DRESSER: Papers to accompany pension bill of William Larken—to the Committee on Invalid Pensions.

By Mr. FIELD: Papers to accompany bill H. R. 16375, for the relief of heirs of J. H. Peeples, deceased—to the Committee on War Claims.

By Mr. FLACK: Papers to accompany bill granting an increase of pension to Martha Peck—to the Committee on Invalid Pensions.

Also, papers to accompany bill correcting the military record of Louis Ploof—to the Committee on Military Affairs.

By Mr. HEARST: Petition of citizens of Murfreesboro, N. C., favoring enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: Papers to accompany bill (H. R. 16382) for relief of heirs of U. H. Buck—to the Committee on War Claims.

By Mr. JONES of Virginia: Papers to accompany bill for relief of Capt. David R. Mister—to the Committee on War Claims.

By Mr. LLOYD: Petition of John Ward and 36 other citizens of Knox County, Mo., for special pension act for relief of John Ward—to the Committee on Invalid Pensions.

By Mr. MARSH: Papers to accompany bill for the relief of Jesse M. Sanders, of Company G, Twenty-seventh Illinois Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. McLAIN: Papers to accompany bill H. R. 16383, for relief of heirs of Benjamin Whitehead—to the Committee on War Claims.

Also, papers to accompany claim for relief of heirs of Samuel P. Harvey (H. R. 16380)—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 1606, for relief of Sallie C. Smith—to the Committee on War Claims.

By Mr. RIDER: Petition of Interstate Commerce Law Convention held at St. Louis, Mo., October 28 and 29, 1904, favoring enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Grand Camp of the Arctic Brotherhood of Alaska asking that Alaska have Delegate in Congress by election—to the Committee on the Territories.

By Mr. RIXEY: Affidavits to accompany bill H. R. 8816, for relief of St. James Episcopal Church, Culpeper County Va.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Resolutions of the Ministerial Association of Kendallville, Ind., Rev. R. J. Wade, president, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Milton O. Hoffman and others, to accompany bill H. R. 16416, granting an increase of pension to John Lehn—to the Committee on Invalid Pensions.

By Mr. SHULL: Petition and affidavits accompanying bill granting a pension to Cornelia Schoonover, widow of William Schoonover, late second lieutenant, Eleventh Regiment United States Infantry, Mexican war—to the Committee on Pensions.

Also, affidavit and petition accompanying bill granting pension to Jacob Repscher, late of Company I, One hundred and forty-seventh Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, petition and affidavit for relief of James Heiney, to correct his military record—to the Committee on Military Affairs.

By Mr. SNAPP: Papers to accompany bill for relief of George Meisner, granting him a pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Alonzo Ackerman, of Glen Ellyn, Ill.—to the Committee on Invalid Pensions.

By Mr. STERLING: Papers to accompany bill H. R. 15953, for the relief of William T. Gibbs—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Petition of the Interstate Commerce Law Convention, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Manufacturers' Association of New York, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Grand Camp of the Arctic Brotherhood of Alaska, in favor of elective representation for Alaska in Congress—to the Committee on the Territories.

By Mr. WADE: Petition of the Congregational Christian Endeavor Society of Fayette, Iowa, for establishment of international congress—to Committee on Foreign Affairs.

By Mr. WILLIAMS of Mississippi: Papers to accompany bill H. R. 16381, for the relief of Rev. James K. Hamblen—to the Committee on War Claims.

Also, papers to accompany bill H. R. 16379, for the relief of J. B. Clark—to the Committee on War Claims.

By Mr. WOOD: Papers to accompany bill to correct the military record of Henry Luther, Company A, Fifth New Jersey—to the Committee on Military Affairs.

By Mr. ZENOR: Papers to accompany bill H. R. 2447, for the relief of Hiram G. McLemore—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 15, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MINT AT DENVER, COLO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint submitting, for conclusion in the urgent deficiency appropriation bill, estimates of deficiencies in appropriations for the mint of the United States at Denver, Colo., for the current fiscal year; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SIVEWRIGHT, BACON & CO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from the British ambassador, relative to the claim of Sive wright, Bacon & Co., of Manchester, England, British steamship *Eastry*, in consequence of collisions in June, 1901, at Manila, etc.; which, with the accompanying papers, was referred to the Committee on Foreign Relations.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims,

transmitting a certified copy of the findings of fact filed by the court in the cause of the wardens and vestry of St. James Parish, Wilmington, N. C., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Atlantic Works *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church of Millcreek, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elizabeth Thomas *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of trustees of the Baptist Church of Guyandotte, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Baptist Church of Charlestown, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church South, of Winfield, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 158) construing the act for the relief of Julius A. Kaiser as carrying an appropriation.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1954) to authorize the exploration and purchase of mines within the boundaries of private land claims;

A bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albermarle and Pamlico sounds, North Carolina;

A bill (H. R. 6487) to amend section 4952 of the Revised Statutes;

A bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve;

A bill (H. R. 13679) amending the statutes relating to patents;

A bill (H. R. 15285) establishing a regular term of the United States circuit and district courts at Muncie, Ind.; and

A bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented the petition of E. D. Van Dyck, of Greenville, N. Y., and a petition of the congregation of the Westminster Presbyterian Church, of Syracuse, N. Y., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were referred to the Committee on Territories.

He also presented petitions of the Woman's Club of New York City; the Woman's Association of Saratoga Springs; the Woman's Municipal League of Brooklyn; the Society of Political Study of New York City; of F. Norris, of New York City; of Dorotha C. Norris, of New York City; of the Congress of the Knights of Labor, American Federation of Labor, of Watervliet; of Madeline C. Curtis, of New York City; of the Woman's Municipal League of New York City, and of the Woman's Christian Temperance Union of Virgil, all in the State of New York, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of sundry citizens of Potsdam, Ogdensburg, Malone, North Bangor, Norwood, and New York City, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Kitching Woman's Relief Corps, Department of New York, of Yonkers; of the Mount Pleasant Woman's Christian Temperance Union, of Schenectady; of Greece Grange, No. 311, Patrons of Husbandry, of Bernard, and of the Woman's Christian Temperance Union of Sodus, all in the State of New York, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the enactment of legislation providing for the installation of pneumatic tubes in the postal service in that city; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. SMOOT presented a petition of the Ladies' Literary Club of Salt Lake City, Utah, and a petition of the Woman's National Relief Society of Mount Sterling, Utah, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. DRYDEN presented the memorial of George Merck, of Llewellyn Park, West Orange, N. J., remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Moorestown, N. J., and a petition of Local Grange No. 8, Patrons of Husbandry, of Moorestown, N. J., praying for the adoption of a certain amendment to the suffrage clause on the statehood bill; which were referred to the Committee on Territories.

Mr. BERRY. I present a petition from the Cherokee council, signed by the president of the Cherokee senate, the speaker of the Cherokee council, and the chief of the nation, praying that the nation may be allowed a Delegate in Congress. I will not ask to have the petition read, but I ask that it be printed in the RECORD. It comes from the council of the nation and is different from ordinary petitions or memorials.

There being no objection, the petition was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Senate resolution No. 2.

A resolution asking Congress of the United States to make provision for the seating of a Delegate from the Cherokee Nation.

Whereas the treaty of March 1, 1836, in its seventh article provided: "The Cherokee Nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal policy of the Government of the United States toward the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a Delegate in the House of Representatives of the United States whenever Congress shall make provision for the same;" and

Whereas by the treaty of 1866 between the United States and the Cherokee Nation the following appears in section 31 of said treaty: "All treaties heretofore ratified and in force and not inconsistent with the provisions of this treaty are hereby reaffirmed and declared to be in full force, and nothing herein shall be construed as an acknowledgment by the United States or as a relinquishment by the Cherokee Nation of any claim or demand under the guaranty of former treaties, except as herein expressly provided;" and

Whereas by agreement the tribal relations of the Cherokee Nation will cease on March 4, 1906; and

Whereas all of the affairs of the Cherokee Nation, both as to lands and money, are subject to and are ruled and governed by Congressional enactments; and

Whereas the interests of the Cherokee Nation amount to several millions of dollars, and believing that a people with such vast interests should be personally represented before the great Government of the United States in whose hands their entire interests rest; and

Whereas we believe the Government of the United States was sincere in entering this obligation, and all the unsettled business of the Cherokee Nation will be a matter for future Congressional legislation, and believing that a people so vitally interested should be heard on legislation pertaining to them; and

Whereas the Cherokee Nation, by constitutional provision, has made provisions whereby a representative of their government to represent them before Congress or any of the Departments thereof may be elected: Therefore, be it

Resolved by the national council of the Cherokee Nation, That it is the sense and desire of the Cherokee people that the Congress of the United States carry out the provisions of the treaty herein referred to, so that the Cherokee Nation may be represented on the floor of the House of Representatives of the United States, the same as other Territories, in accordance with the meaning and intention of the treaty mentioned and thus carry out the obligation expressed in said treaty and have the Cherokee Nation represented before Congress and give them an opportunity to be heard in the final settlement of their affairs; and we most earnestly petition the Congress of the United States that such steps be taken to enable the seating of such a delegate that may bear the proper credentials from the Cherokee Nation.

Passed the senate December 2, 1904.

ROBERT WEST,
President Senate pro tempore.
J. L. BAUGH,
Clerk of Senate.

Concurred in by council December 5, 1904.

ROSS DANIELS,
Speaker of Council pro tempore.
J. T. CUNNINGHAM,
Assistant Clerk of Council.

Approved December 10, 1904.
[SEAL.]
D. M. FAULKNER,
Assistant and Acting Principal Chief, Cherokee Nation.

Mr. GALLINGER presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, N. Y., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

He also presented a petition of the Religious Liberty Bureau, of Washington, D. C., praying that they be granted a hearing before the Senate Committee on the District of Columbia relative to House bill 11819, requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. CRANE presented petitions of sundry Protestant churches of East Boston; of sundry citizens of Roxbury, Reading, Montague, Dorchester, Everett, Wakefield, Brockton, Manchester, Brookline, and Mattapan; of the congregation of the Bethany Baptist Church, of Dorchester; of the Woman's Home Missionary Society of Hanson; of the congregation of the First Baptist Church, of Somerville; of the congregation of the Berean Temple Baptist Church, of Boston; of the Boston East Baptist Association, of Malden; of the congregation of the Blaney Memorial Baptist Church, of Boston; of the congregation of the Baptist Church of Rockland; of the Woman's Missionary Society of Malden; of the Woman's Home Missionary Society of West Bridgewater, and of the congregation of the Baptist Church of Hyde Park, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of the Woman's Suffrage Association of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

Mr. FULTON presented a petition of the Chamber of Commerce of Coos Bay, Oreg., praying that an apropriation be made for the survey and improvement of the harbor of Coos Bay, in that State; which was referred to the Committee on Commerce.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Ill., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of Fort Dearborn Division, No. 294, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of the Christian Endeavor Society of Hillsboro Ill., and a petition of sundry citizens of Hillsboro, Ill., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were referred to the Committee on Territories.

Mr. PENROSE presented a petition of Pomona Grange, No. 10, Patrons of Husbandry, of Warren, Pa., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Farmers' Institute of Ellwood City, Pa., remonstrating against the repeal of the oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented the petition of G. W. Dodge and sundry other citizens of Menasha, Wis., and the petition of E. J. O'Rourke and sundry other citizens of Virginia, Minn., praying for the enactment of legislation to prevent the reversion to Cuba of the Isle of Pines; which were referred to the Committee on Foreign Relations.

He also presented the petition of Charles T. Burnley and 10 other citizens of Hudson, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, N. Y., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

He also presented petitions of the Woman's Christian Temperance Union of Brooklyn, of the Woman's Christian Temperance Union of Omro, and of the Federated Trades Council of Madison, all in the State of Wisconsin, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. CARMACK presented a petition of the Memphis Bar and Library Association, of Memphis, Tenn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. FORAKER presented petitions of the congregations of the Union Methodist Episcopal Church, of Warren; of the Christian Church of Quaker City; of the Church of God, the Reformed Church, the Methodist Episcopal Church, the Church of Christ, the United Presbyterian Church, the First Presbyterian Church, the Lutheran Church, and the Baptist Church, of Wooster; of the First Methodist Episcopal Church of Salem; of the Sixth Avenue Methodist Episcopal Church, of Springfield; of the Grace Reformed Church, the First Methodist Episcopal Church, and the United Evangelical Church, of Lancaster; of the Methodist Episcopal Church of Lewis Center; of the Methodist Episcopal Church of Ravenna; of the Gilman Avenue Methodist Episcopal Church, of Marietta; of the English Presbyterian Church of Gomer; of the Church of Christ of Alliance; of the Presbyterian Church of Marysville; of the Presbyterian Church of Keene; of the Church of the Epiphany of Cleveland; of the Drummond Methodist Episcopal Church, of Cadiz; of the First Baptist Church of Prospect; of the Woman's Christian Temperance Unions at Marietta, Cleveland, Norwalk, and Columbus; of the pastor and session of the Westminster Church of Wooster; of the Woman's Auxiliary of Christ Church of Cincinnati; of the Christian Endeavor Society of Dayton; of the Woman's Home Missionary Society of the Methodist Episcopal Church of Cincinnati; of the Young People's Society of Christian Endeavor of Quaker City; of the Evangelical Alliance of Cincinnati; of the First Christian Church of Akron; of the Ministerial Association of Piqua; of the Home Mission Societies of Fremont and Sandusky; of the Home and Foreign Mission Societies of Chicago, Republic, McCutcheonville, Fostoria, Clyde, Norwalk, Olena, and Huron; of the Foreign Societies of Fremont and Sandusky, and of sundry citizens of Columbus, Groverhill, Tiffin, Wooster, Mansfield, Kingsville, Salem, Archbold, Lima, Dennison, Pataskala, Bethany, Ironton, Delaware, West Lafayette, Sugartree Ridge, Cincinnati, and Adams Township, Darke County, all in the State of Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of the Chamber of Commerce of San Francisco, Cal., and a petition of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 5822) for the relief of certain purchasers of lands in the Umatilla Indian Reservation, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn., reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State, reported it without amendment.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of Connecticut. The special committee appointed to consider the message of the House relating to the impeachment of Charles Swayne submit the following report, and ask that the resolution or order may be adopted.

The order was read, considered by unanimous consent, and agreed to, as follows:

Whereas the House of Representatives, on the 14th day of December, 1904, by five of its Members (Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLETT of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky), at the bar of the Senate impeached Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore,

Ordered, That the Senate will, according to its standing rule and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives herewith.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, to report it with amendments; and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Appropriations was, on page 3, after line 7, to insert:

PUBLIC BUILDINGS.

For completing the acquisition of a site for and toward the construction of a fireproof building for committee rooms, folding rooms, and other offices for the United States Senate, and for necessary office rooms for Senators, to be erected on square No. 686, in Washington, D. C., authorized by the sundry civil act approved April 28, 1904, $10,500.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to insert:

POST-OFFICE DEPARTMENT.

Office of the purchasing agent: For salary of the purchasing agent, $4,000.

For salary of chief clerk, office of purchasing agent, at the rate of $2,000 per annum, from January 1 to June 30, 1905, inclusive, $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 6498) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, to report it favorably, without amendment. It is very important that the bill should be passed at once, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 6133) to authorize the location of a Branch Home for Disabled Volunteer Soldiers, Sailors, and Marines in the State of Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CRANE introduced a bill (S. 6134) granting a pension to Mary Elizabeth McClaren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6135) for the relief of the estate of S. F. Poole, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6136) for the relief of the estate of John W. Gregory, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6137) for the relief of St. John's Lodge, of Newbern, N. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6138) granting an increase of pension to Mary E. Dobyns; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6139) to authorize the Union Trust and Storage Company of the District of Columbia to change its corporate name; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6140) granting a pension to Elizabeth H. Du Hamel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6141) granting a pension to Mary A. Shaw; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6142) granting an increase of pension to Charles W. Oleson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6143) for the relief of the owners of the steamship *Newchwang;* which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6144) authorizing the loan of arms and accouterments to American veterans of foreign service; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6145) granting an increase of pension to George W. Wertz;

A bill (S. 6146) granting a pension to Samuel B. Gray;

A bill (S. 6147) granting a pension to James H. Kirkpatrick; and

A bill (S. 6148) granting a pension to T. J. Brooks.

Mr. PLATT of New York introduced a bill (S. 6149) to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6150) for the relief of Maj. E. W. Halford, paymaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 6151) granting an increase of pension to John W. Halley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 6152) granting an increase of pension to Annie E. Wilson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MALLORY introduced a bill (S. 6153) granting an increase of pension to James M. Bullard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6154) granting an increase of pension to W. S. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6155) granting an increase of pension to Matthew F. Locke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6156) to provide for the purchase of a site and the erection of a public building thereon, or for the purchase of a suitable building with site, at Honolulu, Island of Oahu, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS introduced a bill (S. 6157) for the relief of Maj. Seymour Howell, paymaster, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6158) granting an increase of pension to William M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6159) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6160) granting a pension to Baron Proctor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6161) to allow appeals in forma pauperis from an inferior to a superior court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 6162) granting an increase

of pension to Benjamin F. Foss; which was read twice by its title, and referred to the Committee on Pensions.

CIVIL GOVERNMENT OF THE PHILIPPINES.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table, and be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ANKENY submitted an amendment proposing to increase the salary of one assistant in the Nautical Almanac Office from $1,600 to $1,800, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act;" which was referred to the Committee on Claims.

VENEZUELAN ARBITRATIONS OF 1903.

On motion of Mr. STEWART it was

Ordered, That there be printed for the use of the Senate Document Room 500 copies of Senate Document No. 316, Fifty-eighth Congress, second session, and 200 additional copies for the use of the compiler of said document.

RECORD OF IMPEACHMENT TRIALS.

Mr. PLATT of Connecticut. I ask for the adoption of the following order. When it is read I will explain it.

The resolution was read, as follows:

Resolved, That extracts from the Journals of the Senate containing the record of impeachment trials in the cases of William Blount, John Pickering, Samuel Chase, James H. Peck, West H. Humphreys, Andrew Johnson, and William W. Belknap be printed as a document for the use of the Senate.

Mr. PLATT of Connecticut. The record of the impeachment trials is now to be found only by consulting the Journals of the Senate, and that is difficult and laborious. I think, in view of the probable impeachment trial which we are to have in the Senate, there should be printed in one document extracts from the Journals of the Senate containing the record of all the impeachment trials up to the present time. It will form a volume of about this size [indicating], this volume being made up by taking extracts from the Journals and binding them together. I think every Senator will see the propriety and necessity of having such a document at hand.

Mr. CULLOM. I think the Senator will find that as to the trial of Andrew Johnson the proceedings in that trial were printed in book form.

Mr. PLATT of Connecticut. Yes; the testimony and everything. What I want is to have extracts from the Journals of the Senate printed containing simply the procedure.

Mr. CULLOM. But not the testimony?

Mr. PLATT of Connecticut. Oh, no; simply the procedure in each case.

Mr. CULLOM. I was going to say that if the testimony taken in one of these trials were printed it would make four or five books.

Mr. PLATT of Connecticut. Oh, no; this will be the size of it [exhibiting a volume].

The PRESIDENT pro tempore. What will be the expense?

Mr. PLATT of Connecticut. I imagine that it is not important to be able to state it. It will be less than $500, but I do not understand that there is any limitation on the Senate in printing a document for its own use.

The PRESIDENT pro tempore. No; I do not think there is any limitation on that.

Mr. PLATT of Connecticut. What I have asked is that it may be printed as a document for the use of the Senate.

The PRESIDENT pro tempore. The Chair supposed that it was a request for both printing and binding, in cloth.

Mr. PLATT of Connecticut. Not at all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MITCHELL. I will ask the Senator from Connecticut what he thinks of the advisability of printing the opinions of Senators? Would it make the volume too large to put in it the opinions of Senators?

Mr. PLATT of Connecticut. I think so. I think what Senators will desire is to be able to refer in one volume to the Journal record of all the trials.

Mr. MITCHELL. The Senator thinks it would make it too voluminous?

Mr. PLATT of Connecticut. It would make it too voluminous to put in the testimony of witnesses, the opinions of Senators, the arguments, or anything of that sort.

Mr. MITCHELL. The Senator does not think of including the testimony?

Mr. PLATT of Connecticut. No.

Mr. MITCHELL. I thought perhaps the opinions of Senators might give some information.

Mr. PLATT of Connecticut. Having this book will give a reference to the Senate Journals, where everything of that sort may be found.

The resolution was agreed to.

BAY OF MONTEREY (CALIFORNIA) IMPROVEMENT.

Mr. BARD submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Bay of Monterey, California, to meet the demands of commerce.

IMPROVEMENT OF PORTLAND HARBOR, MAINE.

Mr. FRYE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of Portland Harbor, Maine, to include Fore River above Portland bridge and the entrance to Back Cove, with a view to widening and deepening the channels at those localities, and to submit estimates for such improvements.

PONCE AND GUAYAMA RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on April 2, 1904, authorizing the transfer to the Ponce and Guayama Railroad Company of the franchise, rights, and exemptions granted to the "Compania de los Ferrocarriles de Puerto Rico" for the construction and maintenance of a railway between Ponce and Guayama, and also the transfer and assignment of such franchise, rights, and exemptions from the American Railroad Company of Porto Rico Central Aguirre Operator to the said Ponce and Guayama Railroad Company.

This ordinance was approved by the President of the United States on May 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904*.

BRITISH STEAMSHIP LINDISFARNE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report by the Secretary of State resubmitting a claim of the owners of the British steamship *Lindisfarne*, amounting to $158.11, for demurrage to that vessel while undergoing repairs necessitated through a collision with the United States army transport *Crook* in New York Harbor on May 23, 1900.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 15, 1904*.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina; and

A bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes."

The following bills were severally read twice by their titles, and referred to the Committee on Patents:

A bill (H. R. 6487) to amend section 4952 of the Revised Statutes; and

A bill (H. R. 13679) amending the statutes relating to patents.

The bill (H. R. 1954) to authorize the exploration and purchase of mines within the boundaries of private land claims was read twice by its title, and referred to the Committee on Private Land Claims.

The bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

The bill (H. R. 15285) establishing a regular term of the United States circuit and district courts at Muncie, Ind., was read twice by its title, and referred to the Committee on the Judiciary.

NEW DUNGENESS LIGHT-HOUSE IMPROVEMENT.

Mr. FOSTER of Washington. I notice that during the session yesterday the bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington, was passed. That improvement having been already included in the last sundry civil appropriation bill, I ask that the votes by which the bill was ordered to a third reading and passed be reconsidered, and that it be indefinitely postponed. I make that motion.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. Without objection, the bill is indefinitely postponed.

AMENDMENT OF THE RULES.

Mr. SPOONER. It is my understanding that it is competent to amend the rules by unanimous consent.

The PRESIDENT pro tempore. The Chair so believes.

Mr. SPOONER. Subdivision 4 of Rule I of the Senate provides that——

> In event of the death of the Vice-President the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence, etc.

That limits the power given to the President pro tempore of the Senate to a vacancy caused by the death of the Vice-President. He should have that power however the vacancy is occasioned; and there is a vacancy now.

Mr. PLATT of Connecticut. Not by the death of the Vice-President, but by the death of the President.

Mr. SPOONER. By the death of the President. I ask the unanimous consent of the Senate to amend this subdivision of Rule I by striking out in the first line the words "the death of" and inserting in lieu thereof the words "a vacancy in the office of;" so that it will read:

> In the event of a vacancy in the office of the Vice-President the President pro tempore shall have the right to name, etc.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the amendment is made.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. If the morning business is concluded, I call up, pursuant to the notice which I gave yesterday, House bill 14623.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I call the bill up simply to give all the time possible in case Senators desire to discuss the bill to-day.

Mr. STEWART. Mr. President, I do not propose to discuss the provisions of the bill. There is one matter contained in it, however, of the utmost importance to the preparation of the people of those islands for self-government or any government in which they are to participate, and that is the building of railroads.

The building of railroads is the cheapest way to extend civilization into any savage or semicivilized country. The railroads built by the United States have done more to settle the Indian territory than everything else combined. I recollect very well when it used to cost $15,000,000 a year to take care of the Indians in Arizona alone; the War Department, the Interior Department, and all of them were operating there, and the freight charges were enormous. As soon as railroads were extended through the territory the matter was disposed of without much further expense. So all through our country wherever the railroads go they are civilizers. They give employment to the people and give them an opportunity to sell their products, if they produce anything. Above all, it is an object lesson to a savage to see a railroad in operation. Nothing changes his view so quickly as to the power of civilization as a railroad. I am glad the committee have made provision for railroads in the Philippines.

As to the mode of reaching that end, it is not so material. The policy heretofore has been to subsidize railroads and to secure their completion in that way. The United States has done considerable in that business, and where it has granted subsidies in money it has got the money back. It has never lost anything. Although there has been a great deal of talk about it, the money has been paid back, and undoubtedly it will be paid back in this case.

As to whether it is better to subsidize companies or to trust the building to the engineers of the Army and let the Government do it directly, I do not propose to discuss which is the best method of the two, because I think those are minor questions compared with the main question of civilizing the islands by means of railroads. If we build railroads and give them railroad facilities, it will be but a few years before they will be in a condition of self-government far beyond what generations will do without the railroads.

When the war commenced if we had begun building railroads instead of going with teams over those almost impassable swamps, rivers, mountains, and all that, I believe it would have been good policy. I believe about as cheap a way to prosecute a war with savages as can be found is to build railroads.

I simply want to congratulate the committee on having incorporated a provision for building railroads in the bill. I shall not discuss any of the details as to which is the best way to do it. That it should be done and done quickly there can be no doubt.

Mr. McCUMBER. Mr. President, I have just sent to the table an amendment to this bill, striking out entirely section 4, which relates to the building of railroads. I cover the entire section simply because of my opposition to a Government subsidy for railroads or any other instruments of internal commerce.

I believe the time has passed for a Government guaranty of the prosperity of private enterprise which is purely of an internal nature. I believe it is the duty of the Government to so legislate as to secure the greatest amount of prosperity to its people; and when it has done that it opens avenues of private enterprise, and to a certain extent it thereby assures the success of the private enterprises. I do not believe, however, that the Government should enter into any industrial competition with its own people, and it does enter into this industrial competition when it guarantees the prosperity or the success of any private enterprise that is purely internal in its affairs and in its effect.

There is in this country, Mr. President, held by the people, $30,000,000 for investment. The holders of $30,000,000 would like to invest it for anything that would bring 2 per cent. Government bonds readily sell at a premium which draw interest at the rate of only 2 per cent. These Government bonds are pretty scarce in the markets to-day. So here the people who own the $30,000,000 can find an immediate field of investment for an assurance of 5 per cent upon their investment.

Now, what will the owners of the $30,000,000 do under this bill? They will form a corporation for the construction of $30,000,000 worth of railroad in the Philippine Islands. After it is organized, and after they have constructed their road, or during the time of construction, they will vote the necessary salaries to the promoters of this enterprise. The amount of the salaries will take up the entire amount of the income from the investment. So, in addition to receiving salaries as promoters, they will also receive 5 per cent upon the stock which they have taken, and that 5 per cent will be absolutely guaranteed. We may say that it is not guaranteed by this Government, but as long as the Philippine Islands are under the control and suzerainty of this country we are responsible for the bona fides of their contracts and that their contracts will be faithfully carried out. Therefore, if the Philippine government should fail in any way to answer this requirement of payment of 5 per cent upon those bonds or upon the stock, if we issue stock instead of the bonds, the Government of the United States as the guardian and controller of that country is morally bound to see

that the amount shall be paid; and thus we have secured a very pleasant and remunerative field for the employment of $30,000,000 without sufficiently guarding the interests of either the United States or the Philippine Islands.

Now, it seems to me that that of itself is sufficient to strike out this section 4. It will be sufficient at least to justify me in voting against that provision.

Mr. HEYBURN. Mr. President, the discussion of the pending bill has been confined so largely to the provisions in regard to railroads that there is some danger the more important provisions of the bill as affecting the material interests of the Philippines may be overlooked. I desire to propose an amendment, which I will in due time send to the desk, affecting the provisions in regard to mining rights in the Philippines.

When the bill to which this is an amendment was enacted Congress saw fit to inaugurate a complete change in regard to the location of mining claims that was so utterly inconsistent with the policy which has been in force in regard to the mining lands of our own country that it seems to me the question must have passed without consideration.

Since the inauguration of the mining laws of this country it has been the policy of the Government, based upon the experience of American mining, to allow the locator and the owner of a mining claim to locate those things of value—that is, the ledge, the extent of surface ground has been considered merely an incident for the convenient use of the thing of value; but in the original bill, to which this amendment applies, Congress undertook to carve out a different estate and to provide that a claim shall consist of so many square feet, without regard to the thing to which the law is directed, and has abandoned the American policy for one that has obtained in Spanish countries, and for a time over the Canadian line.

Minerals are found in ledges cropping out on the surface of the earth, and, as a rule, do not develop practical or substantial value within the lines of the location.

This law as it stands and as it is proposed by this bill gives to the locator only the mineral that is found within the limits of the claim. The ledges, as a rule, dip into the earth; they crop out upon the sides of the mountain, as a rule; they are seldom found upon level ground. As they dip into the earth they naturally pass outside of the line of location at a very early stage.

In most mining countries, before even the preliminary expenses of development have been realized by the owners of the claim, where they pass outside of the line of the claim upon the surface, as a rule, they are beneath the surface of the earth at a point that it is utterly impracticable to reach without the surface lines, except through the claim having the outcrop. Now, you propose to adopt that system by this legislation. It was adopted by the bill to which this is an amendment. This is the time to correct it.

The law regulating the location and ownership of mining claims in this country has stood the test of more than forty years. It is the result of the experience and wisdom of those conversant with it for a lifetime. It has been interpreted by the courts, investments have been made under its provisions, and the great mineral wealth of the country has been developed under the American system of mining law. Why should we change it? Why should we adopt the Spanish system, a system that was perhaps adapted to a country where the fee of the mine was in the Crown, where the right to mine was a mere license, to be taken or given or modified at the will of the Crown? The American law was directed to the question of substantial title that would warrant the investment of money in the purchase and development of mines, that would insure to the discoverer the substantial value of the thing located and discovered.

This subject may or may not be familiar to Senators, and I will ask indulgence while I illustrate it a little. Taking a ledge that has a dip at an angle of 45°, which is not unusual—in fact, I might say it is the average condition—it crops upon the surface. In going down into the earth at an angle of 45°, if the claim was 300 feet on each side of the ledge, at 300 feet from the surface that ledge would be lost to the locator. Who takes it from that point down? Some stranger. How is he going to make another discovery upon that ledge, which, if it were upon level ground at that depth, would be at least 300 feet below the surface, but, as a matter of fact, where the ledges dip into the mountain it would be all the way from 600 to 1,000 feet below the surface. This is a practical question and affects the mineral wealth of the Philippine Islands so far as legislation can affect it.

The purpose of this bill, so far as this provision is concerned, is to give the opportunity to the prospector, the investor, and the mine developer to avail themselves of the mineral deposits in the Philippine Islands. That is the object and purpose of this bill; in other words, to open up the mineral resources of that country. You can not do it under such a law as that we have now upon the statute books; and you can not do it under such a law as is proposed by the provisions of this bill. It will result either in the original locator violating the law and following the ledge on its dip after it has passed out of his side lines marked upon the ground without any lawful right, or it will result in locations being made upon the surface ahead of the dip of the vein as originally located without any discovery, which can be developed only by the aid of large capital through the means of digging shafts to tap the ledge on its dip. That is all. You render the mineral resources of the Philippine Islands unavailable to the very people Congress intends they shall be held for the benefit of—that is, the prospectors—you give an opportunity for some one with money enough to sink deep shafts to tap the ledge beyond the line of the original location, and you give the oportunity to such people to deprive the original locator of the benefit of his discovery.

Oftentimes when the surface of these ledges are merely slag, the great values are obtained from the depths of the mine. I speak from a somewhat extended experience in these matters. For more than twenty-five years I have lived among the mines, and I have seen every phase of the controversy presented. I have had an opportunity also to observe the working of statutes, such as have been enacted in this case, both in British Columbia and Mexico. I have seen men, through hardship and toil, prospecting in the mountains, find a valuable ledge, and after they had located it, find that they had a mere slag mine near the surface. The statute which governs in the United States instead of giving a tract of ground gives the locator so many feet along a ledge. That is the thing of value, and the only thing of value. The surface is a mere incident to it. It is the mineral-bearing ledge of rock, in place, which the prospector and miner is seeking for; it is that and that alone, which, being developed, produces the mineral wealth of the country.

Under the existing law in this country the prospector may locate not to exceed 1,500 feet along the course of the ledge. He locates his end lines parallel, and thus carves out a plane upon which he may follow that ledge indefinitely. More often than not he finds nothing to repay him for his labor until after he has passed out from under the surface ground of his location.

It was demonstrated between 1866, the time of the passage of the first mineral law by Congress, and 1872, when Congress again resumed the consideration of it, that the estate should consist of a given number of feet along the ledge, and allow the prospector or the owner of that estate the right to follow down beween the planes drawn on his end lines, and the law requires that the end lines shall be parallel. Thus his estate is never diminished nor extended beyond 1,500 feet. What can be more reasonable than that?

Mr. President, it seems to me that at this time we have the opportunity to correct the mistake that was made in the enactment of the original law for the Philippines. I know it is claimed—for I have heard it said frequently—that if you will confine a man to his end lines you will avoid litigation. Some of the most extensive litigation has arisen over conflicting rights on questions that arose where claims conflict in following them in depth. That is true. Controversies will arise between men over things of value. We can only reduce them to the minimum. That is all.

I shall propose by an amendment to this bill to define what shall be the proper angle of intersection between the end lines of a claim and the strike of the ledge. If all the end lines intersecting the ledge are parallel, one with another, there can be no conflict, because they can not come together.

The evil of the existing law has arisen out of the fact that veins are somewhat tortuous in their course, although there is always a general strike uniform in course. One man will locate his end lines at one angle across the ledge and another at a different angle, and when the planes drawn upon those lines proceed down on the dip of the ledge some of them would come together, and the question would be, first, who was prior in point of right. If they were both substantially at right angles to the general course of the ledge the court would give the property to the party having the prior location.

But a more serious question has arisen as to what angle a locator might intersect the course of the vein with his end lines. It has been contended in some cases that if his end lines intersected the vein more along than across the course, then he might not follow them as the bounding plane of his extralateral rights.

On the other side it has been contended—and the question has not yet been determined by the court of last resort—that if the line intersected the ledge in its course at all it became

an end line and constituted a plane upon which the ledge might be followed downward. These are serious questions. They involve property rights amounting to hundreds of millions of dollars in the United States, and Congress should afford some remedy; but it should not afford a remedy at the expense of the prospector and the locator of the claim to the extent of depriving him of the benefit of the thing that he has been supposed to acquire by reason of his location.

Let me illustrate. Taking this for the declination of the mountain [indicating], the ledge crops upon the mountain side. There the prospector makes his discovery and initiates his location by marking out the surface boundaries fifteen hundred feet in length running along the course of the ledge and 300 feet on either side of it—a convenient surface for working the ledge, which is the real object of his search. That ledge, dipping down into the earth, necessarily will depart from his surface lines, as I have said.

I doubt if there are three mines in the United States that have paid the expenses of location and development before the ledge dips outside of the surface lines of the claim. It has been only by reason of our existing law, which gave to the prospector or the miner the right to follow the ledge a given number of feet upon a segment of the vein 1,500 feet in length, and to follow it without regard to its passing outside of his side lines.

The law has worked most satisfactorily in this country. It is true that controversies have arisen; but, as I have said, they will arise over any question of property rights. They arise over the boundaries between city lots and between farms. We can not undertake to destroy or render valueless the mining interests of the Philippine Islands by adopting this new system because our existing law has in some instances resulted in controversy and expensive litigation.

You will not avoid expensive litigation, you will not avoid controversy, by confining the locator to the boundary lines of his claim, because a more important question, one that will involve more serious controversy, will arise, as it has arisen continually in British Columbia, and that will be as to who shall own the ledge after it dips out from the original location. Can it be located without first making the discovery of the ledge? The ledge does not crop there; it has already passed hundreds of feet, and it may be thousands of feet, into the earth. How are you going to have a location under a law that says no location shall be made until a discovery has been made of the mineral? How are you going to make another discovery of that ledge that has dipped down into the earth, where it can be reached only through the means of shafts hundreds or thousands of feet in depth? That is a question which arises and will arise every day under a law that confines the locator to the mineral that lies beneath the surface of the location. Why should you confine him to that? The surface of the ground, as I have said, is a matter of small importance. Unless you are to give a vast area of land, more than would be reasonable, you can not possibly give him enough of the ledge to warrant him in developing it, to warrant him in equipping the mine with the machinery incident and necessary to its development.

Under the existing laws in this country you give him so many feet upon the ledge, and he recoups himself for his labor and expense, if not within the boundaries of his claim, somewhere beyond. I know of great mines in this country that are mining from half a mile to a mile outside of their lines, and yet within the well-defined lines of the vein which they found upon the surface thousands of feet above in some instances. I know of mines in this country to-day that never paid a dollar of profit until they were from a quarter to half a mile outside of their line.

Who is entitled to the benefit resulting from the discovery of the mine? The prospector is entitled to it. If he is to be confined to his surface lines or what lies beneath them, he will reap no benefit from his discovery. If a man has a segment of so many feet along a vein, he can follow it so long as his industry will permit, until he is repaid for his labor.

Then, again, his mine will not command the price in the market to which he is entitled unless he has something more to offer than the portion of the vein that lies beneath the surface of the ground. He is entitled to the highest price represented by the value of the ledge which he discovers.

If our law, the law in force in this country that has been upon the statute book for more than a quarter of a century, is not a wise one, why not repeal it? If it is a wise law, and has been proven such by the experience of these years, why should we change it when we come to make laws for a newly acquired province of the United States? The mining in the Philippine Islands will not be done by natives; the ledges there will not be found by the Filipinos to any great extent. They will be prospected for and located by American prospectors and miners—men familiar with the laws of this country, men who for a lifetime have been prospecting for and developing mines under our laws. Why should we present them with a problem different from that with which they have become acquainted? They know how to locate a mining claim under our laws; they will know little about it under Spanish laws.

Mr. LODGE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. MCCREARY in the chair). Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. I have no idea of discussing the merits of the mining laws. I am not an expert on those questions. I simply wish to say to the Senator, in order that he may know the position of the committee, that the committee were guided by but one idea, and that was not to disturb the system to which the people of those islands had always been accustomed. I do not think we ought to undertake to impose new mining laws on those people, thereby opening the door to endless litigation, any more than I think we ought to change their weights and measures or attempt to force on them a new religion. We are dealing for them, not for ourselves. I am not questioning the wisdom of our own mining laws; but I do not want to destroy what has been, with some modifications, the universal system there ever since they have had any mining laws.

Mr. HEYBURN. Mr. President, this proposed law bears no closer resemblance to that system than it does to our own. It is not the Spanish system, nor the system of mining laws in the Philippines at all, but is the adoption practically of the laws of British Columbia, which were taken from the laws of Mexico.

Mr. MCCOMAS. I will ask the Senator from Idaho if he has heard any complaint from any person in the Philippines in respect of the mining laws; and if so, what was the complaint? Will he state that?

Mr. HEYBURN. Mr. President, I have heard universal complaint from American citizens who contemplate going to the Philippine Islands for the purpose of prospecting and developing that country.

Mr. MCCOMAS. Then I understand the Senator to say that the complaint he has heard is from people who have never lived under the law, and that he has heard no complaint from those who have been subject to it for two years.

Mr. HEYBURN. I have heard complaint from every American who understood mining who ever undertook to live under mining laws in Mexico or British Columbia. We have hundreds and thousands of miners and people interested in mining in our country who are as familiar with the mining laws of Mexico and British Columbia as men might be, and without exception, so far as I know, among those people who have thought and are capable of judging in this matter they prefer the American mining laws, and they are not without experience. We are not obliged to go to the Philippine Islands for advice and counsel upon this question, because we have the same system as is proposed here in vogue on either side of us. That system may be adapted to those countries. I do not know that it is, and it is immaterial to inquire; but I do know that it is not American. I know that it does not meet and will not meet with the approval of the only people who will ever develop the mines of the Philippine Islands—that is, the American prospectors.

We are not opening up the Philippines alone for the natives. We propose to inject into those islands the spirit and enterprise of Americanism. We have a vast number of citizens in this country who will participate in the development of the resources of that country if they are given an opportunity to do so.

We do not know as yet the extent of the mineral wealth of the islands, and we never will know if we rely only upon the natives. They have been there for four centuries and have not developed the country. You can put a little band of American prospectors in there, and in twelve months they will know more about it than the Filipinos do at the end of four hundred years.

The mines of British Columbia have been developed by American prospectors, as have the mines of Alaska and the mines everywhere within the United States. The act is for the benefit of American citizens. It says that citizens of the United States or of these islands may locate mineral ledges and mining claims. The act is as much for the benefit of American citizens as it is for the natives of that country.

There is nothing that will tend more to civilize them than to inject this element of Americanism in there. I am not in favor of changing the language as it applies to the measure of values

or of distance in that country until our language, which is now being taught in their public schools, becomes more familiar to them. I would raise no particular objection to that feature of the bill, but I would insist that the value of those mining claims should be upheld to the standard of value that applies to our own. Give a man so many feet on a ledge, bound him by planes that are not flexible or movable, and allow him to follow that segment of the vein down as far as it goes. That is what I appeal for. I say you are making a mistake; you are detracting from the value of the mines of that country. Men in this country who know about mining will not invest in a mining claim that is bounded as to its right by the surface lines, because it does not carry with it title and value sufficient to attract their attention or command their capital; but give those mines the limit of value that we give to our own and American capital will go there and develop them. Miners will know that they are not to be limited to a little area of ground less than 20 acres. It cramps the possibility of enterprise; it limits it down too close to say that they shall have nothing more than that. I say again, Why should we abandon a tried and satisfactory system to adopt a foreign one, except, as the Senator from Massachusetts [Mr. LODGE] has said, that it may be more convenient to those people that their laws should not be varied?

But we are in the field to bring those people to our way of thinking. When the mining laws were first adopted California was as Spanish as some of the Philippine provinces. When our mining laws were first adopted all the Pacific coast had been accustomed to laws such as we are proposing to force upon the Philippine people. They are not the laws of the Philippine Islands, except as we have by the act of 1902 made them their laws. They were no more familiar with them before that time than we were. Our mistake has existed for two years. Let us stop it now and go no further. I shall propose to incorporate into this bill the provision of our own statute on this subject, throwing around it such safeguards, without involving the statute in obscurity or uncertainty, as will prevent these objectionable conflicts by reason of diverging or converging lines.

I think there is no provision in this bill which it is more important to stop right now and consider and correct, because upon our action will depend the value of those mines, and they will have no considerable value if you enact this statute, because no man who knows anything about mining will invest or will furnish the capital to develop them. But place them upon the American plane, enact laws such as we are accustomed to and have been proven to be wise and sufficient, and there is no end to the American enterprise and American capital that will go into the Philippines and teach those people something they do not know, rather than to go into the Philippines and sink ourselves to the level of their darkness.

Mr. McCOMAS. Mr. President, the Senator from Idaho insists that we should legislate from our point of view for the 9,000,000 people in the Philippine Archipelago, who from the time of the aborigines, and historically for four hundred years of Spanish control, have lived according to their point of view. If we make laws according to our environment, our prejudices, customs, methods, aspirations, and beliefs, and not according to theirs, we will wipe out the splendid record thus far made in the American occupation of the archipelago.

In respect of the mining laws, the subject was in committee submitted to a subcommittee composed of Senator Rawlins, of Utah, who had great experience in mining laws and legislation, the Senator from Nebraska [Mr. DIETRICH], and myself. The Senator from Nebraska had been in the islands and the Senator from Utah had given this subject attention all the time. With such other information as could be had from those who knew the customs and the mining system that existed in that country, we united the best features of the Mexican and British Columbia mining laws, which many experts said was the modern and best system. This act was passed on the 1st of July, 1902.

I have heard complaint of legislation affecting the Philippines, and have used such opportunity as I have had, because I of course distrusted any knowledge I had on this subject, to learn what impression the mining law had made in that country, and I have been surprised to find from the only persons who did bring reports from the archipelago that the only complaint was as to terms. That was a simple oversight in legislation. They said that in the mining act the committee had been doing just what the Senator from Idaho now insists we shall do. We had used "dollars" instead of "pesos," and "acres" instead of "hectares," and "feet" instead of "meters."

We had inadvertently legislated from the American point of view. This bill corrects that defect, and the mining law is here to be reenacted with that change of terms only and with no other change.

Mr. HEYBURN. I should not like to go on record as having insisted upon retaining the dollar and cent enumeration.

Mr. McCOMAS. No, I should think not.

Mr. HEYBURN. I say I am perfectly willing to yield that.

Mr. McCOMAS. I should think so; and so are we.

Mr. President, this law has been found to suit those people. The Commission in the Philippines have accepted the law and only ask that these minor changes be made, using meters and kilometers and pesos and hectares instead of our own measures. They ask no other change. I am sure the Senator from Idaho is very familiar and expert in the mining laws of this country, but I think, and I submit it to his maturer judgment, that when the Commission asks no change except this, when the Secretary of War asks no change but this, when the Insular Bureau asks no change but this, that the law which has now been in force for about two years and a half, has been made of use, and to which the people have been accustomed, we ought not to make a great change now when they have not asked it.

I understand the Senator to admit that not a single complaint has been made, so far as he knows, about this law in the Philippines. He says that people as far off from the archipelago as we are here and perhaps people some of whom are as unskilled as I am in mining, say there should be a change. They have not been there to study and measure the effect and operation of this law. They have no information in respect of its defects. The only defects are those of nomenclature, and this bill makes a change of terms to suit that people. When that is done, I submit that all is done that should now be done at this short session of Congress.

The subcommittee and the full committee, the Insular Bureau, and the Commission and the Secretary of War have said that this Mexican law is satisfactory, modified in some respects by that of British Columbia, which is asserted by expert men to be a very essential and important modification.

I assert from full information that the main plan of this mining law, to grant by patent a rectangular surface of mineral land about 300 feet each way, with a right to go down vertically in the earth and claim only minerals within these surface lines, is the best advance of modern mining laws.

Mr. KEARNS. Mr. President, I wish to say a few words on this subject. As an American prospector and on behalf of the American prospector, I take issue with my friend the Senator from Idaho [Mr. HEYBURN] in regard to this matter. I trust that the provision will remain in this bill as it is. Not only that, but I sincerely wish that the American law was framed upon similar lines, that mineral rights were governed by the vertical surface, drawn on a plane down through the earth. Then every prospector would know what he had. To-day, if a prospector goes out on the mountain and there discovers precious metals and develops a mine and starts to shipping to the market, he does not know whether it is his or not. Extra lateral rights drawn through the earth on the wide-vein theory give our American laws too much elasticity.

The amendment in the pending Philippine bill measures the surface and gives to every locator all the mineral that is within that surface by metes and bounds on that surface. If his vein should dip in through and outside of that—if he is a miner he knows when he makes the discovery which way the vein is dipping—and he is at liberty to locate the ground around the outside. To-day, with our locations governed by extra lateral rights, the erosions of the canyon make it almost impossible to lay a location over it covering the outcrop of that vein by both of the end lines. You have all been in the mountains. You know how the canyons run down through them, how the rocks are eroded away, how the outcrop of the vein makes a circle.

As I understand the mining law at the present time, if you make a discovery on the surface, you stake your claim, and if the outcrop should cross the side lines at less than an angle of 45° your side lines become your end lines and you have 600 feet on the dip. If it passes through in one end here [indicating] and out the side line, the other side line is drawn in to where the outcrop intersects the end line, and you get that on the dip. But if two claims are placed on the ground to cover the outcrop, not on the same course, but at an angle as it passes down into the earth, one may pass the other. What has been the result? Untold litigation.

There has been, I venture to say, one-third as much spent in litigating and perfecting the titles to mines as there has been in discovering and developing them. Under the law as it will be established by this bill there will be given to every individual just what is on the surface. The simplest prospector will know what he has. Our coal law is on the same principle. It is easy to interpret; it is simple.

There is a growing sentiment among the mining men in this country to establish vertical surface. I venture to say that the great majority of practical men want it, and it will afford to the prospector the protection he should have.

As a miner and as a practical man, I only wish that we could amend the American law and adopt the system which is now carried on in both Mexico and Canada and is embodied in the Philippine bill. It has worked satisfactorily. Go into Mexico or into Canada to-day and secure a location, and you have no trouble. It is just the same as with town lots. You own everything that is on the surface and under the surface within the lines drawn vertically.

The Senator from Idaho [Mr. HEYBURN] made the remark that the rock is often discovered on the surface, and in many instances you follow it into the earth before you get values. But there are many cases where it never comes to the surface, where the underlying formation that carries the metal does not break up through the overlying formation and crop out on the surface. In that case this extra lateral right or apex law does not apply.

He says again that where this vein is claimed by two individuals, the prior location holds. If we maintain this law, the location itself will hold. Every man knows his own location and what he has. In some cases mineral occurs in contacts underlying a limestone, a quartzite, or whatever the formation may be, and never does outcrop. In that case the apex law is unable to reach it.

Then, again, take a vein that may be found in dolomite limestone. It may be 5,000 feet wide. The party who held the location that controlled the foot wall would claim it. Five thousand feet above a pocket of ore may be discovered, and it would be claimed by the man who owns the hanging wall. That is the wide-vein theory.

I have fought some of these mining suits. I started as a prospector. I know something about it from the practical end. In a heavy mining suit it is a matter of financial endurance, and the man who stays the longest generally gets the vein. I have long wished that the American Congress would establish vertical surface, and give us the same rights in precious-metal mining that exist in coal mining. It would stop a great deal of litigation and much fraud in that industry.

Mr. HEYBURN. I should like to ask the Senator a question. How would he get title under existing law after it passed under the side lines?

Mr. KEARNS. By locating the surface on that side that it passed out through.

Mr. HEYBURN. Without a discovery of mineral—guess that the mineral was under there?

Mr. KEARNS. If you see your vein passing out, you know which way it is going if you have ever located a claim.

Mr. HEYBURN. Mr. President, the situation is obvious and is one of serious importance. Of course a mining company or an individual sufficiently strong financially could locate a lot of fraudulent claims out in front of the dip of the ledge, locate claims upon the guess that the vein extended under them, and protect itself or himself; and I know a number of cases where they have done so.

I know where a big mining company has, without the making of any discovery of mineral, located sixty-five claims without a surface indication of mineral, in order to keep other prospectors off. The theory suggested by the Senator from Utah is equivalent to saying that you give the man one end of the rope and he may take all of it. You give him one location legally, and he may steal twenty pieces of land from the Government. That is what it amounts to. The law as it is now gives him a segment of the vein, and that is his. It does not matter whether it dips at an angle of 10° or at an angle of 89°. It is his. It is the vein they are after, not the surface ground. But if these aggregations of wealth are not content with that which they have bought, and seek to add to it, then fraudulent locations can be resorted to. Of course they do not want anybody to have extra lateral rights as against them. Extra lateral rights really mean that the locator of the segment of the vein may follow it on its dip between the planes of its end lines. They give him so many feet of a vein of mineral-bearing rock in place, not so many acres of surface ground, except as an incident for the convenience of working his claim.

I know where the influence comes from that is seeking to adopt the Mexican system or the system contained in this bill. It comes from those who want to acquire vast areas of surface ground and deprive the prospector of the right to prospect upon it, to shut him out, to patent him out. If I could present to you some of the maps of the mining camps of the United States you would understand the proposition. For instance, in one case that I have in mind, they numbered the claims from 1 up to 26. Making a discovery of a vein, they located all the law allowed them on each side of that vein and then commenced on locations without any discovery—1, 2, 3, 4, 5, 6, and so on—and patented them, because at that time there was no one alert on the ground to see to it that the law was not violated in this way. But preserve to the locator the right which the law gives him to his vein, and he will take care of the question of the surface rights of those under whom he may pass.

It does not detract from the rights of the surface owner that a man is following a vein upon a dip under him, because he is confined to the walls of his vein, and the man on the surface may have another parallel vein that he is following on a higher plane, and somebody else may be following under him on the dip. It can injure no one. Avoid this complication of conflicting planes and you have solved the question and removed every possible objection from it.

Geology does not differ in the Philippines from the known rules under which it exists elsewhere. Veins in these mountains will be found to dip as they do in Nevada or Utah or Idaho, and we may safely adopt the same rules that have been found sufficient in those States.

I can not agree with the suggestion of the Senator from Maryland that we should disregard the American feature of this question. I can not agree that we should look only to the welfare of the Filipinos in this matter. We should teach them something from our experience. Our laws have been interpreted by the courts; they are clearly defined, well understood, and well applied. Now why commence at this age to learn something new in mining law?

Mr. DIETRICH. Is it not true to-day that a large number of the largest mineral producing properties, especially gold bearing, are not veins at all, but are simply large bodies of ore that are not confined by any walls, and that you can not possibly follow the dip at all that extends beyond the side lines?

Mr. HEYBURN. I suppose, Mr. President, that the Senator refers to the Homestake mine in Dakota and to the Treadwell mine in Alaska.

Mr. DIETRICH. No; the mines in Colorado.

Mr. HEYBURN. The mines in Colorado were supposed at first to be mere deposits, but upon development they proved to be well-defined veins; and a glance at the geology at Leadville and other Colorado districts, as published by the Government as the result of the geological surveys, will show that the first impression as to the character of those veins was entirely wrong. They proved to be well-defined veins, with hanging and foot walls, which passed into the earth at an angle which the courts have said under our statutes might be followed upon their downward course.

In the Black Hills, in the Homestake mine, they found where these bodies of ore had been thrown out into a great mass, but when they get beyond that abnormal condition the vein takes up its course and goes down to the source from which it came, between walls. The same is true of the Treadwell mine in Alaska.

While they were vast aggregations of ore that looked merely like a mass of quartz that had been thrown out of the earth by some process, yet by development that ledge has picked up its character, and its boundaries are as well known to-day as are those of any other ledge which has been developed in the country. Abnormal conditions may exist anywhere. I speak for the general system of mining as it has been developed in all countries.

This bill applies to ledges. It does not apply to quarries. If there are deposits, they do not come within the provisions of this bill, you will have to have some other law for them. This law does not pretend to be applicable to anything but ledges of mineral-bearing rock in place.

Mr. KEARNS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. KEARNS. In regard to the purpose of this law, to give great corporations the control of vertical surface, I take issue with my friend the Senator from Idaho. We have empires in the Rocky Mountains that are producing nothing, and a man who would patent the land and pay taxes on it would be a benefit to the State and a public benefactor. If those corporations locate the surroundings of the outcrop to take it away from the prospector, it is one of those cases where the prospector could never reach it. I call the Senator's attention——

Mr. HEYBURN. I presume the question which the Senator had in his mind to ask me when he rose——

Mr. KEARNS. I thought the Senator was through.

Mr. HEYBURN. No. The Senator confesses the evil to

which I directed the attention of the Senate. It is because of this change or proposed change in the law that the prospector can not reach it. He ought to be able to reach it. The prospector should under the law be able to reach that vein wherever it is not owned or has not been appropriated by some other prospector, and to say that the man who discovers the outcrop can stand there between the surface to the extent of his boundaries and the vein on its dip beyond forever or be permitted alone to avail himself of the ledge on its dip is the evil of which I complain.

Mr. KEARNS. It is to protect the prospector from a legal steal and to give him what is within his own vertical surface.

Mr. HEYBURN. Mr. President, upon some other occasion it may be necessary for us to take up with more detail and more extended consideration this question as applicable to our own laws. But I merely desire at this time to point out to the Senate the evil that will flow from this legislation. I know there are a number of men in this country who are in favor of what we call the "square claims" and in favor of limiting the rights of the miner to the surface boundaries of his claims and that which lies beneath it. But in ninety-nine cases out of a hundred they are men who are able to head off the prospector and shut him out by getting one valid location and locating twenty fraudulent claims in front of it. It is being done every day.

I think now that I have presented this question as fully as I desire to do at the present time.

Mr. McCOMAS. The Senator from Utah has so clearly and admirably stated the plan of this proposed law that I am content to leave that matter just where his statement left it. But the Senator from Idaho, I am sure, is mistaken in some respects when he says that under this law it will be easy for large corporations or holders to get a great quantity of land upon claims, real and fraudulent.

Mr. HEYBURN. May I interrupt the Senator from Maryland?

Mr. McCOMAS. Certainly.

Mr. HEYBURN. That is just what the Senator from Utah said. He said they could "locate," that they could get one good claim and locate these other claims for "protection," as he called it, without regard to the discovery of minerals.

Mr. McCOMAS. But if the Senator will read sections 29, 31, 36, 37, and 39 (and I can not take the time of the Senate to read them), it will be shown that after the discovery the location must be made; that the location must be 300 meters each way, measuring the discovered land perhaps 100 on one side or 200 on the other, or 150 on each side. The location must always be rectangular, and then the holding under the location goes vertically down through the earth, and it must be mineral land.

Mr. HEYBURN. I should like to ask the Senator——

Mr. McCOMAS. Let me finish my statement and then I will yield. Having done that, he must within a number of days set the posts. He must within a certain number of days apply to the secretary of mining registers. He must then take certain other procedure which gives him a preliminary claim which he has thus staked and marked by his poles. He must give publication of this fact, and then he must within each year work really for a certain time upon the claim. If he fails to do these things, he then fails to obtain the claim he endeavored to establish, and it becomes open to new location.

I am making a general statement. I know it is possible under any system of laws to preempt public lands in our country and to obtain mining locations. The Senator will see it throws around every safeguard that men of considerable wisdom in this committee could give, after having been put into system here.

Mr. HEYBURN rose.

Mr. McCOMAS. I will yield to the Senator from Idaho.

Mr. HEYBURN. I should like to inquire of the Senator how under this law you can obtain title to a ledge after it has passed the side line on its dip. The Senator says he must make discovery. How can you discover that ledge? At what point?

Mr. McCOMAS. I think the Senator from Utah, who has risen, can give a more expert answer.

Mr. HEYBURN. No; the Senator from Utah claims that he does not have to discover it; that he can make a location on the apex of the ledge.

Mr. KEARNS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Utah?

Mr. McCOMAS. Certainly, I yield to the Senator.

Mr. KEARNS. It is done by acquiring the surface vertically down into the earth.

Mr. HEYBURN. But how acquire it without making a discovery?

Mr. KEARNS. I will ask the Senator from Idaho if there are not many mines in his State to-day which are producers where they never discovered the mineral on the surface?

Mr. HEYBURN. They discovered it by sinking for it. After the ledge has dipped out from under a claim at an angle of, say, 50 or 60 degrees, how deep below the surface would that ledge be and how practicable would it be for any prospector to find it?

Mr. KEARNS. It might be from 1 to 1,000 feet.

Mr. HEYBURN. In that case would it be available to the prospector?

Mr. KEARNS. Then it should be developed by capital that could develop it, if the prospector who had no means was unable to reach it.

Mr. HEYBURN. Yet this is the result: If the man with capital came along and saw a prospector in possession of that rich surface outcrop that indicated a good mine, he would go over and get in front of the prospector's line and expend money enough to sink down and take away from the prospector the ledge which he had found.

Mr. KEARNS. If the Senator will permit me, he would own the vertical surface that he had located down through the earth, and the capitalist would come along and acquire title because his right to the vein was established. He would go across the mountain a mile away and get the outcrop, wherever it might be, and call in the aid of the court to establish that fact.

Mr. HEYBURN. I should like to ask the Senator: Suppose the prospector who had the surface did not want to sell and a capitalist went there in front of his line and sunk down and took the ledge away from him just where he began to get pay ore?

Mr. KEARNS. When he went down where the pay ore ended he would have to stop at the prospector's end of the line, because that had established the title to the vertical surface drawn through the earth, and the prospector knew when he got that title just what he owned.

Mr. HEYBURN. Then this act is a bid for men to go through mining countries and discover prospectors who have fair outcrops and good promises and to go over beyond their lines and sink down and head them off. It is a bid for that kind of a thing.

Mr. KEARNS. The prospector is a man who has knowledge of the value of the country, and he should, before capital comes along, acquire title at Government price and have his location made.

Mr. HEYBURN. Then, I understand the Senator from Utah believes that under this law a man may locate the outcrop and the same man may locate as many claims in front of it as he may see fit. Why, then, limit him to fifteen hundred feet? Why not give him 40 acres or 100 acres?

Mr. McCOMAS. I think the Senator from Utah has very well answered the matter in the mind of the Senator from Idaho. The location of a mining claim upon land can not be upon any kind of land, but it must be upon land containing specified minerals, and when it is made it is limited to the one location a thousand feet practically each way, in a rectangle, and that to one person alone. If he has it there, it is in his holding; he does not have it a thousand feet or a mile away; and the interlacing and entanglement of western lawsuits in respect of mining claims, which the Senator from Idaho knows much better than I do, can not occur. The very motive of this whole law was to prevent that sort of thing.

I can not conceive for the life of me—I mean as a lawyer and not as a mineral lawyer—how there is a chance here for large holdings of this land. We limit to one man what he can hold. If it is not mineral land he can not hold it.

There is another virtue in this matter. If a man locates upon mineral land there is a prior right of the Philippine government to take that land and reserve it from mineral holding. When the man loses at any time his claim he can not go and jump somebody else's. There can be a relocation under the method pointed out in the sections I have named, and he industriously follows it to a conclusion. He has no title that loses his claim.

I can say that we should not change a law that has had two years and a half satisfactory endurance by the people. I wish to remind the Senator from Idaho that while it is what is known as "the American system" here, Spain and Great Britain have been the countries dealing most with mines for centuries. The development of mining laws began with those two nations long before we accepted what seemed in the minds of many to be an unhappy mining system here in this country. This law embodies the ultimate of the British experience of centuries and the ultimate in Mexico of the Spanish experience of centuries, and makes as definite as can be the holdings of men claiming minerals in the body of the earth. I am quite convinced if it

had been a great mistake there would have been some complaint about it. The only complaint is made by the able Senator from Idaho, who, like myself, has not been there; who, like myself, has heard no complaint of this law, and I think perhaps he had better not now experimentally change, especially as the Senator is not prepared with a system, and the Senator from Utah I think quite convinced those who listened to his experience in mining that this is a system we have wisely followed and the best system applicable in any country. There is no better system to substitute for it, and we have done the best possible for the people of the archipelago and their mining interests.

Mr. HEYBURN. The Senator overlooks the fact that the adoption of this system by the Canadian-British Government is only three or four years old; that up to a few years ago the same system prevailed in British Columbia that we have, and they have adopted this as an experiment; and if you will take the sentiment of the people in British Columbia you would find that they are ready to go back to the other system. This is a system that will promote litigation and controversy. This is a system that will make lawyers rich if they can collect their fees. The other is a system that gives a man a definite estate, which no man can take away from him. Under this system every claim located in front of the location having the apex will be the subject of litigation, and every other one in front of that, and the only way a man can get the ledge after it passes outside of his line is to steal it. That is the right of it. That is the experience in British Columbia, where the square claim of law has been recently adopted. That is the experience in Mexico, where they have a different system of government to deal with the question.

The only way to get the value of the ledge is to steal it under the square-claim theory. It does not belong to anybody under this law. There is no limitation in this law as to the number of claims a man may locate. He may locate one because he has a ledge within it. He may locate twenty on the guess that there may or may not be a ledge there. He may do his work all in one tunnel or in one place and claim credit of application to all those claims. I think if the Senator could be upon the ground among the mining men he would soon see or learn that the sentiment in favor of the American system is so overwhelming they have never yet been able to change it.

Mr. McCOMAS. If they have had it as a new system four years in one place, longer in Mexico, and we have had it as a new system for two and a half years, let us not be premature after two and a half years, and let us see if they change it. The informaton the committee had was quite different from the impression of the Senator now. It was that they are pretty well pleased in the two countries with the system we have here applied.

Mr. HEYBURN. If I may make a suggestion, I think we have hardly had time to deal with the working of a system so far away in so short a time. In Mexico titles are mere concessions. With us a title is something recognized by law, maintainable under the law. That is the difference. They are mere concessions in Mexico and based upon the law adopted there, which is a mere rule adopted there before the formation of the Republic. No harm will be done the Philippines by any change we may make now. Does the Senator know whether any mining locations or titles have been obtained under existing law in the Philippine Islands?

Mr. McCOMAS. I do not know anything about it. I have inquired and I have been told that the law operates very satisfactorily. My inference, of course, is that it operates in respect to men who have located the claims.

Mr. HEYBURN. Does the Senator know of any American capital or enterprise having gone in there under this law—this departure from the other system?

Mr. McCOMAS. Of course I have had no opportunity for specific information. We have the recommendation coming here from the Insular Bureau of the War Department, from the Secretary of War, approving what has been done, and simply changing terms. That is more important than a single instance or a dozen instances. The best impression, from what I have heard, is that, so far as the law has had time to operate, it has operated very satisfactorily. I do not pretend to tell the Senator that I have personal knowledge of any letter or communication from anybody except the official indorsement of those I have named, who are in special charge of the Archipelago.

Mr. HEYBURN. The question arises, What opportunity have they of knowing about it?

Mr. McCOMAS. I can not tell as to what they know or the grounds for their information.

Mr. HEYBURN. I have no disposition to favor a change without some well-defined reason, and where we have a system that has been long in use, it should not be changed without a full knowledge of all the facts and circumstances.

Mr. NEWLANDS. I wish to offer two amendments to the bill now under discussion. I ask to have them printed and lie on the table.

Mr. McCOMAS. Let them be read.

Mr. NEWLANDS. Yes; they can be read.

The PRESIDENT pro tempore. The amendments will be read at the request of the Senator from Maryland.

The Secretary read as follows:

Strike out section 4 and substitute the following:

"That for the purpose of constructing, equipping, operating, and maintaining railroads using steam, electricity, or other power in the Philippine Islands the general government thereof is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denomination and payable at such time or times not later than forty years after the date of the approval of this act as may be determined by such government, with interest thereon not to exceed 2½ per cent per annum. The United States shall guarantee the payment of the principal and interest of such bonds, and such guaranty shall be attested by the Secretary of the Treasury. The general government of the Philippine Islands may either operate such roads when constructed or may lease the same upon such terms as it may deem advisable. Such general government shall set aside annually, either from the profits resulting from the operation of such roads or from the moneys paid for the lease of such roads, or from the general fund if necessary, $1,500,000 per annum, from which shall be paid annually the interest upon such bonds, and the balance shall be annually applied to the redemption thereof until such bonds are entirely redeemed and paid: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at one time the sum of $35,000,000: *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States."

Mr. NEWLANDS. There is another amendment which I propose to offer in case that amendment fails. I offer the amendment that is now to be read to come in at the end of section 4.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

Add to section 4 the following:

"*Provided further*, That after the construction of any railroad under this section such railroad shall pay to the general government an annual tax of 1 per cent upon the gross receipts of such railroads for freights and fares for the period of five years, and thereafter such tax shall be increased at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent; that such tax shall be in lieu of all taxes, general, provincial, or municipal, and shall be in lieu of all taxes upon either the railroad itself and the property connected therewith, or on the stock and bonds issued by the corporation owning such road. And the bonds and shares of stock issued for the construction of such railroad shall be exempt from taxation by the Government of the United States or by the government of the Philippine Islands, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia: *And provided further*, That in the law permitting the construction of such railroads the power shall be reserved to alter, amend, or repeal the same, and that no distribution of profits or dividends upon such railroad shall be paid to the stockholders in excess of 7 per cent per annum, and the said Philippine government shall have the power, in case the gross receipts exceed an amount sufficient to pay operating expenses, taxes, reasonable salaries, and dividends at the rate of 7 per cent per annum, to apply such excess to a reduction of rates of freight and fare."

Mr. McCOMAS. The first amendment, I understand, proposes the Government ownership of railroads.

Mr. NEWLANDS. Yes, sir.

Mr. McCOMAS. A form of experiment which, it seems, is adding a very extensive and bold experiment to the experiment we already are making in the archipelago.

Mr. NEWLANDS. I will simply state to the Senator that the proposition made by the committee involves one form of paternalism, and that is the aid of the government of the Philippine Islands to these roads in private ownership. The construction of the roads by the Philippine government simply involves another form of paternalism, and if one is objectionable the other is also; but if either is necessary, I prefer the construction and ownership by the Philippine government simply because I feel assured that it will save more to the Philippine people and will tend to the better government of the Philippine Islands.

Mr. McCOMAS. Mr. President, I think that section 4, as proposed by the committee, is much wiser than either amendment of the Senator from Nevada. If the experiment of state socialism is to be tried the American people had better meet it wholly on their own soil under their own Constitution.

Mr. NEWLANDS. I will state to the Senator, if he will permit me, that the United States Government has already started in this line. We have concluded to construct the Panama Canal. We could have, by a guaranty of income, secured the construction of that canal by private capital, as is contemplated here. We took the other step because, from a business standpoint, we thought it more advisable. In addition to that, we have secured on the Isthmus of Panama a railroad, and we are now engaged in its operation.

Mr. McCOMAS. The railroad is only the length of the width of the Isthmus, and that is the one canal of the whole round globe. There is not another isthmian interoceanic canal. But

if you have one railroad built by the state, you will have them all controlled by the state. It seems to me the Filipinos, for whose liberties and personal comfort the Senator from Nevada, I remember, talked a while ago so eloquently, ought not to have imposed upon them these advanced experiments.

In respect to the taxation, it seems to me there is something of a delusion about issuing a bond and making it liable to a heavy taxation, when, in fact, from human experience we know that as soon as these bonds are issued they are hidden away, bought from brokers and bankers, no longer traced, and nobody pays any taxes on them. It seems——

Mr. NEWLANDS. Will the Senator yield to me?

Mr. McCOMAS. Wait a moment. It seems that a modern and cheaper method is that the Government should be the tax collector upon every bond by issuing a bond at such a low rate of interest without tax that the Government becomes, from the issuing of the bonds, the collector of the tax that ought to be on it. It takes the tax out of the annual interest; there is no expense of collection; there are no books or returns. I think it is far better to let the Government now issue 2 per cent Government bonds, for instance, which are desirable for bank circulation, than it was in times of extremity to have issued a 6 per cent bond with a 2 or even a 4 per cent tax. In the Philippines, in respect to the six millions of money to pay for the friar lands, the Commission have been able to have those certificates, the equivalent of a bond, taken at an average of 1.7 per cent interest for the one half of that fund and 1.4 per cent interest for the other half of the fund. As these bonds are exempt, and at the lower rate of interest at which they will negotiate and to the limit of only a million and a half, they have this privilege, to extend it thirty years. Instead of paternalism by owning railroads by the Philippine government, a government now formative and developing, it is simply a subvention to that extent, limited in time, limited carefully to a small amount. If the railroads are built—and without the railroads there is no development there—it is an encouragement to that limited extent, year after year, for thirty years, to build partially the railroads. If the money is paid, it will be paid back to the Government. If the railroad fails, the Government misses each year that small amount of money. What was the question of the Senator?

Mr. NEWLANDS. I wish, before the Senator proceeds further in his argument, to correct the misapprehension which he has indulged regarding this amendment. He seems to assume that the amendment provides for the taxation of the bonds to be issued by the Philippine government. On the contrary, it expressly exempts them from taxation, not only in the Philippine Islands, but throughout the United States.

I quite agree with the Senator from Maryland that the true theory of taxation should involve simply one tax upon the railroad itself, whether it be in the shape of a property tax upon the railroad or in the shape of a tax upon the gross receipts, and that that tax upon the property of the railroad or its gross receipts should be in lieu of all taxes upon the bonds or stocks, so that the bonds and stocks could be issued without permitting any tax whatever to be imposed upon them either in the Philippine Islands or in this country. That very fact, it seems, would facilitate the financing of this railroad enterprise.

Mr. McCOMAS. To what tax does the Senator refer?

Mr. NEWLANDS. The tax provided for in my amendment is simply a tax upon the gross receipts of the railroad. I add there two amendments. The amendment which the Senator is considering is one which is to be added to the text of section 4, in case section 4 remains in the bill. It is intended simply to provide for a system of taxation of the railroad company itself by a tax of 1 per cent during the first five years on its gross receipts, and thereafter a gradual increase until the maximum of 5 per cent upon the gross receipts shall be attained, declaring that that tax shall be in lieu of all other taxes, and shall be the only tax imposed upon the railroad or its stockholders or its bondholders.

I quite agree with the Senator that it is a great mistake to tax the railroads and then tax their bonds and stocks. If you tax the railroads and then tax the bonds and stocks it is double taxation; it is taxing the whole in the hands of the corporation and the parts in the hands of the bondholders and stockholders who have simply interests in the property of the railroad corporations.

Mr. SPOONER. Is the Senator speaking to his amendment?

Mr. NEWLANDS. Yes.

Mr. SPOONER. Is it the first amendment?

Mr. NEWLANDS. No, the second amendment.

Mr. SPOONER. I did not hear that. Let the second amendment be read.

The PRESIDENT pro tempore. The Chair is informed that the amendment referred to has been sent to the Printer.

Mr. NEWLANDS. I have a copy of the amendment which can be read by the Secretary.

The PRESIDENT pro tempore. If the Senator will send his copy to the desk it will be read by the Secretary.

The SECRETARY. It is proposed to add to section 4 the following:

Provided further, That after the construction of any railroad under this section such railroad shall pay to the General Government an annual tax of 1 per cent upon the gross receipts of such railroads for freights and fares for the period of five years, and thereafter such tax shall be increased at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent. That such tax shall be in lieu of all taxes—general, provincial, or municipal—and shall be in lieu of all taxes upon either the railroad itself and the property connected therewith, or on the stock and bonds issued by the corporation owning such road. And the bonds and shares of stock issued for the construction of such railroad shall be exempt from taxation by the Government of the United States, or by the government of the Philippine Islands, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia: *And provided further*, That in the law permitting the construction of such railroads the power shall be reserved to alter, amend, or repeal the same, and that no distribution of profits or dividends upon such railroads shall be paid to the stockholders in excess of 7 per cent per annum, and the said Philippine government shall have the power, in case the gross receipts exceed an amount sufficient to pay operating expenses, taxes, reasonable salaries, and dividends at the rate of 7 per cent per annum, to apply such excess to a reduction of rates of freight and fare.

Mr. McCOMAS. The senior Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on the Philippines, in charge of this bill, has by a proviso greatly improved the amendment which I presented yesterday and had printed. As it is in much better and more satisfactory form as now modified, I desire to withdraw the amendment I then presented, and to offer this in lieu of it, as it has been changed and improved by the chairman of the committee.

The PRESIDENT pro tempore. The Senator has the right to withdraw the amendment. The amendment is withdrawn by the Senator from Maryland.

Mr. McCOMAS. In lieu of that I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Does the Senator desire that the amendment shall be read?

Mr. McCOMAS. I think it had better be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. It is proposed to strike out section 5, and in lieu thereof to insert the following:

SEC. 5. That the Philippine Commission, and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power, from time to time, to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago:" *Provided, however*, That any amendment or modification of the existing tariff made hereunder shall not take effect until it shall be transmitted by the Commission, or any subsequent Philippine legislature, to the Secretary of War, who shall, after due advertisement, grant hearings to any person interested in respect to the proposed amendment or modification, and until it shall have been thereafter approved by the Secretary of War by authority of the President.

Mr. LODGE. To that amendment as amended I have no objection, Mr. President. I think it carries out the purposes of the War Department.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. The Chair supposes the Senator from Massachusetts does not wish the amendment to be acted upon now.

Mr. LODGE. No; I do not expect any amendment to be acted upon until 3 o'clock to-morrow.

Mr. PLATT of Connecticut. I should like to ask a question for information. Can the Philippine legislature, even with the approval of the Secretary of War, be clothed with authority to make a tariff for a portion of the United States which shall not apply to other portions of the United States?

Mr. LODGE. This is a tariff which applies now only to the Philippine Islands.

Mr. PLATT of Connecticut. Well, Congress did that, did it not?

Mr. McCOMAS. Congress approved it.

Mr. LODGE. Yes; Congress approved it.

Mr. PLATT of Connecticut. Then it became the act of Congress. Now, is it proposed to clothe the legislature of the Philippine Islands, or the Commission until that legislature exists, with the power, subject to the approval of the Secretary of War, to make a tariff for one portion of the United States which shall be different from the tariff prescribed by Congress for the whole United States?

Mr. LODGE. Subject to repeal or modification by Congress.

Mr. PLATT of Connecticut. It does not say so. It says "when approved by the Secretary of War."

Mr. LODGE. I beg pardon. It says, "subject to repeal or modification."

Mr. PLATT of Connecticut. Well, the question still remains unanswered.

Mr. LODGE. But this tariff has no relation whatever to the tariff of the United States.

Mr. PLATT of Connecticut. It is a tariff for a portion of the United States. What becomes of the provision of the Constitution that taxes shall be uniform throughout the United States?

Mr. LODGE. If that argument were carried out, would it not apply to the Dingley tariff?

Mr. SPOONER. It is a tariff relating to property belonging to the United States but not yet incorporated into the United States, according to the decision of the Supreme Court.

Mr. PLATT of Connecticut. I merely asked for information. I thought perhaps that was a question that ought to be considered if we were to make a tariff applicable to imports into the Philippine Islands without the action of Congress.

Mr. SPOONER. Mr. President——

Mr. McCOMAS. Mr. President, if the Senator from Wisconsin will allow me, as the Senator from Connecticut will find, the amendment reads:

> That the Philippine Commission and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power from time to time to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago."

That act was a tariff enacted by the Commission in the Philippine Islands, recommended by the Secretary of War and approved by the President, and the act of Congress says thereafter that it approves the act. This simply follows the same method. The chairman of the committee, the Senator from Massachusetts, has made it even more careful by adding a proviso as to what method the Secretary of War shall take before the President approves. It is the administrative features and not largely the rates which are needed to be changed in the Philippine tariff. This enables the Secretary of War and the President to approve such changes when made by the Commission or by the legislative assembly if it ever comes hereafter.

Mr. PLATT of Connecticut. Still, Mr. President, I think that the language of the amendment provides for the taking effect of such a tariff without the approval of Congress.

Mr. LODGE. Without the direct approval.

Mr. PLATT of Connecticut. Without the direct approval of Congress.

Mr. LODGE. That is the change that is made.

Mr. PLATT of Connecticut. It puts it in the power of Congress, of course, to repeal or modify the act; but the act takes effect without the approval of Congress.

Mr. McCOMAS. Until Congress shall change it. It is desired now to change something about the length of threads and the making of measurements they have on certain things, and they do not want to wait five years. They have waited three years already.

Mr. SPOONER. Mr. President, I ask the attention of the Senator from Connecticut [Mr. PLATT]. I suppose the question raised by the Senator from Connecticut is whether Congress can delegate the power to this Commission to make a tariff at all?

Mr. PLATT of Connecticut. Precisely.

Mr. SPOONER. Of course, it is certain that Congress can not disable itself from changing any tariff it has authorized. So the reservation amounts to nothing, as the Supreme Court has held. It is not necessary for Congress to reserve the right to abrogate an act of a Territorial legislature. That right could not be parted with. The Senator from Maryland [Mr. McCOMAS] does not meet the question suggested by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Let me put it in another form. Suppose the Congress says that the Secretary of War shall make a tariff for the Philippine Islands, which will be good until repealed or modified by Congress. That will present the question in concrete form. It does not necessarily go through the Philippine Commission; it goes to the finding made by the Secretary of War. Now, suppose that we leave out the Philippine Commission, and say "the Secretary of War is hereby authorized to make a tariff for the Philippine Islands, which shall be enforced unless modified or repealed by Congress." Would we have the right to do it?

Mr. McCOMAS. Then what becomes of all the volume of law passed in accordance with the act of Congress under which the Philippine government is constituted and has been exercising power and dominion for all these years?

Mr. PLATT of Connecticut. I have not kept very close track of it, but I supposed that those laws had been approved by Congress.

Mr. McCOMAS. They were approved by Congress and went into effect under the war power. When the President and Secretary of War were enabled to constitute the Commission those laws were in practical operation; but the time came when Congress approved those laws. I understand the Supreme Court has in effect in the Porto Rico case upheld the right of preliminary legislation in those possessions and as to other property of the United States. If the Senator from Connecticut be right, then every statute or ordinance that was passed either last year or the year before is not a law until Congress approves it. If a law or ordinance is made in respect of the public health in Manila, it is not in effect, if I correctly understand the Senator from Connecticut. I think the Supreme Court has held what I have stated in the insular cases.

Mr. SPOONER. Mr. President, I am not at all certain how much there is in the proposition made, or rather in the doubt suggested, by the Senator from Connecticut.

Mr. PLATT of Connecticut. I did not express any opinion.

Mr. SPOONER. I changed that and said "the doubt suggested by the Senator from Connecticut." But there is a clear line of demarcation between the great body of legislation as to the Philippines and the question raised by the Senator from Connecticut [Mr. PLATT]. The Constitution provides:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The general rule is that Congress may not delegate to subordinate tribunals——

Mr. PLATT of Connecticut. Legislative power.

Mr. SPOONER. Legislative power. But one exception to that rule, and one that has existed from the foundation of the Government and has been maintained up to to-day, and of necessity so, is the delegation of administrative or ordinary governmental power in the Territories.

This clause of the Constitution confers upon Congress the power to make rules and regulations for the government of the Territories; but to say that Congress may not delegate local powers would practically render it impossible for Congress to govern the Territories. If every rule, every regulation, for the government of the Territories must be made by Congress itself, and evey modification of such rules and regulations likewise made by Congress, it would be simply destructive of the power. So, from the beginning of the Government Congress has delegated power. It may govern, as it did Louisiana, by a council. It conferred all legislative power upon that council—which was very queerly constituted, too. It may govern a Territory by a Commission and may give ordinary legislative power of local government to commissioners. In the Territorial legislatures Congress authorizes them to exercise, delegates to them, the local legislative power. The same rule as to the delegation of power holds good as to the State legislatures. The State legislatures delegate powers, governmental and local, to municipalities—the power to make ordinances, and all that. From the beginning it has been confessed that an exception to this general rule that delegated power can not be delegated is found in the case of local government.

But when you come to the question of taxation there is another clause in the Constitution which confers upon Congress the power to levy imposts, taxes, duties, etc., and provides that they shall be uniform throughout the United States. The Senator will recollect that in Loughborough *v.* Blake that provision of the Constitution was held to extend to the Territories; it was held to extend to the District of Columbia; and the court did not in the island cases abandon the doctrine of Loughborough *v.* Blake. So the two questions are here now.

Not long ago the question was raised as to the constitutionality of certain taxation in Alaska. The point was based upon the fact that the moneys collected were drawn into the Treasury of the United States. In delivering its opinion the court said that if the money was collected solely for the government of Alaska Congress was acting within its power; but very clearly the court seemed to be of the opinion that it was not in the power of Congress to levy, for the benefit of the United States, taxes that are not uniform in Alaska in common with other Territories and with the States.

I am not able to say how much point there is——

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. Putting aside for the moment the question of uniformity—I do not want to dwell on that particu-

larly—if we can authorize a commission in the Philippine Islands to make a special tariff for the goods imported into the Philippine Islands, differing from the present tariff law of the United States, and put it in force, if approved by the Secretary of War, why can not we do it for Alaska? Why can not we do it for the Hawaiian Islands? Why can not we do it for Porto Rico? Is there any distinction with regard to our right to the possession of those different territorial acquisitions of ours? They are not States, and in that sense have not become a part of the United States. I ask the Senator from Wisconsin, Is there any difference as respects the situation of Porto Rico and the Philippine Islands? We have organized a quasi-legislature in Porto Rico. We have no legislature in Alaska, and the people of Alaska can not make a law; but if we can authorize the Commission in the Philippine Islands to make a tariff law applicable to the Philippine Islands, why can not we authorize the judges in Alaska to make a tariff law applicable to Alaska?

Mr. SPOONER. I think the court has held that Alaska has been incorporated.

Mr. PLATT of Connecticut. I did not know that it had.

Mr. SPOONER. I think it has. The Senator may be able to tell me, and probably he will——

Mr. PLATT of Connecticut. I am asking a question.

Mr. SPOONER. What is necessary to distinguish between territory belonging to the United States and territory incorporated? In other words, what constitutes an incorporation of territory as contradistinguished from ownership of a territory? I will not ask the Senator to answer that now, but next winter, after he shall have had time to reflect upon it.

Mr. PLATT of Connecticut. I am unable, Mr. President, to answer it now. I believe—I think I may say "I believe"—that the Philippines are in no wise different from Porto Rico so far as their relation to the United States is concerned.

Mr. LODGE. Mr. President, there are two propositions, it seems to me, involved in this matter. One is the delegation of power; the other is the application of the clause of the Constitution in regard to uniformity of the tariff. The clause of the Constitution in regard to uniformity is not at all involved in this amendment. It is involved in the original legislation. There was a tariff made for the Philippine Islands by the Philippine Commission submitted to Congress, and by Congress approved. We did the same thing in Porto Rico, where, I think, there were three tariffs—first the war tariff, then a modification after the war had concluded, and finally the application of the Dingley Act.

In the Philippine Islands we have existing simply the tariff which we delegated power to the Commission to make. All this amendment proposes is that any modification or amendment of the Philippine tariff shall not require the direct action of Congress.

It is, of course, practically impossible under present conditions to regard the Philippine tariff as a part of the tariff laws of the United States. It is a totally different tariff. It falls equally upon the goods of the United States as upon the goods of other countries. If the tariff laws of the United States and the Philippines have got to be uniform, we have nothing to do except to extend the Dingley tariff to the islands. We have delegated such lawmaking power to the Commission, and, among other things, we have, as a matter of fact, delegated the right to make a tariff. They made a tariff and we approved it. By this amendment it is proposed to permit them to modify or amend the Philippine tariff, subject to revision by the War Department, and, of course, subject to modification or repeal by Congress.

I had supposed that under the decisions and the action already taken we had the right to delegate that power, but if the clause of the Constitution in regard to uniformity is applicable, of course no Philippine tariff can stand. We could have nothing there then except the tariff law of the United States.

The present tariff was framed, not for those islands alone, but it was framed with a view to what is known as the "open-door policy," and with a view to maintaining our particular obligations to Spain in the Philippine Islands. I think this amendment would endanger practically nothing. It would, I believe, facilitate some changes which must be made. I do not think it involves the question of uniformity any more than does the existing tariff. I see there are doubts that may be raised as to that question, but I do not think they apply to this amendment any more than to the Philippine tariff law which already exists.

Mr. PLATT of Connecticut. Mr. President, I do not insist very much upon the suggestion that it interferes with the uniformity clause, but I do think the other doubt which lies in my question is a pretty serious one. I know that the distinction between a delegation of power and the appointment of an agent or agencies to exercise the power of Congress is a pretty narrow one. It is possible that this would not be a delegation of power. It is possible that if the bill provides that what the Commission does is to be approved by Congress it would be merely an authorization of a certain agency to execute the power of Congress, but I do not think we can delegate the legislative power of Congress. If we do not incorporate the provision that their action is to be approved by Congress I should have some trouble about it. I do not think there is any practical difficulty in incorporating such a provision in this amendment. They have a tariff there. They want to change it. It is in operation, and there can not be any such immediate necessity for changing it as that they can not wait to get the approval of Congress, as it seems to me. But at any rate if any approval is necessary I think Congress had better retain that power of approval itself rather than to delegate the power of approval to the Secretary of War. If we delegate first the power to change the tariff—and if it is a delegation of power—and then we delegate our power of approving it to the Secretary of War, I do not think we had better have a double delegation of power, if it is a delegation of power.

Mr. SPOONER. Mr. President, I agree entirely with the Senator from Connecticut as to the last proposition, but I have not the slightest doubt of the power of Congress, under the Territorial clause of the Constiution, to delegate to local legislatures the legislative power of local government; and not simply local legislatures, but local tribunals authorized to enact legislation. There are thousands of laws in force enacted by Territorial legislatures under a provision that they shall continue in force until overruled by Congress. The approval of Congress is not a condition precedent to their going into effect at all. If Congress can not delegate such power, that would be the end of it. We would have no authority in the first place to delegate such power to local assemblages to make the law, subject to our approval. The fact that we reserve the right to approve it would not make it any less a delegation of power.

I have not any doubt about the last proposition—that Congress can not delegate to the Secretary of War or the President or anyone else this power which it possesses under the Constitution to ultimately pass upon the question whether a law enacted under the delegated power shall be approved or not. I will not support any such provision.

Mr. CULBERSON. I offer an amendment to the pending bill, which I ask to have read, printed, and lie on the table.

The PRESIDENT pro tempore. The Senator from Texas offers an amendment, which will be read.

The SECRETARY. It is proposed to amend the bill by striking out section 4 and inserting the following:

That for the purpose of aiding in the construction, equipment, operation and maintenance of railroads in the Philippine Islands, the general government thereof is authorized to grant to any railroad company hereafter created and organized in said islands, under the laws thereof, not exceeding 8,000 hectares of land out of the unappropriated public land in the Philippine Islands for each mile of railroad constructed, completed, and put in running order. The general government of the Philippine Islands shall provide by general law for carrying this section into effect, but no land shall be granted to any company until it shall have constructed, completed, and put in running order a section of 25 miles or more of its road, and not until the same shall have been inspected by some skillful engineer, appointed under the authority of the Philippine government, and reported by him to be completed and in running order.

The general government of the Philippine Islands shall also provide by general law for the selection, survey, and location of land granted under this section, but the lands granted shall be selected, surveyed, and located substantially in the following manner: Certificates shall be issued entitling the railroad company to 1,600 hectares of land each, equal to 8,000 hectares per mile of road completed and put in running order, whereupon said company may apply to the proper authority to survey any quantity of vacant land subject to location under such certificate not to exceed twice the quantity of certificates so issued, which surveys when made shall be numbered consecutively, and patents to said company shall be issued for the odd sections of such surveys of 1,600 hectares, and the even sections shall be set apart as a permanent school fund for the inhabitants of the Philippine Islands. And one-half of the entire unappropriated public domain in the Philippine Islands is hereby set apart as a permanent school fund for the inhabitants of said islands, and no part of said land shall at any time be granted, sold, or in any other manner disposed of unless at the same time an equal quantity shall be set apart and segregated in a manner to be prescribed by general law by the Philippine government as a permanent school fund for the inhabitants of said islands.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. BAILEY. I desire to offer an amendment, which I ask to have printed and lie on the table. I will say that I think this is the law without the amendment, but in order to make it doubly sure I offer the amendment.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Does the Senator from Texas desire that the amendment be read?

Mr. GORMAN. I ask that it be read.

Mr. BAILEY. Let it be read.

The SECRETARY. It is proposed to add, after the word "years," in line 10, page 5, the following:

Provided further, That before any guaranty of interest or income as herein authorized shall be made the railroad company desiring to avail itself of such guaranty shall include in its charter or articles of incorporation an express agreement that the general government of the Philippine Islands shall always possess and exercise the right of regulating charges for freight and passenger service.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CULBERSON. I am not certain that I will offer this amendment, but in order to be on the safe side, I ask that it be read and printed, so that I can offer it if I see proper.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, after the word "years," in line 10, it is proposed to insert:

And provided further, That on railroads in the Philippines upon which an income is guaranteed under the provisions of this section mails of the United States and the Philippines, and the postal servants thereof, shall be carried free, and troops and military stores of the United States and the Philippines shall be carried at rates 15 per cent less than the usual rates in force on such roads, for the full term of the guaranty period.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SPOONER. Mr. President, I hardly think, if the government is to guarantee the interest on the bonds or the dividends on the stock not earned by a railroad company that it ought to diminish the earnings of the company by gross-earning taxes, or by requiring the company to charge less to the government for services than it would to citizens there for similar service.

Mr. CULBERSON rose.

Mr. SPOONER. But I did not rise to discuss that amendment.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. CULBERSON. I stated to the Senate that I was not certain that I would offer the amendment, but in view of the unanimous-consent agreement I thought it best to present it now, so that I could offer it if at the time I thought proper.

I call attention to the fact, however, that in India, under the policy of guaranteeing 5 per cent income, the railroads are required to carry the mails and the postal servants of the government free, and the troops and military stores at a reduced rate. I offer the amendment for the consideration of the Senate, with a view, if I see proper at the time, to present it.

Mr. SPOONER. I had more in mind the gross-earnings tax.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. Certainly.

Mr. NEWLANDS. I wish to say to the Senator from Wisconsin that the gross-earnings tax covered by the amendment which I offered, instead of imposing a burden upon the railroad companies will relieve them, I believe, of what may be a very oppressive burden, and that is a tax upon the value of their property, to be ascertained in the method now provided in the Philippine Islands. The percentage tax which my amendment proposes is in lieu of all other taxes, not only upon the property of the road, but upon its stock and bonds. It is made very low at first, 1 per cent of the gross receipts for five years, then gradually increasing at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent. I assume when that total is reached the tax on the property will not be any larger than that which would be laid by the corporation if it submitted to a tax upon valuation.

Mr. SPOONER. Whether the property shall be taxed or not is a matter yet to be determined. This guaranty is to run for thirty-five years, and it has occurred to me that if the railroad company is unable to earn income sufficient to pay operating expenses and interest on its bonds and other fixed charges while the guaranty is outstanding the Philippine government would not probably diminish the earnings by levying a gross-earnings tax or any other tax.

Mr. NEWLANDS. I understood from the Senator from Massachusetts [Mr. LODGE] that as soon as this railroad is constructed it will come under the operation of the existing law there regarding taxation. There is no power in the Philippine government to relieve it from general taxation. That is the reason why Congress should provide some tax in lieu of the general property tax.

Mr. SPOONER. We will have to deal ourselves with that matter.

Mr. CLAY. Under the provisions of this bill, suppose the roads should earn more than enough to pay fixed charges, and there should be a surplus that could be applied to interest. Is there any provision in this bill which would compel the directors to apply it to the interest, so as to save the Philippine government part of the interest?

Mr. SPOONER. I am not at all satisfied with the manner in which the section is guarded, but the liability is contingent; it is treated as a contingent liability.

Mr. CLAY. Does the Senator think that under the bill as it stands the company could use the earnings, if they amount to more than enough to pay the fixed charges, for other purposes than to pay the interest, and leave the Philippine government to pay the interest, regardless of the fact that the road earned more than enough to pay the fixed charges?

Mr. SPOONER. I doubt it, but an amendment has been prepared or will be prepared which will make that perfectly clear.

I wish to recur for one moment to section 3, to which I called attention yesterday afternoon. I do not like the section. I called the attention of the Senate yesterday afternoon to the fact that really the principal change from the existing law is the elimination of Congress. Under the law as it stands the municipalities are authorized to issue bonds under such limitations, terms, and conditions as the Philippine government may prescribe, with the consent and approval of the President and the Congress of the United States. This bill is almost in the same language, but it strikes out the words "and the Congress." If the law is to be enlarged in that respect, I think its provisions ought to be diminished in some other respects.

We are trustees for that people, and if there is any one thing of which we ought to be solicitous and careful above another in dealing with people so constituted and in such an environment it is the debt-making power—the power to mortgage the future. They have had no experience there in municipal indebtedness. They have not learned the lesson, as some communities in our country had not learned the lesson, that it is much easier to incur an indebtedness than it is to pay it. I think there are a class of improvements in some of the municipalities, perhaps many of them, which they might provide for by current taxation. It might take a year or two years or three years to raise the money. I think it is important to that people that they should, so far as it can be done in harmony with the promotion of public health and reasonable development there, learn what it means to pay taxes before they go at large into this rather alluring and easy municipal function, if the authority be broad enough, of incurring bonded indebtedness spread through many years.

I can see, as the Senator from Massachusetts said yesterday, and it is obvious, that it would not do to permit no reasonable improvement to be made or indebtedness for that purpose to be incurred by municipalities in the Philippines without first securing the sanction of Congress in each case. We are not accessible part of the time. It takes time to secure the passage of measures, and it would be putting a restriction upon development there which I think would be an unreasonable one.

At the same time, I dislike, for one, to turn the whole power over to the Commission in the Philippines, to authorize, in the broad language of this section, the bonding of all municipalities, of which there are about 900, with no limit except the 5 per cent limit upon the taxable values. In our own country, with such a limit, assessments have been increased by assessors and municipal officers in order thereby to raise the limit of municipal bonded debt. How it would be over there, with a competition in large expenditures, I do not know. But I think it does not require overcaution to lead one to fear that pretty careful supervision is required here of this subject in the interest of the inhabitants of the islands.

I want to cut down by an amendment of this section the language as to improvements and make it specific. It now reads:

That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide *all kinds of municipal betterments and improvements*.

People who never have had much, situated as they are, can wisely move slowly to luxury as contradistinguished from the necessity. And so I shall move to insert after the word "construct," in the ninth line, the word "necessary;" to strike out the final "s" in the word "sewers;" to strike out the words "to furnish adequate sewer" in line 9; to strike out the words, beginning in line 10, "to provide all kinds of municipal betterments and improvements," and insert in lieu thereof the words "necessary buildings for primary public schools;" after the word "islands," in line 12, insert the words "may where current taxation is inadequate for the purpose;" strike out the word "may" before the word "authorize," in line 15, and insert at the end of the section the words "and that no such munici-

pality shall exercise the power to issue bonds under the provisions hereof without the approval of the President." The section would then read thus:

That for the purpose of providing funds to construct necessary sewer and drainage facilities, to secure a sufficient supply of water and necessary buildings for primary public schools in municipalities, the government of the Philippine Islands may, where current taxation is inadequate for the purpose, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per centum per annum: *Provided*, That no such municipality shall exercise the power to issue bonds under the provisions hereof without the approval of the President.

We have adopted in some of the State constitutions, among them my own, a requirement that before incurring any such indebtedness provision shall be made for raising by taxation the money necessary to pay the interest from time to time which will accrue upon the bonds, and to pay into a sinking fund a sum sufficient to discharge the indebtnedness when it matures. Whether that is practicable over there or not I do not know, but it would bring to the municipalities, if it be practicable, very distinctly the notion in limine that they are incurring an obligation which in the end must be paid, principal and interest, and that they are providing for its payment by the levy of a continuing, an annual tax, for interest and sinking fund. I do not move to insert such provision, for I am not sufficiently familiar with the situation over there to know whether it would be practicable, but I think the amendment which I have proposed will minimize at least what may turn out to be, without some restrictions and safeguards of the kind, the granting of a power which never ought to have been granted in terms so broad.

The PRESIDING OFFICER. The Chair supposes that the Senator from Wisconsin desires to have the amendment printed and lie on the table.

Mr. SPOONER. Certainly. It is not in order to offer it. I only called attention to it that it might be taken down.

Mr. CULBERSON. Mr. President, it seems that there are about 120 miles of railroad now in the Philippines in operation. In the report of the Chief of the Bureau of Insular Affairs to the Secretary of War for this year I find the following at page 8:

It has been authoritatively reported that a New York financial concern has acquired in the last few months the control from English owners of the Manila-Dagupan Railroad, which should form part of the proposed railway system in the islands.

I have examined section 4 hastily to see if under its provisions an income can be guaranteed under the present railroad mileage in the Philippines, and it seems to me that it may be.

Mr. LODGE. Does not the Senator think that the amendment, which was adopted yesterday by unanimous consent, in line 3 prevents that?

Mr. CULBERSON. I had not noticed the amendment in line 3.

Mr. LODGE. It reads now:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads as the Philippine government may specifically authorize to be constructed.

Mr. CULBERSON. I am inclined to think that that provision would cover it, though I had not noticed it at the time I rose to call attention to the section. I will, however, offer this amendment, which I am sure will reach the point. I move to amend by inserting after the word "railroads," in line 2, page 4, the words "hereafter constructed."

I offer this amendment and ask that it be printed and lie on the table to meet this phase of the case.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. LODGE. I think if the Senator were to insert after the word "may," in line 3, if he has the reprint of to-day before him——

Mr. CULBERSON. Yes; I have it.

Mr. LODGE. If he were to insert "such railroads as the Philippine government may hereafter specifically authorize to be constructed" it would answer the same purpose as his own amendment.

Mr. CULBERSON. Does the Senator, for the committee, accept the amendment?

Mr. LODGE. I can not accept it now, but I will accept it when we come to take up the amendments.

Mr. ALLISON. I offer an amendment for consideration at some time when in order. At the end of section 4, on page 5, after line 10, I propose to insert the following additional proviso:

Provided further, That section 74 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby made applicable to the provisions of this section.

Mr. BAILEY. I should like to have section 74 of that act printed with the amendment. I am inclined to think that section 74 will reach the very point which I sought to reach by an amendment a few moments ago, and I should like to have that section of the act before me.

Mr. ALLISON. I offer this amendment because it is possible that there may be doubt about the section applying to this bill, although I think the provisions of the organic act now apply to the bill. I ask that the Secretary may read it.

Mr. BAILEY. Then I will reach my object by just asking that section 74 be printed right along with it.

Mr. LODGE. There is no need of reading it.

Mr. ALLISON. No.

Mr. LODGE. Then let section 74 be printed in the RECORD with the amendment offered by the Senator from Iowa.

The PRESIDING OFFICER. Without objection, section 74 of the act will be ordered printed in the RECORD.

The section referred to is as follows:

SEC. 74. That the government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said provinces or municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal. That all franchises, privileges, or concessions granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than $10,000. (Approved July 1, 1902.)

Mr. GORMAN. I offer an amendment, and ask that it be printed.

Mr. MALLORY. Let it be read.

Mr. GORMAN. Yes; let it be read.

The SECRETARY. At the end of section 4, on page 5, at the end of line 10, add the following additional proviso:

And provided further, That in each and every case where any railroad company shall issue either preferred or common stock, the same shall be sold for not less than the par value in gold coin of the United States or its equivalent.

Mr. LODGE. That, I will say to the Senator from Maryland, is covered by section 74 of the act of 1902, which the Senator from Iowa proposes to specifically put in.

Mr. ALLISON. That is a part of section 74 of the act.

Mr. LODGE. If there are no further amendments to be offered or no further debate to-day, I will move that the Senate proceed to the consideration of executive business. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Friday, December 16, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1904.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Claude C. Bloch to be a lieutenant in the Navy from the 8th day of November, 1904, vice Lieut. George R. Evans, promoted.

Capt. Royal B. Bradford to be a rear-admiral in the Navy from the 23d day of November, 1904, vice Rear-Admiral Theodore F. Jewell, retired.

Commander William H. Beehler to be a captain in the Navy from the 23d day of November, 1904, vice Capt. Royal B. Bradford, promoted.

Gunner Charles E. Jaffee to be a chief gunner in the Navy from the 11th day of July, 1904, upon the completion of six years' service in accordance with an act of Congress approved April 27, 1904.

Gunner Herbert Campbell to be a chief gunner in the Navy from the 27th day of April, 1904, after having completed six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunner Patrick Hill to be a chief gunner in the Navy from the 28th day of October, 1904, upon the completion of six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Asst. Surg. Paul E. McDonnold to be a passed assistant surgeon in the Navy from the 2d day of July, 1904, upon the completion of three years' service.

PROMOTION IN THE MARINE CORPS.

Lieut. Col. Paul St. C. Murphy to be a colonel in the Marine Corps from the 9th day of December, 1904, vice Col. Francis H. Harrington, retired.

POSTMASTER.

NEW YORK.

John Smythe to be postmaster at Cold Spring, in the county of Putnam and State of New York, in place of Ellis H. Timm. Incumbent's commission expired December 10, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1904.

CONSULS.

John B. Terres, of New York, to be consul of the United States at Port au Prince, Haiti.

Jerome B. Peterson, of New York, to be consul of the United States at Puerto Cabello, Venezuela.

Paul Nash, of New York, lately secretary of the legation and consul-general at Bangkok, Siam, to be consul of the United States at Venice, Italy.

George H. Moulton, of Colorado, lately consul at Demerara, Guiana, to be consul of the United States at Georgetown, Demerara, Guiana.

COMMISSIONER OF IMMIGRATION AT SAN JUAN, P. R.

Graham L. Rice, of Wisconsin, who was appointed November 28, 1904, during the recess of the Senate, to be commissioner of immigration at the port of San Juan, P. R., in the Department of Commerce and Labor.

REGISTER OF LAND OFFICE.

Robert N. Dunn, of Wallace, Idaho, who was appointed May 20, 1904, during the recess of the Senate, to be register of the land office at Coeur d'Alene, Idaho.

APPOINTMENTS IN THE ARMY.

Artillery Corps.

Capt. Thomas F. Dwyer, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from October 29, 1901.

Infantry Arm.

Capt. Carroll F. Armistead, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from October 29, 1901.

Second Lieut. Samuel S. Bryant, Porto Rico Provisional Regiment of Infantry, to be first lieutenant, November 30, 1904, vice Moreno, appointed second lieutenant of infantry, United States Army.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. George D. Deshon, assistant surgeon, to be surgeon with the rank of major, December 5, 1904.

Cavalry Arm.

Second Lieut. James P. Barney, Fourth Cavalry, to be first lieutenant, October 22, 1904.

APPOINTMENT IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of captain, from July 1, 1904.

José Lugo-Viña, of Porto Rico, late captain and assistant surgeon, Porto Rico Provisional Regiment of Infantry.

POSTMASTERS.

ALABAMA.

James A. Chambliss to be postmaster at Enterprise, in the county of Coffee and State of Alabama.

Hugh R. Duggan to be postmaster at Florala, in the county of Covington and State of Alabama.

May T. Fowler to be postmaster at Uniontown, in the county of Perry and State of Alabama.

George W. Russell to be postmaster at Eufaula, in the county of Barbour and State of Alabama.

Sylvanus L. Sherrill to be postmaster at Hartsells, in the county of Morgan and State of Alabama.

Thomas H. Stephens to be postmaster at Gadsden, in the county of Etowah and State of Alabama.

John Sutterer to be postmaster at Cullman, in the county of Cullman and State of Alabama.

John X. Thomas to be postmaster at Pratt City, in the county of Jefferson and State of Alabama.

Byron Trammell to be postmaster at Dothan, in the county of Houston and State of Alabama.

COLORADO.

Henry W. Lance to be postmaster at Rocky Ford, in the county of Otero and State of Colorado.

Robert S. Lewis to be postmaster at Canon City, in the county of Fremont and State of Colorado.

Eva T. Wheeler to be postmaster at Crested Butte, in the county of Gunnison and State of Colorado.

FLORIDA.

Enoch E. Skipper to be postmaster at Bartow, in the county of Polk and State of Florida.

George A. W. Wendell to be postmaster at Quincy, in the county of Gadsden and State of Florida.

Louis Wiselogel to be postmaster at Marianna, in the county of Jackson and State of Florida.

NEW YORK.

John Smythe to be postmaster at Cold Spring, in the State of New York.

Nathan P. Wild to be postmaster at Valatie, in the county of Columbia and State of New York.

PENNSYLVANIA.

Thomas D. Alexander to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

Andrew C. Allison to be postmaster at Mifflintown, in the county of Juniata and State of Pennsylvania.

Abraham F. Berkey to be postmaster at Windber, in the county of Somerset and State of Pennsylvania.

Charles Clawson to be postmaster at Mercer, in the county of Mercer and State of Pennsylvania.

William A. Feist to be postmaster at White Haven, in the county of Luzerne and State of Pennsylvania.

Henry O. Garber to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania.

Hugh W. Gilbert to be postmaster at Quarryville, in the county of Lancaster and State of Pennsylvania.

William S. Gleason to be postmaster at Johnsonburg, in the county of Elk and State of Pennsylvania.

William Krause to be postmaster at Richland Center, in the county of Bucks and State of Pennsylvania.

James C. McGregor to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania.

John W. Miller to be postmaster at South Sharon, in the county of Mercer and State of Pennsylvania.

Lyman L. Shattuck to be postmaster at Pleasantville, in the county of Venango and State of Pennsylvania.

Albert H. Swing to be postmaster at Coatsville, in the county of Chester and State of Pennsylvania.

EXTRADITION WITH HAITI.

The injunction of secrecy was removed December 15, 1904, from a treaty between the United States and the Republic of Haiti for the mutual extradition of criminals, signed at Washington on August 9, 1904.

CUBAN EXTRADITION TREATY.

The injunction of secrecy was removed December 15, 1904, from a protocol signed at Washington on December 6, 1904, by the representatives of the United States and Cuba, by which the United States accepts certain amendments made by the Cuban Senate in the Spanish text of the extradition treaty between the two countries, signed on April 6, 1904, and approved by the Senate of the United States on April 26, 1904.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 15, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5512. An act granting an increase of pension to John W. Carleton;

S. 1996. An act granting an increase of pension to William R. Williams;

S. 2212. An act granting a pension to Charles N. Wood;

S. 5514. An act granting an increase of pension to Samuel S. Lamson;

S. 3742. An act granting an increase of pension to Juliet C. Bainbridge-Hoff;

S. 1539. An act granting an increase of pension to Edward Shiflett;

S. 4767. An act granting an increase of pension to Henry Snidemiller;

S. 3906. An act granting an increase of pension to James H. V. Voldo, alias James H. Venier;

S. 424. An act granting a pension to George W. Lehman;

S. 5859. An act granting an increase of pension to Henry Breslin;

S. 5735. An act granting an increase of pension to Washington Lenhart;

S. 5744. An act granting an increase of pension to Joseph A. Rhodes;

S. 5743. An act granting an increase of pension to James Riordan;

S. 5742. An act granting an increase of pension to Nickles Dockendorf;

S. 5738. An act granting an increase of pension to Enoch Russell;

S. 5737. An act granting an increase of pension to John W. See;

S. 5733. An act granting an increase of pension to Monroe Wright;

S. 5858. An act granting an increase of pension to John Hubbard;

S. 5857. An act granting an increase of pension to James Bryson;

S. 5734. An act granting an increase of pension to George H. Woodbury;

S. 5745. An act granting an increase of pension to Mary M. Mitchell;

S. 5736. An act granting an increase of pension to Charles E. Gilbert;

S. 5746. An act granting an increase of pension to Anne Jones;

S. 5450. An act granting an increase of pension to George R. Lingenfelter;

S. 2287. An act granting an increase of pension to S. J. Brainard;

S. 5531. An act granting an increase of pension to Catherine Jones;

S. 5501. An act granting an increase of pension to Sarah A. Rowe;

S. 4002. An act granting an increase of pension to Susan E. Armitage;

S. 3390. An act granting a pension to Emily E. Cram;

S. 5379. An act granting an increase of pension to Bird Solomon;

S. 5378. An act granting an increase of pension to John H. Ash;

S. 4070. An act granting an increase of pension to A. Fellentreter;

S. 2238. An act granting an increase of pension to William Strawn;

S. 5572. An act granting an increase of pension to Alafire Chastain;

S. 1208. An act granting an increase of pension to Samuel G. Magruder;

S. 5574. An act granting an increase of pension to Colon Thomas;

S. 1207. An act granting an increase of pension to James D. Stewart;

S. 3076. An act granting a pension to Arthur W. Post;

S. 5496. An act granting an increase of pension to Jesse L. Sanders;

S. 5472. An act granting an increase of pension to Mary J. Weems;

S. 5589. An act granting an increase of pension to Mary E. Burrell;

S. 5508. An act granting a pension to Abraham B. Miller;

S. 5558. An act granting an increase of pension to Susan C. Schroeder;

S. 316. An act granting an increase of pension to Elmore Y. Chase;

S. 2972. An act granting an increase of pension to Thomas Boyle;

S. 5346. An act granting an increase of pension to Amon A. Webster;

S. 2117. An act granting an increase of pension to Phillip L. Hiteshew;

S. 2574. An act granting an increase of pension to Nelson Percell;

S. 5741. An act granting an increase of pension to Stephen Welch;

S. 3356. An act granting an increase of pension to Rebecca A. Teter;

S. 3286. An act granting an increase of pension to Charles D. Creed;

S. 554. An act granting an increase of pension to Thomas P. Farley;

S. 2096. An act granting an increase of pension to John W. Millett;

S. 4382. An act granting an increase of pension to John B. Harvey;

S. 5214. An act granting an increase of pension to William P. Renfro;

S. 4408. An act granting an increase of pension to Robert N. Button;

S. 3232. An act granting an increase of pension to William O. Gould;

S. 1810. An act granting an increase of pension to George W. Thomas;

S. 3755. An act granting an increase of pension to William H. Covert;

S. 5427. An act granting an increase of pension to Ruhema C. Horsman;

S. 4221. An act granting an increase of pension to Henry C. Stroman;

S. 552. An act granting a pension to Ira K. Eaton;

S. 4208. An act granting an increase of pension to Sarah Forsythe Bache;

S. 3357. An act granting an increase of pension to Welcome B. French;

S. 3100. An act granting an increase of pension to Howard Wiley;

S. 377. An act granting an increase of pension to Ezra W. Cartwright;

S. 4383. An act granting a pension to Mary E. Penn;

S. 3522. An act granting an increase of pension to Samuel J. Dennison;

S. 4273. An act granting an increase of pension to Frazee A. Campbell;

S. 2286. An act granting an increase of pension to James Thompson;

S. 3453. An act granting an increase of pension to David Whitney;

S. 5732. An act granting a pension to Philip Lawotte;

S. 5740. An act granting an increase of pension to Clemon Clooten;

S. 5739. An act granting an increase of pension to Adolphe Bessie;

S. 5129. An act granting an increase of pension to Thompson Martin;

S. 5428. An act granting an increase of pension to Joseph J. Hedrick;

S. 3482. An act granting an increase of pension to Alfred H. Le Fevre;

S. 5271. An act granting an increase of pension to Paul Diebitsch;

S. 2493. An act granting an increase of pension to Alfred Tichurst;

S. 2492. An act granting an increase of pension to George W. Tuttle;

S. 4393. An act granting an increase of pension to Cora A. Baker;

S. 2274. An act granting an increase of pension to Joseph J. Carson;

S. 5339. An act granting an increase of pension to Sidney B. Hamilton;
S. 4808. An act granting an increase of pension to John Worley;
S. 2339. An act granting an increase of pension to Carolina Apfel;
S. 4199. An act granting a pension to William Rufus Kelly;
S. 2890. An act granting a pension to Andrew C. Kemper;
S. 844. An act granting an increase of pension to Mary L. Duff;
S. 2333. An act granting a pension to Benjamin F. Hall;
S. 4986. An act granting an increase of pension to Philo S. Bartow;
S. 5358. An act granting an increase of pension to Thomas Talor;
S. 3001. An act granting an increase of pension to Adrianna Lowell;
S. 5190. An act granting an increase of pension to William Berry;
S. 567. An act granting an increase of pension to William Cody;
S. 2518. An act granting an increase of pension to Clarinda A. Spear;
S. 566. An act granting an increase of pension to William H. Hart;
S. 5445. An act granting an increase of pension to Caroline L. Guild;
S. 5206. An act granting an increase of pension to Lucy Jane Ball;
S. 5444. An act granting a pension to Julia E. Neale;
S. 801. An act granting an increase of pension to Samuel L. D. Goodale;
S. 2581. An act granting an increase of pension to Myron D. Hill;
S. 5345. An act granting an increase of pension to Thomas Coughlin;
S. 850. An act granting an increase of pension to Henry V. Sims;
S. 5120. An act granting an increase of pension to William H. Chamberlain;
S. 2231. An act granting an increase of pension to Bessie M. Dickinson;
S. 5758. An act granting an increase of pension to Sallie B. Weber;
S. 4766. An act granting an increase of pension to Frederick Clark;
S. 4395. An act granting an increase of pension to Thomas H. Walker;
S. 1830. An act granting an increase of pension to Sarah E. Austin;
S. 5297. An act granting an increase of pension to Jerry L. Gray;
S. 5532. An act granting an increase of pension to Edwin A. Knight;
S. 4151. An act granting an increase of pension to Thomas J. Spencer;
S. 5714. An act granting an increase of pension to John McKenne;
S. 5713. An act granting an increase of pension to Robert Crowther;
S. 5715. An act granting an increase of pension to Benjamin Bickford;
S. 5781. An act granting an increase of pension to John A. Steele;
S. 5530. An act granting a pension to William R. Cahoon;
S. 5810. An act granting an increase of pension to Joseph Reber;
S. 5716. An act granting an increase of pension to Dotha J. Whipple;
S. 5811. An act granting an increase of pension to Franklin Waller;
S. 5807. An act granting an increase of pension to Sarah J. F. Robinson;
S. 5476. An act granting an increase of pension to Joel F. Howe;
S. 5661. An act granting an increase of pension to Daniel B. Bush;
S. 2850. An act granting an increase of pension to Sallie J. Calkins;
S. 2848. An act granting an increase of pension to William H. Lewis;
S. 2009. An act granting a pension to Richard Dunn;
S. 5535. An act granting an increase of pension to Alexander McConneha;
S. 776. An act granting an increase of pension to Calvin H. Morris;
S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;
S. 3239. An act granting an increase of pension to George W. D. Buchanan;
S. 1413. An act granting an increase of pension to Louisa D. Miller;
S. 266. An act granting a pension to Emma S. Harney;
S. 4477. An act granting an increase of pension to John C. Craven;
S. 4038. An act granting an increase of pension to George E. Yingling;
S. 2310. An act granting an increase of pension to William Dar;
S. 784. An act granting an increase of pension to Beverly Waugh;
S. 2945. An act granting an increase of pension to Sallie M. Nuzum;
S. 1541. An act granting an increase of pension to Commodore P. Hall;
S. 4103. An act granting an increase of pension to John W. Rulette;
S. 3624. An act granting an increase of pension to Peter D. Moore;
S. 2915. An act granting a pension to Mary Williamson;
S. 3982. An act making an additional appropriation for the Battery Point post light, in the State of Washington;
S. 4007. An act to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California;
S. 4005. An act to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;
S. 4004. An act to establish at Cape Mendocino, California, quarters for the light keeper;
S. 342. An act for the improvement of the Mount Rainier National Park, in the State of Washington;
S. 701. An act to validate certain certificates of soldiers' additional homestead rights; and
S. 5704. An act to incorporate the American National Red Cross.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

The message also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 86.

Resolved by the Senate (the House of Representatives concurring), That there be printed from existing stereotype plates and bound in cloth 1,500 copies of the "Executive Register of the United States, 1789 to 1902," of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3982. An act making an additional appropriation for the Battery Point post light, in the State of Washington—to the Committee on Appropriations.

S. 701. An act to validate certain certificates of soldiers' additional homestead right—to the Committee on Private Land Claims.

S. 4007. An act to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California—to the Committee on Interstate and Foreign Commerce.

S. 4005. An act to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 5704. An act to incorporate the American National Red Cross—to the Committee on Foreign Affairs.

S. 4004. An act to establish, at Cape Mendocino, California, quarters for the light keeper—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 86.

Resolved by the Senate (the House of Representatives concurring), That there be printed from existing plates and bound in cloth 1,500 copies of the Executive Register of the United States, 1789 to 1902, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the folowing titles:

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River in the State of Minnesota;

S. 3791. An act granting an increase of pension to Edwin J. Tenney;
S. 4417. An act granting an increase of pension to Chadbourne H. Warren;
S. 4690. An act granting an increase of pension to Andrew W. Switzer;
S. 5184. An act granting a pension to Ethel Talley;
S. 5263. An act granting a pension to Annie M. Eapolucci;
S. 5416. An act granting an increase of pension to James A. Hopson;
S. 5423. An act granting an increase of pension to Ellen J. Morton;
S. 5484. An act granting an increase of pension to Burnetta B. Lehmann;
S. 5492. An act granting an increase of pension to Mary F. Holden;
S. 5556. An act granting an increase of pension to Sarah A. Hoback; and
S. 2114. An act to fix the rank of certain officers in the Army.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States, were communicated to the House of Representatives by Mr. FOSTER, one of his secretaries.

PONCE AND GUAYAMA RAILROAD COMPANY.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on April 2, 1904, authorizing the transfer to the Ponce and Guayama Railroad Company of the franchise, rights, and exemptions granted to the Compania de los Ferrocarriles de Puerto Rico for the construction and maintenance of a railway between Ponce and Guayama; and also the transfer and assignment of such franchise, rights, and exemptions from the American Railroad Company of Porto Rico Central Aguirre Operator to the said Ponce and Guayama Railroad Company.

This ordinance was approved by the President of the United States on May 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

AMERICAN RAILROAD COMPANY OF PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track connecting its warehouse at the Playa of Ponce with its main line, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

VANDEGRIFT CONSTRUCTION COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on July 7, 1904, amending an ordinance granting to the Vandegrift Construction Company the right to build and operate a line of railway between the municipality of San Juan and the Playa of Ponce in the island of Porto Rico, and to develop electric energy by water or other power for distribution and sale for railway, lighting, and industrial purposes.

This ordinance was approved by the President of the United States on August 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

AMERICAN RAILROAD COMPANY OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on November 4, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track running from its station of Lajas in the southwest direction toward the district of Boqueron for a distance of about 7 kilometers, which ordinance was approved by the President of the United States on December 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

PONCE RAILWAY AND LIGHT COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed.

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Ponce Railway and Light Company the right to construct branch tracks, or extensions of its present line of railway, around the Playa of Ponce, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 14, 1904.*

CHANGES OF REFERENCE.

By unanimous consent the following changes of reference were made:

House Document 49, estimates of appropriations for the Indian service, from the Committee on Appropriations, to the Committee on Indian Affairs.

House Document 89, estimates of emergency appropriations for combating the boll weevil, from the Committee on Appropriations, to the Committee on Agriculture.

House Document 94, estimates of appropriations for the diplomatic and consular service, from the Committee on Appropriations, to the Committee on Foreign Affairs.

House Document 104, additional papers in the claim of Naomi E. Daly, from the Committee on Appropriations, to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OTIS indefinitely, on account of sickness.

CONTESTED-ELECTION CASE OF REYNOLDS *v.* BUTLER.

Mr. OLMSTED. Mr. Speaker, by direction of the Committee on Elections No. 2, I present a resolution from that committee, with an accompanying report, in the contested-election case of George D. Reynolds *v.* James J. Butler, from the Twelfth district of Missouri, for present consideration. In view of previous contests in the last Congress, in which one of the parties to this contest was involved, and from the district partly but not entirely the same, it is proper that a brief statement should be made at this time with relation to the action which the committee now asks the House to take. At the regular election for the choice of a Representative in the Fifty-seventh Congress——

The SPEAKER. Will the gentleman from Pennsylvania suspend a moment until the Clerk reports the resolution?

The Clerk read as follows:

Resolved, That Committee on Elections No. 2 shall be, and is hereby, discharged from further consideration of the contested-election case of George D. Reynolds *v.* James J. Butler, from the Twelfth Congressional district of Missouri.

Mr. OLMSTED. At the regular Congressional election in 1900 James J. Butler was returned as elected a Representative in the Fifty-seventh Congress from the Twelfth district of Missouri. His seat was contested by William M. Horton. The Committee on Elections No. 1, to which that case was referred, reported that the election was so permeated with fraud that there had not been a fair expression of the choice of the voters, and the House, acting upon that report, voted to declare the seat vacant. Thereupon the governor of Missouri ordered a special election to fill the vacancy. At that election Mr. Butler was again a candidate to fill the vancancy caused by his own unseating. Mr. Wagoner was a candidate against him. Mr. Butler was again returned as elected, and at the second session of the Fifty-seventh Congress Mr. Wagoner contested his election. In that case the Committee on Elections No. 2, to which it was referred,

reported that in certain districts named the frauds were so glaring and so gross and so clearly proved that, following the numerous precedents of this House and repeated decisions of the courts, it became necessary to exclude those precincts entirely, because it was impossible to tell what honest votes, if any, had been cast by duly authorized persons, and on the 26th day of February, 1903, the House declared that contest in favor of Mr. Wagoner, giving him the seat in place of Mr. Butler. Now, it happened that the day fixed by the governor of Missouri for the holding of the special election to fill that vacancy was also the day fixed by law for the holding of the regular election of a Member of Congress to a seat in the Fifty-eighth Congress—this present Congress. Mr. Butler was a third time a candidate, and against him in that election was Mr. Reynolds, the present contestant. Mr. Butler was returned as elected by a majority of 6,618. At the beginning of this Congress his seat was contested by Mr. Reynolds. It now appears that between the regular election for the Fifty-seventh Congress and the date of the regular election for the Fifty-eighth Congress the legislature of Missouri had redistricted the State, so that the district in which Mr. Reynolds, the present contestant, ran against Butler was not identical with the district in which Wagoner ran against him for the Fifty-seventh Congress. Twenty precincts in the original Twelfth Missouri district, constituting territorially more than one-half of the district and being that part of the district in which Mr. Wagoner received a Republican majority, were, in the redistricting, eliminated from the district and ten precincts were added. So you see, Mr. Speaker, that the districts were not identical. Certain precincts, however, were common to both districts. Now, in the first place it is contended that the contestant in this case did not take his testimony within the time provided by the act of Congress, which declares that the contestant may take testimony within forty days, the contestee then for forty days, and the contestant, after that, ten days in rebuttal only. In this case no testimony was taken until the forty-third calendar day, and the testimony taken then was of comparatively no importance. Some testimony upon which the contestant relied was taken as late as the one hundred and tenth day.

Now, the contestant argues that the statute should be so construed as to exclude both Sundays and holidays, and that that being done the greater part of his testimony was taken within forty days. The committee has found itself unable to take that view. We find the true rule of construction to hold that neither Sundays nor holidays are to be excluded from the count unless the last day falls on Sunday, in which case the act may be performed on Monday. In another section of this particular statute regarding notice Sundays are specifically excluded, and generally where Congress has intended that Sundays be excluded it has so declared. In the section allowing forty days for contestants' testimony in chief there is no such provision, and Sundays are therefore not excluded. It is true that the act of Congress is not binding upon this House, which under the Constitution is the sole and absolute judge of the qualifications of its own Members. Nevertheless is has frequently been held that the act of Congress upon this subject constitutes a wise and wholesome rule, which ought not to be departed from without good cause shown or the interest of justice requires. There has been no sufficient cause shown for delay in this case. Counsel in this case were also counsel in the Wagoner contest, which was running at the same time, and were doubtless engaged in taking testimony in that case most of the time. But we think there were other counsel in St. Louis of a sufficient capacity to take such testimony as was taken in this case. This leads to a consideration of the character of the testimony. It is not pretended that the testimony taken directly in this case would of itself establish the contestant's right to a seat. The contestant relies almost entirely upon the depositions of witnesses taken in the Wagoner case, in another contest, for a different Congress and from a different district. These witnesses were not examined in this case. The contestant merely called the notary public before the witnesses in the Wagoner case had testified and proved by him carbon copies of their testimony, which carbon copies he asks us to accept with like effect as if those witnesses had been called and testified in this case. We do not think that such testimony so taken, in the absence of evidence that the witnesses were dead or for any other reason were not compellable to attend and testify, would be accepted in a court of justice. But even if we were to consider all that testimony, we find it seriously defective. In the Wagoner case one great fraud found was that persons unregistered, and therefore unauthorized to vote, did vote, or at least that votes in their names were counted. In this case the contestant has failed to put in evidence the registration lists, and they have not been before your committee. We are therefore utterly unable to determine what unregistered voters, if any, voted, and whether, if such persons voted, they voted for Reynolds or for Butler.

We find also that Mr. Butler was not given notice that the depositions of the witnesses in the Wagoner case were to be introduced here. In some instances there was not given him, as the statute requires, the names of the notaries public who were to be called as witnesess to testify to the taking of testimony in the Wagoner case. It was by means of these witnesses, whose names were not given to Butler in advance, as the statute requires, that carbon copies of the testimony in the Wagoner case was introduced.

It may be urged, therefore, that Mr. Butler has not had the opportunity which law and justice require to cross-examine the witnesses upon whose testimony the contestant relies in this case. To make my statement as brief as possible, I will, as the committee has done, summarize the whole matter briefly thus: No part of contestant's testimony was taken within the forty days allowed by statute for that purpose, and some of it was taken as late as the one hundred and tenth day after answer filed. No good and sufficient reason was shown for the delay.

The witnesses upon whose testimony contestant relies were not called and examined in this case, but he has introduced carbon copies of their depositions, taken by a different contestant in a former case, concerning a seat in a different Congress and from a different district. The present contestee was contestee also in the earlier case, but did not then have full power of cross-examination of said witnesses touching the present contest.

The contestee was not given the names of the witnesses in the former case whose depositions contestant proposed to introduce in this case, nor of his intention to introduce such testimony, and in some instances was not given in advance, as the statute requires, the names of the witnesses who were called in this case and by whom the depositions of the witnesses in the former case were proved or attempted to be proved.

There is no evidence that all or any of the witnesses carbon copies of whose depositions in the Wagoner case have been introduced in this case are dead or were for any other reason not compellable to attend and testify in this contest.

Neither the original nor any copies of the official registry lists having been furnished, it is impossible to determine what votes were illegal by reason of having been cast by unregistered persons as charged.

In short, Mr. Speaker, while those members of the committee who were Members of the last House feel more than ever convinced of the correctness of the judgment and action of the House in the Wagoner case and also in the Horton case, we do not feel that the fact that Mr. Butler was twice justly unseated in the Fifty-seventh Congress affords to this House a sufficient reason for unseating him in the Fifty-eighth Congress unless a case was made out against him.

When a certificate, regular upon its face, shows a man to have been elected, and he has been sworn in and occupies a seat here, it is incumbent upon the person claiming the seat against him to make out a case. That burden can not be shifted upon either the Elections Committee or the House.

Mr. CRUMPACKER. Will the gentleman permit me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. CRUMPACKER. The customary form of resolution in contested-election cases is to declare that either the contestant or contestee is entitled to a seat. The resolution read by the Clerk in this case seems simply to discharge the committee from further consideration of it. Is the effect of that simply a dismissal of the committee for want of prosecution?

Mr. OLMSTED. The effect of it would be, of course, to simply dismiss the committee from further consideration of the case, and would practically be a dismissal of the contest.

Mr. CRUMPACKER. If there was no evidence in this case showing that the contestant was entitled to a seat, the presumption would be that the contestee's right to the seat was valid, and in view of that why did not the committee report a resolution declaring that the contestee and not the contestant is entitled to a seat?

Mr. OLMSTED. Mr. Speaker, the gentleman from Indiana will understand that we were not able, upon the record before us, to determine fully the merits of this case. We have had some past experience with occurrences in some parts of that election district, and could not close our eyes entirely to the practices which were shown in the Wagoner case to have obtained there. Upon the whole case the entire committee practically concluded that their duties were performed when they recommended a resolution in the form which has been read.

Mr. CRUMPACKER. The resolution means, then, that the committee did not go into the merits of the contest?

Mr. OLMSTED. That is substantially what it means. There was lacking the necessary data to enable us to do so—for instance, the official registry sheets.

Mr. BARTHOLDT. Mr. Speaker, I would like to ask the gentleman a question. Is the report of the committee unanimous in this case?

Mr. OLMSTED. The report, I think I may say, is practically unanimous. If I am not violating the secrets of the committee, I think I may say that there was not more than one voice the other way. Certainly no contrary report has been or will be filed. If there is no one desiring to be heard on the resolution, I ask for its adoption, first asking unanimous consent to insert the full report of the committee in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The memorial is as follows:

[House Report No. ——, Fifty-eighth Congress, third session.]

GEORGE D. REYNOLDS *v.* JAMES J. BUTLER.

December —, 1904.—Mr. OLMSTED, from the Committee on Elections No. 2, submitted the following report, to accompany H. Res. ——:

The Committee on Elections No. 2, to which was referred the contested-election case of George D. Reynolds *v.* James J. Butler, from the Twelfth Congressional district of Missouri, respectfully submits the following report:

A brief historical statement is essential to a proper understanding of this case. At the regular Congressional election in 1900, James J. Butler was returned as elected to a seat in the Fifty-seventh Congress. His election was contested by William M. Horton. The Committee on Elections No. 1, to which the contest was referred, reported that "fraud so permeated the conduct of the election in a large part of the district as to prevent a full, free, and fair expression of the public desire in respect to the election of a Representative in Congress," and the House, on the 28th of June, 1902, adopted a resolution declaring the seat vacant.

The governor of Missouri thereupon ordered a special election. Mr. Butler was again a candidate and returned as elected to fill the vacancy caused by his own unseating. His opponent in that election was Mr. George C. R. Wagoner, who contested his seat in the second session of the Fifty-seventh Congress, which assembled on the first Monday of December, 1902.

As the time fixed by statute for the taking of testimony would have carried the case beyond the expiration of the term for which Wagoner claimed to have been elected, he presented a memorial to the House, which, on the 11th day of December, 1902, adopted a resolution specifying a certain time within which the contestant might take testimony, a certain time for the contestee, and again a certain time for the contestant in rebuttal, and required the Committee on Elections No. 2 to consider and report upon the case so that it might be disposed of during the life of that Congress. That committee reported that by reason of gross frauds, clearly shown, making it impossible to ascertain the legal votes cast, the returns from certain precincts must, in accordance with the well-established precedent of the House and the rule laid down by courts and learned authors, be entirely rejected, and that Wagoner had been duly elected and was entitled to his seat. Resolutions to that effect were adopted by the House and Wagoner seated February 26, 1903.

November 4, 1902, the day fixed by the governor for holding the special election for filling the vacancy in the Fifty-seventh Congress, was also the day fixed by law for the general election, at which there was to be chosen a Representative in this the Fifty-eighth Congress. Mr. Butler was a candidate for that seat also, and was opposed by Mr. George D. Reynolds, the present contestant.

The Missouri legislature had by act of March 16, 1901, redistricted the State, so that the district in which Reynolds competed with Butler for a seat in the Fifty-eighth Congress was not identical with the district in which Wagoner, upon the same day, competed with Butler for a seat in the Fifty-seventh Congress. Although the district, which is within the city of St. Louis, is still known as the Twelfth, at least one-half of it, territorially speaking (and being the one-half in which Wagoner received his majority), had been cut off from the district, while some new territory had been added. To be explicit, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Twenty-fourth Ward; precincts 1 and 2 of the Twenty-eighth Ward; precinct 11 of the Twelfth Ward; precinct 12 of the Seventh Ward; precinct 1 of the Twentieth Ward, and precincts 1 and 2 of the Twenty-first Ward, which formed part of the district in which Wagoner ran against Butler for a seat in the Fifty-seventh Congress, were not in the district in which Reynolds ran against Butler for a seat in the Fifty-eighth Congress, while precincts 7, 8, 9, 10, 11, 12, and 13 of the Twenty-fifth Ward, and precincts 2, 3, and 4 of the Fifteenth Ward, which never had been in the district in which Wagoner ran against Butler, are in the district in which Reynolds ran against Butler. All of the Fourth, Fifth, Sixth, Thirteenth, Fourteenth, and Twenty-third wards and parts of the Fifteenth, Twenty-second, and Twenty-fifth wards were in both districts.

Differently stated, the old district in which Wagoner ran against Butler for the Fifty-seventh Congress contained twenty election precincts which are not in the present district in which Reynolds ran against Butler for a seat in the Fifty-eighth Congress, and ten precincts in the present district in which Reynolds ran were not in the district in which Wagoner ran.

The returns of the election for the Fifty-eighth Congress showed Butler to have received 15,316 votes and Reynolds 8,698, an apparent majority of 6,618 for Butler, who was sworn in at the beginning of the present Congress and now occupies the seat which Reynolds contests.

In his notice of contest, in more or less general terms, he charges frauds of various kinds, and in the ninth paragraph thereof specifically charges that in sundry precincts, therein set forth, there were frauds so gross and extensive that it was impossible to ascertain the actual and legal votes, and that the returns should therefore be rejected altogether.

The contestant was not diligent in prosecuting his contest. Provision for the taking of testimony in such cases is found in section 107, United States Revised Statutes, which reads thus:

"Time for taking testimony: In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned Member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period."

The act of March 2, 1875, chapter 119, section 2, declares:

"That section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned Member is served upon the contestant."

In this case the notice of contest was dated December 20, 1902. Mr. Butler's answer was served December 22, 1902. Contestant thereupon served an additional or supplemental notice of contest, to which the contestee made reply December 24. The statute makes no provision for the service of additional grounds of contest, and these amended specifications must be considered, if received at all, as served in the original notice of contest. (McDuffy *v.* Torpin, Stofer, 355; McCrary on Elections, 448.) Certainly after answer filed a supplemental notice of contest can not be held to extend the time for the taking of testimony. Contestee's answer having been served December 22, 1902, the forty calendar days expired with the 31st day of January, 1903. Within those forty days contestant called no witnesses and took no testimony whatever. On the forty-second day (February 2) contestant proposing to take testimony, and having himself been sworn, counsel for contestee objected to the taking of any testimony whatever, and in his statement of objections said, inter alia:

"George D. Reynolds has slept on his rights, and the forty days during which Congress says testimony for contestee shall be taken have expired without his having taken any testimony whatsoever, and George D. Reynolds has, to all intents and purposes, abandoned his contest, and can not now revive the same in the time allotted to contestee in which to take testimony had he obeyed the mandatory provision of the law."

This and other objections were spread at length upon the record. Contestant was then himself examined, but testified simply to the service of notice of contest and of the additional grounds of contest. Two other witnesses testified also as to the service of these papers, and the papers themselves were put in evidence as exhibits, whereupon the further taking of testimony was adjourned until February 3. This was the 41st calendar day after the service of the answer to the additional notice of contest and the 43d after the service of the answer to the original notice. One witness was examined and an adjournment had to February 4 (the 44th day). Two witnesses were then examined and an adjournment had to February 5 (the 45th day). Depositions were also taken on the 6th, 7th, 9th, 10th, and 11th of February (the 46th, 47th, 49th, 50th, and 51st days). No testimony was at any time taken by contestee and none by contestant between February 11 and March 31. Upon the latter date (the 100th day) certain testimony was taken by contestant. Also upon the 1st, 2d, 3d, 6th, 7th, and 10th of April (the 101st, 102d, 103d, 106th, 107th, and 110th days).

Contestant insists that in computing the time under the statute Sundays and legal holidays must be excluded so as to leave 40 working days. It has never been so considered and we can not take that view. Section 108 of the Revised Statutes, being part of the same act, referring to notice of intention to take depositions, requires that it "shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend and one day for preparation, exclusive of Sundays and the day of service." The exclusion of Sundays in one section and not in the other is very significant. In section 1007 it is provided that in order to make a writ of error a supercedeas it must be served upon the adverse party "within sixty days, Sundays exclusive," and generally where Congress has intended to exclude Sundays it has so stated.

"Sundays are included in computations of time, except when the time is limited to twenty-four hours, in which case the following day is allowed." (Endich on Statutes, sec. 393.)

"In the computation of statute time an intervening Sunday is to be counted, unless expressly excluded by the statute. (King *v.* Dowdall, 2 Sand., 131, N. Y.)"

Mr. Justice Brown, in Monroe Cattle Co. *v.* Becker (147 U. S., 55), states the general rule to be "that when an act is to be performed within a certain number of days and the last day falls on Sunday the person charged with the performance of the act has the following day to comply with his obligation."

Subject to that rule we hold that the statute means calendar days. The contestant took no testimony whatever within the time prescribed by the statute, and some upon which he relies was taken many days after the statutory period, even if construed as he desires.

It is quite true that the statute providing and limiting the time for the taking of testimony is not binding upon this House, which under the Constitution is the only and absolute judge of the qualifications and elections of its Members. But, as has frequently been held, it furnishes a wise and wholesome rule of action and ought not to be departed from except for sufficient cause shown, or where the interests of justice clearly require. It would seem that contestant might have commenced and concluded his testimony in this case within forty days. Certainly he might have commenced. No reason whatever appears upon the record why he could not, or did not, but upon the argument before your committee it was stated that counsel for the present contestant were also counsel for Wagoner in his contest, and that some or all of them were engaged upon that case most of the time. There must, however, have been other counsel in St. Louis quite capable of taking such testimony as was taken in this case.

THE CHARACTER OF THE TESTIMONY.

The first witness called who testified to anything more than the service of papers was William D. Moore, called February 3, 1903 (the forty-third calendar day after filing of answer). We quote from his testimony as follows:

"Q. What is your name?—A. William D. Moore.

"Q. You are a notary public, Mr. Moore?—A. Yes, sir.

"Did you, as notary public, take any testimony in the contested election case of George C. R. Wagoner against James J. Butler for the office of Representative in Congress for the short term of the Twelfth Congressional district of Missouri?—A. Yes, sir.

"Q. Where was that testimony taken?—A. At the city hall in the city of St. Louis, Mo.

"Q. And in what office?—A. Office of the election commissioners.

"Q. Between about what dates did you take this testimony, Mr. Moore?—A. Between December 29, 1902, and January 3, 1903.

* * * * * * *

"Q. Have you now in your possession the original deposition taken at the time referred to and which you intend to certify to the Clerk of the House of Representatives?—A. Yes, sir.

"Q. Have you also in your possession a carbon copy of all the depo-

sitions which you took at the time and place referred to?—A. Yes, sir.

"Q. I will ask you if you have examined this carbon copy to-day?—A. Yes, sir.

"Q. Are the pages of the carbon copy, which you say you have examined, in the same order in which the pages of the deposition are arranged?—A. The pages are just the same. All the first pages of each precinct are arranged in the same order as the original and numbered the same.

"Q. You have spoken of having made a comparison of the carbon copy of the depositions with the original. I will ask you when you did that?—A. It has been done to-day; this afternoon.

"Q. Will you produce the carbon copy to which you have referred, Mr. Moore?—A. Yes, sir; I have it here.

"(Counsel for contestant now offers in this case the carbon copy of the deposition taken by the witness and identified and examined by him and asks the notary to mark the same 'Contestant's Exhibit No. 6.')

"No cross-examination."

Mr. Moore was not asked, and did not state, the names of the witnesses whose depositions he took in the Wagoner case, but reference to "Contestant's Exhibit No. 6" shows, as nearly as we can make out, that such witnesses were John A. Sloan, Robert A. Jordan, George W. Rinkle, Louis P. Masterson, Michael Callahan, and John A. Piper.

Mr. Moore was the only witness called that day. February 4, 1903 the forty-fourth day), James D. Halter was called. He testified that he was a notary public and had taken testimony "in the contested election case of George C. R. Wagoner against James J. Butler for the short term from the Twelfth Congressional district of Missouri" at 417 Pine street. His testimony concludes as follows:

"Q. Can you state the names of the witnesses whose depositions you took at 417 Pine street?—A. Yes; these are the witnesses: Martin Delaney, 3009 Pine street; George P. Kolb, 317 South Twenty-third street; Joseph L. Shuler, 1030 Clark avenue; George Dabney, 1337 Gay street; C. E. Udell, 4009 Westminister place; Peter Repscher, 2147 Adams street; John Stack, 2110 Adams street; I. H. Bradbury, 2124 Adams street; George Yeager, 2751 Manchester avenue; William Taylor, 2911 Lawton avenue; Walter W. Trice, 622 North Beaumont street; Robert Walker, Hotel Barnum; George Popp, 110 Spruce street; Joe Eismenger, 214 Valentine street; Herman Knecht, 318 South Fourth street; Adolph F. Cougot, 209½ South Seventh street; John F. Koshowsky, 704 Market street; Pat Earner, 638 South Seventh street; Henry Horchler, 1326 Clark avenue; Henry Green, 1319 Linden street; Oscar Herzog, 1400 Morgan street; Green Moore, 1521 Lucas (rear); William Carson, 1310 Gay street; Louis Alewell, 2002 Washington street; John B. Owen, 1208 Morrison avenue; Lee H. Vollnecke, 2053 Olive street; Sigmund L. Kramer, 1618 Market street; Mrs. Margaret Campbell, 2644 Olive street; William Hahn, jr., 114 South Third street; M. L. Turner, 2806 Locust street; Guy W. Williams, 2140 Eugenia street; John Gentner, 2138 Eugenia street; Daniel D. Carrol, 1326 Morgan street; E. S. Evertson, 2846 Lawton avenue; Herman Demuth, 202 South Second street; P. M. Cunningham, Tenth and Locust streets; Arthur Kiburz, 611 South Second street; Fritz Schreier, 509 South Second street; Alex. Wells, 309 Spruce street; Santo Dani, 320 Walnut street; Otto Weisse, 824 Walnut street; Moses Sargent, 706 North Fourteenth street; E. Heyd, 411 North Fourteenth street; Henry Thomas, 1317 Morgan street; Tony Barnes, 1324 Gay street; Joseph Farrel, 1521 Lucas (rear); Ben McMillan, 721 North Fourteenth street; John H. Bell, 1520 Morgan street; Louis J. Bischoff, 1320 Spruce street; William Heitman, 110 Spruce street; William R. Faulkner, mounted police station.

"Q. Did you have a carbon copy of all the testimony of all of these witnesses whose names and addresses you have given us made?—A. Yes.

"Q. Have you that carbon copy here present?—A. Yes, sir.

"Q. Have you carefully compared the carbon copy of the testimony of these witnesses with the original?—A. Yes, sir.

"Q. Did you find on your examination that the carbon copies were true copies of the original in every particular?—A. Yes, sir.

"Q. Have you the carbon copy about which you have just testified in your possession?—A. Yes, sir; here it is.

"(Here witness produces a copy of the testimony of the witnesses who testified before him in the case of George C. R. Wagoner against James J. Butler, pending before the Fifty-seventh Congress, and whose names and addresses are heretofore set out in this deposition.)

"Mr. RICHEY. On behalf of the contestant I now offer this true copy, as produced by this witness on behalf of Mr. George D. Reynolds, the contestant, and ask that the same be marked 'Contestant's Exhibit No. 8, of February 4, 1903.'

"No cross-examination."

Mr. Butler was not present, either in person or by counsel, at this hearing, having previously given notice that he would not attend any hearing, as he protested against the right of contestant to take any testimony at all after the expiration of forty calendar days. Neither of the witnesses Moore and Halter were examined at all touching the case of Reynolds against Butler. They were called for the single purpose of introducing, in that way, the testimony of witnesses examined before them, as notaries public, in the Wagoner case. No notice was given Butler that the testimony of the witnesses in the Wagoner case was thus to be introduced, and the notice served upon him of contestant's intention to take testimony did not include even the names of Moore and Halter. Several other notaries before whom depositions were taken in the Wagoner case were also called, and in like manner there were introduced carbon copies of the depositions taken before them in the Wagoner case. The testimony of twenty-one witnesses in the Wagoner case was thus introduced April 10, 1903 (the one hundred and tenth day). These witnesses were examined in the Wagoner case between December 19 and December 27, 1902, and the only reason given for delay in introducing copies of their depositions in the Reynolds case was that the notary would not surrender carbon copies until his fees were paid.

It is not pretended that the testimony taken directly in this contest makes out a case against the sitting Member, but contestant relies upon the testimony taken in the Wagoner case, and proved or attempted to be proved, by the notaries public in the manner above indicated. For the competency of this evidence his counsel rely upon Greenleaf on Evidence, section 553, which they cite in their brief as follows:

"In regard to the admissibility of a former judgment in evidence, it is generally necessary that there be a perfect mutuality between the parties, neither being concluded unless both are alike bound. But with respect to depositions, though this rule is admitted in its general principle, yet it is applied with more latitude of discretion; and complete mutuality is not required. It is generally deemed sufficient, if the matters in issue were the same in both cases, and the party against whom the deposition is offered had full power to cross-examine the witness."

That is not a fair citation, as it omits more than half of the section, particularly the following:

"If the power of cross-examination was more limited in the former suit in regard to the matters in controversy in the latter, it would seem that the testimony ought to be excluded."

Furthermore, it omits the fact, manifest from a reading of the entire section, and particularly in connection with section 163, that the learned author referred, in any event, only to cases in which the witnesses were dead or for some other reason not compellable to testify in person.

The matter in issue in the Wagoner case was the right to a seat in the Fifty-seventh Congress from the old district. The matter in issue in this controversy is the right to a seat in the Fifty-eighth Congress from the new district. The matters in issue are therefore not identical. The parties are not the same, except that Mr. Butler, the contestee here, was also the contestee in the Wagoner case. He certainly did not, in the Wagoner case, have "full power to cross-examine" the witnesses touching the Reynolds case. His "power of cross-examination was more limited in the former suit, in regard to the matters in controversy in the latter." Indeed, in the Wagoner case, which related solely to a seat in the Fifty-seventh Congress, he had no opportunity to cross-examine witnesses at all concerning his controversy with Reynolds for a seat in the Fifty-eighth. No questions concerning the Reynolds contest were asked in direct examination of the witnesses, and cross-examination concerning it would not have been in order. As a matter of fact, he did not cross-examine them at all in the Wagoner case. Doubtless he had his own reasons for not doing so. He may have thought it useless to make much of a fight in that district, and yet he might have been very anxious to cross-examine them touching the present contest, involving an election from a changed district more favorable to his party because of the elimination of sundry Republican precincts which had been in the old district. He was certainly under no obligation to cross-examine them in the Wagoner case, and the fact that he did not is no bar to his right to cross-examine them in this entirely different controversy.

It is asserted in contestant's brief that the elections were held by the same officers and by the use of the same official ballots, but he has failed to show even that fact by any evidence offered in the case. It is not claimed that the witnesses whose testimony in the Wagoner case contestant seeks to introduce are dead or were for any other reason beyond the reach of service of subpœna. So far as we are advised their presence could readily have been secured, and failure to call them was based purely on reasons of convenience and expense. Under such circumstances, copies of their depositions would not be admissible in a court of justice.

But there is a further objection. Section 108 of the Revised Statutes requires that the party desiring to take depositions in a contested election case "shall give the opposite party notice, in writing, of the time and place when and where the same will be taken, of the names of the witnesses to be examined and their places of residence." Mr. Butler was not given the names of the witnesses whose testimony in the Wagoner case it was proposed to introduce in this contest, and in at least one important instance the notice to him did not even give the names of the notaries public who were called as witnesses in this contest for the purpose of proving the depositions of numerous witnesses in the Wagoner case.

But even if all the testimony offered by contestant were to be received and given its full effect it is deficient in at least one very important particular. In the notice of contest it is alleged that over 10,000 illegal ballots were received and counted by the judges of election, and that "the parties so voting were not legally registered voters and were not entitled to vote at said election." We find upon examination of the published report of the committee which passed upon the Wagoner case in the Fifty-seventh Congress that the result in that case was largely based upon the reception of illegal ballots from persons whose names did not appear upon the official printed registry sheets. We find in the record in this pending controversy, commencing at page 666, a paper entitled "Contestant's Exhibit No. 14 of February 4, 1903—James D. Halter, notary public, city of St. Louis, Mo." This exhibit purports to contain the depositions of ninety witnesses examined before J. T. Sanders, notary public, in the Wagoner case between December 13, 1902, and January 3, 1903.

It does not appear from the record that Sanders, before whom the depositions were taken, was called as a witness, or that Halter, as notary public, took any depositions at all in this, the Reynolds case. We are therefore at a loss to account for the appearance in this record of these ninety depositions. We were inclined to think that Sanders, the notary public before whom depositions were taken in the Wagoner case, was called as a witness in this case before Halter, acting as notary public, and handed in carbon copies of the depositions of these witnesses, and that the contestant, while sending Exhibit No. 14, failed to return the deposition of Sanders showing the offering of the exhibit. A letter from contestant's counsel shows this to have been the case.

However that may be, we find among these ninety depositions, constituting the so-called Exhibit No. 14, that of Louis P. Aloe, who, in the Wagoner case, produced a book, concerning which he said:

"This is the complete printed register of the qualified voters of the Twelfth Congressional district for the election of November 4 and thereafter, 1902—that is, the official list."

It appears from the testimony that that book was marked "Exhibit C" in the Wagoner case. It was not printed with the testimony in that case. But it was undoubtedly submitted to and used by the committee in preparing its report. It was not, however, sent by contestant Reynolds to the Clerk of the House with the testimony in this case, nor produced before your committee, and therefore, although we find in the testimony what purport to be lists of the names of the persons who voted, showing also whether they voted for Butler or for Reynolds, we are utterly unable to tell who of said voters were registered and who were not, or to what extent such persons as were unregistered voted, either for Butler or for Reynolds.

Our conclusions are more succinctly stated in the following:

SUMMARY.

1. No part of contestant's testimony as taken within the forty days allowed by statute for that purpose, and some of it was taken as late as the 110th day after answer filed. No good and sufficient reason has been shown for the delay.

2. The witnesses upon whose testimony contestant relies were not called and examined in this case, but he has introduced carbon copies of their depositions, taken by a different contestant in a former case, concerning a seat in a different Congress, and from a different district. The present contestee was contestee also in the earlier case, but did not then have full power of cross-examination of said witnesses touching the present contest.

3. The contestee was not given the names of the witnesses in the

former case whose depositions contestant proposed to introduce in this case, nor of his intention to introduce such testimony, and in some instances was not given in advance, as the statue requires, the names of the witnesses who were called in this case and by whom the depositions of the witnesses in the former case were proved or attempted to be proved.

4. There is no evidence that all or any of the witnesses, carbon copies of whose depositions in the Wagoner case have been introduced in this case, are dead or were for any other reason not compellable to attend and testify in this contest.

5. Neither the original, nor any copies of the official registry lists having been furnished, it is impossible to determine what votes were illegal by reason of having been cast by unregistered persons as charged.

Upon the whole case your committee recommends the adoption of the following resolution, viz:

"*Resolved*, That Committee on Elections No. 2 shall be, and is hereby, discharged from further consideration of the contested-election case of George D. Reynolds *v.* James J. Butler, from the Twelfth Congressional district of Missouri."

Mr. ROBINSON of Indiana. Will the gentleman from Pennsylvania [Mr. OLMSTED] yield me two or three minutes of time?

Mr. OLMSTED. I yield to the gentleman from Indiana [Mr. ROBINSON] for five minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, my service of six years till this Congress on Elections Committee No. 2, in charge of these cases against James J. Butler, of the Twelfth district of Missouri, gave me an intimate knowledge of the former cases and considerable knowledge of the one now reported to the House.

I take pleasure in congratulating that committee, acting under its able chairman, in the unanimity in this decision and in its former record of judicial and unanimous judgment that characterized its action during my term of membership thereon.

With the possible exception of one decision against this contestee in the former Congress, its action has met the unanimous indorsement of this House. A record of years of fairness and impartiality such as this should no be passed over at this time without a deserved compliment.

Mr. Butler, it so happens, was three times elected within two years, and by a new apportionment in two different districts. He was twice unseated, the last time in the Fifty-seventh Congress in the most bitter contest on the floor of the House for weeks, and until this action by the committee has had a third contest pending. These circumstances justly entitle these proceedings to be among the causes célèbres, no more by reason of the troubles and annoyances that the Representative of the Twelfth Congressional district of Missouri has incurred, but as the only case in eight years of active work that Election Committee No 2 has divided in opinion.

I congratulate the chairman, Mr. OLMSTED of Pennsylvania, and the membership of that committee on these many years of good work.

Mr. OLMSTED. While the committee is willing to accept congratulations as far as they are entitled to the same, particularly when coming from one, himself so fair as, during six years of service, the gentleman from Indiana [Mr. ROBINSON] proved himself, we by no means concede the correctness of the statement of the gentleman that Mr. Butler was three times elected. It is true that he has been three times returned as elected, but we are well satisfied that he was not elected to the Fifty-seventh Congress at all, and there may be some reasonable doubt as to his having been elected to this Congress. But the contrary has not been proved. He holds the certificate, and the case against him has not been clearly proved. Therefore he will retain his seat if this resolution is adopted.

I believe the contestant, Mr. Reynolds, to be a very estimable gentleman. He formerly resided in Pennsylvania, where he still has many friends who are also friends of mine. He has important friends in many parts of the country, as well as in St. Louis, who will regret that he is not to be seated. Personally, I should like him for a colleague and should be glad to vote to that end could I conscientiously say that his right to the seat has been established——

Mr. THAYER. I would like to ask what may be considered an informal question of the gentleman from Pennsylvania. I have sat here, Mr. Speaker, for several sessions and have seen many parties contesting the seats of those who were returned as Members of this House; and I have noticed, or have believed at least, that in many instances those contests were made chiefly for the purpose of annoying those who were returned as Members, and for the money that the contestant got out of the Treasury to support his contention. I believe that it would be well if we should make a rule here and now that no man who contests the election of a man who is properly and legally returned as a Member of this House, and who is unable to substantiate his contest, should be paid his or any part of his expenses. It seems to me, Mr. Speaker, that this matter of contesting a Member's seat is very like a contest in court. If a plaintiff there thinks he has an action against a defendant, he brings a suit, summons his witnesses, employs his attorney, incurs his expenses, and if he is not successful he must defray those expenses. If he is successful the defendant defrays them in part. I see no reason why we here should favor and give encouragement to people who were not returned by the proper officers as Members of this House, to contest seats of those who are returned as Members on the ground that we will defray the expenses of the contest. These tables will turn sooner or later. It looks now as though it would be somewhat later. [Laughter.] But the tide will turn, and then the shoe will be on the other foot. I do not believe in encouraging any man to come here and contest the seat of a man who is lawfully and properly returned by the people and the officers who have that matter in charge. As I say, I believe it is done in many instances chiefly for the money that they can get out of it and the little notoriety that attaches. And while I do not know that this is the proper time or occasion to bring up this matter, if it can be brought up I want to record my vote as against allowing any contestant one cent for any contest of the seat of a Member who is properly returned if the contestant fails in his contest.

Mr. CLAYTON. Unless he makes his contest good.

Mr. OLMSTED. Mr. Speaker, this is a matter which does not arise here. It may be considered by the House at the proper time, but it is not within the jurisdiction of the committee which made this report. I will state, however, that there is no law nor practice now of allowing all expenses. Neither party can, under existing law, receive more than $2,000, and there is hardly an important contested-election case in which a large amount of testimony is taken in which the expenses of the parties do not largely exceed that sum.

Mr. THAYER. I should like to ask the gentleman what reason or sense is there in allowing a man who comes here with no case to get even the $2,000?

Mr. OLMSTED. I will say to the gentleman from Massachusetts that there was in this case a prima facie ground of contest. It is within the power of the House, and perhaps of the Committee on Appropriations or the Elections Committee, in any case where a contest is clearly a wanton and frivolous one, to deny all expenses whatever. The gentleman from Mississippi [Mr. WILLIAMS] suggests that, and he is entirely correct. There have been cases in which nothing whatever has been allowed for expenses. I do not, however, desire to be understood as suggesting that this is that kind of a case.

Mr. THAYER. How can you get at the matter, I should like to know?

Mr. OLMSTED. Whenever an appropriation bill comes up carrying an item of this character it is quite within the power of the gentleman from Massachusetts, or any other Member, to fully question the Appropriations Committee or the Elections Committee before which the case was heard as to the character of the contest, and to determine whether or not in that particular case any expenses at all should be allowed, or if any, then what amount.

Mr. BOWIE. I want to state, for the benefit of the gentleman from Massachusetts, that Elections Committee No. 1 has in at least one case within my knowledge held that a contest was simulated, and therefore refused to recommend the allowance of expenses to the contestant, and they were not allowed; and I think that any elections committee would refuse to recommend the allowance of expenses where the contest was clearly simulated or fraudulent. It is within the power of the Elections Committee to recommend to the Appropriations Committee the allowance of these fees up to $2,000, or to recommend their disallowance. That is all I wanted to say.

Mr. OLMSTED. I think that is the fact. The gentleman is entirely correct.

Mr. BOWIE. I know it has been done in one case.

Mr. OLMSTED. I so understand it. I will call for a vote, Mr. Speaker, if there are no further remarks.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE OUACHITA RIVER, ARKANSAS.

Mr. WALLACE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is upon the House Calendar. The

gentleman from Arkansas asks unanimous consent for its present consideration. Is there objection?

There was no objection.

The SPEAKER. The bill is amended by substitute. If there be no objection, the Clerk will report the substitute.

The Clerk reported the substitute. It proposes that the Interurban Transit Company, a corporation organized and existing under and by virtue of the laws of the State of Arkansas, be, and it is hereby, authorized to construct and maintain a drawbridge across the Ouachita River, in the State of Arkansas, at or near Camden, Ark., at a point which may hereafter be selected by said Interurban Transit Company for crossing said river with its line of railway and agreed upon by the Secretary of War. Said bridge shall be constructed to provide for the passage of electric railway cars; and all street railroad companies desiring the use of the bridge shall have equal privileges in the passage of trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of disagreement in regard to the terms of such use, or the rates to be paid, the matter at issue shall be decided by the Secretary of War.

The SPEAKER. The Chair calls the attention of the gentleman from Arkansas to the fact that in line 17, page 5, there seems to be a misprint. The word "constructed" should be stricken out and the word "construed" inserted.

Mr. WALLACE. I move, Mr. Speaker, that the bill be amended in that respect.

The SPEAKER. If there is no objection, the bill will be so amended. [After a pause.] The Chair hears none. The question now is on agreeing to the substitute as amended.

The question was taken; and the substitute was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WALLACE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4831) to improve currency conditions.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to be recognized a moment in order to make a statement to the House. The gentleman from Georgia [Mr. BARTLETT], who is the author of the minority bill in this case, and who has charge of the time in opposition to the bill, is, as I am informed, sick and almost unable to attend. He might be forced to attend by the debate, but the debate went over yesterday, as I am informed, at the request of the gentleman from Connecticut [Mr. HILL], who had a business engagement. I think that the debate ought to go over to-day because of the gentleman from Georgia's illness and indisposition.

We have telephoned to him that it looked as if the debate would not go over and that he must come up if he can. The gentleman from Georgia [Mr. HARDWICK] just now informs me that he has received a reply to the message and that the gentleman from Georgia [Mr. BARTLETT] says that he is too sick to come up under any circumstances. I do not know who wants to talk on the bill one way or the other. I can not take his place, and besides, if I could, it is as much a part of a man's duty in control of one side or the other of a debate on a bill to hear what takes place on the other side, to listen to the arguments, in order that he may reply to them, as it is to make his own argument.

I ask unanimous consent that the question may go over. Now, Mr. Speaker, one more word. It will involve no peculiar difficulty, because the order of the House is already such that the measure is tailed onto the regular and privileged business of the House. I ask unanimous consent that the matter may go over until the gentleman from Georgia can be in the House.

The SPEAKER. Pending the motion that the House go into Committee of the Whole House on the state of the Union, the gentleman from Mississippi asks unanimous consent that the consideration of this bill may go over until another day.

Mr. HILL of Connecticut. Mr. Speaker, I regret exceedingly that I shall have to object to unanimous consent. I do not think there is any trouble about making the arrangement satisfactory to both sides. The appropriation bills are likely to come on pretty rapidly after this week. This matter ought to be disposed of, and general debate will take no more time to-day than it will to-morrow. I understand that the gentleman from Georgia [Mr. BARTLETT] is now on his way here.

Mr. WILLIAMS of Mississippi. No; the gentleman from Georgia is not on his way here. We have just received a message that he is too ill to come to the House.

Mr. HILL of Connecticut. I had a full and complete understanding with the gentleman from Georgia that the bill should come up to-day, and I traveled all last night myself in order to be here. Now, the suggestion I have to offer to the gentleman is that we go on with the general debate to-day. To-morrow is claims day, and if it goes over to-day, it will go over to-morrow, and kind Providence only knows what will come up next Monday. This bill may lose its absolute right of way by being prevented from consideration by appropriation bills and numerous other questions of a privileged character.

It seems to me, Mr. Speaker, the wisest thing to do is to go on with the general debate now, with the understanding that if the time is not fully occupied the rest of the afternoon in general debate we will then adjourn and let the general debate go over until to-morrow, so that the gentleman from Georgia [Mr. BARTLETT] will not have his time taken away from him at all.

Mr. WILLIAMS of Mississippi. It is true there was an understanding between the gentleman from Georgia and the gentleman from Connecticut. It is also true, as I understand, that there was an understanding prior to that that the matter should come up yesterday.

Mr. HILL of Connecticut. Oh, no; not at all.

Mr. WILLIAMS of Mississippi. That was my understanding, in order to convenience the gentleman from Connecticut.

Mr. HILL of Connecticut. Nothing of the kind, Mr. Speaker.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman will remember that it went over and was subject to come up yesterday. That is what I mean. Subsequently was there not an agreement between the gentleman from Connecticut [Mr. HILL] and the gentleman from Georgia [Mr. BARTLETT] that it should not come up yesterday, because the gentleman from Connecticut had a business trip that he wished to make?

Mr. HILL of Connecticut. Oh, not at all.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I want to add this remark only, that it is just as important for the man in charge of the opposition of a bill or in charge of the bill itself to be able to hear, in order to reply to what is said upon the other side, as it is to be able to be present.

Mr. PAYNE. Mr. Speaker, I call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Connecticut——

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to move a substitute.

The SPEAKER. The Chair will say to the gentleman from Mississippi, as the Chair understands it, the practice is, under the rules, if the gentleman desires to raise the question of consideration, or its equivalent, to antagonize the motion that the House do resolve itself into Committee of the Whole.

Mr. WILLIAMS of Mississippi. I understand that, Mr. Speaker.

The SPEAKER. And if the House refuse to so do, then the gentleman gains his point.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Unless I am forced to do so I do not desire to be put in that attitude. Would it be in order to make a motion, as a substitute for the motion of the gentleman from Connecticut, that the bill do go over? And if so, I would rather make that than to raise the question of consideration. I have no objection to its consideration except to-day.

The SPEAKER. The Chair desires to state to the gentleman that in the opinion of the Chair the gentleman's motion would not be in order, because it can not be debated until it is before the House and until consideration of the bill begins.

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, at this point I shall raise the question of consideration.

The SPEAKER. The gentleman raises that question by antagonizing the motion.

Mr. PADGETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PADGETT. Mr. Speaker, I desire, as a member of the committee, to join in the request of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. PAYNE. Mr. Speaker, I think we better have the regular order.

The SPEAKER. The regular order has been demanded, objection being made to further debate while the gentleman from Mississippi had the floor. The question is on the motion of the gentleman from Connecticut that the House do resolve itself into the Committee of the Whole House on the state of the Union.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were—ayes 111, noes 115.

Mr. HILL of Connecticut. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 131, answered "present" 8, not voting 115, as follows:

YEAS—132.

Acheson	Davis, Minn.	Kinkaid	Payne
Adams, Pa.	Douglas	Knapp	Perkins
Adams, Wis.	Dovener	Knopf	Porter
Allen	Dresser	Knowland	Prince
Bartholdt	Driscoll	Kyle	Reeder
Bates	Dunwell	Lacey	Roberts
Bede	Dwight	Lafean	Scott
Beidler	Esch	Landis, Frederick	Smith, Ill.
Bingham	Foss	Lawrence	Smith, Iowa
Bishop	Foster, Vt.	Lilley	Smith, Pa.
Boutell	Fuller	Littauer	Smith, Samuel W.
Bowersock	Gaines, W. Va.	Littlefield	Smith, Wm. Alden
Bradley	Gardner, Mich.	Longworth	Southard
Brick	Gardner, N. J.	Loud	Southwick
Brown, Pa.	Gillet, N. Y.	Loudenslager	Spalding
Brown, Wis.	Gillett, Cal.	Lovering	Sperry
Brownlow	Gillett, Mass.	McCall	Stafford
Burke	Graff	McCleary, Minn.	Steenerson
Burkett	Greene	McCreary, Pa.	Sterling
Butler, Pa.	Hamilton	McLachlan	Stevens, Minn.
Campbell	Hedge	Mahon	Sulloway
Capron	Henry, Conn.	Marshall	Tawney
Conner	Hermann	Miller	Thomas, Ohio
Cooper, Pa.	Hildebrant	Minor	Tirrell
Cooper, Wis.	Hill, Conn.	Mondell	Townsend
Cousins	Hinshaw	Moon, Pa.	Volstead
Crumpacker	Holliday	Morrell	Vreeland
Currier	Howell, N. J.	Murdock	Wanger
Curtis	Hunter	Needham	Wiley, N. J.
Cushman	Jackson, Md.	Olmsted	Wilson, Ill.
Dalzell	Jones, Wash.	Otjen	Woodyard
Daniels	Kennedy	Overstreet	Wright
Darragh	Ketcham	Palmer	The Speaker

NAYS—131.

Adamson	Gillespie	Lever	Russell
Baker	Glass	Lewis	Ryan
Bankhead	Goebel	Lind	Scarborough
Bassett	Gooch	Lindsay	Shackleford
Beall, Tex.	Goulden	Little	Sheppard
Bell, Cal.	Gregg	Livingston	Sherley
Benton	Griggs	Lloyd	Shober
Bonynge	Gudger	Lucking	Sims
Bowers	Hamlin	McDermott	Slayden
Bowie	Hardwick	McLain	Smith, Ky.
Breazeale	Harrison	Macon	Smith, Tex.
Brundidge	Hay	Maddox	Snapp
Burgess	Heflin	Mann	Snook
Burleson	Hepburn	Maynard	Sparkman
Burnett	Hitchcock	Miers, Ind.	Spight
Byrd	Hogg	Moon, Tenn.	Stephens, Tex.
Caldwell	Hopkins	Norris	Sullivan, Mass.
Candler	Houston	Padgett	Talbott
Cassingham	Hughes, N. J.	Page	Thomas, Iowa
Clayton	Humphreys, Miss.	Patterson, N. C.	Thomas, N. C.
Cowherd	Hunt	Pierce	Trimble
Croft	James	Pinckney	Underwood
Davey, La.	Johnson	Pou	Van Duzer
Denny	Jones, Va.	Pujo	Wade
Dinsmore	Kehoe	Rainey	Wallace
Dougherty	Kelliher	Randell, Tex.	Webb
Field	Kitchin, Claude	Ransdell, La.	Webber
Finley	Kitchin, Wm. W.	Rhea	Welsse
Fitzgerald	Kline	Richardson, Ala.	Williams, Ill.
Fitzpatrick	Lamar, Fla.	Rixey	Williams, Miss.
French	Lamb	Robb	Wynn
Garber	Legare	Robinson, Ark.	Zenor
Garner	Lester	Robinson, Ind.	

ANSWERED "PRESENT"—8.

Clark	Cromer	Goldfogle	Patterson, Pa.
Cockran, N. Y.	Deemer	Meyer, La.	Sherman

NOT VOTING—115.

Aiken	Draper	Jenkins	Scudder
Alexander	Emerich	Kluttz	Shiras
Ames	Evans	Lamar, Mo.	Shull
Babcock	Flack	Landis, Chas. B.	Sibley
Badger	Flood	Livernash	Slemp
Bartlett	Fordney	Lorimer	Small
Benny	Foster, Ill.	McAndrews	Smith, N. Y.
Birdsall	Fowler	McCarthy	Southall
Brandegee	Gaines, Tenn.	McMorran	Stanley
Brantley	Gardner, Mass.	McNary	Sullivan, N. Y.
Brooks	Gibson	Mahoney	Sulzer
Broussard	Gilbert	Marsh	Swanson
Buckman	Granger	Martin	Tate
Burleigh	Griffith	Morgan	Taylor
Burton	Grosvenor	Mudd	Thayer
Butler, Mo.	Haskins	Nevin	Vandiver
Calderhead	Haugen	Otis	Van Voorhis
Cassel	Hearst	Parker	Wachter
Castor	Hemenway	Patterson, Tenn.	Wadsworth
Cochran, Mo.	Henry, Tex.	Pearre	Warner
Connell	Hill, Miss.	Powers, Me.	Warnock
Cooper, Tex.	Hitt	Powers, Mass.	Watson
Crowley	Howard	Reid	Weems
Davidson	Howell, Utah	Richardson, Tenn.	Wiley, Ala.
Davis, Fla.	Huff	Rider	Williamson
Dayton	Hughes, W. Va.	Robertson, La.	Wilson, N. Y.
De Armond	Hull	Rodenberg	Wood
Dickerman	Humphrey, Wash.	Rucker	Young
Dixon	Jackson, Ohio	Ruppert	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. HUFF with Mr. HENRY of Texas.
Mr. NEVIN with Mr. AIKEN.
Mr. MCCARTHY with Mr. LIVERNASH.
Mr. MCMORRAN with Mr. MCNARY.
Mr. MUDD with Mr. GOLDFOGLE.
Mr. RODENBERG with Mr. BROUSSARD.
Mr. WARNOCK with Mr. THAYER.

For the day:

Mr. BURTON with Mr. TAYLOR.
Mr. ALEXANDER with Mr. BENNY.
Mr. BABCOCK with Mr. RICHARDSON of Tennessee.
Mr. BRANDEGEE with Mr. BARTLETT.
Mr. CALDERHEAD with Mr. CROWLEY.
Mr. CASTOR with Mr. COCHRAN of Missouri.
Mr. DAVIDSON with Mr. GRANGER.
Mr. DIXON with Mr. DAVIS of Florida.
Mr. EVANS with Mr. EMERICH.
Mr. FORDNEY with Mr. FLOOD.
Mr. FOWLER with Mr. FOSTER of Illinois.
Mr. GARDNER of Massachusetts with Mr. DE ARMOND.
Mr. HASKINS with Mr. GAINES of Tennessee.
Mr. HAUGEN with Mr. VANDIVER.
Mr. HEMENWAY with Mr. HEARST.
Mr. HITT with Mr. HOWARD.
Mr. HUGHES of West Virginia with Mr. KLUTTZ.
Mr. HULL with Mr. PATTERSON of Tennessee.
Mr. JENKINS with Mr. SCUDDER.
Mr. MARSH with Mr. ROBERTSON of Louisiana.
Mr. MARTIN with Mr. MAHONEY.
Mr. OTIS with Mr. RIDER.
Mr. POWERS of Maine with Mr. REID.
Mr. POWERS of Massachusetts with Mr. COCKRAN of New York.
Mr. SIBLEY with Mr. STANLEY.
Mr. SMITH of New York with Mr. SMALL.
Mr. WACHTER with Mr. WILSON of New York.
Mr. WADSWORTH with Mr. SULLIVAN of New York.
Mr. WARNER with Mr. WILEY of Alabama.
Mr. WATSON with Mr. SWANSON.
Mr. WILLIAMSON with Mr. SOUTHALL.

After the holidays:

Mr. BURLEIGH with Mr. BRANTLEY.

Until further notice:

Mr. BIRDSALL with Mr. HILL of Mississippi.
Mr. BROOKS with Mr. COOPER of Texas.
Mr. BUCKMAN with Mr. LAMAR of Missouri.
Mr. CASSEL with Mr. GOOCH.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. CROMER with Mr. GRIFFITH.
Mr. DRAPER with Mr. RUCKER.
Mr. FLACK with Mr. SULZER.
Mr. GROSVENOR with Mr. CLARK.
Mr. LORIMER with Mr. MCANDREWS.
Mr. PEARRE with Mr. GILBERT.
Mr. VAN VOORHIS with Mr. CASSINGHAM.

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. DEEMER with Mr. SHULL.
Mr. CHARLES B. LANDIS with Mr. TATE.
Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.
Mr. SHERMAN with Mr. RUPPERT.

The SPEAKER. The Chair will order a recapitulation of the vote.

The Clerk recapitulated the names of those voting.

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called and he voted "aye."

The result of the vote was announced as above recorded.

IMPROVEMENT OF CURRENCY CONDITIONS.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4831.

Mr. HILL of Connecticut. Mr. Chairman, I do not wish to be placed in any false light in regard to this vote. My only purpose in making this motion to-day to go into Committee of the Whole to consider this bill was that the general debate might be advanced. I had no thought of closing debate to-day. A number of gentlemen on this side desire to speak to-morrow. I understand that some gentlemen on that side desire to speak; and the only purpose was, not to procure a vote to-day—and it would be impossible in the Committee of the Whole House, as the committee would be forced to go back into the

House—but simply to advance debate as much as possible. Now, having consumed two hours on this side, I will ask if any one on that side—or rather opposed to the bill, for I will not say that side is opposed to the bill, but members on that side who are opposed to the bill—desires to take any time? I would ask the gentleman from Mississippi [Mr. WILLIAMS] if he desires to assign any time in opposition to the bill?

Mr. MADDOX. Why do you not go ahead on that side instead of waiting until to-morrow?

Mr. HILL of Connecticut. In view of the fact that we have consumed two hours on this side and desire to close the debate to-morrow, I think it would hardly be fair for those in favor of the bill to take all the time now and for those opposed to the bill to have the time to-morrow. I trust that the time will be taken alternately, so that we should have the opportunity to close debate on this side to-morrow.

Mr. MADDOX. I do not know of anybody that wants to speak on it; I do not know anything about it. The gentleman from Georgia [Mr. BARTLETT], who has charge of this bill, is sick in bed at the hotel and not able to be here.

Mr. HILL of Connecticut. That does not prevent gentlemen from speaking who desire to speak.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I understand that the gentleman from Connecticut is asking about the time on this side. The gentleman is aware of the fact that the gentleman from Georgia [Mr. BARTLETT], who has the time list, is in bed sick. I know nothing about who wants to speak in opposition to the bill. That was part of the statement made before. I believe the last speech was made in opposition to the bill, and the next one ought to be made upon that side. The gentleman from Connecticut can go on, and perhaps I can find out something about it. I do not know.

Mr. HILL of Connecticut. The gentleman from Mississippi was out of the Hall a moment ago. I have stated that there was no desire at any time to force the bill to a vote, but there are certain gentlemen on this side who desire to discuss the bill to-morrow.

Mr. WILLIAMS of Mississippi. It is not to force the bill to a vote, but there is evidently a desire to run the bill along in the absence of the gentleman in charge of the opposition.

Mr. HILL of Connecticut. I yield ten minutes or as much additional time as he may desire to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Chairman, we seem to have as much difficulty in getting on with the discussion of this measure as the Committee of Banking and Currency seem to have had in reporting the measure. It is natural that such should be the case in view of the importance of this question and the great divergence of views which exist among those who have carefully studied it, and therefore I can clearly see how these difficulties arise. I congratulate the committee on the bill that they have submitted for the consideration of the House, and I think the whole tenure of its nature is one that will be apt to meet with approval. When we think that this deals with the question upon which the successful running of our Government and business matters depends, then we know that such a measure should be carefully considered. The currency of the country is the means by which all exchanges in trade and commerce are made, and when the measure of value and the means of exchange are not sound and reliable, and founded on a basis which insures not only its perpetuity but its equilibrium, we can readily see the difficulty the committee had before it in framing the bill which they have submitted for our approval.

Mr. Chairman, the currency of our country as existing in bank notes is composed of the following sums: Of the greenbacks there are $346,000,000; of national-bank notes, $460,000,000; of silver certificates, $447,000,000; of gold certificates, $531,000,000; of Treasury notes, $11,000,000. These, with the gold coin in circulation, forms the means of exchange and measure of value for all of our commercial transactions. There have been certain provisions which have been passed by Congress from time to time for the regulation of the issuance of this currency, for the amount of its redemption at the time, together with other matters, trying to preserve the equilibrium to which I have referred.

This bill is entitled "A bill to improve currency conditions," and, in my judgment, I think the whole tenor of the bill is, in that direction, on conservative lines and practical in each detail. The first section changes the act of Congress which limited the receipts from internal revenue to be deposited by the Secretary of the Treasury in the designated depositories. In the stirring financial times we have seen within the past few years, when the money market became so stringent that a panic occurred and even worse evils threatened the prosperity of the country, and the Secretary of the Treasury was appealed to to release some of the funds in his keeping, and which belonged to the Government of the United States, he said it was not in his power so to do, although there were vast sums of ready money locked up in the Treasury vaults, because, owing to the act which stated that the receipts from customs could not be loaned out, he had released all of the money that was in his power to release under the law.

The object of the first clause of this bill is to cure that evil. The necessity for the restriction which was enacted years ago has passed. It was enacted in order that the gold receipts taken under the law from customs should be retained in the Treasury for the preservation of the gold standard and for the safety of the currency that was circulating throughout the land. As I say, this necessity having passed away, it is not considered advisable to have two kinds of currency, so to speak, or, rather, two lots of currency, with restrictions on one and not on the other, when their nature is identical in kind. So this removes that restriction and will give power to the Secretary of the Treasury to deposit, when in his judgment the necessity occurs, the customs receipts as well as the internal-revenue receipts in the designated depositories of the United States, and thus be able to relieve the stringency of the money market and avoid some of the terrible collapses of the near past.

In order to prevent the banks from drawing the circulation too fast, it was limited by law to the amount of $3,000,000 per month. Experience has shown that this was not a wise provision, because often the banks desire to reduce their circulation at a more rapid rate. This prohibition of the law stood in the way, and accordingly it was limited to that amount. This made the currency larger than there was any necessity for—a condition which always leads to speculation and inflation. It stopped the elasticity of the currency, which is deemed by all the writers on that subject its most important characteristic, in order that the currency can expand and contract according to the business needs of the country.

The second section of this act proposes to remove that restriction of $3,000,000 a month, and, as this section of the act reads, it would leave the amount unlimited.

That would certainly be a very dangerous thing to do, for it would enable large banking institutions, if they chose, to contract the currency by rapidly reducing their circulation to such an extent that they might affect the money markets, and thereby injure the business prosperity of the country, The gentleman from Connecticut [Mr. HILL] informed us that an amendment was to be made to this section, and that it was to be left in the discretion of the Secretary of the Treasury as to the amount that should be allowed to be withdrawn. I think with that amendment that this section will be sound and desirable to be incorporated into the law relating to our currency. Section 3 provides:

> That the Secretary of the Treasury is hereby authorized, without regard to any heretofore prescribed limit of amount of subsidiary silver coinage, and as public necessities may demand from time to time, to recoin standard silver dollars from cash in the general fund in the Treasury into such authorized denominations of subsidiary silver coin as he may deem necessary to meet public requirements.

Mr. Chairman, I have no desire to go into any argument relating to the silver question or the ratio between gold and silver, or any other such question as might be brought into this discussion, for I consider it to be a simple proposition that has nothing to do with the larger and greater question, but that it is a pratical suggestion as to how we might use and put into circulation the silver dollars now lying dormant, you might say, in the United States Treasury.

The people as a rule do not like the silver dollar. I know most people feel as I do. If I receive a silver dollar in change I pass it along and let the next man carry it, as quickly as possible, because a paper note is much lighter and more convenient. The silver dollars will be utilized in supplying a demand of the people for smaller subsidiary coinage.

In every part of the country the cry goes up for change. It is a well-known fact that over 95 per cent of the exchanges in the commercial world are made by checks, drafts, and bills. It is only the smaller transactions that are now paid for in coin and in small amounts, and hence the great demand throughout the country for small bills and small change, and when this smaller currency is issued it is absorbed so quickly that the Secretary of the Treasury has exhausted all the amount he is now allowed to coin into subsidiary coin from the silver. This will enable him to supply the demand of the country and at the same time use up these silver dollars. I would say here, Mr. Chairman, that there is one point not touched on in this bill which I regret very much. It is the general opinion of sound financiers that the greenbacks of our country should be retired. I know it is a most difficult problem, I know it is against the popular cry, Why should you pay interest on bonds to retire the greenbacks when we are getting a currency circulation for nothing?

In my judgment the best time to reform all the faults in the currency or in the laws that run contrary to the received opinions of those who have made the best study of this question is in the day of our prosperity. You can not do it in times of depression. Then the people are restless and suffering and they will not listen to any doctrines, as they describe such things to be. I have made some study of the questions of finance and taken a special course thereon, but the more I read and the more I study the more I become convinced that the finances of a nation are very similar to the finances of an individual, and that a nation, like an individual, is never so well off as when out of debt and when there are outstanding few promises to pay and few obligations to meet. The greenback is nothing in the world but a promissory note issued on the credit of the Government of the United States. It is true that the credit of our Government is such that that greenback will be taken by anybody anywhere, who is glad to get it. But times are not always so prosperous. Revenues may not always be so great. We may have conditions similar to those that we had during the civil war, when these notes were issued. All governments, in times of great distress, resort to the issuing of bonds and of fiat money, but it is not considered sound finance, and is never done except under great stress of adverse circumstances. I am sorry that the committee did not see a way to bring in a measure devising some gradual retirement of these promises to pay which are outstanding against the United States Government. In accordance with the greater demand for the issuance of smaller notes the fourth section of this act provides:

That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States, in sums of not less than $10, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose.

This provides for the issue of gold certificates in denominations of not less than $10 instead of not less than $20 as formerly. I regret to find that there is no restriction placed on the amount of the issuance of these notes. The Secretary of the Treasury in his report, unless I am mistaken, suggested that they be only reissued to one-eighth of the amount of the whole sum. There is a danger in the unlimited issuance of $10 notes, and while it may be considered remote, nobody can foretell what may take place in the way of political changes, and if these notes are issued in unlimited quantities in sums of $10 the larger notes might be issued by the Secretary of the Treasury if he was opposed to the present system of finance in larger sums than twenty and fifty dollar bills in greenbacks, and then the following result might happen: All the banking institutions hold the larger notes for their reserves and for transmission, owing to the fact that they are more easily handled and less costly to remit by express. If the larger denominations of greenbacks were issued they might be held as a reserve by the institutions, and then suddenly brought to the Treasury and their redemption in gold demanded.

And so the gold reserves of this country might be depleted and drawn out, not by redemption of the gold notes, but by redemption of greenbacks, which would be a very serious thing and might lead ultimately to serious consequences. I would like to see an amendment offered to this, putting some restriction of one hundred millions or something that would reduce this amount and not leave it open, as it woud be under this act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 6498. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania," approved February 1, 1903.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 342. An act for the improvement of the Mount Rainier National Park, in the State of Washington.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 88.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of Portland Harbor, Maine, to include Fore River above Portland bridge, and the entrance to Back Cove, with a view to widening and deepening the channels at those localities, and to submit estimates for such improvements.

Senate concurrent resolution 87.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Bay of Monterey, California, to meet the demands of commerce.

The message also announced that the Senate had made the following order:

Whereas the House of Representatives, on the 14th day of December, 1904, by five of its members, Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLETT of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky, at the bar of the Senate impeached Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same, and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore,

Ordered, That the Senate will, according to its standing rules and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives herewith.

IMPROVEMENT OF CURRENCY CONDITIONS.

The committee resumed its session.

Mr. HILL of Connecticut. Mr. Chairman, I would like to ask the gentlemen on the other side to now use some of their time.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not find anybody in opposition to the bill who desires to address the House at this time. The advocates of the bill have consumed something over one hour. This side has occupied twenty minutes. The debate might as well close now.

Mr. HILL of Connecticut. Mr. Chairman, I will yield fifteen minutes to the gentleman from Maine [Mr. POWERS].

Mr. WILLIAMS of Mississippi. But the gentleman from Connecticut can not yield to anybody now. The agreement in the House was that the time should be divided equally between those in advocacy of the bill and those in opposition to the bill. Gentlemen on his side have already consumed more than an hour of time, while on this side we have consumed about twenty minutes.

Mr. HILL of Connecticut. Well, Mr. Chairman, that is a new point of order to me, on which I would like a decision.

The CHAIRMAN. The Chair thinks that under an agreement, such as was had in this case, it is not in the power of one side to close debate by refusing to go on.

Mr. WILLIAMS of Mississippi. The agreement was that this bill should continue as unfinished business, and that the time for general debate should be divided equally between the advocates of the bill and those opposed to it, and that the gentleman from Connecticut should control one half of the time and the gentleman from Georgia should control the other half. The gentleman from Georgia is not here. I do not know to whom he has promised time. He was expected to speak himself. Nobody else that I know of is ready on this side. The other side has occupied more than one-half of the time.

The CHAIRMAN. The time on that side of the House, represented by the gentleman from Mississippi, could be made equal, of course, in general debate; but general debate can not be closed by a refusal of one side of the House to go on and debate the question.

Mr. WILLIAMS of Mississippi. I think it has been the uniform practice of the House, when debate has been equally divided, and we ran out of debating material, to close the debate. But if that is the ruling of the Chair, I move that general debate be closed, and in making that motion I will say that the other side has already had two or three times as much time as those in opposition to the bill.

The CHAIRMAN. The gentleman from Mississippi appreciates the fact that general debate can not be closed by order of the Committee of the Whole; it can only be closed in the House.

Mr. WILLIAMS of Mississippi. I can make a motion that after five minutes the debate be closed.

The CHAIRMAN. Not in Committee of the Whole in general debate.

Mr. WILLIAMS of Mississippi. Then, Mr. Chairman, I move that the committee rise, in order to report to the House.

Mr. HILL of Connecticut. I had not yielded the floor, Mr. Chairman, to the gentleman from Mississippi for any such purpose. I had yielded fifteen minutes to the gentleman from Maine [Mr. POWERS].

The CHAIRMAN. The motion is in order, but is not debat-

able. The question is on agreeing to the motion of the gentleman from Mississippi that the committee do now rise.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were 50 ayes and 33 noes.

So the committee determined to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4831, and had come to no resolution thereon.

Mr. WILLIAMS of Mississippi. Mr. Speaker, under the agreement made in the House the other day the gentleman from Georgia and the gentleman from Connecticut were to control the time, the former in opposition and the latter in advocacy of the pending bill. The time for general debate was to be equally divided between the two sides in advocacy of and in opposition to the bill. The advocates of the bill have consumed something over an hour's time. The opponents of the bill have consumed something like half an hour. The gentleman from Georgia being absent and in bed sick, I, being unadvised of his list of debaters, have not been able to find anyone to speak this morning. The gentleman from Georgia [Mr. BARTLETT] was to have spoken himself, and perhaps somebody was to have followed him to-morrow, but I do not know. At any rate I do not know of anyone who wishes to occupy further time. I therefore move, for it is patent to the House that there is no use for one side doing all the debating on a particular bill—I move that general debate be closed, and on that I move the previous question.

The SPEAKER. The gentleman from Mississippi moves to close general debate upon the bill H. R. 4831 in Committee of the Whole House on the state of the Union, and upon that he asks the previous question.

The question was taken, and the previous question was ordered.

Mr. HILL of Connecticut. Mr. Speaker, do I understand the motion is on the previous question?

The SPEAKER. The previous question has been ordered. The question now is on closing general debate.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were—ayes 93, noes 66.

So the motion was agreed to.

Mr. HILL of Connecticut. Mr. Speaker, general debate having been closed, in violation of the agreement made by the minority, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions.

The SPEAKER. The question is on the motion of the gentleman from Connecticut that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were—ayes 87, noes 81.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I demand tellers.

Mr. HILL of Connecticut. Mr. Speaker, to save time, I will demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 107, answered "present" 5, not voting 151, as follows:

YEAS—122.

Adams, Pa.	Dwight	Knowland	Scott
Adams, Wis.	Esch	Kyle	Shiras
Bartholdt	Evans	Lacey	Smith, Ill.
Bates	Fordney	Lafean	Smith, Iowa
Bede	Foster, Vt.	Landis, Chas. B.	Smith, Samuel W.
Beidler	Fuller	Lawrence	Smith, Pa.
Boutell	Gaines, W. Va.	Lilley	Southard
Bowersock	Gardner, Mich.	Littauer	Southwick
Bradley	Gillet, N. Y.	Longworth	Spalding
Brick	Gillett, Cal.	Loud	Sperry
Brown, Pa.	Gillett, Mass.	Lovering	Steenerson
Burke	Graff	McCall	Sterling
Burkett	Greene	McCarthy	Stevens, Minn.
Butler, Pa.	Hamilton	McCleary, Minn.	Sulloway
Calderhead	Hemenway	McLachlan	Tawney
Campbell	Henry, Conn.	McMorran	Thomas, Ohio
Capron	Hermann	Mahon	Tirrell
Cooper, Pa.	Hildebrant	Marshall	Townsend
Cousins	Hill, Conn.	Miller	Volstead
Crumpacker	Hinshaw	Morgan	Vreeland
Currier	Holliday	Morrell	Wanger
Curtis	Howell, N. J.	Mudd	Webber
Cushman	Huff	Needham	Weems
Dalzell	Hull	Olmsted	Wiley, N. J.
Daniels	Humphrey, Wash.	Otjen	Williamson
Darragh	Jenkins	Palmer	Wilson, Ill.
Davis, Minn.	Jones, Wash.	Parker	Wood
Dovener	Kennedy	Payne	Woodyard
Dresser	Kinkaid	Porter	Young
Driscoll	Knapp	Powers, Me.	
Dunwell	Knopf	Reeder	

NAYS—107.

Acheson	Gillespie	Lamb	Ryan
Adamson	Glass	Legare	Shackleford
Aiken	Goulden	Lever	Sheppard
Baker	Granger	Lindsay	Sherley
Bankhead	Gregg	Little	Shober
Bassett	Griggs	Lloyd	Sims
Beall, Tex.	Gudger	Lucking	Smith, Ky.
Bell, Cal.	Hardwick	McNary	Smith, Tex.
Bonynge	Harrison	Macon	Snook
Bowers	Hay	Maddox	Stephens, Tex.
Bowie	Heflin	Maynard	Sullivan, Mass.
Breazeale	Hepburn	Meyer, La.	Talbott
Brundidge	Hitchcock	Miers, Ind.	Tate
Burgess	Hogg	Moon, Tenn.	Thomas, Iowa
Burleson	Hopkins	Padgett	Thomas, N. C.
Burnett	Hughes, N. J.	Pierce	Trimble
Byrd	Humphreys, Miss.	Pinckney	Underwood
Croft	Hunt	Pou	Vandiver
Crowley	James	Pujo	Van Duzer
Davey, La.	Johnson	Randell, Tex.	Wade
Dougherty	Jones, Va.	Ransdell, La.	Wallace
Field	Kehoe	Rhea	Webb
Finley	Keliher	Rixey	Williams, Ill.
Fitzgerald	Kitchin, Claude	Robb	Williams, Miss.
Fitzpatrick	Kitchin, Wm. W.	Robinson, Ark.	Wynn
Garber	Kline	Robinson, Ind.	Zenor
Garner	Lamar, Fla.	Russell	

ANSWERED "PRESENT"—5.

Cassingham,	Deemer	Patterson, Pa.	Richardson, Ala.
Cromer			

NOT VOTING—151.

Alexander	Denny	Ketcham	Rider
Allen	Dickerman	Kluttz	Roberts
Ames	Dinsmore	Lamar, Mo.	Robertson, La.
Babcock	Dixon	Landis, Frederick	Rodenberg
Badger	Douglas	Lester	Rucker
Bartlett	Draper	Lewis	Ruppert
Benny	Emerich	Lind	Scarborough
Benton	Flack	Littlefield	Scudder
Bingham	Flood	Livernash	Sherman
Birdsall	Foss	Livingston	Shull
Bishop	Foster, Ill.	Lorimer	Sibley
Brandegee	Fowler	Loudenslager	Slayden
Brantley	French	McAndrews	Slemp
Brooks	Gaines, Tenn.	McCreary, Pa.	Small
Broussard	Gardner, Mass.	McDermott	Smith, Wm. Alden
Brown, Wis.	Gardner, N. J.	McLain	Smith, N. Y.
Brownlow	Gibson	Mahoney	Snapp
Buckman	Gilbert	Mann	Southall
Burleigh	Goebel	Marsh	Sparkman
Burton	Goldfogle	Martin	Spight
Butler, Mo.	Gooch	Minor	Stafford
Caldwell	Griffith	Mondell	Stanley
Candler	Grosvenor	Moon, Pa.	Sullivan, N. Y.
Cassel	Hamlin	Murdock	Sulzer
Castor	Haskins	Nevin	Swanson
Clark	Haugen	Norris	Taylor
Clayton	Hearst	Otis	Thayer
Cochran, Mo.	Hedge	Overstreet	Van Voorhis
Cockran, N. Y.	Henry, Tex.	Page	Wachter
Connell	Hill, Miss.	Patterson, N. C.	Wadsworth
Conner	Hitt	Patterson, Tenn.	Warner
Cooper, Tex.	Houston	Pearre	Warnock
Cooper, Wis.	Howard	Perkins	Watson
Cowherd	Howell, Utah	Powers, Mass.	Weisse
Davidson	Hughes, W. Va.	Prince	Wiley, Ala.
Davis, Fla.	Hunter	Rainey	Wilson, N. Y.
Dayton	Jackson, Md.	Reid	Wright
De Armond	Jackson, Ohio	Richardson, Tenn.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the day:

Mr. KETCHAM with Mr. LESTER.

For the vote:

Mr. MANN with Mr. GOLDFOGLE.

Mr. ALLEN with Mr. LIND.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. FOSS with Mr. BENTON.

Mr. LITTLEFIELD with Mr. MCDERMOTT.

Mr. MCCREARY of Pennsylvania with Mr. LEWIS.

Mr. HEDGE with Mr. MCLAIN.

Mr. ROBERTS with Mr. HOUSTON.

Mr. MURDOCK with Mr. SLAYDEN.

Mr. MONDELL with Mr. SPARKMAN.

Mr. MOON of Pennsylvania with Mr. SPIGHT.

Mr. WRIGHT with Mr. WEISSE.

Mr. GIBSON with Mr. CANDLER.

Mr. BINGHAM with Mr. LIVINGSTON.

For the balance of the day:

Mr. POWERS of Massachusetts with Mr. EMERICH.

Mr. GARDNER of New Jersey with Mr. CLAYTON.

Mr. OVERSTREET with Mr. COWHERD.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions, with Mr. DALZELL in the chair.

The CHAIRMAN. General debate has been closed by order of the House. The Clerk will report the bill by paragraph.

The Clerk read as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes be, and is hereby, amended by striking out from the first clause of said section the words "except receipts from customs;" so that said clause shall read as follows:

"All national-banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them."

Mr. POWERS of Maine. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The gentleman from Maine has been recognized. The Chair will recognize the gentleman from Mississippi later.

Mr. POWERS of Maine. Mr. Chairman, I yield to the gentleman to offer his amendment.

The CHAIRMAN. The gentleman from Mississippi offers the following amendment, which the Clerk will report.

The Clerk read as follows:

After the word "regulations," in line 9, page 1, insert the words "requiring payment of interest on amounts deposited and limiting amount to be deposited in any one bank bidding in competition for the same."

Mr. WILLIAMS of Mississippi. Now, the gentleman from Maine has yielded to me to offer the amendment. Will he yield me just two minutes for an explanation in brief of what it is? I just want the House to understand what it is, and then I will yield back to the gentleman.

Mr. POWERS of Maine. Providing it does not come out of my time.

Mr. WILLIAMS of Mississippi. Oh, no; not at all.

Mr. Chairman, this amendment is offered for the purpose of accomplishing the object that I called attention to the other day in the general debate. It is for the purpose of requiring banks which receive deposits to pay interest upon them, to compete in order to determine which bank shall obtain the deposits, to permit the Secretary of the Treasury to prescribe in what manner that shall be done, and also to prescribe a limitation of the amount which any one bank shall receive on deposit. I do not wish to debate the matter, but for fear the House did not understand it from the reading of the Clerk I wanted to make an explanation, as a great many of you were not listening and there was a great deal of confusion at the time the Clerk read the amendment. I want you to know that this is to stop the abuse of lending money to the banks without interest, and to make those banks that receive money pay for it.

Mr. POWERS of Maine. Mr. Chairman, it has been my misfortune not to be present during the debate upon this bill, and judging from what I have read and heard about it I think very few of the Committee on Banking and Currency, if any, have taken much part in that discussion. Now, whatever affects the regulations of the Treasury Department as to the course to be pursued with the surplus therein and whatever affects the currency of our country is of vital interest to us all. I am a believer in sound currency, in a dollar that is worth its full face value everywhere. This first section in the bill repeals a prohibition that has been placed upon the power of the Secretary of the Treasury to deposit in national banks money collected on imports. When that inhibition was placed there it was wise. Conditions were different then from what they are now. It was absolutely necessary that there should be gold paid into the Treasury to meet certain obligations which were payable in gold. All customs duties were payable in gold, while other indebtedness to the Government could be settled with currency. The reasons which led to the placing of that inhibition, or the adoption of it, preventing the deposit of money collected for customs, have ceased to exist since all our currency is on a gold basis, and what was wise in its time and indispensable has become irksome and useless. Now, I am not intending to discuss the proposition of whether or not national banks should pay interest upon deposits or under what conditions they should pay. It seems to me that there are some reasons why they should, but yet that is a question that requires careful consideration, and in my judgment should be considered in committee carefully and reported to this House in a separate bill by itself covering all the conditions in reference thereto which must necessarily be provided for in case we are to require anything of that kind of them. Nothing of the kind was contemplated in this section. To-day a collector of customs collecting money at some port distant from a subtreasury can not deposit with a national bank as can a collector of internal revenue, but he must send by express, at the expense of the Government, all moneys collected to some subtreasury. That is true, I believe, of every customs district or customs collector in my own State. If, on the contrary, he could deposit that money in an authorized depository and send a check from that authorized depository on its correspondent bank in the city where the subtreasury is as often as regulations may require, the Government would save a large amount of money that is now paid for expressage, and the money would not be withdrawn from the circulation or business of the country. The object aimed at by this section is not in the interest of the banks, but of the Government and commercial prosperity.

I am not frightened with the bugbear of national banks. I believe they have had much to do with our wonderful prosperity, that our banking system is one of the best ever devised, and I am also confident that to no one is a panic more injurious than to them. Still I have no fears but they can care for their interests.

By permitting this legislation we do not in the least increase the amount that the Secretary of the Treasury can deposit in national banks, because the amount of deposits has never yet reached, by a large sum, the amount collected from other sources. The adoption of this section and the repeal of a restriction which has become irksome and useless simply permits the deposits of all moneys alike, saves expense to the Government of the United States, and has a tendency to keep it in circulation. I can not see why any person should object to it.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. POWERS of Maine. Well, I do not know that I desire to discuss this section any further. It seems to me that I have made my position upon it fairly plain. I have something I may desire to say on some other sections of the bill, as I had not the privilege of being heard in general debate and am a member of the Committee on Banking and Currency, from which it was reported.

Mr. MACON. I desire to offer an amendment.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. MACON. It is an amendment to the section.

The CHAIRMAN. Then the gentleman will withhold his amendment until the other is disposed of. The Chair will recognize the gentleman later.

Mr. MACON. The amendment can be held there; I would like to be recognized on it as soon as the other is disposed of.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

Mr. HILL of Connecticut and Mr. WILLIAMS of Mississippi rose.

Mr. HILL of Connecticut. If the gentleman desires to discuss his amendment——

Mr. WILLIAMS of Mississippi. I do not wish to be heard on the amendment unless somebody desires to debate it.

Mr. THAYER. Mr. Chairman, I am in favor of the principle embodied in the gentleman's amendment, but I think it would be better that the per cent should be fixed rather than to leave it for competition.

Mr. WILLIAMS of Mississippi. You mean the interest?

Mr. THAYER. I mean the minimum interest; and I would not make it very large—not 2 per cent.

Mr. WILLIAMS of Mississippi. We can not fix that fully from year to year or month to month, because that would depend upon the state of the money market. Better to have the rate of interest on the deposits fixed by the rate of the bids of the banks. That would be a better way to have it than to leave it to the discretion of the Secretary of the Treasury making regulations changing it.

Mr. THAYER. I do not like the auction feature of the motion. I always have believed that banks should pay some interest on national deposits, which they are not doing now. I know that they are secured by the bonds that are deposited; but I think that in addition to that the banks should pay some small rate of interest on all deposits, and if all the customs—those which by this bill would be and the others which are deposited—are to be given over to national banks it seems to me that the banks should pay some interest.

It seems to me there might be some inconsistency; but I would like to ask whether the gentleman's motion is intended to include only these new customs that they are going to be permitted to deposit, or does it refer not only to these customs but to all other money? I did not note carefully the reading of the gentleman's motion.

Mr. WILLIAMS of Mississippi. It applies to all classes of money.

Mr. THAYER. Then I am more heartily in favor of it than ever. But I think it would be better to fix a minimum limit rather than to let it out to the highest bidder. I don't like this auction feature of the gentleman's motion. I think the general

principle of his motion is right. I do not see why these banks should not pay interest, and there is no logic in their having the use of the money without paying anything for it. I understand that the gentleman who prepared the minority report on this bill is in favor of the proposition that is contained in this first section.

While I am on my feet I want to say something relative to a section coming further along down, so that the Members can be thinking about it. It is contained in section 3. I am opposed to Congress shirking, if I may use that word, their responsibilities and duties and throwing them on the heads of Departments, whether it be the Secretary of the Treasury, the Secretary of the Navy, or the Secretary of any of the other great Departments. I think if we have a duty to perform here we ought to take the responsibility; and it occurs to me that it would be wise legislation, in view of the fact that we are to permit the recoining of the silver dollars into subsidiary coin, that we should place a limit as to the amount that shall be recoined each year. We should not leave it to the discretion of anyone, the Secretary of the Treasury or anyone else. I have noticed in other forms of legislation that we have adopted the plan of leaving many things to the Secretary of this and the Secretary of that. I think it is better that we should place the limit here, and we should not place this responsibility on the Secretary of the Treasury as to how much of the silver currency shall be recoined into subsidiary coin each year.

As I understand it, there are 528,000,000 of silver dollars now—500 carloads of silver dollars in the Treasury. Now, Mr. Chairman, what I claim is, if any amount of this is to be recoined into subsidiary coin where it is needed and taken from the place where it is not needed, namely, in silver dollars, then I should place a limit on the amount that should be recoined each year.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. THAYER. Well, I can discuss this matter further when the section is reached in regular order.

Mr. HITCHCOCK. Aside from the fact that the Government of the United States derives no return whatever from something like $150,000,000 now on deposit in the national banks of the country year in and year out, aside from the fact that those banks pay nothing to the Government for the valuable use of that great sum of money, it seems to me there is another important reason why this amendment, offered by the gentleman from Mississippi [Mr. WILLIAMS], should carry. That is, that the present practice permits the Administration, for the time being, to locate these great sums of money in banks that may be, for the time being, political favorites. And we know by the past that this has been done. It has been put into the record of the proceedings of this House that great bankers in the city of New York have demanded of the Administration the deposit of Government funds in their particular banks in reward for political services rendered by the officers of those banks. If the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] shall prevail, that evil in politics in part will be removed, and deposits of the Government, if they must be placed in banks, will be placed not as a reward for political services, but strictly upon business principles.

Personally, Mr. Chairman, I do not favor the idea embodied in this section. I believe that, instead of removing the limitations for the deposit of public money in the banks of the country, so as to increase the opportunity for the deposit of public funds, the legislature of this country should go in the opposite direction. It seems to me that this removal at this time is designed chiefly not to promote the public service by permitting customs officers at remote regions to deposit in bank, but is designed chiefly to swell the great deposits of the Government in the banks in New York City, where most of the customs are to be paid. It will have no effect at all upon the interior banks of the country, and will chiefly serve, and is designed chiefly to swell the deposits of, the great banks in New York City, where the money can be used to loan to stock gamblers and other borrowers, who may borrow it there. But, certainly, if we must have this provision, we should incorporate the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS]. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, the section of the bill under consideration has absolutely nothing to do with the question presented by the gentleman from Mississippi [Mr. WILLIAMS] or with the point discussed by the gentleman from Nebraska [Mr. HITCHCOCK]. It is simply a straightforward business proposition. For instance, it is a question, practically, whether the treasurer of the city of New York in collecting the taxes of the city of New York should take those taxes and lock them up in the vaults of the city or deposit them in the banks and have them go back into circulation, where they may be drawn upon by the treasurer.

It is a question whether the custom-house collector in Tampa, Fla., or on the coast of Canada, or on Puget Sound, or on any of the outlying portions of the United States, should take the identical money, the coin, the bills, out of circulation in the community where the customs are paid and ship them by express to Washington, or whether he should keep them in circulation by depositing them in the banks in the community where they are collected and permit the Government to draw on them by check or draft just as any individual would in his business, or as any corporation would do, with these funds. Forty years ago the Government could not do that, because the interest on the bonds being payable in gold, and gold being at a large premium, it was necessary to take the identical funds and have them sent to Washington and locked up in the Treasury and use them for this specific purpose. That course is no longer necessary. The question which the gentleman from Mississippi [Mr. WILLIAMS] raises is an entirely different one, and a discussion of the policy of paying interest on deposits will be found in the Treasurer's report at length last year. The policy which is now being pursued continued for sixty years under Democratic Administrations and for forty years under Republican Administrations.

This is purely an administrative measure. If the House wants the Government to withdraw these funds from circulation which are paid in for customs and to lock them up in the Treasury, taking them out of daily use by the people, they will strike out this section; but the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] involves large questions of a hundred years' duration that have not been considered at all by the committee and ought not to be put as an amendment onto this proposition. For this is a straightforward business proposition and nothing else, purely administrative, and the other is theoretical. I hope the amendment will be voted down and the section adopted as it is.

Mr. COCKRAN of New York. Mr. Chairman, will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from New York?

Mr. HILL of Connecticut. I do.

Mr. COCKRAN of New York. Mr. Chairman, what is the objection to applying business principles to this money?

Mr. HILL of Connecticut. Not any.

Mr. COCKRAN of New York. To the money collected under the provisions of this bill?

Mr. HILL of Connecticut. There is no objection. That is the purpose of the bill, to apply ordinary business methods.

Mr. COCKRAN of New York. Surely the gentleman does not contend that where there are large deposits placed in a bank by any institution, public or private, it is unusual to exact interest.

Mr. HILL of Connecticut. Why, not at all, Mr. Chairman, and I honestly wish as a Republican that there were no surplus to deposit in the national banks of the country outside of the ordinary business requirements of the Government; but this relates to the ordinary business requirements of the Government, the money that is coming in from day to day and going out from day to day. The question which the amendment of the gentleman from Mississippi [Mr. WILLIAMS] relates to is the question whether, after the money had been received in the Treasury Department and it is taken out and placed as a loan, it should receive interest. That is the proposition which he is endeavoring to inject into this bill.

Mr. COCKRAN of New York. Mr. Chairman, why does the gentleman object to making the same rule for the deposit of funds received by the Government that would be made by any other business institution likely to make deposits of equal amount?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN of New York. I ask unanimous consent that the time be extended to allow the gentleman to answer this question.

The CHAIRMAN. If there be no objection, the time of the gentleman from Connecticut will be extended.

There was no objection.

Mr. HILL of Connecticut. I would state that the question involves very different principles from that involved in this bill. I will call the gentleman's attention to the Treasury report for last year, page 25, in which the Treasurer discusses this whole question. And I would also call his attention to an act of Congress of June 23, 1836, where the whole question of interest on deposits was treated. And even there, under Democratic administration—and wise administration, in my judgment—no

interest was charged on deposits within a limit of 25 per cent of the bank's capital, it being considered that that was what would be called an "active deposit," being deposited and drawn on every day.

I will state to the gentleman from New York [Mr. COCKRAN] that the whole purpose of this section was to treat the Government funds precisely as the gentleman would treat his own, precisely as the New York Central Railroad or the Pennsylvania Railroad would treat their active working balances. It did not propose and does not propose to dispose of the question of the loaning of surplus money in any way, shape, or manner, and it hardly seems to me fair to inject that proposition into this administrative measure.

Mr. COCKRAN of New York. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Connecticut yield?

Mr. HILL of Connecticut. I think the gentleman from New York has the floor.

Mr. COCKRAN of New York. I desire to take the floor in my own time.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. COCKRAN of New York. Mr. Chairman, I support the amendment of the gentleman from Mississippi [Mr. WILLIAMS] largely on account of the answer just made by the gentleman from Connecticut. [Applause on the Democratic side.] I want exactly the same rules applied to the management of its finances by the Government that I would apply in my own affairs, or that the New York Central Railroad would apply to any funds that came into its possession. If I had a large amount of money to deposit, I would place it either in a trust company or with a bank under an arrangement to pay interest upon my daily average balance, and that is what it seems to me the Government should do. If it be a balance so active that it will not allow the payment of interest at a profit to the bank, why, no bank will offer me any inerest, and in that case I will be compelled to make a deposit unconditionally.

Now, my friend from Massachusetts [Mr. THAYER] suggests that he abhors the idea of a competition or auction between banks to fix the rate of interest. I do not quite know how a rate of interest can be fixed or determined except through competition or through an auction, as he calls it. Every penny that is borrowed anywhere is borrowed as the result of an auction or competition in which the borrowers contend against each other for the best conditions on which they can secure a loan, and the lenders contend against each other for the best conditions under which they can make the loan. The result of these competitions fixes the rate of interest. You can not have a market rate of interest fixed in any other way.

Mr. THAYER. Our savings banks paid a rate of 5 per cent for a good many years.

Mr. COCKRAN of New York. Established by whom?

Mr. THAYER. Loans on mortgages to savings banks. Now I think this rate ought to be low—I think it ought to be less than 2 per cent.

Mr. COCKRAN of New York. Whatever rate the Government would fix might prove too high. Assuming it to be as low as 2 per cent a year, the rate in the market may fall so much lower that the banks would not pay even that moderate rate; for if a bank could not loan money at more than 1½ per cent manifestly it could not pay 2 per cent to the Treasury for the use of it.

Mr. THAYER. But, Mr. Chairman, the Government would be no worse off than it is now, for it gets nothing now.

Mr. COCKRAN of New York. I do not want the Government, after we have dealt with any of its functions, to be in a condition where the best that can be said of it is that it is no worse off for our meddling. I want this legislation or any other legislation that finds its way into our statute books to result in some positive advantage to the Government. Unless you leave the rate of interest to be fixed by the operations of trade, you are liable to nullify your bill and make it wholly inoperative with regard to this matter of seeking interest on deposits of public moneys.

Mr. OLMSTED. If the gentleman from New York [Mr. COCKRAN] or myself were fortunate enough to have a large sum of money which we wished to deposit we might receive bids from banks, but is it not also true that in many such cases it might be found that the bank offering the largest rate of interest was the least stable and solvent?

Mr. COCKRAN of New York. Undoubtedly, sir. The gentleman from Pennsylvania [Mr. OLMSTED] makes a suggestion that is pregnant with interest. I heard myself with great interest a passage at arms between the gentleman from Connecticut [Mr. HILL] and the gentleman from Mississippi [Mr. WILLIAMS] two days ago, in which that question was broached, and treated with great felicity. The gentleman from Mississippi [Mr. WILLIAMS] seemed to believe that wherever rates of interest were high money would naturally gravitate for employment; but that is a mistake. There is something more important to owners of money than the rate of interest, and that is the security. I remember a social organization some years ago in New York that was known as the "Hyena Club," whose members were possessed of everything but money. [Laughter.] One of the humorous features of its sessions was to post on the walls the market rate for call money from the Evening Post, which seldom exceeded 3 per cent, and alongside of it an offer of the Hyena Club of 30 per cent for any amount. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLMSTED. Mr. Chairman, I will ask that the gentleman's time may be extended. We have taken up his time mostly among ourselves.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from New York may be extended. Is there objection?

There was no objection.

Mr. COCKRAN of New York. In those days there was also an occasional flurry about time loans, coming from a disposition on the part of borrowers to demand that they should be for four months or three months instead of sixty days. The Hyena Club always coupled with its liberal offer of a 30 per cent rate of interest a statement that it was indifferent as to time, that all it asked was thirty seconds; the balance it would take for itself. [Laughter.] Now, that occurred in Park Row, which is only a stone's throw from Wall street, where men were competing eagerly with each other for a chance to loan at 2½ per cent or 3 per cent. Yet the Hyena Club's offer of 30 per cent never induced one owner of money to make it a loan or even received the slightest notice. So it is that you find money will not flow always or indeed usually in the direction where the highest rates of interest are offered. Where rates of money are highest there security is generally believed to be lowest. Where the rates of money are lowest there lenders believe the security to be best, and as owners of money value the safety of their funds above the profits to be made by lending them, it follows that the lower you find interest rates in any place the stronger the tendency of money to gravitate in that direction.

Mr. SHERLEY. Mr. Chairman, is not the question of security absolutely eliminated by the fact that no deposits of Government money can be made in any bank except upon security given by the bank in the way of a deposit of United States bonds?

Mr. COCKRAN of New York. That is quite true as to these particular deposits, but the rate of money will not be controlled by these particular deposits. The whole supply of money available for all the purposes of trade will fix the rates of interest at every point. Now, I do not fear at all the operations of trade in fixing the rate of interest. It is quite true that under the operation of this system money would very probably flow in the first instance to New York. But it must be employed by New York bankers. They can not make profits out of it by locking it up in a vault and contemplating it or counting it. They must employ it by sending it out into the channels of trade in order to receive any return for it. Now, if the Government select one particular bank and place money on deposit with it without interest, it is practically making a present to that particular institution of an amount equal to the interest that deposit will earn; and that is not only unjust to the entire body politic, but it is a source of demoralization quite as corrupting as the gentleman from Mississippi declared it to be the day before yesterday. You must allow the Government, on the other hand, to deposit its funds in the banks or else those funds must remain locked up in some vault of a subtreasury. Money locked up in the vault of a subtreasury is withdrawn from circulation. The channels of trade are deprived of its vivifying influence. There are no means of getting those funds out into the various avenues where they can be employed to the profit of everyone except to deposit them in the banks.

Section 1 of this bill aims at that end. It is a most salutary measure. The reason why funds proceeding from customs taxation have not been hitherto deposited in banks according to the usual custom of civilized nations has been explained by the gentleman from Connecticut [Mr. HILL], and it has passed away. You can not allow large sums of money to be gathered and held idle in a vault without seriously restricting the activities of commerce and endangering its prosperity. But the rules of sound commerce should be made to govern all the oper-

ations of government, not merely to prescribe the deposit of public funds in the banks for the purpose of liberating them, but also to prescribe wholesome conditions under which the deposit must be made. I would not, even if this amendment fail, vote against this bill, because I consider there is a capital necessity to keep the public moneys in circulation through the medium of the banks, even if the conditions of deposit be unjust to the Government; but I do not think opposition to this should be justified, even colorably, by any hesitation on the part of its sponsors to adopt a suggestion which is not only conceived in morality and justice but which is backed by the experience of every community; and I appeal to the gentleman from Connecticut [Mr. HILL], when an amendment comes from this side of the House which does not impair but strengthens his measure, to adopt it gladly and allow those of us on this side who sympathize with the body of his bill to feel that we are not helping a party measure of the other side, but that we are joining in a nonpartisan attempt to make the conditions of our trade more prosperous by broadening and strengthening its foundations.

Mr. SCOTT. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. COCKRAN of New York. Certainly.

Mr. SCOTT. Mr. Chairman, I am very much disposed to sympathize with that amendment, and if I fail to support it it will be because of a fear that it might operate to keep the money, these surplus funds of the Government, out of circulation in this way, and I desire to ask the gentleman's opinion upon that. I notice that call money in New York yesterday was at 2½ per cent, notwithstanding the recent very great flurries in Wall street. Is it the opinion of the gentleman from New York [Mr. COCKRAN] that New York bankers would be willing to pay even so much as 1 per cent interest regularly on Government balances, which are likely to be called for at any time, when, even with the conditions that prevail such as have for the past two days in New York, they can get only 2½ or 3 per cent for their call loans?

In other words, would not the insistence on the part of the Government for some measure of interest on its deposits cut out a very large sum of money from circulation and compel it to be locked up in the vaults where the people would have no opportunity to use it?

Mr. COCKRAN of New York. Oh, no. If a bank could not afford to pay 1 per cent, it would bid only one-half of 1 per cent, and if it could not afford to pay one-half of 1 per cent, it would simply bid one-quarter of 1 per cent. The amendment of the gentleman from Mississippi [Mr. WILLIAMS] leaves the value of money to be fixed absolutely by conditions of trade and the rate of interest to be determined by the banks themselves. The bank which thinks it can afford to pay 2 per cent will be successful in obtaining a deposit against a bank which offers only 1½ per cent, the action of each bank being controlled by the judgment of its officers; and that forms the competition which is the very life of prosperous commerce, for it makes success a prize to be won by superior service to the community.

Mr. WILLIAMS of Mississippi. Mr. Chairman, in reference to the matter last mentioned by the gentleman from Kansas [Mr. SCOTT], this is to be remembered—that probably the banks will give more for money deposited by the Government "on call" than for any other sort of call money, because the Government makes the least sudden of all calls for money on call, the Government always giving from thirty to sixty days' notice. That is the invariable custom.

Now, another thought, Mr. Chairman. Ordinarily when one has money to lend one considers both the security and the interest to be offered by the borrower, but in this case the Government would consider the interest alone, for the simple reason that the security is the same for all banks, it being already prescribed by law and every mooted point in connection with the legal prescriptions and security being settled by precedents in the Department, so that the question asked by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely wide of the mark in this case. If I wanted to lend money and he and three other gentlemen bid for it, I would inquire very solicitously not only as to their rates of interest, but I would inquire very solicitously as to the solvency of each and as to the security which each were going to give.

Mr. OLMSTED. I am afraid I would not get your deposits.

Mr. WILLIAMS of Mississippi. I expect maybe you would to the limited amount I have been hitherto able to lend. I believe I would take your personal note to go on.

Now, in this case, Mr. Chairman, the Government requires the same security of all bidders.

Now, I want the House to understand just exactly what this amendment does. This without the amendment reads as follows. Follow me, please:

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them.

Now, as it stands to-day without the proposed amendment, these depositories are designated for that purpose by the Secretary of the Treasury "under such regulations as he may prescribe" from time to time, and there is danger of favoritism, if he wishes to show any. I knew once in my life of a most flagrant case of favoritism of my own knowledge. A Member of this House forwarded to the Secretary of the Treasury—under an Administration which I shall not mention for obvious reasons, because I do not want any personalities brought into the debate and do not want my argument to be an attack upon anybody—an application from a national bank in a little town in his State asking that that bank be made a Government depository. There came back an answer in writing from the proper authority saying that the Government did not have any more money to deposit in banks for that fiscal year. This Member of Congress was very much astonished about a week after that to pick up a newspaper and see a piece of news to the effect that the Republican referee for his State had been to Washington and had secured the designation of another bank in the same town as the Government depository. He therefore sat down and wrote to the Secretary of the Treasury calling his attention to the Department's letter, inclosing a copy of it, and at the same time caling attention to his own letter to the Treasury Department and calling attention to this newspaper publication and asking if it were true. The official wrote that it was true; that there had been some mistake, oversight, or something of the kind, whereby a bank in that town——

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. Whereby a bank in the town that was designated by the Republican referee had obtained the designation, and the official then very kidly made them both national depositories, so as to have no question about it, notwithstanding the previous communication that there would be no other deposits made.

I have read you the clause of the present law and of the bill. Now, then, this clause as amended will read as follows, and I ask you to follow it:

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations, requiring payment of interest on amounts deposited and limiting amount in any one bank bidding in competition for the same, as may be prescribed by the Secretary.

In other words, such regulations, subject to those stated limitations, as may be prescribed by the Secretary.

And now the gentleman from Connecticut says that this has nothing to do with this particular bill and this particular clause. It has everything to do with it. The section of the bill without amendment gives full power and discretion to the Secretary of the Treasury; the amendment prescribes the direction and limit within which that power shall be exercised.

Mr. SCOTT. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SCOTT. I would like to ask if the Secretary is not now given the power to limit the amount which may be deposited in any one bank?

Mr. WILLIAMS of Mississippi. I do not know whether he is or not. I have never looked into it far enough to know.

Mr. SCOTT. I understand that to be the case.

Mr. WILLIAMS of Mississippi. But if he is, he has never exercised it, and he never will.

Mr. SCOTT. He certainly always has exercised it.

Mr. WILLIAMS of Mississippi. He never has exercised it in the direction of demanding interest.

Mr. SCOTT. No.

Mr. WILLIAMS of Mississippi. And it is perfectly evident to me and to you that unless we adopt some such provision as contained in this amendment there will necessarily be no interest payment required.

Mr. SCOTT. He is exercising that now every time he makes a deposit.

Mr. WILLIAMS of Mississippi. I understand he does as to amount, but this amendment merely limits the amount which

may be given to any one bank in bids, without saying which he might be able to give it all to one bank. I do not suppose he would, of course, but there are some of the banks of this country that are big enough to take all of it, so far as that is concerned, and give good security for it, too.

Mr. NORRIS. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. NORRIS. I want to ask him if under the terms of his amendment the Secretary, in his judgment, would be prohibited from depositing any money in any of these depositories without having competitive bids for the same?

Mr. WILLIAMS of Mississippi. Absolutely.

Mr. NORRIS. I do not understand the amendment that way, I will say to the gentleman.

Mr. WILLIAMS of Mississippi. Yes. Because it says that he shall do it under such rules and regulations regarding the payment of interest on the amount limited to be deposited in any one bank as may be prescribed.

Now, the gentleman from Connecticut says this is "a straightforward business proposition," just as it stands, without the amendment; but all the business, it seems to me, is on the side of the bank, and I want the Government itself to do a little bit of straightforward business.

Mr. NORRIS. Will the gentleman permit another question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. NORRIS. The amount under your amendment is not limited, as I understand it.

Mr. WILLIAMS of Mississippi. It is to be limited by the regulation of the Secretary of the Treasury. We leave it to him to designate the amount that may be deposited in any one bank. Now, I want to do that, because if we go into that we will get into a row as to what the amount shall be; so we leave it to the Secretary.

Now, the gentleman from Connecticut says this system of loaning money to the banks without interest has been carried on for sixty years, under Democratic as well as Republican Administrations. If that proves anything at all, it proves that it is time to stop it; and the fact that this thing went on under a Democratic Administration does not prove anything except that a Democratic Administration did a wrong which, gentlemen will argue, a Republican Administration shall perpetuate.

There is this difference in matters of administration. Down to a comparatively recent date the Government never had any, or at least any big surplus in the Treasury, and it was good government. No government should have any great surplus in the Treasury. It ought to be just like in any business, with as little idle capital as possible, especially when the people must be burdened by taxation in order to supply the surplus.

One of the many things which I think proves the existence of chronic bad government is the fact that the Government has gotten into the habit of having a great and immense surplus in the Treasury. This shows that legislation is more required now than at any other time.

Now, the gentleman urges as an objection to it that he thinks it has not been sufficiently considered. There are men in this world who, whenever you say "bank," or whenever you say "finance," whenever you say "money," whenever you say anything of that sort, think that you have unfolded a great mystery. And yet we find in practical life the men of real good common sense are the men who make money—are the best financiers. There is plenty of common sense in this House to consider this bare and bald proposition that it is better for the Government to lend money at interest than without interest. There is no mystery about this matter at all. It does not require any full-fledged economist or financier to understand it.

Now, as the gentleman from New York suggests, if there were any questions as to a rate of interest here, that is fixed in the amendment by the automatic processes of business. No bank is going to offer a greater rate than that rate at which it can profitably use the money; and if it finds it can not make money at that rate it will soon return to the Treasury the amount deposited.

One object of my amendment is this: The money is now going to the great centers to be used for speculative purposes, to corner markets, and everything else. On October 31, 1903, $39,000,000 went to New York City and $42,000,000 to New York State to constitute a fund for speculation in "industrials," etc; in short, for plain gambling. It ought to be the object of the National Legislature to have the money go to the parts of the country that are developing most rapidly, that are building up with productive enterprise, and not merely gambling in wheat, corn, copper, and stocks; and this would be the effect, in my opinion, of doing that very thing which my amendment requires, because the security being the same, the question of comparative safety being eliminated, there is nothing left to determine the direction in which the money shall go except the question of comparative rate of interest. It will therefore go to the place of the highest prevailing interest rate.

I thank you, Mr. Chairman.

Mr. NORRIS. Mr. Chairman, I am most heartily in favor of the proposition that interest should be exacted from the banks that have the Government funds on deposit. It seems, however, that the proposition of the gentleman from Mississippi [Mr. WILLIAMS] has some objections that can be avoided by the adoption of an amendment to this section, and I want to read one which I propose to offer, providing that this amendment is not adopted.

I think one of the principal objections to the amendment is that the amendment itself does not provide, as I understand it, for any method by which the different banks may bid in competition for this money.

Mr. WILLIAMS of Mississippi. It does that, however, but not in so many words. It provides that they shall do this under regulations prescribed by the Secretary of the Treasury.

Mr. NORRIS. I understand.

Mr. WILLIAMS of Mississippi. And the Secretary of the Treasury, in my opinion, is better competent to prescribe those regulations than we are.

Mr. NORRIS. That may be possible, but at the same time there would be a great deal of difficulty in this respect. There is another objection, it seems to me, that applies to the amendment of the gentleman from Mississippi [Mr. WILLIAMS], that ought to be avoided if possible, and that is, as I understand it—that is one of the objects of this section—to keep the money in circulation and permit the Secretary of the Treasury to deposit money in distant parts of the country in order that he may check on those deposits and transfer them to some other places.

Now, if you are only going to keep the money for a day, twenty-four hours, two days, or such a matter in a bank, you could not expect them to bid anything. It would not be reasonable that they should. It seems to me that this bidding process is not the best means to reach the difficulty. Now, Mr. Chairman, it seems to me that an amendment which I desire to offer reaches the proposition, and when the proper time comes I desire to move to add, in line 10, ofter the word "Secretary," the following amendment:

Provided, That no money shall be deposited in any depository for a period exceeding three months without exacting interest therefor at a rate of not less than 2 per cent per annum.

Mr. WILLIAMS of Mississippi. That gives the banks three months' use of the money free.

Mr. NORRIS. Yes. I do that on the theory that if the money was going to be deposited for a few days, or for a short time only, it would be practically impossible for the Secretary of the Treasury to put in operation his rules that he might adopt to let the banks bid for this money.

Mr. HITCHCOCK. Mr. Chairman, I should like to ask the gentleman this question: Is it not a fact that the great banks of the East, particularly the banks of New York City, pay constantly to the rest of the banks of the country, particularly to those of the West and Central West, 2 per cent on their balances? And if they can pay that to the other banks of the country maintaining balances in New York, why can they not pay it to the Government of the United States?

Mr. NORRIS. This amendment will require them to pay it.

Mr. HITCHCOCK. Why should they have three months' exemption?

Mr. NORRIS. In answer to my colleague, I will say if you are doing business in the State of Nebraska in a bank, for instance, you can not, as I understand it, open an account in the city of New York with the understanding that the money is going to remain there only three months and get any interest from the New York bank.

Mr. HITCHCOCK. But in this case there is no understanding of that sort.

Mr. NORRIS. They will not do that; but if you leave it there long enough they will.

Mr. COCKRAN of New York. Suppose the banks are willing to pay for a deposit of less than three months. Would you prevent the Secretary of the Treasury from taking the interest payments which they are willing to make?

Mr. NORRIS. No, sir; I would not.

Mr. COCKRAN of New York. Your amendment would.

Mr. NORRIS. If it would I should like to change it, if it were practicable. I confess, however, that it seems to me to be unreasonable to expect interest for a short-time deposit like that, and the amendment of the gentleman from Mississippi would not only be unreasonable, but require an impossibility.

Mr. COCKRAN of New York. If you leave it to the free competition of the banks, you have the amendment of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. NORRIS. But before the banks have got through bidding the three months will have expired.

Mr. COCKRAN of New York. During that time your amendment would be operative, then, without being adopted. You would not need it during the first three months, according to you.

Mr. NORRIS. You would have to have some rule, some length of time during which the banks would be allowed to make the bids, and there would have to be some advertisement, some rules or regulations providing some method by which the banks could make those bids and have them considered by the Secretary of the Treasury.

Mr. HUGHES of New Jersey. Would it be possible to have a prevailing rate of interest?

Mr. NORRIS. I do not know about that, as far as the rate of interest is concerned. I do not claim to be infallible on that. It is a very easy matter to change it if the rate of interest is not right.

[Here the hammer fell.]

Mr. SHERLEY. Mr. Chairman, in all of this discussion there has been one fact overlooked, which is brought out by the question that was asked a moment ago: Why is it that the national banks can not pay 2 per cent for the money of the Government when they are willing to pay 2 per cent for other people's money? The answer to that lies in this fact, and it presents the real difficulty in regard to the amendment of the gentleman from Mississippi [Mr. WILLIAMS], that when a bank borrows money from the Government it is required as a condition precedent to have bonds on deposit amounting to the total of the deposit made by the Government. Now those bonds bear usually 2 per cent interest. They now invariably have a price greater than their face value. That makes it follow—and it is a curious problem in mathematics, and I want to say that the gentleman from Connecticut [Mr. HILL] was right, and it is demonstrable—that these communities where the rate of interest is lowest would be able to bid most for Government moneys.

Mr. HILL of Connecticut. That is absolutely true, and it would strip every country bank in the United States of every dollar of its Government deposits.

Mr. SHERLEY. Those communities where the interest rates are highest could pay the least. I am in favor of the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], because, as I understand it, that amendment requires the Secretary of the Treasury to obtain interest on Government deposits, but gives him the discretion to fix the rate and determine the amount that shall be deposited in different localities. Now, if you make a hard and fast rule, like that suggested by the gentleman from New York [Mr. COCKRAN], that the deposit must be made in that bank that offers the most interest, then you will have the condition suggested by the gentleman from Connecticut [Mr. HILL], of having all the banks outside the money centers stripped of deposits and that money congested in New York and other large bank centers.

Mr. WILLIAMS of Mississippi. I think the gentleman is laboring under a misapprehension. My amendment, as well as that offered by the gentleman from Nebraska, involves the idea of competition for the money, although it limits the amount that may be given. If the gentleman will permit me in his time, I want to suggest that the gentleman from Nebraska in his amendment gives the money to the banks for three months free. Under that amendment, of course, banks could keep the money eighty-five days and then send it in and then get it again and keep it another eighty-five days.

Mr. POWERS of Maine. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Maine?

Mr. SHERLEY. I will yield for a question.

Mr. POWERS of Maine. I thought the gentleman was through.

Mr. SHERLEY. Mr. Chairman, as I understand this amendment, it permits the Secretary of the Treasury some discretion as to where the money shall be deposited. For that reason I am in favor of it. I do not believe any man can justify a system that permits the Government's money to be loaned to these banks free. But if the amendment of the gentleman from Mississippi does not accomplish that reform, certainly this House has a labor ahead of it in that direction that should be speedily undertaken.

In conclusion, I want to say another word. This debate ought to be unnecessary. We are running our Government finances on the wrong plan. Every now and then some man talks about the Government being rich because it has money in the Treasury. No government ever had money of its own. Every dollar belongs to the people, and it should not have a single dollar more than is necessary for a fair working balance necessary to carry on the business of the Government. [Applause.] What we need to-day is a method to make our revenues absolutely balance our expenditures. And I hope that will be the policy in the future. [Applause.]

Mr. MACON. Mr. Chairman, I received recognition from the Chair a few minutes ago to offer an amendment. At that time the Chair suggested that I wait until after the amendment of the gentleman from Mississippi [Mr. WILLIAMS] had been disposed of. Since hearing the discussion upon the amendment offered by him, I am satisfied that my amendment would be objected to, even by some Members on this side of the House, because it seeks to fix the rate of interest. I seek in the amendment I propose to offer to fix the rate of interest whenever money is deposited in a depository by the Secretary of the Treasury at the rate of 3 per cent per annum. But I favor the amendment offered by the gentleman from Mississippi, in the absence of the adoption of the one I offer, because I think the money of the Government belongs to the people, as the gentleman from Kentucky has well said, and that it should not be deposited by the millions of dollars in the various institutions, known as banks, free of any interest whatever, where the people, the real owners of the money, going to these banks to borrow their own money are charged a large per cent of interest. For instance, take the national banks of New York. If they could get a hundred thousand dollars from the Secretary of the Treasury, as they can under existing law, free of any interest whatever, and a citizen, one of the prime owners of the money, wants to borrow it from the bank he must pay a large rate of interest before he can do so. Therefore, sir, it is unjust to the real and true owners of the money to allow national banks to hold their money without paying interest therefor, and then require them to pay a large rate of interest, sometimes as high as 10 per cent, when they want to borrow it for a short period of time. Therefore, sir, I urge this body, in so far as my humble voice will be permitted to prevail, to call a halt upon the question now, and change the law so that national banks shall be required to pay interest upon the people's money whenever it is deposited in them.

I do not think that any aggregation of capital should enjoy for a moment the special privilege of obtaining money from the Government to use, free of interest, because it happens to be selected as a United States depository. I believe, sir, that the banks ought to stand just as individuals. I believe they ought to have the same right to obtain money on deposit, with a like character of security, that individuals could obtain it upon, and no more.

In other words, Mr. Chairman, I am opposed to special privileges. I do not care when or where they are extended or to whom they are extended. Therefore I submit, gentlemen, without regard to whether we are here as Republicans or Democrats, we ought to meet upon a happy ground and say that we will see to it that henceforth when the banks of this country use the money of the people they shall pay interest therefor. [Applause.]

Mr. WADE. Mr. Chairman, I do not wish to take the time of the House to discuss this matter at any length, especially in view of the fact that no remarks have been made as yet that I have heard which seriously oppose the amendment. I do want to say, however, that out in our State this matter was discussed some years ago. We had there a system by which the State funds were kept in the banks of the State without any interest, and the people, regardless of party, entered their protest against it. Men who were paying 6 and 7 per cent on their loans thought that it was not right that the banks should hold the money which was collected from them by way of taxation, pay no interest therefor, and then perhaps loan it to them in the regular channels of trade. The result was that a law was passed by our legislature, which it is needless to say is usually Republican, requiring a rate of interest to be paid on all State deposits. That represented the sentiment of the people in our State regardless of party. I do not think to-day in the State of Iowa you could find a man who would favor the revocation of that law. It seems to me that with proper limitations and proper securities, which are fair between the banks and the Government, that all the money that is accumulated which is not needed for ordinary expenses of the Government ought to be placed in the banks at interest; whether that be high or low depending on conditions that prevail. I fail to see why it is not a plain business proposition. I do not believe in anything arbitrary, I do not believe in anything that is unjust, but I think a good, fair rate of interest ought to be demanded on every dollar that is taken out of the Treasury and put into the national banks to be loaned out to

men who are engaged in business and from whom interest is collected. I can not see any just reason for the continuance of the system which is prevailing at the present time, under which more than $100,000,000 is held by the banks without one cent of interest.

Mr. POWERS of Maine. Mr. Chairman, I rise to ask unanimous consent that the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] be again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. POWERS of Maine. Mr. Chairman, now, as I understand it, there is a large amount of money at present deposited in national banks. Is it proposed that the Secretary of the Treasury shall withdraw that money from those banks at once unless those banks will pay interest? And if it is not, when does this amendment propose that he shall withdraw it?

Mr. WILLIAMS of Mississippi. The amendment says, "All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations requiring payment of interest on amounts deposited, limiting the amount to be deposited in any one bank bidding in competition for the same." Now, then, that would put these banks in the attitude of bidding for the deposits which they now retain, except, of course, in so far as there may be some obligation of contract between them and the Treasury. I do not know about that.

Mr. POWERS of Maine. I think so.

Mr. WILLIAMS of Mississippi. Then the Secretary, in his discretion, can call it out.

Mr. POWERS of Maine. Then you do not prescribe in the amendment any time in which he shall make this call for the money?

Mr. WILLIAMS of Mississippi. That is left to him because it is said "Under such regulations as may be prescribed by him."

Mr. POWERS of Maine. Well, I do not understand the amendment; that they were to bid for the payment of interest——

Mr. WILLIAMS of Mississippi. "Under such regulations as may be prescribed" by him, which will leave to him to designate the time at which he would begin and where he would deposit anew, but if the gentleman thinks this is in the slightest degree unclear, then, after we shall have adopted this amendment, I shall have no objection to having the gentleman—or doing it myself, if he wishes it—put in language to say that at a certain date after the passage of the bill the moneys in the national banks on deposit shall be withdrawn unless the banks shall become entitled to them under this provision.

Mr. HILL of Connecticut. Mr. Chairman, I would like to ask a question of the gentleman from Mississippi. Does your limit in any one bank refer to a fixed amount or is it to be prescribed by the capital of the bank or in some other way?

Mr. WILLIAMS of Mississippi. It is to be prescribed under regulations of the Secretary of the Treasury, and he is to prescribe the amount which any one bank may get. Now, he may prescribe a certain number of dollars or he may prescribe a certain percentage of the bank's capital.

Mr. POWERS of Maine. Suppose the banks that have this money now do not pay the percentage that is required to be paid, then the Secretary must withdraw it. And when——

Mr. WILLIAMS of Mississippi. I did not hear the gentleman.

Mr. POWERS of Maine. Suppose the banks which have this money to-day will not pay the amount that the Secretary prescribes, then he must withdraw it from circulation.

Mr. WILLIAMS of Mississippi. Yes; but if you think it better to fix a time at which to do it I will do that, or he can do it under the amendment as it stands; but I can state that the gentleman does not need to be in the slightest degree alarmed.

Mr. POWERS of Maine. I am not alarmed.

Mr. WILLIAMS of Mississippi. They will pay; they will pay something in the way of interest to keep the money.

Mr. POWERS of Maine. Has he considered what effect it might have upon the business of the country to have that money withdrawn from circulation?

Mr. WILLIAMS of Mississippi. Why, if all that money was withdrawn at once I suppose it would cause a banker's panic, but I do not presume for one moment that the banks would refuse to pay interest upon it, and if they did refuse to pay upon it then it would be because it did not pay the banks to pay any interest and if that was true of the banks which now have it it would be true of all the other banks in the country and in that event the highest bid to the Treasury would be nothing and it would stand where it is. Besides that, if a bank surrendered its deposits rather than bid, it would get back its bonds now deposited——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. POWERS of Maine. I ask for a few minutes more. I did not think I had consumed five minutes.

The CHAIRMAN. The gentleman from Maine asks that he may continue for five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. POWERS of Maine. I do not wish the gentleman from Mississippi to understand me as being opposed to the proposition that banks should pay interest on Government deposits. I have always believed that except as to certain quick accounts there should be interest paid, especially if they remain a long time and reasonable notice of withdrawal is given and were deposited with this understanding as to time and notice.

My objection to his amendment, if I have any, is this: That instead of regulating this matter of such great moment by an amendment injected here in the bill in a section which was intended simply to unlock money, and which commends itself, I believe, to the judgment of the gentleman from New York, as it did to myself, it should be in a separate bill, carefully considered by the appropriate committee. This amendment may make a radical change in what has been for many years the practice and policy of the Government. An amendment affecting, as it might, the business of the country should be carefully considered and should have such safeguards that the withdrawal of large sums now in the banks of the country would not seriously disturb the monetary interests of the country, and I doubt it very much if the gentleman's amendment covered all these details.

Mr. WILLIAMS of Mississippi. Why, the amendment leaves it to the Secretary of the Treasury himself to prescribe the regulations. But I would be perfectly willing, and I state it now before the House, to withdraw the amendment and to have a separate bill brought in if the gentleman can assure me that the Committee on Banking and Currency will consider and favorably report one.

Mr. POWERS of Maine. I can only say in reply to that, that the gentleman from Maine is not chairman of that committee and that he is not one of those who control legislation very especially in this House.

Mr. WILLIAMS of Mississippi. I have such utter confidence in his absolute sincerity that if the gentleman from Vermont will tell me the Committee on Banking and Currency will do that thing I will withdraw this amendment.

Mr. POWERS of Maine. I have not the honor of representing or coming from Vermont; I am from Maine, and I will say this, that whenever any such bill is presented or referred to the Committee on Banking and Currency—and I have never seen one since I had the honor of being a member of that committee—I will carefully consider it; and I will state further to the gentleman from Mississippi, as far as my individual views are concerned, I am confident shall favor such legislation as shall seem wise and just to all interested.

Mr. WILLIAMS of Mississippi. The gentleman is mistaken about that. I introduced such a bill and it is before the committee.

Mr. POWERS of Maine. It is not before the Committee on Banking and Currency; it certainly has not been called to my attention if it is there.

Mr. WILLIAMS of Mississippi. A gentleman here tells me it was in some manner referred by the Speaker to the Committee on Ways and Means, after I had indorsed on it a reference to the Committee on Banking and Currency. I got a vote in the Committee of Ways and Means, but did not get it through. I called up all my bills in that committee.

Mr. POWERS of Maine. Are you not a member of the Committee on Ways and Means?

Mr. WILLIAMS of Mississippi. I am; but I am a minority member, and about the smallest minority you ever saw.

Mr. POWERS of Maine. I assume there is much in what the gentleman says, and perhaps that minority has been even growing a little smaller.

Mr. WILLIAMS of Mississippi. I think it has, much to my regret.

Mr. DANIELS. Mr. Chairman, now in regard to the interest proposition now under discussion: To my mind it has no place in this bill, but I would like to ask some gentleman on the other side a question when they make a statement that it is a business proposition to draw interest on money deposited in any bank. The gentleman from New York [Mr. COCKRAN] said if he should deposit a large sum of money in a national bank he would expect and would draw interest on the amount. Now, then, the condition under which I or any man here would deposit money

in a national bank or any other bank would simply be an individual proposition. There would be no special guaranty as to the payment of that fund back with the interest. Now, where the Government deposits money the bank is designated as a depository, and in order to be recognized as such the first thing they have to do is to go into the market and buy United States Government bonds. These bonds as a rule only draw 2 per cent, and they have been at a premium of as much as 8 and 10 per cent.

No man here who has had anything to do with banking believes that a 2 per cent Government bond is worth any premium whatever; and it would never have been at a premium if it had not been that the national banks had to buy them to secure United States funds. Now, then, if this proposition prevails every national bank in the country outside of the great financial centers would be deprived of the money. The little bank in the town in California where I live paid 9 per cent premium for the 2 per cent bonds in order that they might have $100,000 of Government money deposited in that bank. Now, gentlemen, if they have to pay interest they never could afford to pay interest on the money and pay premium for the 2 per cent Government bonds. If the Government should issue their bonds to build the canal at 2 per cent they could never be floated if it were not for the banks being compelled to buy these bonds in order to secure the Government money.

It has been said that this bill provides for the repeal of the manner in which the moneys collected for customs receipts has been handled for years. Is there any reason why that money collected for customs duties is any better, any cleaner, any more valuable than that collected from any other source? Why should not that be deposited the same as any other funds? My friend here has said that if he had his way there would be no surplus above the ordinary expenses of running this Government to deposit in the national banks.

Mr. HILL of Connecticut. Except the regular working balance.

Mr. DANIELS. Except the regular working balance. I say that can be relieved without any legislation. Turn the financial affairs of this Government over to the Democratic party and there will be no surplus in the Treasury. [Laughter.]

Mr. HILL of Connecticut. One word before the vote is taken on the amendment, if I may be pardoned.

In 1836 the policy of paying interest to the Government was adopted. And in 1836 the practice of the Government—the unfortunate practice of the Government—was to charge up bad debts in consequence thereof, and that continued during the years down to 1866, when Government bonds were required as security for deposits. If the gentleman will look at the reports of the Treasurer of the United States, he will find almost every year from 1836, when the practice was begun of making deposits in banks and charging interest upon it, losses began to be incurred. It went right straight through. Now, this question has been raised——

Mr. WILLIAMS of Mississippi. If the gentleman will permit me.

Mr. HILL of Connecticut. Certainly.

Mr. WILLIAMS of Mississippi. If the gentleman will permit for a moment that this present system of depositing Government bonds by national banks, bought at a premium, is to be compared with the system of depositing at that time when these losses were incurred?

Mr. HILL of Connecticut. No; I do not, because the deposits were secured then by miscellaneous bonds or personal security, and what I am afraid of is if a new policy is adopted now of loaning out the deposits of the Government it will ultimately result in either no security at all or else in the acceptance of miscellaneous security.

Mr. WILLIAMS of Mississippi. We can take care of that when we get to it.

Mr. HILL of Connecticut. The gentleman shakes his head and says "No." Very well; I accept that proposition, and will now put to him the other alternative, that it is impossible for a bank that does not receive the deposits of other banks or get money at 1½ or 2 per cent in that same way, as the reserve banks of the country do, to take these funds at 3, 4, 5, 6, 7, or 10 per cent and invest them in a low-rate Government bond, which he says he will insist upon having.

Mr. WILLIAMS of Mississippi. The law so states it; I do not.

Mr. HILL of Connecticut. I understand that; but I understand he agrees to its continuance. It is impossible for such a bank to hold a Government deposit and pay interest on it, except at a loss. The gentleman smiles.

Mr. WILLIAMS of Mississippi. Sometimes I look ugly, and it resembles a smile. [Laughter.] I was going to say this: That is the case; and if a bank can't pay it, it will not offer to pay it.

Mr. HILL of Connecticut. Exactly. That is just the point I am coming to, confirmed by the statement of the gentleman from Mississippi [Mr. WILLIAMS]—that the country banks will not want it, but that a 1½ or a 2 per cent money market will want it, and can pay for it, and can afford to do so under your secured system, and that every dollar of deposits now scattered from Maine to California will ultimately center, under the gentleman's proposition, in the 1½ and 2 per cent money markets.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HILL of Connecticut. Certainly.

Mr. SHERLEY. Do you believe that in money markets where 1½ and 2 per cent money can be had that this deposit can be made and interest paid so as to give profit to a bank?

Mr. HILL of Connecticut. I think it is possible that at 3 or 4 or 6 per cent, by taking a Government deposit, and putting up Government bonds, they can pay interest on it and make a profit, but the lower rate money markets could outbid them.

Mr. SHERLEY. Would you need mathematics to show that you could do it at 4 per cent, with the bonds at the price they are now?

Mr. HILL of Connecticut. It will be utterly impossible to have banks in the higher rate sections to compete with the banks in the low rate call money markets. Government security with interest means the concentration of the Government funds in the—well, I won't say that, but it is pretty close to Wall street.

Mr. PERKINS. It is pretty close to Wall street?

Mr. HILL of Connecticut. Yes; but I will not say that, but will say, in the call money market, wherever it may be. As a demonstration of that fact we had a protest against that two or three years ago from a western community, where every bank in the community protested on the ground that they would lose all their deposits. Of course it was mathematically certain that they would lose them——

Mr. WARNER. Did the gentleman ever have a suspicion that where the Government allows a bank to use its money without paying interest on the deposit of Government bonds drawing 2 per cent, the Government was paying that bank 2 per cent per annum for holding its deposits? When the banker goes and buys a hundred thousand dollars of Government bonds, and deposits them, and draws 2 per cent on them, and immediately has the Government deposit of $100,000, the amount of its bonds, has it not occurred to the gentleman that the Government is paying the banker 2 per cent interest every year?

Mr. HILL of Connecticut. No; it is not, according to the gentleman, doing any such thing.

Mr. WARNER. It pays back the money to the bank, so that the bank is out nothing.

Mr. HILL of Connecticut. In the first place, the bank that puts up the bonds has got to pay now a premium of 4½ per cent besides putting 4, 6, or 10 per cent money into a 2 per cent bond investment.

Mr. WARNER. And can sell out for the same amount to anyone else, if they want to unload.

Mr. HILL of Connecticut. In the second place, if the law is carried out, they will have to hold a reserve, if they are in the city, of 25 per cent, and if they are in the country, a reserve of 15 per cent, on which they can get no interest, because they can not loan it out, and I have a suspicion that the Government is not paying the bank anything for taking the money.

Now, do not make any mistake in regard to my position about this amendment. If you are going to vote to pay interest on loans secured by Government bonds, then I have no serious objection to the language of that amendment. I say as a banker myself, with a very limited experience, that I think you will make a mistake to require Government bond security supplemented by an arbitrary interest rate, because, in my opinion, you will strip the rural sections of the country of the Government deposits; and, if I am not mistaken, the experience in moving the crops for the last two years in this country has demonstrated the wisdom of Government deposits, abundantly secured, absolutely secured beyond question—has demonstrated the wisdom of the distribution of those deposits broadcast throughout the country, rather than to concentrate them in the low-rate call-money market. If you want to vote for interest, if you want to vote to take these deposits from the country banks and concentrate them in the call-money markets, this is a good way to do it. I have no criticism to make upon the language. I am not at all sure that I am myself personally opposed to that result. I would be if I lived west of the Ohio River, and I would not be if I considered solely the first profit to the Treasury and overlooked the welfare of all sections of the country. I believe it is an unwise move, but I am glad it

is being discussed as a nonpartisan proposition, and I hope the rest of the bill will be considered in the same way.

Mr. COCKRAN of New York. Mr. Chairman, let me ask the gentleman from Connecticut, does he mean to take the position before this House that the payment of interest on Government deposits would be unsound financially?

Mr. HILL of Connecticut. I mean to take this position, that the payment of interest on Government deposits, if it was going to result in producing unfortunate conditions for the country as a whole, would be unsound finance.

Mr. COCKRAN of New York. That is a most profound truth. [Laughter on the Democratic side.] After that luminous contribution to this debate I must repeat the question.

Mr. HILL of Connecticut. The gentleman will give me the credit for simply trying to distinguish between the Treasury Department and the country at large. I am simply making a mathematical——

Mr. COCKRAN of New York. Will you explain the distinction? I confess I do not understand it.

Mr. HILL of Connecticut. I have stated it.

Mr. COCKRAN of New York. I want to know where the gentleman finds any justification for treating funds owned by the Treasury Department differently from funds owned by anybody else, so far as their operation in the channels of trade is concerned. I want to know where the distinction is, and where the justification is, because I confess that I am somewhat mystified, not only by the gentleman's last answer, but by all the rest of his splendid rhetoric.

Mr. HILL of Connecticut. I do not think it is the highest function of government to collect interest. I do not think it is the highest function of government to loan money. Personally, I am sorry that there is any surplus to loan. What I think we ought to do is to have as nearly as possible an equilibrium between receipts and expenditures; but if we have a surplus, and some disposition is to be made of it, I would treat it as a business proposition.

Mr. COCKRAN of New York. As a business proposition?

Mr. HILL of Connecticut. Certainly.

Mr. COCKRAN of New York. Is there a single owner of extensive funds in the United States to-day who maintains large balances in any institution who does not insist upon interest?

Mr. HILL of Connecticut. Why, there is all the difference in the world.

Mr. COCKRAN of New York. I have not discovered the difference since my friend came down the aisle.

Mr. HILL of Connecticut. All the difference in the world. The private depositor does not require bond security for his deposit in a national bank. One bank does not require security of another bank. That is the distinction that makes it impossible to do it.

Mr. COCKRAN of New York. Impossible to do what?

Mr. HILL of Connecticut. Impossible for the bank to pay a fixed rate of interest to the Treasury, with varying rates of interest in different sections of the country.

Mr. COCKRAN of New York. Why should the funds of a government be in any way different from the funds of any other owner?

Mr. HILL of Connecticut. I have demonstrated that in the discussion here with the gentleman from Kentucky [Mr. SHERLEY] a few days ago. It takes a mathematical calculation to show it. I think there are a sufficient number of gentlemen in the House who will accept the statement that a low-rate Government bond security, supplemented by an interest charge, will withdraw the money from the country banks and put it in the low-rate money market.

Mr. COCKRAN of New York. I repeat the question again. Granting that there must be additional security, how do the funds proceeding from the Government differ from the funds coming from anybody else? Why should there be a different rule governing their deposit?

Mr. HILL of Connecticut. They require a specific form of security.

Mr. COCKRAN of New York. Then I will ask the gentleman this to get away from the evasion. Will the gentleman state now, to the House, on the faith of his duty as a Representative to the people, as a Member of this Congress and a banker, that he believes that it is unsound finance to ask this interest on the Government deposits, interest not fixed arbitrarily, but fixed by the banks themselves?

Mr. HILL of Connecticut. I think it would be unsound to require interest on a specific form of security that makes it impossible for the public generally to share in the proposed disposition of the funds. Any proposition that would confine it to specific localities makes it unfair.

Mr. COCKRAN of New York. I do not want any "ifs" about it. The gentleman puts in an "if" which makes me uncertain as to the ground I am standing upon.

Mr. HILL of Connecticut. I have no doubt about that. [Laughter.]

Mr. COCKRAN of New York. Let me ask the gentleman from Connecticut what did he mean by stating that this proposition if it came in separately would be a proposition of merit, but that he does not want it injected into this discussion?

Mr. HILL of Connecticut. The gentleman from New York misunderstood me. I said the proposal was of so much importance that it ought to be before the Committee on Banking and Currency and be considered by that committee. I am not a member of the Committee on Banking and Currency. I think it should go before that committee and be thoroughly and fully considered.

Mr. COCKRAN of New York. I understood the gentleman to state before the House, or before the Committee of the Whole, that in his judgment a law that the banks should compete among themselves as to whether they could afford to pay interest on these deposits, under conditions to be regulated by the Secretary of the Treasury, would be unsound finance?

Mr. HILL of Connecticut. I think the proposition to pay interest with a specific form of security——

Mr. COCKRAN of New York. Under the existing conditions the gentleman from Connecticut thinks it would be unsound finance?

Mr. HILL of Connecticut. I think it would be.

Mr. SHERLEY. Would the gentleman be willing to have this bill recommitted so that the committee can consider it?

Mr. HILL of Connecticut. I would be willing to have the amendment withdrawn and sent back as a separate proposition, to be considered on its merits.

Mr. SHERLEY. No; but considered in connection with the bill.

Mr. HILL of Connecticut. I do not think it belongs in the bill. I do not think it should be a part of the bill.

Mr. ADAMS of Pennsylvania. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] has pressed home very hard the question of what the difference is between the money belonging to an individual and the money belonging to the Government. I think there is all the difference in the world. A man who owns money holds it for the purpose of making more money and keeping it engaged in active business. The Government of the United States, with whatever money happens to be in its possession, holds it for no such purpose whatever. It has been accumulated, sometimes accidentally, because the revenues of the Government happen to exceed the expenses. That money, under the laws of the country, is kept in circulation in order to oil and keep in motion the wheels of business, and the first duty and function of the Government is to see that no action on its part should in any way interfere or embarrass the commercial and credit relations of our country. It is for this reason that when the revenues happen to exceed the expenditures of the Government and there is a surplus if that money were allowed to lie locked in the Treasury of the United States business would be seriously embarrassed. Therefore it is for that reason and with no view of making money or profit out of the funds of the people, of which the Government is the custodian, that it deposits that money in the banks of the country at large.

As I say, if it did not do so the circulating medium of our country would be contracted, and therefore it is a very serious proposition whether any action should be taken to force the Government into a line of action that might contract the currency and thereby embarrass the circulating medium of the country. It is not for the reason of making money. That is the difference between the money of an individual and the money of the Government of the United States. One is owned and used for profit. The other is not owned and used for profit. The money is held for the uses of the country. There is no reason why the Government should embarrass the commercial relations of the country by taking any step in order to make a small profit on these deposits which may lead to such serious results that it would embarrass the business of the whole country. The money of the Government is not held for profit, and the functions of the Government are not to make money on the funds of the people, but the function is to keep the circulating medium in motion throughout the country, in order that business may not be embarrassed in any way.

Mr. COCKRAN of New York. The gentleman says that the function of government ought not to be to make a profit on its money.

Mr. ADAMS of Pennsylvania. I do.

Mr. COCKRAN of New York. Then why should we allow the

banks to make a larger profit on it than they are willing to make by open competition between themselves?

Mr. ADAMS of Pennsylvania. We do not put the money in the banks for the purpose of the banks making a profit.

Mr. COCKRAN of New York. But they do make a profit.

Mr. ADAMS of Pennsylvania. That may be. We put the money in the banks for the purpose of not contracting the currency.

Mr. WILLIAMS of Mississippi. Does the gentleman contend that contracting the currency ever hurt anybody in the world?

Mr. ADAMS of Pennsylvania. I do; most assuredly.

Mr. WILLIAMS of Mississippi. The gentleman does?

Mr. ADAMS of Pennsylvania. I do; and I will say in answer to the gentleman from New York [Mr. COCKRAN] that the very object of the first section of this bill which we are now discussing is because in times of stringency, when we had banks that were hampering the progress of the country, this money was locked up in the Treasury, and when the country appealed to the Secretary to release it he said he could not do it because the revenues received in the Treasury from customs duties could not be released. The gentleman is answered by that very fact, and the object of this section of the bill is to enable the Secretary of the Treasury to deposit the customs receipts in order that stringency may be relieved in times of panic.

Mr. COCKRAN of New York. I would ask the gentleman how a contraction of the currency would be promoted if the banks paid interest on the money deposited? Would not the funds be just as available in commerce if the banks paid interest on them as though they did not?

Mr. ADAMS of Pennsylvania. It has been shown by the gentleman from Connecticut [Mr. HILL] that the banks in purchasing the bonds at the premium at which they are bought can not afford to pay interest.

Mr. COCKRAN of New York. They can decide that for themselves.

Mr. ADAMS of Pennsylvania. They can not decide that for themselves.

Mr. COCKRAN of New York. Oh, the gentleman will decide that for them?

Mr. WILLIAMS of Mississippi. They do not have to pay it if they can not pay it, and they do not have to bid for it if they can not bid, but if they do not give anything at all, they keep it without anything.

Mr. ADAMS of Pennsylvania. As I understand the gentleman's amendment, he insists that they must pay interest.

Mr. WILLIAMS of Mississippi. It must go to the one who bids the highest rate of interest. Accordingly, if all of them bid nothing, they are paying nothing.

Mr. ADAMS of Pennsylvania. But you say it must be paid. As I understand your amendment, you say some interest must be paid.

Mr. COCKRAN of New York. And that is done by competition.

Mr. ADAMS of Pennsylvania. Then I think it harmless. [Laughter on the Democratic side.]

Mr. HEMENWAY. I would like to ask the gentleman from Mississippi—I understand the amendment offered is by the gentleman from Mississippi—if his proposition is that the bank paying the highest interest rate shall have the money?

Mr. WILLIAMS of Mississippi. The banks in the order of their bids. Of course there would be the highest, which would get the amount fixed by the Secretary of the Treasury that should go to any one bank, and the next highest would get a like amount, and the next highest a like amount, and——

Mr. HEMENWAY. I want to ask the gentleman if his plan would not result in taking the Government's deposits almost altogether to the city of New York and the great cities of the country? The banks in the rural districts do not have the Government bonds to deposit as surety, while the money centers, where the great banks and trust companies are interwoven with each other, have the Government bonds to secure loans and would have all the advantage of the banks in the Central and Southern States.

Mr. WILLIAMS of Mississippi. They all have to buy the bonds first or last. In my opinion it would result exactly in the opposite way. Instead of the money going there—i. e., to the centers, as it does now, and I say that notwithstanding the sardonic and statuesque laughter of the gentleman from Connecticut—I say that those parts of the country where the banks can use the money to the best advantage and at the highest rate of interest would be the parts of the country where the banks would make the highest bids of interest for the Government's money. The gentleman from Connecticut, who is a financier and I am not, contends, however, that those parts of the country where the banks are able to get the least profits upon their money, or the least rate of interest, are the parts of the country that necessarily could bid the highest. Now, we are just at antipodes upon that proposition, and I give the gentleman from Indiana both theories.

Mr. HEMENWAY. Now, if the gentleman will permit, I desire to put another question. I believe I have heard the gentleman himself make the statement, if not I have heard it from many Members from that side of the House, and especially I heard it at New Orleans some time back, that the South no longer had to ask New York for money with which to move the crops. I find in going over this list of the money deposited that a large amount of the Government's surplus funds is deposited in the Southern States, and I understand that they did not have to call upon New York for money to move their crops during the last season.

Mr. WILLIAMS of Mississippi. Not to the same extent.

Mr. HEMENWAY. I know that from the Central States, where large sums of Government money are deposited, we move our crops without calling upon New York for money, and I know that was generally done through the South and the Central and Western States. Now, I can understand why a gentleman representing the State of New York does not like that condition of affairs and would like to have the country again go to New York for money with which to move the crops. I put this proposition: Is it not better that the Government, when it has a surplus, to so distribute the surplus as to benefit the people and furnish cheap money with which to move their crops than to try to secure 2, 3, or 4 per cent with it from New York banks or Philadelphia banks or Chicago banks, and make the people of the country go to those banks, as they did in times gone by, to get the money to move their crops with? And I say to the gentleman in seeking to hit the banks he will hit the people in the Southern and Central States and in the West a good deal harder lick than he will hit the banks if he undertakes by his amendment to change this condition of affairs.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from Mississippi is not "trying to hit the banks." That is the first proposition. The gentleman from Mississippi, if he knows himself, never tries to hit anyone unless whoever it was had first struck or attempted to strike the gentleman from Mississippi, or looked like he was going to do it. What the gentleman from Mississippi is trying to do is to help the Government, and through the Government and back of the Government to help the people.

Mr. HEMENWAY. The people are the Government.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. The people were never the Government and the people never will be the Government, outside of a little township, as in ancient Greece, perhaps. Unfortunately for the people, the Government in this country is composed of a certain number of politicians in one House and a certain number in another, and, no matter what party is in power, another at the opposite end of the Avenue to preside over them in a general way.

The money that goes into the Treasury is the money of the people, and I want it to benefit them. Now, the trouble as to the gentleman's question is that he assumed something which I do not admit. He assumes that if this amendment goes into operation that the depositories getting the money upon competition of interest bids will be in New York and in the great money centers. The gentleman knows this country well enough to know that if that were true, and if this could be worked to benefit those centers, that those bankers would have had their lobbyists here long ago working for exactly this sort of legislation. [Applause on the Democratic side.] The very fact that they are opposed to the position taken by me and agree with the gentleman is proof positive of the fact that the gentleman is mistaken. The fact that New York in November, 1903, got thirty-nine millions of deposits under the present system exposes the fallacy of his contention. Let me tell the gentleman something. I do not believe for one moment that the bank in my little town, which can use money with its customers upon gilt-edge security at 8 or 10 per cent, building up the magnificent new growth which has taken place all over the southern country, could not outbid any bank in the Northeast that can not use its money among the people there for over 4 or 5 per cent. Gentlemen can figure until gentlemen are dizzy in the head, and if they seem to establish the opposite by figures, they would only establish the fact that their figures do not tell the truth. I say that you know where this money will go. The security being the same everywhere, it will go to whoever will bid most for it, and they will be those who can use most of it at a profit; and they are the banks that do business in communities of high interest.

Mr. HEMENWAY. The gentleman forgets that towns like his and other rural points do not have the Government bonds to offer as security, and for that reason would not have a fair

chance in the bidding. As I was saying, the South has had some experience in the last few years. I heard down in the city of New Orleans a short time ago gentlemen getting up and boasting that they had not been obliged to go to New York to get money to move their crops. I find they have about $700,000 of the Government money deposited in Louisiana. I find in Arkansas there is a large amount of the Government money deposited, and through the Central States and the Western States a large amount of Government money is deposited; and now for the first time in our history——

Mr. WILLIAMS of Mississippi. You do not think I am afraid it will help the South—the South can not be helped or hurt without helping or hurting me.

Mr. HEMENWAY. You gentlemen of the South and you gentlemen of the Western States know that for the first time in our history we have been able to move our crops without going to New York for money. Now, then, here is an effort to put the Government into the money-loaning business, into the brokerage business, and saying: "Here we are; we put up our money and say come and bid, and the highest bidder gets it." Do gentlemen think that that is a proper function for our Government?

Our surplus money in the Treasury ought to be used to the best interest of the people of the United States, and if we can help the people of the South by sending a little of the money South without having them to go to New York for money, or if we can send money to the Central States and enable them to move their crops without sending to New York for money, why not do it? It is a great deal better for the Government to help the people that way than to go into the brokerage business and hang out three gilt balls and say: "Come on here, the highest bidder gets the money of the Treasury of the United States."

Mr. WILLIAMS of Mississippi. Does the gentleman seriously contend that the South has been able to move its cotton principally, or in any measure to be considered, by the use of the money in the national-bank depositories?

Mr. HEMENWAY. To a great extent.

Mr. WILLIAMS of Mississippi. Why was it not to a greater extent the money deposited from other people? That amount of money that the gentleman states—$700,000 in Louisiana—would not handle the southern cotton crop for two days.

Mr. HEMENWAY. That is only in one State.

Mr. WILLIAMS of Mississippi. It would not handle the cotton crop for two days in any single State of the southern territory.

Mr. HEMENWAY. But there are a number of Southern States that have depositories.

Mr. WILLIAMS of Mississippi. Does the gentleman seriously contend that the prosperity which has enabled the South to make money and handle its own crops is due to this system?

Mr. HEMENWAY. What I was saying was that we ought not to go into this brokerage business—hanging out three balls—indicating that we are going out into the money-loaning business.

Mr. WILLIAMS of Mississippi. Does the gentleman mean to say that we are not already in the money-loaning business, except that we loan now without interest?

Mr. HEMENWAY. The money under this system is so placed that when the Government needs it it can be withdrawn, and it has gradually been withdrawn. It is placed in such a way that the people can get it. As gentlemen know, we are not going to have a great deal of surplus to loan out in this or other ways. [Laughter on the Democratic side.] Gentlemen laugh; under your Administration we were never compelled to discuss a surplus. The gentleman seems anxious, without consideration of a committee, to put an amendment on here that has not been favorably reported by any committee of the House——

Mr. WILLIAMS of Mississippi. And never will be.

Mr. HEMENWAY. Will change a system that has been a profit to the people of the United States. The people have profited, not only by the business management upon the part of the Treasury Department, but have profited by the policies of the Republican party.

Mr. WILLIAMS of Mississippi. The gentleman's proposition is that I am trying to break down my own prosperity. Let it stand that.

Mr. ROBINSON of Arkansas. I would like to ask the gentleman from Indiana one question.

Mr. HEMENWAY. All right, go ahead.

Mr. ROBINSON of Arkansas. If I have understood you correctly, you have stated that the Southern and Central States are peculiarly the beneficiaries of this system of depositories.

Mr. HEMENWAY. Oh, no; we are getting it in about equal proportions all over the country.

Mr. ROBINSON of Arkansas. At least you have assumed that the rich prosperity which exists in those sections is due somewhat to this system.

Mr. HEMENWAY. Somewhat; yes.

Mr. ROBINSON of Arkansas. Now, I will ask you to state in that connection the amount of money at present on deposit in those depositories in the State of Arkansas, inasmuch as you have referred to that State as peculiarly in that list of beneficiaries.

Mr. HEMENWAY. Arkansas seems to have $100,000. [Laughter on the Democratic side.]

Mr. ROBINSON of Arkansas. Will the gentleman state, in the same connection, the amount now on deposit in the State of New York?

Mr. HEMENWAY. New York seems to have $30,000,000, and she will have it all if we have this bidding system.

Mr. ROBINSON of Arkansas. Will the gentleman now state, in this connection, how it is that Arkansas is peculiarly the beneficiary of the present system of depositories?

Mr. HEMENWAY. I should say to the gentleman that Arkansas has been very negligent in looking after her interests or she would have had more of these deposits.

Mr. ROBINSON of Arkansas. Will the gentleman yield for a further question?

Mr. HEMENWAY. Certainly I will.

Mr. ROBINSON of Arkansas. Will the gentleman state in what particular the State of Arkansas has been negligent in looking after her interests?

Mr. HEMENWAY. Why, in not asking for these deposits.

Mr. ROBINSON of Arkansas. Will the gentleman state that it has been the practice of the Government to make these deposits impartially heretofore?

Mr. HEMENWAY. Absolutely so, I understand, giving the advantage to the small banks, where they made application.

Mr. ROBINSON of Arkansas. Does the gentleman state that that system has been pursued in the State of Arkansas and in Louisiana, and other Southwestern States.

Mr. HEMENWAY. Of course I have not the record as to Arkansas, but I know, in the States that have made their applications, that the smaller banks have at all times been favored, so the Secretary of the Treasury informs me.

Mr. COCKRAN of New York. Why, clearly, the small banks are in New York and the large ones in Arkansas! Nothing can be clearer than that. [Laughter on the Democratic side.]

Mr. HEMENWAY. The gentleman from New York comes in always with his keen wit; but the gentleman from New York is behind this proposition and supporting it vigorously, evidently anxious that his banks shall pay this interest, and knowing that if this amendment passes his New York banks would get these deposits that are now scattered throughout the country.

Mr. COCKRAN of New York. As the gentleman has appealed to me——

Mr. HULL. Mr. Chairman, if the gentleman will allow me——

Mr. COCKRAN of New York. If the gentleman will kindly allow me to finish my sentence, I will say that I do not believe there is a banker in New York bursting with anxiety to pay interest on these deposits. If there is such a person, he has carefully concealed his identity from my knowledge, and I do not believe there is living to-day a person who has discovered him, except the gentleman from Indiana.

Mr. HULL. My question should have come in a few minutes ago——

Mr. HEMENWAY. And the gentleman from New York well knows that if the city banks could take from the country banks the Government deposits by paying a small rate of interest that they would loan the same money back to the country banks at a higher rate in interest and profit largely by the transaction, and that the country banks would again be compelled to borrow from New York.

Mr. HILL of Connecticut. Mr. Chairman, I move that the committee do now rise.

Mr. HULL. I simply wanted to ask a question.

The CHAIRMAN. The gentleman from Connecticut moves that the committee do now rise.

The question being taken, on a division (demanded by Mr. COCKRAN of New York) there were—ayes 93, noes 92.

Mr. WILLIAMS of Mississippi demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. HILL of Connecticut and Mr. COCKRAN of New York.

The committee again divided; and the tellers reported—ayes 111, noes 105.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4831) to improve currency conditions, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month; and

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2578. An act granting an increase of pension to Sylvester Beezley;

S. 3414. An act granting an increase of pension to Henry Wheeler;

S. 3502. An act granting an increase of pension to Joseph W. Willis;

S. 3640. An act granting an increase of pension to John S. Stevens;

S. 3329. An act granting a pension to Mary E. Strong;

S. 3175. An act granting an increase of pension to Rachel H. Coleman;

S. 2893. An act granting an increase of pension to Emanual Morter;

S. 3033. An act granting an increase of pension to Charles B. Williams; and

S. 2745. An act granting an increase of pension to Thomas Howard.

IMPEACHMENT OF JUDGE SWAYNE.

The SPEAKER laid before the House the following resolution, which was ordered to lie on the table:

IN THE SENATE OF THE UNITED STATES,
December 15, 1904.

Whereas the House of Representatives on the 14th day of December, 1904, by five of its Members, Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLETT of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky, at the bar of the Senate impeached Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore,

Ordered, That the Senate will, according to its standing rules and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives herewith.

Attest: CHARLES C. BENNETT, *Secretary.*

BRITISH STEAMSHIP LINDISFARNE.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Claims, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a report by the Secretary of State, resubmitting a claim of the owners of the British steamship *Lindisfarne*, amounting to $158.11, for demurrage to that vessel while undergoing repairs necessitated through a collision with the U. S. armored transport *Crook* in New York Harbor on May 23, 1900.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 15, 1904.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5512. An act granting an increase of pension to John W. Carleton—to the Committee on Invalid Pensions.

S. 1996. An act granting an increase of pension to William R. Williams—to the Committee on Invalid Pensions.

S. 2212. An act granting an increase of pension to Charles N. Wood—to the Committee on Invalid Pensions.

S. 5514. An act granting an increase of pension to Samuel S. Lamson—to the Committee on Invalid Pensions.

S. 1539. An act granting an increase of pension to Edward Shiflett—to the Committee on Invalid Pensions.

S. 4767. An act granting an increase of pension to Henry Snidemiller—to the Committee on Invalid Pensions.

S. 3906. An act granting an increase of pension to James H. V. Voldo, alias James H. Venier—to the Committee on Invalid Pensions.

S. 424. An act granting a pension to George W. Lehman—to the Committee on Invalid Pensions.

S. 5859. An act granting an increase of pension to Henry Breslin—to the Committee on Invalid Pensions.

S. 5735. An act granting an increase of pension to Washington Lenhart—to the Committee on Invalid Pensions.

S. 5744. An act granting an increase of pension to Joseph A. Rhodes—to the Committee on Invalid Pensions.

S. 5743. An act granting an increase of pension to James Riordan—to the Committee on Invalid Pensions.

S. 5742. An act granting an increase of pension to Nichles Dockendorf—to the Committee on Invalid Pensions.

S. 5737. An act granting an increase of pension to John W. See—to the Committee on Invalid Pensions.

S. 5733. An act granting an increase of pension to Monroe Wright—to the Committee on Invalid Pensions.

S. 5858. An act granting an increase of pension to John Hubbard—to the Committee on Invalid Pensions.

S. 5857. An act granting an increase of pension to James Bryson—to the Committee on Invalid Pensions.

S. 5734. An act granting an increase of pension to George H. Woodbury—to the Committee on Invalid Pensions.

S. 5745. An act granting an increase of pension to Mary M. Mitchell—to the Committee on Invalid Pensions.

S. 5736. An act granting an increase of pension to Charles E. Gilbert—to the Committee on Invalid Pensions.

S. 5746. An act granting an increase of pension to Anne Jones—to the Committee on Invalid Pensions.

S. 5450. An act granting an increase of pension to George R. Lingenfelter—to the Committee on Invalid Pensions.

S. 2287. An act granting an increase of pension to S. J. Brainard—to the Committee on Invalid Pensions.

S. 5531. An act granting an increase of pension to Catherine Jones—to the Committee on Invalid Pensions.

S. 5501. An act granting an increase of pension to Sarah A. Rowe—to the Committee on Invalid Pensions.

S. 4002. An act granting an increase of pension to Susan E. Armitage—to the Committee on Invalid Pensions.

S. 3390. An act granting a pension to Emily E. Cram—to the Committee on Invalid Pensions.

S. 5379. An act granting an increase of pension to Bird Solomon—to the Committee on Invalid Pensions.

S. 5378. An act granting an increase of pension to John H. Ash—to the Committee on Invalid Pensions.

S. 4070. An act granting an increase of pension to A. Fellentreter—to the Committee on Invalid Pensions.

S. 2238. An act granting an increase of pension to William Strawn—to the Committee on Invalid Pensions.

S. 5572. An act granting an increase of pension to Alafire Chastain—to the Committee on Pensions.

S. 1208. An act granting an increase of pension to Samuel G. Magruder—to the Committee on Invalid Pensions.

S. 5574. An act granting an increase of pension to Colon Thomas—to the Committee on Pensions.

S. 1207. An act granting an increase of pension to James D. Stewart—to the Committee on Pensions.

S. 3076. An act granting a pension to Arthur W. Post—to the Committee on Invalid Pensions.

S. 5496. An act granting an increase of pension to Jesse L. Sanders—to the Committee on Pensions.

S. 5472. An act granting an increase of pension to Mary J. Weems—to the Committee on Pensions.

S. 5589. An act granting an increase of pension to Mary E. Burrell—to the Committee on Invalid Pensions.

S. 5508. An act granting a pension to Abraham B. Miller—to the Committee on Invalid Pensions.

S. 5346. An act granting an increase of pension to Amon A. Webster—to the Committee on Invalid Pensions.

S. 2117. An act granting an increase of pension to Phillip L. Hiteshew—to the Committee on Invalid Pensions.

S. 2574. An act granting an increase of pension to Nelson Percell—to the Committee on Invalid Pensions.

S. 5741. An act granting an increase of pension to Stephen Welch—to the Committee on Invalid Pensions.

S. 3356. An act granting an increase of pension to Rebecca A. Teter—to the Committee on Invalid Pensions.

S. 3286. An act granting an increase of pension to Charles D. Creed—to the Committee on Invalid Pensions.

S. 554. An act granting an increase of pension to Thomas P. Farley—to the Committee on Invalid Pensions.

S. 2096. An act granting an increase of pension to John W. Millett—to the Committee on Invalid Pensions.

S. 4382. An act granting an increase of pension to John B. Harvey—to the Committee on Invalid Pensions.

S. 5214. An act granting an increase of pension to William P. Renfro—to the Committee on Invalid Pensions.

S. 4408. An act granting an increase of pension to Robert N. Button—to the Committee on Invalid Pensions.

S. 3232. An act granting an increase of pension to William O. Gould—to the Committee on Invalid Pensions.

S. 1810. An act granting an increase of pension to George W. Thomas—to the Committee on Invalid Pensions.

S. 3755. An act granting an increase of pension to William H. Covert—to the Committee on Invalid Pensions.

S. 5427. An act granting an increase of pension to Ruhema C. Horsman—to the Committee on Invalid Pensions.

S. 4221. An act granting an increase of pension to Henry C. Stroman—to the Committee on Invalid Pensions.

S. 552. An act granting a pension to Ira K. Eaton—to the Committee on Invalid Pensions.

S. 4208. An act granting an increase of pension to Sarah Forsythe Bache—to the Committee on Invalid Pensions.

S. 3357. An act granting an increase of pension to Welcome B. French—to the Committee on Invalid Pensions.

S. 3100. An act granting an increase of pension to Howard Wiley—to the Committee on Invalid Pensions.

S. 377. An act granting an increase of pension to Ezra W. Cartwright—to the Committee on Invalid Pensions.

S. 4383. An act granting a pension to Mary E. Penn—to the Committee on Invalid Pensions.

S. 3522. An act granting an increase of pension to Samuel J. Dennison—to the Committee on Invalid Pensions.

S. 4273. An act granting an increase of pension to Frazee A. Campbell—to the Committee on Invalid Pensions.

S. 3453. An act granting an increase of pension to David Whitney—to the Committee on Pensions.

S. 5732. An act granting a pension to Philip Larvotte—to the Committee on Pensions.

S. 5740. An act granting an increase of pension to Clemon Clooten—to the Committee on Invalid Pensions.

S. 5739. An act granting an increase of pension to Adolphe Bessie—to the Committee on Invalid Pensions.

S. 5129. An act granting an increase of pension to Thompson Martin—to the Committee on Invalid Pensions.

S. 5428. An act granting an increase of pension to Joseph J. Hedrick—to the Committee on Invalid Pensions.

S. 3482. An act granting an increase of pension to Alfred H. Le Fevre—to the Committee on Invalid Pensions.

S. 5271. An act granting an increase of pension to Paul Diebitsch—to the Committee on Invalid Pensions.

S. 2492. An act granting an increase of pension to George W. Tuttle—to the Committee on Invalid Pensions.

S. 4393. An act granting an increase of pension to Cora A. Baker—to the Committee on Invalid Pensions.

S. 2274. An act granting an increase of pension to Joseph J. Carson—to the Committee on Invalid Pensions.

S. 5339. An act granting an increase of pension to Sidney B. Hamilton—to the Committee on Invalid Pensions.

S. 4808. An act granting an increase of pension to John Worley—to the Committee on Invalid Pensions.

S. 2339. An act granting an increase of pension to Carolina Apfel—to the Committee on Invalid Pensions.

S. 844. An act granting an increase of pension to Mary L. Duff—to the Committee on Invalid Pensions.

S. 4986. An act granting an increase of pension to Philo S. Bartow—to the Committee on Invalid Pensions.

S. 5358. An act granting an increase of pension to Thomas Talor—to the Committee on Invalid Pensions.

S. 3001. An act granting an increase of pension to Adrianna Lowell—to the Committee on Invalid Pensions.

S. 5190. An act granting an increase of pension to William Berry—to the Committee on Invalid Pensions.

S. 567. An act granting an increase of pension to William Cody—to the Committee on Invalid Pensions.

S. 2518. An act granting an increase of pension to Clarinda A. Spear—to the Committee on Invalid Pensions.

S. 566. An act granting an increase of pension to William H. Hart—to the Committee on Invalid Pensions.

S. 5445. An act granting an increase of pension to Caroline L. Guild—to the Committee on Invalid Pensions.

S. 5206. An act granting an increase of pension to Lucy Jane Ball—to the Committee on Invalid Pensions.

S. 5444. An act granting a pension to Julia E. Neale—to the Committee on Invalid Pensions.

S. 801. An act granting an increase of pension to Samuel L. D. Goodale—to the Committee on Invalid Pensions.

S. 2581. An act granting an increase of pension to Myron D. Hill—to the Committee on Invalid Pensions.

S. 5345. An act granting an increase of pension to Thomas Coughlin—to the Committee on Invalid Pensions.

S. 850. An act granting an increase of pension to Henry V. Sims—to the Committee on Invalid Pensions.

S. 5120. An act granting an increase of pension to William H. Chamberlain—to the Committee on Invalid Pensions.

S. 2231. An act granting an increase of pension to Bessie M. Dickinson—to the Committee on Invalid Pensions.

S. 5758. An act granting an increase of pension to Sallie B. Weber—to the Committee on Invalid Pensions.

S. 4766. An act granting an increase of pension to Frederick Clark—to the Committee on Invalid Pensions.

S. 4395. An act granting an increase of pension to Thomas H. Walker—to the Committee on Invalid Pensions.

S. 1830. An act granting an increase of pension to Sarah E. Austin—to the Committee on Invalid Pensions.

S. 5297. An act granting an increase of pension to Jerry L. Gray—to the Committee on Invalid Pensions.

S. 5532. An act granting an increase of pension to Edwin A. Knight—to the Committee on Invalid Pensions.

S. 4151. An act granting an increase of pension to Thomas J. Spencer—to the Committee on Invalid Pensions.

S. 5714. An act granting an increase of pension to John McKenne—to the Committee on Invalid Pensions.

S. 5713. An act granting an increase of pension to Robert Crowther—to the Committee on Invalid Pensions.

S. 5715. An act granting an increase of pension to Benjamin Bickford—to the Committee on Invalid Pensions.

S. 5530. An act granting a pension to William R. Cahoon—to the Committee on Invalid Pensions.

S. 4477. An act granting an increase of pension to John C. Craven—to the Committee on Invalid Pensions.

S. 4038. An act granting an increase of pension to George E. Yingling—to the Committee on Invalid Pensions.

S. 2310. An act granting an increase of pension to William Dar—to the Committee on Invalid Pensions.

S. 784. An act granting an increase of pension to Beverly Waugh—to the Committee on Invalid Pensions.

S. 2945. An act granting an increase of pension to Sallie M. Nuzum—to the Committee on Invalid Pensions.

S. 1541. An act granting an increase of pension to Commodore P. Hall—to the Committee on Invalid Pensions.

S. 4103. An act granting an increase of pension to John W. Ruiette—to the Committee on Invalid Pensions.

S. 3624. An act granting an increase of pension to Peter D. Moore—to the Committee on Invalid Pensions.

S. 2915. An act granting a pension to Mary Williamson—to the Committee on Invalid Pensions.

S. 5810. An act granting an increase of pension to Joseph Reber—to the Committee on Invalid Pensions.

S. 5716. An act granting an increase of pension to Dotha J. Whipple—to the Committee on Invalid Pensions.

S. 5811. An act granting an increase of pension to Franklin Waller—to the Committee on Invalid Pensions.

S. 5807. An act granting an increase of pension to Sarah J. F. Robinson—to the Committee on Invalid Pensions.

S. 5476. An act granting an increase of pension to Joel F. Howe—to the Committee on Invalid Pensions.

S. 5661. An act granting an increase of pension to Daniel B. Bush—to the Committee on Invalid Pensions.

S. 2850. An act granting an increase of pension to Sallie J. Calkins—to the Committee on Invalid Pensions.

S. 2848. An act granting an increase of pension to William H. Lewis—to the Committee on Invalid Pensions.

S. 2009. An act granting a pension to Richard Dunn—to the Committee on Invalid Pensions.

S. 5535. An act granting an increase of pension to Alexander McConneha—to the Committee on Invalid Pensions.

S. 776. An act granting an increase of pension to Calvin H. Morris—to the Committee on Invalid Pensions.

S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds—to the Committee on Invalid Pensions.

S. 3239. An act granting an increase of pension to George W. D. Buchanan—to the Committee on Invalid Pensions.

S. 1413. An act granting an increase of pension to Louisa D. Miller—to the Committee on Invalid Pensions.

S. 5781. An act granting an increase of pension to John A. Steele—to the Committee on Invalid Pensions.

Senate concurrent resolution 87:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an esti-

mate submitted of the cost of improving the Bay of Monterey, California, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 88:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of Portland Harbor, Maine, to include Fore River above Portland bridge and the entrance to Back Cove, with a view to widening and deepening the channels at these localities, and to submit estimates for such improvements—

to the Committee on Rivers and Harbors.

And then, on motion of Mr. PAYNE (at 4 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize the sale of certain lots in a cemetery controlled by the United American Mechanics and United Daughters of America Cemetery Association—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a statement and abstract of official emoluments of the officers of the customs service for the fiscal year ended June 30, 1904—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for a corps of student interpreters in Japan and Korea—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. J. Marett, administrator of estate of William B. West, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William P. Newman, administrator of estate of William Powers, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Victoria Wasson, Ella Wasson, and Frank Wasson, heirs of Richard F. Wasson, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Trustees of Baxter Institute, of Buckhannon, W. Va., against The United States—to the Committee on War Claims—and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas Adkins, administrator of estate of David Adkins, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Trustees of the Methodist Episcopal Church of Brunswick, Md., against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the Senate joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect, on March 4, 1905, and so forth, reported the same with amendment, accompanied by a report (No. 3139); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the Senate joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition, reported the same without amendment, accompanied by a report (No. 3140); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15477) to change the name of Thirteen-and-a-half street to Linworth place, reported the same without amendment, accompanied by a report (No. 3141); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 36) to reimburse John Waller, postmaster at Monticellio, N. Y., for money expended in carrying the mail, reported the same without amendment, accompanied by a report (No. 3130); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5822) granting an increase of pension to Eveline V. Ferguson, reported the same with amendment, accompanied by a report (No. 3131); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8708) granting an increase of pension to David C. Posey, reported the same with amendment, accompanied by a report (No. 3132); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10712) granting a pension to Henrietta Weidner, reported the same with amendment, accompanied by a report (No. 3133); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14600) granting an increase of pension to Joseph Woods, reported the same with amendment, accompanied by a report (No. 3134); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11494) granting an increase of pension to Sarah Jane Grissom, reported the same with amendment, accompanied by a report (No. 3135); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12660) granting an increase of pension to Margaret Russell, reported the same with amendment, accompanied by a report (No. 3136); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14406) granting a pension to Paul W. Thomson, reported the same with amendment, accompanied by a report (No. 3137); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15535) granting a pension to John Crotty, reported the same with amendment, accompanied by a report (No. 3138); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13377) granting an increase of pension to Albert R. Straub—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16588) granting an honorable discharge to William Larkin—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16605) for the relief of Horace J. Rowell—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16624) granting an increase of pension to Henry Good—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. WOOD: A bill (H. R. 16630) to authorize the Secretary of War to exercise a discretion in certain cases—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 16631) to extend the jurisdiction of the Court of Claims—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 16632) to provide for the purchase of a site and the erection of a public building thereon, or for the purchase of a suitable building with site, at Honolulu, island of Oahu, Territory of Hawaii—to the Committee on Public Buildings and Grounds.

By Mr. KEHOE: A bill (H. R. 16633) to complete the construction of ice pier in Ohio River at Maysville, Ky.—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A bill (H. R. 16634) to amend section 17 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 16635) to add certain counties in Alabama to the southern district therein, and to divide the said southern district, after the addition of the said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes—to the Committee on the Judiciary.

By Mr. WADE: A bill (H. R. 16636) transferring the counties of Jackson and Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa—to the Committee on the Judiciary.

By Mr. OTJEN: A bill (H. R. 16637) to amend an act approved July 1, 1902, known as "Joint resolution construing the act approved June 27, 1890," and so forth—to the Committee on Invalid Pensions.

By Mr. CROFT: A bill (H. R. 16638) to provide for the erection of a public building at the city of Beaufort, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 16639) for the construction of a bridge over Rock Creek at Q street—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 16640) to amend the Indian depredation act of March 3, 1891—to the Committee on Indian Affairs.

By Mr. GILLETT of California: A bill (H. R. 16641) making appropriations for lower Sacramento River available for any navigable portion of said river—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16642) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California"—to the Committee on Mines and Mining.

By Mr. SHERMAN: A bill (H. R. 16643) to amend an act entitled "An act to authorize the appointment of shipping commissioners," and so forth—to the Committee on the Merchant Marine and Fisheries.

By Mr. FREDERICK LANDIS: A bill (H. R. 16644) for the erection of a public building at Marion, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. KNOWLAND: A bill (H. R. 16645) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy—to the Committee on Naval Affairs.

By Mr. SHERMAN: A bill (H. R. 16646) to amend section 2787 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. FINLEY: A bill (H. R. 16647) for the erection of a public building at Chester, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. WADE: A joint resolution (H. J. Res. 178) granting Government employees pay for Labor Day—to the Committee on Appropriations.

By Mr. HULL: A joint resolution (H. J. Res. 179) providing for the sale of individual pieces of United States armament—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A joint resolution (H. J. Res. 180) providing for an investigation of the economic value of the waters of Lake Champlain for manufacturing, domestic, and other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: A joint resolution (H. J. Res. 181) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A resolution (H. Res. 398) asking the Secretary of the Interior for information concerning the members or employees of the Dawes Commission—to the Committee on Indian Affairs.

By Mr. HEARST: A resolution (H. Res. 399) relating to political activity of letter carriers and the dismissal of James C. Keller and Frank Cunningham from the public service—to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 16648) granting a pension to John F. Tathem—to the Committee on Pensions.

By Mr. BAKER: A bill (H. R. 16649) granting an increase of pension to Hans Anderson—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 16650) granting an increase of pension to Charles Leathers—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16651) granting an increase of pension to George C. Dean—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 16652) granting an increase of pension to Elba A. Love—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 16653) to remove the charge of desertion from the military record of William H. Cole—to the Committee on Military Affairs.

Also, a bill (H. R. 16654) granting an increase of pension to Isaac C. Buswell—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16655) granting a pension to Mary Jane Gay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16656) granting an increase of pension to Charles H. Fessenden—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 16657) granting an increase of pension to Charles H. Friend—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 16658) granting a pension to William M. Funk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16659) granting an increase of pension to Enoch Organ—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16660) granting an increase of pension to Joseph Rumell—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 16661) granting an increase of pension to William P. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16662) granting an increase of pension to William H. Rifenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16663) granting an increase of pension to Harry Newcomer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16664) granting a pension to Phoebe J. Sawdey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16665) to remove the charge of desertion from the military record of Charles B. Steward, alias Edward S. Button—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 16666) granting an increase of pension to Alfreda B. Coburn—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 16667) granting a pension to Ursula Bayard—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 16668) granting an increase of pension to Emile H. Brie—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 16669) granting an increase of pension to Joseph M. Squibb—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16670) granting an increase of pension to John W. Vandeveer—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 16671) for the relief of A. J. Ward—to the Committee on War Claims.

Also, a bill (H. R. 16672) for the relief of the estate of Mary Philips—to the Committee on War Claims.

Also, a bill (H. R.16673) granting a pension to James B. Kilgore—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16674) granting an increase of pension to Orlando Eddy—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 16675) for the relief of James M. Darling—to the Committee on Military Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16676) for the relief of the heirs of A. M. Harton, deceased—to the Committee on War Claims.

By Mr. JOHNSON: A bill (H. R. 16677) granting a pension to John T. Baldwin—to the Committee on Pensions.

By Mr. KEHOE: A bill (H. R. 16678) granting an increase of pension to Elizabeth Lock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16679) granting an increase of pension to Samuel Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16680) granting an increase of pension to Lewis M. Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16681) granting an increase of pension to William D. Cooper—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 16682) granting an increase of pension to Alice S. Shepard—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 16683) granting a pension to Jesse Peters—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 16684) granting an increase of pension to Lena Loeser—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 16685) granting an increase of pension to Isaiah M. Adams—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 16686) granting an increase of pension to B. T. Martin—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16687) granting an increase of pension to M. Helen Orchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16688) granting an increase of pension to William F. Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16689) granting an increase of pension to Francis Smithson—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 16690) granting a pension to Louisa J. Arey—to the Committee on Naval Affairs.

Also, a bill (H. R. 16691) granting an increase of pension to George S. Williams—to the Committee on Invalid Pensions.

By Mr. OTIS: A bill (H. R. 16692) granting a pension to Gertrude L. Tallman—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 16693) for the relief of William G. Tidwell—to the Committee on War Claims.

Also, a bill (H. R. 16694) granting an increase of pension to Joseph Beiser—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 16695) granting an increase of pension to Paul Sullivan, alias Matthias G. Clark—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 16696) granting an increase of pension to Francis O'Leary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16697) granting an increase of pension to Alfred Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16698) granting an increase of pension to Philo S. Darling—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 16699) for the relief of Thomas Dunn—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16700) granting a pension to Myra L. Clay—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 16701) granting an increase of pension to Emanuel F. Brown—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16702) granting an increase of pension to John A. Cairnes—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 16703) granting an increase of pension to Jennie L. Overton—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16704) granting an increase of pension to Michael Lewis—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 16705) granting an increase of pension to Levi Runyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16706) granting an increase of pension to John Melvin—to the Committee on Pensions.

Also, a bill (H. R. 16707) granting an increase of pension to John Beckman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16708) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16709) granting an increase of pension to Andrew J. Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16710) granting an increase of pension to F. A. Beranek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16711) granting an increase of pension to George L. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16712) for the relief of Henrietta Thomas—to the Committee on Claims.

By Mr. WEEMS: A bill (H. R. 16713) granting a pension to William Cannon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16714) to remove the charge of desertion from the record of Hiram Hutchcoft—to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 16715) granting a pension to Helen Calvert—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BADGER: Resolutions of Little Miami Division, Brotherhood of Locomotive Engineers, in support of bill H. R. 13354—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Affidavit of George W. Jones, in support of claim of Sibini Jones—to the Committee on War Claims.

Also, affidavit of Frances M. Kent, in support of claim of Sibini Jones—to the Committee on War Claims.

By Mr. BENTON: Papers in support of House bill granting an increase of pension to Elba A. Love—to the Committee on Pensions.

By Mr. BURLEIGH: Resolution of Nicotin Grange, No. 389, Hancock County, Me., in favor of a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of citizens of Oswego, Kans., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNELL: Petitions of Henry W. Northrup, of Glenburn, Pa., and of F. S. Tiffany, of Fleetville, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Resolution of the Chamber of Commerce of Albany, N. Y., in favor of the passage of bill H. R. 6273, further to define the duties and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Additional evidence to accompany bill to increase the pension of John Davis—to the Committee on Invalid Pensions.

Also, additional evidence in support of the bill to pension William M. Funk—to the Committee on Invalid Pensions.

By Mr. ESCH: Papers to accompany bill H. R. 8352, for the relief of John Salsbury—to the Committee on Invalid Pensions.

By Mr. GREENE: Petition of citizens of New Bedford, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAMILTON: Memorial of John Kolvoord, in support of bill to amend customs-drawback law—to the Committee on Ways and Means.

By Mr. HILDEBRANT: Petition of citizens of Wilmington, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HULL: Petition of the Woman's Army and Navy League, of Washington, D. C., declaring the anticanteen law in the United States Army a failure—to the Committee on Military Affairs.

By Mr. LAFEAN: Resolution of Encampment No. 65, Union Veteran Legion, of York, Pa., urging the passage of bill H. R. 16506, granting an increase of pension to Samuel B. Gray—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of citizens of Snover, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Papers to accompany bill for relief of M. Helen Orchard, widow of Sergt. Maj. John C. Orchard, of the One hundred and seventeenth Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 11174, to increase the pension of Herman J. Watjen—to the Committee on Invalid Pensions.

Also, additional evidence to accompany bill H. R. 6650, to increase the pension of Eli B. Helm—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany a resolution authorizing the Secretary of War to permit Troop B, Un-

attached Cavalry, National Guard of Tennessee, to improve park properties—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of citizens of California, in favor of granting lands to the landless Indians of north California—to the Committee on Indian Affairs.

By Mr. OTIS: Petition of Hudson River Central Baptist Association, asking Congress to investigate certain charges against the authorities of the Independent State of the Kongo—to the Committee on Foreign Affairs.

By Mr. PADGETT: Papers to accompany House bill granting an increase of pension to Joseph Beiser—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Resolution of Anthracite Division, No. 543, and Capitol Division, No. 160, Brotherhood of Locomotive Engineers, favoring bill H. R. 13354, for the relief of veteran army locomotive engineers—to the Committee on Invalid Pensions.

Also, resolution of Fairview Division, No. 278, Brotherhood of Locomotive Engineers, of Ashley, Pa., favoring bill H. R. 13354, for the relief of veteran army locomotive engineers—to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of the Guarantee Title and Trust Company, against proposed system of post-checks—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Papers to accompany bill H. R. 16151, for the relief of W. C. York—to the Committee on War Claims.

By Mr. SNAPP: Papers to accompany bill for increase of pension for Emanuel F. Brown—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Farmers' Club of Tecumseh, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

SENATE.

FRIDAY, *December 16, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of California, Connecticut, South Dakota, and Texas; which, with the accompanying papers, were ordered to be filed.

ESTIMATE OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the disbursing clerk of the Treasury Department, submitting an estimate of appropriation to be included in the legislative, executive, and judicial appropriation bill for 1906 for one clerk of class 3 in the office of the Secretary of the Treasury, $1,600; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of James Davidson *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of the trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Edward Gallagher, administrator of Charles Gallagher, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River in the State of Minnesota;

S. 2114. An act to fix the rank of certain officers in the Army;

S. 2578. An act granting an increase of pension to Sylvester Beezley;

S. 2745. An act granting an increase of pension to Thomas Howard;

S. 2893. An act granting an increase of pension to Emanual Morter;

S. 3033. An act granting an increase of pension to Charles B. Williams;

S. 3175. An act granting an increase of pension to Rachel H. Coleman;

S. 3329. An act granting a pension to Mary E. Strong;

S. 3414. An act granting an increase of pension to Henry Wheeler;

S. 3502. An act granting an increase of pension to Joseph W. Willis;

S. 3640. An act granting an increase of pension to John S. Stevens;

S. 3791. An act granting an increase of pension to Edwin J. Tenney;

S. 4417. An act granting an increase of pension to Chadbourne H. Warren;

S. 4690. An act granting an increase of pension to Andrew W. Switzer;

S. 5184. An act granting a pension to Ethel Talley;

S. 5263. An act granting a pension to Annie M. Eapolucci;

S. 5416. An act granting an increase of pension to James A. Hopson;

S. 5423. An act granting an increase of pension to Ellen J. Morton;

S. 5484. An act granting an increase of pension to Burnetta B. Lehmann;

S. 5492. An act granting an increase of pension to Mary T. Holden;

S. 5556. An act granting an increase of pension to Sarah A. Hoback;

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington; and

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Woman's Study Club of Tacoma, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. BURNHAM presented a petition of the Woman's Suffrage Association of Concord, N. H., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of the International Pure Food Congress, of St. Louis, Mo., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. GALLINGER. I present a petition signed by 110 of the leading citizens of Georgetown, D. C., praying for the construction of a bridge over Rock Creek at Q street. The men and firms who have signed the petition are among the most reputable and potential citizens of the District. I think they would be gratified to have their petition, which is not very long, go into the RECORD, and I will ask unanimous consent that the Secretary may read it, omitting the names.

There being no objection, the petition was read and referred to the Committee on the District of Columbia, as follows:

To the Senate and House of Representatives:

We, the undersigned, residents and property owners in that portion of the city of Washington known as Georgetown, have for many years felt sorely in need of a bridge over Rock Creek at Q street.

Very many good and valid reasons exist why the erection of such a bridge should now be authorized, and we beg to submit a few of these reasons for the consideration of your honorable body.

The present crossings over Rock Creek are inadequate for the increased demands of this growing portion of Washington.

The few existing bridges are largely taken up by double tracks for car lines, leaving scant, if not unsafe, passageway for vehicles and pedestrians.

The present entrances to this charming and picturesque part of our city are out of keeping with its dignity and really deter its growth, leading as they do into our most unattractive streets.

The banks of Rock Creek, in plain sight from our present bridges, are now used as a dumping place for all sorts of unsanitary refuse, and a bridge at Q street would be the first step toward preserving the natural beauty of Rock Creek Valley. If the dumping were stopped and the disfigured parts of the valley reclaimed by grass and vines, the present unsightly chasm separating Georgetown from Washington would be transformed into a healthful and beautiful breathing space.

Other and more extended improvements may some day be advisable, but we are all agreed that our need for this bridge is immediate, and further delay in its construction will be a detriment to our growth and the denial of a real necessity—an attractive entrance to the residence section of Washington which will afford to the city proper a much-needed unobstructed driveway to Arlington and the Conduit road and to us a deeply needed and well merited improvement.

Geogetown is an integral part of Washington legally and socially. It has a population of 30,000 inhabitants. For thirty-four years it has been paying taxes at equal rate with every part of the city, and yet it has absolutely no parks, no pleasure grounds, and no decent means of communication with its neighbors.

As taxpayers we assert our right to have our portion of the city receive its due share of improvements. For years we have patiently asked this, and now we most respectfully and earnestly petition that you grant us a bridge across Rock Creek at Q street and authorize the reclaiming and beautifying of Rock Creek banks in its immediate vicinity.

DECEMBER, 1904.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation authorizing the extension of Rock Creek Ford road, or Rittenhouse street, westward, etc.; which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of Local Division No. 57, Brotherhood of Locomotive Engineers, of Providence, R. I., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. DRYDEN presented a petition of the Woman's Christian Temperance Union of Paterson, N. J., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a memorial of M. Calm & Bro., of Newark, N. J., remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

Mr. KNOX presented a petition of 23 citizens of Millcreek, Pa., praying for the adpotion of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 22 citizens of Millcreek, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Philadelphia, Peters Creek, and Delta; of the Nottingham Quarterly Meeting of Friends, of Peters Creek; of the Woman's Christian Temperance Union of Delaware County; of the Pennsylvania Woman's Christian Temperance Union, of Philadelphia; of the Christian Endeavor Society of the Grace Methodist Episcopal Church, of Philadelphia; of the Christian Endeavor Society of the Summit Presbyterian Church, of Germantown; of the executive committee of the Schuylkill branch of the Philadelphia Christian Endeavor Society, of Philadelphia, and of the Christian Endeavor Society of the Bethel Church, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia, Wyncote, Rydal, Byberry, Lansdowne, and Millersville; of the Woman's Suffrage Associations of Delaware County, Lansdowne, and Philadelphia; of the Philadelphia Legislative League, of Philadelphia; of the Woman's Club of Columbia; of the Sorosis Club, of Langhorne; of Local Union No. 146, Woman's International Union-Label League, of Bradford; of the Teachers' Five O'Clock Tea Club, of South Bethlehem; of the Woman's Culture Club of Connellsville; of the Friday Conversational Club, of Monongahela; of the Woman's Club of New Brighton; of Linton Temple, No. 3, Rathbone Sisters, of Erie; of the Bellevue Equal Rights Association, of Bellevue; of the Sharon Circle of Ladies of the Grand Army of the Republic, of Sharon, and of the New Century Club, of Philadelphia, all in the State of Pennsylvania, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented a memorial of the Piso Company, of Warren, Pa., and the memorial of Edward M. Paxson, of Philadelphia, Pa., remonstrating against the enlargement of the definition of the term "drug" in the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of the Board of Trade of Erie, of the Board of Trade of Scranton, and of the Trades League of Philadelphia, all in the State of Pennsylvania, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 565, Brotherhood of Locomotive Engineers, of Newcastle, Pa., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. CULLOM presented petitions of sundry citizens of Hillsboro, the Christian Endeavor Society of Hillsboro, all in the State of Illinois, and of the Woman's Board of Home Missions of the Presbyterian Church, of New York City, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the board of directors of the Merchants' Exchange of Memphis, Tenn., and a petition of sundry citizens of San Francisco, Cal., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Bar Association of San Francisco, Cal., praying for the enactment of legislation providing for an additional district judge for the northern district of California; which was referred to the Committee on the Judiciary.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 4333) granting an increase of pension to Lando J. Ralph; which were referred to the Committee on Pensions.

Mr. FULTON presented a petition of the Chamber of Commerce of Portland, Oreg., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. QUARLES presented a petition of the Woman's Christian Temperance Union of Bloomington, Wis., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Richland Center, Wis., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

Mr. PROCTOR presented a petition of the Woman's Club of St. Johnsburg, Vt., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the International Pure Food Congress, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5798) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE. I am directed by the Committee on Territories to report back House bill 14749 with divers and sundry amendments, and with a recommendation that the bill when thus amended be passed. I wish to give notice that immediately after the vote to-day upon the Philippine bill I shall move to proceed to the consideration of this bill.

The bill was read by title and ordered to be placed on the Calendar, as follows:

A bill (H. R. 14749) to enable the people of Oklahoma and of

the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BATE. I desire to enter a motion to recommit the bill which has just been reported by the Senator from Indiana, and let that motion lie on the table for the present. I expect testimony here, and when it comes I wish to be heard. I merely enter the motion to recommit.

Mr. NEWLANDS. I did not hear the announcement made by the Senator from Indiana regarding the bill.

The PRESIDENT pro tempore. The notice he gave was that immediately after the disposal of the pending unfinished business he would move that the Senate proceed to the consideration of the bill reported from the Committee on Territories this morning.

Mr. BATE. That is, that he would do it? He did not do it this morning, but gave notice he would do it?

The PRESIDENT pro tempore. He did not make the motion, but gave notice that he would make it.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 13th instant, proposing to appropriate $2,500 for one chief of division in the office of the Commissioner of Indian Affairs, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 6150) for the relief of Maj. E. W. Halford, paymaster United States Army, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 6157) for the relief of Maj. Seymour Howell, paymaster, United States Army, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 11286) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

TENNESSEE RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes," to report it favorably without amendment. The bill simply proposes to amend the act passed at the last session of Congress to build a lock and dam in the Tennessee River. It proposes to make a change in the location of this improvement, and it should be done at once in order that they may go on with the work. I ask unanimous consent for the present consideration of the bill.

Mr. BATE. It is purely a local matter. There can be no objection to it.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE ON INTERSTATE COMMERCE.

Mr. CULLOM, from the Committee on Interstate Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer, from time to time, as may be necessary, to report the hearings which may be had by the committee or its subcommittees on bills and resolutions coming before said committee; to have its hearings, bills, and reports printed, and that any expense incurred shall be paid out of the contingent fund of the Senate.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution without amendment; and it was considered by unanimous consent, and agreed to.

INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SPOONER, from the Committee on Rules, to whom was referred the following concurrent resolution, submitted by himself on the 8th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6163) granting an increase of pension to Elizabeth M. J. Meagher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6164) granting an increase of pension to Edward Michaelis (with an accompanying paper);

A bill (S. 6165) granting a pension to Robert K. Smith (with an accompanying paper);

A bill (S. 6166) granting a pension to David S. Clare;

A bill (S. 6167) granting a pension to Bernard Sprenger; and

A bill (S. 6168) granting a pension to William Crome (with an accompanying paper).

Mr. BURNHAM introduced a bill (S. 6169) granting an increase of pension to John B. Colby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 6170) to fix the grade on retired list of the Army of Col. James W. Powell, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BALL introduced a bill (S. 6171) granting an increase of pension to Fannie C. Avis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6172) for the relief of the administrator of the late D. S. Farrer, of Virginia, and others; and

A bill (S. 6173) for the relief of the trustees of the Wilderness Baptist Church, of Spottsylvania County, Va.

Mr. McCUMBER introduced a bill (S. 6174) granting an increase of pension to Chittle Chittleson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6175) for the relief of Benjamin Burrows; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6176) granting an increase of pension to David A. Reich; and

A bill (S. 6177) granting an increase of pension to J. S. Prose.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 6178) to purchase an additional strip of land to the eastward of the light-house at Pigeon Point, California;

A bill (S. 6179) to establish a light and fog signal on Karquinez Strait, California;

A bill (S. 6180) to establish at Ano Nuevo Island, seacoast of California, an additional dwelling for light-house keepers;

A bill (S. 6181) to establish a light-house near Santa Barbara Landing, California;

A bill (S. 6182) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California; and

A bill (S. 6183) to construct a tender for the engineer service of the twelfth light-house district.

Mr. MONEY introduced a bill (S. 6184) authorizing the Mississippi Central Railroad Company to construct a bridge across the Pearl River at or near Smiths Ferry, Lawrence County, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 6185) granting an increase of pension to Thomas Read; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6186) granting an increase of pension to Lizzie E. Shehan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6187) to reclassify employees in the civil service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (S. 6188) granting an increase of pension to William Sartwell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. McCREARY submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENT TO STATEHOOD BILL.

Mr. BARD submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into he Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

AMENDMENT TO PENDING PHILIPPINE BILL.

Mr. CULBERSON submitted the following amendment to House bill 14623, intended to be proposed as an amendment to the amendment offered by Mr. DIETRICH; which was ordered to lie on the table:

Amend by adding after the word "bonds," in line 7, the following: "and bonds shall not be issued by any railroad company which may avail itself of the guaranty under this section for an amount exceeding $35,000 per mile of railroad."

HEARINGS BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS.

On motion of Mr. BURROWS, it was

Ordered, That the Committee on Privileges and Elections be given leave to print, from time to time, the hearings held before the committee during the third session of the Fifty-eighth Congress.

REPORT OF COMMISSIONER OF NAVIGATION, 1904.

On motion of Mr. FRYE, it was

Ordered, That there shall be printed 500 additional bound copies of the Report of the Commissioner of Navigation for 1904, for the use of the Bureau of Navigation.

IMPROVEMENT OF BLAINE HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and estimate submitted of the cost of improving the harbor of Blaine, Wash., to meet the demands of commerce.

EMPLOYMENT OF STENOGRAPHER.

Mr. DANIEL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate, That the Committee on Transportation and Sale of Meat Products be, and it is hereby, authorized to employ a stenographer, whose compensation shall be at the rate of $100 per month, to be paid out of the contingent fund of the Senate; and his employment shall cease at the close of this the third session of the Fifty-eighth Congress.

RECORD OF IMPEACHMENT TRIALS.

Mr. PLATT of Connecticut. I ask unanimous consent to reconsider the vote by which the order was made yesterday for the printing of extracts from the Journals of the Senate in impeachment cases, for the purpose——

Mr. BAILEY. Of course I am not going to object, but I should like to know why.

Mr. PLATT of Connecticut. For the purpose of correcting the order. I will state the matter a little more fully.

Mr. BAILEY. That is sufficient.

Mr. PLATT of Connecticut. The order was to print a document for the use of the Senate. That involves 1,400 copies, which are more than the Senate needs. Five hundred of them go into one place and 700 of them into another, and Congress does not get them at all. I wish to change the order so that 500 copies shall be printed for the use of the Senate. I think that number will be sufficient. I move to reconsider the vote by which the order for printing the extracts from the Journals relating to impeachment cases was passed yesterday.

The motion to reconsider was agreed to.

Mr. PLATT of Connecticut submitted the following order; which was considered, by unanimous consent, and agreed to:

Ordered, That there be printed for the use of the Senate 500 copies of extracts from the Journals of the Senate containing the record of impeachment trials in the cases of William Blount, John Pickering, Samuel Chase, James H. Peck, West H. Humphreys, Andrew Johnson, and William W. Belknap.

BUSINESS OF THE SENATE.

Mr. GALLINGER. Mr. President, I rise to a parliamentary inquiry.

It has been stated to me by several persons that some arrangement was made on yesterday, at a time when I was absent from the Senate on public business, whereby nothing was to be done by the way of business in the Senate after the adjournment to-day. I make the inquiry for the reason that as chairman of the Merchant Marine Commission it has been my purpose to make the report from that Commission on Monday of next week.

The PRESIDENT pro tempore. The Chair, under the circumstances, declines to answer the interrogatory of the Senator from New Hampshire.

Mr. GALLINGER. Can the Chair direct the Senator from New Hampshire to any source from which he may get the desired information?

The PRESIDENT pro tempore. An inquiry by the Senator directed to the Senator from Illinois [Mr. CULLOM] perhaps would convey the necessary information.

Mr. GALLINGER. The Senator from New Hampshire will be pleased to consult with the Senator from Illinois.

HOUSE BILL REFERRED.

The bill (H. R. 15317) to build a bridge across the Ouchita River, Arkansas, was read twice by its title, and referred to the Committee on Commerce.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The morning business is closed.

Mr. LODGE. In accordance with the notice which I gave, I now call up House bill 14623, the Philippine government bill. I have understood that one or two Senators desire to speak on the bill and amendments this morning.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands, and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes."

Mr. GORMAN. I present an amendment to strike out all after the word "assembled," in line 2, on page 1, down to the end of section 1.

The PRESIDENT pro tempore. The amendment will lie on the table until 3 o'clock.

Mr. LODGE. May I ask that the amendment be stated at the desk. I did not have my copy of the bill before me at the moment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Maryland will be stated.

The SECRETARY. On page 1 strike out all of section 1.

Mr. NEWLANDS. I should like to inquire whether that is numbered according to the reprinted bill.

Mr. GORMAN. Yes; the last print of the bill, December 14. I simply propose to strike out these words:

That all bonds issued by the government of the Philippine Islands, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of the Philippine Islands or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia, and all the provisions of this section are hereby made applicable to Porto Rico.

In other words, the amendment strikes out the exemption from taxation of all municipal bonds in the islands and makes them subject to taxation as other bonds in the United States.

Mr. LODGE. I wish to say in regard to the amendment that this exemption was given by Congress in the case of certifi-

cates of indebtedness which we authorized the Philippine government to issue for the purpose of maintaining the parity between the peso and the gold standard, and it was also given in the case of the bonds for the purchase of the friars' lands. But it was not given in the case of the bonds that were to be issued for the improvement of the water supply of the city of Manila nor for the bonds to provide for the construction of sewers and other municipal improvements in the towns of the Philippine Islands. The need of it is very well set forth in the report of the Secretary of War, which I hold in my hand. On pages 52 and 53 the Secretary states, I think with perfect truth, that the exemption of these bonds from State, county, and municipal taxation in the United States is of no consequence to States, counties, or municipalities here, but it makes a difference of 1 and 2 per cent in the rate at which the money can be borrowed for these municipal improvements.

It is a great benefit to the people of the islands to have this exemption, and the amount which is lost in taxation in this country is so trivial at the outside estimate that it would not be worth considering. I regard it as a very valuable and important provision, and I was very glad to add to it the amendment offered by the Senator from Ohio [Mr. FORAKER], which I think will be of equal value to the people of Porto Rico.

It seems to me that to enable the people in those islands to borrow the necessary money for municipal improvements at the lowest possible rate, where it can be done without any serious loss to us—in fact, with no loss at all—that will be susceptible, and without involving the United States in any way, is sensible and advisable legislation, and I sincerely hope that the amendment will not prevail.

Mr. GORMAN. Mr. President, the amendment probably may not be properly discussed at this particular juncture, but I will say that the theory of exempting from taxation bonds of the United States is so well established that there is no controversy about it now, although the time has been when it was very questionable whether it was good policy on the part of the Government.

Upon the bonds issued for the construction of railroads under the provisions of this bill 5 per cent is guaranteed by the Government of the United States, the principal of which the report accompanying the bill holds that, morally, this Government would be responsible for. This is probably the greatest concession that has ever been made by this Government for local improvements in any part of the common country. Their exemption from taxation, as stated in the report of the committee, of which the honorable Senator from Massachusetts is chairman, is based upon the ground that they would make the bonds a valuable investment or asset to corporations investing in them.

Mr. LODGE. Will the Senator allow me a moment?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. GORMAN. Certainly.

Mr. LODGE. This section does not exempt the bonds of any railroad from taxation.

Mr. GORMAN. I did not quite understand the Senator.

Mr. LODGE. I say this section does not exempt any railroad bonds or any railroad property. It exempts only bonds issued for public purposes by public——

Mr. GORMAN. That includes necessarily the bonds that are to be issued for the railroads, as I take it.

Mr. LODGE. Not at all. It does not cover the railroad bonds at all.

Mr. GORMAN. It covers bonds for all municipal purposes.

Mr. LODGE. But the railroad bonds are not issued for municipal purposes. The municipalities can not contribute to railroads.

Mr. GORMAN. They can not?

Mr. LODGE. The municipalities can not contribute, under the authority given them, to railroads.

Mr. GORMAN. Do I understand the Senator to say that the bonds which are to be issued for the construction of these railroads will not be exempt from taxation?

Mr. LODGE. I say the bonds issued by the railroads will be subject to taxation. The only connection of the Philippine government with the bonds issued by the railroads is a guaranty of interest. There is no other privilege given to the bonds.

Mr. GORMAN. As I understand this provision—and I ask to be corrected if I am wrong—all the bonds which may be issued by the authority of the government of the Philippine Islands for works of improvement in all the towns of the islands, for waterworks and every other purpose, the Commission or the Philippine government may determine, will under the provision be exempt from taxation. Is not that so?

Mr. LODGE. I do not understand that any bonds issued by the railroads can be exempt under any provision of this bill. The municipalities are unable to issue bonds for the benefit of the railroads. That, I think, is excluded by section 3 as it now stands, and with the amendments and restrictions proposed by the senator from Wisconsin [Mr. SPOONER], which I entirely accept, it is impossible that municipalities should issue any bonds in aid of a railroad. No railroad bonds can be issued except by the railroads themselves. All the government undertakes is to guarantee the interest, under certain conditions, of course, to be made with the railroads; but there is no possibility under this bill of exempting any railroad bonds from taxation.

Mr. GORMAN. Then all the bonds that are issued by authority of the Philippine government for all other improvements are to be exempt under this provision, as I understand it?

Mr. LODGE. All the municipal bonds and the bonds issued by the Philippine government for public purposes are to be exempt.

Mr. GORMAN. Very good. Now, I submit that for the first time, in dealing with any Territory in this country or any State in the Union, has such a provision been found in legislation anywhere.

Mr. LODGE. If the Senator will allow me again, I am afraid he did not listen to what I stated when I first got up.

Mr. GORMAN. It may be that I did not fully understand the Senator.

Mr. LODGE. We exempted the bonds which we authorized the Philippine Commission to issue for the purpose of maintaining the gold standard. We exempted the bonds which we authorized the Commission to issue for the purchase of the friar lands. The exemption has already been given in both those cases, with the result that they were able to borrow, I understand, on much better terms.

Mr. GORMAN. Yes; and I ask the Senator from Massachusetts if that is not the only precedent? In any case, in all the government of the Territories of the United States did Congress ever attempt to make such a provision for the exemption of municipal bonds? It crept into the original act for the government of the Philippine Islands, the Senator says; but I take it the Senate is considering the subject at this time more calmly than it could then consider it, and a precedent that is bad and vicious ought not to be followed now. The mere fact that in that case, at a time when we were in a state of war, and when in considering the matter here it divided us on party lines, that extraordinary action was taken ought not to be followed now.

Mr. President, it does seem to me that this is going away beyond any concession that ought to be made by this Government. Improvements are necessary, and we set the example to all our people. As the Senator from Massachusetts says, it amounts to very little in the government of cities and municipalities in the United States. It may be true that only a small portion of these bonds will ever reach the United States. I do not know how that may be, but it is wrong in principle. I supposed if there was to be any exemption from taxation at all it would be on bonds that were issued for these public improvements in the islands for which the Government of the United States is liable, both the interest and the principal. That probably could be maintained, although even in that case it would be an extraordinary proposition. If the Government guarantees 5 per cent interest upon bonds, and they are sold and known to be the bonds of the United States, they can be negotiated at 2½ and 3 per cent at the outside, and to exempt them from taxation would be a further premium of from 1½ to 2 per cent in every banking institution in the United States which acquired them.

Couple that with the fact that the Secretary of War has frankly said to Congress that in the matters of making the contract for the expenditure of this money and for the negotiation with the corporations that are to construct these works there ought not to be open competition, that it can best be done by private negotiation, and that he had anticipated the matter by conferring with certain gentlemen in New York who had the financial ability and power to construct the work. With that provision regarding that power existing, if the Government exempted the railroad bonds from taxation it would simply be too great a temptation to be placed in the hands of anybody.

Mr. President, like the Senator from Texas [Mr. CULBERSON], who stated the case clearly and tersely for those of us who have opposed the acquisition and the continued control of the islands, we regard that matter as settled, and there is no longer any question to be discussed as to whether we shall go on with the control of the islands. That seems to have been fixed for the time being by a decree of the American people. But in the framing of the measure by which these improvements are to be

made and these expenditures are to be incurred it ought to be applied without regard to the division on this aisle by such carefully constructed provisions, and provisions so well guarded that there will not be able to creep into it extraordinary expenses, or extraordinary obligations on the part of this Government. Let us deal with them as liberally as we would deal with a part of our own territory on this side of the ocean.

Without hesitation I say if this matter applied to New Mexico or the Indian Territory or Arizona, or any other Territory within the limits of our country, such a proposition would not be considered for a moment; and this step should not be taken until it shall be demonstrated by actual trial and a fair trial that those people can not raise any sufficient amount of money upon their own resources without such an extraordinary provision as the exemption from taxation of their bonds. Then it will be time enough to consider the matter and give them relief, if it becomes necessary, but let us not do it now.

Mr. FORAKER. I do not know that I correctly understood the Senator from Maryland [Mr. GORMAN], but if I did not he can correct me. I understood him to speak as though of the impression, at least, that we are issuing bonds here for the construction of railroads that the United States Government in some manner is to be responsible for. I have not so read the bill. All that we do here, as I understand it, is to authorize the Philippine government to issue bonds of its own for certain enumerated purposes. Then we authorize the Philippine government, in addition to that, to guarantee the payment of 5 per cent interest on the bonds that will be issued by railroad companies organized hereafter to construct the railroads which are provided for in this bill. So the United States Government has no responsibility whatever. It is not the case of the United States Government guaranteeing 5 per cent interest and then exempting them from taxation; but the effect of the provision is to simply exempt from taxation in this country bonds that may be issued by the Philippine government. The bill, as I understand it, does not go so far as to exempt from taxation in this country all bonds that will be issued by railroads on which the interest will be guaranteed by the Philippine government. If there is any doubt about that it could be removed by so amending the bill as to make it clear. I think there is much merit in what the Senator from Maryland has said on that point.

Mr. GORMAN. The Senator from Ohio is very familiar with the bill, and I wish to ask him if he does not agree with the Secretary of War on that point? I understand the Secretary of War and the chairman of this committee prepared this bill. So far as the railroad bonds are concerned, I understand that we do guarantee by this bill to pay 5 per cent, and that morally we are bound both for the interest on the bonds as well as the principal.

Mr. FORAKER. I do not understand that we are bound morally or otherwise, certainly not legally, to pay either the principal or the interest of these railroad bonds. The United States Government authorizes the Philippine government to guarantee the payment of the interest. I am not familiar with what the Secretary has stated in his report; I have not read it; but if the Senator will call my attention to the page on which those remarks are found, I will be glad to look at them, or, if the Senator will read what the Secretary of War says, I shall pause until he may do so.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. What the Secretary of War was speaking about in that connection has reference only to the bonds issued by the Philippine Islands under its authority, and not the railroad bonds, as seems to have been inferred by the Senator from Maryland.

Mr. FORAKER. Oh, yes, Mr. President, I understand now how the Secretary of War might make the observation that we were morally bound, that because we created that government we are responsible for it; and yet that is open to some debate, I should think.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. Would the State of Ohio feel morally bound to pay the obligations of a municipality which it had created and which it had authorized to issue bonds?

Mr. FORAKER. I do not think so, and it never has felt so.

Mr. BAILEY. I simply interpose this because in all human probability these bonds will come back to the American Congress for payment, and I do not want any statement here in the RECORD that I feel morally bound to tax the American people to pay for any bonds of the Philippine Islands.

Mr. FORAKER. Mr. President, the Senator from Texas will remember that my statement was that I could understand how the Secretary of War might have made that observation with respect to bonds issued by a government we had created and were in a sense responsible for, but that I thought that proposition was open to debate.

Mr. BAILEY. Yes.

Mr. FORAKER. I meant by that to reserve to myself the same right the Senator reserves to himself, and very properly so.

Mr. BAILEY. The State of Ohio might create a municipality and clothe it with authority to issue bonds.

Mr. FORAKER. They are the agencies.

Mr. BAILEY. And yet it has never felt bound to redeem such municipal bonds.

Mr. FORAKER. I do not know that the United States Government has ever felt obliged to redeem any bonds issued by any Territory.

But, Mr. President, I have been somewhat diverted by these remarks from what I wanted to say more particularly than anything else, and that is that by exempting these bonds we are simply seeking to provide a market for them and to make them a desirable investment. There are plenty of bonds being offered that are issued in this country about which there can not be any question, and investors are not likely to run after bonds issued by Porto Rico or by the Philippine Islands unless there is some inducement for them to do so that is not offered in connection with bonds issued in this country.

All investments in bonds in Ohio, in my own State—and I suppose that is true in every other State—are subject to taxation in the hands of the holders. They are not all returned, as has been suggested here, but that does not alter the legal duty of the holder to return them. They are supposed to be taxable, and whether they are taxable or nontaxable has much to do with their salability. When Porto Rico has occasion to issue bonds she must come here or go to some other place to sell them. Her market for them at home is at least very limited, not adequate. The same is true as to the Philippine Islands. They have no adequate market there, so they must come to this country to sell bonds, and when they sell them here they have to sell them in competition with bonds issued here, about the validity of which there is not any question and about the power of the authority issuing and guaranteeing them there is no question. So it seems to me that the cases of the Philippines and Porto Rico are exceptional. They should not be classed, when it comes to a matter of this kind, with the Territories or with the municipalities of this country, where we all feel that there is no risk to run as to the payment of bonds if they be validly issued.

The only purpose I had in offering the amendment as to Porto Rico was to make what I thought was a very appropriate and advantageous provision for the Philippines applicable to Porto Rico. There is no reason why they should not be both treated alike. If one is to have this privilege the other should have it. There should not be any discrimination between them. That is about all I care to say in answer to the Senator's suggestion.

Mr. BAILEY. Mr. President, I cordially agree with the Senator from Maryland [Mr. GORMAN] that the American Congress in dealing with either the Philippine Islands or the island of Porto Rico is not justified in making exemptions in their favor beyond the exemptions which the States make in behalf of their own municipalities. If the State of Ohio, the State of Maryland, and all the other States of this Union permit the municipalities which they create and which they authorize to issue bonds and to sell those bonds subject to the power of local taxation, it seems to me that the American Congress would well perform its duty toward these possessions by applying to them the same rule which the States apply to their municipalities; and in view of the fact that the various governments of this country, from the Government of the Republic down to the government of the municipalities and taxing districts, are increasing their expenditures at an enormous rate, it does not appear to me a wise policy for us to be extending these exemptions from taxation.

But, Mr. President, I rose more for the purpose of saying that while that is my view, and I cordially agree with the Senator from Maryland that the exemptions ought not to be made, I still want it incorporated in the RECORD of Congress that if hereafter some importunate bondholder shall come to Congress asking that we discharge the obligations of these bonds nobody shall be permitted to read out of the RECORD here that I assented to the proposition that there is a moral obligation upon us to pay them.

Senators will recall that when the great State of Pennsylvania once repudiated its indebtedness one of its bonds was held by rare old Sydney Smith, and there is somewhere in the archives of this Congress a petition, signed by him and others similarly situated, praying that the American Government will either compel the State of Pennsylvania to pay those bonds or else assume the payment itself. It may happen that no such chance as this will occur in the case of the Philippine bonds, but I assume that it may, and so I intend to vote against these railroad bonds and probably will be compelled to vote against the municipal bonds, because I shall vote against the passage of the entire bill. But while I might agree to authorize those municipalities, under proper limitation, to issue their bonds for public works and improvements, I would no more assume the moral responsibility of this Government for those bonds than I would assume the moral responsibility on the part of any State government for bonds which it authorizes one of its municipalities to issue.

I desire to call the attention of the committee to another matter. It seems to me if they are anxious to secure a market for these bonds that instead of exempting them from the legitimate power of taxation which exists in the States, counties, and municipalities of this Union, they will throw about them still further safeguards. For instance, it would appear to me a very reasonable precaution that this bill should provide that not a single one of these municipalities should be permitted to issue and sell its bonds until the project has been submitted to the Philippine Commission, approved by them, and the issuance of the bonds authorized and indorsed.

For many years in my own State we had some vexatious litigation and some bad feeling respecting our own municipal and county bonds, until at last the legislature of that State, in its wisdom, provided a law under which those bonds could be only issued after observing certain formalities and after the approval of the attorney-general had been given. Since the enactment of that law our bonds have often sold bearing a lower rate of interest, or have commanded a higher premium, which is in effect the same thing to the taxpayer. If the committee would incorporate in this bill some provision of that kind it would be more attractive to the investor than the exemptions which have been proposed.

Mr. President, while I am on my feet I desire to offer an amendment in lieu of the one which I offered yesterday afternoon. Before offering it I will take occasion to say that after the Senator from Iowa [Mr. ALLISON] had proposed his amendment, making a certain section of the existing law applicable to bonds issued under section 4 of this bill, I was inclined to think that his amendment would reach the end I desired, and for that reason I asked that it should be printed in the RECORD. After having examined it carefully I find that it provides practically and only what is already provided in the law of nearly every State in this Union. Almost without exception, the States provide that no stocks or bonds shall be issued by any corporation except for money or property actually received. But the trouble is that in spite of that provision these corporations go on overissuing their stock and overissuing their bonds. True enough, such an overissue of stocks or bonds might subject the corporation to a forfeiture of its charter in a suit brought by the State for that purpose, but unless the State chooses to penalize such corporations by the forfeiture of their charter for such misconduct, such stocks and bonds continue in the market, and continue as between the corporations and the holders valid obligations of the corporations.

In order to provide against this injustice toward these people, I have added to the amendment which I offered yesterday afternoon a provision that no stocks or bonds shall be issued except at par value, to be paid in money or in property at a fair valuation. Then I safeguard that provision, which is substantially the provision in the seventy-fourth section of an existing law, by further providing that before any railroad, the income from whose bonds or stocks is to be guaranteed by the general government of the Philippine Islands, shall be permitted to issue stocks or bonds, it must submit the question to the Philippine Commission, and can only issue them and sell them when authorized to do so by that Commission. My amendment especially directs that Commission to see that those bonds are only issued in accordance with the provisions of this act, which require that they shall only be issued and sold for actual cash or for property at a fair valuation.

This is not an experiment in legislation. The State of Massachusetts for many years has safeguarded the issue of stocks and bonds by similar enactments, and for the last twelve or fourteen years the State of Texas has been especially prudent in reference to the issue of railroad stocks and bonds. We provide there that no railroad can issue stocks or bonds except for money or property, nor can they issue them for money or property except with the approval of the railroad commission. The result of this wise legislation has been that for twelve or fourteen years no mile of railroad in all the State of Texas has been overcapitalized.

If Congress can protect the people of the Philippine Islands from the overcapitalization of their railroads, it will do them an inestimable service. I offer this amendment, and at the proper time I shall ask a vote upon it. It practically embraces the amendment I offered yesterday afternoon and that offered by the Senator from Maryland, with the additional requirement on the Philippine Commission.

Mr. DUBOIS. Mr. President, I desire to offer the amendment which I send to the desk.

Mr. BAILEY. I should like to have the amendment which I have offered read. Probably nobody will pay any attention to it, but nevertheless I should like to have it read.

The PRESIDING OFFICER (Mr. DRYDEN in the chair). The amendment proposed by the Senator from Texas will be read.

The SECRETARY. After the word "years," at the end of section 4, line 10, page 5, it is proposed to insert the following:

Provided further, That before any guaranty of interest or income as herein authorized shall be made the railroad company desiring to avail itself of such guaranty shall include in its charter or articles of incorporation an express agreement that the general government of the Philippine Islands shall always possess and exercise the right of regulating charges for freight and passenger service: *And provided further*, That no railroad company, the interest or income for which is guaranteed under the provisions of this act, shall issue or sell any stock or bonds, except at their par value to be paid for in cash, or property at a fair valuation; and before such stock or bonds can be issued or sold they shall be authorized and approved by the Philippine Commission, whose duty it shall be to closely supervise the issuance of such bonds, and to strictly enforce this act in respect to the same.

Mr. DUBOIS. Now, Mr. President, I should like to have my amendment read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be read.

The SECRETARY. In section 6, page 5, line 17, after the word "be," it is proposed to insert "rigidly;" and in line 19, after the word "government," to insert "so far as such immigration laws relate to the importation of Chinese cooly labor;" so as to make the section read:

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be rigidly administered by the officers of the general government thereof designated by appropriate legislation of said government, so far as such immigration laws relate to the importation of Chinese cooly labor, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

Mr. DUBOIS. Mr. President, I think it is opportune to offer the amendment now, and I trust there will be no opposition to it in the Senate. The senior Senator from Ohio [Mr. FORAKER] gave notice that on all proper occasions he would urge an amendment to any Philippine bill for the reduction of certain tariff duties.

There are in the Philippine Islands some 72,000,000 acres of land, only 5,000,000 acres of which are in the possession of individuals or corporations. The other 67,000,000 acres are public lands, and, as a general thing, they are exceedingly rich for agricultural purposes. Some 50,000,000 acres of land in the Philippine Islands are susceptible of the highest cultivation, and this is especially so in regard to sugar. In Louisiana, in Texas, and in other favored spots in this country they raise from a ton to a ton and a half of cane sugar to the acre; in certain other favored portions of our country they raise from a ton to a ton and a half of beet sugar to the acre; in Cuba they raise about 4 tons to the acre; in Porto Rico about 4½ tons; in the Hawaiian Islands, 4 or 4½ tons; and on some plantations in Hawaii they raise as high as 10 or 11 tons to the acre; and the Philippine Islands are more productive for sugar than the Hawaiian Islands.

Efforts are being made, and will be made—the tendency is all in that direction—to allow the corporations to gain control of large tracts of those lands. The Board of Trade of Manila has repeatedly memorialized us in language similar to the following:

We ask for the immediate passage of laws for the admission of cooly labor, as the native labor is inadequate and insufficient for the development of the resources of the islands.

As white people go there, as they take those lands and commence to cultivate them, the demand for the importation of cooly labor will be more insistent. There are, as I say, 50,000,000 acres of public lands there which are suscepible of the cultivation of sugar to the highest degree. Fifty million acres of land is almost more than one-half of the agricultural land west of the Missouri River. It is two and a half times as much agricultural land as there is in all the New England States, and, with

the threatened reduction of the duty on sugar, I think we should make it absolutely certain that Chinese cooly labor shall not go there to put our sugar industry in direct competition with the tropical sugar.

They can raise sufficient sugar in the tropical countries which now belong to us to supply the world, and the whole tendency is to put our sugar industry, especially the beet-sugar industry, in competition with the sugar of these tropical countries. I think the Senate in passing this bill giving up the administration of our immigration laws to a Commission in the Philippine Islands should give them to understand in unequivocal language that they shall so administer those laws as not to allow Chinese cooly labor to come in there in competition with our labor, especially in the raising of sugar.

Mr. FORAKER. Mr. President, I ask that the amendment offered by the Senator from Idaho may be again read.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. In section 6, page 5, line 17, after the word "be," it is proposed to insert "rigidly;" an din line 19, after the word "government," to insert "so far as such immigration laws relate to the importation of Chinese cooly labor;" so as to make the section read:

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be rigidly administered by the officers of the general government thereof designated by appropriate legislation of said government, so far as such immigration laws relate to the importation of Chinese cooly labor; and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

Mr. FORAKER. Mr. President, so far as this amendment is concerned, I want to say to the Senator from Idaho [Mr. DUBOIS], in the first place, that I did not foresee when we entered into a unanimous-consent agreement to vote to-day at 3 o'clock that he was going to offer this amendment; and, under the precedent established day before yesterday, when I offered an amendment which I was compelled to withhold under the pressure brought to bear upon me, because it had not been foreseen by the Senator from Idaho and others, I might insist that this amendment should not be considered, especially so in view of the character of the remarks the Senator has made in support of his amendment. But I am not going to insist upon any such thing. I take advantage of the opportunity that has been offered me simply to emphasize what I said when I concluded to withhold the amendment that I had offered, to which the Senator objected on the ground that he had not foreseen when the unanimous-consent agreement was made that such an amendment would be offered. I want, in thus emphasizing it, to repeat what I said on that occasion, that when we enter into a unanimous-consent agreement to vote upon a bill at a certain time, and all pending amendments and all amendments that may be at that time offered, every Senator is to be regarded as at liberty to offer, down to the time when we take the final vote, any amendment he may think it his duty to offer.

I have always understood the consent agreement to be so broad as that, and I think a consent agreement, if it is to be restricted to such amendments as have been offered before it is entered into or such amendments as Senators will concede they foresaw would be offered, would not constitute a very valuable practice. I think the Senator has a perfect right to offer this amendment which he has offered, but I have just as much right to object to its consideration on the ground that I did not foresee it, for I did not foresee, as the Senator had to object to the amendment I offered when I offered it. But, as I said, I am not going to object to it. I do not believe in that practice. I took occasion to say, when I announced that I would withhold my amendment and not offer it, that I should not regard my action as establishing a precedent by which I should be bound hereafter, and I hoped no Senator would feel that he would be bound.

I am quite willing to have the Senator's amendment considered without any objection from me. I think it is his right to have it considered, and if anybody objected to its being considered on the ground that it had not been foreseen I would join the Senator in insisting that the objection was not well taken.

Now, I have only this objection to make to the Senator's amendment, It says that the immigration laws shall be rigidly administered so far as a certain class of immigrants are concerned, which class he names. I think the immigration laws of the United States should be rigidly administered as to every class to which they apply, and I do not think we should say by legislation that the immigration laws shall be rigidly administered as to a particular class, because we thereby impliedly say that we do not expect them to be rigidly administered as to other classes.

I do not think, Mr. President, there is any necessity for the amendment, because we enact laws upon the theory that they will be faithfully administered, that they will be rigidly administered, if you please, and that they will be faithfully and rigidly administered as to every class of people to whom they may apply, whether those laws be immigration laws or laws of some other character. I do not think there is any necessity for it for that reason.

Now, I wish to say a word, while I am on my feet, in answer to the remarks made by the Senator from Texas [Mr. BAILEY] a moment ago. He made two points to which I wish to make answer very briefly. I understood him to say it would help to make a market for these bonds issued in the Philippines if we provide in this bill that the issue of them shall be carefully supervised by the Philippine Commission. This is the effect, as I understood the Senator, of his remarks in that respect. I call the Senator's attention to the fact that on page 2, section 2, there seems to be just that kind of a provision. I wish to read it, for I think, with the Senator, that no bonds should be issued by the Philippine government or by any of the municipalities in the Philippines except only under the supervision of that Commission or some other controlling authority.

SEC. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, court-houses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denomination and payable at such time or times, not later than forty years after the date of the approval of this act, as may be determined by said government, with interest thereon not to exceed 4½ per cent per annum: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of $5,000,000: *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States.

That refers to bonds issued by the Philippine government, and certainly the law sufficiently guards the issuing of that class of bonds.

Section 3 relates to municipalities, and provides as follows:

SEC. 3. That section 66 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality shall not exceed 5 per cent of the assessed valuation of the real estate in said municipality, and any obligation in excess of such limit shall be null and void."

I do not know whether the Senator has read those provisions or not. I had not read them particularly until he made his remarks, and when I looked at them I thought they were sufficient in a general way. They might be improved no doubt, but so far as concerns the bonds issued by the government, they are to be issued by the Commission itself, and their act is to meet with the approval of the President of the United States before they can make an issue of bonds for the general government of the Philippine Islands.

Mr. BAILEY rose.

Mr. FORAKER. As to municipal bonds, if the Senator will bear with me for just a moment, they can not be issued in excess of 5 per cent of the taxable valuation of the real estate of the municipality. That is a safe limitation to start with. Any excess over that amount is by the terms of this proposed act made null and void; and an issue can not be made up to that amount except under the supervision of the general Commission, which must approve and direct the whole proceeding, including the enactment of the legislation necessary to authorize it.

Mr. BAILEY. Mr. President, the Senator from Ohio is entirely right in saying that it sufficiently safeguards it in a general way, but these provisions are not essentially different from similar laws under which gross abuses have been practiced in the municipalities of our own country. If I had my way, one of the requirements that I would make would be that each of the bonds should be registered by the Philippine Commission after they approved them. The approval provided for by the President of the United States can not possibly be exercised upon a full understanding of all these facts. The President of the United States to-day has vastly more to do than one man can possibly do, and to impose upon him the duty of inquiring into the contracts and the improvements which are to be made in

the Philippine Islands would multiply his duties without extending his time, and would simply make it impossible for him to know.

He can do as he does now on very many important matters, take the advice of those under him, and then his approval is a mere matter of form. Now, rather than to have the approval of the President as a matter of form, I would prefer the approval of the Philippine Commission, who are right on the ground, and when they approve the bonds, countersign, as it were, register them, and make them incontestable, except for fraud. That is the course I would suggest.

Mr. FORAKER. The point I was trying to make was that, in respect to the Philippine government bonds, as distinguished from the municipal bonds this bill provides for, there will be both the approval of the Philippine Commission, as the Senator thinks there should be, and the approval by the President.

Mr. BAILEY. The Senator from Ohio will recall that my comment in that respect was directed to municipal bonds.

Mr. FORAKER. Yes; I do recall that, but I was calling attention to both. So far as concerns the issue of bonds not exceeding five millions, authorized by this proposed act, to be made by the government of the Philippine Archipelago, there will be in the first instance the approval of the Philippine Commission, because they are the authority that must act in the premises to authorize the issue, and their authority is to be supervised and approved by the President.

Of course the President does have, as the Senator from Texas suggests, a great many duties; but we know that he is compelled now to act through the advice of those who are called about him under the law to be his advisers. That is what he has an Attorney-General for; that is what he has a Secretary of War for. When a question arises that belongs in any particular Department, I assume he takes the advice of the head of that Department, and the head of that Department makes the thorough investigation that ought to be made; and they will proceed in that manner hereafter as to these bonds if this bill should become a law.

Coming now to the municipal bonds, I think they are exceedingly well guarded, and my point in reading this to the Senator was to ask him whether or not he had considered how we could make it any stronger than it is.

Mr. SPOONER rose.

Mr. BAILEY. The Senator from Wisconsin [Mr. SPOONER] has proposed an amendment that suits me better than the provision in the bill.

Mr. FORAKER. I have not seen the amendment of the Senator from Wisconsin.

Mr. SPOONER. I will state in a general way to the Senator in a moment, if he will permit me, what it is.

Mr. FORAKER. Certainly.

Mr. SPOONER. It limits the purposes for which the bonds may be issued to drainage, sewerage, water supply, and the erection of primary public school buildings, and it provides for the issue only where, in the opinion of the Commission, the purposes may not be accomplished reasonably by taxation. It provides also that the bonds shall not be issued except in a given case—with the prior approval of the President.

It does put a great deal of work nominally upon the President, but we are putting upon the President a great many functions, none of which are, from the standpoint of trusteeship, as important as this, to prevent by all possible safeguards the improvident issue of bonds by 900 municipalities over there, and the piling up of bonded indebtedness which in the years to come may lead to municipal bankruptcy.

Mr. FORAKER. I have not read the amendment that was offered by the Senator from Wisconsin, and I happened to be out of the Chamber when it was read at the desk, but I understand, from what the Senator has said of this amendment, its nature; that it is, in the first place, a restriction of the purposes for which bonds may be issued, and a requirement that they shall be approved by the President, in addition to the other requirements enumerated in the proposed act.

It does seem to me that it is hardly necessary to impose that duty on the President, if the Senator will allow me to say that without misunderstanding me, because of the limitation as to the amount. These bonds can not be issued by any municipality in excess of 5 per cent of the valuation for taxation of the real estate belonging to that municipality. It seems to me it can not be very burdensome, and that a Commission such as we have always heretofore had there and such as we are likely to have, could supervise that issue when it is confined anyhow within what must be conceded to be safe limitations. There is hardly a municipality in this country, I suppose, that has not issued bonds in excess of 5 per cent of the assessed valuation of its real estate for taxation, and that is one of the abuses which this bill seems to guard.

Mr. SPOONER. I think in a given case the President ought to be informed as to the population, and he ought to be pretty generally informed as to the details attending the proposition to issue bonds. It would be the Secretary of War who would examine into the matter and do the detail work about it and present it to the President, and I am quite satisfied the President would not shrink from any burden of work that would conserve the interest of that people in a matter so vital.

So far as the 5 per cent limitation is concerned, the Senator knows that the adequacy of that limitation depends altogether on the honesty of the officials who assess the property and the purposes for which they assess it. I have known instances, although I will not specify, where the assessment has been enormously raised for the purpose of raising enormously the debt limit.

Mr. BERRY. I should like to ask the Senator from Wisconsin, if the Senator from Ohio will permit me, who assesses this property? Is it done by the the municipal officers or by the general Commission?

Mr. SPOONER. I suppose it is done by the Filipinos under the law over there. I do not suppose that Americans do the work of assessing in the different localities.

Mr. BERRY. I am talking about towns and municipalities.

Mr. SPOONER. That is what I am talking about.

Mr. BERRY. Does the Senator say it is done by officials appointed by the Commission?

Mr. SPOONER. I suppose they are appointed now. Later, perhaps, they will be elected by the communities.

Mr. BERRY. In the course of human events.

Mr. FORAKER. Many are elected now.

Mr. BAILEY. Will the Senator from Ohio permit me to make a suggestion? While the limitation of 5 per cent on the property value does limit the burden which those people may impose upon themselves, yet unless the expenditure is jealously guarded they may derive very small benefits from even the 5 per cent limitation. So I should like to take the provision of the Senator from Wisconsin, limiting the purposes for which bonds may be issued, and then also have the limitation of 5 per cent on the amount.

The Senator from Ohio, I know, will agree with me that the first purpose for which the proceeds of bonds should be devoted is to sewerage, water, and schools.

Mr. FORAKER. Yes.

Mr. BAILEY. The Senator from Wisconsin limits it to those purposes, I think wisely.

Mr. FORAKER. I think wisely, too.

Mr. BAILEY. I think if the bill is limited to those purposes, with the 5 per cent limit, while there may be cheating, more or less, as between the people who buy the bonds and make the bids on the work, those people will obtain what is necessary with no very great burden.

Mr. FORAKER. I thought the 5 per cent limitation was a good one, a safe one.

Mr. SPOONER. It is.

Mr. FORAKER. I thought so, because property is not likely to be assessed for taxation purposes higher than its real value. In this country, according to our experience, it is generally assessed for taxation at below its true value. I think 66⅔ per cent is as high as property the country over can be said to be assessed and be on the tax duplicate for taxation.

Mr. BERRY. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. BERRY. In this country the people themselves have something to say about the amount of the assessment, and that would account for the lower assessment. There, if I understand it, the people who are to pay the taxes have no voice in it. It is done by men appointed by the Commission.

Mr. FORAKER. I understand the Senator is mistaken as to that. I do not know just what the facts are, but I am told that there are over 800 native Filipinos holding offices in the Philippine Archipelago.

Mr. BERRY. By appointment under this Commission?

Mr. FORAKER. No; by election.

Mr. McCOMAS. By election in the barrios.

Mr. BERRY. Does the Senator intend to say that the men who assess property there are elected by the people?

Mr. FORAKER. No; I do not. I think they are, but I do not know. All I mean to say is that I have seen a statement—which was made by some one I thought reliable, although I do not remember now by whom—that there were over 800 native Filipinos holding office, most of them elected.

Mr. McCOMAS. Will the Senator allow me? I would not be positive, but I think I am right in saying that the fiscal and the secretary are elected. And they are the officers or a part of the officers who make the assessment. However, I do not wish to speak positively.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Will the Senator yield for a moment?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. FORAKER. I yield to the Senator from Wisconsin. I do not yield the floor.

Mr. SPOONER. I wish to offer an amendment as a substitute for section 4 of the bill, and I ask to have it read.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. FORAKER. I yield to the Senator in order that he may offer the amendment, and that it may be read and printed.

Mr. SPOONER. That it may be printed before there is occasion to vote. It is an amendment to strike out section 4 and insert what I send to the desk.

The PRESIDING OFFICER. The clerks inform the Chair that it will be impossible to have the amendment printed in time, by 3 o'clock.

Mr. SPOONER. I will take the chance on that. I think it can be done.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be read.

The SECRETARY. It is proposed to strike out section 4 and insert in lieu thereof the following:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Philippine Islands, as the Philippine government may hereafter specifically authorize, the said government is empowered to enter into a contract of guaranty with any railroad company, organized pursuant to the laws of said government or of the United States or any State thereof, undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding 4 per cent per annum upon first lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

Such contract of guaranty shall be signed on behalf of said government by the chief executive thereof and on behalf of the railroad company undertaking the construction, equipment, maintenance, and operation of said railroad by the chief officer thereof, thereunto duly authorized by the stockholders and directors of the same, and shall contain, among others; the following provisions:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

Second. That no debt except as above provided shall be incurred by the said undertaking railroad company, its successors or assigns, by which a lien shall be created upon such railroad, its equipment or other property, prior to the lien of said government to secure the repayment of the interest paid by it under said guaranty without the consent of the Congress.

Third. That the said railroad shall be constructed and equipped within the time limited in the first instance by the Philippine government, or any extension of said time granted by said government for good cause shown.

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said islands, and the same shall not be signed and delivered except upon satisfactory proof of the completion of the railroad in sections of not less than 20 continuous miles each, and in such proportion, to be fixed from time to time by said government, as the actual capital invested in completed road and acquired equipment shall bear to the capital required for the completion and equipment of the entire road, to be determined by the said government.

All payments made under any such guaranty shall be from the time the same are paid a lien upon said railroad and its property then owned and thereafter to be acquired subject only to the lien of the mortgage or deed of trust executed to secure the bonds, the interest upon which shall have been so guaranteed, and the total sum paid under such guaranty shall at the expiration thereof be payable to said Philippine government upon demand, and in default of such payment the said lien shall be immediately foreclosable.

Provided, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at any time exceed the sum of $1,500,000, and no such guaranty shall continue for a longer period than thirty years.

For the further security of the Philippine government the Commission or any subsequent Philippine legislature shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, and shall provide for supervision by said Philippine government, through the auditing, engineering, and railroad bureaus thereof and by such other agencies as may be fixed by law, of the conduct of the finances of the road, and of its location, construction, operation, and maintenance.

The government shall have the power to appoint two members of the board of directors of any undertaking company whose bonds shall be guaranteed as provided in this section.

Each such railroad company shall make such reports from time to time as to its receipts and expenditures, in such form and substance and sworn to by such officials, as may be prescribed by the Philippine government.

Section 74 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby made applicable to the corporations whose bonds shall be guaranteed under the provisions hereof.

Mr. BAILEY. I hope the amendment will be printed before we take a vote.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be printed.

Mr. BAILEY. There was some question whether it could be done.

Mr. PETTUS. I ask the Senator from Ohio to yield to me for a moment in order that I may propose an amendement, which need not be printed or read. It has already been read and printed, but was withdrawn.

Mr. FORAKER. I rose only to yield the floor. The other point the Senator from Texas made to which I referred, and on which I wanted to say something in answer to him, is covered so fully by this amendment that I shall defer any remarks on that subject.

Mr. TILLMAN. Mr. President, before the Senator from Ohio yields the floor I should like to have a little information. If I understood him, and the Senator from Maryland, also, a moment ago, there was a claim or an assertion to the effect that a certain number, eight hundred I think was mentioned, of Filipinos are now holding office and they were said to be elected. Do I understand the Senator to say that the Philippine government as now constituted and run has an elective feature?

Mr. PLATT of Connecticut. In municipalities, of course.

Mr. FORAKER. The Senator misunderstood the remark I made. My remark was that I had seen a statement, which seemed to me to be credible, to the effect that there are now, to-day, over eight hundred native Filipinos holding offices of one kind and another in the Philippine Archipelago. I stated that I did not know whether they were elected or appointed, but it was my impression that most of them were elected.

Mr. TILLMAN. Elected by whom?

Mr. FORAKER. I remember to have seen notices in the newspapers of the election of alcaldes, or whatever they are called, officials of one kind and another. I do not profess to be informed. The Senator from Maryland interrupted me to give some information on the subject. He is a member of the Philippine Committee; I am not; and he naturally knows more about it than I do.

M. McCOMAS. The governors of provinces are elected and certain officers of the various barrios and townships are elected.

Mr. TILLMAN. Elected by whom?

Mr. McCOMAS. By a certain electorate. The number I can not state accurately.

Mr. TILLMAN. But who gives these people the franchise? We have not given it to them.

Mr. McCOMAS. It is done under the laws of the Commission.

Mr. TILLMAN. The Commission, then, have granted the power to vote to a certain class of Filipinos?

Mr. McCOMAS. Yes, sir.

Mr. TILLMAN. That is it?

Mr. McCOMAS. That is it.

Mr. TILLMAN. So it is a ukase or an executive order?

Mr. McCOMAS. It is a law passed by the Commission and relates to officers of barrios and governors of provinces and perhaps to a few other officers. I can not just inform the Senator, I have not accurate information; but they have been electing them now for some time.

Mr. BACON. Is not the Senator mistaken as to the matter of governors?

Mr. McCOMAS. Governors of provinces?

Mr. BACON. I ask him if he is not mistaken as to that?

Mr. McCOMAS. I think not.

Mr. BACON. I know there are elections of minor municipal officers, but when you speak of a province I do not know how much that embraces. Certainly there are governors who are appointed by the central authority at Manila. There may be some minor officers designated "governors" who are not included in the class I refer to, but the provincial governors are appointed at Manila.

Mr. LODGE. Most of the provincial governors are now chosen by the barrios—that is, by the municipalities. All the local officers in the barrios and municipalities are natives, as I understand it, and they are elected by the inhabitants of the barrios under such restrictions of suffrage and methods of voting as have been established by the Philippine Commission. I can not give those regulations without looking them up in the book. I can not give them from memory, but that is the system under which they are chosen.

Mr. TILLMAN. If the Senator will permit me, these so-called "officers" are, of course, mere puppets in the hands of the Commission, subject to removal or a refusal to issue a commission to them, and all that kind of thing, of course.

Mr. LODGE. I do not so understand it.

Mr. TILLMAN. Has the Philippine Commission, then, abdicated its absolute control of affairs in the Philippines, and is it establishing a representative government there by decree?

Mr. LODGE. I understand that for some time the local officers who correspond to mayors, councilmen, and aldermen and the local governments of the different municipalities have

been elected by the people of the municipalities, not appointed in any way or holding any commissions from the Commission.

Mr. TILLMAN. They are merely instruments in the scheme of government which the Commission itself has inaugurated, and are subject to removal or absolute control in everything they do.

Mr. LODGE. I do not understand that at all.

Mr. TILLMAN. It is a remarkable and anamolous condition for us to say that the Philippine Commission shall have absolute control; that the President shall appoint five men who shall go there and exercise the same autocratic power the Czar exercises in Russia, and then contend or assert even that they delegate their authority to somebody to go and elect somebody, and yet they have control of them.

Mr. LODGE. They have established, as they were authorized to do under the law, a system of elective local governments, and under those local governments, just as the laws of our States establish elections for local governments, the local officials are chosen.

Mr. TILLMAN. Subject, of course, to removal by the Commission.

Mr. LODGE. I do not so understand it. They are elected. They are not removed by the Commission.

Mr. TILLMAN. With all due deference, then, to the Senator from Massachusetts, I think it is an absurdity.

Mr. LODGE. Why?

Mr. TILLMAN. Simply because——

Mr. LODGE. It is exactly the system we have here.

Mr. TILLMAN. If the Commission have autocratic control and power to pass a law of that character they certainly have the power to rescind that act.

Mr. LODGE. Certainly.

Mr. TILLMAN. They have the power to remove any man elected or pretended to be elected.

Mr. LODGE. Certainly they have. A State government can rescind every State, city, and town charter.

Mr. TILLMAN. But you just said they did not.

Mr. LODGE. Congress can stop it, of course.

Mr. TILLMAN. Undoubtedly Congress can stop it, but Congress has delegated its authority to the President, and the President has delegated his authority to these five Commissioners.

Mr. LODGE. How would the Senator have the local officers elected?

Mr. TILLMAN. Simply by having some scheme of franchise under which those who are qualified would have an election and the officers elected so declared.

Mr. LODGE. That is precisely what they have.

Mr. TILLMAN. Except that we have not done it and the President has not done it, but the Commission have done it.

Mr. LODGE. No; because we delegated to the Commission the power to do it.

Mr. TILLMAN. We did not delegate it to the Commission. We delegated it to the President.

Mr. LODGE. We delegated it to the Commission.

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. LODGE. We approved the law the Commission passed in that respect.

Mr. CULBERSON. Mr. President, I simply rose for the purpose of giving the Senate the information which apparently is desired on the subject. I have it here in a political pamphlet issued by the War Department just previous to the last election. It is entitled, "What has been done in the Philippines," published, it is true, as a Senate document, but nevertheless a political pamphlet, as will be generally recognized.

It seems that in thirty-four of what are called "Christian provinces" the governors are elected. I will read what the Bureau of Insular Affairs says about it. It is as follows:

> The provincial governor is elected biennially, on the first Monday in February, by a convention consisting of counselors of every duly organized municipality in the province, which, after selecting a presiding officer and secretary, is to proceed by a secret ballot to choose a person to be the provincial governor, subject to confirmation by the Philippine Commission.
>
> The positions of treasurer and supervisor are subject to the civil-service law, and the positions of secretary and fiscal are filled by appointment made by the Philippine Commission.
>
> An election was held in thirty-two of the thirty-four Christian provinces on the first Monday in February, 1904, and at this time all of the governors in these Christian provinces were elected to office in the manner above set forth, and for the first time all of them are Filipinos. The remaining provincial officers, including clerks of courts, members of boards of tax revision, etc., with the right of exercise of authority of government (but not including subordinate clerkships), are filled by 86 Americans and 238 Filipinos.

Mr. FORAKER. Two hundred and thirty-eight out of what class of officials?

Mr. CULBERSON. I will read it again.

> The remaining provincial officers, including clerks of courts, members of boards of tax revision, etc., with the right of the exercise of authority of government (but not including subordinate clerkships), are filled by 86 Americans and 238 Filipinos.

Mr. FORAKER. I will request the Senator to state whether that shows how many in the grand aggregate of Filipino officials there are? Does the statement the Senator read show that? I did not observe it.

Mr. CULBERSON. It shows that there are 34 provincial governors Filipinos and 238 subordinate clerks, with 86 Americans.

Mr. FORAKER. But I understood the Senator to read it as though it referred to something in addition to what had been described before. What is the language? Will the Senator kindly read it again?

Mr. CULBERSON. This pamphlet in effect states that of the 34 governors of Christian provinces all of them are Filipinos, and that in addition there are subordinate offices filled by 86 Americans and 238 Filipinos.

Mr. FORAKER. Not including clerks, etc. I should like to see that document.

Mr. McCOMAS. If the Senator from Ohio will yield to me I offer an amendment that it may be pending. I do not desire to have it read. It is an amendment to strike out and insert a substitute.

The PRESIDING OFFICER. The amendment will lie on the table.

Mr. TILLMAN rose.

Mr. BACON. Will the Senator from South Carolina permit me just to say that I challenged the suggestion of the Senator from Maryland that the governors were elected, and what has just been read by the Senator from Texas corroborates what was my meaning at the time—that there was no election of governors by any popular vote. Of course when speaking of an election——

Mr. LODGE. The Senator did not say anything about a popular vote.

Mr. BACON. I know; but I am showing what I meant.

Mr. LODGE. Does the Senator think the Senators of this body are elective?

Mr. BACON. I am not criticising the mode of election. I had suggested that the Senator was mistaken in saying that the governors were elected. Of course when we were speaking of elections we all had in our minds popular elections. I was satisfied that the governors were not elected by a popular election.

Mr. McCOMAS. I said I did not know by what electorate body they were chosen, but that they were elected.

Mr. BACON. I wish simply to repeat that the contemplation we all had in the colloquy was a popular election; at least that was in my mind.

Mr. LODGE. The Senator will, I hope, not say all, for I was careful to sate that they were not elected by a popular election.

Mr. BACON. I limited it by the concluding remark, saying that that at least was in my mind.

Mr. TILLMAN. I do not know that there is any additional light to be added to this subject after the Senator from Texas has given us the facts, but I certainly do not stand corrected in my original assertion and proposition that the entire power in regard to the government of the Philippines is in the hands of the President and of the Commission, and that any delegated authority which that Commission have voluntarily spread out a little thinner than the five among certain municipal officers, and so on, is subject to their control and discretion, because this pamphlet states that they are subordinate to approval or ratification, I believe. It is a mere subterfuge to say that the Filipinos have any share in their government except as the instrument chosen by the Commission itself. I have not changed my opinion one iota as to what I had, and nothing has been given me in the way of light or informaion that would cause me to change it.

Mr. QUARLES. Mr. President, I do not intend to participate in the discussion regarding the amendments which are necessary to render section 4 of this bill safe. The discussion thus far had has only confirmed in my mind an apprehension, and without assuming to have any superior knowledge in regard to the conditions obtaining in the Philippine Islands I may be at least permitted to express an apprehension which I say has been increased rather than removed by this discussion.

As I understand this measure, sir, we are dealing with the whole Philippine Islands. It may be natural when we talk of the Philippine Islands to think of Luzon and even to confine our view to the city of Manila, where civilization has been developed considerably; but I apprehend that in considering this

measure we are bound to take in all those islands and to consider all the tribes who are to be affected by this measure, not only the Tagals, who have made some progress in civilization, but the many other tribes scattered through those distant islands who have hardly yet taken a step in the direction of civilization. If I understand this measure, it is to apply and reach out to the revenues of all those islands equally.

I apprehend that if a railroad is built there it will be built on the island of Luzon. Now, the question with me is, and my apprehension is, whether we are not going too fast in this matter. Referring now to section 4, which seems to be an ambitious scheme to furnish railroads to the Philippine Islands, I submit, in the first place, that that is the most natural mistake which we can make, considering our attitude to this question and considering the condition of the people with whom we are dealing. They are not Anglo-Saxons. They are Malays. They have not had long experience in the affairs of government, and some of them have absolutely had none. If I understand aright, there are some of the islands that are not yet provided with ordinary highways. If I understand it aright, their means of transportation are confined to a two-wheel cart and a water buffalo.

Mr. President, in our zeal to promote civilization in the islands let us not forget that it is a mighty transition from the water buffalo and the two-wheeled cart to the vestibuled railroad train. The Anglo-Saxon race never took such a jump in civilization. Before we had the railroad we had the highway; we had the stagecoach; we had the perfected vehicles that were used upon those highways, and then came the railroad. But now you are asking this simple people, some of whom do not yet wear clothes that make them presentable, to contribute to furnish an indemnity for a system of railways upon one island in which the other tribes probably have no interest whatever.

The question which I wish to submit to the Senate is this: What will be the influence of this measure on those people? Civilization is necessarily a plant of slow growth. It is like education. You have got to deal with the individual. You can not educate a nation. You have got to educate individuals. So you can not civilize a province; you have got to proceed with them and civilize them as individuals.

What will be the effect, then, of this measure? Instead of stimulating a love of progress and civilization I am afraid that it will create a revulsion in the minds of those natives against our processes and our methods. I believe that instead of trying to frame a safe provision out of section 4 and to provide, for the present time at least, a system of railways, it would be far better, the influence would be more salutary, to provide those people with highways, not only in the island of Luzon, but in the other islands. Let us stimulate them and obtain better methods of transportation over improved highways, and then let us take up the matter of railroad exploitation at a later time. It seems to me that we are going too fast and that we shall really retard, rather than advance, the very end we have in mind by taking up this railroad matter at this time.

Mr. CARMACK. Mr. President, as my action the other day with respect to the amendment offered by the Senator from Ohio [Mr. FORAKER] seems to have been misunderstood by some people, I wish to make an explanation in regard to the matter.

I did not oppose the amendment offered by the Senator from Ohio because I was opposed to reducing the tariff on Philippine products, for I very earnestly favor such a reduction. I was opposed to it because I am opposed to doing anything in what I believe to be an unconstitutional way. The amendment of the Senator from Ohio, in my judgment, if made a part of the bill, would have made it a bill to raise revenue, and as such would have brought it into conflict with the provision of the Constitution which gives to the House of Representatives the exclusive right to originate such bills.

I do not think it is a matter of any consequence whatever as to what disposition is made of the revenue after it is collected. That does not in the least change the character of the bill. Nor is it a matter of any consequence, in my judgment, whether the bill is to raise more revenue or less revenue. If it raises, that is to say, if it produces, any revenue at all it is a bill to raise revenue.

The McKinley tariff bill was a bill to reduce the revenues, and was so named in its title. I do not think the Senator from Ohio or anyone else will claim that the McKinley tariff bill could have originated in the Senate, simply because it proposed to reduce the revenues.

Mr. PETTUS. If the Senator will excuse me, the pending bill originated in the House, and this is a mere amendment to it.

Mr. CARMACK. I know it originated in the House, but you can not take a bill having reference to matters of civil government in the Philippine Islands and insert an amendment proposing to raise revenue on articles imported into the United States and make it constitutional in that way.

Mr. FORAKER. If the Senator will allow me to interrupt him, I called attention, when the amendment was under consideration, to the fact that this bill by its title states that one purpose is to amend the act providing revenue for the Philippine Islands, and by section 5 of the act it provides for a reduction of revenue by allowing to be admitted free of duty certain enumerated articles. So it is a bill that originated in the House, and it is a bill to raise revenue within his contention—that is to say, as I understand him, it is a bill reducing the revenues of the Philippine government, as it came to us from the House. I do not think that the constitutional provision has any application to bills relating to the revenues of the Philippine government, but only to the revenues of the United States.

Mr. CARMACK. There was nothing in the bill as it came from the House proposing to affect tariff duties levied by the United States upon articles imported into the United States. That is what was proposed to be added to this bill by the Senator from Ohio.

Mr. FORAKER. Will the Senator state that again? My attention was diverted.

Mr. CARMACK. I say there was nothing in the bill, as I understand it, as it came from the House, which proposed to affect tariff duties upon articles imported into the United States.

Mr. FORAKER. No; but there was a provision affecting the tariff on articles imported into the Philippine Islands.

Mr. CARMACK. That is a very different proposition.

Mr. FORAKER. The amendment which I offered had nothing to do with the revenues of the United States.

Mr. CARMACK. It did, Mr. President, with revenues collected by the United States. As I said, it is a matter of no consequence whatever what the United States chooses to do with the revenue after it has collected it. Whether it gives the revenue away, whether it gives it to the people of the Philippine Islands, or whatever else it may do with it, it does not in the least affect the character of the bill as a bill to raise revenue.

Mr. FORAKER. But, Mr. President, the revenues on sugar and tobacco imported into this country from the Philippine Islands under the law as it now stands go not into the Treasury of the United States Government, but into the treasury of the government of the Philippine Islands, and the amendment I offered only proposed to reduce the amount that shall be collected for the benefit of the Philippine government. It does not change the use of a dollar of revenue.

Mr. CARMACK. I do not care to go into further debate on the question. The fact is that at the last session of Congress we had assurances from the Senator from Rhode Island [Mr. ALDRICH] that a bill of that sort would be pressed and passed at this session of Congress, but it was assumed then and it was distinctly asserted by the Senator from Massachusetts [Mr. LODGE] that if such a bill did come to us it would come from the House of Representatives. That was so stated by the Senator from Massachusetts, and we all had a right to assume that if we were to consider any such bill it would come from the House of Representatives. I say, in my judgment, it was not proper right at the heels of this discussion, when the time allotted for the discussion of this question was about to expire, to bring in an amendment which involved any such proposition, and in my recollection it has never before been attempted in this matter, but it had always been understood that we were to consider a bill of that sort when it came from the House of Representatives and not otherwise.

Mr. FORAKER. The Senator exonerated me from all criticism when I made some remarks the other day, and I hope the Senator has not changed his mind about it.

Mr. CARMACK. Not in the least. I know the Senator thought he was right, and I know the Senator did not intend to take any advantage.

Mr. FORAKER. The Senator still thinks he was entirely right—that is to say, that he had a perfect right to offer that amendment at that time under the agreement. I called attention to the fact this morning, showing how that kind of precedent, if it should be taken advantage of, would work. The Senator from Idaho offered an amendment, and I was perfectly within the precedent, if that should be regarded as one, when I announced that I had not foreseen he was going to offer that amendment, and I have as much right to object to it on that ground as he had to object to my amendment. But I do not care to discuss it either.

Mr. CARMACK. The difference is that the Senator had every reason to expect the Senator from Idaho might offer such amendment and nobody had any reason to suspect that there

would be such an amendment as that proposed by the Senator from Ohio.

Mr. FORAKER. On that point I differ from the Senator from Tennessee, because this is a question that has been raised here by an amendment offered of this general character every time we have had any Philippine legislation to which it could be attached.

Mr. CARMACK. Yes; to which it could be properly attached.

Mr. FORAKER. To say that this is not a revenue measure is in a sense begging the whole question. By its title it is a revenue measure. The purpose of it is to amend the revenue act, giving day and date and title of the revenue act, and then it does in fact amend that revenue act. Of course it is a revenue act for the Philippine government; but I understand the Senator to say it does not make any difference, so far as the basis of his contention is concerned, whether the revenues when collected come to our Government or go to the Philippine government.

Mr. CARMACK. I say if we collect the revenues here at the custom-houses of the United States the bill authorizing that to be done is a bill to raise revenue and must originate in the House of Representatives, no matter how you spend the money. But, Mr. President, I do not want to continue the discussion of that branch of the question, as the amendment has been withdrawn. I simply wanted to give my reasons for being opposed to the amendment of the Senator from Ohio at this time, and to say that whenever the proposition embodied in the amendment shall be brought properly and constitutionally before this body I will support it very earnestly.

Mr. FORAKER. I am gratified to hear that expression from the Senator.

Mr. CARMACK. I will do anything I can to make it pass. I shall do it, Mr. President, not simply because I believe in tariff reform and in a reduction of our exorbitant tariff duties, but because I believe it is the duty of this Government, so long as we hold the Philippine Islands, to do everything we possibly can to promote the prosperity of those people.

As I said, Mr. President, I will do everything in my power when the time comes to seek to promote such legislation, and I am very sorry the Senators upon the other side have not been more diligent and active and determined in their effort to secure such legislation. At the last session of Congress, if I remember aright, there was no effort made to pass any such bill, although it was the long session of Congress, and we had practically unlimited time. I believe the President did not even mention it in his message, although we had assurances at that time that the matter would be pressed at this session of Congress.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. CARMACK. Certainly.

Mr. PETTUS. I desire to call the Senator's attention to section 5 of this bill, which does relate to the raising of revenue.

Mr. CARMACK. I have spoken of that, Mr. President. It refers to articles imported into the Philippine Islands, and not to the imports of the United States, which strikes me as a very important difference.

I say it is the duty of this Congress to do something in the way of reducing tariff duties on the products of the Philippine Islands; but no effort has been made in that direction; no effort was made at the last session of Congress. Instead of that, Congress devoted its time in a very large measure to the consideration of a bill extending our shipping laws and our coastwise laws to the Philippines, thereby increasing, in the estimation of Secretary Root, the freight charges on all Philippine products about 300 per cent.

Mr. President, I wish to deal with this bill very briefly in connection with other legislation which we have had concerning the Philippine Islands. The President of the United States in his message says that in dealing with the Philippines our first consideration should always be the welfare and prosperity and general advancement of the people of those islands. While we may incidentally get some benefit out of it, he tells us that our first consideration always should be to promote the welfare and prosperity of the Filipinos themselves. The Senator from Massachusetts [Mr. LODGE], in a very notable speech delivered as permanent chairman of the Republican convention in 1900, took a very different view. He said that he and that convention would make no "hypocritical pretense" of being chiefly interested in the welfare of the people of the Philippine Islands; that we were in the Philippines chiefly for our own profit and advantage, and not for the welfare of the people of the Philippine Islands. It seems to me that the legislation we have had with respect to the Philippines has proceeded from the motives then announced by the Senator from Massachusetts, and not from the broader and more benevolent purpose declared in the President's message.

We have maintained prohibitory tariff duties upon all products brought from the Philippine Islands that might possibly enter into competition with any American products, and we have done so over the repeated and emphatic protest of Secretary Taft, of Governor-General Wright, and of our Commission in the Philippine Islands, who have told us over and over again that these tariff laws are not only injurious to the trade, the industry, and the prosperity of the Philippine Islands, but that they were injurious to the temper and disposition of the people, and make more difficult the task of reconciling them to American rule.

Then, Mr. President, we have enacted a law which imposes a duty upon all hemp exported from the Philippine Islands to any other country in the world except the United States. We say to the Filipinos that we can not open our market for your sugar and your tobacco, and we will not suffer you to have a market here for those products, because they may come in competition with American products, but when it comes to hemp we want all you have got, and we will not permit you to export your hemp to any other country in the world except the United States, unless upon the payment of a heavy penalty. The articles which may come into competition with the products of the United States are barred from this market, and an article which we desire, which will not compete, is barred from any other market except the market of the United States. That has been the character of our legislation.

In addition to that we have extended our coastwise laws to the Philippine Islands, and in doing so, as the late Secretary Root says, we have increased the freight charges, or will increase the freight charges upon all products of the Philippine Islands coming to this country and all articles bought by them from this country 300 per cent. We have done that over the emphatic protest of Secretary Taft, Governor-General Wright, and of all our officials in the Philippine Islands. Secretary Taft said, in respect to that very proposition, that if you maintain that law—

> The people of the islands may well ask, "What advantage are we to get out of association with the United States in a business way if our trade is to be used only for the purpose of increasing the business of American ships, while the limitation of the coastwise laws, by increasing the freight rates, will reduce the business that we now have with that country?"

In other words, Mr. President, according to the testimony of Secretary Taft and according to the testimony of Governor-General Wright, our legislation with respect to the Philippine Islands has only tended to create discontent and dissatisfaction—to burden the industries and destroy the trade of the Filipino people.

Now it is proposed by this bill to do something partially to counteract the effect of our other hostile legislation by compelling the Filipinos to pay a subsidy to build a railroad in the Philippines; to pay out of their taxes a dividend of 5 per cent to some corporation of American capitalists that will go there to build railroads.

Mr. President, I am in principle opposed to the policy of subsidizing railroads, and I believe it would be better for the people of the Philippine Islands if you will leave that question to develop itself. When capitalists feel that there is urgent need for railroads in the Philippine Islands that will pay dividends, they will build them. A railroad, Mr. President, that will not pay dividends is a railroad that is not very badly needed. If there was a great necessity for a railroad over there, it would pay dividends; but American capitalists could not be induced to put a dollar in the Philippines simply because they could see no reasonable hope of any adequate return upon their investment. I say if there was any such prospect, as we have been told, of great prosperity, great trade, and great industrial development in the Philippine Islands capital would go there without being hired to go. If we want to develop the Philippine Islands, if we want to develop their industry, extend their trade, and induce capital to go there for investment, our first duty is to put an end to the hostile legislation by which we have been destroying their industries, their commerce, and their prosperity.

Mr. President, I am opposed to this fourth section for another reason stated by my friend from Nevada [Mr. NEWLANDS]. I am opposed to doing anything that will make it more difficult for us to get out of the Philippine Islands.

I might not have had the courage to express myself again on this question, in view of the result of the late election, but for the cheering and comforting words of the President in his

late message to Congress, to which I wish to direct brief attention. The President says:

I most earnestly hope that in the end they—

That is, the Philippine people—

will be able to stand, if not entirely alone, yet in some such relation to the United States as Cuba now stands.

The Democratic platform says:

We insist that we ought to do for the Filipinos what we have done already for the Cubans.

In other words, Mr. President, the President of the United States expresses the hope that the time will come when the principles laid down in the platform of the Democratic party will be triumphant and when they will prevail in the Philippine Islands. We welcome the President to the ranks of the anti-imperialists. I think by that statement he has almost qualified himself for membership in the Anti-Imperialist League of Boston. I believe the President has not quite gone so far really as he would like to go, but he has gone just as far in the direction of the Democratic platform at this time as his pride and his partisanship will permit him to go; and I am satisfied that he will continue to approach closer and closer until he will be found openly espousing and advocating its principles.

Mr. President, this renunciation by the President of the policy of imperialism is a very remarkable change from the attitude heretofore maintained by the Republican party in favor of a general policy of colonialism, advocating and proclaiming to the world that it was our manifest destiny to go forth and grab other people's lands, other people's goods, all over the world, and that we were to hold the Philippine Islands, "hold them fast—hold them forever," as a distinguished Republican Senator said upon this floor—"forever and a day," as the present Speaker of the House of Representatives expressed it. I say there has been a remarkable change in the President's attitude on this question, and I believe it will prove a progressive change. The President's expression on this question indicates to me that he is sick and weary and disgusted with his task. It is the groan of a weary Titan, who wants to turn loose just as soon as he possibly can; and I believe, if it were not a matter of pride with him, he would say that he stands squarely and emphatically upon the Democratic platform on this question.

That is the view held by some others, Mr. President. Here is the Chicago Inter-Ocean, which describes itself as the only Republican newspaper published in the city of Chicago. After commending the President's message as a whole, it gets down to what he has to say on the Philippine question. It says:

In referring to the Philippines, however, the President sounds a lower note, and a disappointing one. After declaring that the Philippine people "are utterly incapable of existing in independence at all or of building up a civilization of their own," and after rebuking the "foolish persons here at home" who engaged in "foolish and dangerous intrigue for a complete independence" of the Philippines, the President says:

"I firmly believe that we can help them [the Philippine people] to rise higher and higher in the scale of civilization and for capacity of self-government, and I most earnestly hope that in the end they will be able to stand, if not entirely alone, yet in some such relation to the United States as Cuba now stands."

Commenting upon that the Inter-Ocean says:

This is the expression of a personal hope and not a declaration of policy, but, nevertheless, as the utterance of a President, it will be given great significance. In effect, the President expresses the hope that in the end the policy, not of the Republican party, but that enunciated by W. J. Bryan and Judge Parker, may prevail in the Philippines.

Is not this lowering the party flag to an enemy driven in rout from the field? Is it not a suggestion that the time may come when American territory can be surrendered as the Democrats insisted in the campaigns of 1900 and 1904 that it should be surrendered?

Mr. President, candor compels me to say that that is true; candor compels me to say that the President has expressed the hope that the policy, not of the Republican party, but the policy enunciated by Judge Parker, by William J. Bryan, and by the Democratic party in its platform will prevail. It is true, Mr. President, that he has lowered the flag to the anti-imperialists. They so regard it, and the leading newspapers of his own party so regard it. This paper says again:

The expression of a hope on the part of the President that the Philippines may ever become other than American territory will not contribute to the Americanization of the islands nor to the growth of American influence in the Asiatic Pacific.

Mr. President, that is true; we are bound to admit that that is true. When the President encourages the people of the Philippine Islands by distinctly holding out to them the hope of independence, it will not encourage them to rest satisfied and content under American rule. There can be no doubt in the world about that.

The President in his message indulges in his usual fling at all those who have the presumption to hold an opinion not entirely in accord with his own, and to charge them with raising all sorts of trouble for the Philippine Islands.

Mr. President, if hereafter there shall be any trouble there the President will have no right to charge it to the Democratic party or to the Anti-Imperialist League, for he himself in his message distinctly holds out to the people of the Philippines the hope of independence. Whether it is to come sooner or later makes no difference. There is only one of two ways in which the people of the Philippines can be made content. One is to satisfy them that they will be given independence sooner or later, and the other is to absolutely crush out the spirit of independence and reduce them to a state of despair.

So, I say, the President himself has done more to create trouble by holding out a mere hope than if he had made a definite promise, for under a positive promise they would be content to wait, but so long as he holds out to them a hope which is qualified by fear and distrust, and so long as his words of encouragement are denounced by leading Republican newspapers, the Filipinos will be hoping for independence and at the same time they will be fearing despotism. This will do more, I say, to create trouble in the Philippine Islands than anything that ever has been or could be said by the Democratic party distinctly promising them independence.

So far as that is concerned, Mr. President, these people whom the President criticises are much nearer to him and to his present views than many of the leading members of his own party in this House and in the House of Representatives; and, more than that, there is a greater difference between the Roosevelt of to-day, who speaks such kindly words of the people of the Philippine Islands, who describes them as steadily climbing the heights and preparing themselves for independence, and the Roosevelt of three or four years ago, who reviled the whole people, without any discrimination whatever, as barbarians, savages, and Apaches—I say there is a greater difference between those two Roosevelts than there is between the Roosevelt of to-day and Judge Alton B. Parker and William J. Bryan.

I am opposed to the fourth section of this bill, and I concur very heartily with what was said by the junior Senator from Wisconsin [Mr. QUARLES]. We are proceeding too rapidly in this matter of trying to force the growth of civilization. The growth of civilization can not be forced. Gradual progress can be made, and it may be to some extent stimulated and encouraged, but you can not railroad any people from a lower stage of civilization into a higher.

APPENDIX.

In executive session Mr. CARMACK obtained unanimous consent to add the following as an appendix to his remarks:

Philippine conditions—The report of an independent observer—The islands absolutely prostrated economically—Agriculture much depressed—The miseries of reconcentration—The large number of prisoners at Bilibid—The law a jumble of American and Spanish—Weakness of the native constabulary—Control of the press by intimidation and by government advertising—The most expensive administration the islands have known.

[By Prof. H. Parker Willis, of Washington and Lee University, Lexington, Va.; in the New York Evening Post, October 28, 1904.]

The prominence given by Secretary Taft to the Philippine question, and his assurance that satisfactory progress toward better things is being made in the islands may lead persons who have not closely examined this subject to believe that insular conditions are all that they should, or at least all that they can, be. A recent visit to the islands, extended through some four months and covering a wide field of observation, has not only led to a conviction on my part that this opinion is unfounded, but, further, I am satisfied that it is in all essential respects at variance with the facts. They are otherwise than as Secretary Taft represents them to be—quite otherwise.

This statement is not intended to reflect on Mr. Taft's sincerity, but is made in the belief that the principles on which the Philippine Commission is organized necessarily prohibit its members, and particularly its head, from either coming into close touch with the natives or fully realizing the nature of conditions for which they themselves are responsible.

There can be no doubt that the general public of the United States is under grave misapprehension concerning the situation in the Philippines. Erroneous statements as to what has actually been done in the archipelago have been constantly put before them from many sources. They may well be described as "given to strong delusion, wholly believing a lie." If they could realize the state of affairs in those islands now prevailing, they would be horrified at the desolation wrought by war and disgusted at the failure of our "civil government" to lay even the foundation for improvement.

ECONOMIC PROSTRATION.

The Philippine Islands are to-day absolutely prostrated economically and politically. Hardly any undertaking is being successfully conducted. According to unpublished figures furnished by the internal-revenue office of Manila, about 5,000 licenses to do business have been issued to American individuals and firms during the period of our occupation. Of these firms and individuals all except some 800 have failed or withdrawn from business, or about 84 per cent of the total. The survivors include chiefly the very smallest establishments, such as boarding houses, saloons, etc. It appears that hardly more than half a dozen American firms of recognized capital are at this time actually doing business in Manila. The population of the city, formerly some 266,000 persons, has fallen (census 1904) to 219,900, owing largely to

depressed business. Simultaneously with this decline a heavy decrease in the American population has occured (from 6,462 in 1901 to 4,389 in 1904). During the past summer at least three of the chief American business enterprises either failed or withdrew from the field. A steady and positive decline in all branches of trade with the United States is now in progress, as partially illustrated by the fact that for the seven months ending July, 1904, the shipments of domestic merchandise from the United States to the Philippines were $2,530,899, as against $2,593,924 for the corresponding months a year earlier, while the shipments of merchandise from the Philippines to the United States were $5,978,148 for these same seven months, as against $7,337,532 a year earlier. Relations between the United States and the Philippines under the tariff act passed by Congress in 1902 are so difficult that there is no reason to anticipate the building up of any satisfactory trade between the islands and the United States either now or in the future. Recent shipping legislation has depressed the interisland trade still further, both actively and by anticipation. To-day a large fleet of Philippine steam vessels is anchored off Cavite with absolutely no occupation. This fleet is daily growing in size.

While the conditions in trade with our own country are thus discouraging, there is no warrant for the belief that the general outlook is more favorable. Much has been said by American administrators of a recent growth in exports and imports as indicating increased prosperity, but there is certainly no such inference to be drawn from the figures. Between 1899 and 1903 gross imports of merchandise increased about two and one-half times, but imports of food and animals quadrupled, the growth in this item being due to rice purchases for the support of the starving peasants and draft animals designed to replace those destroyed by war and rinderpest. Manufactured goods imported fell off largely between 1901 and 1903, showing a decline in productive business and articles of luxury, etc., more than doubled between 1899 and 1903, showing nothing more than a demand for such goods made by government employees in the islands. The growth in exports (chiefly hemp) is due simply to a partial restoration of peace and consequent resumption of regular dealings.

The trade conditions observable at Manila and other ports are merely a reflection of what may be witnessed in the interior. A journey through the provinces can not help giving a most discouraging impression. Many towns, formerly well built, and destroyed during the war by some one of the various armies, have been only partially, and even then badly, rebuilt. Churches are in ruins; whole villages here and there lie waste. In many parts of Luzon the roads and trails, nearly impassable, are daily falling into worse condition. Barring one initial appropriation of about $1,000,000 and some recent appropriations from the Congressional relief fund, nothing has been done by the central government in road making except to sink some $800,000 in attempting what seems to be an impossible road to the summer resort at Benguet. The bridges blown up or otherwise destroyed have in few instances been replaced. It is the common opinion that land travel is more difficult and slower than ever before.

CONDITION OF AGRICULTURE.

The increasingly depressed state of agriculture in these rice-growing islands can be realized by a review of the importations of rice during the past four years. These have been as follows (Report 1904, p. 48):

1900	$3,113,423
1901	5,490,958
1902	6,578,481
1903	10,061,323

This growth in the imports of rice is attributed by Philippine farmers not to changes in agriculture, as intimated by Governor Taft, but to three causes: (1) The almost total loss of their farm animals (estimated officially at 90 per cent) due to war and rinderpest; (2) injury done to irrigation systems during the war; (3) the scarcity of adult male labor as a result of the war. The "disproportionate number of women and children" consequent upon the war is still noticeable. Most of these farmers are now drawing on their savings or are borrowing at rates averaging at least 20 per cent in order to get subsistence and pay their taxes. The imposition of heavy land taxes in the provinces by the Commission has led to a general expropriation in some quarters. In others the suffering has been so intense that the Commission has had to suspend the tax in default of putting up for sale the bulk of the landed property of the province. In some provinces hundreds of pieces of property, many of them not exceeding 2 acres each, have been scheduled for sale. No machinery for providing loanable capital has been introduced by the Commission, and the requirement that land shall be registered at a heavy fee in order to prove titles is working great immediate hardship.

The depression in rice culture is paralleled for a different reason in the growth of sugar. Sugar could be raised with much less reliance on animal labor than could rice; but the American tariff situation absolutely forbids the possibility of making a profit on it. Planters state that under present tariff duties they can barely cover the cost of production. Tobacco is in a suffering condition, owing to new tariff duties in several eastern countries. Hemp is the only article in which prosperous conditions of production now exist; but its cultivation must always be narrowly limited to certain soils and localities. Parallel with the bad trade and agricultural outlook has come a great increase in cost of living, which is now fully double its former amount in some places. So hard has it been to get even a bare subsistence that the population has become greatly reduced in vitality and has fallen an easy prey to the series of terrible epidemics of the past three years. The Philippine tariff on imported commodities is so arranged as practically to forbid imports of agricultural machinery, and the Commission professes to be unable to change it without Congressional consent.

SUFFERING AND DISSATISFACTION.

Partly owing to the bad industrial prospect, to actual suffering, and to intense and permanent dissatisfaction with existing political arrangements the unrest of the country continues to increase. When President McKinley sent the Philippine Commission to the islands he furnished certain clear-cut instructions as to the line of conduct it should pursue. "The Commission," he wrote (April 7, 1900), "should bear in mind * * * that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom; * * * that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in the islands. * * * Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

"That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; * * * that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people peaceably to assemble and petition the Government for a redress of grievances, * * * and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed."

Have these instructions been fulfilled? Although the islands have now for about three years been under the full control of what is technically known as a "civil government," there are certain facts which indicate that the term "civil" is a misnomer. It is further true that this term is becoming progressively less and less applicable to the administration of the Philippines. Notwithstanding that in the beginning many of the provinces were organized as civil governments, it has been thought necessary now and again to substitute a politico-military government, and to-day at least six of the provinces are still organized on that basis. Extreme military methods for controlling the population are provided for by law and their application in certain cases authorized. Of these the most marked is what is known as "reconcentration."

RECONCENTRATION.

The use of this plan for reducing a population to submission is authorized by section 6 of the Commission's act No. 781, further organizing the constabulary, in the following words:

"In provinces which are infested to such an extent with ladrones or outlaws that the lives and property of residents in the outlying barrios are rendered wholly insecure by continued predatory raids, and such outlying barrios thus furnish to the ladrones or outlaws their source of food supply * * * it shall be within the power of the civil governor, upon resolution of the Commission, to authorize the provincial governor to order that the residents of such outlying barrios be temporarily brought within stated proximity to the poblacion or larger barrios."

It is a fact that no recent year has passed without the application of this policy on a large scale. In 1902 it was undertaken in the region about Lake Taal, comprising parts of Laguna and Batangas provinces. It then affected not less than 100,000 people, according to the report of Colonel Wagner, who inspected the camps (S. Doc. 331, 57th Cong., 1st sess., pt. 3, p. 2873), each of which included from 8,000 to 14,000 persons. During 1903 the same plan was pursued in Albay, where very large areas were entirely deprived of population, the inhabitants being herded in camps like those of Batangas. During the current year reconcentration has been ordered for Samar (executive order of August 15) throughout a region including about 20,000 inhabitants.

Besides the official application of the policy on a large scale, other instances have occurred. Several camps now exist in Cavite, and, not long since, reconcentration was tried in Tayabas, without official authority, according to Ex-Governor Taft. It is beyond the question, from the testimony both natives and Americans who are conversant with the workings of reconcentration, that its effects are most disastrous, causing widespread suffering. In the camps food is distributed only when extreme want requires it, work on the roads being sparingly furnished to those who are able thus to supply themselves with rations. The lack of house accommodations and the scarcity of food, as well as the overcrowding of the inmates of the camps, have invariably caused marked increase in mortality. At the same time there has been a tremendous loss of crops and houses throughout the districts in which reconcentration has taken place. The hemp losses chargeable to reconcentration in Albay are estimated by Mr. Taft at from 10,000,000 to 12,000,000 pesos, or $5,000,000 to $6,000,000 United States (Report, 1904, p. 52), an enormous loss when the limited character of native resources is considered.

Even this estimate is certainly too low, and would have to be largely increased if other commodities besides hemp should be considered. A vastly larger loss was unquestionably inflicted upon the province of Batangas, which has the appearance of being wholly ruined, owing to the destruction of cocoanut and other trees. The authorities speak of the treatment accorded to this province as a "severe lesson," and there is in the Philippines none of the familiar pretence that reconcentration operations can be carried on without hardship of the most terrible character.

Total losses of crops left without tendance in the reconcentrated districts, of houses burned by the careless or malicious soldiery, and general ruin to fixed capital, necessarily result in most serious suffering when the inmates of the camps are released and find themselves deprived even of the scanty support furnished them while in confinement. The natives had become so accustomed to the use of reconcentration by the Spaniards that they regarded it as a matter of course in time of war. They resent very bitterly, however, the pretence that civil government exists when such methods are employed; and this is the first complaint usually made by intelligent Filipinos, when questioned concerning reconcentration. They feel that Mr. McKinley's "rules" ordering that "no person shall be deprived of life, liberty, or property without due process of law, and that private property shall not be taken for public use without just compensation," have been violated.

SEVERE LEGISLATION.

The readiness of the Commission to make the whole population suffer for the acts of a small body of insurgents or ladrones is further shown in the operations under act No. 518 and its subsequent modifications. This act imposes the penalty of death, or at least twenty years' imprisonment, for membership in a ladrone band, providing that "to prove the crime * * * it shall not be necessary to adduce evidence that any member of the band has in fact committed robbery or theft." A further provision (sec. 4) specifies that "Every person knowingly aiding or abetting such a band of brigands * * * by giving them information * * * or by securing supplies of food, clothing, arms, or ammunition * * * shall * * * be punished by imprisonment for not less than ten years." This legislation has been carried further by act No. 1121, which enlarges the number of commodities, theft of which constitutes "highway robbery," and gives

a broader scope to the kinds of assistance that may be rendered to such a band. It is not now safe to give even the traditional cup of cold water to a suspected ladrone. The object of this whole series of acts, like the use of the reconcentration policy, has been to bring into subjection an unsympathetic population, and to render peaceful people responsible for the acts of a less submissive element. It is the testimony of capable American lawyers in Manila that under existing law it is entirely possible to convict any human being in the archipelago of "bandolerismo" (the local name for membership in or assistance to organized bands of insurrectionists), without regard to guilt. That such conviction can be secured is, in fact, the open boast of some constabulary officials. Filipinos believe that these statutes are inharmonious with the "great principles of government * * * which we deem essential to the rule of law and the maintenance of individual freedom."

How effective this legislation has been may be seen from the situation in the Bilibid prison. From September 1, 1902, to September 1, 1903, there was a growth of nearly 100 per cent in the population of this institution, the number confined on the latter date being 3,184. On a recent date (May 23, 1904) this number had risen to 4,420, a growth in less than nine months of 1,236 persons, or about 40 per cent. The net inward movement was then estimated by the authorities at 8 to 10 persons per day, which would mean a gross annual increase of 2,800 to 3,500. The total number of persons confined August 31, 1903, on charges of "aiding insurrection, brigandage, conspiracy, highway robbery, illegal custody of arms, rebellion, sedition, violation of oath of allegiance, violation of laws of war, violation of articles of war, and treason," was 1,093. These offenses do not include such crimes as murder, homicide, or theft, but represent the number of men confined for what we consider strictly political offenses. In other words, about one-third of all these prisoners were confined because of their connection with revolutionary movements. Supposing that the rate of increase in this class of prisoners had been the same as the ratio of growth in the total prison population, and eliminating 414 petty police-court offenders, it appears that fully 40 per cent of all long-time convicts now in Bilibid are confined for such political offenses. On a recent date the number of men confined in Bilibid who had been sentenced and were awaiting capital punishment was 100.

STATE OF THE JUDICIARY.

In bringing about these convictions, and in harshly enforcing the harsh legislation already referred to, responsibility must be divided between the judiciary and the constabulary. The judges have for the most part been under the thumb of the Commission, or incompetent and disposed to convict without sufficient evidence.

The defective character of the judiciary of the islands has been fully recognized by authoritative writers. Mr. Colquhoun, the English author of a recent book, Greater America, speaks of it (p. 343) as a well-known fact, and other foreigners fully agree with him. We, in fact, took to the islands a body of judges for the lower courts, many of whom knew little American, and no Spanish, law; who were ignorant of the Spanish language, and who had never heard the native dialects. The evil features of the present situation seem to be as follows:

(1) The judiciary act (No. 136) contains no provision for the length of tenure of judges in courts of first instance, and no process by which they may be publicly impeached and removed from office. They hold their places subject to the will of the Commission.

(2) Few of them speak and understand Spanish, and they are consequently able to follow the testimony in the courts only with great difficulty. This is a notorious fact.

(3) A system of venal or incompetent interpreters has been developed, through whose errors or corruption many innocent men are brought into jeopardy. Numerous cases of the sort can be cited.

(4) The Commission has assumed the privilege in some cases of suggesting to the judge in advance the direction to be taken by his verdict. Cases of this kind are vouched for by two high officers of the Philippine government, by one ex-judge, by prominent lawyers in Manila, and by intelligent natives.

(5) No legislation or precedent exists whereby judges are distributed according to a known system, so that it is customary to bring a judge of well known ultra administration sympathies to try a case where a certain kind of verdict is wanted. Some judges have been permanently transferred to another district as a kind of penalty for anti-administration verdicts. Some have been asked to resign; others have been ostracized, and thereby forced to resign and leave the islands. A review of the names of the judges appointed during the last three years and their later history fully illustrates this statement. It should be added that in revising the Spanish substantive law we have eliminated most of its characteristic features and have left it a medley of heterogeneous provisions drawn from American State systems, and roughly put together for a bench most of whose members knew no Spanish law. In Americanizing the law of the islands we have, however, omitted the principles of trial by jury, and other protections to individual rights. The present confusion is keenly felt by the best Spanish and Filipino lawyers and by the most informed of our judges. No more drastic criticism on the work of our legal revisionists could be penned than the "Notes to the Spanish Civil Code," lately published by Judge Willard, formerly of the Philippine bench. The bad judicial and legal situation was fully presented to Mr. Taft before he left the islands by eminent members of the Manila bar, but he failed to take action, suggesting political motives for the criticisms.

CONSTABULARY SITUATION.

In close connection with the status of the judiciary should be considered some of the recent developments in the organization of the native constabulary. In organizing this force (act No. 175) it was provided that its members should be drawn from the province where stationed, thus giving it the character of local police. This policy is highly praised by Governor Wright in his most recent report as secretary of commerce and police. The plan has, however, been entirely vitiated by the act of Congress passed January 30, 1903, whereby the use of the Philippine Scouts, under command of the chief of constabulary, was ordered. These scouts are chiefly Macabebes and Ilocanos, and they have uniformly been stationed in provinces toward which they feel strong racial antipathy. Moreover, the rule that the constabulary should be recruited in the provinces where they were to serve seems to have been frequently violated. As time has gone on, too, the constabulary has approximated much more closely to the military type, and has lost its original character as a police force. Its members have ceased to live among the people or in their own homes, have been gathered into barracks, placed upon a basis of military pay and rations, and are now substantially a military force like the scouts. They are described as "peace officers," but are authorized to arrest men "without warrant." Constabulary officers are of two classes—old soldiers elevated from the ranks of the regulars, and young, inexeprienced men brought from the United States. Under the first class of officers serious abuses and hardships have been inflicted upon the population. Under the second class evils of disorganization and laxity have become prevalent.

At various points the constabulary or scouts have inflicted torture, as in Cavite; done violence to women, as in Isabela Province, and committed cold-blooded murder, as also in Isabela; arrested men without warrant and instituted unreasonable searches and seizures, as in Cavite; have stolen personal property, or taken it without payment, as in Masbate and elsewhere, or have grossly violated public order, as in Cebu. The foregoing provinces are mentioned because the abuses in each and every case there referred to can be established by the testimony of reliable eyewitnesses. Trustworthy Philippine lawyers affirm that there are hundreds of men all over the islands who are confined by the constables without any warrant of law. It is certain that the irritation aroused among the people by constabulary outrages is nearly universal. In fact, the uniform reply to questions concerning the constabulary situation is that the force is "as bad as the Guardia Civil" of Spanish time—a verdict than which none more severe could be imagined. It deserves to be added that the hardships inflicted by the constabulary have not been directed against the ladrones, but against the peaceful inhabitants. Ladronism still continues in different regions, apparently in some cases through the connivance of the constabulary. The constables have been vastly more active in campaigning against insurrectos than against those ladrones whose only motive was robbery. In the former case, they have, when able to surround a small band, often butchered them without quarter, as in the case of the force of Gen. San Miguel, which was literally cut to pieces toward the end of 1903. General Allen, chief of the constabulary, states, in conversation, that the records of his bureau are "filled with complaints against the force," but he never finds that the charges have any foundation. This is attributable to the fact that constabulary abuses are always investigated and reported upon by constabulary officers, usually belonging to the very locality where the abuses complained of have been committed. It is only by outside investigators that the facts can be established. This makes it the more to be regretted that the Commission has almost uniformly refused to investigate charges of this sort directly.

CONTROL OF PUBLIC OPINION.

The great difficulty encountered in correcting abuses prevalent in the Philippines to-day probably lies in the absence of any freedom of speech or of the press. Act No. 292, known as the "sedition act," provides that "if two or more persons conspire to overthrow, put down, or destroy by force the Government of the United States in the Philippine Islands * * * such persons shall be punished by a fine of not more than $5,000 and by imprisonment, with or without hard labor, for a period not more than six years." Under this act, and by the use of the constabulary spies, it has become unsafe for private persons to attend social gatherings, or express political opinions in their own homes. Expressions by letter are equally dangerous, owing to the searching of the mail—a process which, it is thought by Señor del Pan, of the Manila bar, in his argument on the recent Lukban case, has been carried vastly further, and has been more arbitrarily used, than under the Spanish administration. While prosecutions under the sedition act are chiefly directed against natives, restraint of the Americans is mainly carried under Act No. 227, known as the "criminal-libel act." This law defines a libel as a "malicious defamation," and specifies that the truth of the libel shall not constitute a defense unless it shall be shown that publication was made "with good motives and for justifiable ends," a point not easily to be established before Philippine courts. The provisions of this act, taken in connection with those of the sedition act, are such as to make it practically impossible to express an opinion adverse to the administration or any member of it without becoming liable to prosecution.

In cases where a critic is too influential, or where his critisms and charges are too carefully phrased to admit of prosecuting him, a process of ostracism takes place which is usually very effective, as Manila society consists chiefly of officeholders who take their bias directly from those in authority. An American bishop stationed in Manila expresses in conversation the opinion that the "impatience of criticism shown by the Commission" is one of the most disastrous features of the present Philippine situation. The hostility of the higher authorities, he asserts, is visited upon preachers who venture to criticise a member of the Commission or any of its policies. In the recently concluded "O'Brien libel case" the two defendants, who conducted a newspaper in Manila, were sent to prison on the ground that they had published a report of some court proceedings containing statements unfavorable to the defendant, who happened to be a member of the Commission. It was admitted that the report was correct; but the technical point was made that the headlines did not accurately describe the substance of the article.

In recent decisions handed down by courts of first instance in Manila, heavy penalties, including both fine and imprisonment, have been awarded not only to the author and producer, but even to the actors in the play, "Hindi Aco Patay," a dramatic production of an allegorical character, in which Philippine independence was hinted at.

A process of buying the good will of publications through the award of Government advertising and other favors has been used to supplement the methods of intimidation already suggested. The expression of opinion through the agency of political parties has also been placed under severe restriction. The Nationalist party, which attained a considerable degree of strength about two years ago, was destroyed by prosecutions directed against important men in the organization. Under purely technical attacks upon the form of its constitution, a workingmen's union was recently driven out of existence because of the belief that its purpose "was primarily political." These statements are vouched for by the prosecuting officers of our Government in Manila, who freely admit the ulterior purpose of the prosecutions in question. During the past summer efforts were made to recast the platform of the Federal party in such wise as to demand independence. The revised draft was shown to members of the Commission as a precaution, and these gentlemen requested its suppression on the ground that "it would embarrass Mr. Taft just at this time." The platform never appeared in print.

Do these conditions agree with President McKinley's "rule" that "no law shall be passed abridging the freedom of speech or of the press, or of the rights of the people peacenbly * * * to petition the Government for a redress of grievances?"

COST OF ADMINISTRATION.

The system of government just described has not even the merit of economy. It is by far the most expensive government the island has ever known. The Schurman Commission (Report, vol. 1, p. 80) gave

the annual receipts of the Spanish Government in 1894–95 as $13,579,900 Mexican, of which sum about $9,000,000 was derived from internal taxes. The new internal-revenue law of the Philippines just passed is estimated to produce from $10,000,000 to $11,000,000, and is apologized for by its authors as "no worse than the Spanish." The Schurman Commission quotes (page 79) expenditures of the Spanish Government in 1894–95 as $13,280,139, of which sum $4,045,061 was for war and $2,450,176 for navy, the balance—some $6,700,000—being civil outlay. As against this sum it may be noted that our outlay for the year 1903 on strictly civil expenses was about $22,000,000 Mexican currency. To this should also be added probably $2,000,000 for the cost of provincial administration and a somewhat greater sum deducted for permanent improvements. Conversely, there should be large reductions in the "civil outlay" noted above for the Spanish Government, as that figure includes the cost of carrying on the church, some diplomatic expenses, and other items. Without going into these changes in the accounts in detail, it may be stated that the cost of our civil administration is from three to five times as heavy as that of the Spaniards—yet the Schurman Commission complained of Spanish administration on the ground of "costliness."

Nor can the indictment of the expense incident to Philippine administration stop with local conditions in the islands. The Philippines are tremendously expensive to the United States. According to Gen. George W. Davis (Report Div. of Phil., 1903, p. 50), the annual cost of the army and navy in the Philippines in actual cash is at least $21,000,000 gold. This estimate was based upon a force (scouts and Americans) of about 23,000 men. As the present force is probably 3,000 men smaller, a reduction of corresponding amount must be made. This, however, is far more than offset by the cost of the Philippine mail service, which falls largely on the United States; of the army transports, both trans-Pacific and interisland; by the facts that tropical service counts double time toward retirement for enlisted men; that claims for pensions are more numerous as a result of such service; that many army officers are now serving in the Philippine government at the cost of the United States; and that, in a variety of ways, the islands are a continuous draft on our Trasury. Conservative estimators place the present annual money cost of the Philippines to the United States at not less than $25,000,000.

Nor does the money laid out for civil expenses "go largely to Filipinos," as so often claimed. A review of the personnel of the government during the past three years shows that the number of Americans holding civil offices in 1903 was 3,458, as against 2,777 in 1902, and 2,044 in 1901, while the number of Filipinos for these three years was 3,318, 2,697, and 2,562, respectively. In other words, there were employed in 1901 25 per cent more natives than American, while in 1902 the natives were about 3 per cent less numerous than the Americans and 4 per cent less numerous in 1903. In the latter year the 3,318 Filipino employees drew aggregate salaries of $1,497,610, while the 3,458 Americans drew $4,284,482.

GENERAL SUMMARY.

As General Davis mildly states the situation (Report, 1903, p. 31): "Americans in the Philippines have not so far been an unmixed blessing to the native inhabitants." We have, in fact, destroyed the public buildings of the country, inflicted continuous crop losses, during a period of six years; ravaged and burned large sections of territory; produced conditions leading to the death of most of the farm animals and to serious human and animal epidemics; brought foreign trade to an unprofitable condition by our tariff legislation; inaugurated a tremendously expensive government for the benefit of foreign officeholders; established a partisan judiciary; crowded the prisons, and deported or sent to the gallows the best and most patriotic of the native leaders.

Mr. FORAKER obtained the floor.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I yield to the Senator to offer an amendment only, as the Senator said he desired to offer an amendment.

Mr. BAILEY. I desire to preface that amendment with this statement: Earlier in the session I intimated a doubt as to the power of the United States to exempt the bonds and other evidences of indebtedness issued by the municipalities in the Philippine Islands. The more I think of that the more I am persuaded that they are not in any proper sense the agencies of the Federal Government; and for that reason I move to strike out the first section of the bill.

The PRESIDENT pro tempore. Will the Senator, please, at his leisure send the proposed amendment to the desk, so that it may be ready for action?

Mr. BAILEY. Certainly.

Mr. FORAKER. Mr. President, at this late hour——

Mr. STONE. Will the Senator yield to me?

Mr. FORAKER. I hope I shall not be asked to yield.

Mr. STONE. Only that I may offer an amendment.

The PRESIDENT pro tempore. The proposed amendment will be received and lie on the table.

Mr. STONE. Let it be read, Mr. President.

The PRESIDENT pro tempore. The Senator from Missouri asks that his amendment be read.

Mr. FORAKER. I yielded to the Senator for a moment to offer his amendment, but it can be offered after 3 o'clock and read then, if the Senator is not particular. It can be offered at any time before the final vote is taken; but I will yield, as it seems to be a short amendment.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. In section 1, page 2, line 8, after the name "Porto Rico," it is proposed to insert the following:

Provided, That nothing in this act shall be so construed as to make or hold the Government of the United States in any manner liable to pay any bonds that may be issued by the government of the Philippine Islands or any municipal or other subdivision thereof under the provisions of this act.

The PRESIDENT pro tempore. The amendment will lie on the table.

Mr. FORAKER. Mr. President, inasmuch as there is a very short time remaining until we have to vote and other Senators are anxious to make some remarks, I shall be very brief in what I have to say. I rise only that I may put into the RECORD the statement that this is the fourth time an amendment of this character has been offered. I stated only a few days ago that the RECORD shows that an amendment of this character—I mean the amendment I offered, and about which the Senator from Tennessee [Mr. CARMACK] has been talking—was offered on the 24th of February, 1902. That was an amendment offered to a revenue measure originating in the House of Representatives and sent here by that House. It was, therefore, within the contention of the Senator, as he has made his contention here to-day, and yet, as I remember it, the Senator was opposed to that amendment at that time.

Mr. CARMACK. What amendment was that?

Mr. FORAKER. It was an amendment I offered reducing the rates to 25 per cent of the Dingley law on dutiable goods imported into this country from the Philippine Archipelago.

Mr. CARMACK. When?

Mr. FORAKER. I offered that amendment on the 24th day of February, 1902.

Mr. CARMACK. My recollection is that I was in favor of it.

Mr. FORAKER. No. My recollection is that the Senator made a very strong speech in opposition. I think he said something about my amendment being in the nature of a gold brick—I have forgotten just what his expression was.

Mr. CARMACK. No. After the Senator's amendment had been changed to a reduction of only 25 per cent, instead of as he first proposed it—75 per cent, I opposed it. I should have supported it if the amendment had remained as he had offered it.

Mr. FORAKER. I offered the amendment providing for a reduction of the duties to 25 per cent of the Dingley rates—a reduction of 75 per cent. Afterwards, failing to get any encouragement that that could be passed, I made it a reduction of 50 per cent, and still the Senator was opposed to it. I never heard of his willingness to support it when it was reduced to 25 per cent of the Dingley rates. But I am only calling attention to the fact that he was in opposition to the amendment at that ime.

Mr. CARMACK. If the Senator will permit me, at the session before the last, when this matter was up, I very earnestly supported the proposed reduction to 50 per cent, although I preferred a reduction to 25 per cent.

Mr. FORAKER. I am coming to the record now. On the 14th day of February, 1903, I offered a similar amendment, and again the Senator was in opposition. That was an amendment offered to a bill originating in the House of Representatives to raise revenue, or affecting the revenues of the Philippine Islands. Then, on the 3d day of March, 1903, this question was here again, and it was my recollection, until the Senator just now corrected me, that he was then again in opposition to it.

Mr. CARMACK. No, sir.

Mr. FORAKER. I remember that the two Senators from Colorado spoke very energetically in opposition to that amendment.

Mr. CARMACK. I spoke in favor of it.

Mr. FORAKER. Then I am glad to be corrected and I am glad to know that the Senator will, when we get another measure here from the other House, be willing to support an amendment of this general character.

Mr. CARMACK. If the Senator will permit me a moment, I do not say that I will vote for any measure that may be brought here proposing a reduction in the Philippine tariff. It must be a real and substantial reduction. As to the measure of which the Senator was speaking, I remember saying at the time that I would vote for it with a great deal of contempt, because I did not believe that amendment would give a substantial reduction of the Philippine tariff duties or that it would do the people of the Philippines any good. I will vote for such a reduction as the Senator is proposing in his amendment to this bill.

Mr. FORAKER. The amendment I presented at the time to which the Senator refers, which he spoke in favor of, and to which he now refers, proposed a reduction to 25 per cent—a reduction of 75 per cent.

Mr. CARMACK. That was changed to 50 per cent.

Mr. FORAKER. It was afterwards changed to 50 per cent, as the Senator says, but I did not understand the Senator to

object at that time on the ground that it reduced duties only 50 per cent.

The amendment I am offering at this time, and which I say I want to offer again, ought to satisfy the Senator, if anything short of absolute free trade will satisfy him, because it puts all articles coming into this country from the Philippine Archipelago on the free list, excepting only sugar and tobacco; and it reduces the duty on sugar and tobacco to 25 per cent of the Dingley rates.

Mr. CARMACK. I will vote for that.

Mr. FORAKER. I am glad to hear that. The Senator will be given a chance the first time an appropriate bill comes along.

Mr. BERRY. I will say to the Senator from Ohio that the Senator from Alabama [Mr. PETTUS] has offered such an amendment to this bill.

Mr. FORAKER. The Senator from Tennessee [Mr. CARMACK] read from the Chicago Inter-Ocean, a very ably conducted Republican paper. I have in my hands one of the most ably conducted Democratic papers in this country, and, in view of the Senator's speech, I think I ought to have read from the desk the leading editorial published in that paper on December 14, last Wednesday, two days ago.

Mr. PLATT of Connecticut. To what paper does the Senator refer?

Mr. FORAKER. The Cincinnati Enquirer, one of the most influential Democratic papers in the country. I do not know of any Democratic paper that has a larger circulation, or one that has more influence on the politics of our part of the country at least. I ask the Secretary to read the editorial.

Mr. STEWART. Can it not be inserted in the RECORD without reading?

Mr. FORAKER. No; I want it read. It will only take a moment.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

NO MORE FOR THE ENQUIRER.

Mr. PLATT of Connecticut. Does not the Senator think that under the system we are now pursuing, within the next ten or twenty years the Philippine Islands will be just as independent as they would be under a protectorate?

Mr. NEWLANDS. No, I do not think they will be. I was saying that the positions of these two leaders were approximately the same, and I stated the views of Mr. Bryan. Mr. Roosevelt's recent message contains his view, which I assume will be the view of the Republican party.

Mr. FORAKER. Will the Senator from Nevada allow me to interrupt him for a question?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. FORAKER. I should like to know why the Senator, in stating the positions of the two men as the positions of their respective parties, ignores the views of Judge Parker on this subject?

Mr. NEWLANDS. I do not ignore them.

Mr FORAKER. The Senator has not stated them.

Mr. NEWLANDS. I do not ignore the views of any Democrat in the country, but I refer to Mr. Bryan to-day and during the last eight years as the acknowledged leader of the Democratic party, and I refer to Mr. Roosevelt as the leader to-day of the Republican party. (CONGRESSIONAL RECORD, December 12.)

It is, of course, not possible to say how many people in this country the distinguished Senator from Nevada represents in his sweeping assertion of leadership; but there is certainly one journal which can not be delivered to such a following. Under such leadership as Mr. NEWLANDS declares to be existent to-day, or under conditions which it helped to create this year, the Democratic party has gone to disaster in three Presidential elections, and the wreckage has been more complete and awful in each successive year.

There is no dispute of the right of Mr. Bryan and those politically associated with him to persist in their doctrines. There need be no disparagement of their eminent ability and sincerity. There is no occasion for regret or apology for a course that once seemed to be the right one. But why should there be an obstinate standing out against three popular verdicts—the last one almost the strongest in the history of our Union? Why undertake, while the streams on the last battlefield are still red, to nominate for leadership again the generals who have thrice led their soldiers to humiliating defeat?

The time has come for a general showing of hands. The Enquirer is ready with its pronouncement. It will not, under any circumstances, fall in with a leadership that has been three times rebuked by the people, but has still insisted on governing the party councils. It will not yield obedience to men who have just been enormously repudiated by their own party. It will not be coaxed, wheedled, or dragooned into a suicidal course by suggestions of party fidelity. It is for America, and for the American people. It bows to their will as to what is necessary for the splendid advancement and development of the country. It is for prosperity and not for calamity for the sake of triumph. It is in the proud company of Democrats, numbering in the millions, who refused at the last election to be delivered. It touches elbows on either side with legions who did not find in Bryan or Parker the exemplification of true Democratic faith.

Good luck to Mr. Bryan and his friends in their personal affairs. No recriminations and no hard feelings. But no more Bryan leadership, no more dilution of Democracy with Populism, repudiation, and heresy; no more restraint on the flight of the American eagle, and no more tugging at the holding-back strap for yours truly, The Cincinnati Enquirer.

Mr. STEWART. Mr. President, I do not think Senators fully appreciate the importance of railroads to the accomplishment of what we propose to do in the Philippine Islands—to civilize and build up. Before the advent of railroads civilization was substantially limited to water courses. The people had to be near water transportation, and the interior was hardly penetrated. Now we are making appropriations to send teachers and other civilizing influences into the Philippines. If we do not have railroad communication, the people of the Philippine Islands will be in the same position that they have been under the Spaniards for the last three hundred years. The contact of the Spaniards with those people was confined to the harbors and the water courses where navigation could be had. The interior of the islands, small as they were, remained as it had been—outside the influence of civilization.

In our own country, previous to the building of railroads, development was confined to the Mississippi and the Lakes and the lands near by which could be easily reached. So it has been in all countries. But the advent of railroads has sent water courses, so to speak, or their equivalent, into the interior. If you send teachers into the Philippine Islands without railroads, they will have to stay at the ports. You can not protect them in the interior. If you have railroads, at every depot you will have a trading station where people will be protected and where the natives can see the power of civilization, where they can come in contact with civilizing influences. Barbarism is not driven out of any country by power, except the power of association. The natives must see what civilization is. You can not take it into the interior without railroads.

The invention of railroads has revolutionized the means of civilizing the interiors of all countries, and to say that you can raise up the Filipinos and you remain at the seaports, the interior not occupied by you, not occupied by your school-teachers and your churches, and all that, which they would have at every depot if they had railroads, is out of the question. It never has been done, and it can not be done in the case of the Philippines.

In case of war railroads furnish the cheapest method of conducting war. In fact, they dispense with the necessity of war. The railroads are the peacemakers of the world, particularly in barbarous countries. There will be no uprising where railroads go. The armies can follow too quickly. The people soon understand that. We will wage no war of oppression, but we will carry on war there if the people rebel. But the best way is to take away from them the inclination to rebel.

If you build railroads there they will know that rebellion will be futile, and they will not attempt it; and besides, they will soon see the blessings of civilization. They will have a market. They will make money. They will be employed. Our teachers and schools and churches will be there, and the influence of civilization will be over them, and you will build them up.

To talk about civilizing the Filipinos without railroads is idle. It never has been done in any country in the world. It never will be done. Railroads will be the instrumentality of civilization from this time on. They make the interior as accessible to civilization as the ports on the ocean, equalizing conditions, multiplying the means of subsistence and the homes of mankind.

It is said we should wait. I say we have not gone fast enough. The railroads should be the pioneers when the object is to civilize. When our object is to bring people in contact with civilized institutions, the railroads should take them there. You have not gone fast enough. If we had commenced to build railroads in the Philippines when we first got the islands the people would have been far on the road to being able to maintain government. If you want to prepare them for independence, if you want to prepare them for self-government—as all parties now declare they do—if that is the object, do it quickly, and the only way to do it quickly or to do it at all is to give them railroads.

Mr. NEWLANDS. Mr. President, I regard the amendment to section 4 which has been proposed by the Senator from Wisconsin [Mr. SPOONER] as much more satisfactory than the present section. But as it has not been printed and I have not been able to examine it critically, I can not yet say whether I will support it by my vote. Judging from the reading that was given of this section at the desk, I think that it does not cover the question of taxation, which I regard as one of the highest importance—namely, that a fixed and certain rule shall be established now for the taxation of these railway systems. I think this is fully covered by the amendment which I have offered, which proposes to tax the gross receipts of these railroads 1 per cent per annum for five years, during the period of infancy, and gradually to increase this tax at the rate of one-quarter of 1 per cent per annum until a maximum of 5 per cent on the gross receipts shall be attained, that tax to be imposed in lieu of all other taxes either upon the railroad or upon its stocks or bonds.

And here let me say that I differ with my friend the Senator

from Texas and my friend the Senator from Maryland regarding the matter of exemption from taxation of these bonds in the United States. I believe when we tax a railroad we should tax but one value and we should tax it entirely to the railroad corporation, and that after we have taxed the whole in the hands of the railroad corporation we should not tax or permit to be taxed the parts in the hands of bondholders and of stockholders; that that is double taxation.

Mr. BAILEY. The Senator from Nevada overlooks the fact that there is no exemption of railroad bonds, and therefore what he says has no reference.

Mr. NEWLANDS. Very well. I will also apply it to these municipal bonds to which he refers. What I have said will apply to section 4 as I have proposed to amend it. But I will also speak of municipal bonds, to which he refers. We will assume that these municipal and Philippine government bonds are negotiated in this country and the money which is now in this country and subject to taxation is transported to the Philippine Islands and there put into public works. The value represented by that money is in the works and not in the bonds. The bonds are simply the representatives of the money that has gone into those works. Those works are in the Philipine Islands and not in the United States. There is the place of jurisdiction for taxation. If it is public property, of course it is not taxable. If it is private property, the property there is taxable and the stock or bonds representing the investment there, in my judgment, ought not to be taxable any more than a title deed of property in the Philippine Islands should be taxable in this country.

Mr. BAILEY. Mr. President——

Mr. NEWLANDS. I have only a few moments.

Mr. BAILEY. I dislike to see the Senator from Nevada make a mistake like that. A title deed has no value, but a bond has.

Mr. NEWLANDS. The property has value, but the bond only has value and the stock only has value because the property which they represent has value, and that property is in the Philippine Islands, absolutely free from the jurisdiction of this country or from its protection.

Now, I insist upon it that we have a confused and complicated system of taxation in this country, arising out of this fact. In this country we have a system of taxing the railroads in the hands of corporations, assessing the whole property, and then taxing the stocks and bonds—the parts in the hands of the owners—and the result is that the holders of stocks and bonds do not return their property for taxation. The exceptionally honest ones may, but they are few. If you look over the tax returns of this country you will find vast aggregations of stocks and bonds nominally under the law subject to taxation, but not upon the tax rolls.

Suppose they were upon the tax rolls. What would happen then? The bonds of a railroad enterprise are negotiated at about 3 or 4 per cent. If the bonds themselves are subject to taxation under the laws of the various States, the average tax is at least 2 per cent. The result is that the return to the owner of the bond is halved by the tax. And I ask you, how can you inaugurate or maintain any system of bonds upon great public enterprises, which confessedly you wish to negotiate at a low rate of interest, if you allow them to be taxed, and allow a tax to be imposed equivalent to one-half the rate of interest called for by the bonds? So, as a matter of public policy, I say it is unwise, and as a matter of justice it is unjust, to tax the parts as well as the whole, and if these railroads are in the Philippine Islands they should be taxed there and not in the United States, and they ought not to be taxed here through the medium of stocks and bonds, which are simply representative of values and property there.

The PRESIDENT pro tempore. The hour of 3 o'clock has arrived. The bill is in the Senate as in Committee of the Whole and open to amendment. The Chair thinks it will expedite business if Senators will offer the amendments which they have heretofore sent to the table.

Mr. BAILEY. Mr. President, I do not comply with the request of the Chair to send to the desk a written amendment which I offered, because I understand the Senator from Maryland, while I was called from the Chamber for a moment, offered the same amendment, to strike out the first section.

Mr. GORMAN. It is pending, and is at the desk. I offered it this morning. It has not been printed. It is to strike out all after the enacting clause to the end of the section.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. On page 1 strike out all after the word "*assembled*," in line 2, to the end of section 1, including the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maryland.

Mr. GORMAN. On that I ask for the yeas and nays.

Mr. BACON. Has the amendment offered by the Senator from Ohio to this section been acted upon?

Mr. FORAKER. I think the Senator in charge of the bill accepted the amendment, there being no objection.

Mr. BACON. It is already in? That is all I want to ask about.

Mr. LODGE. The amendment of the Senator from Ohio was agreed to. The motion of the Senator from Maryland is to strike out the whole section as amended. I hope it will fail.

Mr. PLATT of Connecticut. I wish to make an inquiry. The amendment relating to Porto Rico has been accepted. When the bill comes into the Senate, that amendment may be reserved and voted upon separately in the Senate?

The PRESIDENT pro tempore. It may be. The question is on agreeing to the amendment offered by the Senator from Maryland.

Mr. GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. There is so much confusion that I have been unable to learn what the pending amendment is.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. Strike out all after the enacting clause to the end of section 1.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

Mr. FOSTER of Washington (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MCLAURIN]. The Senator from New York [Mr. DEPEW] has a pair with the Senator from Louisiana [Mr. MCENERY]. I transfer my pair to the Senator from New York, which will enable the Senator from Louisiana and me to vote. I vote "nay."

Mr. PLATT of Connecticut (when Mr. HAWLEY's name was called). My colleague is paired with the Senator from Alabama [Mr. MORGAN]. If my colleague were present, he would vote "nay."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. As he is not present, I refrain from voting.

Mr. KEARNS (when his name was called). I have a general pair with the Senator from Montana [Mr. GIBSON]. As he is not present, I withhold my vote.

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "nay."

The roll call was concluded.

Mr. DIETRICH. I wish to announce that my colleague [Mr. MILLARD] is paired with the Senator from Arkansas [Mr. CLARKE] upon all questions.

Mr. MONEY. I desire to announce that my colleague [Mr. MCLAURIN] is paired generally with the Senator from Washington [Mr. FOSTER], but in this case there has been a transfer, so that he stands paired with the Senator from New York [Mr. DEPEW].

Mr. GORMAN. I wish to announce the pair of the senior Senator from Colorado [Mr. TELLER] with the Senator from Maine [Mr. HALE].

The result was announced—yeas 23, nays 48; as follows:

YEAS—23.

Bacon	Clay	McCreary	Pettus
Bailey	Cockrell	McEnery	Simmons
Bate	Culberson	Mallory	Stone
Berry	Dubois	Martin	Taliaferro
Blackburn	Foster, La.	Money	Tillman
Carmack	Gorman	Overman	

NAYS—48.

Aldrich	Crane	Fulton	Nelson
Alger	Cullom	Gallinger	Newlands
Allee	Dick	Gamble	Platt, Conn.
Allison	Dietrich	Heyburn	Platt, N. Y.
Ankeny	Dillingham	Kean	Proctor
Ball	Dolliver	Kittredge	Quarles
Bard	Dryden	Knox	Scott
Beveridge	Elkins	Lodge	Smoot
Burnham	Fairbanks	Long	Spooner
Burrows	Foraker	McComas	Stewart
Clapp	Foster, Wash.	McCumber	Warren
Clark, Wyo.	Frye	Mitchell	Wetmore

NOT VOTING—19.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Perkins
Daniel	Hawley	Millard	Teller
Depew	Hopkins	Morgan	

So Mr. GORMAN'S amendment was rejected.

Mr. McCUMBER. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of section 4 of the bill.

Mr. McCUMBER. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. I wish to move a substitute for the pending motion to strike out section 4 and substitute another section for it.

Mr. McCUMBER. It seems to me we have a right to vote on this first, and then if the Senator desires to introduce a new section 4 I see no objection to his doing so.

Mr. SPOONER. It is a parliamentary question of order. I do not know myself——

The PRESIDENT pro tempore. The Chair did not understand the Senator.

Mr. SPOONER. I wish to move to strike out section 4 and insert.

The PRESIDENT pro tempore. That has precedence of the motion to strike out.

Mr. SPOONER. I move——

Mr. LODGE. If I may, I suggest to the Senator from Wisconsin that the printed copies of the amendment which he has offered is on the way from the Printing Office and will be here in two or three minutes, and if we can pass this over and deal with some other amendment Senators will shortly have the printed amendment before them.

Mr. SPOONER. You will not only have to pass it over, but the amendment of the Senator from North Dakota as well.

Mr. LODGE. I hope the Senator from North Dakota will not press his amendment. It is very desirable that Senators should have a copy of the amendment of the Senator from Wisconsin before them when they vote. If the amendment is pressed, the Senator from Wisconsin must go on and offer his substitute now.

Mr. BAILEY. If the printed copies of the amendment are on the way from the Printing Office, probably there are some other amendments pending to this section, which would take precedence of the motion of the Senator from North Dakota, that could be considered.

Mr. SPOONER. I wish to move to strike out section 2.

Mr. BAILEY. There are some motions——

The PRESIDENT pro tempore. Does the Senator from North Dakota withdraw his motion?

Mr. McCUMBER. For what purpose?

The PRESIDENT pro tempore. For the purpose of awaiting the printed copies of the proposed amendment to be offered to it before the motion is made to strike out the section.

Mr. McCUMBER. It seems to me that that can be substituted afterwards, if the Senator from Wisconsin desires. This simply strikes out the section as it now appears. I should prefer to have a vote on it now.

Mr. SPOONER. I can not move to amend a section that has been stricken out.

Mr. McCUMBER. If that is true, I withhold my amendment.

Mr. BACON. I want to suggest, under the statement made by the Senator from Texas, that there are questions which take precedence of the motion of the Senator from Wisconsin that would consume the necessary time. In other words, as I understand, there are amendments to the existing section as it stands. The section as it stands will have to be perfected by action upon those amendments before the Senate can be called upon to pass on the question whether it will substitute the proposition of the Senator from Wisconsin therefor.

Mr. SPOONER. I do not controvert that proposition, but I was confronted by another, which I was obliged to antagonize by my motion.

Mr. BACON. I understand that, but if we can proceed to act upon the other amendments to the section, it will defer the other question.

Mr. BAILEY. Of course the motion to amend the section must take precedence of a motion to strike it out. Assuming, as might happen to be the case, though it is not the fact in this particular instance, that the proponent of the motion to amend would support the entire section if amended, the friends of that section would be entitled to that vote. It happens in this case that if the amendment which I have offered should be adopted I would still vote against the section, because I am opposed to the principle of the Government guaranteeing the bonds of a private corporation. But at the same time I am entitled to have my motion voted on, because the motion I have made seeks to make this section better than it stands in the bill.

I think the motion of the Senator from Wisconsin to amend, which nearly covered the points of my motion, and undoubtedly is a great improvement, as it appears to me, on the section as it stands, ought to be voted on before the motion to strike out, and I express that opinion notwithstanding I am going to vote with the Senator from North Dakota on the motion to strike out.

Mr. CULLOM. There are several amendments printed in the section.

The PRESIDENT pro tempore. They have been adopted.

Mr. BERRY. I think they have been adopted. In order to occupy the time until the printed amendment of the Senator from Wisconsin reaches the Senate, I will ask for a vote on the amendment which I proposed this morning, which adds certain words after the word "years."

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. There is not any parliamentary question about it. As a matter of course, it is in order to offer amendments to section 4, which is proposed to be stricken out.

Mr. MALLORY. Mr. President——

The PRESIDENT pro tempore. This comes very near a debate, which is not in order.

Mr. ALDRICH. I ask for the regular order, Mr. President.

Mr. FORAKER. The regular order.

Mr. McCUMBER. I ask that the amendment which I had read just now be held until the amendment proposed by the Senator from Wisconsin may be read.

Mr. FORAKER. And all amendments to the section.

Mr. McCUMBER. And any other amendments to that section.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent to withdraw his amendment for the present. Is there objection? The Chair hears none. The Senator has a right to withdraw it.

Mr. ALLISON. The Senator also suggested that all amendments to the fourth section should be withdrawn for the present.

Mr. CULLOM. No.

Mr. ALLISON. Then I will ask unanimous consent that that may be done.

Mr. GORMAN. What amendments?

Mr. ALLISON. The amendments to the fourth section. If the amendment of the Senator from Wisconsin shall be adopted, undoubtedly the amendments suggested to the fourth section will also be offered as amendments to his substitute for the fourth section, and it seems to me we might postpone action on them.

Mr. BAILEY. That is the reason I wished to see the printed amendment. I wished to see it so that I could know where to offer my amendment to it if it should be adopted. I am perfectly willing to wait.

The PRESIDENT pro tempore. Is there objection to the withdrawal of these amendments for the present?

Mr. PLATT of Connecticut, and others. No.

The PRESIDENT pro tempore. The Chair hears none.

Mr. CULBERSON. A mere verbal amendment suggested yesterday by myself to section 4, page 4, line 3, after the word "may," to insert "hereafter," was accepted by the Senator from Massachusetts.

Mr. LODGE. That is included in the amendment about to be offered by the Senator from Wisconsin, which it is my intention to accept, so far as I can, for the committee.

Mr. CULBERSON. I suppose there will be no objection to the adoption of this amendment to the amendment.

Mr. LODGE. No; I have no objection to it, of course.

The PRESIDENT pro tempore. Will the Senate agree to the amendment on page 4, line 3, after the word "may" and before the word "specifically" to insert "hereafter?"

The amendment was agreed to.

Mr. DUBOIS. I offer the amendment which I previously sent to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 6, on page 5, line 17, after the word "be," insert the word "rigidly;" so as to read, "shall be rigidly administered;" and in line 19, after the word "government," insert the words "so far as such immigration laws relate to the importation of cooly labor."

Mr. DUBOIS. I ask that the section as proposed to be amended be read.

The Secretary read as follows:

SEC. 6. The immigration laws of the United States in force in the Philippine Islands shall be rigidly administered by the officers of the general government thereof designated by appropriate legislation of said government, so far as such immigration laws relate to the impor-

tation of Chinese coolie labor, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands, to be used and expended for the government and benefit of said islands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The amendment was rejected.

Mr. SPOONER. I move to strike out all of section 3, after the figure "66," in line 8, and to insert in lieu thereof the amendment which I send to the desk.

The SECRETARY. On page 3, line 8, after the numeral "66," strike out the remainder of the paragraph and insert:

That for the purpose of providing funds to construct necessary sewer and drainage facilities, to secure a sufficient supply of water and necessary buildings for primary public schools in municipalities, the government of the Philippine Islands may, where current taxation is inadequate for the purpose, under such limitations, terms, and conditions as it may prescribe, authorize, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds in such amount and payable at such time as may be determined to be necessary by the government of said islands, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality shall not exceed 5 per cent of the authorized valuation of the real estate in said municipality, and any obligation in excess of such limit shall be null and void: *Provided further*, That no such municipality shall exercise the power to issue such bonds without the prior approval of the President.

Mr. LODGE. I accept that amendment. I think it improves the section.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. SPOONER. I now move to strike out section 4 and to insert in lieu thereof what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out section 4 and insert——

Mr. GORMAN. Before the substitute is adopted I suppose it will require common consent that any amendment may be offered to it afterwards. Ordinarily it would not be in order in committee nor until the bill was reported to the Senate. I take it there will be no objection that if the substitute is adopted we shall have the right in the committee to offer amendments to it.

Mr. ALDRICH. That is all right.

Mr. BERRY. Unless it is stricken out entirely.

Mr. FORAKER. It will be open to amendment in the Senate.

Mr. BACON. In this connection I should like to have the matter understood as to whether we could also have a right when we get into the Senate to move to strike it out altogether.

Mr. LODGE. We have it here.

Mr. SPOONER. I suppose my motion is divisible.

Mr. BACON. It is my opinion that we have it, but I wanted that understood beforehand.

Mr. SPOONER. That question has not been raised.

Mr. LODGE. The Senator can move to strike it out after it has been inserted.

The PRESIDENT pro tempore. Not in Committee of the Whole, but it can be done in the Senate.

Mr. LODGE. He can do it in the Senate.

The PRESIDENT pro tempore. The whole bill is open to amendment in the Senate.

Mr. BERRY. I ask if the amendment is not divisible, and if we can not first take the vote on the motion to strike out entirely and then vote upon the question of substitution?

The PRESIDENT pro tempore. It is not divisible.

Mr. BERRY. It is not divisible?

The PRESIDENT pro tempore. No.

Mr. BERRY. The motion to strike out and insert is not divisible, the Chair holds?

The PRESIDENT pro tempore. It is not, except in the matter of amending the portion to be stricken out or the portion to be inserted.

Mr. BERRY. And it is not in a situation where it can be divided now?

The PRESIDENT pro tempore. It is not.

Mr. BERRY. Then is it agreed that a motion to strike out may be made after the amendment is voted upon?

The PRESIDENT pro tempore. After it has gone into the Senate.

Mr. BERRY. Not in Committee of the Whole?

Mr. BLACKBURN. No.

The PRESIDENT pro tempore. Not in Committee of the Whole; that is, if agreed to as in Committee of the Whole it can receive no further action in committee until it reaches the Senate.

Mr. GORMAN. That is the point I suggested, whether we can not have an understanding that when the vote is taken on the substitute while we are in committee, and it becomes a part of the bill, we may offer amendments to it now, when it is fresh before us. I think there will be no objection to that course. There ought not to be any objection to it.

The PRESIDENT pro tempore. The Senate understands undoubtedly, without my saying so, that the part to be stricken out is now open to amendment and that the part proposed to be inserted is also open to amendment.

Mr. GORMAN. I understand that.

The PRESIDENT pro tempore. So far as amendments are concerned, they are separate questions; but they must be voted upon ultimately as one question.

Mr. GORMAN. I think there is a general desire to have a direct vote on the amendment offered by the Senator from Wisconsin, it being very much preferable to the present fourth section, but there are one or two Senators who would, I think, like to amend the substitute.

Mr. SPOONER. I hope no objection will be made to the Senator's suggestion. We want to get on with the business in a fair way. We all want to do what is right.

Mr. GORMAN. It will only facilitate business.

Mr. LODGE. The amendment of the Senator from Wisconsin is open to amendment now.

Mr. GORMAN. I understand that perfectly.

Mr. LODGE. If there are amendments to be offered to the amendment of the Senator from Wisconsin, now is the time to offer them.

Mr. GORMAN. Very well, if that is the desire.

Mr. CULBERSON. I call the attention of the Senator from Wisconsin to what appears to be an obvious error on page 4. Instead of being $1,500,000 it ought to be $1,200,000, the interest at 4 per cent.

Mr. SPOONER. That is taken from the original section.

Mr. CULBERSON. I say it is an obvious error. That is the amount at 5 per cent.

Mr. SPOONER. The Senator is right about that.

Mr. CULBERSON. I move to amend the amendment.

Mr. GORMAN. Let the amendment be read.

Mr. CULBERSON. I beg pardon, the amendment has not been read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin [Mr. SPOONER] will be read.

The SECRETARY. Strike out all of section 4 of the bill and insert in lieu thereof the following:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Philippine Islands as the Philippine government may hereafter specifically authorize, the said government is empowered to enter into a contract of guaranty with any railroad company organized pursuant to the laws of said government or of the United States or any State thereof undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding 4 per cent per annum upon first-lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

Such contract of guaranty shall be signed on behalf of said government by the chief executive thereof, and on behalf of the railroad company undertaking the construction, equipment, maintenance, and operation of said railroad by the chief officer thereof, thereunto duly authorized by the stockholders and directors of the same, and shall contain, among others, the following provisions:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

Second. That no debt except as above provided shall be incurred by the said undertaking railroad company, its successors or assigns, by which a lien shall be created upon such railroad, its equipment, or other property, prior to the lien of said government to secure the repayment of the interest paid by it under said guaranty without the consent of the Congress.

Third. That the said railroad shall be constructed and equipped within the time limited in the first instance by the Philippine government, or any extension of said time granted by said government for good cause shown.

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said islands, and the same shall not be signed and delivered except upon satisfactory proof of the completion of the railroad in sections of not less than 20 continuous miles each, and in such proportion, to be fixed from time to time by said government, as the actual capital invested in completed road and acquired equipment shall bear to the capital required for the completion and equipment of the entire road, to be determined by the said government.

All payments made under any such guaranty shall be from the time the same are paid a lien upon said railroad and its property then owned and thereafter to be acquired, subject only to the lien of the mortgage or deed of trust executed to secure the bonds, the interest upon which shall have been so guaranteed, and the total sum paid under such guaranty shall, at the expiration thereof, be payable to said Philippine government upon demand, and in default of such payment the said lien shall be immediately foreclosable.

Provided, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at

any time exceed the sum of $1,200,000, and no such guaranty shall continue for a longer period than thirty years.

For the further security of the Philippine government the Commission or any subsequent Philippine legislature shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, and shall provide for supervision by said Philippine government, through the auditing, engineering and railroad bureaus thereof and by such other agencies as may be fixed by law, of the conduct of the finances of the road, and of its location, construction, operation, and maintenance.

The government shall have the power to appoint two members of the board of directors of any undertaking company whose bonds shall be guaranteed as provided in this section.

Each such railroad company shall make such reports from time to time as to its receipts and expenditures, in such form and substance and sworn to by such officials, as may be prescribed by the Philippine government.

Section 74 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby made applicable to the corporations whose bonds shall be guaranteed under the provisions hereof.

Mr. CULBERSON. I do not think the amendment I suggested to the Senator has been yet adopted.

Mr. SPOONER. It was read as adopted from the desk. Of course that was a mistake.

Mr. CULBERSON. Now I offer an amendment to the amendment. On page 2, line 5, strike out the word "four" and insert "three;" and on page 4, lines 3 and 4, strike out the words "one million two" and insert the word "nine;" so as to make it correspond with 3 per cent.

Mr. SPOONER. That is to reduce the interest from 4 to 3 per cent?

Mr. CULBERSON. From 4 to 3 per cent, and to reduce the amount from $1,200,000 to $900,000. Upon this amendment to the amendment I ask for the yeas and nays.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 2, line 5, after the word "exceeding" and before "per centum," strike out "four" and insert "three;" so as to read: "Not exceeding 3 per centum per annum." On page 4 of the amendment, strike out the words "one million two" and insert the word "nine;" so as to read: "At any time exceed the sum of $900,000."

The PRESIDENT pro tempore. The Senator from Texas, on this amendment to the amendment, demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

Mr. FOSTER of Washington (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MCLAURIN], and the Senator from Louisiana [Mr. MCENERY] has a general pair with the Senator from New York [Mr. DEPEW]. The pairs have been transferred, so that I am at liberty to vote. I vote "nay."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. As he is not present, I withhold my vote.

Mr. PETTUS (when Mr. MORGAN's name was called). The senior Senator from Alabama [Mr. MORGAN] is unwell. He is paired with the senior Senator from Connecticut [Mr. HAWLEY].

The roll call was concluded.

Mr. MONEY. I wish to announce that if my colleague [Mr. MCLAURIN] were present, he would "yea." His pair has been announced by the Senator from Washington [Mr. FOSTER].

The result was announced—yeas 35, nays 37, as follows:

YEAS—35.

Bacon	Clay	McCreary	Overman
Bailey	Cockrell	McCumber	Perkins
Bard	Culberson	McEnery	Pettus
Bate	Dubois	Mallory	Scott
Berry	Foster, La.	Martin	Simmons
Blackburn	Gamble	Mitchell	Stone
Carmack	Gorman	Money	Taliaferro
Clapp	Heyburn	Nelson	Tillman
Clark, Wyo.	Kittredge	Newlands	

NAYS—37.

Aldrich	Cullom	Frye	Proctor
Alger	Dick	Fulton	Quarles
Allee	Dietrich	Gallinger	Smoot
Allison	Dillingham	Kean	Spooner
Ankeny	Dolliver	Knox	Stewart
Ball	Dryden	Lodge	Warren
Beveridge	Elkins	Long	Wetmore
Burnham	Fairbanks	McComas	
Burrows	Foraker	Platt, Conn.	
Crane	Foster, Wash.	Platt, N. Y.	

NOT VOTING—18.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Teller
Daniel	Hawley	Millard	
Depew	Hopkins	Morgan	

So the amendment to the amendment was rejected.

Mr. SPOONER. The Senator from Virginia [Mr. MARTIN] has suggested to me an amendment which will improve the text of my amenment. In accordance with his suggestion, I move, on page 4, line 18, of my amendment, before the first word "whose," to insert "the interest on."

The amendment to the amendment was agreed to.

Mr. BURROWS. I wish to call the attention of the Senator from Wisconsin to page 3, line 8, of the amendment, and to inquire if he desires it to read:

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said islands.

Instead of "islands," the word "government," I think, should be inserted, so as to read:

Signed by the treasurer of said government.

Mr. SPOONER. That was suggested by Governor Taft. I think the word "government" is better. I move to strike out "islands" and insert "government."

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 3, line 8, after the word "said," it is proposed to strike out the word "islands" and insert "government."

The amendment to the amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Is it an amendment to the pending amendment?

Mr. NEWLANDS. It is.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

Provided further, That after the construction of any railroad under this section, such railroad shall pay to the general government of the Philippine Islands an annual tax of 1 per cent upon the gross receipts of such railroads for freights and fares for the period of five years, and thereafter such tax shall be increased at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent per annum. That such tax shall be in lieu of all taxes, general, provincial, or municipal, and shall be in lieu of all taxes upon either the railroad itself and the property connected therewith, or on the stock and bonds issued by the corporation owning such road.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nevada [Mr. NEWLANDS] to the amendment.

The amendment to the amendment was rejected.

Mr. BAILEY. I desire to offer an amendment, and it may just as well come at the conclusion of the pending amendment after the word "hereof," at the end of page 5.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add to the pending amendment the following:

That before any guaranty of interest as herein authorized shall be made the railroad company desiring to avail itself of such guaranty shall include in its charter or articles of incorporation an express agreement that the general government of the Philippine Islands shall always possess and exercise the right of regulating charges for freight and passenger service; and no railroad company, the interest for which is guaranteed under the provisions of this act, shall issue or sell any stock or bonds, except at their par value, to be paid for in cash or in property at its actual value; and before such stocks or bonds can be issued or sold they shall be authorized and approved by the Philippine Commission, whose duty it shall be to closely supervise the issuance of such stock and bonds and to strictly enforce this act in respect to the same.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. BAILEY. I should like to have a yea-and-nay vote on that amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FOSTER of Washington (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MCLAURIN], and the Senator from Louisiana [Mr. MCENERY] has a general pair with the Senator from New York [Mr. DEPEW]. Those pairs have been transferred, so that the Senator from Louisiana and I are at liberty to vote. I vote "nay." I make this announcement to apply to all votes for the day.

The roll call was concluded.

Mr. PLATT of Connecticut. I wish at this time to state, so that I may not be under the necessity of repeating it, that upon all amendments and upon the bill itself my colleague [Mr. HAWLEY] is paired with the Senator from Alabama [Mr. MORGAN].

Mr. BEVERIDGE. I perhaps should have stated, for the information of the Senate, in view of the fact that I have been

voting upon this and other amendments, that I have a general pair with the senior Senator from Montana [Mr. CLARK], but I have been notified by that Senator that he places no restrictions upon me on account of that pair upon this bill. I therefore am at liberty to vote.

Mr. GORMAN. The statement of the Senator from Indiana is, of course, exactly accurate, and he has a right to vote. The Senator from Virginia [Mr. DANIEL] is paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. LODGE. The Senator from Montana [Mr. CLARK] stands paired on all these votes. I have the list of pairs here.

Mr. BEVERIDGE. I merely made the statement because I have a standing pair with the Senator from Montana [Mr. CLARK], but I was relinquished from that pair and therefore have been voting.

The result was announced—yeas 33, nays 39, as follows:

YEAS—33.

Bacon	Cockrell	McCreary	Perkins
Bailey	Culberson	McCumber	Pettus
Bard	Dubois	McEnery	Simmons
Bate	Foster, La.	Mallory	Stone
Berry	Gamble	Martin	Taliaferro
Blackburn	Gorman	Money	Tillman
Carmack	Heyburn	Nelson	
Clapp	Kittredge	Newlands	
Clay	Knox	Overman	

NAYS—39.

Aldrich	Crane	Foster, Wash.	Platt, N. Y.
Alger	Cullom	Frye	Proctor
Allee	Dick	Fulton	Quarles
Allison	Dietrich	Gallinger	Scott
Ankeny	Dillingham	Kean	Smoot
Ball	Dolliver	Lodge	Spooner
Beveridge	Dryden	Long	Stewart
Burnham	Elkins	McComas	Warren
Burrows	Fairbanks	Mitchell	Wetmore
Clark, Wyo.	Foraker	Platt, Conn.	

NOT VOTING—18.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Teller
Daniel	Hawley	Millard	
Depew	Hopkins	Morgan	

So the amendment of Mr. BAILEY to the amendment of Mr. SPOONER as amended was rejected.

Mr. CULBERSON. Mr. President, I offer an amendment to the amendment, on page 2, line 19, after the word "amount," by inserting "of $35,000 per mile of railroad." I ask the Secretary to read the paragraph as it will stand if the proposed amendment be adopted.

The SECRETARY. On page 2 of the amendment, in line 19, after the word "amount," it is proposed to insert "of $35,000 per mile of railroad;" so that if amended the paragraph will read:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount of $35,000 per mile of railroad actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

The amendment to the amendment was rejected.

Mr. CLAY. On page 4 of the amendment offered by the Senator from Wisconsin [Mr. SPOONER], in line 5, the paragraph which guarantees the payment of interest for the period of thirty years, I move to strike out the word "thirty" and insert "twenty."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 4, line 5, of the amendment, before the word "years," it is proposed to strike out "thirty" and insert "twenty."

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the Senator from Wisconsin as amended.

Mr. NELSON. I ask for the yeas and nays on the adoption of the amendment as amended.

The yeas and nays were ordered.

Mr. LODGE. Is this the amendment of the Senator from Wisconsin as amended?

The PRESIDENT pro tempore. It is.

Mr. LODGE. I will say that the committee favor it.

Mr. BACON. I understand that if the amendment is adopted as in Committee of the Whole we can move to strike it out when the bill comes into the Senate. That, I understand, would still be in order.

The PRESIDENT pro tempore. In the Senate?

Mr. BACON. Yes; in the Senate.

The PRESIDENT pro tempore. That will be in order in the Senate.

The Secretary proceeded to call the roll.

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. DANIEL. I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], but I feel free to vote on this amendment. I vote "yea."

The result was announced—yeas 62, nays 8, as follows:

YEAS—62.

Aldrich	Clay	Fulton	Pettus
Alger	Cockrell	Gallinger	Platt, Conn.
Allee	Crane	Gorman	Platt, N. Y.
Allison	Culberson	Heyburn	Proctor
Ankeny	Cullom	Kean	Quarles
Bacon	Daniel	Knox	Scott
Bailey	Dick	Lodge	Simmons
Ball	Dietrich	Long	Smoot
Bate	Dillingham	McComas	Spooner
Berry	Dolliver	McCreary	Stewart
Beveridge	Dryden	Mallory	Stone
Blackburn	Elkins	Martin	Tillman
Burnham	Fairbanks	Mitchell	Warren
Burrows	Foraker	Money	Wetmore
Carmack	Foster, Wash.	Newlands	
Clark, Wyo.	Frye	Overman	

NAYS—8.

Bard	Gamble	McCumber	Nelson
Clapp	Kittredge	McEnery	Perkins

NOT VOTING—20.

Burton	Foster, La.	Hopkins	Morgan
Clark, Mont.	Gibson	Kearns	Patterson
Clarke, Ark.	Hale	Latimer	Penrose
Depew	Hansbrough	McLaurin	Taliaferro
Dubois	Hawley	Millard	Teller

So the amendment of Mr. SPOONER, as amended, was agreed to.

Mr. STONE. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, page 2, at the end of line 8, after the words "Porto Rico," it is proposed to insert the following:

Provided, That nothing in this act shall be so construed as to make or hold the Government of the United States in any manner liable to pay any bonds that may be issued by the government of the Philippine Islands, or any municipal or other subdivision thereof, under the provisions of this act.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri [Mr. STONE].

Mr. BERRY and Mr. STONE. Let us have the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 28, nays 41, as follows:

YEAS—28.

Bacon	Clay	Kittredge	Nelson
Bailey	Cockrell	McCreary	Overman
Bate	Culberson	McEnery	Pettus
Berry	Dubois	Mallory	Simmons
Blackburn	Foster, La.	Martin	Stone
Carmack	Gamble	Mitchell	Taliaferro
Clapp	Gorman	Money	Tillman

NAYS—41.

Aldrich	Crane	Fulton	Proctor
Alger	Cullom	Gallinger	Quarles
Allee	Dick	Heyburn	Scott
Allison	Dietrich	Kean	Smoot
Ankeny	Dillingham	Knox	Spooner
Ball	Dolliver	Lodge	Stewart
Bard	Dryden	Long	Warren
Beveridge	Fairbanks	McComas	Wetmore
Burnham	Foraker	McCumber	
Burrows	Foster, Wash.	Platt, Conn.	
Clark, Wyo.	Frye	Platt, N. Y.	

NOT VOTING—21.

Burton	Gibson	Latimer	Penrose
Clark, Mont.	Hale	McLaurin	Perkins
Clarke, Ark.	Hansbrough	Millard	Teller
Daniel	Hawley	Morgan	
Depew	Hopkins	Newlands	
Elkins	Kearns	Patterson	

So Mr. STONE's amendment was rejected.

Mr. McCOMAS. I now offer an amendment to strike out section 5 and insert in lieu thereof what I send to the desk. The chairman of the committee has already agreed to accept it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 5 and in lieu thereof to insert the following:

SEC. 5. That the Philippine Commission, and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power, from time to time, to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago:" *Provided, however*, That any amendment or modification of the existing tariff made hereunder shall not take effect until it shall be transmitted by the Commission, or any subsequent Philippine legislature, to the Secretary of War, who shall, after due advertisement, grant hearings to any person interested in respect to the proposed amendment or modification, and until it shall have been thereafter approved by the Secretary of War by authority of the President.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Maryland [Mr. McCOMAS]. [Putting the question.] By the sound the "noes" have it. The amendment is rejected.

Mr. McCOMAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CULBERSON. I rise to a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. CULBERSON. Is a motion to strike out the amendment of the Senator from Wisconsin [Mr. SPOONER] now in order?

The PRESIDENT pro tempore. It is not. But, if the Senator will allow the Chair to state, there is no necessity for now making that motion. When the bill comes into the Senate, a separate vote can be demanded on the amendment.

Mr. BACON. Not only was that matter stated once, but twice, when we were in the Committee of the Whole.

The PRESIDENT pro tempore. The motion can be made. The Chair is simply saying there is no necessity for it, as a separate vote can be had.

Mr. BACON. It is in order to move to strike it out?

The PRESIDENT pro tempore. It will be in the Senate, not now.

Mr. BACON. Is not the bill in the Senate?

The PRESIDENT pro tempore. The bill is not.

Mr. BACON. I beg your pardon. I thought the Chair declared that the bill was in the Senate.

The PRESIDENT pro tempore. No; the bill is in the committee.

Mr. DIETRICH. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which will be stated.

The SECRETARY. On page 5, section 5, line 14, after the word "island," insert:

That all officers of the United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government shall have privilege of free entry of all articles, including used household goods, uniforms, and articles for equipment and service, forming a part of the official equipment of the United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government, imported for their own use and benefit, and not for barter or sale, upon the personal certificate of such an officer that they fulfill the above conditions.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there a wish to reserve a separate vote on any of the amendments?

Mr. GORMAN. I desire to reserve section 4.

Mr. BERRY. There is a motion to strike it out.

Mr. CULBERSON. I intimated a while ago my desire, when the bill was in the Senate, to make a motion to strike out section 4 as amended on motion of the Senator from Wisconsin.

The PRESIDENT pro tempore. Is there a wish for a separate vote on any other amendment? The Chair hears none, and the other amendments will be considered as concurred in in the Senate. The Senator from Texas moves to strike out section 4 as amended.

Mr. McCUMBER. Does that motion cover what was contemplated by my amendment?

Mr. CULBERSON. Precisely.

The PRESIDENT pro tempore. It does. It covers the whole.

Mr. CULBERSON. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. I beg leave to ask that this statement be taken to apply to all votes on the pending bill.

The roll call having been concluded, the result was announced—yeas 32, nays 39, as follows:

YEAS—32.

Bacon	Clay	McCreary	Overman
Bailey	Cockrell	McCumber	Perkins
Bard	Culberson	McEnery	Pettus
Bate	Dubois	Mallory	Quarles
Berry	Foster, La.	Martin	Simmons
Blackburn	Gamble	Money	Stone
Carmack	Gorman	Nelson	Taliaferro
Clapp	Kittredge	Newlands	Tillman

NAYS—39.

Aldrich	Crane	Foster, Wash.	Mitchell
Alger	Cullom	Frye	Platt, Conn.
Allee	Dick	Fulton	Proctor
Allison	Dietrich	Gallinger	Scott
Ankeny	Dillingham	Heyburn	Smoot
Ball	Dolliver	Kean	Spooner
Beveridge	Dryden	Knox	Stewart
Burnham	Elkins	Lodge	Warren
Burrows	Fairbanks	Long	Wetmore
Clark, Wyo.	Foraker	McComas	

NOT VOTING—19.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Platt, N. Y.
Daniel	Hawley	Millard	Teller
Depew	Hopkins	Morgan	

So Mr. CULBERSON's motion was not agreed to.

Mr. NEWLANDS. I desire to ask whether it be in order to move to strike out section 4 and substitute therefor the section which I offered, providing for the construction and ownership of these railroads by the Philippine government.

The PRESIDENT pro tempore. No; it would not be in order, because the amendment has been adopted in the Senate, and a motion to strike out the entire paragraph has already been defeated by a vote of the Senate.

Mr. CULBERSON. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend by inserting as a new section the following:

SEC. 12. One-half of the entire unappropriated public domain in the Philippine Islands is hereby set apart as a permanent school fund for the inhabitants of said islands, and no part of said land shall at any time be granted, sold, or in any other manner disposed of, unless at the same time an equal quantity shall be set apart and segregated in the manner to be prescribed by general law by the Philippine government as a permanent school fund for the inhabitants of said islands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PETTUS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 24, nays 44, as follows:

YEAS—24.

Bacon	Clay	Gallinger	Money
Bailey	Cockrell	Gorman	Overman
Bate	Culberson	McCreary	Simmons
Berry	Dolliver	McEnery	Stone
Blackburn	Dubois	Mallory	Taliaferro
Carmack	Foster, La.	Martin	Tillman

NAYS—44.

Aldrich	Clark, Wyo.	Fulton	Nelson
Alger	Cullom	Gamble	Perkins
Allee	Dick	Heyburn	Platt, Conn.
Allison	Dietrich	Kean	Proctor
Ankeny	Dillingham	Kittredge	Quarles
Ball	Dryden	Knox	Scott
Bard	Elkins	Lodge	Smoot
Beveridge	Fairbanks	Long	Spooner
Burnham	Foraker	McComas	Stewart
Burrows	Foster, Wash.	McCumber	Warren
Clapp	Frye	Mitchell	Wetmore

NOT VOTING—22.

Burton	Gibson	Latimer	Penrose
Clark, Mont.	Hale	McLaurin	Pettus
Clarke, Ark.	Hansbrough	Millard	Platt, N. Y.
Crane	Hawley	Morgan	Teller
Daniel	Hopkins	Newlands	
Depew	Kearns	Patterson	

So Mr. CULBERSON's amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. GORMAN. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). The junior Senator from Connecticut [Mr. PLATT] has been unavoidably called from the Chamber, and I have agreed to stand paired with him on this vote. If he were present, he would vote "yea" and I should vote "nay."

Mr. KNOX (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] stands paired on this bill with the junior Senator from Colorado [Mr. PATTERSON]. If present, he would vote "yea."

The roll call was concluded.

Mr. PETTUS. I desire to state, sir, that the senior Senator from Alabama [Mr. MORGAN] is absent. If present, he would vote against this bill.

Mr. MONEY. My colleague [Mr. McLAURIN] is absent and paired. If present, he would vote "nay."

The result was announced—yeas 44, nays 23, as follows:

YEAS—44.

Aldrich	Clark, Wyo.	Frye	Mitchell
Alger	Cullom	Fulton	Nelson
Allee	Dick	Gallinger	Perkins
Allison	Dietrich	Gamble	Proctor
Ankeny	Dillingham	Heyburn	Quarles
Ball	Dolliver	Kean	Scott
Bard	Dryden	Kittredge	Smoot
Beveridge	Elkins	Knox	Spooner
Burnham	Fairbanks	Lodge	Stewart
Burrows	Foraker	Long	Warren
Clapp	Foster, Wash.	McComas	Wetmore

NAYS—23.

Bailey	Cockrell	McCumber	Overman
Bate	Culberson	McEnery	Simmons
Berry	Dubois	Mallory	Stone
Blackburn	Foster, La.	Martin	Tallaferro
Carmack	Gorman	Money	Tillman
Clay	McCreary	Newlands	

NOT VOTING—23.

Bacon	Depew	Kearns	Penrose
Burton	Gibson	Latimer	Pettus
Clark, Mont.	Hale	McLaurin	Platt, Conn.
Clarke, Ark.	Hansbrough	Millard	Platt, N. Y.
Crane	Hawley	Morgan	Teller
Daniel	Hopkins	Patterson	

So the bill was passed.

EXECUTIVE SESSION.

Mr. HEYBURN. I move that the Senate proceed to the consideration of House bill 6295, known as the "pure-food bill;" and on the question of agreeing to that motion I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. LODGE. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I have asked for the yeas and nays on my motion.

Mr. LODGE. That does not make any difference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. I demand the yeas and nays on that motion.

Mr. HEYBURN. I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded. Is there a second?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, December 19, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1904.

CONSUL.

George Horton, of Illinois, to be consul of the United States at Athens, Greece, vice Daniel E. McGinley, deceased.

CHIEF JUSTICE OF COURT OF APPEALS OF DISTRICT OF COLUMBIA.

Seth Shepard, of the District of Columbia, now serving as associate justice of the court of appeals of the District of Columbia, to be chief justice of the court of appeals of the District of Columbia, vice Richard H. Alvey, whose resignation has been accepted to take effect January 1, 1905.

ASSOCIATE JUSTICE OF COURT OF APPEALS OF DISTRICT OF COLUMBIA.

Charles H. Duell, of New York, to be associate justice of the court of appeals of the District of Columbia, vice Seth Shepard, nominated to be chief justice of the court of appeals of the District of Columbia.

PROMOTIONS IN THE ARMY.

With the rank of brigadier-general from April 23, 1904.

Col. Galusha Pennypacker, retired.
Col. David Perry, retired.
Col. Clarence M. Bailey, retired.
Col. Charles D. Viele, retired.
Col. Henry W. Wessells, jr., retired.
Col. William M. Van Horne, retired.
Col. Richard H. Pratt, retired.
Col. Isaac S. Catlin, retired.
Col. Henry B. Carrington, retired.
Col. Theophilus F. Rodenbough, retired.
Col. George A. Woodward, retired.
Col. James Van Voast, retired.
Col. John F. Head, retired.
Col. John Campbell, retired.
Col. John E. Summers, retired.
Col. Luther P. Bradley, retired.
Col. Marcus D. L. Simpson, retired.
Col. Rufus Saxton, retired.
Col. Elisha I. Baily, retired.
Col. John C. Tidball, retired.
Col. David L. Magruder, retired.
Col. Nathan A. M. Dudley, retired.
Col. Alfred L. Hough, retired.
Col. Horatio G. Gibson, retired.
Col. Joseph G. Tilford, retired.
Col. Henry R. Mizner, retired.
Col. George Bell, retired,
Col. George L. Andrews, retired.
Col. Anthony Heger, retired.
Col. Alexander J. Perry, retired.
Col. Rodney Smith, retired.
Col. Charles Page, retired.
Col. Bernard J. D. Irwin, retired.
Col. Matthew M. Blunt, retired.
Col. Charles H. Tompkins, retired.
Col. Loomis L. Langdon, retired.
Col. Henry M. Lazelle, retired.
Col. John G. Chandler, retired.
Col. Henry C. Hodges, retired.
Col. Cyrus B. Comstock, retired.
Col. Joseph R. Smith, retired.
Col. Judson D. Bingham, retired.
Col. Henry L. Abbot, retired.
Col. Edwin F. Townsend, retired.
Col. David S. Gordon, retired.
Col. Daingerfield Parker, retired.
Col. Henry C. Wood, retired.
Col. John W. Barriger, retired.
Col. Henry W. Closson, retired.
Col. Richard Lodor, retired.
Col. Thomas M. Vincent, retired.
Col. James Biddle, retired.
Col. Charles T. Alexander, retired.
Col. Henry C. Cook, retired.
Col. Daniel W. Benham, retired.
Col. Henry Carroll, retired.
Col. Charles E. Compton, retired.
Col. Alfred T. Smith, retired.
Col. Evan Miles, retired.
Col. Michael Cooney, retired.
Col. Edwin M. Coates, retired.
Col. James M. Whittemore, retired.
Col. Charles H. Alden, retired.
Col. Edward B. Williston, retired.
Col. James G. C. Lee, retired.
Col. James W. Scully, retired.
Col. Albert Hartsuff, retired.
Col. Augustus W. Corliss, retired.
Col. Alfred A. Woodhull, retired.
Col. Ezra P. Ewers, retired.
Col. John G. Gilmore, retired.
Col. Wirt Davis, retired.
Col. Charles I. Wilson, retired.
Col. Charles C. Byrne, retired.
Col. Henry Jackson, retired.
Col. Thomas McGregor, retired.
Col. Richard Comba, retired.
Col. James M. Moore, retired.
Col. Henry E. Noyes, retired.
Col. James N. Wheelan, retired.
Col. Charles R. Greenleaf, retired.
Col. Edward Moale, retired.
Col. E. Van Arsdale Andruss, retired.
Col. James B. Burbank, retired.
Col. Argalus G. Hennisee, retired.
Col. Justus M. Brown, retired.
Col. Eugene D. Dimmick, retired.
Col. William P. Vose, retired.

With the rank of colonel from April 23, 1904.

Lieut. Col. James H. Bradford, retired.
Lieut. Col. Edward Field, retired.
Lieut. Col. Andrew N. Damrell, retired.
Lieut. Col. Thomas Shea, retired.
Lieut. Col. Robert Avery, retired.
Lieut. Col. Henry L. Chipman, retired.
Lieut. Col. Edward Collins, retired.
Lieut. Col. Benjamin C. Card, retired.
Lieut. Col. Leslie Smith, retired.
Lieut. Col. John Green, retired.
Lieut. Col. George A. Forsyth, retired.
Lieut. Col. Blencowe E. Fryer, retired.
Lieut. Col. John A. Wilcox, retired.
Lieut. Col. John H. Janeway, retired.
Lieut. Col. George B. Dandy, retired.
Lieut. Col. Samuel M. Horton, retired.
Lieut. Col. Jeremiah H. Gilman, retired.
Lieut. Col. Joseph R. Gibson, retired.
Lieut. Col. James F. Randlett, retired.
Lieut. Col. Francis E. Lacey, retired.
Lieut. Col. James Jackson, retired.
Lieut. Col. Augustus H. Bainbridge, retired.
Lieut. Col. Wells Willard, retired.
Lieut. Col. Johnson V. D. Middleton, retired.
Lieut. Col. William D. Wolverton, retired.
Lieut. Col. Stevens T. Norvell, retired.
Lieut. Col. Henry Wagner, retired.
Lieut. Col. John N. Coe, retired.
Lieut. Col. Henry R. Tilton, retired.
Lieut. Col. Egon A. Koerper, retired.
Lieut. Col. John H. Calef, retired.
Lieut. Col. William H. Clapp, retired.
Lieut. Col. Henry R. Brinkerhoff, retired.
Lieut. Col. William H. Boyle, retired.
Lieut. Col. Lyster M. O'Brien, retired.
Lieut. Col. James M. Ingalls, retired.
Lieut. Col. Joel T. Kirkman, retired.
Lieut. Col. Ezra Woodruff, retired.
Lieut. Col. David B. Wilson, retired.
Lieut. Col. Charles K. Winne, retired.
Lieut. Col. Selden A. Day, retired.
Lieut. Col. Almon L. Varney, retired

With the rank of lieutenant-colonel from April 23, 1904.

Maj. Alexander S. B. Keyes, retired.
Maj. John S. Loud, retired.
Maj. Edmond G. Fechét, retired.
Maj. Harry G. Cavenaugh, retired.
Maj. Leopold O. Parker, retired.
Maj. Marshall W. Wood, retired.
Maj. Benjamin P. Runkle, retired.
Maj. Jacob E. Burbank, retired.
Maj. Herbert M. Enos, retired.
Maj. Alfred E. Latimer, retired.
Maj. Edwin D. Judd, retired.
Maj. William Hawley, retired.
Maj. James McMillan, retired.
Maj. Frank Bridgman, retired.
Maj. Theodore J. Eckerson, retired.
Maj. Edwin Bentley, retired.
Maj. Asa Bird Gardiner, retired.
Maj. Gerald Russell, retired.
Maj. Albert B. Kauffman, retired.
Maj. Julius H. Patzki, retired.
Maj. Daniel R. Larned, retired.
Maj. De Witt C. Poole, retired.
Maj. Thomas E. Rose, retired.
Maj. John H. Bartholf, retired.
Maj. Charles Bentzoni, retired.
Maj. Frederick M. Crandal, retired.
Maj. Henry M. Cronkhite, retired.
Maj. Richard S. Vickery, retired.
Maj. Daniel G. Caldwell, retired.
Maj. George F. Robinson, retired.
Maj. John A. Darling, retired.
Maj. Otis W. Pollock, retired.
Maj. Lewis Smith, retired.
Maj. William H. Rexford, retired.
Maj. George W. H. Stouch, retired.
Maj. Ira Quinby, retired.
Maj. John Murphy, retired.
Maj. John S. Witcher, retired.
Maj. William Gerlach, retired.
Maj. John W. Summerhayes, retired.
Maj. William H. Hamner, retired.
Maj. Frederick Fuger, retired.
Maj. John C. Scantling, retired.
Maj. Frank W. Hess, retired.
Maj. Francis B. Jones, retired.
Maj. John P. Baker, retired.
Maj. Eaton A. Edwards, retired.
Maj. Charles Newbold, retired.
Maj. William W. Gilbert, retired.

With the rank of major from April 23, 1904.

Capt. George McGown, retired.
Capt. Henry C. Morgan, retired.
Capt. William P. Huxford, retired.
Capt. Theodore A. Dodge, retired.
Capt. Wellington G. Sprague, retired.
Capt. Thomas H. Norton, retired.
Capt. James A. Bates, retired.
Capt. Charles T. Greene, retired.
Capt. Frederick C. Von Schirach, retired.
Capt. John M. Hoag, retired.
Capt. John Kelliher, retired.
Capt. Richard W. Tyler, retired.
Capt. William P. Atwell, retired.
Capt. Edward S. Meyer, retired.
Capt. William Nelson, retired.
Capt. Benjamin F. Rittenhouse, retired.
Capt. Peter M. Boehm, retired.
Capt. John L. Johnston, retired.
Capt. James S. Tomkins, retired.
Capt. Charles C. MacConnell, retired.
Capt. D. Mortimer Lee, retired.
Capt. George A. Armes, retired.
Capt. John C. White, retired.
Capt. Charles E. Morse, retired.
Capt. James H. Spencer, retired.
Capt. Lemuel A. Abbott, retired.
Capt. Mason Jackson, retired.
Capt. John S. McNaught, retired.
Capt. George M. Downey, retired.
Capt. Dwight H. Kelton, retired.
Capt. Robert G. Smither, retired.
Capt. Thomas G. Troxel, retired.
Capt. Thomas M. McDougall, retired.
Capt. Thomas H. Logan, retired.
Capt. William A. Miller, retired.
Capt. Gilbert E. Overton, retired.
Capt. William R. Maize, retired.
Capt. George G. Lott, retired.
Capt. John Conline, retired.
Capt. Thomas F. Tobey, retired.
Capt. Samuel T. Hamilton, retired.
Capt. Will W. Daugherty, retired.
Capt. John P. Thompson, retired.
Capt. Joshua A. Fessenden, retired.
Capt. Edmund L. Zalinski, retired.
Capt. John Anderson, retired.
Capt. Alexander H. M. Taylor, retired.
Capt. Edmund Luff, retired.
Capt. Frazier A. Boutelle, retired.
Capt. James D. Nickerson, retired.
Capt. Joseph L. Tidball, retired.
Capt. Charles C. Churchill, retired.
Capt. Charles Holmes, retired.
Capt. Henry B. Hendershott, retired.
Capt. Alexander Murry, retired.
Capt. Thomas T. Brand, retired.
Capt. Josiah H. Kellogg, retired.
Capt. Thomas C. J. Bailey, retired.
Capt. John McDonald, retired.
Capt. John H. Butler, retired.
Capt. George E. Judd, retired.
Capt. William R. Smedberg, retired.
Capt. Albert Barnitz, retired.
Capt. Jacob W. Keller, retired.
Capt. William R. Bourne, retired.
Capt. George H. McLoughlin, retired.
Capt. Wright Rives, retired.
Capt. Edwin J. Conway, retired.
Capt. Samuel E. Armstrong, retired.
Capt. John Miller, retired.
Capt. James Stewart, retired.
Capt. Herman Schreiner, retired.
Capt. Michael J. Fitz-Gerald, retired.
Capt. Joel G. Trimble, retired.

Capt. Benjamin H. Gilbreth, retired.
Capt. William Falck, retired.
Capt. Charles Steelhammer, retired.
Capt. Deane Monahan, retired.
Capt. Sebastian Gunther, retired.
Capt. Frederic A. Kendall, retired.
Capt. Charles Harkins, retired.
Capt. George Shorkley, retired.
Capt. Henry M. Benson, retired.
Capt. George F. Foote, retired.
Capt. William R. Parnell, retired.
Capt. John Hamilton, retired.
Capt. Frederic C. Nichols, retired.
Capt. William Fletcher, retired.
Capt. John T. Morrison, retired.
Capt. David Schooley, retired.
Capt. Byron Dawson, retired.
Capt. Eugene A. Bancroft, retired.
Capt. Charles Wheaton, retired.
Capt. Michael Leahy, retired.
Capt. Daniel Robinson, retired.
Capt. George F. Barstow, retired.
Capt. William N. Sage, retired.
Capt. John W. Bean, retired.
Capt. Edwin J. Stivers, retired.
Capt. Matthew Markland, retired.
Capt. William R. Steinmetz, retired.
Capt. Max Wesendorff, retired.
Capt. David R. Burnham, retired.
Capt. Daniel F. Callinan, retired.
Capt. Henry S. Howe, retired.
Capt. Frank D. Garretty, retired.
Capt. Thomas F. Quinn, retired.
Capt. Algernon S. M. Morgan, retired.
Capt. William Conway, retired.
Capt. William Hoffman, retired.
Capt. Levi F. Burnett, retired.
Capt. Gerhard L. Luhn, retired.
Capt. George A. Drew, retired.
Capt. John J. O'Brien, retired.
Capt. James Ulio, retired.
Capt. Charles C. De Rudio, retired.
Capt. Jacob F. Munson, retired.
Capt. Henry Romeyn, retired.
Capt. Alfred Morton, retired.
Capt. Mason Carter, retired.
Capt. Sidney E. Clark, retired.
Capt. John S. Bishop, retired.
Capt. Charles D. A. Loeffler, retired.
Capt. Jonathan N. Patton, retired.
Chaplain Francis H. Weaver, retired.
Chaplain Delmar R. Lowell, retired.
Chaplain William H. Pearson, retired.
Chaplain William F. Hubbard, retired.
Chaplain Henry H. Hall, retired.
Chaplain Daniel Kendig, retired.
Chaplain George W. Collier, retired.
Chaplain Stephen G. Dodd, retired.
Chaplain Osgood E. Herrick, retired.
Chaplain Sherman M. Merrill, retired.
Chaplain Winfield Scott, retired.
Chaplain John H. Macomber, retired.
Chaplain Brant C. Hammond, retired.
Chaplain Bernard Kelly, retired.
Chaplain Dudley Chase, retired.

With the rank of captain from April 23, 1904.

First Lieut. Walter F. Halleck, retired.
First Lieut. Richard C. Du Bois, retired.
First Lieut. Hugh D. Bowker, retired.
First Lieut. Frank R. Rice, retired.
First Lieut. David H. Cortelyou, retired.
First Lieut. Robert G. Carter, retired.
First Lieut. Henry Marcotte, retired.
First Lieut. George E. Albee, retired.
First Lieut. William H. Miller, retired.
First Lieut. Charles C. Cresson, retired.
First Lieut. Asa T. Abbott, retired.
First Lieut. Louis H. Orleman, retired.
First Lieut. John F. Trout, retired.
First Lieut. David J. Gibbon, retired.
First Lieut. Robert H. Young, retired.
First Lieut. Stephen J. Mulhall, retired.
First Lieut. Herbert Cushman, retired.
First Lieut. George Williams, retired.
First Lieut. William G. Fitch, retired.
First Lieut. Ransom Kennicott, retired.
First Lieut. Edmund R. P. Shurly, retired.
First Lieut. Charles A. Curtis, retired.
First Lieut. James R. Mullikin, retired.
First Lieut. Michael J. Hogarty, retired.
First Lieut. Charles W. Keyes, retired.
First Lieut. Henry B. Mellen, retired.
First Lieut. James H. Rice, retired.
First Lieut. Freeman E. Olmstead, retired.
First Lieut. Henry R. Jones, retired.
First Lieut. Robert G. Rutherford, retired.
First Lieut. George W. Budd, retired.
First Lieut. Benjamin D. Boswell, retired.
First Lieut. Royal E. Whitman, retired.
First Lieut. William H. Nelson, retired.
First Lieut. Granville Lewis, retired.
First Lieut. James H. Sands, retired.
First Lieut. John Bannister, retired.
First Lieut. Thomas B. Briggs, retired.

With the rank of first lieutenant from April 23, 1904.

Second Lieut. William P. Hogarty, retired.
Second Lieut. Frank Madden, retired.
Second Lieut. Gustave Magnitzky, retired.
Second Lieut. James Davison, retired.
Second Lieut. Thomas B. Reed, retired.
Second Lieut. William N. Williams, retired.

With the rank of brigadier-general.

Col. Anthony W. Vogdes, retired, with rank from May 20, 1904.
Col. Charles W. Raymond, retired, with rank from June 11, 1904.
Col. Joshua W. Jacobs, retired, with rank from June 25, 1904.
Col. John R. McGinness, retired, with rank from September 17, 1904.

With the rank of colonel.

Lieut. Col. Edwin F. Gardner, retired, with rank from August 3, 1904.

With the rank of lieutenant-colonel.

Maj. Ezra B. Fuller, retired, with rank from May 13, 1904.
Maj. Jerome A. Watrous, retired, with rank from September 6, 1904.

With the rank of lieutenant-colonel.

Capt. Theodore Sternberg, retired, with rank from September 15, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1904.

DISTRICT JUDGE OF PORTO RICO.

Charles F. McKenna, of Pennsylvania, to be United States district judge for the district of Porto Rico.

COMMISSIONER OF LABOR, DEPARTMENT OF COMMERCE AND LABOR.

Charles P. Neill, of the District of Columbia, to be Commissioner of Labor in the Department of Commerce and Labor.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Charles F. Larrabee, of Portland, Me., to be Assistant Commissioner of Indian Affairs.

ASSISTANT APPRAISER OF MERCHANDISE.

Rufus A. Flanders, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

COLLECTORS OF INTERNAL REVENUE.

Edgar O. Crossman, of New Hampshire, to be collector of internal revenue for the district of New Hampshire.

Frank L. Smith, of Illinois, to be collector of internal revenue for the eighth district of Illinois.

Charles W. Roberts, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

INDIAN AGENTS.

Capt. John McA. Webster, United States Army, retired, of Mackinac Island, Mich., who was appointed June 20, 1904, during the recess of the Senate, to be agent for the Indians of the Colville Agency, in Washington.

Samuel Bellew, of Missoula, Mont., who was appointed June 30, 1904, during the recess of the Senate, to be agent for the Indians of the Flathead Agency, in Montana.

Frank Frantz, of Enid, Okla., who was appointed June 3, 1904, during the recess of the Senate, to be agent for the Indians of the Osage Agency, in Oklahoma.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the Marine Corps from the 3d day of December, 1904, to fill vacancies existing in that grade on that date.

Henry N. Manney, jr., a citizen of New York;
Clifford P. Meyer, a citizen of Louisiana;
Franklin B. Garrett, a citizen of Louisiana;
Samuel W. Bogan, a citizen of Maryland;
Calvin B. Matthews, a citizen of Tennessee;
Frederick A. Gardener, a citizen of Michigan;
Edward P. Dieter, a noncommissioned officer of the Marine Corps;
Albert E. Randall, a citizen of Nebraska;
Arthur A. Racicot, jr., a citizen of Massachusetts;
James R. N. Boyd, a citizen of Virginia;
Ross S. Kingsbury, a citizen of Idaho;
Tom Dustin Barber, a citizen of Vermont; and
Hermann T. Vulte, a citizen of New York.

PROMOTION IN THE MARINE CORPS.

Lieut. Col. Paul St. C. Murphy to be a colonel in the Marine Corps from the 9th day of December, 1904.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Carroll Fox, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. Joseph Goldberger, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. Dunlop Moore, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from June 4, 1904.

Asst. Surg. Clarence W. Wille, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 25, 1904.

PROMOTIONS IN THE NAVY.

Lieut. Commander William H. Allen to be a commander in the Navy from the 23d day of November, 1904.

Lieut. (Junior Grade) Hilary H. Royall to be a lieutenant in the Navy from the 6th day of December, 1904.

Asst. Surg. Paul E. McDonnold to be a passed assistant surgeon in the Navy from the 2d day of July, 1904, upon the completion of three years' service.

Lieut. (Junior Grade) Claude C. Bloch to be a lieutenant in the Navy from the 8th day of November, 1904.

Capt. Royal B. Bradford to be a rear-admiral in the Navy from the 23d day of November, 1904.

Commander William H. Beehler to be a captain in the Navy from the 23d day of November, 1904.

Gunner Charles E. Jaffee to be a chief gunner in the Navy from the 11th day of July, 1904, upon the completion of six years' service in accordance with an act of Congress approved April 27, 1904.

Gunner Herbert Campbell to be a chief gunner in the Navy from the 27th day of April, 1904, after having completed six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunner Patrick Hill to be a chief gunner in the Navy from the 28th day of October, 1904, upon the completion of six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

PROMOTIONS IN THE ARMY.

With the rank of brigadier-general from April 23, 1904.

Col. Galusha Pennypacker, retired.
Col. David Perry, retired.
Col. Clarence M. Bailey, retired.
Col. Charles D. Viele, retired.
Col. Henry W. Wessells, jr., retired.
Col. William M. Van Horne, retired.
Col. Richard H. Pratt, retired.
Col. Isaac S. Catlin, retired.
Col. Henry B. Carrington, retired.
Col. Theophilus F. Rodenbough, retired.
Col. George A. Woodward, retired.
Col. James Van Voast, retired.
Col. John F. Head, retired.
Col. John Campbell, retired.
Col. John E. Summers, retired.
Col. Luther P. Bradley, retired.
Col. Marcus D. L. Simpson, retired.
Col. Rufus Saxton, retired.
Col. Elisha I. Baily, retired.
Col. John C. Tidball, retired.
Col. David L. Magruder, retired.
Col. Nathan A. M. Dudley, retired.
Col. Alfred L. Hough, retired.
Col. Horatio G. Gibson, retired.
Col. Joseph G. Tilford, retired.
Col. Henry R. Mizner, retired.
Col. George Bell, retired.
Col. George L. Andrews, retired.
Col. Anthony Heger, retired.
Col. Alexander J. Perry, retired.
Col. Rodney Smith, retired.
Col. Charles Page, retired.
Col. Bernard J. D. Irwin, retired.
Col. Matthew M. Blunt, retired.
Col. Charles H. Tompkins, retired.
Col. Loomis L. Langdon, retired.
Col. Henry M. Lazelle, retired.
Col. John G. Chandler, retired.
Col. Henry C. Hodges, retired.
Col. Cyrus B. Comstock, retired.
Col. Joseph R. Smith, retired.
Col. Judson D. Bingham, retired.
Col. Henry L. Abbot, retired.
Col. Edwin F. Townsend, retired.
Col. David S. Gordon, retired.
Col. Daingerfield Parker, retired.
Col. Henry C. Wood, retired.
Col. John W. Barriger, retired.
Col. Henry W. Closson, retired.
Col. Richard Lodor, retired.
Col. Thomas M. Vincent, retired.
Col. James Biddle, retired.
Col. Charles T. Alexander, retired.
Col. Henry C. Cook, retired.
Col. Daniel W. Benham, retired.
Col. Henry Carroll, retired.
Col. Charles E. Compton, retired.
Col. Alfred T. Smith, retired.
Col. Evan Miles, retired.
Col. Michael Cooney, retired.
Col. Edwin M. Coates, retired.
Col. James M. Whittemore, retired.
Col. Charles H. Alden, retired.
Col. Edward B. Williston, retired.
Col. James G. C. Lee, retired.
Col. James W. Scully, retired.
Col. Albert Hartsuff, retired.
Col. Augustus W. Corliss, retired.
Col. Alfred A. Woodhull, retired.
Col. Ezra P. Ewers, retired.
Col. John C. Gilmore, retired.
Col. Wirt Davis, retired.
Col. Charles I. Wilson, retired.
Col. Charles C. Byrne, retired.
Col. Henry Jackson, retired.
Col. Thomas McGregor, retired.
Col. Richard Comba, retired.
Col. James M. Moore, retired.
Col. Henry E. Noyes, retired.
Col. James N. Wheelan, retired.
Col. Charles R. Greenleaf, retired.
Col. Edward Moale, retired.
Col. E. Van Arsdale Andruss, retired.
Col. James B. Burbank, retired.
Col. Argalus G. Hennisee, retired.
Col. Justus M. Brown, retired.
Col. Eugene D. Dimmick, retired.
Col. William P. Vose, retired.

With the rank of colonel from April 23, 1904.

Lieut. Col. James H. Bradford, retired.
Lieut. Col. Edward Field, retired.
Lieut. Col. Andrew N. Damrell, retired.
Lieut. Col. Thomas Shea, retired.
Lieut. Col. Robert Avery, retired.
Lieut. Col. Henry L. Chipman, retired.
Lieut. Col. Edward Collins, retired.
Lieut. Col. Benjamin C. Card, retired.
Lieut. Col. Leslie Smith, retired.
Lieut. Col. John Green, retired.
Lieut. Col. George A. Forsyth, retired.
Lieut. Col. Blencowe E. Fryer, retired.

Lieut. Col. John A. Wilcox, retired.
Lieut. Col. John H. Janeway, retired.
Lieut. Col. George B. Dandy, retired.
Lieut. Col. Samuel M. Horton, retired.
Lieut. Col. Jeremiah H. Gilman, retired.
Lieut. Col. Joseph R. Gibson, retired.
Lieut. Col. James F. Randlett, retired.
Lieut. Col. Francis E. Lacey, retired.
Lieut. Col. James Jackson, retired.
Lieut. Col. Augustus H. Bainbridge, retired.
Lieut. Col. Wells Willard, retired.
Lieut. Col. Johnson V. D. Middleton, retired.
Lieut. Col. William D. Wolverton, retired.
Lieut. Col. Stevens T. Norvell, retired.
Lieut. Col. Henry Wagner, retired.
Lieut. Col. John N. Coe, retired.
Lieut. Col. Henry R. Tilton, retired.
Lieut. Col. Egon A. Koerper, retired.
Lieut. Col. John H. Calef, retired.
Lieut. Col. William H. Clapp, retired.
Lieut. Col. Henry R. Brinkerhoff, retired.
Lieut. Col. William H. Boyle, retired.
Lieut. Col. Lyster M. O'Brien, retired.
Lieut. Col. James M. Ingalls, retired.
Lieut. Col. Joel T. Kirkman, retired.
Lieut. Col. Ezra Woodruff, retired.
Lieut. Col. David B. Wilson, retired.
Lieut. Col. Charles K. Winne, retired.
Lieut. Col. Selden A. Day, retired.
Lieut. Col. Almon L. Varney, retired.

With the rank of lieutenant-colonel from April 23, 1904

Maj. Alexander S. B. Keyes, retired.
Maj. John. S. Loud, retired.
Maj. Edmond G. Fechét, retired.
Maj. Harry G. Cavenaugh, retired.
Maj. Leopold O. Parker, retired.
Maj. Marshall W. Wood, retired.
Maj. Benjamin P. Runkle, retired.
Maj. Jacob E. Burbank, retired.
Maj. Herbert M. Enos, retired.
Maj. Alfred E. Latimer, retired.
Maj. Edwin D. Judd, retired.
Maj. William Hawley, retired.
Maj. James McMillan, retired.
Maj. Frank Bridgman, retired.
Maj. Theodore J. Eckerson, retired.
Maj. Edwin Bentley, retired.
Maj. Asa Bird Gardiner, retired.
Maj. Gerald Russell, retired.
Maj. Albert B. Kauffman, retired.
Maj. Julius H. Patzki, retired.
Maj. Daniel R. Larned, retired.
Maj. De Witt C. Poole, retired.
Maj. Thomas E. Rose, retired.
Maj. John H. Bartholf, retired.
Maj. Charles Bentzoni, retired.
Maj. Frederick M. Crandal, retired.
Maj. Henry M. Cronkhite, retired.
Maj. Richard S. Vickery, retired.
Maj. Daniel G. Caldwell, retired.
Maj. George F. Robinson, retired.
Maj. John A. Darling, retired.
Maj. Otis W. Pollock, retired.
Maj. Lewis Smith, retired.
Maj. William H. Rexford, retired.
Maj. George W. H. Stouch, retired.
Maj. Ira Quinby, retired.
Maj. John Murphy, retired.
Maj. John S. Witcher, retired.
Maj. William Gerlach, retired.
Maj. John W. Summerhayes, retired.
Maj. William H. Hamner, retired.
Maj. Frederick Fuger, retired.
Maj. John C. Scantling, retired.
Maj. Frank W. Hess, retired.
Maj. Francis B. Jones, retired.
Maj. John P. Baker, retired.
Maj. Eaton A. Edwards, retired.
Maj. Charles Newbold, retired.
Maj. William W. Gilbert, retired.

With the rank of major from April 23, 1904.

Capt. George McGown, retired.
Capt. Henry C. Morgan, retired.
Capt. William P. Huxford, retired.
Capt. Theodore A. Hodge, retired.
Capt. Wellington G. Sprague, retired.
Capt. Thomas H. Norton, retired.
Capt. James A. Bates, retired.
Capt. Charles T. Greene, retired.
Capt. Frederick C. Von Schirach, retired.
Capt. John M. Hoag, retired.
Capt. John Kelliher, retired.
Capt. Richard W. Tyler, retired.
Capt. William P. Atwell, retired.
Capt. Edward S. Meyer, retired.
Capt. William Nelson, retired.
Capt. Benjamin F. Rittenhouse, retired.
Capt. Peter M. Boehm, retired.
Capt. John L. Johnston, retired.
Capt. James S. Tomkins, retired.
Capt. Charles C. MacConnell, retired.
Capt. D. Mortimer Lee, retired.
Capt. George A. Armes, retired.
Capt. John C. White, retired.
Capt. Charles E. Morse, retired.
Capt. James H. Spencer, retired.
Capt. Lemuel A. Abbott, retired.
Capt. Mason Jackson, retired.
Capt. John S. McNaught, retired.
Capt. George M. Downey, retired.
Capt. Dwight H. Kelton, retired.
Capt. Robert G. Smither, retired.
Capt. Thomas G. Troxel, retired.
Capt. Thomas M. McDougall, retired.
Capt. Thomas H. Logan, retired.
Capt. William A. Miller, retired.
Capt. Gilbert E. Overton, retired.
Capt. William R. Maize, retired.
Capt. George G. Lott, retired.
Capt. John Conline, retired.
Capt. Thomas F. Tobey, retired.
Capt. Samuel T. Hamilton, retired.
Capt. Will W. Daugherty, retired.
Capt. John P. Thompson, retired.
Capt. Joshua A. Fessenden, retired.
Capt. Edmund L. Zalinski, retired.
Capt. John Anderson, retired.
Capt. Alexander H. M. Taylor, retired.
Capt. Edmund Luff, retired.
Capt. Frazier A. Boutelle, retired.
Capt. James D. Nickerson, retired.
Capt. Joseph L. Tidball, retired.
Capt. Charles C. Churchill, retired.
Capt. Charles Holmes, retired.
Capt. Henry B. Hendershott, retired.
Capt. Alexander Murry, retired.
Capt. Thomas T. Brand, retired.
Capt. Josiah H. Kellogg, retired.
Capt. Thomas C. J. Bailey, retired.
Capt. John McDonald, retired.
Capt. John H. Butler, retired.
Capt. George E. Judd, retired.
Capt. William R. Smedberg, retired.
Capt. Albert Barnitz, retired.
Capt. Jacob W. Keller, retired.
Capt. William R. Bourne, retired.
Capt. George H. McLoughlin, retired.
Capt. Wright Rives, retired.
Capt. Edwin J. Conway, retired.
Capt. Samuel E. Armstrong, retired.
Capt. John Miller, retired.
Capt. James Stewart, retired.
Capt. Herman Schreiner, retired.
Capt. Michael J. Fitz-Gerald, retired.
Capt. Joel G. Trimble, retired.
Capt. Benjamin H. Gilbreth, retired.
Capt. William Falck, retired.
Capt. Charles Steelhammer, retired.
Capt. Deane Monahan, retired.
Capt. Sebastian Gunther, retired.
Capt. Frederic A. Kendall, retired.
Capt. Charles Harkins, retired.
Capt. George Shorkley, retired.
Capt. Henry M. Benson, retired.
Capt. George F. Foote, retired.
Capt. William R. Parnell, retired.
Capt. John Hamilton, retired.
Capt. Frederic C. Nichols, retired.
Capt. William Fletcher, retired.

Capt. John T. Morrison, retired.
Capt. David Schooley, retired.
Capt. Byron Dawson, retired.
Capt. Eugene A. Bancroft, retired.
Capt. Charles Wheaton, retired.
Capt. Michael Leahy, retired.
Capt. Daniel Robinson, retired.
Capt. George F. Barstow, retired.
Capt. William N. Sage, retired.
Capt. John W. Bean, retired.
Capt. Edwin J. Stivers, retired.
Capt. Matthew Markland, retired.
Capt. William R. Steinmetz, retired.
Capt. Max Wesendorff, retired.
Capt. David R. Burnham, retired.
Capt. Daniel F. Callinan, retired.
Capt. Henry S. Howe, retired.
Capt. Frank D. Garretty, retired.
Capt. Thomas F. Quinn, retired.
Capt. Algernon S. M. Morgan, retired.
Capt. William Conway, retired.
Capt. William Hoffman, retired.
Capt. Levi F. Burnett, retired.
Capt. Gerhard L. Luhn, retired.
Capt. George A. Drew, retired.
Capt. John J. O'Brien, retired.
Capt. James Ulio, retired.
Capt. Charles C. De Rudio, retired.
Capt. Jacob F. Munson, retired.
Capt. Henry Romeyn, retired.
Capt. Alfred Morton, retired.
Capt. Mason Carter, retired.
Capt. Sidney E. Clark, retired.
Capt. John S. Bishop, retired.
Capt. Charles D. A. Loeffler, retired.
Capt. Jonathan N. Patton, retired.
Chaplain Francis H. Weaver, retired.
Chaplain Delmar R. Lowell, retired.
Chaplain William H. Pearson, retired.
Chaplain William F. Hubbard, retired.
Chaplain Henry H. Hall, retired.
Chaplain Daniel Kendig, retired.
Chaplain George W. Collier, retired.
Chaplain Stephen G. Dodd, retired.
Chaplain Osgood E. Herrick, retired.
Chaplain Sherman M. Merrill, retired.
Chaplain Winfield Scott, retired.
Chaplain John H. Macomber, retired.
Chaplain Brant C. Hammond, retired.
Chaplain Bernard Kelly, retired.
Chaplain Dudley Chase, retired.

With the rank of captain from April 23, 1904.

First Lieut. Walter F. Halleck, retired.
First Lieut. Richard C. Du Bois, retired.
First Lieut. Hugh D. Bowker, retired.
First Lieut. Frank R. Rice, retired.
First Lieut. David H. Cortelyou, retired.
First Lieut. Robert G. Carter, retired.
First Lieut. Henry Marcotte, retired.
First Lieut. George E. Albee, retired.
First Lieut. William H. Miller, retired.
First Lieut. Charles C. Cresson, retired.
First Lieut. Asa T. Abbott, retired.
First Lieut. Louis H. Orleman, retired.
First Lieut. John F. Trout, retired.
First Lieut. David J. Gibbon, retired.
First Lieut. Robert H. Young, retired.
First Lieut. Stephen J. Mulhall, retired.
First Lieut. Herbert Cushman, retired.
First Lieut. George Williams, retired.
First Lieut. William G. Fitch, retired.
First Lieut. Ransom Kennicott, retired.
First Lieut. Edmund R. P. Shurly, retired.
First Lieut. Charles A. Curtis, retired.
First Lieut. James R. Mullikin, retired.
First Lieut. Michael J. Hogarty, retired.
First Lieut. Charles W. Keyes, retired.
First Lieut. Henry B. Mellen, retired.
First Lieut. James H. Rice, retired.
First Lieut. Freeman E. Olmstead, retired.
First Lieut. Henry R. Jones, retired.
First Lieut. Robert G. Rutherford, retired.
First Lieut. George W. Budd, retired.
First Lieut. Benjamin D. Boswell, retired.
First Lieut. Royal E. Whitman, retired.
First Lieut. William H. Nelson, retired.
First Lieut. Granville Lewis, retired.
First Lieut. James H. Sands, retired.
First Lieut. John Bannister, retired.
First Lieut. Thomas B. Briggs, retired.

With the rank of first lieutenant from April 23, 1904.

Second Lieut. William P. Hogarty, retired.
Second Lieut. Frank Madden, retired.
Second Lieut. Gustave Magnitzky, retired.
Second Lieut. James Davison, retired.
Second Lieut. Thomas B. Reed, retired.
Second Lieut. William N. Williams, retired.

With the rank of brigadier-general.

Col. Anthony W. Vogdes, retired, with rank from May 20, 1904.
Col. Charles W. Raymond, retired, with rank from June 11, 1904.
Col. Joshua W. Jacobs, retired, with rank from June 25, 1904.
Col. John R. McGinness, retired, with rank from September 17, 1904.

With the rank of colonel.

Lieut. Col. Edwin F. Gardner, retired, with rank from August 3, 1904.

With the rank of lieutenant-colonel.

Maj. Ezra B. Fuller, retired, with rank from May 13, 1904.
Maj. Jerome A. Watrous, retired, with rank from September 6, 1904.

With the rank of major.

Capt. Theodore Sternberg, retired, with rank from September 15, 1904.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, in the county of Contra Costa and State of California.
George W. Stevens to be postmaster at Benicia, in the county of Solano and State of California.

FLORIDA.

Newell B. Hull to be postmaster at Starke, in the county of Bradford and State of Florida.

ILLINOIS.

Henry C. Bogue to be postmaster at Vermont, in the county of Fulton and State of Illinois.
Swan J. Chilberg to be postmaster at Cambridge, in the county of Henry and State of Illinois.
Oscar H. Harpham to be postmaster at Havana, in the county of Mason and State of Illinois.
Charles G. Watrous to be postmaster at Waukegan, in the county of Lake and State of Illinois.

INDIAN TERRITORY.

Stephen A. Douglas to be postmaster at Ardmore, in District 21, Indian Territory.

MASSACHUSETTS.

William F. Wiley to be postmaster at Peabody, in the county of Essex and State of Massachusetts.

MINNESOTA.

Lewis O. Norheim to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota.

MISSOURI.

Edward D. Lowe to be postmaster at Cuba, in the county of Crawford and State of Missouri.
Edgar W. Prentiss to be postmaster at Bethany, in the county of Harrison and State of Missouri.

NEW JERSEY.

Charlotte Ketcham to be postmaster at Belvidere, in the county of Warren and State of New Jersey.

NEW YORK.

F. A. Davis to be postmaster at Fort Edward, in the county of Washington and State of New York.
Melvin D. Herriman to be postmaster at Sandy Creek, in the county of Oswego and State of New York.
Annie Larrabee to be postmaster at Oyster Bay, in the county of Nassau and State of New York.
William Purcell to be postmaster at Scottsville, in the county of Monroe and State of New York.
Charles N. Wood to be postmaster at Angola, in the county of Erie and State of New York.

NORTH DAKOTA.

Francis R. Cruden to be postmaster at McHenry, in the county of Foster and State of North Dakota.

Millard F. Kepner to be postmaster at New Rockford, in the county of Eddy and State of North Dakota.

OHIO.

Milton B. Dickerson to be postmaster at Marion, in the county of Marion and State of Ohio.

John A. Koeper to be postmaster at New Bremen, in the county of Auglaize and State of Ohio.

Edmund L. McCalley to be postmaster at Middletown, in the county of Butler and State of Ohio.

William B. Wallace, to be postmaster at Oxford, in the county of Butler and State of Ohio.

PENNSYLVANIA.

R. C. Keefer to be postmaster at Clairton, in the county of Allegheny and State of Pennsylvania.

William P. McMasters to be postmaster at Munhall, in the county of Allegheny and State of Pennsylvania.

SOUTH DAKOTA.

William F. Bancroft to be postmaster at Wessington Springs, in the county of Jerauld and State of South Dakota.

VERMONT.

Lewis A. Skiff to be postmaster at Middlebury, in the county of Addison and State of Vermont.

WEST VIRGINIA.

Grace O. Montgomery to be postmaster at Tunnelton, in the county of Preston and State of West Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 16, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SUNDRY BILLS TABLED.

The SPEAKER. The Chair desires to lay before the House certain bills on the House Calendar and also certain bills on the Union Calendar. Senate bills similar to the same were passed at the last session, by the Senate and by the House, and as the Chair is informed became law. These bills still remain on the Calendar and should be laid on the table.

The Clerk will report the following bills, by number:

The Clerk read as follows:

A bill (H. R. 14968) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company, or to the Chicago, Rock Island and Pacific Railway Company, and for other purposes.

A bill (H. R. 2513) to further amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and amendment thereto, approved March 3, 1899, and for other purposes.

A bill (H. R. 1975) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

The House joint resolution (H. J. Res. 147) requesting the Secretary of the Interior to institute an investigation relative to the use of the waters of the Colorado River for irrigation, and to report to Congress thereon.

The SPEAKER. Without objection, the bills will lie on the table. [After a pause.] The Chair hears no objection.

The following bills are in Committee of the Whole House.

The Clerk read as follows:

The bill (H. R. 13130) for the relief of James T. Barry and Richard Cushion, executors of the last will and testament of Martin Dowling, deceased.

The bill (H. R. 5335) to provide an American register for the British ship *Pyrenees*.

The House joint resolution (H. J. Res. 122) permitting Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board.

The SPEAKER. Without objection, the Committee of the Whole will be discharged from further consideration, and the bills will lie on the table.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 16445. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal yaer ending June 30, 1905, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2972. An act granting an increase of pension to Thomas Boyle—to the Committee on Invalid Pensions.

S. 3742. An act granting an increase of pension to Juliet A. B. Hoff—to the Committee on Invalid Pensions.

S. 4208. An act granting an increase of pension to Bessy Forsyth Bache—to the Committee on Invalid Pensions.

S. 2286. An act granting an increase of pension to James Thompson—to the Committee on Invalid Pensions.

S. 5738. An act granting an increase of pension to Enoch Russell—to the Committee on Invalid Pensions.

S. 2493. An act granting an increase of pension to Alfred Tichurst—to the Committee on Invalid Pensions.

S. 2890. An act granting an increase of pension to Andrew C. Kemper—to the Committee on Invalid Pensions.

S. 2333. An act granting a pension to Benjamin F. Hall—to the Committee on Invalid Pensions.

S. 4199. An act granting a pension to William Rufus Kelly—to the Committee on Invalid Pensions.

S. 316. An act granting an increase of pension to Elmore Y. Chase—to the Committee on Invalid Pensions.

S. 266. An act granting a pension to Emma S. Harney—to the Committee on Invalid Pensions.

S. 342. An act for the improvement of the Mount Rainier National Park, in the State of Washington—to the Committee on Appropriations.

STATUE OF JOHN J. INGALLS.

Mr. CURTIS. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Kansas of the statue of John J. Ingalls, erected in the old Hall of the House of Representatives, be made the special order for Saturday, January 21, 1905, at 3.30 o'clock p. m.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

BILLS ON THE PRIVATE CALENDAR.

Mr. GRAFF. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union to consider bills on the Private Calendar, in accordance with the special order in that behalf.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. CAMPBELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills on the Private Calendar under special order. The Clerk will report the first bill.

ILLINOIS CENTRAL RAILROAD COMPANY.

The Clerk read the bill, as follows:

A bill (H. R. 11664) to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Illinois Central Railroad Company, out of any money in the Treasury not otherwise appropriated, the sum of $60.82 for reimbursement of damages to the roof of the union depot and train shed at Seventh and River streets, Louisville, Ky., by blasting operations conducted by the Government in connection with the improvement of the Ohio River.

Mr. PAYNE. I would like to ask the gentleman from Illinois, the chairman of the committee, a question. I understand this bill calls for an appropriation of $60. Why is this enormous sum asked of the United States by a great and rich corporation?

Mr. GRAFF. Because there is no other way to obtain it. [Laughter.] The parties are entitled to it; it is recommended by the Department because the damage was caused by the United States; because the railroad company suffered the loss or damage, and because the amount has been ascertained and because there is no question about the claim.

Mr. PAYNE. The gentleman states that the United States caused this great damage?

Mr. GRAFF. Yes.

Mr. PAYNE. And the gentleman has no doubt that the amount is not excessive? [Laughter.]

Mr. GRAFF. No, sir.

The bill was laid aside to be reported to the House with a favorable recommendation.

ADOLPH SPIEGEL.

The next business on the Private Calendar was the bill (H. R. 11802) for the relief of Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co., the sum of $530.08, out of any money in the United States Treasury not otherwise appropriated, to refund duties erroneously assessed and charged on merchandise shipped from New York to Porto Rico to the firm of Spiegel, Finkelstein & Co. after April 11, 1899.

Mr. GOLDFOGLE. Mr. Chairman, the firm of Spiegel, Finkelstein & Co., shipping merchants, shipped goods from New York to Porto Rico from time to time, and upon that shipment paid $530.08 as customs duty collected by the Government. At the time that these goods were shipped the goods were not dutiable, and it is conceded by the Treasury Department that the moneys were improperly collected. The money was paid into the Treasury, and there it is withheld from one of our citizens. The recommendation of the Treasury Department appears on the second page of the report of the Committee on Claims. The receipts for the money are likewise embodied in the report of the committee. I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, I would like to ask a question. I believe there was a general law passed for the relief of this class of claimants?

Mr. GOLDFOGLE. That I do not know. The Treasury Department recommends the passage of this special act. The fact is the Government holds this money, and there is no question but that the Government ought to repay to its citizens money improperly collected.

Mr. PAYNE. Of course, Mr. Chairman, these duties were paid under the impression that the Government and the Treasury Department then had—that they were assessable under the Dingley law.

Mr. GOLDFOGLE. Certainly.

Mr. PAYNE. And the Supreme Court of the United States afterwards held that they were not assessable under that act, and that no duties could be collected until Congress took action on the subject.

Mr. GOLDFOGLE. Yes.

Mr. PAYNE. And that is the reason this claim comes here. Now, my recollection is that we passed a general statute for the refunding of these duties. Of course, if the gentleman has a certificate of the Treasury Department that these people have not had relief under that general act, there is no reason why they should not get the relief now. I presume that the reason is that the time elapsed before they presented their claims to the Treasury Department, and for that reason they did not get in under the general blanket decision?

Mr. GOLDFOGLE. Yes. I appreciate the gentleman's frankness and fairness.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

NOAH DILLARD.

The next business on the Private Calendar was the bill (H. R. 3109) for the relief of Noah Dillard.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States of America be, and he is hereby, authorized and directed to pay to Noah Dillard, one-half out of any moneys not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $303.12, or so much thereof as may be found due him, for labor performed and material furnished under contracts dated July, 1872, and August 7, 1873, and entered into by the board of public works of the District of Columbia and Noah Dillard and Parker Moulton, contractors, which contracts were numbered, respectively, No. 388 and No. 821, and now on file in the office of the Commissioners of the District of Columbia, together with all extensions and assignments of said contracts known and of record as aforesaid, numbered 388 and 821: *Provided*, That the acceptance by the claimant of the amount herein appropriated shall be taken and considered as a full discharge and acquittance of the District of Columbia of all and every obligation of whatsoever character under and on account of contracts numbered 388 and 821 as aforesaid, and every extension of the same.

Mr. PAYNE. Mr. Chairman, I did not quite catch the name of this claimant, but the language of the bill reminds me somewhat of an old friend we had in the House six or eight years ago. At that time the House rejected the claim. I don't know whether this is the same bill or not, but I shall have to ask for the reading of the report in my time in this case, so that the House can see whether this is the same.

Mr. GRAFF. Mr. Chairman, I think I can save the time of the committee, if the gentleman will permit me to read the official letter pertaining to the subject, which is as follows:

OFFICE OF THE AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, February 13, 1902.

GENTLEMEN: I have the honor to submit the following report on bill H. R. 3728, Fifty-seventh Congress, first session, for the relief of Noah Dillard:

The records show that on August 17, 1873, the board of public works entered into contract, No. 821, with George W. Goodall, in part, for the construction of a 12-inch pipe sewer in square No. 624. Afterwards, under date of January 15, 1875, the contract aforesaid was assigned by George W. Goodall to Noah Dillard on condition that the latter comply "with all requirements as may be ordered by Lieut. R. L. Hoxie, engineer of the District of Columbia."

When the work under this contract was completed, July 20, 1875, certificates exchangeable for 3.65 bonds were duly issued in payment by the board of audit which, under the act of June 20, 1874, was charged with the settlement of all outstanding obligations of the board of public works at the time of its dissolution.

In the final adjustment of the accounts under contract 821, in square 624, on July 20, 1875, a retention amounting to $144.93, which had been withheld as a temporary guaranty fund, was omitted, and a recent examination of the records fails to show any subsequent payment of the amount thus retained. I am therefore of opinion that the amount claimed by Mr. Dillard should be allowed; provided, however, that it be accepted by him as a full acquittance of all and every obligation of whatsoever character on the part of the District of Columbia under contract 821 and any extension of the same.

With this proviso, I have the honor to suggest that the bill hereinbefore mentioned be returned with a recommendation for favorable action thereon by Congress.

Very respectfully,
J. T. PETTY,
Auditor District of Columbia.

THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

I will state that the claimant is an old colored man, who came into the committee frequently, and finally Mr. Petty, the auditor, told me that this amount was upon the books, that the old man did not have anybody whom he could interest in the claim, and that it was clearly due him and ought to be passed. So Mr. HENRY, the gentleman from Connecticut, introduced the bill.

Mr. PAYNE. It has never been paid to the original contractor?

Mr. GRAFF. Oh, no.

Mr. PAYNE. Mr. Chairman, that is a different case from the one I had in mind.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

A. M. SHORT.

The next business on the Private Calendar was the bill (S. 3199) for the relief of A. M. Short.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100; and the Secretary of the Treasury is hereby authorized and directed to pay to A. M. Short, of Stillwater, Minn., the said sum of $100.

Mr. PAYNE. Mr. Chairman, I would like to have some explanation of the reason for the payment of $100 to Mr. Short.

Mr. STEVENS of Minnesota. Mr. Chairman, I can explain the matter. As I remember it, Mr. Short is the owner of a steam vessel plying on the Mississippi and St. Croix rivers. For some reason he was fined $100 for some violation of the rules of the Steamboat-Inspection Service. Subsequently it was found that there was an error, and the Department recommended that the fine be remitted, but it was found that it could not be done for some reason. I have not read the report since last spring, and I do not now recall what that reason was. In any event, the Steamboat-Inspection Service found there was an error. They recommended that this fine be remitted, and this bill remits the fine and pays him back what he paid. That is the substance of it. The bill is favorably recommended by the Department and by the committee, and has already passed the Senate.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

DAVID V. HOWELL.

The next business on the Private Calendar was the bill (H. R. 3619) for the relief of David V. Howell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to return and repay to David V. Howell, of Monroe, Orange County, N. Y., the sum of $1,742, being a part of the penalties assessed against the said David V. Howell for his alleged failure to complete in time certain contracts for work done at Bridgeport Harbor, Connecticut, light-house; Plum Island, New York, light-house, and at Point Comfort, New Jersey, light station; and that said sum of $1,742 is hereby appropriated out of any other fund or funds in the Treasury not otherwise appropriated.

Mr. GOLDFOGLE. Mr. Chairman, this bill was introduced at the suggestion of the Secretary of the Treasury in the second session of the Fifty-sixth Congress. The Secretary of the

Treasury then recommended the passage of the bill. I send to the Clerk's desk the letter of the Secretary and ask that it be read.

Mr. HEPBURN. Mr. Chairman, I will ask that the whole report be read.

Mr. GOLDFOGLE. I have no objection.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on Claims, having had under consideration the bill (H. R. 3619) for the relief of David V. Howell, beg leave to report the bill favorably, without amendment, to the House with the recommendation that it do pass.

The report of the Committee on Claims in the same case, in the Fifty-seventh Congress, is made a part of this report, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 4233) for the relief of David V. Howell, beg leave to submit the following report and recommend that said bill do pass without amendment.

"As the present bill has been introduced in accordance with the language recommended by the Secretary of the Treasury, in the second session of the Fifty-sixth Congress, we append the report made on that bill and make it a part of this report.

[House Report No. 2356, Fifty-sixth Congress, second session.]

"The Committee on Claims, to whom was referred the bill (H. R. 6032) for the relief of David V. Howell, submit the following report and recommend that the bill do pass with the following amendment:

"Strike out all after the enacting clause and insert the following:

"'That the Secretary of the Treasury be, and hereby is, authorized and empowered to pay David V. Howell, of Monroe, Orange County, N. Y., the sum of $1,742, in full satisfaction of all claims of the said David V. Howell arising out of the contracts for work done at Bridgeport Harbor, Connecticut, light-house; Plumb Island, New York, light-house, and Point Comfort, New Jersey, light station; and that said sum of $1,742 is hereby appropriated out of any other fund or funds in the Treasury not otherwise appropriated.'

"Mr. Howell's claim against the Government was for $2,392, growing out of certain contracts for the building of walls, wharves, ripraps, and stone jetties at Point Comfort light station, New Jersey, and Bridgeport Harbor light-house, Connecticut, and landing wharf at Plumb Island light-house, New York. The claim is for extra work and materials concededly ordered by the Treasury Department, and supplied and performed by Mr. Howell, and for demurrage charged against the contractor for delays which were the result of severe and unusual weather and unusual high seas which interfered with the work, while he, with his men, materials, and appliances, were ready to work.

"All of the work contracted for was well performed and properly done, to the satisfaction of the Government.

"The bill was introduced at the suggestion of the Secretary, because there was no appropriation available for the purpose of paying the claim.

"Your committee communicated with the Secretary of the Treasury in respect to the matter, and received in reply the following communication:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, March 30, 1900.*

"SIR: This Department has the honor to acknowledge the receipt of a letter from your committee, dated March 29, 1900, inclosing a copy of the bill (H. R. 6032) for the relief of David V. Howell, and requesting the facts and information relative to the matter and an opinion as to the merits and justice of the claim.

"The claim of Mr. Howell arises out of certain contracts made between himself and the Light-House Board, and the Board, to which the matter was referred, reports that all claims of Mr. Howell on account of work done under his several contracts with the Board have been very carefully considered at various times at regular meetings of the Board, with the result that the sum of $1,742 has been found by the Board to be equitably due Mr. Howell on account of these claims, but that no appropriation is available for payment.

"It is the opinion of the Light-House Board, in which the Department concurs, that the bill (H. R. 6032) should be amended as follows: Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and hereby is, authorized and empowered to pay David V. Howell, of Monroe, Orange County, N. Y., the sum of $1,742, in full satisfaction of all claims of the said David V. Howell arising out of the contracts for work done at Bridgeport Harbor, Connecticut, light-house; Plum Island, New York, light-house, and Point Comfort, New Jersey, light station; and that said sum of $1,742 is hereby appropriated out of any other fund or funds in the Treasury not otherwise appropriated.

"Respectfully,

"L. J. GAGE, *Secretary.*

"The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
"*House of Representatives.*

"Your committee consider the claim a just and equitable one, and recommend that the bill as amended be passed."

Mr. HEPBURN. Mr. Chairman, I would like to have some explanation about this. In what does this equitable claim arise?

Mr. GOLDFOGLE. It is not only an equitable claim, but it is assuredly a legal claim. Howell, the claimant, rendered the service upon the request of the Government authorities. It seems that the work that he performed and materials that he furnished were furnished and performed upon the express request of those in charge of the work for the Government. The Treasury officials, after having examined the work, found the bills rendered to be correct, approved the work, and recommended payment. For want of appropriation, of course, the claim comes here.

Mr. PERKINS. Mr. Chairman, will the gentleman allow me a question?

The CHAIRMAN. Will the gentleman from New York allow his colleague a question?

Mr. GOLDFOGLE. Certainly.

Mr. PERKINS. What authority had these light-house officials to order work in excess of the appropriation?

Mr. GOLDFOGLE. It was absolutely necessary, so says the claimant.

Mr. PERKINS. I have no doubt he does.

Mr. GOLDFOGLE. But it was absolutely necessary that this work should be properly performed, that this extra service not included in the contract should be rendered, else the work would be valueless to the Government. They had to finish the work and put the light-house in proper condition; they had to put these ripraps in proper condition.

Mr. PERKINS. If an appropriation is not sufficient for any Government work an additional appropriation is made by Congress.

Mr. GOLDFOGLE. Not if it was necessary to complete a work such as this. Not if the work was absolutely required for the efficient service. You could not delay this work, you could not delay the completion of the light-house, you could not delay the completion of the ripraps and wait until Congress met and a bill was passed through here.

Mr. PERKINS. The gentleman might just as well say if they were building a court-house and it was necessary to spend $100,000 in excess of the appropriation that some Government official could give an order for work to be done in excess of the appropriation.

Mr. GOLDFOGLE. No, sir; building a court-house and building a light-house are two different things.

Mr. PERKINS. What is the difference?

Mr. GOLDFOGLE. You may delay the building of a court-house and the Government suffer no injury; court might be held anywhere; but if you delay the completion of a light-house that is absolutely necessary for the safety of those who sail upon the waters where danger may well be apprehended——

Mr. PERKINS. What have they done all these years when they did not have this light-house for a century or more?

Mr. GOLDFOGLE. They took risks that ought not to have been taken by the Government.

Mr. PALMER. This report says it is on account of unusual weather.

Mr. GRAFF. I can not see how there can be any serious objection to this claim for this reason. Everybody knows, at least it is my experience, the Departments are not unduly liberal about recommending the payment of claims, that come from my committee at least, and they always make known any valid objections that there might be to the payment of a claim. This recommendation is unusual in the fact that the Department itself, in reply to our inquiry as to the merits of the bill, a copy of which was sent them, sent back a proposed form of bill reducing the amount to the exact amount that the Department finds is due to the claimant and recommended unconditionally that it be paid. They say that the Government has received this extra work—it was for extra work and material—that the matter has been carefully examined, and then they recommend a change in the bill and the changes are made. The Government has had the advantage of the work and material, and this man was out for it.

Mr. PERKINS. But will the gentleman allow a question? I do not quite understand the facts as the gentleman has stated them. It says here the charge is for extra work and material.

Mr. GRAFF. Yes.

Mr. PERKINS. That is one of the items, the amount of which is not stated. Then comes the other item for demurrage lodged against the contractor for delays caused as the result of severe and unusual weather. What is there about that?

Mr. GRAFF. The demurrage is the amounts deducted from the contract price for delays in completion. Undoubtedly the Light-House Board which passed on those demurrage deductions is the same Board which, upon a reexamination, prompted the recommendations now made by the letter of the Secretary of the Treasury, written in 1902, and incorporated in the report.

Mr. PERKINS. Was this demurrage charged against him?

Mr. GRAFF. The Light-House Board is under the direction of the Secretary of the Treasury, and this letter undoubtedly was formulated and probably written in the Light-House Board itself and afterwards signed by the Secretary of the Treasury.

Mr. PERKINS. How much demurrage was charged against him?

Mr. GRAFF. I can not give the gentleman the amount; I can only give the facts stated here.

Mr. PERKINS (to Mr. GOLDFOGLE). Can you state how much it was?

Mr. GOLDFOGLE. I can not. This bill was introduced by the gentleman from New York [Mr. BRADLEY] and examined by us in the Committee on Claims.

Mr. BRADLEY. Mr. Chairman, David V. Howell is an old gentleman, about 83 years of age, who fifteen years ago built for the United States some three light-houses on the Atlantic coast. By reason of extraordinary weather and fierce storms he suffered great loss. At the conclusion of the work a considerable amount—thousands of dollars—were deducted for demurrage and delay. A bill was introduced in the House of Representatives some ten years ago asking for something between six and seven thousand dollars. It lingered along without action and was finally referred to the Treasury Department, and the recommendation of the Light-House Board was sent back to the Committee on Claims. The bill for the original sum was withdrawn and a bill introduced for exactly the amount that the Light-House Board—the representatives of the Government—say is owing to this old man. I do not appeal to this House for sympathy, but I merely state that if this little claim, which in my opinion is a just and honest and an equitable one, could have been paid at the last session of Congress this old man would have been enabled to save the old homestead in which he was born.

Mr. MADDOX. I want to ask the chairman of the committee a question, so that we may understand this proposition.

Mr. GRAFF. Very well.

Mr. MADDOX. This appropriation is to pay a debt that was created by order of the Light-House Board?

Mr. GRAFF. Yes.

Mr. MADDOX. Without any authority from Congress?

Mr. GRAFF. No.

Mr. MADDOX. That is what I want to find out.

Mr. GRAFF. I can not give the general bill of particulars which make up the $1,700. It is partially for extra work and demurrage. I am just informed by the gentleman who introduced this bill that there was, some ten years ago, a bill introduced for $6,000, and it was not acted upon. Some four years ago a bill was introduced and, in the usual order of things, we referred it to the Secretary of the Treasury, because that Department had the Light-House Board under it, and in reply to the inquiry that we made as to the merits of the bill we got this letter which is incorporated in the report.

Mr. MADDOX. I simply want to make this suggestion. This claim, which may be an equitable one, certainly is not a legal one. Now, as I understand, there is a large amount of work going on connected with the construction of locks and dams, and work which has already been done is going to destruction, and yet the officers in charge dare not spend a dollar until authorized to do so. Now, if we permit officers to incur these debts without being authorized, it looks to me that it is a bad precedent that we are about to set.

Mr. GRAFF. I think the gentleman is laboring under a misapprehension. The item in the bill that makes up most of the $1,700 is for demurrage, which was unjustly held against the contractor at the time of the execution of the work.

Mr. MADDOX. Does this give that amount?

Mr. GRAFF. That was stated by the gentleman who introduced the bill a few minutes ago. This question of taxing this demurrage against the claimant was undoubtedly taken up by the Light-House Board when our letter was addressed to the Secretary of the Treasury, and this letter, which comes to us in reply and is incorporated in the report. emanates from the same Board, in which they concluded that they would not allow him the amount which he claimed, but they find the sum of $1,700 is justly due. Of course, they could not take from an appropriation on a reexamination and readjustment of the case several years afterwards. They could not use legally the general appropriation for the purpose of paying a claim of that sort. I want to say to the gentleman from Georgia [Mr. MADDOX] that never in my experience has the Department shown any disposition to conceal any fact against any claimant. We write letters to the Department for the purpose of finding out whether there are any reasons for not allowing a claim.

Mr. MADDOX. I trust you did not understand me as suggesting anything of that sort.

Mr. GRAFF. How is that?

Mr. MADDOX. I did not suggest anything of that sort.

Mr. GRAFF. I want to suggest to the gentleman what I believe ought to be the force placed upon a recommendation of this character. The Light-House Board has all of the facilities for examining into the merits of this matter.

Mr. MADDOX. I admit all that. However, getting down to the gist of the matter, my point is this: I understand that these people had gone forward and contracted this indebtedness without the authority of the law.

Mr. GRAFF. That is not true. The gentleman from New York [Mr. BRADLEY] advises me it was made by demurrage.

Mr. CLARK. I would like to ask a question in relation to this damage business. Is this claim to recompense this man for money which he did not make or for the money he thought he was going to make?

Mr. GRAFF. No, sir; they simply deducted from the amount that was due him for the actual work that was done under the provisions of the contract. They were penalties for alleged delay in the work, which they found afterwards was due to stress of weather and things of that kind which surround the work of that nature in building light-houses. I am informed by the gentleman who introduced the bill, and who has just spoken, that this man lost his home last year and that he is a poor man. He had built three of these light-houses some ten years ago. The amounts fixed by the Light-House Board in making these arbitrary deductions under the head of demurrage for alleged delay. is not, of course, the amount he received. He did not obtain an extra amount, but it was a deduction of the regular amount.

Mr. CLARK. Then this contract provided that if he did not finish up this work by a certain day he could be fined a specified amount each day. That is the plain English of it, is it not?

Mr. GRAFF. That is the idea of it.

Mr. CLARK. And he did not do it?

Mr. GRAFF. Of course the question comes, as you will readily infer, as to whether it was his fault or not; whether it was possible for him to carry the contract out or not; that is all.

Mr. CLARK. There is a part of this money intended to pay some of his accounts because he made bad contracts?

Mr. GRAFF. It is simply to pay him that which they withheld from him on the contract.

Mr. CLARK. It is not like the Smithmeyer case, then?

Mr. BRADLEY. The claim for damage and delay, amounting to something between $6,000 and $7,000, is entirely abandoned. This bill simply asks for what the Light-House Board says this man is entitled to for extra work beyond his contract, and by the order of the Light-House Board in the name of the Government. There were extraordinary storms that changed the situation and which made this work necessary, and it was absolutely desirable that it be done quickly.

Mr. CLARK. I would like to ask the gentleman from New York [Mr. BRADLEY] a question. You put this claim on an entirely different ground from that upon which the chairman of the committee based it. Which is right?

Mr. BRADLEY. I am right.

Mr. CLARK. When doctors disagree, how do the laymen come out?

Mr. BRADLEY. I want to say to the gentleman from Missouri [Mr. CLARK] that the chairman of the Committee on Claims and the gentleman from New York do not disagree on the merits of this claim.

Mr. CLARK. I know you agree on the essential fact that he ought to get the money, but you put it on different grounds.

Mr. GRAFF. Well, I will say to the gentleman that the fact is that it was made up of several items, demurrage and extra work; but he had $6,000 deducted as demurrage, and that is three times as much as this appropriation is.

Mr. CLARK. Has it been the custom to modify these contracts by what is called the act of God, or not?

Mr. GRAFF. Well, I do not know what the gentleman means.

Mr. CLARK. I mean bad weather, or earthquakes, or anything of that sort.

Mr. GRAFF. Usually. I have seen some of the contracts in examining claims before this, and they always have a provision covering cases where the delay occurs without the fault of the contractor. Of course, then it becomes a matter of evidence.

Mr. CLARK. Have you the report there in your hand?

Mr. GRAFF. Yes.

Mr. CLARK. I wish you would read it.

Mr. GRAFF. I have already read it, and I will say to the gentleman from Missouri that I really wish he would waste time on some other bill that is less meritorious.

Mr. CLARK. I am not certain that there is any merit in this one.

Mr. HEPBURN. Will the gentleman from Illinois yield to me for a moment?

Mr. GRAFF. I will.

Mr. HEPBURN. It seems to me that this claim is remarkable, looking at it from one point of view, namely, it is remarkable for the things that seem not to be known. The chairman of the committee [Mr. GRAFF] a little while ago said that he did not know how much of this aggregate of $1,746 was for demurrage, and how much was for extra material, etc.

Mr. GRAFF. That is a fact.

Mr. HEPBURN. So he seems not to know about the facts.

Mr. GRAFF. I do not say I do not know generally about the facts.

Mr. HEPBURN. Now, the gentleman from New York [Mr. GOLDFOGLE] does not seem to know about the law, for he repudiates the idea suggested by his colleague [Mr. BRADLEY] that this is entirely or largely a claim of sentiment, resting on the fact that the old gentleman has been dispossessed of his home. He refuses to believe that it is an equitable claim, but he says that it is a legal claim against the United States. I think he is mistaken about the law.

Mr. GOLDFOGLE. Will the gentleman yield for a moment? I am afraid the gentleman misunderstood me when I had the floor. I meant to say this——

Mr. HEPBURN. Oh, well, now, I am not going to be limited by what the gentleman meant to say.

Mr. GOLDFOGLE. Well, I did say in substance that if the Treasury Department changed the plans or specifications, and directed certain work to be done, and certain materials to be furnished that were not called for in the original contract, and if such materials were furnished and such work was done by the claimant, then the claimant had a claim against the Government; especially, too, if it was necessary in consequence of stress of weather and unusual storms to proceed diligently with that work.

Mr. HEPBURN. Mr. Chairman, in the absence of information as to the facts in regard to this claim, I am not prepared to admit the last statement of the gentleman from New York [Mr. GOLDFOGLE]. I understand the situation to be about this: This man made a contract with the Government to do certain things, to complete work to be affected naturally and probably by weather conditions. The report says that because of storms he was compelled to go to additional expense, as contemplated by him. I assume under these statements of fact that some portion of the work during its progress was washed away, perhaps destroyed, and that additional materials were necessary in order that he might complete that work, and additional labor had to be performed, contingencies that ought to have been and probably were covered by his contract and the bid that he made. Now he comes to the Government and asks to recoup from the Government because of these losses, because he did not put his figures sufficiently high. Of course he had to complete his contract. Of course these additional materials he was required by the board to furnish; but does that create a legal obligation on the part of the Government to pay for that? I understand these matters are always taken into consideration when contracts are let and when bids are made. I think that this is the suggestion of a new principle, and that hereafter, whenever a man finds that he has made a bid which he discovers is too low, and that there are expenses which he has not contemplated, he can come to Congress and ask for the reformation if his contract and for the payment to him of an exaggerated sum.

Mr. GOLDFOGLE. That is not this case.

Mr. HEPBURN. If this is to be adopted as a rule, I am not quarreling with the equities of it. I am not responding to the sympathy-moving suggestion of the gentleman from New York [Mr. BRADLEY].

But if there is to be a new departure of this kind it is wise to have it advertised generally, because there may be other men who have been unfortunate in the contracts they have made for which work can be accomplished, or who have been guided too much by the Weather Bureau. I would like to know if the Government is to make good hereafter the prognostications of the Weather Bureau in its contracts.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MADDOX. Before that question is taken, Mr. Chairman, I want to ask the gentleman a question. Is the bill put in here for demurrage or for work done?

Mr. GOLDFOGLE. It is for both.

Mr. GRAFF. Both. I do not want to intimate that so distinguished gentlemen as the gentlemen here would waste the valuable time of the United States by trifling over so insignificant a measure that has been submitted in the usual form to the Department; the Department who decides and states in the letter that this man is justly entitled to a return of a portion of the $7,000 which they withheld from him on a contract for alleged delays, having concluded that not the whole $7,000 which was withheld from him under that contract ought to have been withheld, and which under this contract he would have been entitled to entirely, if it had not been for the alleged delay, and that he is entitled to the pitiful sum of $1,700 out of the $7,000.

Mr. PAYNE. May I ask the gentleman a question?

Mr. GRAFF. Certainly.

Mr. PAYNE. I see that the report says that Mr. Howell's claim against the Government was $2,392, growing out of certain contracts for building the walls, wharves, ripraps, stone jetties, and so forth. The claim is "for extra work and material concededly ordered by the Treasury Department and supplied and performed by Mr. Howell, and for demurrage charged against the contractor for delays which were the result of severe and unusual weather and unusual high seas which interfered with the work, while he, with his men, materials, and appliances were ready to work."

Now, this was the whole sum of $2,392. The committee recommends the payment of $1,742. I want to ask if this reduction was made on account of demurrage, or on account of extra work, or on account of what?

Mr. GRAFF. It was made on account of an examination and conclusions by the Department.

Mr. PAYNE. That does not answer the question. The gentleman from New York [Mr. BRADLEY] says it was on account of demurrage.

Mr. GOLDFOGLE. Will the gentleman from New York read the second paragraph of the letter from the Secretary of the Treasury, which states it more clearly than I can?

Mr. PAYNE. I was not reading from the letter then, and I do not know what the gentleman refers to. However, I will read the paragraph the gentleman refers to:

> The claim of Mr. Howell arises out of certain contracts made between himself and the Light-House Board, and the Board, to which the matter was referred, reports that all claims of Mr. Howell on account of work done under his several contracts with the Board have been very carefully considered at various times at regular meetings of the Board, with the result that the sum of $1,742 has been found by the Board to be equitably due Mr. Howell on account of these claims, but that no appropriation is available for payment.

That would seem to bear out the statement made by my colleague, Mr. BRADLEY, and against the statement of the chairman of the committee, who perhaps had overlooked the statement in the letter of the Secretary of the Treasury.

Mr. HEPBURN. Mr. Chairman, it is important for another matter that the committee themselves base this claim entirely on equitable grounds. They disagree with the gentleman who made the report, who insists that it is a legal obligation on the part of the Government.

Mr. CLARK. Mr. Chairman, it is hard to tell on which of three grounds this claim arises, whether it is for demurrage or for extra work or whatever it is, or because the claimant did not make what he thought he was going to make. Now, if it is for demurrage, then somebody ought to explain what the contract was. If the contract provided against bad weather, etc., then he is undoubtedly entitled to anything that he can show by way of demurrage. If the proper authorities ordered extra work and stuff to be used, then he is entitled to that. But if it is the case where he did not make something when he thought he was going to make something and simply wants to recoup, then I am opposed to it or any other bill like it, and it ought not to be allowed to pass here. Because there is nobody else on the face of the earth that I ever heard of except the United States Government that was supposed by anybody that had any sense to be responsible where the contractor loses a contract that he has underbid.

Mr. GOLDFOGLE. The gentleman does not understand.

Mr. CLARK. If we ever enter on that line of conduct once, then you simply make an insurance company out of the United States Government every time a fellow takes a contract. There is no end to it—no bottom to it.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 58, noes 7.

So the bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

HANS PETER GUTTORMSEN.

The next business on the Private Calendar was House resolution No. 20, which the Clerk read, as follows:

> *Resolved*, That the bill (H. R. 2053) entitled "A bill for the relief of Hans Peter Guttormsen," now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the House of Representatives in accordance therewith.

Mr. PAYNE. Mr. Chairman, I would like to have some explanation in respect to this.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. COOPER], who introduced the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, this is a resolu-

tion referring the bill (H. R. 2053) for the relief of Hans Peter Guttormsen to the Court of Claims for report. Hans Peter Guttormsen was for many years in the employ of the War Department as a laborer. He was employed at one time on a breakwater of the Mississippi River near Moline, Ill. He was directed, in company with another laborer, to carry some heavy planks across a scaffolding about 40 feet from the ground. The scaffolding was made of defective material. It broke and precipitated him quite a distance below and he struck upon the edge of a mortar box, breaking five ribs, breaking his left leg in three places, and severely bruising his head, tearing the flesh on his face, and rendering him unconscious. He was in bed the better part of a year thereafter and has been a cripple ever since. He is to-day practically incapable of manual labor. He is a poor man. This resolution refers the bill, which proposes to give him $5,000 for the injuries, to the Court of Claims, which court is to proceed in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. I know Mr. Guttormsen well. He is a temperate, thoroughly honest, well-meaning man, and up to and at the time of this injury was a hard-working laborer. The claim is a just one, and I hope the resolution will be laid aside with a favorable recommendation.

Mr. DALZELL. Mr. Chairman, as I understand it, this is a claim for damages arising out of negligence.

Mr. COOPER of Wisconsin. Yes.

Mr. DALZELL. I ask for information. Has the Court of Claims jurisdiction in such a case?

Mr. COOPER of Wisconsin. I think it has, and the Committee on Claims, after investigation, finds that it has.

Mr. PERKINS. Does this resolution send it to the Court of Claims to pass upon the question of liability?

Mr. GRAFF. No; this resolution sends it to the Court of Claims, as I understand it, for the purpose of making findings of facts and reporting the same to Congress. Then Congress will take such action as it sees fit in the premises, after the facts have been ascertained by the court.

Mr. DALZELL. The gentleman is satisfied that the court has jurisdiction in such a case?

Mr. GRAFF. I think so.

Mr. HEPBURN. Would there be any objection to enlarging the power of the court and require it to report upon the question of the legal liability of the United States?

Mr. GRAFF. Well, the gentleman from Iowa [Mr. HEPBURN] is a very able lawyer, and he knows that the United States could not be sued in a personal-injury case unless there was special authority by law, because there is no general law permitting it.

Mr. HEPBURN. Well, suppose that suit might be brought, would the United States be liable, in the opinion of the gentleman, in a case like this, as he understands it?

Mr. GRAFF. I will ask the gentleman from Wisconsin [Mr. COOPER] to answer that.

Mr. HEPBURN. But I would like to have the opinion of the chairman of the committee.

Mr. GRAFF. Of course the question before us was not upon the question presented by the gentleman from Iowa [Mr. HEPBURN], but upon the question of whether the committee was willing to pass the resolution as introduced, and we could not see any objection to it, but could see a great many reasons why we should refer the case to the Court of Claims and have that court ascertain what the facts were, when the committee would be advised of the fact coming from a judicial inquiry. I have no objection to the bill being amended so as to include a request that the court find whether the United States would be liable if the United States stood in the place of a person or an ordinary corporation.

Mr. COOPER of Wisconsin. Mr. Chairman, I am willing to consent to that amendment.

Mr. GRAFF. If the gentleman from Iowa [Mr. HEPBURN] will propose an amendment of that kind, we will accept it.

Mr. HEPBURN. That would be to the bill, which is not here.

Mr. GRAFF. I think you can make the amendment to the resolution.

Mr. MADDOX. Is it not true that in the Ford's Theater case the House established a precedent by which it proposed to pay for the injuries done on that occasion, and we did so and tried those cases here by a commission established by Congress?

Mr. GRAFF. Yes; that is true in that case.

Mr. HEPBURN. Mr. Chairman, I would like to move to strike out the words "in accordance therewith" and insert "and report to the House of Representatives their findings of fact and law."

The CHAIRMAN. The question is upon the amendment of the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the resolution as amended be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

J. B. M'RAE.

The Clerk read as follows:

A bill (H. R. 6351) to pay J. B. McRae $99, for services as hospital steward, etc.

Be it enacted, etc., That the Treasurer of the United States is hereby authorized and directed to pay, out of any funds in the United States Treaury not otherwise appropriated, the sum of $99 to J. B. McRae, of Jackson, N. C., for services rendered as hospital steward of the Second Regiment North Carolina Volunteers, from June 6, 1898, to July 31, 1898, in full satisfaction for services rendered.

Mr. PAYNE. Mr. Chairman, I hope we will have an explanation of this bill.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is to pay J. B. McRae, who was appointed by the colonel of a volunteer regiment in the late war with Spain as hospital steward. He served two months, paid his traveling expenses, paid for his clothes, and when they went to go to Cuba it was decided he was too old, and he has never been paid anything for it. The affidavit and all proofs, from the colonel of the regiment down, are on file. I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is upon laying the bill aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

CHARLES BLAKE.

The Clerk read as follows:

An act (S. 1753) for the relief of Pay Clerk Charles Blake, United States Navy.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Blake, pay clerk, United States Navy, the sum of $700, said sum to be a payment in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PAYNE. Mr. Speaker, I would like to hear the report of that case.

Mr. GRAFF. The gentleman from Pennsylvania will make an explanation——

Mr. BUTLER of Pennsylvania. Does the gentleman yield to me?

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. BUTLER of Pennsylvania. The gentleman from New York yielded to me. I asked permission of the chairman of the committee to speak on the pending bill. Blake was a paymaster's clerk in the Navy and is still a paymaster's clerk in the Navy. He was assigned to duty with Paymaster Tolfree several years ago—as I recollect the testimony it was in 1886—to serve on the Asiatic Squadron. He was assigned to duty on a ship, I think the *Trenton*. Be it as it may, it was one of the American ships of war. He arrived at Yokohama with Paymaster Tolfree, and the officer in charge of the ship was unable to give to the paymaster and his clerk the accommodation that they should have on the ship. Indeed, the captain of the ship was unable to give the paymaster and his clerk any accommodation. That fact appeared satisfactorily proven to the Committee on Claims. They then took up their temporary residence in a hotel at Yokohama close by where the ship was lying; no other accommodation could be found and no other was afforded them. While they were living temporarily in this hotel a fire occurred which burned up all the property of the paymaster and his clerk Blake, whose bill is now presented for your consideration. It appeared to the Navy Department, and was reported to the Committee on Claims, that there had been no negligence whatever in either the paymaster or his clerk. That the property of the Government which was in their possession at the time of the conflagration was entirely destroyed and both of these men were relieved from responsibility. Two years ago in this House a bill was passed to pay to Paymaster Tolfree the amount of damage which occurred to him, paying him for the property which he lost.

This bill was reported at the time, but was not reached for consideration. Paymaster-General Tolfree was paid by Congress for the loss of all his outfit, I think, four or five thousand dollars. The outfit of the clerk cost him $700. That does not include his ordinary wearing apparel. The sum includes only his uniforms and such other paraphernalia as the rules of the

Navy Department required him to have. Secretary Whitney, in a communication addressed to Senator Cameron several years ago, exempted these officers from responsibility and stated that it was reported to him that all of their wearing apparel and everything necessary for their use as officers of the Navy were destroyed in this fire. The claim presented for the relief of Blake amounts to $1,015. The amount included his civilian clothing, which has been deducted.

Secretary Whitney sets out in his letter to Senator Cameron that these men had provided themselves with a full outfit, according to the regulations of the Navy Department, for a cruise of three years. The cruise having just begun, you will readily understand that clerk's loss is not overstated in the sum of $700, when you reflect that it includes his uniforms and every other article of wearing apparel he was required to have. This is not an unusual case, it is not an unusual request to make of Congress. Similar bills have frequently been paid. I am told bills for paymasters' clerks have been paid, for the reason that they are required by naval regulations to wear uniforms. Mr. Chairman, I should be glad to answer any question gentlemen may desire to ask.

Mr. GILLETT of Massachusetts. Supposing this man had been living on board a ship and the ship had been burned up, would he have had a claim?

Mr. BUTLER of Pennsylvania. I wish I could answer you more directly, but I undertake to say that he would.

Mr. GILLETT of Massachusetts. I do not see why the fact that he was on land should give him any special claim for damages over what he would have if the ship were destroyed.

Mr. BUTLER of Pennsylvania. I presume the statement was made in the letter addressed by Secretary Whitney to Senator Cameron because it was unusual for paymasters and paymasters' clerks to be ashore—that they can not remain ashore without orders from the Department; but we find that these men were compelled to be on shore and compelled to live in this hotel.

Mr. GILLETT of Massachusetts. Whenever a naval ship is destroyed in war, have the officers the right to recover for their uniforms, etc., destroyed?

Mr. BUTLER of Pennsylvania. I am very much pleased to answer my friend from Massachusetts from a suggestion made to me by the gentleman from Pennsylvania [Mr. PALMER], who says that the officers of the Ninth Pennsylvania Regiment were paid for their uniforms which were consumed by fire. Furthermore, this House generously and cheerfully passed a concurrent resolution paying the officers and men of the Navy for the uniforms destroyed with the *Maine* in Habana Harbor. All the men were paid for their losses sustained at that time. It is not an unusual claim and is entirely within the precedents of this House.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WALES ISLAND PACKING COMPANY.

The next business on the Private Calendar was Senate joint resolution 45, directing inquiry into the claim of the Wales Island Packing Company.

The joint resolution was read, as follows:

Joint resolution (S. R. 45) directing inquiry into the claim of the Wales Island Packing Company.

Whereas the establishments and interests on Wales Island, in Portland Canal, of the Wales Island Packing Company, a corporation organized under the laws of the State of New York by citizens of the United States, have, by decision of the Alaskan Boundary Tribunal, been placed on the Canadian side of the boundary, and said company claims that under existing conditions it is thereby prevented from continuing its business and that its property is rendered valueless; and

Whereas the Department of State has earnestly invited the attention of Congress to the grounds upon which relief is sought by said company, set forth in the memorial transmitted to Congress by the Department of State (H. Doc. No. 510, 58th Cong. 2d sess.); and

Whereas the Secretary of the Department of Commerce and Labor is charged with the supervision and control of the Alaskan fisheries: Therefore, be it

Resolved, etc., That the Secretary of the Department of Commerce and Labor be, and he is hereby, directed to inquire into the effect the decision of said Alaskan Boundary Tribunal has had on the Wales Island Packing Company, and if it be found that said company under such decision is unable, as claimed, to continue its business as formerly conducted, or has otherwise suffered damage thereby, to report to Congress the amount of damages, if any, suffered by said company.

Mr. PAYNE. Mr. Chairman, I am opposed to Congress giving this claim any sort of status whatever. My attention was called to it by the attorney for the claimants a year or two ago, and the facts were stated then as they are stated in the preamble of the resolution. This packing company built their packing house on Wales Island while the United States was claiming title to that island. They were citizens of the United States, I believe; and by the award of the Alaskan tribunal it was found that Wales Island was within British territory, and, being within British territory, they could not pursue their work of fishing on Wales Island. Now, this was in disputed territory all the time, and, of course, these gentlemen must have known it when they established their factory. I can not see on what principle of law or of justice the United States should ever be subject to any claim of liabilities because in the award of this tribunal it had been found that this territory, which the United States claimed, belonged to Great Britain, and the business of these gentlemen had been interfered with because of the adjustment of the dispute in that way. I do not know of any precedent or any law—none was cited to me at the time—that would make the United States liable. Of course, gentlemen will say that this is simply a bill to refer it to the Department of Commerce and Labor; but, as I understand, there is not and can not be any dispute about the facts in the case. I admit it. It is simply an entering wedge; an introduction of this claim to the Congress of the United States, with a subsequent report to be made the foundation for a claim of liability; and in the course of future generations, when the facts may not be fully fresh in the minds of our successors, the claim will come in here in its enlarged form, and a liability against the United States in some way guessed out of it, so that Congress will make an appropriation, and the attorney for the claimants, who is a young man—and, I will say, a very fine young man—will in the end benefit by it. But I do not think we ought to take this first step in the wrong direction.

Mr. GRAFF. Mr. Chairman, I wish to say that I am inclined to agree with the gentleman from New York [Mr. PAYNE] on the proposition that it is exceedingly doubtful whether this company would have a right to claim any damages suffered by reason of the decision of this Alaskan boundary tribunal; but that question was not gone into by the committee, and I am not prepared to give an opinion on the subject now that would be worth anything. But in order to pass intelligently upon this measure it is not necessary to discuss that question, because this measure is simply to ascertain the facts, and there is nothing about the bill which recognizes in any way the validity of any claim which might arise under the facts. But it is admitted by the gentleman from New York [Mr. PAYNE] that these people have been injured, and injured grievously, by the decision of the tribunal or by the sequences of it; and for a further statement on the subject I yield to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, by the purchase of Alaska in 1867, Wales Island became as much a part of that Territory, so far as the Administration of our Government was concerned, as any other part of that Territory. There was no question raised about it. The United States Government built storehouses there, upon which were painted the letters "U. S.," designating those storehouses as the property of the United States. Anyone going to that island had the same right to assume that it was a part of the Territory of Alaska, which was purchased by our Government, as they would have the right to assume, if they came here to the city of Washington, that it was under the jurisdiction of the United States. Administrative and executive acts of a government are recognized as the exercise of sovereignty, and no one is obligated to inquire any further than to know that the sovereignty is exercised.

That was the condition of things when a few years ago there was organized a corporation in the State of New York known as the "Wales Packing Company," for the purpose of establishing a fishery in Alaska. This company was composed entirely of American citizens and the stock was entirely owned by American citizens. For two years they searched the coast of Alaska to find a suitable spot, and the only spot south of Cape Fox which was open to American citizens for the establishment of a fishery—on account of the precipitous nature of the coast and on account of the fact that there was no harbor or fresh water anywhere else—was at Wales Island.

As I have stated, this island was under the jurisdiction of the United States at that time. So they built a great plant there, a plant which the year before the Alaska Boundary Commission passed upon these questions packed 30,000 cases of salmon, and had a capacity to and, if it had not been for this decision, would have packed 50,000 cases of fish.

But by that decision, which threw the boundary line west of Wales Island and made Wales Island and all the contiguous waters a part of the Dominion of Canada, this company, which had acted in good faith, which had the right to assume that the Government had jurisdiction over that island, which had invested a large amount of American capital in the enterprise, which had built up a great industry before being stopped by a peculiar condition of things, notwithstanding the most strenuous and vigorous opposition on the part of our representatives before that commission, was compelled to stop its business.

Now, this, Mr. Chairman, is a very peculiar condition of things. How is this great American company left? What are its rights? Should any further steps be taken by our Government to secure those rights? Has the company been damaged in any way? Has it been at fault in any way?

This is a joint resolution which comes to us from the other end of the Capitol. It has been duly considered there. In that body sits one of the commissioners who passed upon those questions and who knows all about them.

In answering the gentleman from New York [Mr. PAYNE] it is only necessary to call the attention of this House to the fact that this memorial begins with a communication from the Department of State, fully setting forth the facts that are stated in the memorial and earnestly inviting Congress to consider this situation—to consider the facts set forth in the memorial—that there shall be such action on the part of Congress as the equities of the case may warrant. This communication from the Department of State has been sent to both branches of Congress, and in accordance therewith the committee have presented this harmless bill, which does not appropriate a cent of the nation's money, which only sends to the Department of State what they have asked us to do, namely, the authority to investigate the facts. The Department of State may report that no action should be taken by Congress. They may report that this Wales Packing Company can not legally or equitably claim any damages.

Mr. PERKINS. How much does the Wales Packing Company claim its damages are?

Mr. TIRRELL. They have not set forth any figures.

Mr. PERKINS. Oh, well, the gentleman knows something about it. The damages claimed are very large, are they not?

Mr. TIRRELL. I would ask the gentleman, when the company has invested probably half a million of dollars in this enterprise, and by the action of the Alaskan Boundary Commission have been cut off entirely from transacting their business, and their business has been made valueless——

Mr. PERKINS. Then you claim their damage is half a million dollars?

Mr. TIRRELL. I do not know that there will be any damages allowed at all.

Mr. PERKINS. But let us assume that they claim half a million dollars.

Mr. TIRRELL. It is a question which the Department of State will investigate. Does the gentleman from New York suppose for one moment that the Department of State is going to report any other course than that which is founded in the law of justice or equity?

Mr. PERKINS. I want to ask the gentleman from Massachusetts, who is a very distinguished lawyer, a question of law. He would not for a moment claim in case a man located on a piece of land thinking it belonged to the apparent owner, and the apparent owner thought so, too, that the apparent owner would be liable for damages for that mistake? He does not claim by any possibility there would be any legal claim against the United States because a court of arbitration had decided that they did not own a certain piece of land? I know the gentleman from Massachusetts could not claim that.

Mr. TIRRELL. It is not a parallel case at all.

Mr. PERKINS. It is the case. It is not a parallel case; it is the case.

Mr. TIRRELL. The company asks that the Government of the United States shall be requested to see if there can be any relief granted according to the necessities of the case. If the Department of State is authorized to take this matter up, as it should be, then it may, by negotiations which they may enter into or by the presentation of facts connected with the whole case to the Canadian government or whoever has jurisdiction over that island, enter into relations with this company that may be entirely satisfactory.

Mr. PERKINS. We do not need a claim bill to be passed by Congress for that. The State Department does not have to procure the authority from Congress.

Mr. TIRRELL. The Department of State has requested this very thing.

Mr. PERKINS. What I fear is that this is going to be an entering wedge for claims for damages to the amount of half a million dollars which certainly rest on no legal basis.

Mr. TIRRELL. As to whether this damage ought to be paid can be determined by the Department of State after due investigation. What harm is there in the passage of this memorial to have an inquiry instituted? Is it possible that the citizens of New York who have invested large amounts of money in this enterprise can not have the matter investigated by the Department of State, which asks to have it done?

Mr. BELL of California. Is the gentleman from Massachusetts acquainted with the rule that governs when territory is ceded by one country to another? Suppose this island had been ceded out and out by the United States, could you then claim that this company would be entitled to any damages that might result from that cession? Is that the rule which prevails governing commerce of citizens in the territory ceded by one country to another?

Mr. TIRRELL. If the gentleman has the law he can read it, and then it will not be necessary to ask me further questions about it. Mr. Chairman, I move the bill be laid aside for favorable consideration.

Mr. PAYNE. The gentleman from Massachusetts [Mr. TIRRELL] says that this is a harmless resolution. Well, Mr. Chairman, no one would have had the effrontery to bring into the House anything but a resolution that could be called harmless on this subject. No one would come in here and ask the House to pass a resolution referring this matter to the Court of Claims and allow them to make findings on the subject, or, least of all, would introduce a bill giving what might be called a legal status that Congress could be bound by. The proposition itself is so abhorrent to all principles of law that no one would think of bringing it in here. Why pass it? Why put the seal of the House upon this procedure? Why give it any standing here or in any future Congress? Why must we be embarrassed when this claim comes up again by saying that Congress has already adjudicated, or already conceded by its action, that the company has some claim?

We know certain facts. There is no doubt but what this company did build a cannery there. There is no doubt but that the United States claimed to own Wales Island. There is no doubt but that these people had a right to suppose that the United States did own Wales Island when they built the cannery there. It turns out that our title was defective. It was decided by a high tribunal that it was a part of the British territory. But, Mr. Chairman, we did not warrant the title. We were not privy in any way to their establishment of this cannery there on Wales Island. We are not liable either legally or equitably under the law. Why give it any status? Why not, Mr. Chairman, recommend that it lie on the table?

I move that the resolution be laid aside, to be reported to the House with the recommendation that it lie on the table.

Mr. KNOWLAND. Mr. Chairman, I want to make a suggestion that may bring consolation to the mind of the gentleman from Massachusetts [Mr. TIRRELL]. While this may result in some injury to the American company, yet if this rule were applied to Canada it would bankrupt that government to reimburse all the citizens of that country who found that they were not on Canadian soil, but were on American soil.

The CHAIRMAN. The gentleman from New York moves that the resolution be laid aside with the recommendation that it lie on the table.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 25, noes 26.

Mr. PAYNE. I ask for tellers.

Tellers were ordered.

The gentleman from New York [Mr. PAYNE] and the gentleman from Massachusetts [Mr. TIRRELL] were appointed tellers.

The House again divided; and the tellers reported that there were—ayes 30, noes 30.

So the motion was lost.

The CHAIRMAN. The question now is on laying the resolution aside to be reported to the House with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. TIRRELL) there were—ayes 46, noes 34.

So the resolution was laid aside to be reported to the House with a favorable recommendation.

JAMES F. M'INDOE.

The next business on the Private Calendar was the bill (S. 1501) for the relief of James McIndoe.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James F. McIndoe, captain, Corps of Engineers, late first lieutenant, Corps of Engineers, United States Army, the sum of $1,142.70, being the value of his personal effects destroyed by fire on the 13th day of February, 1901, through the destruction by fire of the engineer quarters at Fort Hancock, N. J., as determined by a board of survey which met by order of Major-General Brooke at Fort Hancock, N. J., on the 15th day of March, 1901.

Mr. PAYNE. Mr. Chairman, before I ask to have the report read, I want to make a parliamentary inquiry—whether it would not be in order for the chairman of the committee, or my friend from Massachusetts [Mr. TIRRELL], to ask unanimous consent to go back to the last case and give this packing company all they think they ought to have and make an end of it.

If the Chair is unable to answer that inquiry, I ask for the report to be read in this case.

The Clerk read the report (by Mr. MILLER), as follows:

The Committee on Claims, having had under consideration the bill (S. 1501) for the relief of James F. McIndoe, beg leave to report the same favorably to the House with the recommendation that the bill do pass.

The Senate report is herewith made a part of this report, as follows:

"The Committee on Claims, to whom was referred the bill (S. 1501) for the relief of James F. McIndoe, begs leave to report as follows:

"The purpose of this bill is to reimburse James F. McIndoe, captain, Corps of Engineers, in the sum of $1,142.70, being the value of his personal effects destroyed by fire on the 13th day of February, 1901, through the destruction by fire of the engineer quarters at Fort Hancock, N. J., as determined by a board of survey which met by order of Major-General Brooke at Fort Hancock, N. J., on the 15th day of March, 1901.

"A bill similar to this was introduced in the first session Fifty-seventh Congress, S. 5531, was favorably reported by the Committee on Claims, and passed the Senate.

"The evidence in this case shows that while Captain McIndoe was serving the United States in charge of fortification work at Fort Hancock, and while residing in the building provided by the United States for the officer charged with said duties, the same was totally destroyed by fire on the morning of February 13, 1901, due to defective construction of a chimney and to inflammable materials entering into the construction of the house. It appears from the testimony in the case that the fire originated from a defect in the chimney of the house. The fire burned very rapidly, and, according to the testimony of the witnesses, in twenty minutes after the fire was discovered access to the second floor was impossible.

"Captain McIndoe testifies that every possible effort was made to save the building and property belonging to the United States; that owing to the efforts made to save the property of the United States the property of his own was destroyed of the value set out in this bill. The testimony of Captain McIndoe is corroborated by a number of other witnesses as to the origin of the fire and the speed with which it consumed the building occupied by him as a home. It further appears from the testimony of witnesses that owing to the high wind prevailing Captain McIndoe ordered the men under his control to desist from the efforts in saving his own property in order that their services might be used in preventing the ignition of other buildings belonging to the Government close at hand and in which valuable supplies were stored.

"In the opinion of the board of survey Captain McIndoe sacrificed his personal property, which could probably have been saved, since the fire started in the attic of the building which he occupied, to save the Government property. The board of survey fixes the value of the property destroyed at the amount claimed in this bill, and which they claim was an amount of personal property reasonably useful, necessary, and proper for the claimant to have in the public service in the line of duty, and had Captain McIndoe, instead of trying to save the Government property, cared for his personal belongings, he could have saved them. They were therefore, in the opinion of the board, lost while the claimant was protecting Government property, and they recommend that he be reimbursed in the amount of $1,142.70.

"The claim was presented to the Auditor for the War Department and by him disallowed upon the ground that the destruction of the property for which reimbursement is claimed was not caused by an exigency of the military service, whereby the claimant was deprived of the control over said property which he would have had in civil life, or whereby the property was subjected to dangers not ordinarily incident to its use in civil life, and on the further ground that it did not appear that the destruction was caused by this claimant giving his attention to the saving of the property belonging to the United States.

"As pointed out above, it appears to your committee that the testimony in this case shows that this property was lost while this claimant was giving his attention to the saving of the property of the United States. The law authorizing a recovery in cases of this character provides that the proper officers of the Treasury shall 'determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:

"'First. When such loss or destruction was without fault or negligence on the part of the claimant.'

"(The second item has no application to this case.)

"'Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the time and under similar circumstances.'

"The testimony in this case shows that the property of claimant was in an extra hazardous position by exigency of the military service. It appears from the testimony that the quarters occupied were the only quarters at Fort Hancock provided for the engineer officers on duty there. It further appears that the location of the building was outside of the limits of every protection provided at the post against fire, and beyond adequate water supply for extinguishing fires. The testimony also shows that Captain McIndoe and others who were assisting him in efforts to put out the fire were compelled to carry water in pails for that purpose.

"It appears to your committee that if Captain McIndoe had been at liberty to select his own place of residence he would have exercised ordinary care, and would have selected a place surrounded by the usual protection against fire.

"After considering all of the testimony presented and the findings of the board of survey, and noting the recommendation of the said board, your committee is of the opinion that the demand of this claimant is just and that this bill should pass."

Mr. PAYNE. Mr. Chairman, the report of the committee shows every reason why a prudent, reasonable man should have insured this property, there being so many insurance companies and the premiums so low. The report states that the building was exposed to fire more or less. There were no proper means of putting out a fire if one should occur. This man went there with his eyes open to all of those facts. The law is that he must be free from negligence on his own part. I fail to see that he was not negligent in not insuring this property when he went there. Of course, in a case of this kind it is always found that the party has taken care of the Government property instead of his own. It does not appear that he saved much Government property. The Government would not have been the loser if he had left the Government property alone and saved his own, if we have to pay this bill for the loss. In fact, it makes the Government of the United States the insurer of the property of officers of the Army whenever they go into quarters, provided by the United States, at immense expense, for their residence in these forts or military reservations. I do not think such a bill ought to pass. Of course, I see around me a great many gentlemen who are interested in claims upon this Calendar. I notice that those gentlemen always find the case so clear when it comes to a vote that they are recorded on one side of the question. The House is slim and thin, and after the passage of the last claim through this committee—a claim more unjustifiable and without even the shadow of an excuse for going through than any I recall during my experience, and I have always given attention to claims that come before the House—I do not know that it is of any use to make any opposition to these claims at all, more than the mere uttering of a protest. It does not seem to me that the Government of the United States ought to insure the personal property of the Army.

Mr. LIND. Mr. Chairman, I just wish to say that I was a member of the committee when this bill was reported, and that the considerations that actuated the committee were the facts that the Congress has almost universally reimbursed officers in cases like this. I feel very much as the gentleman from New York [Mr. PAYNE] expressed himself on the general proposition, but I think the Congress should decisively say whether or not it will continue to pay these claims. Other claims no more meritorious than this have been paid right along every session of Congress, and of identically the same character. That is the best and strongest argument which can be made in favor of this one.

Mr. PAYNE. Because we have done wrong a great many times before this, we should continue doing so?

Mr. LIND. Oh, I do not say that.

Mr. PAYNE. I think it is time to give these officers notice that they should get their property insured and pay a little insurance money, as ordinary people do, instead of relying upon the Government to become an insurer of their property.

Mr. LIND. Then we ought to say so. I agree with the gentleman in that.

Mr. PAYNE. And I think we would say so pretty emphatically if we sat down on this claim.

Mr. MADDOX. Did the gentleman ever hear of a private being paid anything for the loss of his clothing or anything else, in battle or elsewhere?

Mr. PAYNE. I do not recall. Perhaps the gentleman from Minnesota [Mr. LIND] can say.

Mr. LIND. No; I never did, and I don't think there is an instance of that kind on record.

Mr. LACEY. Oh, yes; we paid for the loss of privates in shipwrecks—made a full invoice of everything they lost and paid them.

Mr. LIND. But they can not procure insurance.

Mr. MILLER. Mr. Chairman, I feel, as a member of the subcommittee that reported this bill, that I ought to say this in respect to the matter: This entire matter was referred to the board of survey, and that board recommended the payment of the claim and put it upon the ground of the fact that this man in attempting to save the Government property sacrificed his own. He would have saved his own property had it not been for this attempt that he made to save the Government property. The evidence is clear and conclusive on that proposition.

Mr. PAYNE. What was the Government property—a house or buildings?

Mr. GRAFF. Buildings. I call the attention of the gentleman to the sentence at the end of the first page of the report:

It further appears from the testimony of witnesses that owing to the high winds prevailing Captain McIndoe ordered the men under his control to desist from the effort in saving his own property in order that their services might be used in preventing the ignition of other buildings belonging to the Government close at hand, and in which valuable supplies were stored.

Mr. BAKER. Would the gentleman consider that the saving of his property—by taking men away from the protection of the property of the United States to save his own property—to be justifiable?

Mr. GRAFF. The gentleman is right, save that he is wrong.

Mr. BAKER. I thank the gentleman. That is usually the case, I assume. [Laughter.]

Mr. GRAFF. If that is the gentleman's normal condition, I am sure that it is not intentionally so.

Mr. BAKER. Certainly that was my construction.

Mr. GRAFF. The sentence I attempted to read correctly says that he turned his back to his own property and neglected that, and ordered his men to save——

Mr. BAKER. His men?

Mr. GRAFF. That is, the men under him.

Mr. BAKER. Exactly.

Mr. GRAFF. Under his command, to prevent the ignition of United States buildings adjoining, which contained valuable Government stores.

Mr. BAKER. Which were not actually then ignited.

Mr. GRAFF. And which had not yet started to burn.

Mr. BAKER. The fire had not yet reached them.

Mr. GRAFF. The fire had not yet reached them; yes.

Mr. MILLER. I will say, in addition to what has already been said, that so far as the statement made by the gentleman from New York is concerned I agree with him in reference to this class of claims, but there is no reason why this particular individual should be singled out and we should say he should not be permitted to recover when every claim of this character that has been presented to the Congress of the United States has been allowed; and this committee has just reported with favorable recommendation a bill allowing a clerk to a captain pay for his loss sustained in a case almost similar to this, and I think there is no reason why this claim should not be laid aside with a recommendation that it should be passed.

Mr. PAYNE. May I ask my friend from Kansas——

Mr. MILLER. Certainly.

Mr. PAYNE. How are we ever going to stop this thing?

Mr. MILLER. The probabilities are it is going to stop some time, but I do not think it ought to stop on this particular case, which in my judgment is one of the most meritorious cases that has ever been presented here. It is not only simply a case of his losing his property by fire, but he lost it because he was engaged in trying to save the property of the United States Government.

Mr. PAYNE. It is true there is some statute on the subject.

Mr. MILLER. There is a statute on the subject.

Mr. PAYNE. Why would it not be well for this Committee on Claims, being perfectly familiar with the facts, to bring a bill in here disallowing any claim under the statute where the party failed to get insurance on his property?

Mr. MILLER. I will say to the gentleman from New York, so far as I am concerned, I would be glad to agree with my colleagues on that committee on a proposition of that kind. I want to say further to him, so far as the question he raises with reference to insurance of property is concerned, there is some hardship in that. If every officer, whether captain or private, was required to insure his property, moving from place to place as he is, insuring property to-day in New York, to-morrow in Kansas, and the next week in San Francisco——

Mr. PAYNE. Well, they do not move quite as rapidly as that. When they get a good berth they generally stay for three years, and when they accumulate property they seldom stay less than a year, and the usual time for insurance is from one to three years, so that would not be any great hardship.

Mr. MILLER. That is true in many instances, but in many instances they are required to change from place to place, and frequently, too; and I say the most meritorious case presented in this Congress of this kind is the one presented here, and every one of the others have been favorably reported to the House and passed.

Mr. PAYNE. Well, my friend from Kansas removes all glimmer of hope that we can ever stop this thing, because when I suggest that we put the statute that allows the board of survey to pay these claims in some instances the further provision that no claim should be paid when the officer neglects to get insurance he presents the astounding obstacle to anything of that kind that because sometimes these gentlemen move often and at short notice it would be a hardship to require them to insure their property rather than to have the Government of the United States insure it, so I suppose we will go on in the same old hopeless way in regard to this matter.

Mr. MILLER. Mr. Chairman, in order that the last glimmer of hope may not be taken away from the gentleman from New York I want to say to him frankly that if he will formulate legislation such as suggested it will receive my hearty indorsement and active support.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the noes seem to have it.

Mr. MILLER. Division, Mr. Chairman.

The committee proceeded to divide.

Mr. MADDOX. Mr. Chairman, it looks to me there ought to be a hundred men to see this fun going on—at least a hundred.

The CHAIRMAN. The Chair will count.

Mr. PAYNE. If the gentleman will allow me, I hope that we shall not get into any tangle over the question of no quorum at this time.

Mr. MADDOX. I believe we ought to have it.

Mr. PAYNE. That question can come up when we get out of committee. A number of gentlemen have come to me very anxious to know whether we are going to adjourn over until Monday. I told them I was going to make that motion, and some gentlemen have gone away from the House on account of the assurance that I have given them, and I ask the gentleman to withdraw the point of no quorum, so that the committee may rise, and then I will make the motion, and the House can go back into committee.

Mr. MADDOX. I did not make the point to obstruct business. I think the other gentlemen ought to be here.

Mr. PAYNE. Will the gentleman withdraw his point temporarily, and allow the chairman of the committee to move the committee rise?

Mr. MADDOX. I withdraw it.

Mr. GRAFF. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PALMER having assumed the chair as Speaker pro tempore, Mr. CAMPBELL, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills upon the Private Calendar and had come to no resolution thereon.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The question was taken; and the motion was agreed to.

ORDER OF BUSINESS.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. CAMPBELL in the chair.

JAMES F. M'INDOE.

The CHAIRMAN. The gentleman from Georgia makes the point that a quorum has not voted.

Mr. MADDOX. I withdraw it, as I see some others have come in.

The CHAIRMAN. The gentleman withdraws the point of order; the ayes have it, and the bill is laid aside with a favorable recommendation.

AGNES W. HILLS AND SARAH J. HILLS.

The next business on the Private Calendar was the bill (H. R. 8113) for the relief of Agnes W. Hills and Sarah J. Hills.

The bill was read, as follows:

A bill (H. R. 8113) for the relief of Agnes W. Hills and Sarah J. Hills.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Agnes W. Hills and Sarah J. Hills the sum of $7,561.80, out of any money in the Treasury not otherwise appropriated, the value of personal property belonging to Albert G. Hills and Alfred C. Hills, both deceased, taken and converted to the use of the United States by the military forces of the United States.

Mr. PAYNE. I call for the reading of the report, Mr. Chairman, in my time.

The report, by Mr. TIRRELL, was read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 8113) for the relief of Sarah J. Hills and Agnes W. Hills, report as follows:

It appears from the papers in the case, which are very voluminous, that General Butler, while in command at New Orleans, suppressed and took possession of the True Delta newspaper for a violation of a proclamation, and that the property was occupied and used for printing purposes for the Army, and a paper issued publishing orders, proclamations, etc.

General Butler was finally succeeded in command at New Orleans by Gen. N. P. Banks, who, by Special Order No. 40, dated February 9, 1863, granted permission to the workmen employed on the Daily Delta to continue its publication until further orders, under the management of its foreman, one Henry Green.

On the following day, by Special Orders, No. 41, General Banks directed:

"Paragraph 10. The newspaper and job office of the Daily Delta, together with the presses, paper, type, ink, materials, etc., will be turned over to Lieut. Col. Alfred C. Hills, Fourth Regiment Louisiana Native Guards, and to Albert G. Hills, esq., who are charged with the publication of the Daily Delta newspaper and the management of the job office from this date."

On March 5, 1863, by Special Orders, No. 64, General Banks directed:

"Paragraph 6. Lieut. Col. Alfred C. Hills, Fourth Louisiana Native Guards, and First Lieut. Albert G. Hills, Fourth Louisiana Native Guards, are detailed for special duty in this city (New Orleans) to take charge of the Era newspaper and job office, to date, the former from the 23d and the latter from the 20th ultimo (February)."

It appears from the papers that these officers remained in the service,

one until May, 1863, and the other until July, 1863, at which dates they resigned their commissions. But they continued in the management and charge of the Era. The Era was the same establishment as the Daily Delta, the name only having been changed.

In October, 1863, under the orders of the President of the United States directing captured and abandoned property, not required for military purposes, to be turned over to the military authorities to the special agents of the Treasury Department, General Banks's quartermaster, Colonel Holabird, turned over this property to B. F. Flanders, special agent of the Treasury Department, but on the 25th of October, 1863, General Banks, by a letter to Mr. Flanders, setting forth the necessity of having a newspaper for the publication of his proclamations, orders, etc., withdrew the property from Flanders, revoking Colonel Holabird's action.

On the 16th of March, 1864, General Banks, by Special Orders, No. 67, directed:

"Paragraph 3. The editors of the Era, Messrs. Hills & Hills, being unable to continue the business of publication together, are relieved from the operations of the order issued in regard to the management of the Era. The conducting of the paper is hereby assigned to Messrs. J. W. Fairfax and T. G. Tracy, employees in the office, to be conducted under the same general regulations and instructions given to the Messrs. Hills by paragraph 10 of Special Order 41, of 1863, from these headquarters, and by letter dated February, 1863. Capt. Stephen Hoyt, mayor; Col. Frank E. Howe, and James T. Tucker are hereby appointed to settle the affairs of the concern, and will report their judgment to these headquarters for confirmation."

On the 7th of April, 1864, the Commission named above made a report, which is as follows:

"The undersigned, appointed a Commission by Special Order 67, Department of the Gulf, a copy of which is herewith inclosed, to settle the affairs of the Era concern, have the honor to respectfully report that, after an investigation into the affairs of the Era, they recommend that the management and conducting of the paper known as the Era be turned over to Messrs. J. W. Fairfax and T. G. Tracy, now and for a long time past employees of the Era; it, however, being understood that the status of the Government in regard to the management of the paper and the office is in no way changed by the action of the Commission, or rather by its recommendation. We do this because we believe that it is impossible and impracticable to settle the differences between the Messrs. Hills & Hills. To do this it seems to be necessary for the Government to advance to the Messrs. Hills & Hills, as due them at the date of the order (March 16, 1864), for stock in the office as below mentioned, exclusive, of course, of all the type and material in the office belonging to the Government, or as left by Messrs. Clark & Brown at the time of the possession given to Hills & Hills, the sum of $7,561.80."

Mr. PAYNE (interrupting the reading). Mr. Chairman, I did not hear the bill read; but from what has been read of the report it appears that this is a war claim, and I make the point of order that this bill is not in order to-day, although it is reported from the Committee on Claims. I do not know that the point is well taken, looking at the order which provides that bills reported from the Committee on Claims are in order to-day. It is reported by that committee, but I do not see why the point of order would not be tenable under that language. The rule, I want to say, Mr. Chairman, to-day, under this special order, is for bills reported from the Committee on Claims. Under the call of committees a bill is in order that is on the House Calendar, and when it is found that it is improperly on the House Calendar and a point of order is made that it should be considered in Committee of the Whole, it immediately goes to the Committee of the Whole. From the reading of the report thus far it appears that this is a war claim and ought not to come here under this order.

Mr. GRAFF. I think if the gentleman from New York will look into it more fully he will see that it is not a claim arising out of property seized in consequence of the war; but it arose——

Mr. PAYNE. It arose under the military occupation of New Orleans by the army under General Butler.

Mr. GRAFF. A sort of contractual relation existed between the claimants and the Government.

Mr. PAYNE. Yes.

Mr. GRAFF. And the officers were under the command of the Government; and that being true, it would not be a war claim.

Mr. PAYNE. Was not this property taken and the men put in charge?

Mr. GRAFF. It was retained.

Mr. PAYNE. It was retained by the Government.

Mr. GRAFF. The property was not seized. It was retained.

Mr. PAYNE. By the Government?

Mr. GRAFF. Yes.

Mr. PAYNE. That is a war claim.

Mr. GRAFF. I think there would be a distinction.

Mr. TIRRELL. This bill has been before Congress a number of times in both branches and has been referred to the Committee on Claims, the reports have been made, and no objection heretofore of this character has ever been raised against the bill.

Mr. PAYNE. Has the bill ever been reached before?

Mr. TIRRELL. It has been passed upon by this House and failed, because of lack of time, to be passed upon by the other branch, and vice versa. I will call the attention of the gentleman from New York to the fact that during the last Congress the ice bill, which was for ice furnished the military authorities during the war, was a bill on which he argued so ably and vigorously.

Mr. PAYNE. And so unavailingly.

I want to call the gentleman's attention to the distinction between this and the ice bill. There was no claim that the Government had ever retained the ice. In fact, it was dubious whether there was any ice at all. But in this case these gentlemen furnished the material with which to run this printing office in the military district under the command of General Butler. Then, as the chairman of the committee says, and the report seems to indicate, the United States authorities retained the property and converted it to their own use. Now, does the gentleman see the distinction between the ice, in the bill to which he has referred, and the paraphernalia for a newspaper office, under these circumstances?

Mr. TIRRELL. And if the gentleman was more familiar with the bill, he would know that both of these claims arose under contracts which were made with civilians.

Mr. PAYNE. But the Government took possession of the property. It does not make any difference whether the property came in pursuance of a contract made by the Government or was the property of a resident of New Orleans during the war. The claim is for the Government detaining the property.

The CHAIRMAN. It appears by the reading of the bill that it is a war claim. Reference to the Committee on Claims under the precedents of this House does not give jurisdiction to that committee. It appears that the precedent is as follows:

The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration, either in the House or in Committee of the Whole.

So it is evident that the bill can not be considered at this time, and will have to be sent back.

Mr. TIRRELL. Will the Chair hear me for a moment on that question?

The CHAIRMAN. What is the question of the gentleman from Massachusetts?

Mr. TIRRELL. That of the ground upon which the decision is based, that it is a war claim; the report has presented to the House the facts in this case which determine that fact.

The CHAIRMAN. The Chair bases his decision that this is a war claim upon the language in the bill beginning in line 8, "belonging to Albert G. Hills and Alfred C. Hills, both deceased, taken and converted to the use of the United States by the military forces of the United States."

Mr. GRAFF. May I say a word in reference to the point of order?

The CHAIRMAN. Answering further the gentleman from Massachusetts [Mr. TIRRELL], the rule of jurisdiction over claims arising out of any war in which the United States has been engaged is that they must be referred to the Committee on War Claims.

Mr. GRAFF. Mr. Chairman, may I make a single suggestion to the Chair? That is, I understand the precedents are that when there has been debate intervening between the reading of the bill and the point of order, the point of order is not well taken. The facts in this case are that when the bill was read the gentleman from New York arose and asked that the report be made in his time, which would be tantamount to the gentleman from New York making a speech upon the merits of the claim, and during the reading of the report there was an interruption, made, I believe, by the gentleman from Massachusetts [Mr. TIRRELL], and the gentleman from Massachusetts took part in the debate on the merits of the claim, and I think the record will show that he was followed by the gentleman from New York, who again participated in the debate.

Mr. PAYNE. The gentleman from Illinois [Mr. GRAFF] is not quite right about the facts. I asked for a reading of the report. I did not find that the bill was a war claim until I heard a part of the report read.

Mr. GRAFF. At all events there had been debate upon the subject.

Mr. PAYNE. I want to say to the gentleman that no objection of this kind was made, and the Chair has already decided that the bill is out of order. It is too late now to change that.

The CHAIRMAN. The Chair will say to the gentleman from Illinois [Mr. GRAFF] that that is the general rule; but it would only have been fair to the Chair to have called his attention to that fact prior to his decision. The decision of the Chair was made upon what the Chair understands to be the precedents of the House, and on the case that was made upon the floor. The point of order made by the gentleman from Illinois

[Mr. GRAFF] was not made in time. The Chair stands by his ruling.

LINDLEY C. KENT AND JOSEPH JENKINS.

The next business on the Private Calendar was the bill (S. 1352) for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb.

The bill was read, as follows:

Be it enacted, etc., That Lindley C. Kent and Joseph Jenkins, sureties upon the bond of Frank A. Webb for the faithful performance of his contract for the construction, erection, and delivery of buildings for the new Port Penn light station, Delaware (fourth light-house district), having, by failure on the part of said Webb, been obliged to complete said contract themselves for said Webb, but at their own expense, and having by such unexpected failure of said contractor not only been put to great extra cost in such work, but also been, by the terms of the contract, subjected to a very heavy penalty for delayed completion of the work, due to the said Webb's failure and not to any fault of their own, a penalty far in excess of the actual extra expense thereby caused to the United States, be, and they are hereby, released from so much of said penalty as is in excess of the actual extra expense to the United States by reason of said delays; and that the engineer of the fourth light-house district be, and he is hereby, authorized and directed to pay to the said Lindley C. Kent and Joseph Jenkins the unpaid balance of the full amount of said contract, less the aforesaid actual extra expense to the United States by reason of said delays: *Provided, however*, That such payment shall not be made until said engineer is satisfied that all materials used and all labor employed in the construction of said buildings have been duly paid for.

Mr. LIND. Mr. Chairman, instead of calling for the reading of the report, I trust the gentleman from New York [Mr. PAYNE] will accept a brief statement of the facts.

A gentleman by the name of Webb took the contract to build a light-house at Port Penn, Del. The contract price was some $4,400. The contractor gave the usual bond, with two sureties. Shortly after taking the contract he absconded. The bondsmen proceeded to complete the building, and, as returned by the Government engineers, actually expended over $6,000 in completing the structure. They were delayed beyond the contract period seventy-seven days. The contract called for a penalty of $20 a day, which the accounting officer of the Government exacted. The Government was put to no extra expense on account of this delay, except in the sum of $500. Now, the sureties of the absconding contractor simply ask that the portion of the penalty withheld be allowed them, less the extra expense incurred by the Government for delay, supervision, and examination.

The bill is so eminently fair that I do not believe anyone can object to its payment.

Mr. PAYNE. How much were they delayed by the absconding principal?

Mr. LIND. Seventy-seven days.

Mr. PAYNE. They were delayed by reason of his absence seventy-seven days?

Mr. LIND. He absconded.

Mr. PAYNE. They went at it as quickly as they reasonably could?

Mr. LIND. They went at it and expended nearly $2,000 of their own funds and materials in excess of the contract price.

On motion of Mr. GRAFF, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

W. R. AKERS.

The next business on the Private Calendar was the bill (H. R. 3950) for the relief of W. R. Akers, of Alliance, Nebr.

The bill was read, as follows:

Whereas the register and receiver of the United States land office at Alliance, Nebr., were duly authorized by the honorable Commissioner of the General Land Office of the United States to employ a stenographer and typewriter operator as a contest clerk in said United States land office at Alliance, Nebr., in 1892, and pursuant thereto did employ one W. G. Buehner as such, and said W. G. Buehner earned the sum of $79.50 by the performance of such duties for one quarter, and W. R. Akers, as receiver of said United States land office, rightfully paid to said W. G. Buehner said sum of $79.50 for said services, but overlooked obtaining a voucher therefor, and the whereabouts of said W. G. Buehner are unknown, and said register and receiver did not keep a record showing the precise number of words reduced to writing by said W. G. Buehner as such contest clerk during his service; and

Whereas the honorable Commissioner of the General Land Office of the United States, under the rules and regulations governing him, has declined to reimburse the said W. R. Akers for the payment of said $79.50 to said W. G. Buehner, by reason of the nonproduction of a voucher, duly executed by said W. G. Buehner, for such payment to him by said W. R. Akers, and for the further reason that said register and receiver did not keep a record of the precise number of words reduced to writing by said contest clerk in each particular case, and the honorable Commissioner of the General Land Office of the United States grant that said W. R. Akers is entitled to equitable relief in the full amount of his claim for $79.50: Therefore,

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized to pay, out of any moneys not otherwise appropriated, to the said W. R. Akers the sum of $79.50, to reimburse and satisfy him for that amount paid by him for the Government to W. G. Buehner for his salary as contest clerk in the United States land office at Alliance, Nebr., for salary for a one-quarter service in the year 1902.

Mr. PAYNE. I hope we will have an explanation of this bill.

Mr. GRAFF. I yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Mr. Chairman, the bill explains itself. It is for the relief of a receiver of the United States land office, who paid a debt of the Government and now desires to be reimbursed by this method. It came about under these circumstances: The law authorizes the receiver and register to employ contest clerks when the business of the office will justify it, and there was no question but that the business of the office justified it in this case. This contest clerk was employed. The litigants, the contestants, and contestees pay for the services of the contest clerks. The money thus paid goes to the credit of the Government, and the officers are authorized by the law to pay out of this fund the salary of the contest clerk. That was done in this case; there is no question about that; but the rules and regulations of the Department require that an account must be kept of the exact number of words written by the contest clerk, and that was not observed in this case. That could have been remedied if a voucher could have been furnished, signed by the contest clerk. That voucher could not be furnished, because the contest clerk removed to parts unknown, and his whereabouts have not since been ascertained.

Mr. GRAFF. May I ask the gentleman from Nebraska a question?

Mr. KINKAID. Yes.

Mr. GRAFF. This contest clerk is an officer of the Government? He is not a private employee of the official?

Mr. KINKAID. He is a servant of the Government.

Mr. GRAFF. Now, under the law it is the duty of the official who has the authority to appoint the contest clerk to report to the Government the amount of work that he does, so that the Government can make up his account and pay him?

Mr. KINKAID. Yes, sir; he would have done that in this case, except that the contest clerk left too soon for him to secure from him a voucher as to the number of words, and the Department requires a voucher from its clerks as to the number of words.

Mr. GRAFF. Do I understand that the claimant here is the contest clerk?

Mr. KINKAID. No, sir; it is the receiver of the land office that is the claimant here. He paid the contest clerk. There is no doubt about that; but he did not secure the voucher of the contest clerk, overlooking it. When he thought of it the contest clerk had gone.

Mr. GRAFF. This is simply to reimburse him for money he paid out for the United States Government for which he was unable to obtain a voucher in the regular way because the employee had left before he could secure a voucher.

Mr. KINKAID. Yes; before he could secure a voucher.

Mr. BUTLER of Pennsylvania. The Land Commissioner concedes all that.

Mr. KINKAID. The Department recognizes this fact and recommends this relief which is now sought by this bill of $79.50.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

GEORGE M'GHEHEY.

The next business on the Private Calendar was the bill (H. R. 9758) for the relief of the heirs of George McGhehey for services rendered as mail contractor.

The clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the heirs of George McGhehey, deceased, the per balance to credit of said George McGehey, for service found due tractor on routes No. 7870 and No. 7871, Arkansas, during 1861, as per balance to credit of said George McGehey, for service found due from January 1 to March 31, 1861, the date to which said service was certified.

Mr. HERMANN. Mr. Chairman, I wish to make a very brief explanation as to this small amount allowed in this bill, $137.39. The account arises upon a mail contract which was in existence as far back as 1858 and continued until July 1, 1861, when the war opened up and the Postmaster-General discontinued and canceled all contracts previous to May 31, 1861. This party had received his pay for his contract up to January 1, 1861. So that there remains from that time, May 31, 1861, a balance due him; the Department only had certified to a balance for the first quarter of that year—that is, from January 1 to March 31, amounting to $137.39. This has been reported favorably by the Postmaster-General, who states that the records of his Department show that George McGhehey, of Powhatan, Ark., was contractor

on routes 7870, Powhatan to Batesville, and 7871, Powhatan to Gainesville, Ark., for the contract term beginning July 1, 1858. By an order of the Postmaster-General all service on these and other routes in the Southern States was discontinued May 31, 1861.

The matter was referred to the Treasury Department, and the Acting Auditor also certified that the records of his office show that George McGhehey, of Powhatan, Ark., was the contractor for carrying the mails on routes 7870 and 7871, Arkansas, during 1861, and that there is a balance of $137.39 standing to the credit of his account for service from January 1 to March 31, 1861, the date to which the service was certified.

There is also, Mr. Chairman, an affidavit from the claimant to the effect that no portion of this amount has been received by him.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

ITALIAN-SWISS AGRICULTURAL COLONY.

The next business on the Private Calendar was the bill (H. R. 11370) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire.

The clerk read the bill, as follows:

Be it enacted, etc., That the Italian-Swiss Agricultural Colony, a corporation organized and existing under the laws of the State of California, be relieved from the payment of an assessment, or any part or portion thereof, made against the aforesaid corporation by the Commissioner of Internal Revenue, amounting to the sum of $956.89, said assessment having been placed against said corporation on account of the accidental destruction by fire of ten barrels of spirits, commonly called grape brandy, while being transported by rail from fruit distillery No. 108, located at Asti, Cal., to winery No. 109, located near Madera, Cal., and before said spirits could be used in said winery for fortifying pure sweet wine. The Commissioner of Internal Revenue is hereby authorized and directed to cancel the said assessment without the payment of the aforesaid tax or any part or portion thereof.

SEC. 2. That this act shall take effect immediately after its passage and approval.

Mr. BELL of California. Mr. Chairman, the object of this bill is plainly stated in the body of the measure. This grape brandy withdrawn from the company's distillery at Asti, Cal., was shipped by the Italian-Swiss colony from that place to Madera for the purpose of fortifying sweet wines. On its arrival at Madera, and before it was removed from the car, some 10 barrels were destroyed by fire. One of the barrels dropped to the floor, broke open, and when a train hand went into the car with his lantern it ignited the gas and an explosion occurred and 10 barrels were destroyed. Under the law this brandy would not have been required to pay a tax if it had been used for the purpose of fortifying their wine. It has been destroyed by fire, and there is no way by which the Internal-Revenue Commissioner can relieve them, as they are informed, from this assessment without an act of Congress. The present Commissioner of Internal-Revenue recommends the passage of this measure. The United States will not suffer any loss, but these people will be simply relieved from the damage they have sustained.

Mr. GRAFF. The goods were shipped in bond, were they not?

Mr. BELL of California. Yes.

Mr. GRAFF. So that there was no tax actually paid by them, but if the goods had reached their destination and were used for the purpose for which they were intended there would never have been any tax paid or due.

Mr. BELL of California. No tax would have been collectible at all.

Mr. GRAFF. The bond was given simply as an assurance that the goods would not be taken and used for some other purpose.

Mr. BELL of California. That is the exact situation.

Mr. PAYNE. Had the brandy passed out of the custody of the officers?

Mr. BELL of California. Of the internal-revenue officers?

Mr. PAYNE. Yes.

Mr. LIND. The goods were in a bonded car.

Mr. BELL of California. Of course constructively it was still in the possession of the internal-revenue officers.

Mr. PAYNE. Is there any recommendation that the bill should pass from the Secretary of the Treasury or the Commissioner of Internal Revenue?

Mr. BELL of California. Yes; from the Commisssioner of Internal Revenue.

Mr. PAYNE. Does he recommend the passage of this bill?

Mr. BELL of California. Yes.

Mr. PAYNE. In cases of this kind the Treasury Department has always made a distinction when the spirits were out of the control of the United States Government and under the control of the individual. If the spirits were under the control of the Government at the time the fire occurred, then we have always paid the claim or remitted it, but we have refused to pay where the goods have passed out of the control of the Government and into the hands of the individuals. Of course they have then to become their own insurers.

Mr. LIND. These barrels were in a bonded car.

Mr. PAYNE. I think that is under the control of the Government, because under the law the Government has to have an agent there at the winery, as I understand.

Mr. BELL of California. Yes.

Mr. GRAFF. I desire to go on record at this time by saying that it has been the disposition of the committee, so far as I have served on it, to refuse to report bills—and there have been a number of them—where the goods have been taken out of the distillery and the tax paid and where they were in the possession of the parties who were shipping them, and shipping them away for the purposes of use. In those cases we have refused to remit the taxes in case of destruction.

Mr. LIND. This is not a refundment.

Mr. BELL of California. This simply cancels the assessment that now stands against the spirits. It is not to refund anything.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

RAMON O. WILLIAMS AND JOSEPH A. SPRINGER.

The next business on the Private Calendar was the bill (H. R. 2052) for the relief of Ramon O. Williams and Joseph A. Springer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ramon O. Williams, late consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896, $2,222.08; and to Joseph A. Springer, late vice-consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895, $200.54; both amounts as shown on the records of the State Department and as recommended for payment by the State Department to the Fifty-fifth and Fifty-sixth Congresses, and reported to the House and passed by the Senate in the Fifty-seventh Congress.

Mr. PAYNE. Mr. Chairman, I would like to hear the report on this bill.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2052) for the relief of Ramon O. Williams and Joseph A. Springer, have carefully examined the same and now report it back to the House with the recommendation that it do pass without amendment, and make the report of the Senate in the Fifty-eighth Congress on a bill (S. 747) of the same tenor a part of this report, as follows:

"The bill provides for the payment of the following sums to the two claimants named:

To Ramon O. Williams	$2,222.08
To Joseph A. Springer	200.54

"These claims were proposed in the Senate as amendments to the deficiency appropriation bills of the second and third sessions of the Fifty-fifth Congress, and in both of said sessions the amendments were favorably reported and passed the Senate, but were stricken out in conference. A bill covering the same claims was introduced in the Senate in the first session of the Fifty-seventh Congress, was favorably reported (S. Rept. No. 1261, 57th Cong., 1st sess.), passed the Senate, and was favorably reported from the Committee on Claims of the House of Representatives. (H. Rept. No. 1832, 57th Cong., 1st sess.) A similar bill which had been introduced in the House in the same session was also favorably reported. (H. Rept. No. 1705, 57th Cong., 1st sess.)

"In addition to the favorable history of these claims, as cited above, your committee submit, as further support of their action, the following estimate from the Treasury Department, as set forth in House Document No. 354, Fifty-eighth Congress, second session:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, January 5, 1904.*

"SIR: I have the honor to transmit herewith for the consideration of Congress a communication from the Secretary of State of the 4th instant, recommending certain increases in the estimates and items for insertion and consideration in connection with the diplomatic and consular appropriation bill for the fiscal year ending June 30, 1905.

"Respectfully,

H. A. TAYLOR, *Acting Secretary.*

"The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

"DEPARTMENT OF STATE,
"*Washington, January 4, 1904.*

"SIR: I have the honor to request that the following recommendations be communicated to Congress for insertion in the estimates submitted by this Department for the diplomatic and consular service for the fiscal year beginning July 1, 1904:

* * * * * * *

"CLAIMS.

"An appropriation of $2,222.08 to Ramon O. Williams while consul-general of the United States at Habana, Cuba, for expenditures necessarily incurred by him for extra clerical assistance during the years 1892 to 1896, and to Joseph A. Springer $200.54 for the same purpose while he was in charge of the Habana office at various times from 1892 to 1895. In this connection attention is called to a letter of this Department of February 21, 1902, to the Committee on Claims, House of Representatives, and one of March 6, 1902, to the Committee on Claims, United States Senate. These letters contain a full statement with reference to these two claims, the payment of which is earnestly urged by this Department.

* * * * * * *

"FRANCIS B. LOOMIS,
"*Acting Secretary.*

"The SECRETARY OF STATE:

"The letters of February 21, 1902, and March 6, 1902, above referred to, contained a full and complete statement of the facts in the case, and were identical in substance. Your committee quote the letter addressed to their chairman, which was as follows:

"DEPARTMENT OF STATE,
"*Washington, March 6, 1902.*

"SIR: I have the honor to acknowledge the receipt of your letter, dated the 4th instant, requesting a statement with reference to Senate bill No. 3967 for the relief of Ramon O. Williams and Joseph A. Springer.

"In reply I have to say that the amounts named in the bill were paid by Mr. Williams when consul-general of the United States at Habana, Cuba, and by Mr. Springer, vice-consul-general, when in charge of the office during the absence of Mr. Williams, for clerical assistance over and above that for which allowances had been regularly made. Extra clerical help was absolutely necessary, largely on account of the reciprocity agreement between the United States and Spain, which gave the official at Habana an immense amount of work, especially in connection with the claims and protests presented by importers of American products (who were entitled to certain franchises under the said agreement) against the errors and misinterpretations due to mutual delay in publishing the joint repertory agreed upon by the two Governments.

"Acting under the instructions of this Department the consul-general at Habana received all such protests, not only those presented at Habana, but also those presented to other consular officers of this Government in Cuba. The reception of these protests, the preliminary consultations in connection therewith, the recording, filing, and translation of the documents and the correspondence with the fiscal authorities of Cuba, which was conducted mostly in two languages, gave the office such a vast amount of work that it was impossible to carry it on with the regular force employed.

"All the protests and claims made by importers to Cuba of American products, under the reciprocity agreement, were presented to our consular officers, and not in any case to Spanish notaries.

"It is proper to add in this connection that not a dollar was charged for any service connected with the business named, either for an official fee or for any personal service of an unofficial notarial or clerical character, nor for extra hours of labor, the sole purpose of the office being to aid in every possible way the development of our commerce with Cuba. Moreover, had not the consul-general employed tried and capable clerical assistance the detriment to American commerce would have been marked.

"On account of the long distance of Cuba from Spain the consul-general at Habana performed many services involving diplomatic or semidiplomatic functions, and the number of such services during the period covered by the claim in question was unusually large. No extra compensation was given the consul-general for work of this character done by him, which involved extra clerical help.

"In view of the foregoing facts the Department is decidedly of the opinion that the claim of Mr. Williams for $2,222.08 and of Mr. Springer for $200.54 is just and reasonable and should be allowed by Congress.

"I have the honor to be, sir, your obedient servant,
"JOHN HAY.

"Hon. FRANCIS E. WARREN,
"*Chairman Committee on Claims, United States Senate.*"

Mr. PAYNE. I did not notice the date of the letter from the Secretary of State. Can the gentleman tell me whether that letter was before the conference committee and before the House when this was struck out of the appropriation bill?

Mr. GRAFF. No; it was not.

Mr. PAYNE. It would seem, according to the report, that the Senate put it in the appropriation bill and that it came over to the House and was voted out. It then went to conference and finally went out.

Mr. GRAFF. I find the date of this is March 6, 1902.

Mr. PAYNE. What was the date of the conference?

Mr. GRAFF. That must have been three or four years ago. The letter of the Secretary of State sets out very clearly that it was necessary to have this clerical help on account of the reciprocity treaty with Spain at the time and that these amounts were absolutely paid out by the consul-general and vice-consul for necessary help incurred at that time. They have received no fees for their services, and the Secretary of State states that it was a proper bill of expense.

Mr. PAYNE. I do not think anyone who knows him would question a statement made by Mr. Williams.

Mr. GRAFF. It is simply a question of reimbursing them for this money which was paid out by them necessarily for the Government.

Mr. PAYNE. I do not like to encourage the practice of consuls incurring extra expense, and then coming to Congress for an appropriation to reimburse them. There might have been a necessity for it in this case.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The bill was laid aside with a favorable recommendation.

R. D. ASHFORD.

The next business on the Private Calendar was the bill (H. R. 10089) for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.

The Clerk read the bill, as follows:

A bill (H. R. 10089) for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to R. D. Ashford, of Lockport, Niagara County, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $420, that sum being for the rent of three parlors of the American Hotel, at Lockport, N. Y., and damage to carpets and furniture of said three parlors while they were occupied for post-office purposes at the time of the destruction of the Hodge Opera House, at Lockport, N. Y., on the morning of January 5, 1881, which was then partly occupied under lease by the Post-Office Department as a post-office.

Mr. PAYNE. I would like to have some statement or a reading of the report. I call for a reading of the report, if no one volunteers a statement.

Mr. GRAFF. If the gentleman from New York insists upon a reading of the report, I will ask that the bill be laid aside without prejudice.

Mr. PAYNE. Can not the gentleman make a statement?

Mr. GRAFF. The bill was introduced by Mr. WADSWORTH of New York. Mr. Hubbard, postmaster of Lockport, makes an affidavit setting forth the facts, as follows:

Richard D. Ashford filed with the Post-Office Department, at Washington, in March, 1881, for use, rent, etc., of parlors A, B, and G, in the American Hotel, in said city of Lockport, as an emergency post-office during the month of January, 1881, occasioned by the burning of the Opera House Building, in which the post-office was located.

I, as postmaster, was compelled at that time to take the first place that I could procure for the sorting and distributing of the United States mails. I procured the parlors in said hotel—as mentioned herein—of Mr. Ashford, only expecting to use them or remain there for one day; but circumstances made it necessary for me to occupy the rooms from January 5 to February 1. The reason for such occupancy for so long a time was—

First. The burning of the building in which the post-office was located.

Second. Being unable to obtain suitable rooms elsewhere at once and fit them up, I remained in the hotel until February 1.

Third. The store which was afterwards (March 1) moved into was No. 1, Central block, and had to be vacated and fitted up for the purposes of the post-office, which fitting up took January and part of February of said year.

The rental of the general post-office in this city was $600 per year. That was the amount of rent paid to Mr. Hodge for many years for the use of the post-office in the Hodge Opera House building and in No. 1 Central Block, which he furnished and fitted up. He had nothing to do with the procuring of the rooms in the American Hotel for the use of the post-office; there was no part of the money coming into my hands for rent or other purposes paid to R. D. Ashford for the use of his premises, and no money was ever sent to me or allowed by the Post-Office Department from which I could pay for the use of the same, which use was approved by me at the time and by affidavits submitted by me since that time.

I can see no reason why Mr. Ashford should not receive his pay for the use and accommodation he furnished to the United States post-office in his hotel, which occupied three of his most eligible rooms in the hotel, and which were furnished with carpets, besides the inconvenience to the people of the hotel, the rush and scramble of seekers for their mail, which was no doubt owing to the post-office being contained in said hotel for more than one day, and Mr. Ashford suffered more loss in his business and inconvenience than he could realize by his receiving the payment of his bill by the United States.

Mr. PAYNE. I see the gentleman from New York who introduced the bill is here, and I would like to ask him a question or two.

Mr. WADSWORTH. I will be very glad to answer.

Mr. PAYNE. I would like to ask if the owner of this hotel ever received any rent from the Government?

Mr. WADSWORTH. Not that I know of. I rely entirely in this matter upon the report of the Postmaster-General.

Mr. PAYNE. Does the Postmaster-General say so?

Mr. WADSWORTH. I think he does. I will say to the gentleman I have not looked at this report for a year.

Mr. PAYNE. I understand the gentleman said the Postmaster-General so reports.

Mr. MILLER. The language of the Posmaster-General, if the gentleman from New York pleases, is:

So far as the records of this office show, no claim was made by Mr. Ashford for rent of the rooms in the hotel, and it was not until January 15, 1891—nearly ten years afterwards—that Mr. Ashford filed a claim for rent. This claim was rejected by the Department apparently on the ground that it had not been presented at the proper time, and that the appropriation had lapsed and been covered into the Treasury.

Mr. PAYNE. Now, the amount of this bill is based on the $600 rental. I will ask the gentleman from Illinois, as I have

not gotten much information, how is that amount arrived at in this bill? Are we paying for carpets or for rent. How do you arrive at the amount carried in this bill?

Mr. GRAFF. I suggest that the gentleman get into a controversy with his colleague from New York about that.

Mr. WADSWORTH. I stated that I relied absolutely upon the report of the Postmaster-General. I have no knowledge whatever of the details other than it. Here is what the Postmaster-General says:

The records show conclusively that no rent was paid Mr. R. G. Ashford for rent of the three rooms in the hotel building for the month of January, 1881; and while there is no question that he was entitled to compensation, it is not possible at this time (twenty-one years afterwards) for this Department to determine the rental value of the rooms and the amount to which he is entitled. The rental paid for permanent quarters for the office at that time was at the rate of $600 per annum, increased to $1,000 per annum April 1, 1882, and it is therefore for the committee to decide what amount should be paid for rent of the three rooms, including damage to carpets and furniture, from January 5 to February 1, 1881, and whether the claimant is entitled to interest.

That is the whole thing in a nutshell, as far as the knowledge I have.

Mr. PAYNE. And this committee did not give him interest?

Mr. WADSWORTH. No; they did not.

Mr. PAYNE. Did they give him any more than the rental value?

Mr. WADSWORTH. I think not. Mr. Johnson, the First Assistant Postmaster-General, in his report says: "I will say in this connection, however, that this claim is undoubtedly meritorious, and if referred to this office will receive favorable consideration."

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

HANNAH S. CRANE AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims.

The bill was read, as follows:

A bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims.

Be it enacted, etc., That jurisdiction be, and the same is hereby, conferred on the Court of Claims to hear the claim of Hannah S. Crane and others for the rent and value of certain real property in the city of San Francisco, in the State of California, in which they claim an undivided one-sixth interest, upon the evidence already filed in said court and such additional legal evidence as may be hereafter presented on either side; and if said court shall find that said parties acquired a valid title to said real property as claimed, said court shall award the said parties a fair and reasonable rent for the use of the undivided one-sixth part of said property for the time, if any, the same has been occupied by the United States as a branch mint, or otherwise, and also a suitable indemnity for said undivided one-sixth part of said property; and the receipt of such rent and indemnity shall thereafter bar any further claim by said parties for the use of said property, or for the value thereof. And before receiving the same, all of said parties shall execute a release to the United States for all right, title, and interest whatsoever in and to the said property, and any defense, set-off, or counterclaim may be pleaded by the United States, as defendants, as in cases within the general jurisdiction of the court, and either party shall have the same right of appeal as in such cases.

Mr. PAYNE. Mr. Chairman, it appears that this claim has been before the Court of Claims before. I hope the report is not so long but that we can get information from that, because the evidence, the oral evidence, of the living witnesses seems to be a little shaky. I do not mean in any improper sense; but gentlemen do not seem to be able to give us the facts.

Mr. GRAFF. I accept the apology of the gentleman from New York, and refer him to the gentleman from California.

Mr. NEEDHAM. Mr. Chairman, the facts in this case are briefly that in 1852 Congress passed an act for the building of a branch mint in San Francisco, and appropriated $300,000 therefor. The Secretary of the Treasury entered into a contract providing for the building of this mint in the city of San Francisco. There was also a provision in the contract which provided that an additional piece of ground, of about 20 feet, immediately adjoining where the building was being constructed, might also be acquired, with the provision that the contractor should give a good title to the United States within ninety days. This additional ground was also found to be necessary, and the Government obtained the property in this way: It was owned by three gentlemen in partnership—the contractor was one of these persons. His name was Curtis, and he executed a deed to the Government. One of the partners was on the sea at that time, and it seems that he died and his interest was never conveyed to the Government, although the Government accepted title. Subsequently the successors in interest of this partner that died brought an action in ejectment in the courts of California and also in the United States court, and their title was sustained, and it was determined by the supreme court of California, and also by the United States court, that their title was good, and they have never parted with the title—one-sixth interest in the land upon which this mint is situated.

The case was referred to the Court of Claims once before by Congress, and the Court of Claims also found that the title was in these people; but the language of the former act was not sufficiently broad to determine what damages the claimants were entitled to, and this bill is simply to re-refer, so that the claimants shall obtain the amount they are entitled to, together with whatever indemnity they are entitled to receive.

Mr. PERKINS. What damages do they claim?

Mr. NEEDHAM. They have never received anything; and also what is right for a quitclaim deed.

Mr. PERKINS. Do they claim one-sixth interest in the land?

Mr. NEEDHAM. One-sixth in the property attempted to be conveyed.

Mr. PAYNE. Is the building on that?

Mr. NEEDHAM. The United States Government occupies it to-day.

Mr. PERKINS. Is the purpose of the bill to allow them the value of this land as it is to-day, with the building on it, or the value of the land as the Government took it?

Mr. NEEDHAM. The language of the bill is:

If said court shall find that said parties acquired a valid title to said real property as claimed, said court shall award the said parties a fair and reasonable rent for the use of the undivided one-sixth part of said property for the time, if any, the same has been occupied by the United States as a branch mint.

Mr. PERKINS. What becomes of the fee?

Mr. GRAFF (reading from the bill). "And also a suitable indemnity for said undivided one-sixth part of said property."

Mr. NEEDHAM. The provision of the bill is that they should convey suitable title.

Mr. GRAFF. I do not think there is any doubt but what the court in that case will simply ascertain what the value of the property was at the time that it was taken by the United States Government, with interest, probably, from that time.

Mr. PERKINS. Then the bill providing for rent will give these people for over fifty years the rental value that has come by the erection of that building by the United States Government.

Mr. GRAFF. Oh, no; the rental of the property which they own—the ground rental value.

Mr. NEEDHAM. Of one-sixth part?

Mr. GRAFF. One-sixth part.

Mr. PERKINS. It seems to me there ought to be an amendment that will make this clear, because these people ought not to recover an unjust sum from the Government.

Mr. CRUMPACKER. This bill seems to be in conflict with the common practice for settling that kind of cases. It provides for rent up to the present time and is to determne the value of the property up to this time. This implies the value of the property at that time. The value of the property at the time it was appropriated, with interest at the legal rate, seems to be the compensation asked in this claim.

Mr. PERKINS. And just that, it seems to me.

Mr. CRUMPACKER. That is the usual rule when property is taken.

Mr. GRAFF. I think the gentleman from Indiana [Mr. CRUMPACKER] is right about that.

Mr. PAYNE. I would like to ask the chairman of the committee why this question could not be better settled by condemnation proceedings?

Mr. NEEDHAM. These people have a judgment in ejectment.

Mr. PAYNE. But suppose the Government should take proceedings to defend this title?

Mr. GRAFF. But suppose the Government does not?

Mr. NEEDHAM. They can not compel the Government to do that.

Mr. PAYNE. And they can not eject them.

Mr. GRAFF. There would be no relief for them.

Mr. PAYNE. Then, certainly, this bill ought to have safeguards to it to recover anything for the use of the betterments put on there by the United States, and also of the value of their title when the Government took it, it seems to me.

Mr. GRAFF. Mr. Chairman, I move the bill be amended by striking out all after the word "parties" in line 12, page 1, of the bill, up to and including the word "property" in line 3, page 2, and insert in lieu thereof the following: "the market value of the undivided one-sixth of said property at the time possession was taken of it by the United States, together with legal interest thereon;" and then that there be stricken out after that, all after and including the word "and," on page 2, in line 3, down to and including the word "thereof," on line 5.

Mr. PERKINS. What is the rate meant by "legal interest of California?"

Mr. BELL of California. Seven per cent.

Mr. PERKINS. Then I suggest the amendment read "7 per cent." That is enough interest for fifty years.

The CHAIRMAN. The gentleman from Illinois will please restate the latter part of the amendment, with the words to be stricken out.

Mr. GRAFF. Strike out commencing before the word "and," and including that word, and all thereafter down to and including the word "thereof" in line 5, page 2.

Mr. PERKINS. I ask that the Clerk be requested to report the entire bill with the suggested amendment, so that we can understand it.

The Clerk read as follows:

A bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims.

Be it enacted, etc., That jurisdiction be, and the same is hereby, conferred on the Court of Claims to hear the claim of Hannah S. Crane and others for the rent and value of certain real property in the city of San Francisco, in the State of California, in which they claim an undivided one-sixth interest, upon the evidence already filed in said court and such additional legal evidence as may be hereafter presented on either side; and if said court shall find that said parties acquired a valid title to said real property as claimed, said court shall award the said parties the market value of the undivided one-sixth of said property at the time possession was taken of it by the United States, together with legal interest thereon. And before receiving the same, all of said parties shall execute a release to the United States for all right, title, and interest whatsoever in and to the said property, and any defense, set-off, or counterclaim may be pleaded by the United States, as defendants, as in cases within the general jurisidiction of the court, and either party shall have the same right of appeal as in such cases.

Mr. GRAFF. I also offer another amendment which I think would affect the bill.

Mr. PAYNE. Did I understand you to say that that is another amendment?

Mr. GRAFF. Yes. I offer another amendment, to strike out the words "for rent," on page 1, in line 5.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from Illinois.

Mr. BELL of California. Mr. Chairman, I would like to have the attention of the committee during the discussion of this amendment. I am quite sure the committee will not vote to adopt this amendment after being fully advised as to the facts in the case.

Now, we are simply confronted with this situation: Hannah S. Crane and a number of other individuals in the State of California own an undivided one-sixth interest in certain land upon which the United States mint stands in the city and county of San Francisco. This one-sixth interest which they own has been adjudicated by the highest court of the State of California. After the decision of the supreme court of the State of California the United States Government sued out a writ of error and took the case to the United States Supreme Court, where the Attorney-General of the United States, after a full investigation of all the facts and circumstances, dismissed that appeal; so that Hannah S. Crane and these other parties to-day own an undivided one-sixth interest in that property.

Now, instead of pursuing the course that was plainly open to them, instead of appealing to the court of California for a writ of possession to put them in possession of their interest in this property, these people have seen fit to come to the United States Congress, and in a decent way, one that conforms to the highest duties of citizenship, and ask for relief at the hands of the United States.

Now, you undertake to say that you shall go back to 1854 and ascertain the bare value of that land at that time. Then you take one-sixth of it, and you compute the legal interest of California at 7 per cent and pay these people that amount. I want to ask you first if you take this step, if you turn this claim over to the Court of Claims to make such an award, do you as business men believe that Hannah S. Crane and her coowners will accept such terms as that? Of course they are not entitled in equity, in morals, or in good faith to the benefit of any improvement that has been placed upon that property, and no honest man or woman would contend for that; but they have certain rights there, and I believe that we can well leave it to the Court of Claims to determine those rights under the provisions of this bill.

Now, let me go over the facts in this case very briefly, in order that you may be advised of the exact situation. The United States Government appropriated $300,000 in 1854 to establish this mint at San Francisco. The land upon which they desired to establish the mint was owned by the firm of Curtis, Perry & Ward, a copartnership. Mr. Curtis, a member of that firm, carried on the negotiations with the United States Government in his own name. He held powers of attorney from his two absent partners, but some question was raised as to the form of that power. So he conducted these negotiations. He entered into a contract with the United States Government to turn over the property, with buildings suitable for mint purposes, for the sum of $259,000. Now, at the time that contract was signed, one of these partners had died, although no one on that day, the date of the contract, knew that he was dead.

The last will and testament of Ward, the third partner, was filed for probate. He had named his other two partners, Perry and Curtis, executors of that last will and testament. One of them, Mr. Perry, qualified, but Mr. Curtis failed to qualify. In his will Ward left his wife nine-tenths of his property. The court proceeded to probate his estate, and Perry, as executor, applied to the court for an order to sell the one-third interest of Ward in the property. It was appraised at $40,000. The executor proceeded to sell out to his other partner, Curtis, the man who was negotiating with the United States, at the rate of $40,000 for the entire property, making $13,333 for the interest of Ward. Now, it is true that Mrs. Ward accepted that money, having full knowledge of all the proceedings of the court; but the law of the State of California at that time provided that Ward could not devise this property, but only one-half of it. Under the laws of the State of California one-half of this property went absolutely to the widow, and the other was subject to testamentary disposition.

The widow then ascertained that there had been some collusion or corruption in this transaction, and she immediately filed an action in the district court of the United States for the State of California, setting forth the facts of fraud and collusion, and before the United States Government had paid that man Curtis a balance of $183,000 upon his contract the United States Government was placed in possession of all these facts. Their attention was called to it. They had made one payment of $100,000 to this man Curtis, but the balance was not paid until after the United States Government was fully apprised of the claims of the widow. Now, under the law——

Mr. GRAFF. Will the gentleman permit me to interrupt him? I think the temper of the House is in favor of this measure, as far as I can see. The only question is whether these parties shall obtain rent for a long period or whether their measure of damages shall be the value of the land at the time it was appropriated, together with interest thereon from that time down to the present. What objection have you to that measure of damages?

Mr. BELL of California. I will state that——

Mr. LIND. Interest at that rate amounts to 350 per cent.

Mr. BELL of California. I will not stop to figure whether it amounts to more or less. I will state first that I do not know these people at all or anything about whether they would be disposed to accept this; but it seems to me that there is just one proposition here, and that is for the United States to clear its title to the sixth sixth of this real estate, on which the United States mint at San Francisco stands. Now, why adopt a measure——

Mr. GRAFF. This bill does not seek to deal with that question at all.

Mr. BELL of California. That is the purpose of this bill.

Mr. GRAFF. This bill is simply for the purpose of recompensing the one-sixth interest.

Mr. BELL of California. Does it not require a conveyance from these people to the United States, in order that the title may be perfected?

Mr. GRAFF. Yes.

Mr. BELL of California. Now, should we pass the measure as you suggest, with your amendment, how do you know that these people will accept this? How do you know that you are going to accomplish what we are endeavoring here to do, clear the title of the Government to that property?

Mr. GRAFF. I do not suppose we are compelled to accept the proposition of these people. We have a right to make a part of the proposition ourselves, and it seems to me that a reasonable view of it is that the same measure of damages ought to be made in this case as would be made in all other cases where property was wrongfully taken, or taken under a misapprehension of the title, and possession was taken; that the value should be determined at the time of the appropriation of the property, and interest computed thereon from that date until now.

Mr. BELL of California. Do you contend that that applies to real property?

Mr. GRAFF. I think that would be a fair way.

Mr. BELL of California. The gentleman would not contend as a principle of law that that has any application to real property?

Mr. MANN. Will the gentleman from California yield for a question?

Mr. BELL of California. Certainly.

Mr. MANN. I suppose no taxes have been paid on this property for the last fifty years?

Mr. BELL of California. Does the gentleman mean by the people that are claiming this one-sixth?

Mr. MANN. By anyone?

Mr. BELL of California. I presume not.

Mr. MANN. Under the law of California, the title having been ascertained to be in these people, can they go back and assess and collect taxes for the past fifty years?

Mr. BELL of California. I do not think they can.

Mr. MANN. I think they could in most States, but I did not know how it was in California. If they could, it would make a great difference.

Mr. LIND. There is a limitation of seven years, I think.

Mr. BAKER. I would like to ask the gentleman a question directly bearing on this matter. If the State can not recover any taxes it would have received on this land, why should the people claiming ownership in it, as they have not had to pay taxes, come here and ask the United States Government for the full value of the land and all interest which they claim to have lost during this period of years? Is that a just proposition?

Mr. BELL of California. If the gentleman from New York will pardon me, and take time to read the bill, he will find that there is no proposition to pay a certain sum. It is left to the Court of Claims to fix such indemnity as it thinks proper.

Mr. BAKER. Then I would like to ask the gentleman from California if, in his judgment, he thinks it proper to pay these people the full value of the land and interest?

Mr. BELL of California. No; that is a consideration that should be borne in mind in determining their indemnity. Now, I want to reply to the gentleman from Illinois. I will state to the gentleman that you are confronted by this situation: These people to-morrow can go into the courts of California and take out a writ of possession and claim possession of their one-sixth interest in the mint property.

Mr. PERKINS. But does not the gentleman know that the Government can take proceedings to condemn this property?

Mr. BELL of California. Let me ask the gentleman a question. Suppose the Government to-morrow institutes proceedings to condemn one-sixth interest of these people, what will be the basis of computing the amount they are to be paid?

Mr. PERKINS. I will answer the gentleman. It will be the present value of the land, but it will not be fifty-two years' rent accrued in the past and interest at 7 per cent from 1854. The gentleman must know that these people would have no right in any court to be allowed for rental further than the period provided by the statute of limitations. They could not get a rental for fifty years, and that is why they introduce this bill, which gives them more than any court would give them.

Mr. BELL of California. Under what theory of law could they not claim rent?

Mr. PERKINS. Because of the statute of limitations.

Mr. BAKER. Mr. Chairman, I understood that the gentleman from California had five minutes.

Mr. BELL of California. I will state to the gentleman from New York, who never does any talking upon the floor——

Mr. BAKER. I refuse to be insulted by the gentleman from California.

Mr. BELL of California. I beg the gentleman's pardon.

Mr. BAKER. The gentleman from California has now had the floor over twelve minutes.

The CHAIRMAN. The gentleman from New York makes the point of order that the gentleman from California has occupied more than five minutes, and the Chair sustains the point of order.

Mr. BAKER. Mr. Chairman, I ask for five minutes, in order to discuss this question.

Mr. PAYNE. If the gentleman from New York will pardon me, I want to ask three minutes for the gentleman from California. I ask unanimous consent that the gentleman from California may proceed for three minutes, and then that my colleague from New York [Mr. BAKER] may have five minutes.

The CHAIRMAN. The gentleman from New York asks that the gentleman from California may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BELL of California. Now, Mr. Chairman, I want to state my position in this matter. It is entirely a disinterested one. I do not know one of these parties. I am not interested in the bill. It was not introduced by me.

I desire simply to determine some method here by which the claims of these parties may be gotten rid of and the full title to this property vested in the United States. Now, under the provisions of this bill the Court of Claims, in making the contemplated award, may consider all these things that have been embraced in the amendment of the gentleman from Illinois. They may take into consideration the value of the property at the time it was appropriated, with interest at the legal rate in the State of California. They may take its value at that time and they may allow rental, or they may take its value at the present time without improvements. Certainly we can leave it to the Court of Claims to make such award in this case as may seem fit and proper in the premises. These people own this one-sixth interest. They could take possession to-morrow unless condemnation proceedings were begun, and if condemnation proceedings were begun to obtain their title on behalf of the United States the Government would be compelled to pay the present value of that property. So all I say is this, that we may now provide sufficient ways and means of entirely getting rid of this question by leaving it to the Court of Claims and letting that court give such award and compensation, such rent or interest, as it may deem fit and proper. I trust this amendment will not prevail.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman from California yield for a question?

Mr. BELL of California. I do.

Mr. BEALL of Texas. What does the gentleman estimate would be the probable value of that property now without any improvements upon it?

Mr. BELL of California. Oh, I do not know. That property since 1854 has increased one hundredfold in value, probably.

Mr. LIND. You get 350 per cent.

Mr. BELL of California. I get 350 per cent?

Mr. LIND. In interest at 7 per cent—three and a half times.

Mr. BELL of California. Yes. I did not understand your mathematics.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BAKER. Mr. Chairman, this is one of the countless thousands of cases which are occupying the time of the courts of this country, taking up the time of the courts of the various States, entailing expenses and fees aggregating millions of dollars, and undoubtedly many of such cases are before the courts of the United States at this time. Now, what is the basis of this claim? The basis of this claim is that some one did not get a full recompense for his or her interest in a piece of land in the city of San Francisco some fifty years ago. No one claims that there was any labor value upon that land. No one claims that one day's energy had been expended by anyone in the production of wealth and that wealth created by labor had been taken by the people of the United States in this way. Nothing of that kind. A ground rent had been created there in the city of San Francisco by the people then residing in San Francisco. That ground rent has been enormously increased since that time. It is not the result of individual human effort.

The people who have the title to that land, or who claim title to that one-sixth of a 20-foot strip, did not create any of that land value. Nor did those from whom they claim to inherit it create one dollar more of that land value than any of the rest of the people of San Francisco, and the scores of thousands of dollars of value that may have been added since that time to that land is the direct result of increase in population; of increase in invention; of improvements in government; of improvements in transportation and exchange—in other words, all of the things which we call "civilization." Now, because the people of this country were so foolish fifty years ago as not to see the wisdom and justice of taking, in taxation, that value which they had created, therefore we who now constitute the people of the United States are called upon to go down into our pockets, the pockets of the people—we call it "taking from the Treasury," but it is delving down into the pockets of the people—and take out money to recompense these individuals for a claim that they have no justification for in morals. If the single tax had been in operation in the United States at that time this claim would never have arisen, could never have come before Congress, because there would be no margin of ground rent to sell.

The people would, by taxation, have taken every year the value of the rental, the annual value of the land, into the public treasury; and it would make no difference to Mrs. Jones or Mrs. Smith, or whatever the name of the lady may be, whether she owned a one-sixth interest or not, because she would have no margin of rent to sell and therefore would not be able to rob present day labor—for ground rent is a tax upon the laborer of to-day and not upon his predecessor of a decade or more ago, and is paid out of wealth created now, from day to day. That is the policy that ought to have been put into operation at that time. It is the policy that should be put into operation now—the quicker the better—and when once that is done you remove

all such claims as this from the State courts and the courts of the United States; you clear up litigation all over the country. By thus reducing litigation you reduce the number of lawyers, and you turn the energy of those lawyers who come into this House and argue in favor of claims of this kind, in which, of course, they are not interested, into useful channels, turn them toward useful avocations, instead of having them use their brains and energy in endeavoring to convince us that there is justice in a claim which has no moral justification whatever. [Applause on the Republican side.]

The CHAIRMAN. The question is on the first amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on the second amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

Mr. GRAFF. Mr. Chairman, I move that the bill as amended be ordered to be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

AMERICAN REGISTER FOR STEAMER BROOKLYN.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 5392) to provide an American register for the steamer Brooklyn.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Brooklyn, wrecked in Cuban waters and purchased by a citizen of the United States, and now under repair in a shipyard in the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs made upon said vessel have amounted to three times the purchase price of said vessel.

Mr. PAYNE. Mr. Chairman, that is a bill reported from the Committee on Merchant Marine and Fisheries, is it not? Well, I make the point of order upon it. I withdraw the point. I think it has been decided to be in order.

Mr. GRAFF. Well, I renew the point of order. I ask unanimous consent that the bill be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

HENRY LEE.

The Clerk read as follows:

A bill (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased.

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, to the executors of the estate of Henry Lee, late a merchant in the city of Boston, in the State of Massachusetts, the sum of $3,750, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the said estate, which tax was paid by the executors on March 15, 1899; said payment to be in full for all claims by reason of such assessment and collection.

Mr. GRAFF. Mr. Chairman, I ask that it be laid aside with a favorable recommendation.

Mr. PAYNE. Let us hear the report read.

Mr. GRAFF. I will ask the gentleman from New York if he will not be willing to hear from the gentleman from Massachusetts [Mr. TIRRELL]?

Mr. PAYNE. I am always glad to hear from the gentleman from Massachusettts; but he has a manner which is most persuasive.

Mr. TIRRELL. I am sure I can satisfy the gentleman from New York in this case. Under the act of Congress of June 13, 1898, making provision for the war revenue, it was provided that legacies for one's own children should be taxed, and the Treasury Department, by an erroneous construction of the law, decided that in ascertaining the per cent which should be taken out for that tax the total amount of the personal property which was left by the will should be the guide in determining the per cent instead of taking the separate legacies and determining the per cent from those legacies. Under that erroneous construction of the law in the case of the estate of Henry Lee, of Boston, which was over $1,000,000, and which by his will was distributed in part by legacies to his children, the tax upon those legacies to his children was determined by the high rate of per cent which the million-dollar estate or whole personal property would determine, so that, instead of paying a graduated rate upon the different legacies from a dollar and a fraction to a hundred up to two twenty-five, they paid the highest amount which could be paid on the total estate. Now, there were other cases of that character, and those cases went to the Supreme Court of the United States, which decided, in 178 United States Reports, in the case of Knowlton *v.* Moore, that—

The amount of each particular legacy or distributive share, and not the sum of the whole personal estate of a decedent, is the amount on which the progressive rate of tax is imposed by the war-revenue act of June, 1898, sections 29, 30, and by which the rate is determined.

Now, then, the executor——

Mr. PAYNE. I will ask the gentleman right there—perhaps we can cut that shorter, and of course I am always anxious to save the time of the House—as I understand it, the revenue law provided for a higher rate where the estate was large?

Mr. TIRRELL. Yes.

Mr. PAYNE. And a lower rate where it was smaller, and this estate was assessed for the total amount of the estate at the higher rate and tax paid on it, and the courts afterwards decided and the Internal Revenue Commissioner decided that the tax should be graduated upon the legacy to each person?

Mr. TIRRELL. That is right.

Mr. PAYNE. And that was to be the amount, and if it had been properly assessed at the lower rate they would have paid a less amount than was paid, and this bill is for the difference between the two rates?

Mr. TIRRELL. Exactly.

Mr. PAYNE. I am satisfied as far as I am concerned.

Mr. TIRRELL. I move that the bill be ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The question is upon the motion of the gentleman from Massachusetts that the bill be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

UNITED STATES REGISTRY FOR STEAMER SUCCESS.

The next business on the Private Calendar was the bill (H. R. 9090) to provide United States registry for the steamer *Success*.

Mr. DUNWELL. Mr. Chairman, I was to have an opportunity for a few minutes to address the House when this bill came up for consideration. The bill was introduced by my colleague from the State of New York [Mr. GOULDEN]. He is not here to take charge of the bill, and I request that I be allowed to say a few words with regard to it.

Mr. PAYNE. The gentleman has the right.

The CHAIRMAN. When the bill has been reported the Chair will recognize the gentleman.

Mr. LIND. Mr. Chairman, this kind of claim is not entitled to consideration at this time.

The CHAIRMAN. The Chair understands the rule to be that on this day all bills may be considered except war claims and pensions and bills from the Committee on Invalid Pensions.

Mr. LIND. I was misinformed.

The bill was read, as follows:

A bill (H. R. 9000) to provide United States registry for the steamer Success.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Hero wrecked at Colon, United States of Colombia, and purchased and wholly owned by John W. Chittenden, of New York City, and repaired by the Baltimore Shipbuilding and Dry Dock Company, to be registered as a vessel of the United States under the name of Success whenever it shall be shown to the Commissioner of Navigation that the repairs on the vessel amount to three-fourths of the actual cost of the wreck to her owner.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. DUNWELL. Mr. Chairman, the company interested in these bills is the Merritt-Chapman Wrecking Company, of the city of New York. It is a company engaged in the salvage of ships and the saving of life. It is a company which stands in the relation to people calling upon it for their work as a physician does to his patient. They do not feel that they can refuse any request that is made upon them, and they never do. This plant, in which they have invested $1,000,000, and in which 500 skilled workmen are constantly employed, stands ready at any moment, day or night, to answer any call which is made upon them from any part of the United States coast.

Now, the only thing which is lacking in this particular case and in the one following it is the fact that these vessels were not saved in the waters of the United States. In every other particular they came within the statute; and I claim that as American citizens, having saved these ships, having spent more money upon them by many times than the value of the ships or the amount which they paid for them, they are entitled to this consideration at our hands; and I move, Mr. Chairman, that this bill be laid aside with a favorable recommendation.

Mr. PAYNE. I would like to ask my colleague this question.

Mr. DUNWELL. Certainly.

Mr. PAYNE. Who is the owner of this vessel?

Mr. DUNWELL. The owner is the Merritt-Chapman Wrecking Company, of New York.

Mr. PAYNE. Why is it that it can not be registered under the general law?

Mr. DUNWELL. Because this vessel was wrecked on the coast of Panama. They went down there, raised it, and brought it to the Baltimore Shipbuilding and Dry Dock Company's

yard, where it was repaired. The underwriters were obliged to take the vessel, because the owners abandoned it to them, and in order to save themselves and their wrecking charges this corporation had to purchase the vessel from the underwriters, which they did at an expense of $20,000, and it has cost this company nearly $70,000 for the repairs to place it in seagoing condition.

Mr. PAYNE. I understand the bill provides that it shall receive the registry when the Commissioner of Navigation is satisfied they have met the requirements of the present law in regard to the amount of repairs on that vessel.

Mr. DUNWELL. That is right.

Mr. STEVENS of Minnesota. Mr. Chairman, as a member of the Committee on Merchant Marine and Fisheries, I have consistently opposed bills like the one now under consideration. There were five bills of this kind before our committee at the last session of Congress, these two and three others. I think minority reports were filed in each one of these cases. As to whether or not a minority report was filed in this case I do not remember. I have sent for the report. The minority of the committee have uniformly opposed the passage of this sort of bill for this reason: For nearly one hundred years it has been the policy of our Government, under Republican and Democratic Administrations, that the coastwise trade of the United States should be reserved for American vessels, constructed in the United States out of our domestic material and by domestic labor.

These bills changed that policy, but since three of them have been passed by this House, after a discussion, I do not propose to offer any objection to this one.

I find that the minority have filed their views in this case, and they are contained in the report. They state as follows:

> Her purchase price was about $20,000; repairs, $68,998, and the present value of the vessel for purposes of coastwise trade about $120,000.

The law provides that three-fourths of the value of the vessel must be expended in the shipyards of the United States. I take it that part of the requirements have been complied with, so that the only question for this committee to decide is as to whether or not it proposes to change the policy of nearly one hundred years. It has decided so before, and I do not apprehend there will be any difference now. I just wished to inform the committee concerning the action of the minority of the Committee on Merchant Marine and Fisheries.

Mr. SCUDDER. I would like to ask the gentleman whether, as a matter of fact, or whether he knows it to be a fact, that Congress has passed bills similar to this under conditions similar to those prevailing here, awarding American registry to upward of 150 vessels?

Mr. STEVENS of Minnesota. I think that is right.

Mr. SCUDDER. Then I should like to ask the gentleman whether, in view of that Congressional practice which seems to have prevailed, provided it is deemed wise to reverse the practice, it would not be better to effect the change by some affirmative legislative enactment which will provide distinctly that American registry, as asked for in this bill, shall not be accorded. Affirmative notice, which such legislation would afford, would warn American citizens not to go ahead and expend large sums of money, as was done in this case, where as much as $68,000 was expended on the repairs.

The vessel, the subject of this bill, was wrecked on the coast of Panama. Had it been wrecked this year, instead of three years ago, it might have been held to have been wrecked on American territory and have come within the provisions of the general law. I wish, indeed, that Panama was United States territory. It should be. Having been wrecked on Panama, and three years ago, it can not be claimed for the vessel that it is entitled to the benefit of the general statute allowing American registry to foreign vessels meeting certain conditions. The vessel was premature in being wrecked. The point I desire to make is right here. Would it not be better to have a general statute enacted prohibiting this practice of granting American registry than to now quit granting it, after American citizens have incurred great expense, anticipating Congressional favor to be exercised in their behalf, as has been the practice?

Mr. STEVENS of Minnesota. Mr. Chairman, I am very glad that the question was raised. There is sufficient statute law now prohibiting this practice. I do think, since it has been somewhat general, that it be thought to be good public policy to continue the practice, to do so by amending the statute, after full and fair discussion. If the question was fairly presented to a Republican Congress to let no coastwise trade be done by foreigners, I do not believe any of this class of vessels would be admitted. If this Congress or any other Congress proposes to let into the coastwise trade all the vessels constructed abroad by foreign labor and built out of foreign material, we ought to say so squarely and make that a general policy instead of making it a policy of favoritism, as we do now, to encourage lobbying in the Halls here and in the committee rooms. This has been the policy for quite a number of years. This species of favoritism is injurious and of bad policy, giving public favors worth many thousands of dollars to these self-seekers. In this case this bill will be worth $40,000 or so to the owners of this vessel. The result is that there are quite a number of old wrecks in the coastwise business of the United States that ought not to be there, but which displace the vessels constructed by our own good mechanics and by our own capital and out of our own material. Now, these vessels in the coastwise trade ought to be constructed in our own yards, and the fact that they are not is the one thing we object to, and in changing the policy the Members must understand that fact, and that if the policy should be changed it ought to be changed by a general bill instead of by these special bills. We advocated that at the last session of Congress in discussing one of the other bills which appeared then.

Mr. SCUDDER. At the present time the only way it can be done is by special bills, such as this one under consideration, of which 150 have already been passed by the Congress.

Mr. STEVENS of Minnesota. One hundred and fifty have passed in about fifty years—since the law was enacted allowing any foreign-built vessels to enter our domestic trade. While I have been a member of that committee, for about six years, we have only let through a few—about five or ten—five of them at this Congress, and more than at any time previous.

Mr. PAYNE. I think this is the worst course in regard to admitting foreign vessels to American registry that could be pursued. The general law is that when a foreign vessel is wrecked in the American waters and repairs have been put on in American shipyards to the extent of three-quarters of the value, the Commissioner of Navigation can give her an American registry. This practice has let in a good many vessels, and I do not think it is good policy for the United States, because it encourages the repairing of many old wrecks and hulks that ought to be destroyed instead of trying to make vessels out of them for our coastwise trade. Now, Congress, as it has already been said, passed generally all these bills that came before it from the committee giving American registry to these vessels that had been repaired in American shipyards, and that had been wrecked in foreign waters—waters not of the United States.

A few years ago, when I had the honor to be chairman of that committee, we kept out all those bills that we could, and very few of them got in during the four years that I was in the committee. We were against that policy. I think the House has always passed these bills when they came before it; but I should dislike to see the policy of the House made any more liberal by a general law, as is proposed. I do not want to advertise to vessel owners that the hulks that are wrecked all over the globe can get into the coastwise trade of the United States if they can only keep them afloat long enough to get them into American shipyards and spend a certain amount of money on them.

I would rather see our shipyards build new ships from beginning to end. But inasmuch as we have passed these bills when reported by the committee, I shall interpose no particular objection; and especially I shall not do so in view of the fact that my ideas so seldom prevail in regard to private bills which come before the House.

Mr. SCUDDER. Mr. Chairman, will the gentleman yield for a question?

Mr. PAYNE. Yes.

Mr. SCUDDER. I think the gentleman from New York will notice that the report in this case recites the fact that this vessel was a comparatively new one. It is not one of the old hulks to which the gentleman refers.

Mr. PAYNE. I am glad to hear that, because we used to turn down vessels that were old hulks when I was connected with the committee. I am sorry to say that some of them finally got through afterwards. We turned them down because they were old hulks, and I remember that one of them, on its first voyage after it was repaired, turned over.

Mr. HUGHES of New Jersey. Turned itself down.

Mr. PAYNE. Turned turtle, or something of that kind. They finally got it upright and got it in and got it through the committee and through Congress, and an American register was given it. I can not remember the name of that vessel.

Mr. BOUTELL. The name of this one is the *Success*.

Mr. PERKINS. That is a good name.

On motion of Mr. DUNWELL, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

UNITED STATES REGISTRY FOR STEAMER MARIE.

The next business on the Private Calendar was the bill (H. R. 9091) to provide United States registry for the steamer *Marie*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Euskaro, wrecked at Caibarien, island of Cuba, and purchased and wholly owned by the Merritt & Chapman Derrick and Wrecking Company, of New York, and now under repair by the Newport News Shipbuilding and Dry Dock Company, to be registered as a vessel of the United States under the name of Marie whenever it shall be shown to the Commissioner of Navigation that the repairs on the vessel amount to three-fourths the actual cost of the wreck to her owner.

Mr. DUNWELL. Mr. Chairman, this is another bill of precisely similar character to the one that has just passed the committee, and I move that it be laid aside to be reported to the House wih a favorable recommendation.

Mr. PAYNE. I want to inquire if there are any more vessels of this fleet wrecked at Panama?

Mr. DUNWELL. No; and they were not wrecked at the same time, either.

Mr. PAYNE. This is the last one?

The motion of Mr. DUNWELL was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

JOSEPH B. SARGENT.

The next business on the Private Calendar was the bill (S. 351) for the relief of Joseph B. Sargent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Joseph B. Sargent, out of any money in the Treasury not otherwise appropriated, the sum of $583.67, the same being the value of property belonging to the said Joseph B. Sargent and illegally seized and for money improperly and unlawfully collected from him as alleged duties and penalties by United States officials at the port of El Paso, Tex.

Mr. GOLDFOGLE rose and was recognized.

Mr. PAYNE. Mr. Chairman, I hope my colleague will direct his attention especially to this assault upon the United States officers in the assertion that they unlawfully collected this money.

Mr. GOLDFOGLE. Mr. Chairman, the circumstances, as the committee understand them, are of a peculiar character. It appears that the claimant, Mr. Sargent, in the spring of 1900 was traveling though Mexico with his wife, and while on his travels he purchased some small articles of Mexican ware—I think principally Mexican drawn work. The articles were intended for the use of the claimant's family at home, purchased as these articles usually are purchased, for the purpose of presenting them to members of the family as mementos. The total value of the articles was something in the neighborhood of $75. I forget the precise amount. When Mr. Sargent, the claimant, reached a place called Laredo, a customs station, he was halted by the customs inspector.

Mr. PERKINS. Is that in this country?

Mr. GOLDFOGLE. Laredo, Tex. He was halted by the inspector and was asked whether he had any Mexican work. He admitted that he had. He made no attempt at concealment at all. Mr. Sargent was very sick indeed, and it was necessary that he should proceed on his journey as rapidly as possible. He left his goods with the customs inspector, the inspector having said that he had no authority to receive payment of the duties, and Mr. Sargent says in his deposition before the committee that he believed he would receive the bill for the duty at San Antonio. He left his address with the inspector, so that the inspector might have known how and where to communicate with him. He was much surprised, however, when he was arrested at San Antonio, charged with the crime of smuggling. Not understanding the law, fearing the consequences of indictment in a strange place and amid strangers, he submitted to the exactions of the Government officials and paid not only the amount demanded as duty, but paid additional penalties demanded.

I am not familiar with the language of the statute with regard to penalties, but it is claimed that the penalties were largely in excess of those that could have been exacted if the charge against Mr. Sargent could have been sustained. However, a penalty of $100 was exacted and other penalties were also exacted by the collector. Had Mr. Sargent known how to reach this matter on appeal he probably would have had the errors corrected. He was unfamiliar with the law and unfamiliar with the method of appeal in customs cases concerning the exaction of imposts by the United States authorities. He now comes to Congress for relief. There is an affidavit appended to the report of the Committee on Claims which is quite full and clear.

Now, instead of saying anything further, I much prefer that the gentleman from Connecticut [Mr. SPERRY], who has been very urgent in the advocacy of this claim and who made a very clear statement of it before the Committee on Claims, should make a statement, and I yield to the gentleman from Connecticut.

Mr. SPERRY. Mr. Chairman, this claimant, Joseph B. Sargent, is well known to me. He is an aged gentleman 80 years of age. He was traveling with his wife in Mexico, in an enfeebled condition, and while in Mexico procured some Mexican drawn work for little gifts here and there to his daughters and other relatives in the family. When he was passing from Mexico into this country his trunk was examined. Before this examination he was asked if there was anything dutiable in that trunk. He said not that he was aware of; that there was some Mexican drawn work there, but whether it was dutiable or not he did not know. After the examination he passed along and was arrested because of his attempt to smuggle goods into this country, as claimed by the custom-house official.

Mr. Sargent makes a sworn statement in an affidavit which is appended to the report, stating all the facts connected with it. The idea that this man, 80 years of age, in an enfeebled condition, should attempt to smuggle goods at that time and place is preposterous. The customs officer made that claim and fined him more than five times the cost of the goods, amounting to five hundred and some odd dollars.

Mr. Sargent was indignant and did what he could to show that he was wrongfully and unjustly dealt with. After he got home the customs officers claimed that they had made a mistake and that he ought to pay them $100 more. Mr. Sargent, as I say, was in this feeble condition, and after conferring with the attorneys, instead of bothering with the matter further, he sent forward the $100. He now asks Congress to make that good. I can assert, Mr. Chairman, with all fearlessness and with truthfulness, that Mr. Sargent, 80 years of age or so, traveling in an enfeebled condition, with his wife, would not have dreamed of such a thing as smuggling these goods. The collector of our own port in New Haven says that it is perfectly preposterous and outrageous the way and manner in which he was dealt with.

Now, this bill comes from the Senate, was passed by the Senate, passed, I think, unanimously, and I know that some of the members of that body were very indignant at the time of its passage at the way in which this elderly gentleman was treated. I ask that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, this case comes here and the report is based entirely on the affidavit of Mr. Sargent. There is nothing to show that the matter has been referred to the Treasury Department, or that the Secretary of the Treasury or anyone else has made any recommendation about it. Now, I notice that there are several affidavits here, and some of the statements in them are contradictory to the statement made by Mr. Sargent, who is undoubtedly a respectable gentleman and who is 80 years of age. For instance, here is the affidavit of José Benavides, which reads as follows:

THE STATE OF TEXAS, *County of Webb:*

Before me, the undersigned authority, personally appeared José Benavides, who, being by me duly sworn, deposes and says that he is an inspector of customs at the port of Laredo, and as such inspected the passenger train from Mexico on the morning of the 4th of May, 1900, with the assistance of Inspector William Simpson; that while said Simpson was examining the baggage of Mr. J. B. Sargent he called me to him and told me that he had found some drawn work, while Mr. Sargent had previously declared that he had nothing that was dutiable. Inspector Simpson then, before removing the drawn work from the trunk, asked Mr. Sargent: "Have you anything dutiable in your trunk?" To which Mr. Sargent replied: "Nothing on which you can charge duty."

We then proceeded to take out the contents of the trunk, and when we reached the drawn work Mr. Sargent said, "I have a little drawn work, and here is the memorandum," and gave us a list of it and wanted to pay the duty on it, but was told that it was a seizure and that he could not pay us the duty. He refused to give me his name or address until he was informed that we would be obliged to detain him until the matter was arranged, when he gave me his name and address written on the memorandum or list of the drawn work.

We then took the drawn work and delivered it at the custom-house and reported the facts fully to the collector.

JOSÉ BENAVIDES,
Inspector of Customs.

Sworn to and subscribed before me this 22d day of September, A. D. 1900.

W. H. MOWRY,
Notary Public, Webb County, Tex.

Then here is a letter from the collector, which I will read:

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Corpus Christi, Tex., July 9, 1900.

Messrs. BEACH & FISHER,
New Haven, Conn.

GENTLEMEN: Your letter of June 27 received, and in reply I have to say that Mr. Sargent attempted to evade payment of duty on the articles in question, having denied possession of any dutiable merchan-

dise when questioned by the inspector. After the inspector found the drawn work in the bottom of the trunk, Mr. Sargent produced a memorandum of the articles, which showed the Mexican value to be $217.50. This did not include 2½ dozen doilies and two centerpieces found in his baggage. The total appraised value of the merchandise was $223.25 Mexc. cy., t 47.3 equals $106, which, with duty added, makes $170. We do not count fractions of dollars in computing dutiable value.

The law requires payment of a fine equal to treble the value of the merchandise, which is the foreign value with duty added. Mr. Sargent did not claim any discount, nor does his invoice show that said discount was allowed in Mexico. Through a clerical error I collected $410 instead of $510, which is the amount due the United States by Mr. Sargent. I have no authority to change that amount. Mr. Sargent is still indebted to the United States in the sum of $100, which must be paid. After paying the $100 still due he can ask the Secretary of the Treasury to remit the fine, but I have no option in the matter. I hope Mr. Sargent will not force me to collect the $100 through the courts.

Respectfully, yours,

JAMES J. HAYNES, *Collector.*

I think the House ought to have these facts from the other side as well as the letter and the affidavit of Mr. Sargent. I will now read the letter from the collector:

OFFICE OF THE COLLECTOR OF CUSTOMS,
Laredo, Tex., September 22, 1900.

Honorable SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter dated September 11, 1900, and in reply beg to submit the following report:

On the morning of May 4, 1900, Mr. José Benavides, one of the inspectors whose duty it is to examine the baggage of passengers coming from Mexico, brought to the custom-house a package of linen drawn work and stated he had seized same from a Mr. Sargent who arrived on the train from Mexico that morning. On being asked for particulars concerning the seizure, he said that Inspector Simpson had called to him to come over where he was examining the trunk of Mr. Sargent. Mr. Sargent was then arranging to close his trunk. Simpson asked Sargent in my presence, "Have you anything dutiable in your trunk?" Sargent replied, "Nothing on which you can collect duty." We then took the clothes out of the trunk and found on the bottom the drawn work, 37 centers and scarfs, 12 handkerchiefs, and 2½ dozen doilies.

When we found the drawn work, Mr. Sargent said, "I have a little drawn work there on which I wish to pay the duty; here is a list of it," at same time taking a paper from his pocket and giving it to us. Simpson replied, "You can not pay the duty, as you denied having any dutiable articles in your trunk, and the drawn work is seized." I then asked Mr. Sargent for his name and address; he refused to give either. I then told him "I would have to arrest him or detain him and take him before the collector for attempting to smuggle the drawn work." Mr. Sargent then wrote his name and address on the paper containing a list of the articles. I then sent for Inspector Simpson, who confirmed the statement of Inspector Benavides, and also said that before opening the trunk he had asked Mr. Sargent the usual question put to all passengers, "Have you anything dutiable in your baggage?" Mr. Sargent replied that he had nothing subject to duty. I then informed the inspectors that they should have detained Mr. Sargent, as under section 2802, Revised Statutes, he was liable to a fine of treble the value of the drawn work, and under section 3082, to prosecution by the district attorney.

I then had charge filed with the United States commissioner for attempted violation of section 3082, Revised Statutes, and warrant wired to United States marshal at San Antonio, Tex., who arrested Mr. Sargent on his arrival there. I also had the drawn work appraised, using the list and prices given by Mr. Sargent and the wholesale price list furnished by special Treasury agent from Aguas Calientes, Mexico, as a basis of value. A comparison of the prices on Mr. Sargent's list with the wholesale market value, as given by the special agent, shows that Mr. Sargent's claim of a 30 per cent discount is not probable, as wandering tourists rarely buy such articles at a lower price than the dealers who buy in large quantities and for sale at a profit, nor was any such discount shown on the memorandum of articles and prices thereof, which Mr. Sargent produced after the drawn work had been discovered. I inclose the original memorandum, by which you will see that no discount was allowed, nor was any such claim made by Mr. Sargent until after he returned to New Haven. I went to San Antonio on May 5 and found Mr. Sargent at the hotel, he having given bond to appear that day before the United States commissioner.

I explained to him the penalty he had incurred, and stated that if he would pay the fine of treble the value of the goods I thought the United States attorney would dismiss the charge against him of violation of section 3082, Revised Statutes.

We went to the office of the commissioner, where Mr. Sargent agreed to pay the fine and the attorney had the charge dismissed. Through a clerical error I only collected $410 from Mr. Sargent, when it should have been $510. I asked Mr. Sargent to give me his street address in New Haven, so I could send him a receipt for the money paid. He refused to give his address and said he wanted no receipt; that should he want one he would write for it. Mr. Bell, an agent in the Secret Service Department, said to me, "Here is the card of the United States marshal of Connecticut; send the receipt to him and he will deliver it to Mr. Sargent and will also send Sargent's address," at the same time handing me a card of Edson S. Bishop, United States marshal, which I inclose. I did not discover the error in the amount I should have collected until I returned to Laredo, on the 6th of May. On the 7th I wrote Mr. Bishop, the marshal, inclosing receipt for the $410, and requested him to explain the error to Mr. Sargent and collect the $100 still due. After a lot of correspondence and loss of time Mr. Sargent paid the $100, for which receipt was sent to him.

On page 8 of Mr. Sargent's affidavit he states he was given no opportunity to declare the articles until he asked an inspector to examine his baggage, when he mentioned the articles before they were seen by the inspector. This statement is false. He denied having any dutiable articles in his baggage when questioned by the inspector. He had no intention of paying duty on the drawn work if he could smuggle it through, and did not produce the list until after the inspectors had discovered the drawn work concealed in the bottom of his trunk. He did not leave the memorandum with the inspector expecting that duty would be collected and the goods released, because the inspector informed him that the work had been seized and duty could not be paid thereon. He did not write his name on the paper or give his address until the inspector said he would be arrested and taken before the collector for attempting to smuggle the goods.

In fact, nearly all the statements contained in the affidavit are untrue, and appear to have been concocted by some lawyer for the purpose of collecting a fee from Mr. Sargent.

The fact that Mr. Sargent has been able to amass an enormous fortune under the protection of our tariff laws does not justify him in attempting to violate said laws and defraud the revenue, nor should that fact relieve him of the penalty he has incurred. Hardly a day passes but some poor unfortunate is punished by fine and imprisonment for smuggling small quantities of merchandise across the Rio Grande for the purpose of earning a few dollars to support their wives and children; but when a rich man is caught he always sets up his wealth, social position, or political influence as a reason why he should be allowed to go free and as evidence of his not intending to defraud the revenue, etc. It is my opinion that men like Mr. Sargent should be most severely punished, because they can not plead either necessity or ignorance in extenuation of their guilt, and I respectfully urge that his petition for relief be not granted. I inclose affidavits of Inspectors Simpson and Benavides and card of Marshal Bishop, given me by Mr. Bell, and list of drawn work.

I have the honor to be, very respectfully, yours,

JAMES J. HAYNES, *Collector.*

So that it would seem that the committee has taken the ex parte affidavits of Mr. Sargent and has paid no attention to the officers of the Government, whose duty it was to collect these customs duties upon these goods. If the affidavits of these collectors and inspectors are to be taken as true, why Mr. Sargent was trying to smuggle these goods.

Mr. SPERRY. No person who knows Mr. Sargent would dream of his doing such a thing as that.

Mr. PAYNE. It is a rather hard charge to make against a good citizen, but anybody who has ever come across the Atlantic knows that the offense is not an unusual one, and even good citizens sometimes indulge in it for the purpose of evading the revenue laws. It seems to me this committee ought not to report such a bill as this nor the House to pass it.

Of course if Mr. Sargent had been unjustly treated, we have provided ample means for him to right himself before the courts and before the appraisers. There is no question but what he could have done so. He employed lawyers very early, and of course I must infer that they were eminent and skillful lawyers, because he was a man of means, and the lawyers were in the city of New Haven. He employed them at the very outset of this case. They might have obtained full satisfaction for him in the courts, and if they did not it is his own fault. Now, to come here on ex parte affidavits and ask the House to pass this bill, it seems to me, is all wrong.

Mr. SPERRY. Mr. Chairman, I will send up a statement under oath from Mr. Sargent in order that it may be read in contradiction of the statements which have just been read by the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. I think in justice to Mr. Sargent that ought to be done.

Mr. SPERRY. But I will withhold the reading of it for a few moments in order to give opportunity to the gentleman from New York [Mr. PERKINS], who desires to make a statement.

Mr. PERKINS. Mr. Chairman, I would like to speak a word or two in reference to this claim—not only in reference to this claim, but to a certain branch of the business of the Government which it illustrates. I never heard of this claim until this moment, but it so happens that I have known Mr. Sargent for years. He is a man of the very highest standing; a man who has not only accumulated wealth, but who has accumulated it honorably. He has been the mayor of the city in which he lives; a man who has paid out millions of dollars to his employees, and who, as is shown in this case, was stopped and arrested—insulted—on a charge made by some obscure official down at El Paso or Laredo that a man of his standing wanted to cheat the Government out of $70. The gentleman who reported the bill, the gentleman from New York [Mr. GOLDFOGLE], has done honorable work in protesting against the treatment which people of his own race and persuasion meet when they seek to return to Russia.

I think that the citizens of the United States are often treated with as much ignominy when they return to their own land as are the Jews when they seek to enter Russia. They are treated in a manner which, if it occurred in Turkey, in Russia, in France, would cause earnest protests to be sent to every representative of the United States that proper reparation should be made for the insults to which respectable, honorable, upright citizens are exposed. What happens when a man lands in the port of New York? Does this Government—does this Congress approve the proposition that there is a presumption that every American citizen commits perjury? You are first asked to make your oath. Certainly it is decent to presume that an American citizen, when he makes an oath, makes it honestly. But, on the contrary, the moment an official at some port gets your affidavit, he turns round, and with the imputation that you are a smuggler and a perjurer, having first compelled you to make your oath, seeks to show how far your oath is false.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask

the gentleman a question. I would like to ask the gentleman if it is not at least a presumption that the present Administration would appoint an honest man as collecor of customs, and if that honest man was appointed is it not the presumption that he would appoint competent men under him to see that nothing is smuggled into the United States?

Mr. BUTLER of Pennsylvania. Oh, that is the treatment from all officers.

Mr. PERKINS. No; it is not. Anyone who has traveled knows that when he goes to any foreign country he is not subjected to indignities—to insult—if he makes the smallest mistake, as, for instance, was the case with Mr. Sargent. He is not immediately charged and threatened with arrest. In no other country would a man like Mr. Sargent, the moment that his trunk was opened, have it said to him, "I will arrest you, and you will be fined 300 per cent."

I say these are outrages, and when it comes to getting revenues for this great Government, these small impositions cost ten dollars for one that they bring. They are imposed, not to protect any large interests, but to protect a few greedy retailers in the city of New York. This bill, of which I knew nothing until this moment, I think is certainly a most meritorious measure, and deserves to be passed by Congress, not only because Mr. Sargent is entitled to his money, but in a small way as a reproof for the manner in which the revenue laws of this country are too often administered at ports of entry.

Mr. STEPHENS of Texas. Will the gentleman yield? I desire to ask a question of the gentleman who has just taken his seat.

The CHAIRMAN. Will the gentleman from New York yield?

Mr. PERKINS. Of course I yield.

Mr. STEPHENS of Texas. I would ask the gentleman from New York if he is acquainted with Mr. Pat Garrett, the present collector of customs at the city of El Paso?

Mr. PERKINS. I have not that pleasure.

Mr. STEPHENS of Texas. I have to state that I have the honor of knowing this gentleman, and I know of his integrity and that he attends to the duties of his office as closely as any man in the United States, and I care not who it is, if he should overhaul him and find drawn work being smuggled into the United States Mr. Garrett would arrest that man and see that he paid the duty.

Mr. PERKINS. Why, the treatment Mr. Sargent has received is the treatment that has been received by thousands and tens of thousands of respectable American citizens.

Mr. MANN. Does the gentleman from New York think we ought to pass a special bill for this case and leave the statute stand for everybody else?

Mr. GOLDFOGLE. The gentleman from New York [Mr. PAYNE] has suggested that there was ample remedy given to Mr. Sargent and that he might have had recourse to litigation in the court. The gentleman forgets that Mr. Sargent is a resident of Connecticut, that he was 80 years of age, that in order to recover, if indeed he could recover under the law, he would have had to bring his action in a Federal court located in Texas. He could not have tried his suit in the district where he resides, and he would have had to travel all across the country with his witnesses in order that he might have secured redress against this outrage. Now, the least that the inspector could have done at El Paso was to treat this old gentleman, a citizen of this country, with respect, a respect to which he was entitled, not because of his age and infirmities, but because of the fact that he was one of our citizens.

Mr. SLAYDEN. Will the gentleman permit me to make an inquiry?

Mr. GOLDFOGLE. Certainly.

Mr. SLAYDEN. As I understand it, his case arose at a different port—not at El Paso, but at Laredo—before a different collector, an intervening customs district.

Mr. GOLDFOGLE. Well, wherever it arose, Sargent would have been compelled to go to this foreign jurisdiction in order to secure redress, which the gentleman from New York says the statute affords Mr. Sargent.

Mr. McCARTHY. Is it not a fact that cases in a Federal court are brought on depositions, and that he could have made his deposition at his home and sent it on to the jurisdiction where the case was brought in Texas?

Mr. GOLDFOGLE. In some cases depositions made have been taken and read in the court.

Mr. McCARTHY. It would not have necessitated a trip to Texas for him or his witnesses in order to properly try the case.

Mr. GOLDFOGLE. That depends again upon circumstances, and, pardon me, if the collector of the district down there was as earnest and as zealous in pursuing Sargent in litigation, such as you suggest, as he appears to have been zealous and earnest in making the affidavit which he did, you can well imagine how Mr. Sargent would have been compelled to go down into Texas and not rest simply on the simple making of a deposition.

Mr. MANN. Will the gentleman yield for a question?

Mr. GOLDFOGLE. Certainly.

Mr. MANN. What was the value of this drawn work?

Mr. GOLDFOGLE. It is said to be a matter of seventy-odd dollars. Am I right?

Mr. PAYNE. Two hundred and seventy.

Mr. GOLDFOGLE. That is what the customs officers say, in order to protect themselves against the charge that we now make here on the floor of this House, that the seizure was an outrage. That is just precisely the kind of work that the customs inspectors did down there; after finding seventy-odd dollars' worth of work they appraise it at $270 to cover up their own offense.

Mr. PAYNE. But wait a moment. Does the gentleman not know in his very report is exhibited a memorandum furnished by Mr. Sargent, showing the value of these goods, and it was appraised at his own appraisement?

Mr. GOLDFOGLE. And the affidavit of Mr. Sargent states that these articles were of too small a value, that they were intended for gifts to be distributed among the members of his family, just as gifts are brought by those traveling abroad into this country and distributed and which always pass through the custom-house.

Mr. MANN. Will the gentleman permit me a question?

Mr. GOLDFOGLE. Certainly.

Mr. MANN. Is not this case dependent upon the value of these goods; that if these goods were of the value of two or three hundred dollars Mr. Sargent probably knew he ought to pay the duty, and if they were of small value he knew that he ought not to pay duty?

Mr. GOLDFOGLE. The committee is not prepared to concede that.

Mr. MANN. May I ask the gentleman what business Mr. Sargent was engaged in?

Mr. PERKINS. He is a manufacturer of iron goods.

Mr. MANN. He was acquainted, therefore, with the tariff question?

Mr. PERKINS. I do not know that he was.

Mr. MANN. Any man engaged in the manufacture of iron goods for years that does not know about the tariff question needs a conservator.

Mr. GOLDFOGLE. I hold the floor for the present.

Mr. MACON. Will the gentleman allow me to ask him a question?

Mr. GOLDFOGLE. I yield to the gentleman for a question.

Mr. MACON. Did Mr. Sargent make an affidavit to the effect that he had no dutiable goods in his trunk?

Mr. GOLDFOGLE. No, sir. It appears from his affidavit that he said he had goods in his trunk that he bought in Mexico, and having suffered from an acute disease and being compelled to hurry along, he left his address with the inspector and told him that if the goods were dutiable to send him a memorandum. Instead of doing that, the inspector at once secured a warrant and arrested him at San Antonio.

Mr. MACON. That is Sargent's statement?

Mr. GOLDFOGLE. And that is the statement the committee believes.

Mr. MACON. And that is the statement the committee believes?

Mr. GOLDFOGLE. Yes, sir.

Mr. MACON. You disbelieve the officer?

Mr. GOLDFOGLE. We believe, in view of the peculiar conduct of the inspector, that the affidavit of Mr. Sargent is entitled to the highest respect.

Mr. MACON. In what way was the conduct of the inspector so peculiar?

Mr. GOLDFOGLE. It was certainly so.

Mr. MACON. In what way?

Mr. GOLDFOGLE. I will take the inspector's statement. Here is what the inspector says. Inspector Simpson says after he removed the drawn work from the trunk he asked Sargent: "Have you anything dutiable in your trunk?" Mr. Sargent replied: "Nothing on which you can charge duty." Now, assuming that that statement is true, it was an expression of Mr. Sargent on the law.

Mr. Sargent believed at that time that the goods were not chargeable with duty. Take the inspector's own words. Mr. Sargent answered, "Nothing on which you can charge duty." Now, if it was Mr. Sargent's belief that these goods were not chargeable with duty, should not the inspector at least, under

the peculiar circumstances of the case, assuming for the sake of argument that the goods were dutiable, have sent to Mr. Sargent at the place designated by him, namely, San Antonio, a statement of the charges due, and no doubt the amount would have been remitted, and then the question as to whether they were dutiable or not might have been litigated or not litigated according to the choice of Mr. Sargent?

Mr. MACON. If Mr. Sargent denied that he had dutiable goods in his trunk was he not as much bound to take knowledge of the law as the ordinary criminal would be when he commits a crime without knowing that he has violated the law?

Mr. GOLDFOGLE. If it be true that Mr. Sargent was of the opinion that the goods were not worth more than a hundred dollars, and they were intended for the use of himself and family, he was justified in declaring that the goods were not chargeable with duty.

Mr. MACON. I understood that he stated he got them for the purpose of making present to some one in this country when he came home.

Mr. GOLDFOGLE. I have always understood, and so has every other traveler that ever crossed the Atlantic from this country to Europe and returned with goods purchased in the way that Sargent did, for the purpose of distributing the goods among the members of his family as gifts, they were then within the meaning of the words "personal effects," and therefore not chargeable with duty if they did not exceed $100 in value.

Mr. MACON. On that hypothesis a man might bring in diamond rings that his family could put on their fingers, if he makes the statement that he wants to make them gifts.

Mr. GOLDFOGLE.. They would have to be very small to be worth less than $100.

Mr. MACON. Many of them are worth less than $100.

Mr. GOLDFOGLE. That might be five diamonds. What difference does it make, five diamonds or two diamond rings, or a brass ring, so long as the goods are not worth more than $100 in the aggregate?

Mr. MACON. Now, one other question I would like to ask you and then I will let you alone.

Mr. GOLDFOGLE. You may go on.

Mr. MACON. It has been stated here that the reason suit was not brought by Mr. Sargent for the return of this money was that he would have had to go all the way to El Paso or Laredo, wherever the transaction took place, before he sued the officer.

Mr. GOLDFOGLE. He would have had to institute his suit there.

Mr. MACON. Then I will ask this question: Why was it that he, being in New Haven, Conn., gave up the $100 for which they wrote to him, and that they did not collect from him down there by reason of a mistake, when they would have had to sue him at home for the $100?

Mr. GOLDFOGLE. His experience justified him in the belief that they would have sent on another warrant and taken a citizen from the State of Connecticut under the process of criminal proceeding and have taken him down South for trial.

Mr. SULLIVAN of Massachusetts. How do you explain the fact that at his own home at New Haven, after making his statement to his own attorney, on the advice of that attorney, he then paid the $100, where if any suit were brought it would have had to be brought in his own town?

Mr. SPERRY. If you could see the affidavit, you would know.

Mr. GOLDFOGLE. I did not know that he conferred with an attorney; but if he did his attorney may have told him that he was subject again to criminal arrest, and therefore desired to avoid being taken down South.

Mr. SPERRY. In his affidavit he explains the whole matter.

Mr. SULLIVAN of Massachusetts. Knowing the statement of his own client and believing his statement to be true, he advised that client not to incur criminal action.

Mr. SPERRY. No; that is not true.

Mr. GOLDFOGLE. The gentleman from Connecticut [Mr. SPERRY] says it is not true, and I think the gentleman from Massachusetts [Mr. SULLIVAN] will agree with me that whatever the gentleman from Connecticut [Mr. SPERRY] says will be accepted as the truth in this House.

Mr. SPERRY. I call now, in view of the statements which have been made, for the reading of Mr. Sargent's affidavit.

Mr. PAYNE. I wish to ask my colleague a question.

Mr. SULLIVAN of Massachusetts. It has been said here that something I have stated is not the truth, and I think I ought to be permitted to call attention to the testimony as a matter of courtesy. I made the statement upon the strength of the statement of the gentleman from Connecticut [Mr. SPERRY] himself, that Mr. Sargent employed the attorney and on his advice paid the $100.

The CHAIRMAN. The gentleman from Connecticut [Mr. SPERRY] is entitled to the floor, and asks for the reading of the affidavit in his time.

Mr. PAYNE. How did my colleague get off the floor? I wanted to ask him a question.

Mr. GOLDFOGLE. The Chair seemed to take me off the floor.

Mr. PAYNE. The gentleman from Massachusetts [Mr. SULLIVAN] was asking me a question.

Mr. GOLDFOGLE. Mr. Chairman, in order that we may be regular in this discussion, I yield to the gentleman from Connecticut [Mr. SPERRY].

Mr. SPERRY. I now renew my request for the reading of the affidavit of Mr. Sargent.

The CHAIRMAN. The Clerk will read the affidavit.

The Clerk read as follows:

NEW HAVEN, *January 16, 1902.*

STATE OF CONNECTICUT, *County of New Haven, ss:*

Joseph B. Sargent, of the city and county of New Haven and State of Connecticut, being duly sworn, deposes and says:

I am the person referred to in Senate bill 2393, for the relief of Joseph B. Sargent, and the facts are, briefly, as follows:

In the spring of 1900, while traveling with my wife in Mexico and intending to return by sea, I was seized with a severe attack of acute diarrhea, which reduced me to a weak condition and excited apprehension lest I should become seriously ill at a distance from home. I abandoned the balance of my proposed trip and started for my brother's home, in Georgia, by rail. In the course of our journey we had bought specimens of Mexican drawn work, for which I paid $73.67 United States money. These articles were intended to be given away to the members of our family, and I did not know whether they were dutiable or not.

At Laredo, the custom-house station, I declared the goods, which were packed loosely in the trunk without concealment; was informed that they were dutiable, and offered to pay the duty. The exact course of this part of the transaction was as follows: The trunk had been opened and partially examined without any questions having been asked me. While the examination was in progress the inspector said: "Is there anything dutiable here?" I replied, "There are some articles which may be dutiable, but I do not know whether you will charge duty on them." He immediately asked, "Is there anything made in Mexico?" and I promptly replied, "Yes; there is some Mexican drawn work." Then the inspector, after further turning over the contents of the trunk, drew out the drawn work. I asked him if it were dutiable, and he replied that it was, and I then produced the original invoice, and said that I would pay the duty.

At no time was there the slightest concealment on my part, in fact or intention. The inspector stated that he could not receive duties himself except in small amounts; that the goods must be taken to the custom-house for appraisal, and that this would involve my remaining over night at Laredo. At that time my illness had continued for some weeks, and was then acute, and my desire to continue the journey was so great that I told him that I would rather abandon the goods than lose my train. The inspector then asked for my address, but gave no reason for his request. I supposed it was for the purpose of giving me a future opportunity to pay the duty, and so wrote my name and address on the invoice. I proceeded by train to San Antonio, leaving the goods with the inspector, expecting to pay the duties when advised of their amount, and to have the goods forwarded.

During the examination at Laredo and throughout the whole transaction, ending with my departure, no suggestion was made that I had violated any customs regulations; and the first intimation of that sort which I received was when I was arrested at San Antonio, later on the same day, for smuggling, by a deputy United States marshal, and only escaped imprisonment by securing bail. Next morning I met the collector and the district attorney and his assistant, at the office of the latter, at San Antonio, and was informed by the collector that I had violated the United States statutes and was liable to a penalty, which he figured at $410, and also liable to imprisonment for smuggling; but, if I would pay the money demanded, I should be released from arrest and the charge of smuggling dismissed.

I was sick and anxious to get without delay to the home of my brother in Georgia, where I could rest before going home. I was without legal advice and ignorant of the law on the subject, except as advised by the collector and assistant district attorney. I was told by the assistant district attorney that the only thing for me to do was to settle or to go before the grand jury, which was not then in session, on the criminal charge of smuggling. I was not told and did not know that by filing a proper protest at the time of payment I could have laid the foundation for a civil action to set myself right. I was not acquainted in San Antonio except as I had made myself known to a customer of Sargent & Co.

My arrest was a great shock, and the additional scandal and the publicity of the threatened criminal action weighed heavily on me, in my weakened condition of health, and I paid to the collector the demanded penalty of $410, taking his receipt. I paid it under pressure of the threat of criminal procedure and to procure my release from arrest, because I was too sick to resist or to make the effort to properly understand the matter.

After my return home the collector demanded, by mail, an additional $100, claiming that he had made a mistake of that amount in calculating the penalty. I consulted counsel with the idea of making him sue for it, and so getting an opportunity to vindicate myself, but was advised that my failure to file a protest left no issues open which I could contest in the courts, except the correctness of the collector's calculations.

I then paid the additional sum of $100 under protest, and petitioned the Secretary of the Treasury for relief, which was refused on the mistaken ground that I still had the goods. When this error was pointed out, my petition was again rejected on the ground that there was no authority for refunding the money.

I have seen copies of affidavits and of a letter from the collector filed with the Secretary of the Treasury, and I declare that they are untrue in every material respect. The facts in detail are as already

stated, and I will add that there was but one inspector present when the drawn work was taken out of my trunk.

I respectfully call attention to the fact that whatever occurred at Laredo happened before I left: that no new evidence against me is claimed to have been discovered after I went away. Therefore the very circumstance that I was allowed to leave Laredo corroborates my story, and, as it seems to me, hopelessly discredits the theory that I was caught in the act of smuggling.

I am now 79 years old, and though for some years partially retired, have lived an active business life in New Haven for forty years, and have been the mayor of the city for four years.

This arrest on criminal charge and the publicity given to the matter in the newspapers has subjected me to an indignity entirely undeserved, and at my age peculiarly humiliating. It seems that the only way that I can obtain vindication is by the action of your honorable committee, and I respectfully ask for the relief stated in the bill.

The amount of relief asked for is made up as follows:

Net cost of goods seized	$73.43
Paid to the collector at San Antonio	410.00
Paid to the collector, by mail, under protest	100.00
Total	583.43

JOSEPH B. SARGENT.

Subscribed and sworn to before me this 16th day of January, 1902.
[SEAL.] M. OLIVE WILLIAMS, *Notary Public.*

Mr. HILL of Connecticut. Mr. Chairman, I want to say from my own personal knowledge that the statement which has been read I believe to be absolutely correct from beginning to end. Mr. Sargent is a man above reproach. There is no more distinguished or honored citizen in the State of Connecticut. He is the employer of several thousand people and has an exceedingly large business in the city of New Haven, and is a man of ample fortune to whom the payment of $100 under protest to relieve himself from embarrassment or anxiety is of no moment whatever. This man has done just exactly what I think anybody would do under the circumstances, at 80 years of age and under the conditions that existed; a man of whom it is absolutely unthinkable to believe for one single moment that he would attempt to defraud the Government of the United States or anybody else of one penny. I believe absolutely every word he has stated in that affiadvit, and that a mistake was made by the revenue officials there in their eagerness to collect duties, pursuing the course which is often taken with people who try to come through occasionally and bring in some little trinkets. I believe Mr. Sargent acted honorably.

Mr. MADDOX. Has there ever been any complaint made to the President of the conduct of these gentlemen down there?

Mr. HILL of Connecticut. I do not know.

Mr. MADDOX. If your statement is true, that they have treated this man in this way, they ought to be removed.

Mr. HILL of Connecticut. I will say to the gentleman from Georgia [Mr. MADDOX] that I do not wish to go into that question. I simply wanted to add my statement as to the respect and esteem in which Joseph B. Sargent is held in the State of Connecticut. It would be impossible to convince anybody in the State of Connecticut, no matter what his business, no matter what his politics, that Mr. Sargent was anything but a man of the highest character. His statement, signed by himself, I would rely upon for any amount of money.

Mr. STEPHENS of Texas. You are acquainted with the claimant in this matter?

Mr. HILL of Connecticut. I have met him.

Mr. STEPHENS of Texas. Is he an attorney at law?

Mr. HILL of Connecticut. Oh, no.

Mr. STEPHENS of Texas. I believe the gentleman is an attorney.

Mr. HILL of Connecticut. Myself?

Mr. STEPHENS of Texas. Yes.

Mr. HILL of Connecticut. Oh, no.

Mr. STEPHENS of Texas. You heard the affidavit read a moment ago, did you not?

Mr. HILL of Connecticut. Yes.

Mr. STEPHENS of Texas. Don't you think that affidavit was drawn by a very shrewd lawyer?

Mr. HILL of Connecticut. I will say to my friend that I have had some experience with customs officers, and I can realize exactly the position in which Mr. Sargent was placed. I know the eagerness of our customs officials to discover and detect frauds. I have witnessed these things several times, when returning to this country. I can understand, without Mr. Sargent's statement, how a man 80 years of age and sick should have said just what he said, should have left his goods there, should have paid his money, making a protest at the time he made the second payment, and should have come in an honorable, square, straightforward way before this committee in Congress and stated his case and asked for relief. Gentlemen, we ought to give it to him. In my judgment, we ought fairly to give it to him as an honest and honorable transaction on our part. If a mistake was made, it is our business to correct it. The mistake was not made by Mr. Sargent.

Mr. MANN. Will the gentleman yield for a question?

Mr. HILL of Connecticut. Certainly.

Mr. MANN. Can the gentleman tell us what mistake the customs officers made?

Mr. HILL of Connecticut. I think they should have told Mr. Sargent the exact situation at the time, that his goods were dutiable, and that he would make a mistake in leaving the goods in their hands. I should have stayed right by them, if I had been there.

Mr. MANN. Does not the law provide——

Mr. HILL of Connecticut. He was sick, and he was a man 80 years of age.

Mr. MANN. Does not the law provide that when a person brings in goods without declaring them it is the duty of the customs officers to seize them?

Mr. HILL of Connecticut. As I understand the statement, he went and hunted up the inspector himself, just as I have done again and again, in a desire to get baggage inspected and passed.

Mr. MANN. He came in on the train, I suppose; but even admitting that to be the case, he did not declare the articles, and the customs officers seized the goods under the law. The reason I ask the gentleman this question is because he is on the committee that frames this kind of tariff legislation.

Mr. HILL of Connecticut. I want to say that just such cases as this are what to do more to bring the protective tariff system into disrepute than almost anything else that could be done—just exactly such things. I have had experiences myself which have convinced me of this fact.

Mr. MANN. Does not the gentleman think that instead of relieving one case out of tens of thousands——

Mr. HILL of Connecticut. If this is wrong it ought to be corrected, no matter what the others are. If the others did not apply to have the wrong corrected, I do not see what can be done about it. This gentleman has made application.

Mr. MANN. Does not the gentleman think that instead of relieving this one case, which he speaks of, out of thousands of others he ought to help report a new tariff bill covering the question?

Mr. HILL of Connecticut. I am ready for that proposition.

Mr. MANN. We will await with interest the time when the gentleman reports a tariff bill.

Mr. SIMS. I thought the foreigner paid the tax anyway.

Mr. GRAFF. Mr. Chairman, I have risen to my feet for the purpose of moving that the committee rise; but for the purpose of securing some action on this bill I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, one single word. The bill appropriates, to be paid to Mr. Sargent, some $580. He paid $510. That is all he claims he paid, even after he paid this $100, after his attorneys in New Haven had been written to by the collector, asking for the payment of the hundred dollars, and after he had paid it, of course, under their advice.

I have been unable to find out on what theory, if he is to be paid anything, it is proposed to pay him a premium on this sort of thing. I understand from my colleague [Mr. GOLDFOGLE], who reported the bill and whom I do not see at this moment, that it is done on the theory that these centerpieces and doilies were wearing appearel, and were therefore exempt.

But of course they are wrong and Mr. Sargent was in regard to that. There can be no theory on which they are exempt. The value of the goods was found in a memorandum which Mr. Sargent himself presented to the inspectors, and added to that the report they had from the consul in Mexico, where the goods were purchased. There seems to have been no mistake from beginning to end. I do protest against any committee of the House or the House itself coming in here and trying to arrange these matters out of court. It seems that this committee has been prevailed upon because Mr. Sargent is a respectable gentleman, and my friend from Connecticut [Mr. SPERRY] appeared before the committee——

Mr. SPERRY. I appeared before the committee, but I have not spoken to anyone else.

Mr. PAYNE. Oh, Mr. Chairman, I didn't yield to my friend from Connecticut. I am afraid of him, for he could bring tears to my eyes any time. [Laughter.] But, Mr. Chairman, we are not to decide upon tears or sympathy; we are to enforce the law, and it ought to be enforced against Mr. Sargent, who is an employer of men, as it would be against the weakest and humblest of his employees. I am for dealing in these matters with exact justice. In Mr. Sargent's case, he had the means to command the best ability that money would purchase. He could

have made his protest and done whatever was necessary in regard to righting this wrong; he could have taken all the evidence in the city of New Haven that he desired to take; he could have employed lawyers in Texas or New Haven to enforce his rights. We ought not to sit here as a court in such a case as this.

Mr. SPERRY. I want to say to the gentleman from New York that Mr. Sargent may have had the means, but he didn't have the health.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 35, noes 24.

So the bill was ordered to be laid aside with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, I move that the committee do now rise and report the several bills to the House.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 8133, which was found to have been reported from a committee not having jurisdiction; that the committee also had had under consideration sundry bills and joint resolutions and had directed him to report the same back, some with amendment and some without, with the recommendation that the amendments be adopted and that the bills do pass.

The SPEAKER. House bill 8113, reported by the committee that did not have jurisdiction, will, without objection, be referred to the Committee on War Claims.

There was no objection.

Mr. GRAFF. Mr. Speaker, I ask for the previous question upon all the bills and amendments thereto.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the previous question may be considered as ordered upon the various bills with and without amendment.

Mr. PAYNE. Mr. Speaker, I object to that, so far as it relates to Senate joint resolution 45, directing inquiry into the claim of the Wales Island Packing Company, and the bill S. 351, an act for the relief of Joseph B. Sargent.

The SPEAKER. Does the gentleman from Illinois modify his request for the previous question by excepting the two bills just mentioned?

Mr. GRAFF. I do.

The SPEAKER. Is there objection to the modified request? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk reported the title of the first bill.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Illinois if he proposes to pass these bills this evening?

Mr. GRAFF. I will state to the gentleman that I think these bills, to which there is no serious objection, might be disposed of at this time, and we could allow those to which there is any objection to be passed over until Monday.

Mr. PAYNE. Having the previous question ordered, what is the particular point in having these bills passed at this time?

Mr. GRAFF. Well, so much would be done.

Mr. PAYNE. That can be done Monday just as well. It is now after 5 o'clock.

Mr. GRAFF. Then I will not insist upon it.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, with certain Senate amendments, and move that the Senate amendments be concurred in.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the urgent deficiency bill, with certain Senate amendments. Is there objection?

There was no objection.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken, and the motion was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. R. 6498. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. J. Res. 158. Joint resolution for the relief of Julius A. Kaiser.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1994. An act granting an increase of pension to Isabella Chivington;

S. 1421. An act granting an increase of pension to Charles L. Houghton;

S. 216. An act granting an increase of pension to Nelson Wells;

S. 183. An act granting an increase of pension to John W. Courrier;

S. 922. An act granting an increase of pension to William S. Devlin.

S. 1576. An act granting an increase of pension to Emily M. J. Cooley; and

S. 2414. An act granting an increase of pension to Elise Habercom.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until Monday, December 19, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Kizer, administrator of estate of R. M. Glover, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriations for defraying the expenses of collecting the revenue from customs—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., reported the same without amendment, accompanied by a report (No. 3142); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10313) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters, headquarters at New Orleans, La., reported the same without amendment, accompanied by a report (No. 3143); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15981) to authorize the Mississippi Central Railroad Company to bridge Pearl River, in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 3144); which said bill and report were referred to the House Calendar.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15810) to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River, reported the same with amendment, accompanied by a report (No. 3145); which said bill and report were referred to the House Calendar.

Mr. WM. ALDEN SMITH, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 5704) to incorporate the American National Red Cross, reported the same without amendment, accompanied by a report (No. 3146); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16580) granting a pension to Kate Cushman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16607) granting an increase of pension to Margaret Drum—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16622) granting a pension to William H. Bogle—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 16716) for improving the harbor at Biloxi, Miss.—to the Committee on Rivers and Harbors.

By Mr. FORDNEY: A bill (H. R. 16717) providing for an additional appropriation for the public building at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 16718) for the extension and improvement of Massachusetts and Boundary avenues NW., Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 16719) to increase the limit of cost for the purchase of site and the erection of a public building at Westchester, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.—to the Committee on Interstate and Foreign Commerce.

By Mr. SWANSON: A bill (H. R. 16721) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898—to the Committee on Claims.

By Mr. CHARLES B. LANDIS: A bill (H. R. 16722) to increase the limit of cost for the purchase of site and the erection of a public building at Crawfordsville, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 16723) to provide for the purchase of a site and the erection of a public building thereon at Muscogee, Ind. T.—to the Committee on Public Buildings and Grounds.

By Mr. LIVINGSTON: A resolution (H. Res. 400) asking for all data in detail upon report made December 3, 1904, upon cotton acreage and production—to the Committee on Agriculture.

By Mr. CUSHMAN: A resolution (H. Res 402) providing for the consideration of Senate bill 3728—to the Committee on Rules.

By Mr. BAKER: A resolution (H. Res. 403) asking information from the Attorney-General in regard to the so-called "beef trust"—to the Committee on the Judiciary.

By Mr. HEARST: A resolution (H. Res. 404) relating to political activity of letter carriers and the dismissal of James C. Keller, Frank Cunningham, Warren Tumber, and H. W. Aldrich from the public service—to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 16724) for the relief of the widows of Union soldiers, sailors, or marines—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 16725) granting an increase of pension to Gates D. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16726) granting a pension to Joseph Matthews—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 16727) to pay heirs of John Sevier, sr., for certain military services rendered to the United States by said John Sevier, sr.—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 16728) granting a pension to Mary Stuart—to the Committee on Pensions.

Also, a bill (H. R. 16729) granting an increase of pension to Martha C. Balcomb—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 16730) granting an increase of pension to Daniel Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16731) granting an increase of pension to W. W. Hicks—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16732) granting a pension to Andrew M. Stamm—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16733) granting an increase of pension to Charles G. Turney—to the Committee on Invalid Pensions.

By Mr. CROFT: A bill (H. R. 16734) for the relief of Charles E. Danner & Co.—to the Committee on Claims.

By Mr. DAVIS of Minnesota: A bill (H. R. 16735) granting an increase of pension to John Haack—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 16736) granting an increase of pension to J. R. Clifford—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 16737) granting a pension to Daphna Ketcham—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 16738) granting an increase of pension to Joseph S. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16739) granting an increase of pension to Samuel Shoup—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16740) granting an increase of pension to Laura Coleman—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16741) granting a pension to H. Edwin Goetz—to the Committee on Pensions.

Also, a bill (H. R. 16742) granting an increase of pension to Henry Finger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16743) granting an increase of pension to John Glass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16744) granting an increase of pension to Henry Blevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16745) granting an increase of pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16746) granting an increase of pension to James J. Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16747) granting an increase of pension to Alfred H. Martine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16748) granting a pension to Frona J. Wooten—to the Committee on Pensions.

Also, a bill (H. R. 16749) granting a pension to George W. Cowan—to the Committee on Pensions.

By Mr. GOULDEN: A bill (H. R. 16750) for the relief of Charles Uerkvitz—to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 16751) granting a pension to Joseph J. Bodenhamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16752) granting a pension to John Ross—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16753) granting an increase of pension to Eli W. Knowles—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 16754) granting a pension to Gustave Trimter—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 16755) granting an increase of pension to Layard E. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16756) granting an increase of pension to James H. Riddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16757) granting an increase of pension to George M. Fowler—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 16758) granting an increase of pension to Florence M. Baker—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 16759) granting an increase of pension to George W. Dunlap—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16760) for the relief of William Edward Bailey—to the Committee on Pensions.

By Mr. McCARTHY: A bill (H. R. 16761) granting a pension to Jennie A. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16762) granting an increase of pension to Elias H. Funk—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16763) granting an increase of pension to William P. Shelton—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 16764) for the relief of administrator of James B. Beavers, deceased, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. SHEPPARD: A bill (H. R. 16765) for the relief of the legal representatives of Jonathan Holmes, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16766) for the relief of F. P. Brower—to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 16767) granting an increase of pension to James McPherson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16768) granting a pension to G. W. Finley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16769) granting a pension to Mary I. Davenport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16770) granting a pension to Annie B. Lee—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 16771) granting an increase of pension to George W. Kinzly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16772) granting an increase of pension to Buford P. Moss—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 16773) granting a pension to John Mather—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 16774) granting an increase of pension to John J. James—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16775) granting an increase of pension to Abraham Stine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16776) granting an increase of pension to John W. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16777) granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 16778) granting a pension to Jennie E. Keown—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16779) for the relief of the estate of Charles Baum, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16780) for the relief of William Tellett's personal representatives—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Resolution favoring a sea-level canal across the Isthmus of Panama, unanimously adopted by the board of directors of the Philadelphia Bourse, December 14, 1904—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of Grand Army of the Republic post, in favor of placing Maj. Gen. P. I. Osterhaus on the retired list of the Army—to the Committee on Military Affairs.

Also, petition of the St. Louis Fruit and Produce Exchange, in favor of amending the interstate-commerce laws as to regulating indiscriminate freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Simmons Hardware Company, in favor of the Boutell bill (H. R. 9302)—to the Committee on Ways and Means.

Also, petition of the board of directors of the Merchants' Exchange of St. Louis, opposed to bill S. 4596—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Edinboro (Pa.) Grange, No. 947; Waterford (Pa.) Grange, and Springsboro Grange, Patrons of Husbandry, against changing the antioleomargarine law—to the Committee on Agriculture.

By Mr. BURKETT: Resolution of the Nebraska Conference of the Epworth Assembly, on sundry matters, looking to the regulation of the Post-Office Department, the Philippines, Sunday working on Government works, to forbid the sale of intoxicants in all Government buildings, favoring the Hepburn-Dolliver bill, against interstate telegraphing of race gambling bets, against gambling by guessing on newspaper coupons, and for expelling Senator SMOOT—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of John Dority Grange, No. 381, of Hancock County, Me., in favor of a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. BURTON: Resolution of the council of the city of Cleveland, Ohio, recommending use of granite in Federal building at Cleveland—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: Petition of New Prague Flouring Mill Company, relative to customs-drawback law—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of the International Press Association of Oklahoma and Indian Territories, urging the removal of all restrictons from the sale of Indian lands excepting homesteads—to the Committee on Indian Affairs.

Also, petition of the Interstate Commerce Law Convention, urging legislation to regulate freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petition of St. Johnsbury Woman's Club, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Independent Cigar Manufacturing Association, of Chicago, protesting against a reduction of tariff on Philippine cigars—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of the Woman's Club of St. Johnsbury, Caledonia County, Vt., for a constitutional amendment prohibiting polgyamy—to the Committee on the Judiciary.

By Mr. HEARST: Petition of members of the Omaha (Nebr.) Grain Exchange, favoring the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition of the citizens of Madison, Wis., favoring the enactment of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Memorial of the Grand Camp of the Arctic Brotherhood, for a Delagate in Congress from Alaska—to the Committee on the Territories.

Also, resolution of the Alaska Club, of Seattle, Wash., for representation in Congress for Alaska Territory—to the Committee on the Territories.

By Mr. KNAPP: Papers to accompany bill granting an increase of pension to Florence M. Baker—to the Committee on Invalid Pensions.

By Mr. MANN: Memorial to Congress from the executive council of the Public Education Association of Washington, D. C., indicating some needs of public education in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MAYNARD: Papers to accompany claim of Edward W. Bailey for injuries inflicted upon his person by United States marines while at target practice—to the Committee on War Claims.

By Mr. NEEDHAM: Resolutions of the Bar Association of San Francisco, asking for better court facilities in the district Federal courts of California—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of citizens of Indianapolis, in favor of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: Resolution of Headquarters of United Confederate Veterans, of New Orleans, La., with reference to bill S. 2081—to the Committee on Military Affairs.

By Mr. SHEPPARD: Petition of Thomas J. Holmes and James H. Holmes, heirs of Jonathan Holmes, to be paid for stores and supplies taken by United States Army, as provided by the bill for the relief of the legal representatives of Jonathan Holmes, deceased—to the Committee on War Claims.

By Mr. SHERLEY: Papers relative to claim for pension of G. W. Finley—to the Committee on Invalid Pensions.

Also, papers to accompany claim for pension of Mary I. Davenport—to the Committee on Invalid Pensions.

Also, petition of James McPherson, asking for an increase of pension from $12 to $40 per month—to the Committee on Invalid Pensions.

Also, petition of Mrs. Annie Lee, in support of claims for pension as soldier's widow—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Affidavit in support of pension claim of J. H. Page—to the Committee on Invalid Pensions.

Also, papers to accompany bill for increase of pension of Buford P. Moss—to the Committee on Invalid Pensions.

Also, papers to accompany bill to increase the pension of George W. Kingsley—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petition of William J. Rainey, Ralph Janssen, and W. C. Hall, asking for an amendment to the United States Constitution making polygamy a breach of the Federal law—to the Committee on the Judiciary.

Also, petition of R. H. Hartley, Dr. C. D. Woodruff, and A. C. Dickenson, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. SNOOK: Resolution of the Loyal League of the United States, favoring the placing of Maj. Peter I. Osterhaus on the retired list of the Army with the rank he held at the close of the rebellion—to the Committee on Military Affairs.

By Mr. VAN DUZER: Petition of James C. Dahlman and 9 other shippers of live stock, members of the South Omaha Live Stock Exchange, favoring the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. VANDIVER: Papers to accompany bill granting an increase of pension to John J. James—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition and papers to accompany bill H. R. 16713, granting a pension to William Cannon—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of 10 members of the South Omaha (Nebr.) Live Stock Exchange, favoring the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *December 19, 1904.*

Rev. EDWARD E. HALE, the Chaplain of the Senate, offered the following prayer:

*They shall call His name Jesus, for he shall save His people from their sins * * *. His name shall be called Emmanuel, which, being interpreted, is God with us.*

Let us pray. Even so, Father, He comes to save us from our sins. Thou art pleased to reveal Thyself to us in Him. And to-day we pray Thee for our homes and for this festival which we are to celebrate together, the festival of home, that Thou wilt be with Thy servants wherever they go, wherever they are, in this commemoration of a Savior's birth. With our fathers and mothers, our brothers and sisters, our little children, with all that makes home glad and happy, be present, Thou, the Father, in the midst of Thy children, that we may have Thy love for our love, Thy strength for our weakness, Thy wisdom for our direction. Go with us wherever we go; stay with us wherever we are.

And for this country we pray, that she may know what are the blessings of a Christian State, that these States may be bound together as brothers and sisters are bound together in one tie, that our rulers may be peace, that our exactors may be righteousness, and this that loving country whose God is the Lord. We ask it in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those that trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

NAMING A PRESIDING OFFICER.

Mr. PERKINS called the Senate to order and the Secretary read the following communication:

WASHINGTON, *December 16, 1904.*

To the United States Senate:

I hereby appoint the senior Senator from California, Mr. PERKINS, to perform the duties of the chair during my absence.

WILLIAM P. FRYE,
President pro tempore.

Mr. PERKINS thereupon took the chair as Presiding Officer and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO WEDNESDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn until Wednesday next.

The motion was agreed to.

[A message in writing from the President of the United States was delivered to the Senate by Mr. FORSTER, one of his secretaries.]

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

An act (S. 183) granting an increase of pension to John W. Currier;

An act (S. 216) granting an increase of pension to Nelson Wells;

An act (S. 922) granting an increase of pension to William S. Devlin;

An act (S. 1421) granting an increase of pension to Charles L. Houghton;

An act (S. 1576) granting an increase of pension to Emily M. J. Cooley;

An act (S. 1994) granting an increase of pension to Isabella Chivington;

An act (S. 2414) granting an increase of pension to Elise Habercom;

An act (H. R. 6498) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

Joint resolution (H. J. Res. 158) for the relief of Julius A. Kaiser.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 4 minutes p. m.) the Senate adjourned until Wednesday, December 21, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 12, 1904.

POSTMASTERS.

ILLINOIS.

Moses C. Thomas to be postmaster at Homer, in the county of Champaign and State of Illinois.

MICHIGAN.

William T. Hosner to be postmaster at Romeo, in the county of Macomb and State of Michigan.

William C. Mertz to be postmaster at St. Charles, in the county of Saginaw and State of Michigan.

Louis H. Tovatt to be postmaster at Standish, in the county of Arenac and State of Michigan.

Herman A. Wyckoff to be postmaster at Pontiac, in the county of Oakland and State of Michigan.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 19, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, December 16, 1904, was read and approved.

ADJOURNMENT UNTIL WEDNESDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

The question was taken, and the motion was agreed to.

HOUSE BILLS WITHOUT AMENDMENT PASSED.

The following House bills, reported from the Committee of the Whole House, were ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 11664. A bill to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River;

H. R. 3109. A bill for the relief of Noah Dillard;

H. R. 3619. A bill for the relief of David B. Howell;

H. R. 6351. A bill to pay J. B. McRae $99 for services as hospital steward, etc.;

H. R. 3950. A bill for the relief of W. R. Akers, of Alliance, Nebr.;

H. R. 9758. A bill for the relief of the heirs of George McGhehey for services rendered as mail contractor;

H. R. 11370. A bill to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire;

H. R. 2052. A bill for the relief of Ramon O. Williams and Joseph A. Springer;

H. R. 6375. A bill for the relief of the executors of the estate of Henry Lee, deceased;

H. R. 10089. A bill for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.;

H. R. 9091. A bill to provide United States registry for the steamer *Marie;* and

H. R. 9090. A bill to provide United States register for the steamer *Success.*

HOUSE BILLS AND RESOLUTION WITH AMENDMENTS PASSED.

On the following House bills and resolution, reported from the Committee of the Whole House with amendments, the amendments recommended by the committee were agreed to; and the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 11802. A bill for the relief of Adolph Spiegel as the successor of the firm of Spiegel, Finkelstein & Co.; and

H. R. 10558. A bill referring the claim of Hanna S. Crane and others to the Court of Claims.

H. Res. 20. A resolution (in lieu of H. R. 2053) referring to the Court of Claims the claim of Hans Peter Guttormsen.

SENATE BILLS PASSED.

The following Senate bills, reported from the Committee of the Whole House, were ordered to be read a third time, read the third time, and passed:

S. 3199. An act for the relief of A. M. Short;

S. 1753. An act for the relief of Pay Clerk Charles Blake, United States Navy;

S. 1501. An act for the relief of James S. McIndoe; and

S. 1352. An act for the relief of Lindlay P. Kent and Joseph Jenkins as the sureties of Frank A. Webb.

WALES ISLAND PACKING COMPANY.

The Clerk reported Senate joint resolution 45, directing inquiry into the claim of the Wales Island Packing Company, reported from the Committee of the Whole House.

Mr. TIRRELL. Mr. Speaker, inasmuch as the information desired by the enactment of this joint resolution has been in part, if not wholly, ascertained by a committee at the other end of the Capitol, its enactment here, therefore, may be entirely unnecessary. I therefore move that the resolution, with the accompanying papers, be recommitted to the Committee on Claims.

The motion was agreed to.

Mr. GRAFF. Mr. Speaker, I move that the votes by which the several bills and resolutions were passed be reconsidered, and that that motion lie upon the table.

The SPEAKER. If there is no objection, it will be so ordered.

There was no objection.

FARWELL, OZMUN, KIRK & CO.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. a license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., and move that the rules be suspended and that the bill do pass.

The Clerk reported the bill, as follows:

Be it enacted, etc., That Farwell, Ozmun, Kirk & Co., a corporation organized and existing under the laws of the State of Minnesota, and engaged in business at St. Paul, Minn., be, and is hereby, granted a license:

First. To make a sufficient temporary excavation on the land of the United States adjacent to the property of said Farwell, Ozmun, Kirk & Co., to wit: On lot No. 3, in block No. 31, of St. Paul proper, according to the plat thereof on file and of record in the office of the register of deeds in and for the county of Ramsey and State of Minnesota, to enable said Farwell, Ozmun, Kirk & Co. to properly point the foundation walls of the warehouse and mercantile building now in the process of construction belonging to said Farwell, Ozmun, Kirk & Co., and situate upon lot No. 8 of auditor's subdivision, No. 35, of St. Paul, Ramsey County, Minn.

Second. To place in the soil of the land of the United States in said lot No. 3, block No. 31, of St. Paul proper, at a depth of about 20 feet, immediately adjoining the boundary line of the two properties of the United States and of said Farwell, Ozmun, Kirk & Co., sufficient stone, concrete, and rock to complete a suitable footing for the westerly wall of said Farwell, Ozmun, Kirk & Co.'s warehouse and mercantile building now in the course of construction.

SEC. 2. That this license is given subject to the following provisions and conditions:

First. That all stone, concrete, and rock or other substance placed by said licensee in the soil of the United States shall be and remain the property of the United States.

Second. That said licensee shall indemnify and save harmless the United States from any cost or expense or damage which may in any way accrue to the United States by reason of any of the excavations aforesaid or by reason of the placing of any of the aforesaid footings in the property of the United States in such manner as shall be designated by the Secretary of War.

Third. That said licensee shall refill the excavations, pack the earth firmly therein, and restore the surface of all ground excavated, and leave the same in as good condition as it was at the commencement of any excavation made by said licensee.

Fourth. That the work required or permitted by this license shall not in any way interfere with any building of the United States or the use thereof, and shall be done under the supervision and subject to the approval of the officer of the United States Army commanding the Department of Dakota, in charge of said army building.

Fifth. That in the event of the revocation or relinquishment of this license, any sum which may have to be expended in putting any premises or property authorized to be occupied or used by said licensee in as good condition for use by the United States as it was on the 5th day of October, 1904, shall be repaid by said licensee on demand.

The SPEAKER. Is a second demanded?

Mr. MADDOX. Mr. Speaker, I demand a second.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and a second is ordered. The gentleman from Minnesota is recognized for twenty minutes and the gentleman from Georgia will be entitled to twenty minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a bill granting to Farwell, Ozmun, Kirk & Co., a corporation of Minnesota, a license to make an excavation on land belonging to the United States. This land is occupied by a building belonging to the United States, known as the headquarters of the Department of Dakota. This private corporation proposes to erect a warehouse on its own property, adjacent to the property of the United States. In doing so, it desires to properly place foundations of its building on its own property, and in order to do that it asks for this license to excavate temporarily about 3 feet of the ground belonging to the United States down to a depth of about 20 feet. At that place, to properly point its wall, it desires by this act to place stone and concrete and what other material may be necessary upon the property of the United States at that depth, but not probably to exceed 2 or 3 feet in height and some inches in width, at that point; then, by the conditions of this license, to replace this earth and what other material may be necessary, and leave it in exactly the same condition it was before this project was started, on the 5th of October last, and that any of the concrete or stone or whatever material is placed in the land of the United States shall become the property of the United States, and that this corporation shall indemnify and hold the United States harmless for any damages, trouble, or anything of that sort under regulations as may be prescribed by the Secretary of War.

Mr. MADDOX. Is that provided in the bill?

Mr. STEVENS of Minnesota. Yes, sir; on page 2 of the bill, section 2 of the license. I would state that this was started in October; that this concern appeared before the Secretary of War. He had the matter investigated by the commander of the Department of Dakota, who has his office in this very building and has the charge of it. The department commander investigated this thing himself, and the War Department realizes that it is for the advantage of the Government in this particular if the building is hereafter to be extended, as is not probable, but if it should be, this concrete or stone or material placed in the earth would become a part of the party wall that would be necessary to be used by the United States Government, and that is what it practically is. So, under these circumstances, the War Department granted a temporary license to make the excavation until Congress should convene and determine what should be done. Of course, the concern has not touched the property. It has waited until it could see what action Congress should adopt. I am personally quite familiar with the situation. I visit that building nearly every day when I am at home. I believe it would not only not be a detriment to the building, but I believe, with the officers of the War Department, that it would be of advantage to the United States, because if necessary some time that could be used for a party wall without any expense to the United States Government. That is all provided in this bill. The Secretary of War has authority by this to make any regulations that may be necessary to protect the United States against any possible loss and require any sort of indemnity he may deem necessary. The Quartermaster-General and the Secretary of War have recommended this bill favorably, and it is recommended favorably by a unanimous vote of the Committee on Military Affairs. I believe the rules should be suspended and this bill should pass.

Mr. MADDOX. Mr. Speaker, I demanded a second in order that the bill might be explained. I have nothing to say. I am satisfied.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill which has been reported from the Clerk's desk.

The question was taken; and, two-thirds (in the opinion of the Chair) having voted in favor thereof, the rules were suspended and the bill was passed.

HOMESTEAD SETTLEMENT AND ENTRY IN ROUND VALLEY INDIAN RESERVATION, CAL.

The SPEAKER. The Chair overlooked the bill H. R. 15011, which is on the Calendar as unfinished business under this order and will have preference over other motions. The Clerk will report the bill by its title.

The Clerk read as follows:

A bill (H. R. 15011) to open to homestead settlement and entry the relinquished and undisposed-of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

The SPEAKER. The note on the Calendar shows "Pending in the House, under suspension of the rules, a second being ordered, Mr. BELL of California having used seven minutes in favor of and Mr. LIVERNASH five minutes in opposition to the bill." The gentleman from California [Mr. BELL] is entitled to thirteen minutes and the gentleman from California [Mr. LIVERNASH] to fifteen minutes.

Mr. LIVERNASH. Mr. Speaker, I rise to lay before the House, with brevity, my reasons for opposing the pending bill, I do this not expecting, within the limitations governing debate on a motion to suspend the rules, to prevail as against the recommendation of the Secretary of the Interior and the report of the Committee on the Public Lands, but wishing the record to show that I am unconvinced by that recommendation and not persuaded by that report, and that I believe the action about to be taken will be regretted, as time goes on, by those among us who are deeply concerned that the relations of the United States to its Indian wards shall be above reproach.

In Round Valley, northern California, is an Indian reservation, said to be more extensive than the present needs of the Indians within its boundaries. The bill provides that the surplus lands, estimated to have an area of 62,419 acres, shall be opened to settlement "under the provisions of the homestead laws of the United States"—language exceedingly misleading.

If this measure were otherwise unobjectionable, I submit that the House should not proceed to pass upon it in advance of careful consideration of the plight of the Indians of northern California in general; for it may well be that these lands, though not required by the Indians at present on the reservation, are needed by Indians no less deserving of attention who are not in Round Valley and as to whom the Federal Government has been guilty of neglect.

In this connection I remind the House of the numerous petitions it has received during the life of the Fifty-eighth Congress praying legislation in relief of the thousands of landless Indians in the State of California; and I shall lay before the House a memorial in that regard I have to-day received from the Northern California Indian Association, and shall append to my remarks a copy of this memorial and a copy of a letter and an accompanying earlier memorial from the same important body.

From the later of these memorials I quote two paragraphs:

In the early days of American occupation commissioners were sent out from Washington to make treaties with the Indians of California, and treaties were actually negotiated with some eighty or ninety bands. These treaties contained the provisions usual to such treaties of the time, but none of them were ratified by the United States Senate, and so, in the governmental view, never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties without in any manner carrying out its part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also, and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in process of being allotted. These Indians number about 1,700. The great body of northern California Indians, who were faithful to their treaty obligations notwithstanding the bad faith of the Government, have received nothing—not even school privileges for their children or the equal protection of the law. These Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

How unhappy is the situation of some of these wronged Indians may be suggested to the House by this quotation from the letter I have mentioned:

A few years after the American occupation of California a treaty was made with the Colusa Indians by which they sold their lands to the United States, retaining as a reservation about 160,000 acres of land between Butte Creek and the Sacramento River. This land is now worth from six to eight millions of dollars. The treaty was never ratified, the Indians never received a cent of the money promised them in the treaty, and their reservation was occupied by settlers and taken up as Government land. The number of this tribe has been reduced in fifty years from about 1,000 to less than 100. A band of about forty are now living on one of the burial mounds of their ancestors, near Grand Island, Colusa County. They are huddled together on about 4 acres of land, in a wheat field, and surrounded by a barbed-wire fence. The sanitary condition is wretched, and their only water supply is a well 10 feet deep among the graves.

Surely the Congress will sooner or later legislate to mitigate in some measure the grievous injustice the United States has visited upon the inoffensive California Indians left landless in the vast hunting grounds of their fathers. That legislation may follow the reservation plan of dealing with the Indians, or the plan urged by the Northern California Association (a small holding of land for every Indian), or some plan not yet proposed. But, sir, can it be wise at this stage of the case, with no plan agreed upon, to part with these Round Valley lands? Would it not, rather, be prudent to hold them as they are until we shall have given the landless Indians of the regions thereabout some thought in this assembly?

All of this, Mr. Speaker, on the assumption that the bill is unobjectionable save on the ground thus far discussed. But it is not so free from flaw.

The measure provides for an appraisement of the surplus lands, but excludes "improvements" from this appraisement, and then continues:

The said lands when surveyed and appraised shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January 1, 1904, shall have a preference right to enter and hold the lands actually occupied by them, respectively, not exceeding one quarter-section, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers.

It seems to me, sir, an essentially improper policy for the Congress to make the trespass of squatters a basis of preferential rights. No settler can be lawfully upon the lands affected by this bill; and if they are to be sold, it appears to be the plain duty of the Congress to abstain from giving the wrongdoer, the trespasser, superiority over the citizen who has not trespassed, the citizen who has done no wrong.

At the very least, I think, the bill should carry an amendment providing that preference to squatters shall be given only on condition of payment (for the benefit of the Indians) of whatever, in the judgment of the Secretary of the Interior or by the findings of Federal appraisers, may be reasonable rental of the occupied lands for the period of unlawful occupation.

To give a premium for trespass would be improper as a general proposition, I should say; but in this particular case I believe it would be improper in an extraordinary degree, because some of the trespassers on these Round Valley lands gained and have held their squatter tenure by blood crimes. The history of Round Valley is written in scarlet, and the feuds of the trespassers have filled many an unmarked grave.

In concluding this statement of the reasons moving me to dissatisfaction with the bill, I inform the House that I am in receipt of a letter from a gentleman connected with the Northern California Indian Association, mentioning, incidentally, a report to the effect that the lands it is proposed shall be sold contain "considerable deposits of lignite coal of the best quality yet discovered in California." He does not vouch for the accuracy of the report, and I know nothing on the subject personally; but the letter gives me an additional motive for wishing my vote to-day to count against the hastiness of legislation the pending motion contemplates.

Mr. BELL of California. Will my colleague yield to me for a question?

Mr. LIVERNASH. With pleasure.

Mr. BELL of California. You say that you have received a letter. Is that letter from Mr. C. E. Kelsey, secretary of the Northern California Indian Association?

Mr. LIVERNASH. Yes.

Mr. BELL of California. Of what date was that letter—December 13?

Mr. LIVERNASH. I do not remember the date. The letter was received by me this morning. It is signed by Mr. C. E. Kelsey, as secretary of the Northern California Indian Association. I do not mention the letter as proof that the report concerning coal deposits is true, for Mr. Kelsey writes of it as one writes of unverified reports and not as expressing any personal knowledge, and I know nothing of the matter myself. The circumstance that there is such a report, however, appears to me an additional reason why the bill should not be rushed to passage under suspension of the rules, but should come before the House when reached upon the Calendar.

Mr. BELL of California. Mr. Speaker, a careful reading of the bill now under discussion will show that the interests of the Indians of the Round Valley Indian Reservation in the State of California are being amply protected and safeguarded by the provisions of the bill. After the original bill was introduced and referred to the Committee on Public Lands it was then sent to the Secretary of the Interior for his opinion. The matter was taken up in detail in the office of the Commissioner of the General Land Office, in the office of the Commissioner of Indian Affairs, and with the Secretary of the Interior himself; and the bill now under consideration is a bill that has been drawn in the office of the Secretary of the Interior and unanimously reported favorably to this House by the Committee on Public Lands.

This Indian reservation in the State of California was not acquired from the Indians or through the Indians by any treaty stipulation. It was carved out of the public domain in the early seventies by Executive orders. In 1890 the Congress of the United States came to the conclusion that the reservation was

too large and ought to be reduced, and on the 1st day of October, 1890, a law was passed in Congress reducing the reservation and authorizing the President of the United States to allot to the Indians in severalty as much agricultural land as he thought they should have, and also timber and grazing lands. After that allotment had been made by the President of the United States there remained some 64,000 acres of land cut off from the reservation. The land that has been relinquished is rugged and mountainous and hardly habitable for human beings. The bill of 1890 provided that these relinquished lands should be appraised and then offered for sale after being surveyed in lots of 640 acres each. That was done. The lands were surveyed. They were appraised in 1894, and on the 19th day of April they were offered for public sale, but only 1,200 acres out of some 64,000 acres were sold.

Since then nothing has been done with this land. The Indians have not had the use of it, they have not occupied it; but during the last ten years some poor white men have gone into those mountains and established their homes. They have not gone in there for the purpose of stealing anything from the Indians. They have not committed trespass, they have not wronged the Indians in the slightest degree; but they have built their little homes upon these lands, and they now come to the United States Congress and ask you to provide a method by which they may gain title to those homes.

This bill simply provides that these lands shall be surveyed in tracts of 160 acres each, and opened to homestead entry, and that these men who now live there may have the first right to enter, and receive credit for the time that they have lived upon the land. But before they can gain any title they must pay the Indians for the lands. The lands are to be reappraised, and no man now living there will be able to gain title to a single acre until he pays the Indians whatever the appraised price may be.

My colleague from California [Mr. LIVERNASH] claims to have some special personal knowledge as to great wrongs that have been perpetrated upon the Indians of northern California. If he has such knowledge, I ask him why it has never been brought to the attention of the Commissioner of Indian Affairs? Does any man believe that if these grievous wrongs have been committed the Commissioner of Indian Affairs would not have some knowledge of them? That department has its agent in Round Valley. That agent of the department has been consulted in regard to the provisions of this bill and he favors the passage of this measure. My colleague from California [Mr. LIVERNASH] also asserts that he has received a letter from a Mr. Kelsey, who is at the head of some organization to protect the landless Indians of California. I myself received a letter from Mr. Kelsey this very morning, dated December 13, 1904. He is supposed to be protecting the rights of the Indians of the State of California, and this is what he says:

> Would you kindly send me a copy of your bill for the opening of the unallotted lands of the Round Valley Indian Reservation? It has always been our policy to advocate the elimination of reservations as fast as they can possibly be segregated. We do not therefore oppose the opening of Indian lands to settlement, contenting ourselves with seeing or trying to see that the Indians receive fair prices and fair treatment.

According to the provisions of this bill, the Indians residing upon the reservation are amply protected. The lands will be impartially appraised, and the Indians will be given the money. They have not had possession of these lands for fourteen years. The white man has had possession, but only by squatter's right. It is not right or proper that that great tract of land out there in the mountains should continue in its present condition. The white man ought to have an opportunity to settle upon it and be given a home. Some parts of it are almost inaccessible. I do not know why any white man should really want to make his home out there in those mountains, 50 miles from the railroad, where there is no level land; but some people have seen fit to go there. They have carried their lumber into those mountains over those trails on horseback. They have built a little schoolhouse there in order that their children may be given a liberal education. They have done those things that comport with good citizenship. They have not committed any wrong. I stand here to defend them. I know them, and I know them to be good, honest, law-abiding citizens. They would wrong no one. All these tales about hidden and unhidden graves out there make good stories for the newspapers, but I do not know that any crime or any bloodshed has ever resulted from the segregation or relinquishment of these lands, and I am pretty well acquainted with the situation there. I trust that this bill, which has come from the Department of the Interior, which has received the sanction of the Committee on the Public Lands, after fair and impartial consideration, may pass this House by the requisite two-thirds vote.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit a question?

Mr. BELL of California. I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. I desire to know what committee reported this?

Mr. BELL of California. The Committee on the Public Lands.

Mr. STEPHENS of Texas. I wish to state that this is only in line with the policy adopted by the committees having charge of Indian affairs in the Senate and House—to open up all Indian reservations, especially reservations of this sort. As I understand it, this is an Executive reservation, laid off by order of the President.

Mr. BELL of California. That is true.

Mr. STEPHENS of Texas. And as I understand the gentleman's statement—I have not had a chance to read the bill—allotment has already been made to these Indians.

Mr. BELL of California. Fourteen years ago.

Mr. STEPHENS of Texas. Can you state to us how much land was given to each Indian and whether it was given to individual Indians or to the family?

Mr. BELL of California. I do not know. The original bill provided that the amount of land—agricultural, grazing, and timber land—should be left to the discretion of the President. As a matter of fact, I do not know how many acres were allotted to each Indian, but the Indians have been satisfied. There are 811 of them, I think, upon that reservation—men, women, and children—according to the last census, and they have some very rich land. They have more than they are cultivating, and some of them do not even keep the fences up, and do not make the proper use of it, as the situation is now. Their land is good level land in the floor of the valley.

Mr. STEPHENS of Texas. As I understand, they had the choice of the entire reservation?

Mr. BELL of California. They took the choicest and richest land of the reservation—the only level land there was.

Mr. STEPHENS of Texas. The object is to open the rest for settlement?

Mr. BELL of California. Yes.

Mr. STEPHENS of Texas. As I understand, the price was set too high and a very small portion of it was selected.

Mr. BELL of California. Only 1,200 acres. It was surveyed in too large tracts, so that a person had to buy 640 acres if he bought any. The object of this bill is to give them a right to take 160 acres under the homestead act. This bill authorizes the President to appoint a commission or special agent for the purpose of reappraising the land, and allows the settlers to pay for it in five equal annual installments.

Mr. STEPHENS of Texas. Not less than the appraised value?

Mr. BELL of California. Not less than the appraised value.

Mr. BEALL of Texas. How many squatters, if the gentleman can inform me, are there on these lands?

Mr. BELL of California. I think about forty families at the present time.

Now, Mr. Speaker, I ask unanimous consent that I may be permitted to insert in the RECORD, as a part of my remarks, a copy of the original bill offered by me, a copy of the bill as substituted by the Department, and the report.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

The bill and report are as follows:

A bill (H. R. 7631) to open to homestead settlement the relinquished portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

Be it enacted, etc., That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled "An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," approved October 1, 1890, are hereby opened to settlement under the provisions of the homestead laws of the United States, and all actual and bona fide settlers upon said lands at the time of the passage of this act shall have the preference to enter and hold the lands actually occupied by them, respectively, not exceeding one quarter section, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

ROUND VALLEY INDIAN RESERVATION, CAL.

April 12, 1904.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed. Mr. NEEDHAM, from the Committee on the Public Lands, submitted the following report to accompany H. R. 15011:

The Committee on the Public Lands, to whom was referred the bill (H. R. 7631) to open to homestead settlement and entry the relinquished portions of the Round Valley Indian Reservation, in the State of California, and for other purposes, report the same back to the House

of Representatives, and recommend the adoption of the following bill as a substitue therefor:

"A bill to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled 'An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes,' approved October 1, 1890, which have not heretofore been disposed of, shall be surveyed in accordance with the Government surveys and reappraised, exclusive of improvements, by a commission of three disinterested persons, to be appointed by the President, or by a trusted inspector or special agent of the Department of the Interior, as the President, in his discretion, may direct. The said lands, when surveyed and appraised, shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January 1, 1904, shall have a preference right for ninety days after the same shall be opened to settlement to enter and hold the lands actually occupied by them, respectively, not exceeding one quarter section, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers. Each entryman of any of said lands shall pay for the same at the appraised price, payments to be made in five equal annual payments, with interest on all deferred payments at the rate of 5 per cent per annum. Commutation under section 2301, Revised Statutes, shall not be allowed of any entry made for any of these lands.

"SEC. 2. That the funds arising from the sale of said lands shall be disposed of as provided in section 4 of the act of October 1, 1890, providing for the disposal of the Round Valley Indian Reservation."

HISTORY OF THE LANDS.

The lands affected by this bill were originally a part of the Round Valley Indian Reservation, in the State of California. By act of October 1, 1890 (26 Stat. L., 658), it was provided: "That the President of the United States be, and he hereby is, authorized and directed to cause the agricultural lands in the Round Valley Indian Reservation, in the State of California, to be surveyed into 10-acre tracts, and to allot the same in severalty to the Indians belonging thereon, under the provisions of the act of Congress approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes:' *Provided*, That he may cause said agricultural lands to be allotted in such quantities and to such classes as he may deem expedient and for the best interests of said Indians: *And provided further*, That a sufficient quantity of said agricultural lands shall be reserved for agency, school, and mission purposes. In addition to the allotments of agricultural lands to said Indians in severalty, there shall be reserved a reasonable amount of grazing and timber lands for their use, to be used by said Indians in common, or the President may at any time, in his discretion, cause the same to be allotted in severalty under the provisions of said act of February 8, 1887, in such quantities and for such classes as he may deem expedient. Said grazing and timber lands shall be selected by a commission of three disinterested persons to be selected by the President."

By section 3 of the act of October 1, 1890, Congress further provided that the unallotted grazing and timber lands should be surveyed into tracts of 640 acres, appraised by a commission of three disinterested persons, and when so surveyed and appraised these lands should be sold at public auction, after due notice, to the highest bidder, at a price not less than the appraised value and not less than $1.25 an acre.

By section 4 of the act the funds arising from the sale of these lands, after paying the expenses of survey, appraisement, and sale, and after reimbursing the United States for certain improvements, which are unnecessary to mention, were to be placed in the Treasury of the United States to the credit of the Indians.

The said remainder of the grazing and timber lands was surveyed into tracts of 640 acres, as nearly as possible, and the lands appraised at from $1.25 to $3 per acre, except one tract appraised at $3.50 and one at $5 per acre. The report of the appraisement was approved by the Department August 7, 1893, and under the provisions of said section 3 of the act of October 1, 1890, the lands were offered at public sale April 19, 1894, in accordance with instructions approved by the Department September 25, 1893.

The report from the local office at San Francisco, Cal., dated April 19, 1894, shows that only five of the tracts offered at said sale were disposed of. Area of land sold, 1,223.43 acres, leaving 62,419.14 unsold for want of bids. The register and receiver, in reporting upon the offer, stated:

"The sale was not a successful one. In our opinion the principal reason is that the appraised value was too high and in too large tracts, a party being required to purchase a large quantity of poor land in order to get a small portion of good."

Since the public sale on April 19, 1894, no further action has ever been taken by the Department of the Interior looking to a further sale of the land. It is the 62,419.14 acres above referred to that are affected by this bill.

The committee has referred this matter to the Secretary of the Interior, and the substitute bill that is now reported has been recommended by the Secretary.

The committee therefore recommends that said substitute bill do pass.

Mr. LIVERNASH. Mr. Speaker, my colleague [Mr. BELL of California] surprises me by his denial of my statement touching crimes in Round Valley. I have lived in the California county wherein this reservation lies, and am familiar with the blood-stained history to which I have alluded. In the hidden valley mentioned here have been fought feuds Corsican in bitterness and violence. I had thought no Californian could be unaware of them.

Mr. BELL of California. Will the gentleman yield?

Mr. LIVERNASH. I regret my time has so nearly expired that I can not.

I am not impressed by the suggestion that I should have complained to the Interior Department concerning lawlessness in Round Valley. The existence or nonexistence of criminal violence there is not to be established so. I fancy that Department has many cogent reasons to know of the truth of the statement I have made here to-day.

Mr. BELL of California. If the gentleman will yield to me, I have two minutes left of my time which I will give to him.

Mr. LIVERNASH. I yield to my colleague from California.

Mr. BELL of California. Is it not a fact that the feud and these murders the gentleman has alluded to took place over the George White tract of land, about 40 miles in length, reaching from Round Valley into Humboldt? Is not that the feud that the gentleman refers to?

Mr. LIVERNASH. The feud of which the gentleman [Mr. BELL of California] makes mention has been the backbone of Round Valley's violence; but the gentleman is in error in assuming that feud to have had no relation to reservation lands, and is mistaken if he believes it the only feud crimsoning the history of the fair valley it has disgraced. A score of graves give testimony of lawless struggles there directly and indirectly associated with the lands of the Indians.

Mr. FITZGERALD. Is the gentleman's objection to the bill based on the provision that it gives preferential rights to those now occupying the land?

Mr. LIVERNASH. That is one of my objections.

Mr. FITZGERALD. Does the gentleman know how many families or persons now occupy this land?

Mr. LIVERNASH. Not accurately. Practically all of the unallotted lands having present value are occupied by squatters, however.

Mr. FITZGERALD. All of the 62,000 acres?

Mr. LIVERNASH. Practically all having present value.

Mr. FITZGERALD. In quarter-section holdings?

Mr. LIVERNASH. Ostensibly, in some cases; really, in others. The situation is not free from the dummy-settler abuses with which the country has become familiar.

Mr. BELL of California. Is it not a fact that there are not over forty families upon the land?

Mr. LIVERNASH. I have already explained that I have not the number of settlers with accuracy.

Mr. BELL of California. Under the provisions of this bill they can not acquire more than 160 acres.

Mr. LIVERNASH. It is true that the bill restricts each entryman to the acquisition of 160 acres; but the experience of the United States with its timber lands abundantly demonstrates that restrictions of that sort do not in practice restrict. Dummies are put forward by daring land grabbers, and vast tracts fall into the ownership of a few manipulators.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask this question, as to how long these squatters, as the gentleman calls them, have been on these Indian lands—how many years?

Mr. LIVERNASH. Some of them for more than fifteen years, others for less.

Mr. STEPHENS of Texas. How old is this reservation? When was it segregated from the public domain and made an Indian reservation?

Mr. LIVERNASH. The reservation was established in the seventies. I can not be more definite without consulting papers not at the moment available.

Mr. STEPHENS of Texas. How long ago?

Mr. BELL of California. Back in 1870.

Mr. STEPHENS of Texas. Were not some of these men settlers on this land before it was made an Indian reservation?

Mr. LIVERNASH. Possibly there may be such cases. I have not heard of any.

Mr. STEPHENS of Texas. Is it not a fact that such men would be innocent purchasers in good faith?

Mr. LIVERNASH. The allotment of Round Valley Reservation lands was authorized in 1890, and sale of the unallotted grazing and timber lands was directed by the statute authorizing the allotment. I can not at the moment give detailed information of the beginning of squatter tenure of each of the trespassers now upon the unallotted lands, but this I know, that the men now on the lands are in fact and in law trespassers. At no time was their entry authorized by law.

Mr. CURTIS. Mr. Speaker, I desire to ask a question of the chairman of the Committee on Public Lands, if the gentleman from California [Mr. LIVERNASH] will yield. I desire to know if it is attempted by this bill to open up the lands which were reserved for the use of the Indians for grazing and timber purposes? I see this bill comes from the Committee on Public Lands. If it is to open the land which was reserved for the use of the Indians for timber and grazing purposes, then the bill should have gone to the Committee on Indian Affairs, and not to the Committee on Public Lands.

Mr. LACEY. Mr. Speaker, the details of this matter can be answered more fully, I think, by the gentleman from California

[Mr. NEEDHAM], who reported the bill. My understanding is that it is only agricultural lands.

Mr. LIND. Mr. Speaker, under the original adjustment with the Indians, by which they were authorized to reserve allotments, the grazing, timber, and agricultural lands were segregated for their use and conveyed to them. This is a surplus portion.

Mr. CURTIS. It does not cover any part of the grazing or timber land which was reserved to the use of the Indians.

Mr. LIND. Mr. Speaker, under the original adjustment with directed to be sold and could not be sold.

Mr. LIVERNASH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. LIVERNASH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LIVERNASH. In pursuance of the consent thus given, I append to my remarks a letter and two memorials touching the situation of the landless Indians of northern California.

They are as follows:

[Letter from Northern California Indian Association.]

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION,
San Jose, Cal., December 24, 1903.

Hon. EDWARD J. LIVERNASH,
House of Representatives, Washington, D. C.

SIR: The annexed petition is the result of ten years' study of the condition of northern California Indians, and careful thought regarding the wisest measures to be taken on their behalf. We desire to enlist the cooperation of all conscientious people in our endeavor to make public the facts in the case, and to induce Congress to take efficient action toward the relief of these defrauded and, in many cases, destitute Indians. We beg your attention to the following instances, which are typical of the history and present state of the vast majority of the Indians north of the Tehachapi Pass.

MANCHESTER.

At Manchester, in Mendocino County, a band of seventy-five Indians were living on land which they had purchased by day labor, but their title to which had never been legally recorded. They had built houses, cultivated gardens, purchased horses and cows. Upon the death of the original owner of the land his successor claimed the Indians' tract, plowed up their gardens, and ordered them to leave. Having no recorded title, they were obliged to do so, losing all the result of their labor and courage as well.

COLUSA.

A few years after the American occupation of California a treaty was made with the Colusa Indians by which they sold their lands to the United States, retaining as a reservation about 160,000 acres of land between Butte Creek and the Sacramento River. This land is now worth from $6,000,000 to $8,000,000. The treaty was never ratified, the Indians never received a cent of the money promised them in the treaty, and their reservation was occupied by settlers and taken up as Government land. The numbers of this tribe have been reduced in fifty years from about 1,000 to less than 100. A band of about 40 are now living on one of the burial mounds of their ancestors near Grand Island, Colusa County. They are huddled together on about 4 acres of land in a wheat field and surrounded by a barbed-wire fence. The sanitary condition is wretched, and their only water supply is a well 10 feet deep among the graves. A band of about the same size is squatted on the levee near the village of Princeton.

CRESCENT CITY.

At Crescent City, in Del Norte County, are found about 60 Indians living upon the sea beach, where their forlorn little unpainted huts are liable to inundation at flood tides. Until a few years ago they lived upon land appertaining to a Government light-house station, where they took refuge from white aggression. But the Government, too, failed to recognize Indian right of occupancy. The land was sold and the Indians set adrift, to be caught, like flotsam and jetsam, among the sedge grass of the ocean beach bordering the land of their ancestors, where there was no longer a foothold for them.

They are now living in great squalor and misery, and their moral condition is even worse than their physical, for in their destitution they have been forced into the position of a "tenderloin" district for a lumbering community. A recent statement of a prominent resident of Crescent City that the presence of the Indians there constituted a menace to the morals of the community is probably not ill founded.

The Indians of Sulphur Bank, numbering about forty, and of East Lake, numbering about thirty-five, both in Lake County, Cal., have recently received notice to "move on" and leave the homes they have occupied for many years. Fully 10,000 Indians in northern California are liable to eviction any day.

The story of the Warner's ranch Indians elicited the sympathy of the entire nation and won substantial aid from Congress. At Warner's ranch 300 Indians were to be rendered homeless. In northern California between the Tehachapi Pass and the Oregon line, about 600 miles, 10,000 Indians are and have been homeless ever since the early days of white occupation. The present Indians are the survivors of the natives, numbering probably 150,000 when the State of California passed under the control of the United States. Unprotected and virtually unrecognized by State or Federal law, subject to persecution and slaughter by the white settlers, only a remnant remains to claim justice and protection from Government and people to-day.

It is too late to set aside Indian reservations, were these desirable, and it would be useless to importune Congress to pay the full amount of money due in return for lands taken, but it is not too late to give our surviving Indians small holdings, 5 or 10 acres each, that they may have an incentive to frugal living and advance in civilization. When security of tenure and educational advantages have been given, California Indians have shown ability to improve, just as others have done.

When Government lands exist in the neighborhood of Indian villages these can be utilized if of suitable character. But when none is found land must be bought and subdivided.

The petition inclosed has the indorsement of the Indian Rights Association, and the Commissioner of Indian Affairs has stated his approval of Government aid to landless Indians of northern California.

We should be glad to receive any assistance which you may offer. If you will secure some signatures to the inclosed short petition and send the same to any Member of Congress it will be of great value.

On behalf of the Northern California Indian Association.

Mrs. T. C. EDWARDS, *President.*

C. E. KELSEY, *Secretary.*

[Memorial transmitted with the foregoing letter.]

To the honorable the Congress of the United States:

The undersigned, the Northern California Indian Association, hereby respectfully petitions and prays your honorable body for the relief of the landless Indians of northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Cal., and is organized for "benevolent, charitable, and missionary purposes for the benefit of the Indians of California, among which purposes are the following:

"To aid the Government and people of the United States in preventing all oppression of Indians, and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

"To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement, in the same manner, as far as may be, as that pursued by the National Indian Association of the United States."

During the last nine years the petitioner has had occasion to investigate carefully the conditions surrounding the northern California Indians and the causes of their present state.

We find that outside of California it has been the universal practice of the National Government to pay Indians for their lands. We believe we are correct in saying that in every other State and Territory the Indian title to the soil has been recognized by the Government of the United States and has been extinguished only by payment therefor. In northern California the Indians have never received a single dollar for their ownership of more than 100,000 square miles of the most beautiful and valuable country in the world.

In the early days of the American occupation the National Government recognized the title of the Indians to their lands by making treaties with them. We are informed that treaties were made with between eighty and ninety bands of northern California Indians. These treaties contained the provisions usual to Indian treaties, but were never acted upon by the Senate, and so in the governmental view never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties without in any manner carrying out its own part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also, and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in process of being so allotted. These Indians number about 1,700. The great body of northern California Indians, who were faithful to their treaty obligations, notwithstanding the bad faith of the Government, have received nothing, not even school privileges for their children or the equal protection of the law. These Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

The results of the failure of these treaties have been disastrous to the Indians of northern California. They secured the greater part of their living from the soil, and with the loss of their land, which has come sooner or later, their means of securing a livelihood is at an end, and they have been plunged into the extreme of destitution and misery. The vices and diseases imported with civilization have been fatal to the majority, and the mortality has been so great that it is estimated that their number to-day is not more than 12 or 15 per cent of their number sixty years ago. With the loss of their lands the Indians have become squatters and tenants upon sufferance, and have been the victims of a constantly increasing series of evictions as the white population has increased and the pressure for land has grown greater. The uncertain tenure and enforced removals has largely prevented missionary and school work among them, while race prejudice has for the most part debarred their children from the public schools. Their position has year by year been growing more desperate, and the misery to which some of the bands have been reduced is now extreme.

The few Indians who have lands are in far better condition. Most of these have received or are in process of receiving their allotments in severalty and have had educational and missionary instruction for many years past. The present unfortunate condition of the nonreservation Indians of northern California is largely or perhaps wholly owing to their landless condition. And this landless condition results from the seizure of their lands by the Government of the United States without payment therefor. We therefore earnestly petition and pray that lands be granted to the landless Indians of northern California.

We do not wish reservations established for them. Reservations would be very expensive for the Government, and, we think, undesirable for the Indians in many ways. We ask that land be given them in severalty under the tenure, and with the probationary period, or greater, of the general allotment act. Our Indians have been more or less in contact with civilization for years, and are, we are convinced, ready for allotments in severalty. We do not ask for large farms. Most Indians would be unable to use a large farm properly. Small tracts, we think, will be sufficient. We furthermore sincerely trust that these Indians will not be pauperized by gifts of money or goods. The Indian standard of living is very low, but such as it is they earn what they have, and we should be sorry to see their independence lessened in any manner. In our opinion the Government may in some measure repair the wrong it has done these people by giving them individually small tracts of land and increasing the school privileges for their children.

In the matter of schools the Government has already made a beginning. There are now in existence in northern California two training schools and six day schools maintained by the United States, chiefly for the landless Indians. These schools had an aggregate enrollment

during the last year of which we have statistics, of 310, and an average attendance of 218. A few pupils from this section attend other training schools. There are also schools supported by private funds at Fall River, Aidin, Hopland, and Kelseyville, and a few attend the public schools. Altogether less than 600 are now attending any kind of school, and there are more than 3,500 children of school age among our nonreservation Indians.

This petitioner has also made extensive inquiries as to the land available for settlement by these Indians. We find that there is very little land of the class called in California "agricultural land" available for entry; that the grazing lands are not well suited for the purpose, and are largely in the possession of cattlemen; that timber land can not under the law be allotted to Indians; that only steep canyon sides, tops of ridges, barren peaks, and deserts remain in the hands of the Government.

The allotments already made are chiefly of this character. And so barren and sterile are they that more than two-thirds of the Indians receiving allotments are compelled to reside away from their allotments in order to live. Heads of families representing from 2,000 to 2,500 Indians have now allotments. About 1,000 more live upon lands owned by Indians themselves or by religious or charitable organizations for their benefit.

The great body of landless Indians live in places remote from Government lands. Very little of the vacant land is capable of furnishing a living to anyone. To place these Indians upon such lands would mean wholesale starvation. The Indians are intensely attached to the localities where they have lived for generations and refuse to live elsewhere. They also have the acquaintanceship and means of making their own living, such as it is, where they now are, and if they are granted lands in the neighborhoods where they now live they will be no further expense to the United States; whereas if they be sent to any of the Government land now remaining they will be a source of expense for years to come.

We therefore recommend and petition that our landless Indians be given small tracts of land in severalty where they now reside; that their own lands be given them wherever possible, and that a sufficient sum be appropriated to purchase these tracts wherever there is no Government land available. The amount required for this purpose would be but a small part of the sums received by the Government from the sale of the Indian lands, and far less than is due the Indians under the treaties which the Government has accepted on the one hand and repudiated on the other.

The nonreservation Indians of northern California are further subject to certain legal disabilities. As these Indians did not become citizens under the treaty of Guadalupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government the same as other Indians; while since the failure of the treaties the General Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status—a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

We attach hereunto a schedule showing the location and population of each Indian settlement of which we have been able to learn, and certain correspondence respecting the matters touched upon in this petition.

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.
MRS. T. C. EDWARDS, *President.*
C. E. KELSEY, *Secretary.*

Schedule showing the location and numbers of the various bands of nonreservation Indians of northern California, as accurately as the Northern California Indian Association is able to ascertain them at present. We estimate that there are at least 1,000 more not yet located:

Alameda—Niles, 8; Pleasanton, 70.
Alpine—Markleeville, 150 (no complete report).
Amador—Buena Vista, 45; Franklin, 30; Gilbert, 65; Ione, 10; Jackson, 40 (have 320 acres of land owned by the United States); Julian, 20; Pigeon Creek, 10; Union, 20; Plymouth, 25.
Butte—Bald Rock, 25; Bidwells Bar, 20; Biggs, 80; Chico, 70 (on the Bidwell ranch); Cherokee, 15; Clayton, 5; Concow, 5; Dredger, 25; Honcut, 40; Lumpkin, 25; Mesilla Valley, 15; Mountain Spring, 55; Reservoir, 10; Oroville, 10; Webster, 5.
Calaveras—Angels, 40; Avery, 25; Cave City, 30; Railroad Flat, 10; Murphys, 50; Sheep Ranch, 25; Valley Springs, 5; Washington Flat, 35; West Point, 10.
Colusa—Leesville, 30; Grand Island, 40; Cortina, 10; Stony Ford, 15; Ninemile, 35 (on 40 acres leased by Northern California Indian Association); Sites, 6; Hyper Creek, 20; Cooks Spring, 16; Wine Ranch, 20.
Contra Costa—Byron, 20; Danville, 5.
Del Norte—Island, 48; Rockbilly, 20; Tootootmi, 18; Smith River, 57; Yontocket, 32; The Corners, 8; Toward Crossing, 35; Up River, 2; Willow Creek, 1; Cushionhouse, 5; Chacha, 7; Cresent City, 69; Sand Lots, 28.
El Dorado—Blairs, 30; Buckeye, 25; Greenville, 20; Latrobe, 20; Mount Aukum, 5; Nashville, 70; Pigeon Creek, 35; Placerville, 15; Rey, 125; River, 30; Sly Park, 15; Tennessee, 5.
Fresno—Big Sandy, 70; Deer Park, 10; Drum Valley, 15; Hopewell, 5; Lower Mill Creek, 30; Meadow, 25; Mill Creek, 120; Millerton, 65; Millwood, 45; Mountain View, 30; Pine Grove, 50; Sanger, 8; Squaw Valley, 35; Sycamore, 20; Thermal, 8.
Glenn—Elk Point, 20; Grindstone Creek, 20; Orland, 5.
Humboldt—Korbel, 5; Blue Lake, 4; Glendale, 17; Janes Creek, 29; Mad River, 5; Maple Creek, 16; Redwood Creek, 63; Upper Maple Creek, 31; Bucksport, 8; Elk River, 2; Indianola, 57 (own 27 acres); Eel River, 84; Van Duzen Creek, 3; Dyersville, 36; Mattole, 5; Bear River, 2; Orleans, 105; Trinity, 25; Dobbyns Creek, 15; Burr Creek, 12; Trinidad, 50; Big Lagoon, 15; Stone Lagoon, 5; Orick, 6; Lower Klamaths, off reservation and having no allotments, 160 (some estimate these as high as 300).
Inyo—Bishop Creek, 120; Big Pine, 175; Fish Springs, 50; Irving, 100; Independence, 110; Keeler, 50; Lone Pine, 15; Lakeby, 10; Milton, 100; Owengo, 10; Poleta, 15; Riverside, 20; Tahoose, 25; Union, 100; Warm Springs, 15.
Kern—Kernville, 25; Scodie, 30; South Fork, 50; Walker's Basin, 65; Weldon, 100; Agua Caliente, 60; Summit, 75; Tejon, 75.
Kings—Mussell Slough, 75 (own 80 acres).
Lake—Ashland, 10; Bachelor Valley, 10; Big Valley, 15; Clover Creek, 15; Fairview, 20 (eviction threatened); Kelseyville, 65 (live on land owned by St. Turibius Mission); Lakeport, 20; Lake Shore, 20; Loconomi, 30; Lower Lake, 20; Upper Lake, 160 (own 160 acres); Middletown, 15; Scott's Valley, 35; Sulphur Bank, 35 (eviction proceedings have been begun); Spring Branch, 15; Gravelly Valley, 40.
Lassen—Ash Valley, 50; Bieber, 25; Cedar Run, 35; Center, 10; Cove, 20; Dry Valley, 10; Hayden Hill, 50; Jefferson, 5; Johnstonville, 15; Juniper, 15; Madeline, 65; Missouri Bend, 10; Pine Grove, 25; Pitt River, 90; Richmond, 15; Riverside, 15; Amadee, 15; Honey Lake, 20; Janesville, 35; Lake, 10; Little Valley, 10; Long Valley, 45; Milford, 10; Secret Valley, 10; Soldier Bridge, 10; Susanville, 100; Willow Creek, 10; Washington, 5.
Madera—Bailey Flat, 30; Cleveland, 50; Coarse Gold, 10; Crane Valley, 25; Flume, 40; Fresno Flat, 20; Gertrude, 30; Hawkins, 35; Iron Mountain, 10; San Joaquin, 100; Spring Valley, 5; Waterloo, 50.
Marin—Census shows 25, now mostly citizens.
Mariposa—Bear Valley, 35; Kinsley, 35; Chowchilla, 20; Coulterville, 30; Mariposa, 50; Merced Falls, 20 (part of this band is in Merced County); Yosemite, 30; Hornitos, 20.
Mendocino—Blue Rock, 5; Cahto, 25; Laytonville, 30; Usal, 10; Piercy, 20; Bear Harbor, 3; Twin Rock, 5; Sherwood, 15; Westport, 50; Inglenook, 6; Fort Bragg, 30; Eel River, 5; Summit Valley, 5; Williams Valley, 6; Willits, 4; Carroll, 80 (own 200 acres); Caspar, 12; Coyote Valley, 55 (own 5 acres); Ukiah (Pinole), 200 (own 165 acres); Little River, 25; Mill Creek, 90; Gualala, 3; Potter Valley, 65 (own 14 acres); Redwood Valley, 15; Willow Creek, 12; Yorkville, 25 (own 50 acres); Hopland, 80 (have been ordered to leave); Manchester, 72 (on land owned by Northern California Indian Association).
Merced—Merced Falls, 35 (remainder of band in Mariposa County).
Mono—Antelope, 150; Benton, 90; Bodie, 65; Bridgeport, 65; Farrington, 70; Mono Lake, 20.
Monterey—Arroyo Seco, 5; Bird Haven, 45; Milpitas, 45; Pacific, 15.
Modoc—Cedarville, 60; Eagleville, 115; Mount Bidwell, 65; Aidin, 45; Alturas, 155; Arlington, 20; Butte, 20; Delmorma, 20; Hopewell, 10; Likely, 60; Little Hot Spring, 30; Modoc, 10; South Fork, 50; Soldier Creek, 15; Widow Valley, 50; South Davis Creek, 10.
Napa—Jefferson, 20.
Nevada—Allison Ranch, 5; Chicago Park, 5; Indian Flat, 10; Mariposa, 10; Overton, 10; Pleasant Valley, 10.
Placer—Auburn, 25; Colfax, 35; Todds Valley, 35.
Plumas—Big Meadows, 85; Crescent Mills, 20; Genesse, 55; Greenville, 65; Lassen Butte, 60; Lincoln, 45; Meadow View, 85; Nelson Point, 15; North Fork, 15; Pioneer, 10; Quincy, 20; Rich Bar, 25; Taylorsville, 50; Union, 55; Seneca, 40.
Sacramento—Arcade, 35; Arno, 20; Davis, 25; Granite, 30; Wilson, 15; Galt, 12.
San Benito—San Juan, 40 (some have land).
San Joaquin—Clement, 8.
San Luis Obispo—East Santa Fe, 25; Fairview, 20; Los Berros, 25; Oakdale, 5; Polar Star, 5.
San Mateo—Redwood City, 35; San Mateo, 30.
Sierra—Alta, 10; Long Valley, 20; Mount Pleasant, 10.
Santa Cruz—Santa Cruz, 40; Watsonville, 30.
Shasta—Bald Hills, 30; Churntown, 50; Delta, 35; Excelsior, 20; French Gulch, 5; Harrison Gulch, 10; Indian Springs, 30; Kennet, 15; Lincoln, 35; Lone Tree, 5; Oak Knoll, 20; Ono, 30; Union, 5; Watson Gulch, 40; Winthrop, 30; Bear Creek, 15; Cedar Creek, 25; Mistletoe, 5; Redding, 20; Smithson, 70; Silverthorn, 15; Benton, 20; Rockland, 15; Turner, 10; Albion, 105; Bass, 20; Beaver Creek, 35; Cayton Valley, 5; Copper City, 20; Cove, 40; Elena, 75; Fall River Mills, 90; Fort Crook, 5; Hat Creek, 20; Bunker Hill, 35; Island, 45; Mount Burney, 15; Montgomery Creek, 45; Pitt River, 40.
Solano—Benicia, 5; Vacaville, 20.
Sonoma—Bodega Bay, 23; Canfield, 10; Cloverdale, 35; Occidental, 5; Stewarts Point, 75; Dirigo, 90; Asti, 10; Markham, 4; Dry Creek, 30; Watson, 5; Llano, 10; Lytton, 35; Piner, 10; Olivet, 20; Sebastopol, 10; Healdsburg, 10; Fulton, 7; El Verano, 35.
Siskiyou—Forks of Salmon, 10; Happy Camp, 50; Junction, 250; Lowden, 30; Rollin, 20; Etna, 65; Fort Jones, 10; Greenhorn, 15; Highland, 15; Klamath, 5; Klamath City, 5; Meamber, 60; Greenview, 20; Cleveland, 25; Lake View, 15; Lava Bed, 15; Sunnyside, 40; Berryvale, 20; Dunsmuir, 15; Pebble, 15; McCloud, 15.
Stanislaus—Buena Vista, 40; Tilden, 5.
Sutter—Meridian, 15; Winship, 10.
Tehama—Dry Creek, 50; Elkins, 45; Farquhar, 5; Junction, 25; Jellys Ferry, 20; Macon Springs, 5; Pine Grove, 5; Tehama, 15.
Trinity—Weaverville, 250 (no complete reports).
Tulare—Ash Springs, 5; Drum Valley, 5; Eshom Valley, 30; Long Valley, 20; Gordon, 5; Lime, 35; Pixley, 15; Porterville, 5; Vandalia, 20.
Tuolumne—Belleview, 15; Deer Flat, 5; Groveland, 20; Quartz Mountain, 35; Sonora, 45; Sugar Pine, 50; Little Garrote, 60.
Yolo—Rumsey, 25; Cache Creek, 35.
Yuba—Challenge Mills, 10; Clark, 10; Long Bar, 25; Oregon House, 20; Strawberry Valley, 15.
Total number Indians, 13,733.
Number of settlements, 418.

[Second memorial from the Northern California Indian Association.]

To the honorable the Congress of the United States:

The undersigned, the Northern California Indian Association, hereby respectfully renews its petition of last session and prays your honorable body for the relief of the landless Indians in northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Cal., and is organized for "benevolent, charitable, and misssionary purposes for the benefit of the Indians of California, among which purposes are the following:

"To aid the Government and the people of the United States in preventing all oppression of Indians, and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

"To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement, in the same manner, as far as may be, as that pursued by the National Indian Association of the United States."

During the last ten years the petitioner has had occasion to investigate carefully the conditions surrounding the Northern California Indians and the causes of their present state.

We find it to be a fact that elsewhere than in California it has been the universal practice of the Government of the United States to recognize the Indian right of occupancy of the lands claimed by the various tribes, and everywhere but in California this right has been extinguished only by payment therefor. In the greater part of the State of California the Indian right of occupancy has been canceled and the Indians have never received a single dollar for their rights in more than 100,000 square miles of territory.

In the early days of American occupation, commissioners were sent out from Washington to make treaties with the Indians of California, and treaties were actually negotiated with some eighty or ninety bands. These treaties contained the provisions usual to such treaties of the time, but none of them were ratified by the United States Senate, and so, in the governmental view, never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties, without in any manner carrying out its part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also, and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in process of being allotted. These Indians number about 1,700. The great body of northern California Indians who were faithful to their treaty obligations, notwithstanding the bad faith of the Government, have received nothing, not even school privileges for their children or the equal protection of the law. The Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

The Indians last mentioned have surrendered their right of occupancy to the United States upon the promise of the Government to pay a stated consideration, and the consideration has not been paid. The Government is in the position of one who has bought real estate and relies upon the invalidity of his own act to escape paying the agreed price. It seems clear to us that the Government can not honestly retain both the land and the price.

The results of the failure of these treaties have been disastrous to the Indians of northern California. They secured the greater part of their living from the soil, and with the loss of their land, which has come sooner or later, their means of securing a livelihood is at an end, and they have been plunged into the extreme of destitution and misery. The vices and diseases imported with civilization have been fatal to the majority, and the mortality has been so great that it is estimated that their number to-day is not more than 12 or 15 per cent of their number sixty years ago. With the loss of their lands the Indians have become squatters and tenants upon sufferance, and have been the victims of a constantly increasing series of evictions, as the white population has increased and the pressure for land has grown greater. The uncertain tenure and enforced removals has largely prevented missionary and school work among them, while race prejudice has for the most part debarred their children from the public schools. Their position has year by year been growing more desperate, and the misery to which some of the bands have been reduced is now extreme.

Of the 13,500 nonreservation Indians north of Tehachipi, about 2,500 are scattered in small bands of from one to four families. The great body of them, numbering about 11,000, are isolated in small settlements of from 20 to 150 souls, averaging about 50. In these petty communities the conditions are worse than upon any American reservation, for they are open to all the vicious and demoralizing features of civilization and cut off wholly from schools, missions, or anything that makes for good, and the Indians living in them are often without protection as to person or property and are liable to eviction at any moment.

The few Indians who have lands are in far better condition. Most of them have received or are in process of receiving their allotments in severalty, and have had educational and missionary instruction for many years past. The present unfortunate condition of the nonreservation Indians of northern California is largely and perhaps wholly owing to their landless condition. And this landless condition results from the seizure of their lands by the Government of the United States without payment therefor. We therefore earnestly petition and pray that lands be granted to the landless Indians of northern California in partial payment, at least, of their just claim against the nation. We should deprecate the payment of money or goods or household or farming utensils as demoralizing in the extreme. We consider that reservations would be disastrous to the Indians, and would put them back fifty years in their advance toward civilization.

It is our belief that individual allotments in severalty under the terms of the general allotment acts and with accompanying citizenship can safely be given to these Indians and will for the most part settle the problem here. As most Indians are unable to use large farms properly, small tracts of a few acres to each family is all that is required.

We are fully aware that there is a provision in the statutes by which Indians are entitled to select allotments from the public domain. From the passage of this act to April 1, 1904, 2,021 such allotments have been made in northern California, of which 148 have been canceled, leaving 1,873 now outstanding. The Indians provided for by these 1,873 allotments number about 2,800.

Less than 1,000 are provided for by ownership of lands by themselves or by others, leaving about 10,000 Indians who are landless and homeless and subject to eviction any day. More than 1,600 of the 1,873 allotments are in the counties of Plumas, Lassen, Modoc, Siskiyou, and Shasta, where the white population is not as yet very dense.

This petitioner has also made extensive inquiries as to the land available for settlement by these Indians. We find that there is very little land of the class called in California "agricultural land" available for entry; that the grazing lands are not well suited for the purpose and are largely in the possession of cattlemen; that only steep canyon sides, tops of ridges, barren peaks, and deserts remain in the hands of the Government.

The allotments already made are chiefly of this character. And so barren and sterile are they that more than two-thirds of the Indians receiving allotments are compelled to reside away from their allotments in order to live.

The great body of landless Indians live in places remote from Government lands. Very little of the vacant land is capable of furnishing a living to anyone. To place these Indians upon such lands would mean wholesale starvation. The Indians are intensely attached to the localities where they have lived for generations and refuse to live elsewhere. They also have the acquaintanceship and means for making their own living, such as it is, where they now are, and if they are granted lands in the neighborhoods where they now live they will be no further expense to the United States; whereas if they be sent to any of the Government land now remaining they will be a source of expense for years to come.

We therefore recommend and petition that our landless Indians be given small tracts of land in severalty where they now reside; that their own lands be given them wherever possible, and that a sufficient sum be appropriated to purchase these tracts wherever there is no Government land available. The amount required for this purpose is far less than will be required to relieve their necessities after they are evicted from their present homes, and will be but a very small portion of the sums which the Government has already received from the sale of the Indian lands. We do not ask this tardy justice for the Indians of northern California because they are hungry or poverty stricken or degraded—and some of them are all these—but because their present miserable condition directly results from the act of the Government of the United States.

The nonreservation Indians of northern California are morally, and we believe legally, entitled to redress from the National Government; and we venture to suggest a form of relief that will not injure its beneficiaries. A further form of relief is the establishment of schools for the Indian children. The Government has established and is now supporting six day schools and two training schools, whose pupils are nearly all from these nonreservation Indians. These Government schools have an enrollment of about 350. There are enrolled in the missionary and public schools about 300 more. A few school districts admit Indian children, but in the vast majority of districts racial prejudice debars those of Indian blood. We hope that in a generation or two this prejudice will pass away. In the meantime, fully 2,000 Indian children of school age are growing up without any instruction of any kind.

The nonreservation Indians of Northern California are further subject to certain legal disabilities. As these Indians did not become citizens under the treaty of Guadaloupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government the same as other Indians, while since the failure of the treaties the General Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status, a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION,
Mrs. T. C. EDWARDS, *President.*
C. E. KELSEY, *Secretary.*

The SPEAKER. The motion, as the Chair understands it, was to suspend the rules and pass the bill as amended. The amendment accompanies the bill. For greater security the Chair will direct the Clerk to report the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled "An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," approved October 1, 1890, which have not heretofore been disposed of, shall be surveyed in accordance with the Government surveys and shall also be reappraised exclusive of improvements by a commission of three disinterested persons to be appointed by the President, or by a trusted inspector or special agent of the Department of the Interior, as the President in his discretion may direct. The said lands when surveyed and appraised shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January 1, 1904, shall have a preference right to enter and hold the lands actually occupied by them, respectively, not exceeding 160 acres, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers. Each entryman of any of said lands shall pay for the same at the appraised price, payments to be made in five equal annual payments, with interest on all deferred payments at the rate of 5 per cent per annum: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law when the price of the land is $1.25 per acre: *And provided further*, That aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers: *And provided further*, That all lands opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act may be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 2. That the funds arising from the sale of said lands shall be disposed of as provided in section 4 of the act of October 1, 1890, providing for the disposal of the Round Valley Indian Reservation.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted to suspend the rules, the bill was passed.

THE AMERICAN RED CROSS.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5704.

The SPEAKER. The gentleman is entitled to recognition, as the gentleman understands, to move to suspend the rules, but he asks unanimous consent. Perhaps it will take less time, and there is no objection. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5704) to incorporate the American National Red Cross.

Whereas on the 22d of August, 1864, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurttemberg, and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of ameliorating the condition of soldiers wounded on the field of battle, and particularly providing, among other things, in effect, that persons employed in hospitals and in according relief to the sick and wounded and supplies for this purpose shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas the International Conference of Geneva of 1863 recom-

mended "that there exist in every country a committee whose mission consists in cooperating in times of war with the hospital service of the armies by all means in its power;" and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article 7, on which shall be the sign of the Red Cross, for the purpose of cooperating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas in accordance with the requirements and customs of said international body such an association adopting and using said insignia was formed in the city of Washington, D. C., in July, 1881, known as "The American National Association of the Red Cross," reincorporated April 17, 1893, under the laws of the District of Columbia, and reincorporated by act of Congress in June, 1900; and

Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under Government supervision: Now, therefore,

Be it enacted, etc., That Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, D. C.; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle, George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gillman, Eugene Lovering, of Maryland; J. Taylor Ellyson, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

SEC. 2. That the name of this corporation shall be "The American National Red Cross," and by that time shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to accept bequests for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August 22, 1864, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article 7 of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

SEC. 3. That the purposes of this corporation are and shall be—

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, 1863, and also of the treaty of the Red Cross, or the treaty of Geneva, of August 22, 1864, to which the United States of America gave its adhesion on March 1, 1882.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly incorporated by act of Congress June 6, 1900, which act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other governments through the "Comité International de Secours" and the Government and the people and the Army and Navy of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.

SEC. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or an agent for, the American National Red Cross, for the purpose of soliciting, collecting, or receiving money or material; or, for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent for, the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross.

SEC. 5. That the governing body of the said American National Red Cross shall consist, in the first instance, of a central committee numbering eighteen persons, to be appointed in the manner following, namely: Six by the incorporators herein named and twelve by the President of the United States, one of whom shall be designated by the President to act as chairman. It shall be the duty of the central committee to organize with as little delay as possible State and Territorial societies, including the District of Columbia, under such rules as the said committee may prescribe. When six or more State or Territorial societies have been formed, thereafter the central committee shall be composed as follows: Six to be appointed by the incorporators, six by the representatives of the State and Territorial societies at the annual meeting of the incorporators and societies, and six by the President of the United States, one of whom shall be designated by him as chairman and one each to be named by him from the Departments of State, War, Navy, Treasury, and Justice.

The first six members of the central committee elected by the incorporators at the first annual meeting, and the first six members of the central committee elected by the State and Territorial delegates, shall when elected select by lot from their number two members to serve one year, two members to serve two years, and two members to serve three years, and each subsequent election of members shall be for a period of three years or until their successors are duly elected and qualify. The six members of the central committee appointed by the President at the annual meeting shall serve for one year.

The President shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the chairmanship or in the membership of the central committee appointed by him. And any vacancy that may occur in the six members of the central committee herein provided to be appointed by the incorporators or in the six to be appointed by the representatives of the State societies shall be filled by temporary appointments to be made by the remaining members of the six in which the vacancy or vacancies may occur, such appointees to serve until the next annual meeting.

The central committee shall have power to appoint from its own members an executive committee of seven persons, five of whom shall be a quorum, who, when the central committee is not in session, shall have and exercise all the powers of the central committee.

The Secretary of War shall within thirty days after the passage of this act call a meeting at a time and place to be designated by him in the city of Washington of the incorporators hereunder, giving at least thirty days' notice thereof in one or more newspapers, and the annual meeting of said incorporators, their associates and successors, shall thereafter be held in said city on the first Tuesday after the first Monday in December, the first of said meetings to be held in December, 1905. Fifteen members shall constitute a quorum at any annual or special meeting.

Voting by proxy shall not be allowed at any meeting of the incorporators, annual or special, nor at any meeting of State or Territorial societies organized under the provisions of this charter.

SEC. 6. That the said American National Red Cross shall on the 1st day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department.

SEC. 7. That Congress shall have the right to repeal, alter, or amend this act at any time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I demand a second upon the bill, with a view of hearing an explanation.

The SPEAKER. By action of the Committee on Foreign Affairs, the gentleman from Ohio moves to suspend the rules and pass the bill which has just been reported. The gentleman from Mississippi demands a second. Is there objection to considering a second as ordered?

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that request is put to the House, does this bill carry any appropriation of any sort?

Mr. LONGWORTH. It does not.

Mr. WILLIAMS of Mississippi. Nobody named in the bill receives a salary or remuneration whatever?

Mr. LONGWORTH. None whatever. I will ask, Mr. Speaker, that the report of the committee be read as an explanation.

Mr. UNDERWOOD. Mr. Speaker, before submitting that request, I would like to ask the gentleman a question. I think the bill is an excellent one, one that is most meritorious, and I think there is one paragraph in it that is dangerous, and I would like to ask the gentleman what committee reported this bill.

Mr. LONGWORTH. The Committee on Foreign Affairs.

Mr. UNDERWOOD. I would like to ask the gentleman whether they looked into and considered the paragraph in this bill that provides that no person using the sign of the red cross now in their business as an advertisement or otherwise shall be allowed to do it hereafter, under pains and penalties provided in the bill. Now, I would like to ask as to whether that is liable to bring back on the Government a claim for reimbursement for driving people out of business or taking away their rights which already attach to these trade-marks. I think otherwise the bill is without objection and a most meritorious one, one that should be passed in this House; but I do think that clause seems objectionable, and I ask the gentleman when he moves to suspend the rules if he will not by unanimous consent allow the House to discuss the question and let us hear from him in regard to this particular paragraph.

The SPEAKER. There will be twenty minutes on a side for discussion if a second is ordered.

Mr. MANN. I think you are wrong about what that provision is.

Mr. WILLIAMS of Mississippi. I ask that that provision be read that has been referred to by the gentleman from Alabama.

The SPEAKER. Without objection, the Clerk will report section 4 of the bill.

The Clerk read as follows:

SEC. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or an agent for, the American National Red Cross, for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent, for, the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross.

Mr. BAKER. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. One moment.

Mr. UNDERWOOD. I see the bill provides that it shall apply to people who are not now entitled by right to use it. I presume by that the people who now are using the sign, label, or trade-mark or otherwise would not hereafter be prevented from using it, and I wanted to know whether the committee looked into that or not.

Mr. LONGWORTH. In reply to the gentleman from Alabama I will say that this specific point was not discussed in the Committee on Foreign Affairs, but this bill passed the Senate unanimously after, I understand, a very careful consideration. It was given very careful consideration in the subcommittee of the Committee on Foreign Affairs of the House, but I do not remember that that particular point was touched upon.

Mr. UNDERWOOD. Well, unquestionably the bill is a meritorious one and should be passed and the only objection I had was that I did not want to see the Government put in the attitude where somebody might come here demanding damages from the Government or to be recouped for our passing a law giving to a private corporation certain rights and which took away other rights; but I am rather inclined to think from hearing the paragraph read the second time that that is protected.

Mr. BAKER. Mr. Speaker, I would like to ask the gentleman a question and my question is directed at the very matter the gentleman from Alabama wanted to get light upon. In Brooklyn, where I live, I have noticed lately that some druggists have put signs in their windows; the window itself has been made a sign. A glass window has been inserted in there with the sign of the Red Cross advertising their specialties.

Now, then, I understand the purpose of this clause, or the effect of it would be, that that man can continue that form of advertising, but anyone who up to the present time had not adopted that method would be debarred from doing it in the future.

Mr. LONGWORTH. Well, in reply to the gentleman, I would state that those persons are not now legally entitled to the use of the sign of the Red Cross.

Mr. BAKER. You say that they are not entitled to the use of the sign of the Red Cross?

Mr. LONGWORTH. This provision provides that only those now lawfully entitled to use the sign shall do so.

Mr. BAKER. Does the gentleman say that these druggists shall have no right to continue the use of such signs?

Mr. LONGWORTH. I am not aware of the druggists to whom the gentleman refers. I do not know.

Mr. WILLIAMS of Mississippi. I will say to the gentleman from New York that it is only directed against those that are not now legally entitled to use the sign. Now they are legally entitled to the use of it, simply for the reason that they have never been prohibited by law from its use.

Mr. FITZGERALD. If the gentleman will permit me, I see that subsection 3 of section 3 provides for the repeal of the act under which the existing society is organized. I will ask the gentleman whether there is in that act any provision which gives exclusive right to the use of this Red Cross symbol to the Red Cross incorporation?

Mr. LONGWORTH. I am not familiar with all the provisions of the present act of incorporation. That is the act of 1900.

Mr. FITZGERALD. Can the gentleman give some explanation of the reason for the disbanding provision of the bill as to the existing corporation?

Mr. LONGWORTH. Well, in reply to the gentleman, I will say that there are many good reasons, as I understand it, for a reorganization of the society. I might say that one reason is that the records have been kept so loosely that nobody knows who are and who are not at present members of the Red Cross Society. One of the objects of this bill is to so provide on its face that there can be no doubt who are the original incorporators.

The SPEAKER. Is there objection to considering a second as ordered? [After a pause.] The Chair hears none, and the gentleman from Ohio is recognized. If no one desires to use the time——

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman in charge of the bill a question or two. I would like to ask whether the committee considered the power of the National Government to incorporate a society of this kind, and whether they also considered just what the corporation's powers are in respect to these State and Territorial subcorporations, if I may use that phrase? The language of the bill seems to be very general. There is no designated domicile of the corporation. It does not state whether it is a citizen of the District of Columbia, or of what community. It gives no idea as to how these subcorporations are to be organized and what rights they are to have, whether they are to be citizens of the State in which they are organized and subject to such State's law, or simply subject to the National Government. It seems that the bill has ignored many legal features entirely.

Mr. LONGWORTH. I do not think the gentleman is right in believing this bill provides for any subcorporation or that it does not specifically provide that the headquarters of the society shal be in Washington.

Mr. SHERLEY. It does provide that the headquarters shall be in Washington, but there is nothing that states that the corporation shall be a citizen of the District of Columbia. I presume that is implied. Then I wanted to know what the relations of these subcorporations, as I have called them, are to the head corporation, whether they are separate societies, whether they are to be societies under the control of and to report to the central society and to be governed by it and its representatives, or are they to be corporations of the States in which they exist?

Mr. LONGWORTH. We could not, by anything incorporated in this bill, create associations of the different States.

Mr. SHERLEY. I readily understand that; but here is an attempt to create certain subsocieties, and I simply wanted to call the attention of the gentleman to the very loose phraseology. I do not think any lawyer from the reading of this bill could tell what the rights of these corporations were.

Mr. LONGWORTH. I will say to the gentleman that my understanding is that a number of these State corporations at present exist, and the only authorization in this bill is that the central committee shall see to the organization of these other eight associations, which, after they have organized to the number of six or more, shall be entitled to one-third representation upon the governing committee.

Mr. SHERLEY. You consider that this national society can be given control by this act of the State societies?

Mr. LONGWORTH. I do not think they can be given control.

Mr. SHERLEY. Then for what purpose was it put in there that they shall organize other societies?

Mr. LONGWORTH. The purpose is to diffuse the different branches of the society and make them cover as much territory as possible.

Mr. SHERLEY. The gentleman will understand that I am not trying to oppose in any way the purpose the committee has in view, but it seems to me that this bill, as drawn, has disregarded a great many important legal questions as to the rights that this corporation will have.

Mr. PAYNE. May I call the attention of the gentleman from Kentucky [Mr. SHERLEY] to section 5, which is simply to provide for societies, not for corporations, except for the central corporation in the District of Columbia? It provides for a society, not an incorporation, and by any language that I can see in the bill it does not assume to incorporate.

Mr. SHERLEY. Neither does it assume to state what the rights of those societies are to be or to define the rights of the national society at all—that is, the legal rights of it. I have just read the bill hurriedly, but I believe that if the gentleman will read it also he will find there are no provisions establishing the legal status of this society other than giving it a name, providing for the holding of meetings, and a few other matters.

Mr. PAYNE. It seems that when they get incorporation they are to have a governing or central body composed of six to be appointed by the corporation here, six by the representative State or Territorial societies at the annual meeting of the incorporators or societies, and six by the President of the United States, one of whom shall be designated by him as chairman, and one each to be named by him from the Department of State,

War, Navy, Treasury, and Justice. And it provides, as I understand it, for their duties. I happen to know that this bill has been drawn with a good deal of care and by the friends of the Red Cross pretty generally. Some eminent lawyers have been engaged in looking it over and putting it into shape, and perhaps that is the reason it is open to criticism by my friend from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. I do not wish to reflect upon the legal ability of anybody having the bill in charge; but it seems to me it is very loose in regard to those things. I do not know of any national law that regulates corporations other than a District law in regard to the powers of District corporations. Of course in relation to national banks there is a law. Most of the States have very specific provisions which make unnecessary the setting forth of these details in an act incorporating a company, but it seems to me this bill should specify the powers and rights of this corporation.

There has been a great deal of trouble in the past in regard to the management of the funds of the Red Cross Society. It is going to handle a great deal of money. It does business all over the world, and it seems to me that to bring this bill here in its present shape and ask the House to pass it under a suspension of its rules is to take a great deal for granted. Personally I do not wish to take the responsibility of holding it up.

Mr. PAYNE. I do not see that any power is given over these funds except to the corporation which is to exist here in the city of Washington. The societies do not appear to have any control over them. They sit down and look wise.

Mr. SHERLEY. I do not know whether they do or not.

Mr. PAYNE. The real power is in the incorporators, and I see that a number of gentlemen who are Members of this House are named as such. One is the gentleman from Mississippi [Mr. WILLIAMS]. The control of the funds is in the hands of this corporation, and I have no doubt that they will be well cared for, at least as long as the present incorporators live and can attend to business.

The SPEAKER. Will the gentleman from Kentucky allow the Chair to make a suggestion in his capacity as an individual Member of the House? The Chair did not hear fully what the gentleman from New York said, but in section 5 of the bill is a provision for certain machinery in the respective States, not incorporated, to select people who shall become members of the society created by the corporation.

Mr. SHERLEY. Mr. Speaker, I am inclined to agree with that view; but the point to which I desire to call the attention of the House is this: Not only is there very loose phraseology in regard to these subsocieties, but there are no provisions here defining the powers of this corporation. Its power to contract debts, many of the things connected with the incorporation of a company that are usually put either in the articles of incorporation or are supplied by the general law of the State, are ignored in this bill, so that you have here practically nothing but a skeleton corporation. Now, it may be the desire of the House to create just that sort of a society, but it strikes me as very incomplete legislation.

Mr. LONGWORTH. I will say to the gentleman from Kentucky that my information is that this bill was drawn by Hon. Richard Olney, of Massachusetts, and ex-Secretary of State John W. Foster.

Mr. SHERLEY. I desire to answer the gentleman by saying that I think it is unfair to respond to an inquiry of that kind by simply throwing it back upon two very distinguished lawyers. They, no doubt, know infinitely more than I do about the matter, but that does not answer my inquiry about why these things are not provided for in the bill. It is no answer to say that these lawyers drew the bill. We have to take the responsibility of passing it.

Mr. BONYNGE. Mr. Speaker, will the gentleman from Ohio yield for a question?

Mr. LONGWORTH. Yes.

Mr. BONYNGE. I desire to call the attention of the gentleman from Ohio to the language of section 4, commencing in line 17, page 6:

> Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever.

The language that I have read would seem to include all trade, whether within the borders of a State or whether it is interstate commerce, and trade between the different States. Did the committee consider whether or not Congress would have any power to prohibit the use of the sign in commerce purely within the borders of a State?

Mr. LONGWORTH. The gentleman evidently was not in the Hall at the time that that exact point was brought up.

Mr. BONYNGE. I was; but I do not think that particular question was asked of the gentleman from Ohio. The gentleman from New York suggests that we can regulate the use of a trade-mark. In the Committee on Patents we have been engaged in framing a law for the revision of trade-marks, which has brought this matter to my attention.

The act of 1870, regulating the use of trade-marks, did, according to its provisions, cover all trade, whether interstate commerce or trade within a State; and by the decision of the Supreme Court of the United States, in 100 U. S., the law was held to be unconstitutional, for the reason that it did apply to commerce purely within the borders of a State, and was not done under the section of the Constitution which gave us power to regulate interstate commerce. For that reason I think the language of this section would be unconstitutional, and not within the power of Congress to pass, provided the language could be held, as I think it clearly can be held, to apply to all trade, whether interstate commerce or not.

Mr. LONGWORTH. I do not think that any language in this bill could be construed to interfere with any lawful right now existing.

Mr. Speaker, unless some gentleman desires to address the House in opposition, I will reserve the balance of my time.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 15590. An act to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes;"

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 14623. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and estimate submitted of the cost of improving the harbor of Blaine, Wash., to meet the demands of commerce.

Senate concurrent resolution 85.

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next; and

Ordered, That Mr. SPOONER, Mr. ALDRICH, and Mr. BACON be the committee on the part of the Senate.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 89:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and estimate submitted of the cost of improving the harbor of Blaine, Washington, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

YOSEMITE NATIONAL PARK, CALIFORNIA.

Mr. GILLETT of California. Mr. Speaker, I move that the Committee on the Public Lands be discharged from the further consideration of the bill (S. 5567) to exclude from the Yosemite National Park, California, certain lands therein described and to attach to and include the said lands in the Sierra Forest Reserve, and that the rules be suspended and the bill do pass, an identical House bill, No. 15191, having been reported favor-

ably by the Committee on the Public Lands, and being now on the House Calendar.

The SPEAKER. The gentleman from California [Mr. GILLETT], by direction of the Committee on the Public Lands, moves to discharge that committee from the further consideration of a bill which will be reported by the Clerk, and he moves to suspend the rules and pass the bill.

The bill was read, as follows:

Be it enacted, etc., That all that part of the Yosemite National Park, of California, described as follows: All that portion of township 2 south, range 19 east, and all the west half of township 2 south, range 20 east, which is situated within the limits of Mariposa County, Cal.; all of township 3 south, range 19 east, and the west half of township 3 south, range 20 east; all of township 4 south, range 19 east, and the west half of township 4 south, range 20 east; all of Mount Diablo base and meridian in Mariposa County, Cal., except the northeast quarter of section 23, township 2 south, range 19 east, on which is located the Merced grove of big trees, which tract shall be and remain a part of the Yosemite National Park and subject to all the provisions of the act of October 1, 1890, be, and the same is hereby, excluded from said Yosemite National Park, and is hereby included in and made a part of the Sierra Forest Reserve: *Provided, however*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the lands herein segregated from the Yosemite National Park accorded under the act of February 15, 1901, relating to rights of way through certain parks, reservations, and other public lands, and other acts concerning rights of way over public lands, to which this is supplementary, and the moneys so received from the privileges accorded on the lands herein segregated from the Yosemite National Park shall be paid into the Treasury of the United States to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the Yosemite National Park.

SEC. 2. That none of the lands patented and in private ownership in said above-described area shall have the privileges of the lieu land-scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.

SEC. 3. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is a second demanded?

Mr. PAYNE. I ask for a second, Mr. Speaker.

Mr. GILLETT of California. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GILLETT of California. Does the gentleman from New York desire an explanation of the bill?

Mr. PAYNE. I do desire a brief explanation.

Mr. GILLETT of California. I will say that when the Yosemite National Park was established arbitrary lines were run and a great deal of territory was taken in not of any value for scenic purposes. In the northwest corner of the park, in Mariposa County, is a large tract of land lying in the foothills, and there are about 60,000 acres of patented land included therein and a great many mines.

Under the rules and regulations governing the park the people can not improve this land; they can not construct sawmills to cut timber; they can not operate and work their mines; they can not develop the water power, and this is to enable them to develop the business enterprises and industries of that county. This bill is intended to take it out of the national park and put it into the forest reserve. It has been subject to the rules and regulations controlling the government of reservations. Most of the people living there own all of this land, and this part to be taken out is patented land, and this bill is to give them an opportunity to improve and develop that part of the country. That is the purpose and object of the bill.

I will say to the gentleman from New York that since this bill was prepared—and it was prepared by the Secretary of the Interior—two commissions have been appointed to examine and investigate that part of the country, and they have reported favorably on the bill and that it ought to pass. It is to relieve a large amount of patented land, territory not suitable for a park, and land that is not needed as a part of the national park.

Mr. MONDELL. I understand the bill provides that there shall be no change of land within the portions of the forest reserve for lands elsewhere.

Mr. GILLETT of California. That was carefully guarded. No patented lands in that section can be included as a basis for any loose scrip. It was carefully put so that it should be no basis for loose scrip to be located on lands elsewhere.

The SPEAKER. If there is no further debate desired, the question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted therefor, the rules were suspended and the bill was passed.

The SPEAKER. Without objection, the bill H. R. 15191 will lie on the table.

There was no objection.

RESTORATION OF CERTAIN MIDSHIPMEN TO THE NAVAL SERVICE.

Mr. LACEY. Mr. Speaker, by direction of the Committee on Naval Affairs, I move that the rules be suspended and that the following resolution, which I send to the Clerk's desk, be agreed to.

The Clerk read as follows:

Resolved, That it shall be in order at any time after the reading of the Journal of the 5th day of January, 1905, to take up and consider House bill 12273, a bill granting authority to the President, in his discretion, to restore certain midshipmen to the naval service. This shall be a continuing order until said bill shall be disposed of. This order shall not interfere with the consideration of appropriation bills, conference reports, matters of high privilege, and special orders.

Mr. PAYNE. Mr. Speaker, I ask for a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman the character of the resolution, and what is the reason for it; what is the reason these midshipmen ask to be restored to the Navy?

Mr. LACEY. This is a resolution in regard to a bill which the gentleman from New York understands very well, and so does the House. We had a debate on it at the time of the adjournment of the last House, but there was not time to dispose of it. This only fixes the time to consider it.

Mr. PAYNE. These young gentlemen were under court-martial and were dismissed?

Mr. LACEY. The motion was not carried in the last session of Congress by a two-thirds vote, and there was no time for a roll call to complete the division upon the bill, although a very large majority was for the bill—162 to 97. The proposition now is to fix a time so that it can be considered and disposed of.

Mr. ROBINSON of Indiana. What were these midshipmen charged with?

Mr. LACEY. They were charged with hazing.

Mr. ROBINSON of Indiana. There is a regular form in the case of the dropping of cadets whereby they may be reinstated if they are entitled to it under the general law?

Mr. LACEY. No; there is no possible way in which they can be reinstated at all except by some action of Congress.

Mr. ROBINSON of Indiana. These cadets have run the usual gantlet of legal regulations and have been found inadmissible to restoration, and it is now sought to give the President power to restore them.

Mr. LACEY. In his discretion entirely. I do not care to debate the matter at any length now, because we discussed it very fully at the close of the last session of this Congress.

Mr. ROBINSON of Indiana. But the gentleman desires to make a special order and give preference to this matter, and I think we ought to have some explanation.

Mr. LACEY. Very well. I will go on and explain it in full. I thought the gentleman was here in the last Congress.

Mr. ROBINSON of Indiana. I was here, but a good many things have intervened since then.

Mr. LACEY. We had no suspension days at the end of the session, the usual six days being limited to just three or four hours in the last Congress, because the motion fixing the date of adjournment was not agreed to in both Houses until just a few hours before the adjournment. In the case of this bill a motion was made to suspend the rules and pass the bill. It was debated, the gentleman from Missouri [Mr. CLARK] taking one side and myself the other, and we got so far along that we were within just a few minutes of the time of adjournment, so that it was impossible to have a roll call; so the bill went over at that time. Now, after a conference with the gentleman from Missouri as to the propriety of having a time fixed so that this may be heard in the ordinary way and not under suspension, this proposition, as I understand it, is not objectionable to him.

Mr. WILLIAMS of Mississippi. Mr. Speaker, what is this?

Mr. LACEY. It is merely to fix a date for the discussion of the naval cadet bill.

Mr. WILLIAMS of Mississippi. Fixing a date for the House to consider it?

Mr. LACEY. Yes. That is all. I do not think it will serve any useful purpose to spend any time discussing the merits of the bill. This is a motion simply setting down a day when the merits of the matter may be discussed.

Mr. FITZGERALD. Why does the gentleman set a day for the consideration of this bill by motion to suspend the rules and not by a special rule from the omnipotent Committee on Rules?

Mr. LACEY. Well, this is one of the ways of fixing a day. It is not at all an unusual thing.

Mr. FITZGERALD. It is very unusual in my experience of six years in this House.

Mr. LACEY. I do not so regard it. This is a resolution that often comes on individual suspension. This is the unanimous request of the Committee on Naval Affairs, that this time be fixed. The date was chosen immediately after the holiday adjournment before other important matters would come in, so that there would be ample time in which to dispose of it.

Mr. DENNY. Was this the same resolution that was before the last session?

Mr. LACEY. No; that was the bill itself. The motion was to suspend the rules and pass the bill. This is a motion to suspend the rules and fix a day for considering the bill; that is, to consider the same bill that we had up at that time.

Mr. WILLIAMS of Mississippi. Does this provide for the consideration of the bill in the House?

Mr. LACEY. The consideration of the bill.

Mr. WILLIAMS of Mississippi. In the House?

Mr. LACEY. That would follow. It would have to be considered in the House.

Mr. WILLIAMS of Mississippi. My object is to find out in what shape it would come in, whether it could come in in such shape that it would be amendable and discussable under the five-minute rule.

Mr. LACEY. Oh, certainly; it is amendable. That would be entirely under the control of the House.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent that the resolution be again reported.

The SPEAKER. Without objection, the resolution will be again reported.

The Clerk again reported the resolution.

Mr. LACEY. Of course it will be disposed of under the rules of the House, subject to amendment.

Mr. FITZGERALD. Mr. Speaker, under the rules of the House, if the gentleman moves that this bill be taken up, would he not be entitled to an hour and in the position to move the previous question and shut off all debate on the bill?

Mr. LACEY. Oh, certainly; that is always the rule in any case. Of course I would not do so. There would be ample time in which to discuss it. The House can control that.

Mr. FINLEY. Is not this one of the differences also, that here a two-thirds vote is required, and in the House a majority vote would pass the bill?

Mr. LACEY. Yes; but now it is not amendable, and then it would be amendable.

Mr. FINLEY. To carry this resolution now a two-thirds vote is necessary here.

Mr. LACEY. Oh, certainly. Most of these matters are fixed by unanimous consent, setting down a day when a matter will be discussed. I should prefer to have asked unanimous consent, but this being suspension day, it could be disposed of in this way. But as there is objection, unanimous consent can not be had.

Mr. FINLEY. Then the gentleman is not willing to take the chances of the passage of his bill under a suspension of the rules?

Mr. LACEY. The gentleman understands the condition as to a quorum at this time. I would not want to press a matter upon which there was a real controversy in a very thin House on a suspension day like this. This only fixes the time—I felt free to do it—to settle the time when the matter could come before the House.

Mr. ROBINSON of Indiana. Does the gentleman's resolution fix the time for its consideration in the House?

Mr. LACEY. There is no time fixed in the resolution. That will be entirely in the control of the House.

Mr. FINLEY. It will be a continuing order?

Mr. LACEY. Certainly.

Mr. MANN. I would like to say to the gentleman it is not entirely in control of the House; it is in control of the gentleman from Iowa.

Mr. LACEY. Not at all.

Mr. WILLIAMS of Mississippi. You can move the previous question.

Mr. LACEY. The House will vote it down if it does not want it.

Mr. MANN. Suppose the gentleman does not move the previous question, then that would be the continuing order of business until the end of the term of the Congress.

Mr. LACEY. Any Member of the House could move the previous question; any Member of the House could move to lay it on the table.

Mr. MANN. But it is not supposed that any Member of the House will move the previous question. As a matter of practice, the gentleman will have control of the time of the House——

Mr. LACEY. Not at all.

Mr. MANN. Outside of appropriation bills and special orders until this is disposed of, which probably will not be until the 4th of March.

Mr. LACEY. The gentleman will have control of time in the House for one hour, and after that the House can do as it pleases about it and bring the matter to a vote on the previous question without further debate, as the temper of the House requires or suggests. It is entirely in the control of the House, and that is the object of bringing this resolution, and it is brought up in this form so there can be no criticism that there is any effort to cut off or stifle debate.

Mr. WILLIAMS of Mississippi. Why should the House make a preference for this resolution? Why should it be taken up out of its order and be made a special order of the House and given a day when so many matters of vast importance can not be gotten up at all?

Mr. LACEY. This bill is on the Private Calendar, and there is no provision in the rules by which it can ever be reached. There is provision for claims, there is provision for pensions. If these boys had deserted from their ship, there is a provision for a special time to consider the removal of the charge of desertion and it could have a special day, but these three young men never practically would have any way to reach the ear of this House except in this way.

Mr. WILLIAMS of Mississippi. There is the call of committees.

Mr. LACEY. Not at all, because it is not on the House Calendar; it is on the Private Calendar.

Mr. PAYNE. I would like to say to the gentleman, why could not this bill be called up when it is reached on the Private Calendar the same as a bill which gives an American registry to a vessel? I think the gentleman is wrong in saying it can not be called up under the rules of the House.

Mr. LACEY. On last Friday the Pensions Committee had the whole day, the Committee on Claims had a whole day, the Committee on War Claims had a whole day.

Mr. PAYNE. I want to say to the gentleman, last Friday—he may not have been here——

Mr. LACEY. Yes; I was here.

Mr. PAYNE. They called up two bills from the Committee on Merchant Marine and Fisheries, two private bills, and they were passed; it was held they had the right to pass them and it has been held so repeatedly before, and if this bill is on the Calendar the gentleman can call it up.

Mr. LACEY. This matter has been fully debated in the House, Mr. Speaker, as fully as possible in a very full House, and there is no reason why now, as we approach adjournment, the bill should not be finally disposed of. Now, that being the case, a bill of this importance, a bill involving the question of whether three young men should be permitted to serve in the Navy of the United States, if the President on proper showing should regard it as a proper exercise of his discretion, ought to have its day and be disposed of.

This bill originates in the House and has to be considered in the Senate, and it ought to be acted upon at an early day. All I ask now under this resolution is merely an opportunity to have the bill duly considered in the House.

Mr. FINLEY. Can you not get your bill up under a suspension of the rules?

Mr. LACEY. That requires a two-thirds vote and has to be passed without amendment. There is no reason why we should take a two-thirds vote to pass this bill.

Mr. MANN. Can you make a motion of that kind again under the rules, this bill having been defeated once?

Mr. LACEY. The motion to suspend the rules and pass the bill failed.

Mr. MANN. The motion to suspend the rules and pass the bill failed; now, is the gentleman authorized under the rules to make the same motion in regard to the same bill again?

Mr. LACEY. I think so. I think there is no question about that. But that is not the proposition. There is no purpose of that kind here.

Mr. MANN. I wanted the bill killed, and I wanted it killed so that it could not be called up again.

Mr. LACEY. If the gentleman wants it killed, there is a chance to vote on it, and to vote it down.

Mr. MANN. I think there is an easier way.

Mr. LACEY. Yes; if the gentleman does not want to be fair——

Mr. MANN. The gentleman ought not to say that.

Mr. WILLIAMS of Mississippi. The gentleman ought not to say that. All of us have bills on the Calendar of a public or private character that we can not get up, and if we asked a day to be set apart for the consideration of each one of these

bills the gentleman would probably be one of the first to rise and say, "Why take a day on this particular bill," if he were opposed to it. Certainly he would. So that it is not quite right for him to say that the gentleman is not fair when he does not want to advance a bill to which he is opposed.

Mr. MANN. The gentleman says the easiest way to kill it would be to have a vote upon it, and decide whether the bill should pass or not. Certainly the gentleman would not have the rules changed so that the only way to kill a bill would be to vote it down. Is the gentleman prepared to take that position in the House—that he wants this House to vote on every bill that comes up? What do we want the rules for? [Laughter.]

Mr. WILLIAMS of Mississippi. The gentleman understands that a man who is opposed to the bill does not really want to advance its chance.

Mr. LACEY. I understand that.

Mr. GAINES of Tennessee. I want to make an inquiry of the gentleman about this bill. It seems that this bill leaves the question of restoring these boys to the academy to the President.

Mr. LACEY. Wholly.

Mr. GAINES of Tennessee. Is there a precedent for that?

Mr. LACEY. I think not.

Mr. GAINES of Tennessee. Why do you put that power in the hands of the President?

Mr. LACEY. It is under a new law. These dismissals were under a new law, and there being no other way it is made in this manner. Now, if these men wanted to go into the Army if they had been dismissed from West Point, all they would have to do would be to wait two years after the graduation of their class and then they might be appointed in the Army. In the Navy it is different. They can not be appointed as commissioned officers in the Navy at any time unless they have graduated. There is no way for men, however well qualified, if any little slip caused them to be dismissed, as for hazing, there is no way under existing law by which they could ever be appointed in the Navy. A man could be appointed a lieutenant in the Army after two years. The provision is to permit the appointment of these young men after the present class shall have graduated, and after the next class that follows shall also have graduated it puts them at the foot of their own class and the foot of the next class, appointing them, not in the academy, but at sea. They will suffer a severe punishment.

Mr. GAINES of Tennessee. The gentleman has more than answered my question. I want to ask him another question.

Mr. LACEY. They do not ask to restore them to the class, but to appoint them to the Navy of the United States as ensigns at the foot of the next class.

Mr. GAINES of Tennessee. Why do you not take that sort of burden off the President and allow Congress to provide for it?

Mr. LACEY. Congress has no appointing power.

Mr. GAINES of Tennessee. Can not that be done by statute? We make generals and grow epaulettes here by legislation as long as a horse's mane. [Laughter.]

Mr. LACEY. I will answer the gentleman from Tennessee [Mr. GAINES] frankly. Congress tried to do that in one case, and the President of the United States, Mr. Harrison, vetoed the bill on the ground that Congress could not by name appoint anybody to an office in the Army or Navy. We could not properly pass a bill appointing these men. It is only permissive and leaves it in the discretion of the President after all. I will reserve the balance of my time.

Mr. PAYNE. I was in hopes that this bill might be left to rest peacefully upon the Calendar after it had had a day in court at the last session of Congress. I believed then, and I believe now, it is a bad bill. I do not believe in hazing. I do not believe it is manly or courageous. It is not a thing for a cadet to engage in, and Congress has been endeavoring to stop it, the Government has been endeavoring to stop it, and we seem to be on the highway to success.

These three young men, notwithstanding that they indulged in hazing, come to Congress—as anybody does who has the least ghost of a chance of securing a hearing here and getting on the soft side of Members—and ask us to remedy the disability and allow the President to reappoint them and rehabilitate them in the Academy. If we took up all of the cases of people who were dismissed from the Army and Navy for consideration here, we would not have time to do anything else, and even could not give them a very long hearing. Inasmuch as this is the last session, and that in the last two months many important matters are to be disposed of, I do not believe we ought to appoint a special day and make this a special continuing order, until it is reached and disposed of in the course of business. It would take nearly all the session, judging from what I know of the feeling that was developed when it was before the House before. At that time the committee could not get the necessary two-thirds to pass the bill, and I hope it will not get the necessary two-thirds to-day in order to set down any date on which to pass the bill. The gentleman from Iowa [Mr. LACEY] says in that case he had a majority before of the House in favor of the bill when it came up under the two-thirds rule.

I yield five minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. During the preceding session of this Congress I introduced a bill for the reinstatement of the cadets who had been dismissed from the United States Military Academy at West Point. I endeavored to have that bill attached as an amendment to the bill of the gentleman from Iowa [Mr. LACEY] when the latter bill came before Congress on the last day of the preceding session. Some one on that side objected and the necessary unanimous consent was refused. I am in sympathy with the purposes of the bill of the gentleman from Iowa, and I shall not embarrass his proposition to-day by attempting to connect my bill with it; but I wish to give notice now that should the gentleman from Iowa succeed I shall expect the same consideration to be extended to the cadets who have been dismissed from West Point as shall be given to the cadets who were dismissed from the Naval Academy. I want to make this statement in justice to the cadets who were dismissed from West Point as well as in justice to myself.

Mr. PAYNE. I will allow three minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. The statement just made by the gentleman from Texas [Mr. SHEPPARD] illustrates how far this matter will extend. A great scandal arose in the country a few years ago over the abusive treatment received by various cadets at the Military and Naval academies, and, as a result, Congress determined that those who would in the future be guilty of hazing should be punished by expulsion. As a result of legislation by Congress, and a violation of the law by certain cadets, they were expelled from both academies, and immediately an appeal is made to Congress in these bills to restore them. If these bills be passed it is certain that there will be a continual stream of applications from cadets dismissed under the general law to give, as proposed in the pending bill, the President power to reinstate them or to place them in the military or naval service by direct appointment.

This bill was fully debated in the last session when a large number of Members were present. It was found impossible then to pass it under a suspension of the rules. To-day, when most of the Members of the House have gone home for their holiday vacation, an effort is made, under a suspension of the rules, to put this bill in a position where it may be passed by a majority vote of the House. I am opposed to the bills restoring these dismissed cadets to the academies. I believe that if these bills are beaten now there will never be any necessity in the future for similar bills to be brought into the House. We have effectively stopped hazing of cadets at these two academies. I believe that is what the people of the country wish, and I give notice now that I shall require a quorum before this resolution can be passed.

Mr. PAYNE. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, a few years ago in the House there was a great uproar because of hazing at West Point and Annapolis. A committee was appointed to make investigation. As a result of that investigation, the House took some action. I am frank to say that, as a college graduate myself, I did not have and do not have the abhorrence of hazing that some gentlemen on the floor of the House exhibited here at that time; but the officers in command of the Naval Academy at Annapolis followed the ideas enunciated here by the House and by Congress. They complied with the requirement which we put upon them, and, as a result, three boys were court-martialed and expelled for hazing. The question for Congress to determine is whether they will slap in the face the officials of our academies and say to them: "While we talk against hazing, we restore those who are court-martialed for that offense."

Mr. CHARLES B. LANDIS. When you were in college, however, you drew the line in hazing at crippling and maiming for life and taking human life, did you not?

Mr. MANN. I draw the line now at giving precedence to bills of this character for the purpose of reflecting upon the officials of these academies. If the gentleman from New York [Mr. FITZGERALD] had not given the notice he gave, I think there are a number of other men on the floor of the House who might have given that notice. This bill was debated in the last session. It did not pass. It has had its day in court. It has no license to take precedence over all other business in this House during the next month, perhaps, or two months. I say this with great deference to the gentleman who intro-

duced this bill. I think it is a credit to the size of his heart that he has come here to ask the restoration of these boys. I know that in this case his heart, big as it is, has overcome his judgment, but that ought not to affect the rest of us.

Mr. PAYNE. I yield three minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, if persistence on the floor of the House is to be the measure for breaking down the efficiency and strength of the regulations in the naval and military academies of the country, I think this will give the House an opportunity to voice that sentiment.

This bill provides that cadets, who were furnished with the splendid opportunities offered by the Government, but who failed in their obligations to their duty, and who under the regulations of the United States Government were displaced, shall enter the service of the Government without passing the examination required of others who have performed all the requirements. This bill bears upon its face the preposterous principle that a violation of the regulations of the academies shall be the price of preferment there. Every time that principle is advocated here I think we should take occasion to defeat it, and to destroy these efforts which are being made to give preference to those who violate the rules and regulations of the academies, and to place the stamp of our disapproval on the practice of hazing, as this Congress has heretofore done.

Discipline is the essence of efficiency in the Army and Navy, as it must needs be in the academies to prepare cadets for the service.

A young man singularly favored by an appointment where so many deserving ones aspire, and knowing, as he must, that he must be a gentleman and conform to regulations, and who, at the very first step, violates rules and regulations that justly bring him under displeasure and results in his dismissal, is not an object of sympathy or charity, but justice. That justice was meted out under the well-regulated provisions of the law against hazing in this case by trial and dismissal.

The offense is not mollified but aggravated by the high position lost and by the severe attitude against these ungentlemanly practices of hazing, which has of late years characterized Congressional action. Waiving for the present the absolute necessity of upholding the arms of our academy authorities in enforcing rigidly the edict of Congress, let us look into the preposterous nature of this proposed measure. It contemplates that ungraduated cadets, having served an incomplete course in the Academy, shall be appointed to the Navy on a parity with other faithful and well-equipped and graduated cadets who have not violated regulations and who have not been found wanting. That one under a ban of court-martial and dismissal should be restored to the same place as the deserving is to stultify the legislative body and open the flood gate to all manner of abuse and unwise legislation.

Surely if relief is granted in this case it can not be denied to others similarly situated, and thus all wholesome and necessary regulations, the heart of our naval and military arms, are set aside.

In a matter so important, the relief here sought, so undeserving, should urge us to deny at the very first step the consideration of it.

Mr. PAYNE. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Speaker, two years ago I was a member of the Board of Visitors representing this House at the Naval Academy. On that occasion the question of hazing was being agitated very seriously, because the offenses which attracted the attention of the country had just been committed. The commandant of the Naval Academy said to me, as a Member of this House, "If Congress will stand by us we can put this hazing down." The order was issued. Certain offenses were committed, and in pursuance of the regulations of the academy these boys were expelled. I have just as much kindly feeling toward schoolboy pranks as any Member of this House, but on this particular occassion it is something, in my judgment, that goes far beyond and deeper even than the ordinary hazing that takes place at schools and colleges. In my judgment, there is a principle involved in this thing. These men, both at Annapolis and at West Point, are to enter the naval and military service of our country, and the first duty that is taught a soldier and a sailor is that he must obey. There can be no success in the Army and in the Navy unless that is inculcated ab initio into everyone who is to serve the military or naval forces of our country. The regulations of the Naval Academy were well known to these boys; due notice had been given. A great public agitation had been raised on this question, and the public and popular sentiment of the country had been shown as to which side it lay. And yet, in spite of all that, these boys deliberately, with full warning, committed this breach of military discipline and broke the regulations of the academy. In my judgment, it will be subversive of all discipline in our naval and military colleges if this thing is to be indorsed by the Congress of the United States.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PAYNE. I yield two minutes more to the gentleman.

Mr. ADAMS of Pennsylvania. When this bill was up before I expressed the same views, and I said that so sure as this bill passed you will have other legislation knocking at the doors of Congress to remedy other evils and reinstate persons who have committed other crimes. As soon as that bill was before Congress another was introduced mitigating the punishment of two cadets at West Point.

Mr. Speaker, it will not only break down the discipline of these institutions, but I think when we have the strong testimony of those who are in charge that immediately we ought to pay some heed to the judgment of those who have been put in control. In my judgment if this passes it will be subversive to all discipline, not only there, but it will affect the discipline of the service at large, both in the Army and in the Navy.

Mr. PAYNE. Mr. Speaker, I surrender the balance of my time.

Mr. LACEY. I yield the remainder of my time to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Speaker, I think there has been some misunderstanding about the nature of this event. I have not forgotten when I was a boy. I do not suppose that there is any gentleman in this House, when he was a boy at school, that committed any more or less of a trivial attempt than these three boys are charged with here. Within a few months of graduation, within a few months, according to their standing in the Naval Academy, when they would, no doubt, have stood the examination and have been graduated. These boys who committed whatever offense there was only broke the rules by requiring in private, in five or ten minutes, a few harmless gymnastic exercises, without any cruelty, without any harm to the boys alleged to have been hazed. While it was an infraction of the rules it was a very trivial offense that could be called hazing only in name. Now, there is no gradation in the punishment that is given under the rules. Here is a most trivial offense committed by these boys, and yet they shall be damned and damned forever by the strict performance of the rule. They have served until within two or three months of graduation at the expense of the Government. These boys, manly fellows, never could have been convicted of the offense if they had refused to tell. The boys against whom the offense was committed refused to tell, and yet these boys stepped forward and, with the manhood of boys in this class of American manhood, admitted what they had done. If it had not been for that, if they had refused to have confessed or had equivocated or lied about the matter, they would have been graduated and been in the Navy to-day. This bill does not propose to put them back into the institution; it does not propose a slap on the officers of that institution; it casts no slight upon them. Congress is simply to equalize the matter. They have been punished for a trivial offense with a punishment that the greatest offense they could have committed would have deserved. It seems to me that with the feeling of boyhood left in us Congress will, if it is allowed, equalize this or have a day set at all events, so that we may go into the merits of this case and have it settled by Congress as to whether these boys should be damned forever for this slight offense.

Mr. LACEY. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion to suspend the rules and agree to the resolution.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 35, noes 77.

So (two-thirds not having voted in the affirmative) the resolution was not agreed to.

CIVIL GOVERNMENT, PHILIPPINE ISLANDS.

The SPEAKER laid before the House the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

Mr. JONES of Virginia. Mr. Speaker, I move, if it be in order, that this bill be referred to the Committee on Insular Affairs, which reported the bill.

The SPEAKER. The Chair thinks that the motion to refer takes precedence over the motion to nonconcur. The question is on the motion of the gentleman from Virginia to refer the bill with the Senate amendments to the Commitee on Insular Affairs.

The question was taken, and the motion was agreed to.

INAUGURAL CEREMONIES.

Mr. MORRELL. Mr. Speaker, I call up Senate resolution 84, authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, and so forth, with an amendment in the shape of a substitute, and move to suspend the rules and pass the same as amended. I would like to say, Mr. Speaker, before the amendment is read, that this is a bill reported by the House Committee on the District of Columbia, substituting the word "Capitol buildings" instead of the words "Library of Congress," it having been demonstrated by a canvas of Members that there was very strong opposition to the use of the Library building for the purposes of the inaugural ball. I ask unanimous consent that the resolution, as amended, be read instead of the resolution and the amendment separately.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to omit the reading of the Senate joint resolution and to read in lieu thereof the proposed substitute. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the substitute.

The Clerk read as follows:

Joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March, 4, 1905, etc.

Resolved, etc., That the Superintendent of the United States Capitol Buildings and Grounds is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the United States Capitol buildings in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, subject to such restrictions and regulations as the said President of the Senate, the Speaker of the House of Representatives, and the said Superintendent may prescribe in respect of the period and manner of such use.

SEC. 2. That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Superintendent of the United States Capitol Buildings and Grounds: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservation or spaces.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1905, to stretch suitable overhead conductors, with sufficient supports wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for the conveying of electrical currents after March 7, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1905: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 4. That $18,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1905, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance and to make special regulations respecting the standing, movements, and operating of vehicles of whatsoever character or kind during said period. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of any such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth, belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said ensigns, flags, signal numbers, and so forth, to said chairman shall not take place prior to the 28th day of February, and they shall be returned by him by the 10th day of March, 1905: *Provided further*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1905, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the United States Capitol Building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1905.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to issue steam railroad companies in said District permits to temporarily occupy additional parts of the streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1905: *Provided*, That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners: *Provided further*, That no temporary tracks shall be laid upon or over any of the parks of the city.

The SPEAKER. Is a second demanded?

Mr. BAKER and Mr. MADDOX demanded a second.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York [Mr. BAKER] and the gentleman from Pennsylvania [Mr. MORRELL] will take their places as tellers, the question being on ordering a second.

The House divided; and the tellers reported that there were—ayes 86, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. MORRELL] is entitled to twenty minutes and the gentleman from New York [Mr. BAKER] is entitled to be recognized in opposition to the motion for twenty minutes.

Mr. MADDOX. Mr. Speaker, I think the Chair is mistaken. I think that I am entitled to the twenty minutes under the rules.

Mr. BAKER. Mr. Speaker, if the Chair will remember, I think the gentleman from New York rose before the gentleman from Georgia.

Mr. MADDOX. But I think the gentleman did not demand a second.

Mr. BAKER. I did demand a second.

The SPEAKER. The Chair is inclined to think, under the circumstances, that the gentleman from New York [Mr. BAKER] is entitled to recognition for twenty minutes.

Mr. MORRELL. Mr. Speaker, I would like to call the attention of the House to page 4 of the report accompanying this resolution. On that page reference is made to the law which was enacted as an amendment to the legislative appropriation bill which was passed April 28, 1902, which stated as follows:

That hereafter no public buildings, or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of the President of the United States, or other public function, except as may hereafter be expressly authorized by law.

I may say that this amendment was strongly advocated when it came up for passage.

By the substitute amendment which I have offered it will be seen that in authorizing the use of the Capitol we are keeping within this amendment which was passed immediately following the last inauguration. Further on in the letter from the Secretary of the Interior, Mr. Hitchcock, dated December 12, 1904, he recites the following:

Regarding the merits of so much of the resolution as pertains to this Department, it may be stated that the Pension Office building has in prior years been used for inaugural balls, and is, I am advised, peculiarly adapted for such ceremonies.

Whether or not its use should be permitted as contemplated in this resolution is problematical. The according of the use of the building will necessitate the suspension of business in the Pension Office for a considerable period, the safe removal and satisfactory storage in practically fireproof quarters of all pending file cases from the court of the building, the removal to places of safety of furniture from as many of the floors of the building as will be utilized, the absolute surrender of a number of rooms on such floors, and the fixing in place in the great court of the building and along the balconies of bunting and other decorations of an inflammable character, to say nothing of the installation of additional electric lights, which will in all probability be required on that occasion. The handling of furniture in removal from the rooms for storage racks and injures it considerably, and the danger of damage in the removal and handling of papers and records is necessarily great.

The element of danger from fire and loss of papers attendant upon such occupancy of the building is one which can not be lightly passed over when it is considered that the loss of papers and evidence in pending claims, which can not be duplicated, would be irreparable and work great injury upon many deserving claimants, doubtless preventing favorable action by the Bureau on their claims and necessitating the petitioning of Congress for relief. Aside from the large mass of records and papers in the various divisions of the office in everyday use in the work of this great Bureau it should be borne in mind that there are stored in the upper portion of the building the papers in 1,650,400 adjudicated pension claims, and on the floor of the court there are 369 file cases, in four sections, containing 450,000 pending applications and abandoned files. All this material is of inflammable character.

As a matter of information, it may be stated that as a result of the occupancy of this building at the last inauguration, in 1901, to say nothing of the incidental damage to the building and the furniture by reason of such use, the loss of time of the employees of that Bureau, I am credibly informed, aggregated in value $30,000.

It may also be stated that during that period three fires occurred in the building, as follows:

March 2, 1901, at 9.30 a. m., on the first landing of the northern stairway, caused by a leakage from a gasoline torch.

March 3, 1901, at 1.40 p. m., caused by the ignition of a lot of straw at the back of the musicians' stand.

March 3, 1901, at 7.12 p. m., in the second balcony, caused by the breaking of an electric-light globe, the hot glass falling on the decorations and igniting them.

These fires were extinguished without doing any great amount of damage, but they show the possibility of similar fires occurring in the future if the building is used for the same purpose.

The Commissioner of Pensions in submitting a report on March 21, 1901, as to the result of the use of the Pension Office building for the inaugural ball stated, among other things, that "as little loss of time as practicable took place, and I am under many obligations to the employees of the Bureau for their general supervision and care of the property and papers, but I desire to say to you now that this building should never again be used for the purpose of the inaugural ball."

In view of the circumstances recited above, I do not deem it expedient to express any opinion as to the propriety of the passage of the resolution above mentioned, believing that the question presented is one which should be settled in such manner as Congress in its wisdom deems best.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia,
House of Representatives.

I call attention to the fact that he says all this material is of inflammable character, and he calls attention to the fact that there were three fires, slight as they were and promptly extinguished owing to the very efficient services of the fire department of the District, but nevertheless there were, he felt called upon to state, on the occasion of the last inauguration three distinct fires. He winds up his report to the chairman of the Committee on the District of Columbia by saying, "What I desire to say to you now is that this building should never again be used for the purpose of an inaugural ball."

When the suggested bill, since passed by the Senate, was submitted by the chairman of the Committee on the District of Columbia of the House to the Secretary of the Interior, asking his opinion in this matter, he wrote back stating, as his letter shows, that he desired that in the bill he should not only be authorized, but absolutely commanded, to give the Pension building for this purpose, as he did not think it was fair that one man should have the responsibility of any such authorization.

The Committee on the District of Columbia had before them the gentleman in charge of the Library of Congress, Colonel Green, and he said that no damage could be done to that building that might be of a serious character, but he called attention, however, to what would be a very serious defect in its use for that purpose, viz, that there was in the center of the large reading hall desks which were of such a permanent character that they could not be utilized. He also called attention to the fact that there was but one entrance to the building. The committee then came to the conclusion that this, the Capitol building, inasmuch as it was authorized by law to be used for such purposes, would be a proper place to hold the ball, for the reason that it did not, as the use of the Pension Office would, incur an expense to the Government of some $30,000 on account of the cessation of labor of the clerks there, and also for the reason that it did not practically stop the execution of public business for a month, which is the case when the Pension Office is used. Moreover, that in this building there would not be the same danger of fire.

We have here our own efficient Capitol police force and fire department; we have our own light and heat plants, and we have a building thoroughly adapted for that purpose. On the ground floors we have plenty of space for cloakrooms and restaurants; we have three distinct exits to the front besides the exits to the rear in case of fire. Therefore the committee was of the opinion that this would be the place to hold the ball.

Mr. BURKETT. Will the gentleman permit me a question? How long would it take to get the Capitol building ready for this ball?

Mr. MORRELL. That of course depends entirely upon the question of the decorations. It was the opinion of some of the gentlemen that the Capitol building itself, being of such a handsome character, the amount of decoration would not be necessarily as large as would be the case if the Pension Office was used.

Mr. BURKETT. Would they have to refloor all this Rotunda out here?

Mr. MORRELL. No; I should say not.

Mr. BURKETT. Would that floor be carpeted?

Mr. MORRELL. I should think so.

Mr. BURKETT. Would they have to do more electric wiring?

Mr. MORRELL. With respect to electric wiring, the building, so far as I have seen, is pretty thoroughly wired now, and what wiring would have to be done would not be very considerable.

Mr. BURKETT. Does the gentleman know, or has the committee had hearings as to how much they are going to pay to prepare this hall for this inaugural ball, how long it will take them to prepare it, and what the character of repairs will be?

Mr. MORRELL. It was the opinion of the Superintendent of the Capitol Building that all the decoration that would be necessary here could be done without interfering with the business of Congress in any way, shape, or form. I consulted with Mr. Brown, and he seemed to think that, too. I reserve the balance of my time.

Mr. BURKETT. I would like to ask the gentleman, before he sits down, this question: Does this ball contemplate the use of the committee rooms of both Houses of Congress, both the Senate Chamber and the House of Representatives?

Mr. MORRELL. As the bill reads, it provides for the use of the Capitol building. The amendment further provides that all necessary regulations shall be made by the Superintendent of the Capitol Building.

Mr. BURKETT. As I understand, this ball is a private institution?

Mr. MORRELL. Yes.

Mr. BURKETT. Not a Government function, and in no way under the jurisdiction of the Government or control of the Government?

Mr. MORRELL. It is entirely, as I understand it, in the hands of the civic committee.

Mr. BURKETT. It is giving the use of the Capitol to the people of the District of Columbia to hold this public ball in. Is that the idea?

Mr. MORRELL. Well, it is supposed to be of such national importance—not perhaps importance, but national interest, the President attending the ball, and people coming from all over the country, Maine to California, Michigan to Florida, in order to be present at this function—that it is thought it would be a quasi public use for it.

Mr. BURKETT. Do I understand the gentleman to say it is a public affair, or do they charge an admission fee?

Mr. MORRELL. An admission fee is charged; and that admission fee, as I understand it, goes largely toward paying all the expenses of conducting the other parts of the inaugural ceremonies.

Mr. BURKETT. Does the gentleman know of any other public building, in his town or in any other town in this country, that is ever given up for use for anything that is not strictly of a governmental nature?

Mr. MORRELL. The Pension Office has been given up for this purpose, and it is likewise a public building.

Mr. BURKETT. I am asking outside of this city.

Mr. DOUGLAS. Will the gentleman permit me to ask him a question?

Mr. MORRELL. Certainly.

Mr. DOUGLAS. Would it not be well to reserve the House and Senate and the Supreme Court Chamber for the benefit of the House and Senate and their relations? There is plenty of room in the Capitol, and some consideration ought to be shown for the House and Senate.

Mr. MORRELL. I imagine that all regulations of that kind would be made by the Superintendent of the building after consultation with the President of the Senate and Speaker of the House of Representatives.

Mr. DOUGLAS. I just threw out a suggestion for your consideration; that is all.

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me for three or four minutes?

Mr. MORRELL. Yes, sir.

Mr. WILLIAMS of Mississippi. Mr. Speaker, as an original proposition I should be unalterably opposed to permitting a public building to be used for purposes of this kind. But for years and years it has been the custom to use some public building. It has been done for Democratic inaugurations and Republican inaugurations. It would now seem petty and spitely for me to raise an objection of that sort. I want to express this view, however, now: That the people of the District of Columbia, knowing beforehand that every four years there is going to be an immense accession of people here at the inaugural celebrations, will keep that promise which they once before made to Congress, or to its committees, rather, to erect a building suitable for such purposes as this, and suitable for general convention purposes as well.

But the point that I want to call the attention of the House to now is this. Here is the language of the measure before us:

That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damages to structures of any kind whatsoever on such reservations or spaces.

That language, I am informed, though I have not lately read it, was in the bill providing for exactly this purpose at the last inauguration.

Now, I want to call the attention of the House to the practical difficulty there, and I wish to ask unanimous consent, which I think will not be objected to, that an amendment be made, which I will state in a moment. I will first explain the reasons for it. After the last inauguration the Secretary of War ordered the inauguration committee then in existence to take down some scaffolding in front of the State, War, and Navy Department. That order was not complied with. Afterwards that scaffolding took fire and burned up, and on page 1463 of the RECORD of February 7, 1902, you will find a picture of the Government property there—of those magnificent gates as they were before the fire and as they appeared afterwards. It cost the Government of the United States $3,000 to make the repairs. There were $5,000 in the treasury of this District inauguration committee. The War Department asked the District Committee to indemnify them. They not only did not do that, but treated the War Department with a great deal of contempt, under all the circumstances, as you will find by reading the facts as disclosed by Mr. Bell of Colorado, in his speech upon that occasion. Out of the $5,000 in hand they refused to pay the $3,000, and the Government could not compel them to do it, because the committee was not incorporated and therefore could not be sued.

Now, I wish to ask unanimous consent, and I hope it will be granted, that after the language which I have read the following be inserted:

And shall give bond, with security approved by the Secretary of War, to do the same.

That is, to indemnify. I hope that will be done, and that the gentleman in charge of the bill will not object to it.

Mr. MORRELL. I would like to say, Mr. Speaker, that I echo the wish of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. That is all I wanted to say, Mr. Speaker, in this connection. I ask unanimous consent, then, that the pending resolution be considered with the language added:

After the word "spaces," in line 25, page 2, add the following language: "And shall give bond, with security approved by the Secretary of War, to do the same."

The SPEAKER. Is there objection?

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman who is to give this bond, if they are not incorporated? Are they to give bond individually?

Mr. WILLIAMS of Mississippi. They will have to give it themselves, all of them; sign it themselves, and have the sureties sign it.

Mr. ADAMS of Pennsylvania. Then suppose there is no money left over this time as there was the last time, are they to be held personally liable?

Mr. WILLIAMS of Mississippi. They ought still to pay for any damage done. Listen to the language of the bill being considered:

To be restored to their original condition, before such occupation.

Of course that does not take in the act of God, or the act of the public enemy, or any unavoidable cause.

Mr. ADAMS of Pennsylvania. The only question, Mr. Speaker, is that they are a voluntary committee, and it seems to me that if they have to give an individual bond, then if damage is done in this celebration, and there are no funds left over, would it not make them personally liable?

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me—I hate to say this—this is a money-making affair. They rent all these seats that are put upon these public reservations. They charge for them; and the last time they turned the money back—I started to say to the incorporators, but unfortunately they were not—but to the people of the District of Columbia, in some way, I do not know just exactly how. At any rate they had the money in the treasury.

Mr. PAYNE. I want to say to the gentleman that they subscribe the money in advance and pay it in, and when the inauguration ceremonies are over they always pay back in full, and the last time they had four or five thousand dollars besides that.

Mr. WILLIAMS of Mississippi. I am informed, although I do not know it to be a fact, that at every inauguration they have some money left over.

Mr. ADAMS of Pennsylvania. I had no idea of objecting, unless injustice was going to be done to these men. To make them personally liable when performing a public function, if no funds were left over, I think would be severe punishment.

Mr. PAYNE. The committee can control that.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none; and the motion is to modify so as to cover the substitute with an amendment. Does the gentleman reserve his time?

Mr. PAYNE. I reserve my time.

Mr. BAKER. Mr. Speaker, the remarks of the gentleman from Pennsylvania [Mr. MORRELL], who proposes this resolution, are based, apparently, upon the assumption that there must be a ball; and throughout the discussion the assumption, even of others who have taken part in the debate, has been that there must be this social function.

Mr. MORRELL. Mr. Speaker, will the gentleman permit an interruption for a moment?

Mr. BAKER. Certainly.

Mr. MORRELL. I would like to state to the gentleman that he entirely misunderstood the tenor of my remarks, if from them he thought I was of the opinion that there must be a ball.

Mr. BAKER. I am glad to hear that the gentleman does not agree that a ball is necessary, and it is because I am of that opinion myself that I am opposing this bill.

It is entirely true that whoever does this, especially on this side of the House, will be credited with personal hostility to a Republican President; but that is the situation that any man who opposes any custom which he believes to be wrong invariably has to meet.

I recognize the truth of the position taken by a distinguished Democrat on this side—that it would very likely be construed as petty and spiteful; and yet I deny that any action of this character necessarily involves its being petty or spiteful. If this custom is, as I believe, a wrong one—the mixing up of public duties with social functions—then it is the duty of this House, or at least of those who agree with me, and certainly it is my duty, to oppose that admixture, regardless of whether it has been in operation a hundred years or not.

Now, Mr. Speaker, the leader of this House has said that when "the show" is over the public building—the Capitol—is to be returned to its original condition. So far as "the show"—it is not my expression, I am simply adopting the expression of the gentleman from New York [Mr. PAYNE]—so far as the show is a public one, so far as anybody in the United States can come and participate in this show, I should not make any objection; but when a few individuals get together for their own social prestige, which we are constantly hearing of on this floor, when public carriages are used, as they have been used, to maintain the social prestige of minor officials of the Government, when any action is taken by this House the effect of which is to create a social prestige for some individual or some class, I am opposed to that. I am opposed to the use of public buildings for any such purpose. I should oppose this measure if a Democrat had been elected and if a Democrat was to be inaugurated on March 4. It is not a question of Mr. Roosevelt. His personality is

not involved in this proposition at all. The question is, Should public property be used for social functions? I say not. I am opposed to the use of it for any such purpose.

Mr. SIMS. Having got rid of a saloon in the Capitol, you do not want to turn it into a ballroom.

Mr. BAKER. I am opposed, as I said, to the use of any public building for social functions. It is none of our business what the President of the United States may choose to do with the salary which is paid him. He can spend all of it on social functions if he wishes to. It is no business of any person in the United States what he does with that, but it is the business of the people, and it is the business of the people's representatives to see that by their act no class distinctions are created, such as will be fostered by this ball. You are tending to create, you are accentuating, that social-prestige idea which to my mind is absolutely undemocratic. I am opposed to the whole idea of the bill, and I would oppose it just as fervently if a Democratic President had been elected.

Mr. Speaker, the gentleman from Massachusetts [Mr. THAYER] desires some time. I believe I have a few minutes remaining.

The SPEAKER. How much time does the gentleman yield?

Mr. BAKER. I yield such time as the gentleman from Massachusetts desires.

Mr. THAYER. Mr. Speaker, I do not oppose this resolution at all on the ground upon which the gentleman from New York [Mr. BAKER] opposes it. I hope that the inauguration of our President will be as grand as was ever held, and commensurate with the dignity and standing of this nation. I believe the only place in this city where it can be brought about with regal splendor is where it has been heretofore held, at the Pension building. There is no building in this city, so far as my acquaintance goes, so well adapted to the holding of a grand ball and demonstration such as we have had in years gone by as the Pension building.

And the talk that has been made by the gentleman from Pennsylvania [Mr. MORRELL] that a great deal of time is lost by reason of clerks being out of employment for a short time while preparations are made for the ball I do not understand is borne out by the facts. Now, Mr. Speaker, it is well known that when the Pension building was built the architect had in mind the preparation of that magnificent hallway for the purpose of inaugural balls. I think one of the grandest sights I ever witnessed was the electrical effect that was produced there four years ago when the inaugural ball was held there. While the Congressional Library is one of the finest in the country, or in any country, it is devoted to the purposes of a library and not to the purposes of a dance hall. I doubt if you could make it as beautiful as you can the Pension building, and it was these views I wished to submit as to the amendment that has been offered.

I do not believe that there is much expense entailed on the Pension Department by reason of these clerks being deprived of work for a few days. I understand that that work is carried on in such a way that very few are deprived of the opportunity to continue their labors. That large hall—one of the grandest, as it seems to me—is peculiarly adapted for purposes of an inaugural ball. The Congressional Library—beautiful as it is nights, far more beautiful than the Pension building in its original state—is not, it seems to me, so well adapted for arrangements for a ball. I do not know how you are going to dance in large numbers in the Congressional Library, either on the first or second floors, as has been suggested. I object to the amendment proposed by the committee and hope it will not prevail.

Mr. BAKER. Mr. Speaker, I reserve the balance of my time. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twelve minutes.

Mr. THAYER. Mr. Speaker, I asked for a copy of the resolution, and in that was the amendment for the Library building. Since speaking I am told that there is another amendment proposed that names the Capitol instead of the Congressional Library. I want to know in whose fertile mind originated the idea of turning the Capitol into a dance hall, even for one night? I am more opposed to holding the ball in the Capitol than I was to changing it to the Library building when I understood that the amendment had that in view. By all means I think it would be beneath the dignity of the American people to permit any portion of this Capitol to be used as a dance hall one night even in the three hundred and sixty-five. I most seriously object to it, more seriously than I did to the amendment in relation to giving it to the Library building.

Mr. MORRELL. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I concur with the gentleman from Massachusetts that the inauguration of the President of the United States should be conducted in a manner which comports with the dignity of this country as a world power. The inauguration of a President of the United States is no ordinary event. I do not believe that the ceremonies should be conducted in a niggardly manner. The District of Columbia Committee was confronted with this proposition, Whether the ceremonies should be conducted in the Library building, or the Pension Office, or the Capitol. So far as I am concerned, I would not consider the Library for one moment.

Mr. PRINCE. Will the gentleman allow me a question?

Mr. POU. Certainly.

Mr. PRINCE. Did the committee take into consideration at all Convention Hall, in this city, with a view to making an appropriation to have that used for the ball?

Mr. POU. I think not.

Mr. PRINCE. Would not that be large enough to hold the ball?

Mr. POU. I am not informed as to that.

Mr. PRINCE. Would not it be a place where none of the public service would be in the slightest degree interfered with, either by the disturbance in the Capitol, by the removal of files from the Pension Office, or by defacing the Library?

Mr. POU. I do not think that building was considered by the District Committee and therefore can not answer the inquiry of the gentleman.

Mr. WILLIAMS of Mississippi. Did the gentleman consider the Census building in that connection?

Mr. POU. I think not. Only these three buildings were considered by the committee. Every other building seemed to have been eliminated by the inaugural committee. As for the Library, I believe the decorations are too delicate and too expensive to be exposed in the slightest degree to damage or defacement. Then the question was narrowed down whether the ceremonies should be held in the Pension Office or in the Capitol.

Mr. DINSMORE. On what ground does the gentleman say that the Library was not to be thought of? On the ground that it would destroy it?

Mr. POU. No.

Mr. DINSMORE. I think it would be utterly ruined. It would be permanently disfigured and injured, and I think the same thing is true of the Capitol.

Mr. POU. I am informed by gentlemen that so high an authority as General Wilson declared that the Library would be an ideal place and that there was practically no danger to the building. Gentlemen who appeared before the committee assured us there was no danger of injury to the Library building, but the committee thought there might be some slight danger, and therefore it was eliminated from consideration.

Now, Mr. Speaker, it would hardly diminish the attendance if dancing should be barred, and if dancing is not allowed will any gentleman say that it is improper for the President to hold an inaugural reception in this building? The idea strikes me as being proper. There is small danger of fire, the expense would be moderate, and there is no danger of injury to the building. But the District Committee is not wedded to the use of any particular building. The gentleman from Pennsylvania [Mr. MORRELL] has merely reported in favor of the building against which we believe the fewest objections can be urged.

The Pension building was favorably considered, but the committee was confronted with the statements of the Secretary, quoted by the gentleman from Pennsylvania, that there was danger of fire and that in case of fire there would be irreparable injury. We were informed that there had actually been two or three slight fires at the last inauguration and, therefore, it was not thought wise to report in favor of the use of the Pension Office.

Mr. THAYER. Mr. Speaker, I would like to ask the gentleman, if there is any danger of fire at the Pension building, would there not be far more danger here in the Capitol building?

Mr. POU. Of course there is danger of fire anywhere. Some risk has to be run anywhere, but the destruction of papers and documents in the Pension Office would cause incalculable damage. Furthermore, it was argued that there would be considerable expense in the use of the Pension Office. The committee seemed desirous of reporting in favor of the building exposed to the smallest danger and which could be used at moderate expense. By elimination it was agreed to recommend the Capitol building.

Now, so far as I am concerned, I can see no impropriety in conducting the inaugural ceremonies of the President of the United States in the Capitol building. I do not think a dance should be permitted in this building, but I am informed that but few, comparatively speaking, ever indulge in dancing, but it is more a gathering of the people with a view to commingling with each other and a desire to have an opportunity of meeting the

President of the United States. If dancing is objected to, I suppose that could be eliminated; but, so far as I am concerned, I see no possible impropriety in holding the ceremonies to inaugurate the President of the United States under the dome of this building. Under all the circumstances, it seems to me that it would be the part of wisdom to adopt the recommendation of the gentleman from Pennsylvania [Mr. MORRELL] and grant the use of the Capitol as the proper place to hold these ceremonies.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Mr. Speaker, if the resolution is passed, will or will not that throw the entire matter into conference, leaving the conferees free to select either the place designated in the bill or the Pension building, or the Census building, or any other place? Would not the committee then have full authority?

The SPEAKER. If the House will indulge the Chair, the Chair will state that he will not be bound by any opinion until we have arrived at the river, if we ever do. But the Chair takes it that it is proper to say that as at present advised the object of the Senate bill being to grant a public building for the inaugural ceremonies referred to, and the proposed amendment by way of a substitute designating another public building, it seems to the Chair that a conference committee would have jurisdiction to determine the use of any public building in its agreement for the inaugural ceremonies. Of course when the conference report was submitted, if it did not meet the views of the respective bodies, it would not be adopted.

Mr. WILLIAMS of Mississippi. That was my view, Mr. Speaker, but I wanted the House to understand it, so that we could vote intelligently.

Mr. GILLETT of Massachusetts. Mr. Speaker, a parliamentary inquiry. If the House now should vote down the proposition of the committee, which is that the Capitol building be substituted for the Pension building or the Library building, then would there come before the House now the original proposition of the Senate to use the Pension building?

The SPEAKER. The Chair will answer the gentleman by saying that there is now before the House a proposition to suspend the rules and pass the bill with an amendment in the nature of a substitute. It will be all voted upon together. If the motion fails that is the end of it so far as proceeding under suspension of the rules is concerned. Now, then, this bill is reported from the Committee on the District of Columbia. To-day is not District day, and the bill will be precisely in the position as if the motion to suspend the rules had not been made, viz, being on the Union Calendar, it would remain there and come up and be in order on District day, which would be, as the Chair recollects, the second Monday in January.

Mr. BARTLETT. Mr. Speaker, I desire to make a parliamentary inquiry and ask if this is a vote upon the report of a conference committee. As I understand it, we are not now called upon to concur in the report of some conference committee?

The SPEAKER. Oh, no.

Mr. BARTLETT. Therefore, if we vote in favor of the proposition suggested by the gentleman from Pennsylvania [Mr. MORRELL], we do not necessarily send it to a conference committee?

The SPEAKER. No; but the Chair anticipated that in the event of the motion prevailing it would be followed up by a motion asking for a conference with the Senate on the substitute. Perhaps that might be included by unanimous consent, although the Chair is inclined to the opinion that it would be in order, in the event the resolution is passed under the suspension of rules, to move to ask the Senate for a conference. Then it would be for the Senate to determine whether it would grant a conference or to consider the House amendment, as it saw proper.

Mr. BARTLETT. We are now voting upon whether or not we will agree upon an amendment which the Senate has put upon the bill. Is that the proposition?

The SPEAKER. To pass a bill with an amendment covered by a motion——

Mr. BARTLETT. An amendment offered by a House committee?

The SPEAKER. Yes.

Mr. TALBOTT. Mr. Speaker, a parliamentary inquiry. If the House votes a substitute for the bill as it comes from the Senate it goes back to the Senate?

The SPEAKER. If the House votes for the substitute for the amendment, of course it goes back to the Senate.

Mr. TALBOTT. Then in the natural course that is the end of it?

The SPEAKER. Yes.

Mr. TALBOTT. If the Senate does not concur, they ask for a conference.

The SPEAKER. That would require another step; either could be done.

Mr. TALBOTT. Would that be the procedure, that the Senate must ask for a conference on a disagreement between the two Houses?

The SPEAKER. The Chair, answering that question, would say it is done both ways.

Mr. MORRELL. Mr. Speaker, a parliamentary inquiry. After attaching to this substitute, as was suggested by the Chair, a request for a conference, would not that necessitate a conference beween conferees on the part of the Senate and on the part of the House?

The SPEAKER. Not at all. The Senate might grant a conference or the Senate might go ahead and accept the proposition of the House.

Mr. BAKER. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GAINES], or such additional time as he requires.

Mr. GAINES of Tennessee. Mr. Speaker, it has been settled, sir, that we will inaugurate a President [applause], and I am glad of it. [Applause.] I tried hard to have another selected to be the honored guest on that occasion, but failed. It has been settled also, which I regret, that we are to have as a part of that inauguration an inaugural ball and celebration. Now, I do not believe in inaugurating any President that way. A simple taking of the oath comports with my ideas of an inauguration. But it has been settled that we are to have a ball and certain ceremonies at one of two places; certainly at some place. [Laughter.] These are all facts, gentlemen. We must face the situation as it is.

Now, where is the best place? I think, gentlemen, there is but one place to have this occasion, and that is the place where they have been having it—the Pension Office. [Applause.] If you are going to have the affair as arranged, have it decently and in order. The Capitol is not a proper place to have it. Why, there is always some dancing, Mr. Speaker, and I am satisfied that the distinguished Speaker knows that as well as I do.

A MEMBER. And he will be there.

Mr. GAINES of Tennessee. And the Speaker will be there. Now, where in the world will my friend from North Carolina [Mr. POU] dance in the Capitol? Where would anybody? Now, I speak seriously, where would anybody——

Mr. BURLESON. In the Dome.

Mr. GAINES of Tennessee. No; they would not at all, and you know it better than anybody. On the Dome the gentleman is an expert. [Laughter.] Mr. Speaker, I do not believe that the Library is a proper place. That is where we are supposed to educate not the feet but the head, and while we may have failed in many instances [laughter], gentlemen, to educate the head, we keep that to ourselves. Let us at least leave the Library for future developments in that respect. If we go there we may injure it; I believe we will. Therefore, gentlemen, the inevitable is presented of going to the Pension Office, and that is why I am going to vote that way. [Applause.]

Mr. MORRELL. Mr. Speaker, I renew my motion.

Mr. BAKER. Mr. Speaker, I believe I have three or four minutes remaining.

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BAKER. Mr. Speaker, it has been said these ceremonies should be carried on in a "regal" manner. If I understand the expression it means kingly. If I understand the meaning of the word "king," it has no application to a republic, and I am opposed to anything being done in this country in a "regal, kingly manner." I want it done in a democratic and simple manner. I am surprised that the great advocate of the "simple life" should have such ardent friends upon this floor demanding that he be inaugurated in a "regal manner."

Mr. SIBLEY. Mr. Speaker, the gentleman will recognize that demand did not come from this side of the Chamber.

Mr. BAKER. I recognize the literal truthfulness of the remark of the gentleman from Pennsylvania; but I also recognize that the sentiment for this inaugural ball, which in my judgment is no part of the inauguration ceremonies and which takes place hours afterwards—in my judgment that demand does come from the supporters of the distinguished gentleman who is to be inaugurated on the 4th day of March, and who, if I remember aright, has said he is not going to recommend the reading of any other book than the Simple Life.

Now, Mr. Speaker, one word more, and that is this: The whole tendency of legislation in the United States is to the creation of special interests through the granting of special privileges. As a result of the creation of these special privileges,

you have enabled a few individuals to become enormously wealthy, wealthy beyond anything that the world has seen before. The natural and inevitable result of this is that the female members of the families who have secured this enormous wealth should want to display their wealth in the most ostentatious manner to demonstrate their superiority over everybody else. Now, it is proposed to hold this ball, which simply gives an opportunity to that class of people to parade their jewels, their gowns, and their finery, so that it can go all over the United States, through the channels of the press, that "Mrs. Tom Jones" attended the Presidential ball, and that she was arrayed in such and such finery; the dress alone is believed to have cost $5,000 and her jewels to be worth a king's ransom. [Laughter.] And it is proposed to use this magnificent Capitol, the property of all the people, as a medium for advertising this vainglorious and vulgar display of the "Mrs. Tom Joneses" in every community of the United States. [Laughter and applause.]

Mr. MADDOX. Mr. Speaker, I ask unanimous consent to amend the bill by inserting "Pension Office" in lieu of the "Capitol." [Applause.] It is very evident that that is the place for it. I fully agree with the gentleman from Massachusetts in regard to this Capitol, also the Library. The Pension Office is the place, or the Census Office. I understand from reading the newspapers that the committee are very anxious to know what they are to do in respect to this matter. I think we can settle it here this afternoon, by just getting unanimous consent to concur with the Senate in making it the Pension Office; and I ask unanimous consent to make that amendment.

The SPEAKER. The gentleman from Georgia asks unanimous consent to modify the motion by offering to substitute the Pension Office in lieu of the Capitol.

Mr. MORRELL. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I do not know whether this request is in order or not. I would ask unanimous consent of the House that a motion to substitute the Pension Office for the Capitol be considered by the House as in order. I ask this so as to get an expression from the House.

Mr. FOSTER of Illinois. I object, Mr. Speaker.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania, to suspend the rule and pass the bill with the House substitute by way of an amendment.

The question was taken; and the motion was rejected.

BRIDGE ACROSS PEARL RIVER, IN THE STATE OF MISSISSIPPI.

Mr. MANN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill H. R. 15981 as amended.

Mr. THAYER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. THAYER. It seems to me that we ought to dispose of this resolution in some form to-day.

The SPEAKER. That is not a parliamentary inquiry, but an argument.

Mr. THAYER. What I wanted to ask is this——

The SPEAKER. The gentleman from Illinois is recognized. However, if the gentleman thinks he has a parliamentary inquiry, the Chair will hear it.

Mr. THAYER. After that introduction, Mr. Speaker, what I wanted to know was whether it would be a proper motion to be considered to recommit this resolution with instructions to report, in place of the Capitol, the Pension Bureau.

The SPEAKER. The resolution or bill is not even before the House.

Mr. MANN. I ask unanimous consent that the Clerk may read the amendment, which is the whole bill, instead of the original bill.

The SPEAKER. The gentleman asks that the amendment, instead of the bill, be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 15981) to authorize the Mississippi Central Railroad Company to bridge Pearl River, in the State of Mississippi.

Be it enacted, etc., That the Mississippi Central Railroad Company, a railroad corporation duly incorporated and organized under the laws of the State of Mississippi (formerly the Pearl and Leaf Rivers Railroad Company), its successors and assigns, be, and is hereby, authorized to construct and maintain the bridge mentioned in the act approved March 2, 1903, entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi," under and subject to the provisions of the said act, provided the actual construction of the bridge therein authorized be commenced within one year and completed within three years from the date of approval of this act.

The SPEAKER. Is a second demanded?

No second was demanded.

The question was taken; and two-thirds (in the opinion of the Chair) having voted in favor thereof, the rules were suspended, and the bill was passed.

WESTERN ALASKAN CONSTRUCTION COMPANY.

The SPEAKER. The gentleman from Maine [Mr. POWERS] is recognized.

Mr. POWERS of Maine. Mr. Speaker, when I asked to be recognized the gentleman from Indiana was not present. I understand the gentleman is now present, and I ask that he be recognized.

Mr. BRICK. Mr. Speaker, I ask that the rules be suspended and that the bill S. 5088 be passed.

The SPEAKER. The gentleman from Indiana asks that the Committee on Territories be discharged from further consideration of the Senate bill, that the rules be suspended, and that the bill do pass. The Clerk will read the bill.

The bill was read, as follows:

A bill (S. 5088) to aid the Western Alaska Construction Company.

Be it enacted, etc., That it shall be lawful for the Western Alaska Construction Company to hereafter operate its railroad in the district of Alaska for a period of five years after the passage of this act without the payment of the license fee of $100 per mile per annum on each mile operated, as provided in section 29, chapter 1, of the act entitled "An act for making further provisions for a civil government for Alaska, and for other purposes," approved June 6, 1900: *Provided, however*, That this exemption from said license fees is upon the condition that said company shall build at least 10 miles of railroad each year; but if more than 10 miles be built in any one year it shall be credited to the work of the succeeding year.

Mr. ROBINSON of Indiana. Mr. Speaker, I ask for a second.

Mr. BRICK. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana [Mr. BRICK] is recognized for twenty minutes in favor of the bill and the gentleman from Indiana [Mr. ROBINSON] is recognized for twenty minutes in opposition.

Mr. BRICK. I yield five minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Speaker, the bill which has passed the Senate and which we are now considering is identical with one that has been reported from the Committee on Territories of the House. I do not say it was reported unanimously, but I believe it was reported unanimously with but one exception. In my judgment it is a meritorious bill. It calls for no subsidy, it calls for no aid from the Government. There is a corporation which has begun to build a railroad between two places in Alaska, the names of which I will not stop to look up, as I do not now recall them. They are some 50 miles distant from each other The company has transported to that section of Alaska a million or more dollars' worth of property.

There is a regulation or statute by which all railroads in Alaska pay a hundred dollars a mile tax each year. This is the only standard-gauge railroad in the Territory of Alaska, and they ask, inasmuch as they desire to put in money to build this road, though it can only be constructed at great cost, simply this, that upon condition that they will go on and complete the 50 miles of road at a rate of at least 10 miles a year they may be exempted from this tax of a hundred dollars per mile for a term of five years.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not the Government incurs any obligation?

Mr. POWERS of Maine. None whatever. We guarantee nothing. The company has simply asked, as they are building the only standard-gauge road in Alaska, which will be a great benefit to the Territory, and as we all desire to open up Alaska, this small relief from taxation, which will certainly contribute materially to that end. The President, in his message, I think, recommends something of that kind, and you will recall that you passed last year a bill appropriating a certain amount of money to make surveys for wagon roads. Certainly it does seem to me that on condition that they will build 10 miles of standard-gauge road a year for five years they should be exempted from this $100 tax a mile during that five years. Afterwards, when the five years have passed, they are to pay the tax. As this is the only standard-gauge road there, it seemed to the committee—that is, a majority of them—that it was advisable to encourage the building of such railroads in Alaska by granting the relief.

Mr. BURKETT. I remember hearing something last year of a bill for extending the time of another road. Does this bill exempt all railroads that undertake to build from tax, or does it exempt this special railroad?

Mr. POWERS of Maine. This bill simply applies to this road, and, as I have stated, is the only standard-gauge railroad in Alaska.

Mr. SLAYDEN. Are there any narrow-gauge roads there?

Mr. POWERS of Maine. I think there are, but I do not know how many.

Mr. BURKETT. There are others contemplated?

Mr. POWERS of Maine. I think it is likely.

Mr. BURKETT. If it is a good thing to encourage railroads, why do you not exempt all who wish to build railroads from their taxes while building? I remember at least one or two bills, or possibly more, that went through here last year, extending the time for the beginning of operations, and I suppose they must either begin this year to build railroads or their time will expire again. If they should think they were entitled to this relief, then they will have to have another bill. If this particular railroad shall be exempted from tax because it is going to build, why should not other railroads that are going to build be exempted? In short, if it is a good thing, why not have a general law instead of special acts?

Mr. POWERS of Maine. I will say to the gentleman from Nebraska [Mr. BURKETT] that, as far as I am concerned, I should favor exempting any railroad if they came and asked exemption from taxation for the term of five years, provided they would build 10 miles of standard-gauge and good railroad a year.

Mr. BURKETT. I am not questioning the correctness of the gentleman's position, but why this special bill to relieve this special railroad rather than a general bill to relieve all railroads for five years, if they will build standard-gauge railroad?

Mr. POWERS of Maine. This railroad came to us and presented this case, and we have thought it a meritorious one. None other has done so.

Mr. SLAYDEN. Is this the only consent that was given to the railroad?

Mr. POWERS of Maine. Yes; and if they will go on and build 10 miles of road a year, and 50 miles in five years, I can readily see that, instead of being a loss, there will be a gain. Besides, I think that some real encouragement like this is very proper, indeed, in so far as opening up Alaska is concerned.

Alaska, in my judgment, has many possibilities that we do not really appreciate or know of. We have found that she has been a large producer of gold, and I believe there are vast quantities of lumber there. We know but very little about that country, and when a railroad corporation comes here and does not ask us to give it a dollar in any shape or manner, and offers to build a road between two points where there should be a road, and the only concession asked is that the company may be excused from paying a hundred dollars a mile tax for five years, on condition that it build at least 10 miles of road a year, I think upon the whole that it is right and proper. I believe the whole committee, with one exception, were of that opinion.

Mr. SLAYDEN. Who assesses the hundred dollars per mile tax?

Mr. POWERS of Maine. I think there is some statute or regulation in reference to Alaska by which railroads are assessed a hundred dollars a mile on every mile that they build. Alaska is very largely a judge-governed country. It has no Delegate on this floor to voice its needs.

Mr. SLAYDEN. May not that tax be necessary to provide ordinary revenues for the Territory?

Mr. POWERS of Maine. Admitting it to be necessary, I am confident that the treasury of Alaska will receive much more money in a short time by the building of this railroad than it would receive if it was not built.

Mr. PALMER. How much does this tax amount to?

Mr. POWERS of Maine. One hundred dollars per mile.

Mr. SLAYDEN. How many miles are constructed now?

Mr. POWERS of Maine. Very little—about 20 miles; but the corporation has contracted for construction and has a large amount of material there.

Mr. SLAYDEN. Twenty miles, at $100 a mile, amounts to $2,000 on the road already constructed.

Mr. POWERS of Maine. Yes.

Mr. BURKETT. Is that law that taxes them a hundred dollars a mile a general law on all railroads or on just this one railroad?

Mr. POWERS of Maine. I think there is a statute that taxes all railroads in Alaska $100 a mile.

Mr. BURKETT. I remember when the matter was up before, but I do not recall anything of that sort. I thought possibly that is was a provision in the franchise of this particular railroad.

Mr. BRICK. I think that is right.

Mr. BURKETT. I think it must be in the franchise of this railroad.

Mr. POWERS of Maine. No; I think it is the general law.

The SPEAKER pro tempore. The time of the gentleman from Maine has expired.

Mr. BRICK. I yield two minutes more to the gentleman from Maine.

Mr. POWERS of Maine. Now, I will repeat, it seems to me that it is desirable to encourage the opening up of Alaska by railroads, and that where a corporation comes here and offers to build 50 miles more road on condition that it be exempted from tax for this short time, it is not asking very much and that it is wise to grant this concession.

Mr. PAYNE. The exemption is only on this 50 miles, is it not?

Mr. POWERS of Maine. I think it is on all of the road.

Mr. PAYNE. Where is this road to be built?

Mr. POWERS of Maine. From Solomon City to some other point.

Mr. PAYNE. We came very near putting a bill through today, which finally went to the Committee on Insular Affairs, to guarantee 4 per cent on bonds in the Philippine Islands to help railroads. I agree with the gentleman that this little thing ought to be done for Alaska.

Mr. SLAYDEN. Is this exemption limited to 50 miles?

Mr. POWERS of Maine. This exemption is limited to the road they build.

Mr. SLAYDEN. And there is no limit on that?

Mr. POWERS of Maine. No; the more they build the more they will have exempted for five years, but the more they will have to pay taxes on after the five years expire.

Mr. SLAYDEN. The form in which the statement was made indicated that possibly the tax was to be remitted on only 50 miles.

Mr. PAYNE. I did not know but they had some road already built.

Mr. SLAYDEN. They have 20 miles built.

Mr. POWERS of Maine. They have 20 miles pretty well constructed.

Mr. PAYNE. It is a small matter, and if it will tend to the development of the country it ought to be encouraged.

Mr. POWERS of Maine. The Senate Committee on Territories unanimously agreed that it was proper, and I believe our committee, with one exception, has reached the same conclusion.

Mr. STEPHENS of Texas. Does this railroad connect the waters of the Pacific with the upper Yukon River?

Mr. POWERS of Maine. It is on the Seward Peninsula.

Mr. MANN. It would be very peculiar if the building of a railroad would make an all-water route.

Mr. STEPHENS of Texas. It is in connection with the Solomon River.

Mr. POWERS of Maine. I was not on the subcommittee and have not the details so much as some other gentlemen who have the bill in charge. But I do think that when a corporation comes from Alaska and asks no subsidy, no guaranty—asks simply that they may be relieved from taxation provided they built a good standard-guage road, the only standard-guage road in the Territory, for a certain number of years—that it is not asking very much, and that this House will be pleased to concur with the Senate and grant it the relief.

Mr. SLAYDEN. It is a subsidy to the extent of the remission.

Mr. POWERS of Maine. It is simply a remission of the tax provision. We have only 20 miles of railroad there, and by remitting the taxes we hope to get 50 miles more road and have a larger basis by which we can get more money for the Territory in the near future, and also substantially aid in its development.

Mr. SLAYDEN. Mr. Speaker, I want the gentleman to understand that my questions were not put in mere idleness. I have seen in my own State the evils growing out of exemption of great railway corporations from taxation. One of the greatest railway corporations in the State of Texas for twenty-five years did not pay a penny of taxes to the State, county, or municipality.

Mr. POWERS of Maine. Wasn't that an exemption for a long term of years, or was it for all time?

Mr. SLAYDEN. For twenty-five years.

Mr. POWERS of Maine. This is only for five years, and as Alaska has no Delegate here to look after her interests, I trust that gentlemen will grant the request and pass this bill.

Mr. BRICK. Will the gentleman from Indiana use a part of his time?

Mr. ROBINSON of Indiana. Mr. Speaker, this is a measure to relieve the railroad in Alaska from the payment of taxes of all kinds.

The Alaska government is very much in need of funds. A subcommittee of the Senate visited Alaska and saw the neces-

sity for more money to run that government. Alaska is coming to the United States asking the Treasury to provide for education and for other expenditures for that Territory. A proposition of road promoting has been presented to the House.

In 1900 this House passed the only taxing bill now existing in Alaska, providing a license fee in the form of a license. Under that law, general in its form, railroads are taxed $100 a mile. Transportation companies in every occupation, from the highest to the lowest, are taxed for the needs of the Alaskan government. This is an effort by piecemeal to tear down that well-considered proposition that raises revenue for that government. It is ill advised, in my judgment, because other companies—the transportation companies and other enterprises for the promotion of Alaska, chaotic as it is and as the conditions are now—make it inadvisable at this time to have a piecemeal revision. Others are not relieved, and they will be clamoring because they are not relieved but are contributing to the needs of Alaska.

If we pass this bill it will be a precedent, for it is a subsidy, in that it relieves them from the payment of all taxation—it relieves them from any taxes.

Under the law passed in 1890, in order the secure revenue breweries are taxed $1,500 per annum; bowling alleys, $15; bottling works, $200 per annum; drug stores, $50; electric-light plants, $300; freight and transportation lines propelled by mechanical power, river and lake steamers, $1 per ton on net tonnage; physicians are taxed $50; pawnbrokers, $300; ships and shipping, ocean and coastwise, $1 per ton per annum, net; steam ferries, $100 a year; toll roads and trails, $200 per annum, all adding to the industries of that country. It provides that all moneys received from licenses shall, except as otherwise provided by law, be covered into the Treasury of the United States, under such regulations as the Secretary of the Treasury may provide.

Now, section 3 of the bill introduced by the gentleman from Massachusetts [Mr. LOVERING] provides:

SEC. 3. That no money shall be paid or advanced under the provisions of this act until it shall have been made to appear, to the satisfaction of the Secretary of the Interior, that sections of at least 5 miles of such railroad have been actually constructed in a workmanlike manner, including the proper laying of ties and rails upon the same; and as and when it shall be made to appear to the satisfaction of the Secretary of the Interior that each section of at least 5 miles of such railroad has been so actually constructed in such workmanlike manner, it shall be the duty of the Secretary of the Interior to certify the same to the Treasurer of the United States, and the Treasurer of the United States, upon the receipt of such certificates, shall pay or advance unto the Western Alaska Construction Company, under the provisions of this act, the sum of $10,000 per mile for each and every mile thereof so actually constructed; but such sums so paid by the Treasurer of the United States shall not exceed the total sum of $1,000,000 in any one year upon 100 miles of such railroad actually constructed, and in no event shall the total sums of money advanced or loaned under the provisions of this act exceed the sum of $5,000,000, based upon a total construction of 500 miles of such railroad.

The bill further provides, as follows:

And shall constitute a first lien upon the railroad thus added, including its roadbed, equipment, rolling stock, terminals, and all other property, in favor of the Government of the United States, until all sums so advanced shall have been returned to the Treasury of the United States in lawful money; and all moneys advanced or loaned under the provisions of this act shall become due and payable at the expiration of twenty years after the same shall be loaned; but nothing in this act shall be construed to prevent the repayment of any sums so advanced at any time before the expiration of such period of twenty years.

That was the original proposition which was brought before this House by the bill and is before the committee, providing that in twenty years they shall have a loan of a million dollars, to be repaid at that time.

Mr. BRICK. Mr. Speaker, may I ask the gentleman a question? That is not this railroad, is it?

Mr. ROBINSON of Indiana. No; I am speaking on the general subject of railroads. I say it is in this same bill.

Mr. BRICK. Where is that?

Mr. ROBINSON of Indiana. It is H. R. 13741.

Mr. BRICK. What railroad?

Mr. ROBINSON of Indiana. "To promote railroad transportation in Alaska" is the title of the bill, and it provides that no money shall be paid or advanced until at least 5 miles of such railroad has been actually constructed, and it is not to exceed the total sum of $1,000,000 in any one year, and that in no event shall the total sum advanced or loaned exceed the sum of $5,000,000. There is a further provision that it shall be lawful for the Western Alaska Construction Company to operate its railroads in the district of Alaska without the payment of the license fees of $100 per mile, which is the bill now sought to be passed by the House; and in view of the needs of revenues, this House having sanctioned a uniform license fee in order to raise funds for the Alaskan government, why should we relieve this particular railroad and not relieve the transporting companies and the vessels doing business along the shores of Alaska?

Mr. BRICK. Mr. Speaker, may I interrupt the gentleman a moment? That bill never was reported to the House.

Mr. ROBINSON of Indiana. No; I am not saying that. But I say that this House must guard itself along the line of promoting by subsidy in any form railroad construction, unless it is ready to enter this system of road and railroad construction in Alaska.

Mr. BRICK. Then I understand the only reason for reading the bill is by way of illustration or as matter of argument. The Committee on Territories never reported that bill, and they really refused to report the bill.

Mr. ROBINSON of Indiana. I am not saying that they refused to report the bill. They have not reported it.

Mr. BRICK. As I understand it, they refused to do so.

Mr. ROBINSON of Indiana. Now, Mr. Speaker, the gentleman who came before us, who was the special agent of the company asking this relief from taxation, made a number of statements in which it was shown that in September of the year before his examination, which was last year, this railroad had carried 1,200 passengers, at from a few cents a mile to as high as 25 cents a mile, and on page 6 of his statement he makes this statement:

We carried a thousand passengers in the month of September.
The bill we are going to put before you simply asks for five years' relief.
There is only one tax there and that is the tax of $100 a mile.

On page 11 the gentleman said:

We have worked three years. We have never asked one thing from the Government. We do not count on it now, although we hope to get it. It is certainly worthy of your consideration.

Mr. W. H. Duvall was the gentleman before our committee, and that was the statement made by him on that subject. Now, in view of the fact that this House, in a well-considered measure, provided only for the license fee to raise revenues for Alaska, and that this is, piecemeal, tearing down in favor of the railroads and not favoring the other industries which are equally burdened and are equally promoting the enterprises there, I think it would be unsafe to grant this relief, and for the further reason that, by whatever name you please to call it, it is a subsidy, and is the entering wedge for relieving that corporation of all taxation absolutely, because there is no property tax, and would be unjust to the other industries. The Senate committee that went there said, "You must get up new means of raising revenue for Alaska. A taxation on the export of gold furnishes a field for more revenue for Alaska, and the salmon fisheries present a field for the raising of more revenue." They further enumerated, in their report made last year, the necessities for more revenue instead of less. In view of these facts, it is a serious question whether an enterprise, which went to Alaska and has already an equipment of 20 miles of railroad, should be relieved from bearing its just burden of the government and making others bear that burden. It seems to me, Mr. Speaker, that entering the domain of providing a subsidy in any form, except by keeping along the well-regulated lines of giving them lands by the checkerboard or any other system, is ill advised. For that reason I present the question to the House, and ask that the House refuse to grant this unreasonable boon to that corporation.

Mr. Speaker, I reserve the balance of my time.

Mr. BRICK. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. THAYER], or more time if he desires.

Mr. THAYER. Mr. Speaker, the Committee on Territories, which had this matter in charge, gave extended hearings to those interested in this construction company. I think we all, including the gentleman from Indiana, came to the conclusion that that committee representing the company were perfectly sincere and were not out for the purpose of asking for anything they did not deserve. They were not a stock-jobbing concern, but people in large measure from New York who had gone up to Alaska and agreed to put in $1,000,000 in building a little railroad there about 52 miles in length. They had built about 21 miles and found it was so very expensive to build a road up there that they asked to be relieved from this tax or license fee of $100 a mile for the remaining course of about 40 miles.

To illustrate that, Mr. Speaker, I have only to say it costs to get freight up there between three and four hundred dollars a ton, which at once you can see is out of all proportion as compared with the ideas we usually have for transportation. They pay 30 cents a tie at Seattle, and it costs them a dollar when they get it up there, purely by reason of the extra expense of freight. Now it seemed to us that if this road was built it would be a great advantage to the people of Alaska. It would

open up from the river up to the interior, where the freight would be reduced many times, and the result would be it would be of immense value to those who have interests there. Now, I think I am as much opposed to granting subsidies to railroads or to shield railroads from contributing their just share of taxation as any ordinary man, but it did not seem to me what they asked was anything unusual, anything wrong, or done with the purpose of getting anything out of the Government.

They found in building that road it has cost much more than they thought it would and many times what it cost to build a railroad in ordinary places. They were willing to put in over $1,000,000 of money—their indebtedness was only about $200,000—to build 52 miles of road, and if they could be relieved from paying this tax or license of a hundred dollars per mile they would go on and build that road within the next few years, and it seemed to the committee—the entire committee I think—that it was very proper that they should make this demand and very proper that we should grant it. I do not remember Mr. Duvall stating that he was asking something he thought he would not receive, as the gentleman from Indiana thinks he did state. If he did it was probably because he was aware he was before a very conservative committee that would look and see if there were any cats in the meal anywhere. Now, there was not one of the committee who did not believe that this was an honest company which, if relieved from a hardship which was almost impossible for them to bear, would construct this little road over this 52 miles. I hope the bill will pass.

Mr. BRICK. Mr. Speaker, how much time have I remaining?

The SPEAKER. What time did the gentleman use himself in opening debate?

Mr. BRICK. I used no time.

The SPEAKER. The gentleman has ten minutes remaining.

Mr. BRICK. I yield five minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, this is an exceptional case if there ever was one. These men propose to construct a railroad on the Seward Peninsula in Alaska from a point 35 miles from Nome, running along the Solomon River to Council City, a distance of about 50 miles. They have found it extremely difficult to build. The road has to be laid upon an icebound foothold which never thaws. The season is very short and there are only four months in the year in which to construct this road, and after it is constructed there are only four months in the year in which it can be operated. The Western Alaskan Construction Company came and asked for a very slight concession here. It is very necessary that they should have it, because they have already put a million dollars up there in the way of a road and in the way of material. They are losing the interest on that, and when they undertake to reckon any income at present it is absolutely on the other side of the account. They have nothing to speak of, nor will they have until the road is completed up to Council City.

The development of Alaska is more dependent upon the railroads than upon anything else in the world, and railroads are as good as money itself to the country, for they will open up the Territory; they will open up and develop property that must yield enormous revenue eventually to the Government, and the sooner the railroads are built, the sooner that revenue will begin to accrue.

The gentleman from Indiana [Mr. ROBINSON] has cited facts that are irrelevant, in my judgment—saying that there is so much tax on breweries, and so much tax on saloons and billiard rooms and that sort of thing—and gives that as a reason why railroads should be taxed. These breweries, saloons, and billiard rooms are not necessary to the development of the country, but railroads are necessary to its development. There is enormous mineral wealth there, and this wealth can only be brought out of the ground and into use by railroads. These men have the entire equipment of their road there ready to lay down, and they have only been able to lay about 10 miles a year, and they have only four months in each season in which to do that.

Mr. Speaker, I think it is apparent to the Members of this House that they are granting a very small favor in passing this bill.

The SPEAKER. Does the gentleman from Indiana desire to consume any more time?

Mr. BRICK. I would like to ask my colleague if he wishes to occupy any more of his time.

Mr. ROBINSON of Indiana. Is the gentleman going to have a speech to close?

Mr. BRICK. I may say something myself.

Mr. ROBINSON of Indiana. I have nothing further to offer. I have no call for time.

Mr. BRICK. I will ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROBINSON of Indiana. I call for a division, Mr. Speaker.

The House divided; and there were—ayes 70, noes 12.

So (two-thirds having voted in favor of the motion) the rules were suspended and the bill was passed.

The SPEAKER. The bill H. R. 13744, being a similar bill, now on the House Calendar, will, without objection, lie on the table.

There was no objection.

AMERICAN RAILWAY APPLIANCE EXHIBITION.

Mr. MORRELL. Mr. Speaker, I move to suspend the rules and call up Senate joint resolution 79, which I have been instructed by the Committee on the District of Columbia to call up, instead of the House joint resolution 160. The resolution has already been read before the House and passed through the committee, and I would like to have it called up.

Mr. MANN. Mr. Speaker, I ask for a second.

The SPEAKER. The Clerk will report this joint resolution by its title.

The Clerk read as follows:

Joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

Mr. PAYNE. I would like to submit an inquiry to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania says that this is a similar bill to the House bill, that the bill has already been read before the committee at a former sitting, and asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. PAYNE. Right there, reserving the right to object, I would like to ask the gentleman if he has incorporated in that bill the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], or if he will do so?

Mr. MORRELL. If it is not incorporated, I will have it incorporated.

Mr. PAYNE. I will ask the gentleman to incorporate that.

Mr. MORRELL. All right, sir; I will.

The SPEAKER. The gentleman, then, modifies his motion, and as the Chair understands, the motion will be to suspend the rules and pass the Senate bill with an amendment.

Mr. MANN. I do not know when the parliamentary status will be reached, but when that point is reached I wish to demand a second.

The SPEAKER. That time has not arrived yet. Has the gentleman from Pennsylvania or the gentleman from New York the amendment referred to?

Mr. PAYNE. I have not the amendment.

Mr. MORRELL. The amendment was attached to the bill at the Clerk's desk.

Mr. PAYNE. Mr. Speaker, I withdraw my suggestion to the gentleman from Pennsylvania. I find that is another bill.

The SPEAKER. The gentleman withdraws his objection, and the motion will operate upon the Senate bill. The gentleman from Illinois demands a second. Is unanimous consent given that a second be considered as ordered? The Chair hears no objection. The gentleman from Pennsylvania [Mr. MORRELL] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. MORRELL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, as the gentleman from Pennsylvania [Mr. MORRELL] declines to explain to the House the nature of his bill, it is incumbent upon me to take my time for that purpose.

This bill is a bill proposing to give for private exhibition purposes a portion of the Washington Monument grounds lying between the Washington Monument and the Executive Mansion—that is, at the intersection of B street and Fourteenth street, on the northerly side of the Washington Monument grounds.

Mr. SLAYDEN. Between that and the Corcoran Art Gallery?

Mr. MANN. Between B street and the Washington Monument:

Use of the public reservation fronting on the south side of B street, between Fourteenth street and Sixteenth street.

This authority is granted to the American Railway Appliance Exhibition.

It is the intention to hold an international railway congress in Washington, I think, in May next. Some of the manufacturing establishments of the country who are associated as the

Railway Appliance Exhibition desire to have at the same time an exhibition of railway appliances, and for this purpose they ask permission to make use of that Washington Monument lot between the dates of March 20 and May 25. This is the same proposition which was before the House on Friday last, when I raised a point of no quorum.

Mr. Speaker, I am very strenuously opposed to the passage of any bill of this character for the reasons which I then stated, and which I may state briefly now. We have had a debate this afternoon which illustrates the effect of the passage of a bill like this. If it were a new proposition to grant the use of the Pension or any other public building for the inaugural ball in this city, the proposition would not be entertained favorably by one-tenth of the Members of this House.

Now, here is the entering wedge wherein they propose to commence to grant to exhibitions and expositions, conventions and congresses, which convene in Washington the use of a portion of the public-park system. In my own city of Chicago, which I have the honor in part to represent, in addition to the great public parks which we have there, the citizens are to-day, through their proper authorities, spending millions of dollars of money for the creation of what they call "small parks," playgrounds for the children, and convenient for the purposes for which they are designed.

The Washington Monument grounds ought to be preserved as a public park, free from spoliation by anybody. All of the parks in Washington, in my judgment, ought to be preserved for park purposes, an not for exhibition purposes; and if this bill becomes a law, granting to these very worthy and very estimable gentlemen engaged in a laudable purpose the right to use this park for exhibition purposes, Congress will not be able in the future to refuse to follow the precedent and give to any other convention or exhibition that comes along the right to use a public park.

And, Mr. Speaker, of all the public parks in Washington which ought not to be used in such a way, this is the principal one; right at the base of the Washington Monument, right between the Washington Monument and the Executive Mansion.

I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Is there any provision in this bill for the licensee to restore the grounds, after he has used them, to their original status?

Mr. MANN. I see that there is such a provision in section 5 of the bill. I reserve the balance of my time, Mr. Speaker.

Mr. GAINES of Tennessee. Is there any security given with that?

Mr. MANN. The gentleman from Pennsylvania [Mr. MORRELL] can answer that in his time better than I can in mine.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman in charge of the bill what security is to be given in this bill by this company to restore the grounds after they have been used?

Mr. MORRELL. I understand on looking over the bill that there is no provision for such security, and I would be willing to accept an amendment embodying a provision that such security shall be given before the use of the grounds is allowed.

Mr. GAINES of Tennessee. I would state, Mr. Speaker, if the gentleman will yield to me for just a moment, that in the arrangement for the St. Louis Exposition grounds, there was a provision by which the exposition company placed a large sum of money aside for the purpose of restoring the grounds and making them exactly as they were when the exposition concern took charge of them. Certainly such a provision ought to be made here if this bill is to pass.

Mr. MORRELL. I will state to the gentleman from Tennessee that I overlooked section 5, which provides that—

> The said general committee shall also, by proper bond, approved by said Commissioners, save the District of Columbia harmless from any claims for damages arising in any manner from their occupation of public space under this act.

Mr. GAINES of Tennessee. Now, if the gentleman will yield just a little bit further——

Mr. MORRELL. Yes.

Mr. GAINES of Tennessee. That language does not exactly cover what I have in mind. The authorities might decide that there has been no damage. In other words, that great deep sink holes dug in the ground, and changes of that kind, do not constitute an actual damage, when we know that it would be a damage to the appearance of the grounds and to public safety. There ought to be a provision requiring them to put the ground back into the same condition in which they find it.

Mr. MORRELL. If the gentleman will draft an amendment of that kind to the section, I shall be glad to accept it and ask that it be incorporated in the bill.

Mr. GAINES of Tennessee. I will draft the amendment and submit it to the gentleman from Pennsylvania.

Mr. MORRELL. Mr. Speaker, I have examined the amendment drawn by the gentleman from Tennessee and I accept it.

The SPEAKER. The gentleman can not accept an amendment under a motion to suspend the rules. Unanimous consent may be given to offer the amendment, and as the Chair supposes that is the intention of the gentleman, the Chair will direct the Clerk to report the amendment.

The Clerk read as follows:

> Insert at the end of the act the following words: "And for the restoration of the grounds to their original condition."

So that it will read:

> Save the District of Columbia harmless from any claim for damages arising in any manner from their occupation of public space under this act, and for the restoration of the grounds to their original condition.

The SPEAKER. Is there objection to modifying the motion to suspend the rules so as to let the motion cover the amendment as well as the Senate bill?

Mr. MANN. Mr. Speaker, because I think the bill is too bad to be perfected by one amendment, although it is a good one, I object. Does the gentleman wish to use any more of his time at present?

Mr. MORRELL. Mr. Speaker, I think the House has been sufficiently inflicted by me as far as this bill is concerned, and as I have no particular desire to hear the sound of my own voice I do not care to consume any more of my time.

Mr. MANN. I yield to the gentleman from Georgia [Mr. MADDOX] such time as he desires.

Mr. MADDOX. Mr. Speaker, I shall not take up any very great length of time, except to concur with the gentleman from Illinois [Mr. MANN] that we are about to establish a precedent now, as we have done in a great many other cases, a precedent to which there will be no end; and, as suggested by the gentleman from Texas sitting beside me [Mr. BURLESON], a dangerous and far-reaching precedent. I think now is a good time to stop it. Being opposed to it, I propose to take advantage of every honorable method to defeat the bill. One of those methods is to require the presence of about 190 men to pass the bill according to law.

The SPEAKER. As many as favor suspending the rules and passing the bill——

Mr. HILL of Connecticut. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HILL of Connecticut. I should like to call the attention of Members, so that we may vote understandingly, to the fact that in the second line of the bill authority is granted—

> under such restrictions as the Secretary of War may deem necessary.

So that it will be entirely possible for him to prescribe that the grounds shall be restored to their original condition, if he sees fit to do so. But you must trust entirely to the discretion of the Secretary in that respect.

Mr. MANN. I yield three minutes more to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I quite agree with my friend from Illinois [Mr. MANN] and my friend from Georgia [Mr. MADDOX] that we should not pass this bill. We are suffering to-day from doing something that we ought not to have done at first, as the gentleman from Illinois [Mr. MANN] has very well said. We are setting a precedent for doing what? For putting a manufacturing concern of some sort, an exhibition—where? Right under the shadow of the Washington Monument and hard about the shades of the White House. People go to look at the Washington Monument—as they should do—from all over the world, and the very first thing they would see is this building, and they would say, "Well, what sort of a manufactory have you right at the base of the Washington Monument? Did Washington have anything to do with this?" How can you associate that sublime structure, that magnificent monument, with a lot of great shrieking machinery on one side of that sacred shaft? Why, Mr. Speaker, I would as soon think of putting a locomotive shop in a graveyard as to think of placing this building within the precincts, the sunshine and shadows, of that shaft that marks the memory of the Father of our Country.

I am surprised that the gentleman from Pennsylvania, who is so industrious, so patriotic, who is an honor to his State on stated occasions [laughter], with his tight clothes, and his long epaulets, and his shining sword, and his great captivating Napoleonesque hat [laughter], should come here, Mr. Speaker, and propose this outrage, putting this building within the sunshine and the glory of the precincts about that magnificent Monument; of having a lot of shrieking, whistling, smoking machinery and greasy men laboring around about that place. [Laughter.]

Mr. MORRELL. Mr. Speaker, I feel that I must at least pay the compliment to the gentleman from Tennessee of thanking him for the charming picture which he paints of me, one which, of course, will go down now to history, having been said by the gentleman upon whom Tennessee relies.

I remember a verse that appeared not long ago in one of the papers published in the District, which went something like this:

JOHN WESLEY GAINES, JOHN WESLEY GAINES,
Thou of stupendous brains;
Tennessee on thee relies,
JOHN WESLEY GAINES.

[Laughter and applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I have heard the gentleman from Pennsylvania accused of everything in the world but having "stupendous brains." [Laughter.]

Mr. MORRELL. No; thank God! Never in that vein. [More laughter.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds not having voted in the affirmative, the motion was lost.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bill:

H. J. Res. 176. A joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month; and

H. R. 14468. A bill to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the consideration of letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for a corps of student interpreters in Japan and Korea, and the same was referred to the Committee on Foreign Affairs.

ADJOURNMENT.

And then, on motion of Mr. PAYNE (at 4 o'clock and 30 minutes), the House, under its previous order, adjourned until Wednesday next at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for steam light-house tender for Hawaiian waters—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Chief Clerk of the House of Representatives, submitting an estimate of appropriation for deficiencies in the account of expenses of special and select committees—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for rebuilding the superstructure of the light-house at Horseshoe Reef—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting the annual report of the Director of the Bureau of the American Republics—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Chairman of the Interstate Commerce Commission, transmitting the eighteenth annual report of the Commission—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a statement of the condition of the work of construction of public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a keeper's dwelling and boathouse at the light station at Sunken Rock, St. Lawrence River, New York—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of an oil house at Point Reyes (California) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for an oil house at the Point Arena (California) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a brick oil house at Piedras Blancas (California) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of a light-house tender for the twelfth light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation to reconstruct the range lights and fog-signal house at East Superior, Wis.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for repairs of range lights in the channel entering the harbor at Toledo, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of keeper's dwelling at the Genesee (New York) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for site and construction of a keeper's dwelling at Black River (Ohio) light-station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for repairs to the light-house tender *Manzanita*—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for a site for an addition to the Washington post-office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for continuing the construction of the United States penitentiary at Atlanta, Ga.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting, with a letter from the Commissioner of the United States on the International Prison Commission, a report on the subject of tuberculosis—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the auditors of Porto Rico on receipts and expenditures from November, 1903, to October, 1904—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the receipts and disbursements by the treasurer of Porto Rico from November, 1903, to October, 1904—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BONYNGE, from the Committee on Patents, to which was referred the bill of the House (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, reported the same without amendment, accompanied by a report (No. 3147); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16692) granting a pension to Gertrude L. Tallman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16227) granting an increase of pension to John Morrison—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16760) for the relief of William Edward Bailey—Committee on Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 16727) to pay heirs of John Sevier, sr., for certain military services rendered to the United States by said John Sevier, sr.—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13368) to pension army teamsters—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCARBOROUGH: A bill (H. R. 16781) to make an additional appropriation for post-office and court-house building at Florence, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A bill (H. R. 16782) to amend the internal-revenue laws—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: A bill (H. R. 16783) granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas—to the Committee on Rivers and Harbors.

By Mr. SOUTHWICK: A bill (H. R. 16784) to give the United States Marine Corps the same pay as the Ordnance and Engineer Corps of the United States Army receive—to the Committee on Naval Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 16785) to enable the Secretary of the Treasury to extend, enlarge, and improve the post-office and custom-house building at Springfield, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 16786) for the erection of a public building at Chippewa Falls, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HINSHAW: A bill (H. R. 16787) to give each soldier of the civil war a land warrant—to the Committee on the Public Lands.

By Mr. MORGAN: A bill (H. R. 16788) for the erection of a public building at Ironton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BASSETT: A bill (H. R. 16789) for the prevention of fire from electrical apparatus on steam vessels carrying passengers—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: A bill (H. R. 16790) making Norwalk, Conn., a subport of entry—to the Committee on Ways and Means.

By Mr. BRICK: A bill (H. R. 16791) establishing regular terms of the United States circuit and district courts at South Bend, Ind.—to the Committee on the Judiciary.

By Mr. RODEY: A bill (H. R. 16792) providing that all contributions exceeding $50 in amount hereafter made to the expenses of political parties at elections where Presidential electors and Representatives or Delegates in Congress are chosen shall be reported to the clerk's office of the district court of the United States or Territory for the district in which the donors reside, and for the publication of such reports—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, a bill (H. R. 16793) to amend section 1854 of the Revised Statutes of the United States, restricting appointments to office of members of the legislative assemblies in Territories—to the Committee on the Territories.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16794) providing for an additional appropriation for the public building at Flint, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 16795) authorizing the appeal of a test case from the citizenship court of the Indian Territory to the circuit court of appeals of the eighth circuit at St. Louis and to determine the legal status of intermarried citizens and their descendants—to the Committee on Indian Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 16796) to provide for the further construction of locks and dams on the Cumberland River, and making appropriations therefor—to the Committee on Rivers and Harbors.

By Mr. HOWELL of New Jersey: A bill (H. R. 16797) for the purchase of a post-office building at Asbury Park, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: A bill (H. R. 16798) authorizing and directing the Secretary of the Interior to sell certain tracts of land in the counties of Wabasha and Dakota, State of Minnesota, which have been allotted to certain Indians and to purchase for said Indians or their heirs other lands in lieu thereof—to the Committee on Indian Affairs.

By Mr. TAWNEY: A bill (H. R. 16799) making Texas City, Tex., a subport of entry in the customs collection district of Galveston—to the Committee on Ways and Means.

By Mr. CONNELL: A bill (H. R. 16800) to regulate the immigration of aliens into the United States, its Territories, possessions, and the District of Columbia—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 16801) to prevent the naturalization of anarchists, and so forth—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: A bill (H. R. 16802) to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, and so forth—to the Committee on the District of Columbia.

By Mr. MEYER of Louisiana: A bill (H. R. 16803) for the advancement of officers of the Navy below the rank of rear-admiral—to the Committee on Naval Affairs.

By Mr. DIXON: A bill (H. R. 16804) to amend article 1, chapter 1624, Statutes of the United States of America, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect"—to the Committee on Indian Affairs.

Also, a bill (H. R. 16906) to amend section 12, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment"—to the Committee on Indian Affairs.

By Mr. BRICK: A concurrent resolution (H. C. Res. 66) for the publication and binding of 6,000 copies of the Biography of the Signers of the Declaration of Independence, 4,000 for use in House, 2,000 for Senate—to the Committee on Printing.

By Mr. LOVERING: A concurrent resolution (H. C. Res. 67) directing the Secretary of War to cause an examination and survey to be made and to submit the cost of building a sea wall at Hull, Mass.—to the Committee on Rivers and Harbors.

Also, a concurrent resolution (H. C. Res. 68) directing the Secretary of War to cause an examination and survey to be made and estimate submitted of the cost of restoring Green Harbor, at Marshfield, Mass., to meet the demands for a harbor of refuge—to the Committee on Rivers and Harbors.

Also, a concurrent resolution (H. C. Res. 69) directing the Secretary of War to cause an examination and survey to be made and estimate the cost of improving the harbor at Wareham, Mass., to meet the demands of commerce—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A concurrent resolution (H. C. Res. 70) relative to the collection of war statistics—to the Committee on Labor.

By Mr. SHEPPARD: A resolution (H. Res. 405) to expedite the distribution of public documents in the House folding room—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 16805) granting a pension to Fred A. Bird—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 16806) granting a pension to Mariam T. Shreve—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16807) granting an increase of pension to E. C. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16808) granting an increase of pension to A. J. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16809) granting an increase of pension to Patrick Colter—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16810) granting an increase

of pension to Christian White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16811) granting an increase of pension to Thomas Blyth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16812) granting an increase of pension to William H. Nix—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16813) granting an increase of pension to Laura A. Hinkley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16814) granting an increase of pension to William S. Lyon—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16815) granting an increase of pension to Michael L. Essick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16816) granting a pension to Matilda Merrick Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16817) granting a pension to B. Annie Hughes—to the Committee on Invalid Pensions.

By Mr. BROWN of Wisconsin: A bill (H. R. 16818) granting an increase of pension to Levi Fleming—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 16819) for the relief of the estate of Harriet G. Woods, deceased, late of Hawkins County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 16820) granting an increase of pension to Elkanah M. Wynn—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 16821) to fix the grade on the retired list of Col. James W. Powell, United States Army—to the Committee on Military Affairs.

By Mr. CLARK: A bill (H. R. 16822) granting an increase of pension to George W. Simon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16823) granting an increase of pension to Peter M. McNelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16824) granting an increase of pension to John L. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16825) granting an increase of pension to W. H. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16826) granting an increase of pension to James Leavy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16827) granting a pension to Lizzie Hunter—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 16828) granting an increase of pension to James Spaulding—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 16829) granting an increase of pension to James Reeder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16830) granting an increase of pension to James S. Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16831) granting an increase of pension to Isaac Hanks—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 16832) granting an increase of pension to William Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16833) granting an increase of pension to Susan R. Lovell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16834) granting an increase of pension to Thomas Harris—to the Committee on Pensions.

Also, a bill (H. R. 16835) granting a pension to Mary E. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16836) granting an increase of pension to Henry Chubb—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 16837) granting an increase of pension to Frances J. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16838) granting an increase of pension to John Shelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16839) granting an increase of pension to Philo N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16840) granting an honorable discharge to James M. Rogers—to the Committee on Military Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 16841) for the relief of the heirs of Andrew E. Hodges, deceased, late of Florida—to the Committee on War Claims.

By Mr. DE ARMOND: A bill (H. R. 16842) granting an increase of pension to Lydia P. Kelly—to the Committee on Pensions.

Also, a bill (H. R. 16843) granting an increase of pension to Henry Mountz—to the Committee on Invalid Pensions.

By Mr. DRESSER (by request): A bill (H. R. 16844) referring the claim of the legal representatives of George Chorpenning, deceased, against the United States to the Court of Claims—to the Committee on Claims.

By Mr. DWIGHT: A bill (H. R. 16845) granting an increase of pension to Orion B. Stone—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 16846) granting a pension to Henry Langley—to the Committee on Pensions.

By Mr. FLACK: A bill (H. R. 16847) granting a pension to Carrie F. W. Durkee—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16848) granting a pension to Ellen F. Fahey—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16849) granting a pension to E. H. Holden—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 16850) to correct the military record of William Hommelsberg—to the Committee on Military Affairs.

Also, a bill (H. R. 16851) granting an increase of pension to Ephraim Marble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16852) granting an increase of pension to William H. Etts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16853) granting a pension to Alfred Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16854) granting a pension to De Witt C. Foreman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting a pension to Thomas Watt—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16856) granting an increase of pension to Nathaniel T. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16857) granting a pension to Henry Dillard—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 16858) granting an increase of pension to Myron G. Watrous—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 16859) granting an increase of pension to James Shaw—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 16860) granting an increase of pension to Edwin A. Kennedy—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 16861) granting an increase of pension to Mary L. Walker—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 16862) granting an increase of pension to Samuel Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16863) granting an increase of pension to Francis M. Ross—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16864) granting an increase of pension to George M. Tuley—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 16865) granting an increase of pension to John W. McCauley—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 16866) granting a pension to Elizabeth H. Nicholls—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 16867) granting a pension to Deborah W. Annable—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16868) granting an increase of pension to Isaiah E. Mehring—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 16869) granting a pension to William O. Pierce—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 16870) granting an increase of pension to Milton M. Boggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16871) granting an increase of pension to Melvin J. Lee—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 16872) granting an increase of pension to Fannie M. Bristol—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 16873) granting an increase of pension to Frederick Swett—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 16874) granting an increase of pension to Reuben Terry—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16875) granting an increase of pension to Simon A. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16876) granting an increase of pension to Samuel Nicholas—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16877) granting an increase of pension to Samuel Grimes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16878) granting an increase of pension to William Spriggs—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 16879) granting a pension to William H. Brown—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16880) for the relief of the estate of Thomas Walters—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 16881) for the relief of the heirs of Harry A. E. Pickard—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 16882) for the relief of Francisco Armijo—to the Committee on War Claims.

Also, a bill (H. R. 16883) granting an increase of pension to James T. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16884) granting an increase of pension to Sebastian Maxsam—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 16885) granting an increase of pension to James Cronwhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16886) granting an increase of pension to William C. Scofield—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16887) granting an increase of pension to James Louden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16888) granting a pension to Charles E. Benson—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16889) granting an increase of pension to Oregon Boughner—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16890) granting an increase of pension to Philander G. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16891) granting an increase of pension to Charles Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16892) granting an increase of pension to George W. Hoynes—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 16893) to relieve James Faerly (or Farley) from the charge of desertion—to the Committee on Military Affairs.

By Mr. SPERRY: A bill (H. R. 16894) granting an increase of pension to Jeremiah Conner—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 16895) granting a pension to Wilmot Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16896) granting an increase of pension to Thomas Reynolds—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16897) granting a pension to Mary Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16898) granting an increase of pension to Stephen B. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16899) granting a pension to Margaret S. Sturges—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 16900) for the relief of James Welch—to the Committee on Claims.

By Mr. VREELAND: A bill (H. R. 16901) granting an increase of pension to Mary E. Olmsted—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 16902) to release William H. Flaherty, of New York City, from a portion of his liability as contractor for the light-house in the Chesapeake Bay, near the mouth of the Craighill channel, to be known as the Baltimore light-house—to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 16903) to amend the military record of Robert J. Wallace, late of Company C, Twenty-eighth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 16904) granting a pension to Louis Sherard—to the Committee on Pensions.

By Mr. WRIGHT: A bill (H. R. 16905) to correct the military record of George J. Johnson, Company B, Fortieth New Jersey Volunteer Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Merchants and Manufacturers' Association, of Pittsburg, Pa., in favor of pneumatic-tube service—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Resolution of Stonecutters' Association of Buffalo, N. Y., opposing the substitution of granite for Ohio sandstone in the Cleveland Federal building—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELL: Affidavits to accompany bill for relief of Felix G. Stidger—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of citizens of Richardson County, Nebr., for prohibition of intoxicating liquors in Indian Territory statehood bill—to the Committee on the Territories.

By Mr. BURLEIGH: Resolution of Lamoine Grange, No. 264, in favor of establishing a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. BURTON: Petition of Edward A. Williams and Walter E. Bennett, of Cleveland, Ohio, in favor of granting further powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. Schmitt and 4 other citizens of Cleveland, Ohio, in favor of granting further powers to Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. E. Cornell and 14 other citizens of Cleveland, Ohio, in favor of restriction of liquor traffic—to the Committee on Ways and Means.

By Mr. CAPRON: Papers to accompany bill H. R. 15914, granting an increase of pension to David A. Carpenter—to the Committee on Pensions.

Also, petition of the Woman Suffrage League, of Pawtucket, R. I., against restriction of suffrage in Arizona and Oklahoma on account of sex—to the Committee on the Territories.

Also, resolution of the Building Trades Council of Pawtucket, R. I., in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CASSINGHAM: Papers to accompany bill H. R. 16332, for relief of Herbert O. Kohr, granting him a pension—to the Committee on Pensions.

By Mr. CURTIS: Resolution of the local union of United Mine Workers of America of Leavenworth, Kans., in favor of bill H. R. 89—to the Committee on the Judiciary.

Also, resolution of Helpers' Division Lodge No. 9 of the Brotherhood of Boiler Makers, of Horton, Kans., in favor of ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Lodge No. 34, of the Brotherhood of Boiler Makers, of Topeka, Kans., in favor of ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Typographical Union of Atchison, Kans., in favor of the eight-hour bill—to the Committee on Labor.

By Mr. CUSHMAN: Resolution relating to the right of Alaska to representation in Congress—to the Committee on the Territories.

By Mr. DALZELL: Resolution of the Oakland Board of Trade, Pittsburg, Pa., relative to river improvements—to the Committee on Rivers and Harbors.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 11810, for a public building at Red Wing, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: Petition and affidavits relative to the matter of John Hood *v.* The United States—To the Committee on Claims.

By Mr. DOUGLAS: Petition of Hon. Seth Low and others, asking that provisions be made for such collection of statistics of and relating to marriage and divorce as shall bring the report on this subject which was made by the Department of Labor under an act of March, 1887, down to the latest practicable date—to the Committee on the Census.

By Mr. FINLEY: Petition of Henry Langley, praying for relief by special pension legislation—to the Committee on Pensions.

By Mr. FITZGERALD: Resolution of the United Confederate Veterans, favoring legislation to provide for the care of the graves of Confederate soldiers in Northern States—to the Committee on Military Affairs.

By Mr. FLOOD: Petition asking the passage of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Michigan: Papers to accompany bill for relief of William H. Etts—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Thomas Watt—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Lemuel S. Ranney—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Ephraim Marble—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: Petition asking for legislation increasing pension of John Hart, of Fayette, N. Y.—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Papers to accompany bill (H. R. 16750) for the relief of Charles Uerkvitz—to the Committee on Claims.

By Mr. HAMLIN: Papers to accompany claim of Joseph J.

Bodenheimer, Company E, Seventy-second Regiment Missouri Militia—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of the Methodist Episcopal Church of Waitsfield, Vt., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAY: Petition of citizens of Virginia, in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: Petition of citizens of Vincennes, Ind., asking for the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of South Omaha Live Stock Exchange, favoring the enactment of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petition of the Poquet Motor Company, of Westport, Conn., favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of the C. C. Cobb Company, of York, Nebr., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolution of the Nebraska Bankers' Association, in favor of reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. KINKAID: Petition of citizens of Nebraska, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. KNAPP: Papers to accompany bill H. R. 15855, granting increase of pension to Loren T. Austin—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16417, granting increase of pension to Silas I. Baker—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Resolution of General John Sedgwick Post, No. 37, Grand Army of the Republic, of York, Pa., requesting the passage of bill H. R. 6506, granting a pension to Samuel B. Gray—to the Committee on Invalid Pensions.

Also, resolution of Corporal Skelly Post, No. 9, Grand Army of the Republic, of Gettysburg, Pa., urging passage of bill H. R. 16683, granting a pension to Jesse Peters—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of United Confederate Veterans of New Orleans, La., requesting that Congress take appropriate action looking to the care and preservation of the graves of the Confederate dead—to the Committee on Military Affairs.

By Mr. LITTAUER: Papers to accompany House bill granting increase of pension to Fannie M. Bristol—to the Committee on Invalid Pensions.

By Mr. MACON: Papers in support of bill granting an increase of pension to Reuben Terry—to the Committee on Pensions.

By Mr. McMORRAN: Petition of citizens of Michigan, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Michigan, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. MEYER of Louisiana: Petition of citizens of Louisiana, in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. MIERS of Indiana: Papers to accompany House bill to increase the pension of Simon A. Snyder—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany bill granting an increase of pension to Samuel Grimes—to the Committee on Invalid Pensions.

Also, petition of citizens of Jackson, Ohio, asking for an increase of pension for William Spriggs—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10704—to the Committee on Claims.

By Mr. MURDOCK: Petition for remedial legislation in freight tariffs—to the Committee on Interstate and Foreign Commerce.

Also, petition of millers of Canton, Kans., in favor of the Lovering bill—to the Committee on Ways and Means.

Also, petition of citizens of Macksville and Stafford County, Kans., relative to the word "sex" in the statehood bill—to the Committee on the Territories.

Also, petition of millers of Wichita, Kans., in favor of the Lovering bill—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of heirs of William Loughridge, deceased, late of Washington County, Md., praying reference of war claim to the Court of Claims for use of his farm during the war of rebellion for $2,300—to the Committee on War Claims.

Also, petition of heir of Bridget Knott, deceased, late of Montgomery County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William T. Walters, of Poolesville, Montgomery County, Md., administrator of the estate of Thomas Walters, deceased, praying for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Resolution of the Oakland Board of Trade, Pittsburg, in favor of appropriations for improvement of Monongahela and Ohio rivers—to the Committee on Rivers and Harbors.

Also, petition of Hon. William C. Graham and Henry Wheeler & Son, of Allegheny, Pa., in favor of a bill liberalizing the customs-drawback law—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Niezer & Co., of Monroeville Ind., in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Papers to accompany bill granting a pension to Charles E. Benson—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: Papers to accompany bill for relief of James T. Jackson—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Resolution of Commercial Club of Minneapolis, Minn., relative to pneumatic-tube system—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN: Petition of business men of New York, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of the Grand Army of the Republic of Gowanda, N. Y., in favor of international congress—to the Committee on Foreign Affairs.

By Mr. VAN DUZER: Petition of citizens of Omaha, Nebr., and Charter Oak, Iowa, favoring the enactment of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *December 21, 1904.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

There were shepherds abiding in the field, keeping watch over their flock by night. And the angel of the Lord came upon them; and the angel said, "Fear not; for, behold, I bring you good tidings of great joy, which shall be to all people." And there was with the angel a multitude of the heavenly host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men."

Let us pray. Father, these holidays come to us and bring us back to the greatest of memories and the greatest of hopes. And Thou also art with us, to give us Thy strength, Thy life, and Thy joy. Thou wilt share our joys, and we, Father, will enter into Thine infinite love. Help us to help Thee, that we may press forward these glad tidings of peace on earth and good will among men; that we may enter into that service of Thine which shall bring men closer and closer to each other, and so closer and closer unto Thee.

We pray for this Senate. We pray for all who love and are loved by these who are here. We pray for all this nation, seeking God, if happily they can find Him, and remembering the blessing which came to us when He who is the Son of God was born in a manger. Father, we ask it in His name. Amen.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

An act (S. 1352) for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb;

An act (S. 1501) for the relief of James F. McIndoe;

An act (S. 1753) for the relief of Pay Clerk Charles Blake, United States Navy;

An act (S. 3199) for the relief of A. M. Short;
An act (S. 5088) to aid the Western Alaska Construction Company;
An act (S. 5567) to exclude from the Yosemite National Park, California, certain lands therein described and to attach to and include the said lands in the Sierra Forest Reserve; and
An act (S. 5704) to incorporate the American National Red Cross.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

An act (H. R. 2052) for the relief of Ramon O. Williams and Joseph A. Springer;
An act (H. R. 3109) for the relief of Noah Dillard;
An act (H. R. 3619) for the relief of David V. Howell;
An act (H. R. 3950) for the relief of W. R. Akers, of Alliance, Nebr.;
An act (H. R. 6351) to pay J. B. McRae $99 for services as hospital steward, etc.;
An act (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased;
An act (H. R. 9090) to provide United States registry for the steamer *Success;*
An act (H. R. 9091) to provide registry for the steamer *Marie;*
An act (H. R. 9758) for the relief of the heirs of George McGhehey for services rendered as mail contractor;
An act (H. R. 10089) for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.;
An act (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims;
An act (H. R. 11370) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire;
An act (H. R. 11664) to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River;
An act (H. R. 11802) for the relief of Adolph Spiegel as the successor of the firm of Spiegel, Finkelstein & Co.;
An act (H. R. 15011) to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation in the State of California, and for other purposes;
An act (H. R. 15981) to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi; and
An act (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co., license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. RUDOLPH FORSTER, one of his secretaries, announced that the President had on the 19th instant approved and signed the following acts:

An act (S. 3329) granting a pension to Mary E. Strong;
An act (S. 5184) granting a pension to Ethel Talley;
An act (S. 5263) granting a pension to Annie M. Eopolucci;
An act (S. 5484) granting a pension to Burnetta B. Lehmann;
An act (S. 2578) granting an increase of pension to Sylvester Beezley;
An act (S. 2745) granting an increase of pension to Thomas Howard;
An act (S. 2893) granting an increase of pension to Emanuel Morter;
An act (S. 3033) granting an increase of pension to Charles B. Williams;
An act (S. 3175) granting an increase of pension to Rachel H. Coleman;
An act (S. 3414) granting an increase of pension to Henry Wheeler;
An act (S. 3502) granting an increase of pension to Joseph W. Willis;
An act (S. 3640) granting an increase of pension to John S. Stevens;
An act (S. 3791) granting an increase of pension to Edwin J. Tenney;
An act (S. 4417) granting an increase of pension to Chadbourne H. Warren;
An act (S. 4690) granting an increase of pension to Andrew W. Switzer;
An act (S. 5416) granting an increase of pension to James A. Hopson;
An act (S. 5423) granting an increase of pension to Ellen J. Morton;
An act (S. 5492) granting an increase of pension to Mary T. Holden; and
An act (S. 5556) granting an increase of pension to Sarah A. Hoback.

The message also announced that the President had on the 20th instant approved and signed an act (S. 2114) to fix the rank of certain officers in the Army.

The message further announced that the President had on this day approved and signed an act (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 4 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Wednesday, January 4, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 21, 1904.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father, ever near to us, we draw near to Thee with inexpressible gratitude for life and all its attendant blessings—the golden fields of harvest which feed the body, the vast fields of knowledge which feed the mind, the rich fields of religion which feed the soul and make for righteousness.

At this season of the year we turn to Thee with peculiar gratitude for that greatest of all revelations which came to us in the incomparable life and character of Thy Son, who taught us to say Our Father, which makes the whole world akin. Help us, we beseech Thee, to hallow Thy name by living these eternal truths that Thy kingdom may come and Thy will be done on earth as it is in heaven.

Be very near to each of us, O God, our heavenly Father, as we separate for a little while to go to our homes, the dearest spot on earth, in remembrance of Thine own best gift to the world, and may we by our generosity and kindness to our loved ones, our friends, and especially to those who are less fortunate than we, get a little nearer to the Christ life, and bring us together again without the loss of any, richer, nobler, purer to do Thy work, and everlasting praise shall be Thine through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Monday last was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. FORSTER, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution of the following title:

On December 17, 1904:

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16445. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes; and

H. R. 15590. An act to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes."

REPORT OF COMMISSIONER OF CORPORATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the Commissioner of Corporations, covering the period from the organizaton of the Bureau to June 30, 1904.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 21, 1904.*

NATURALIZATION OF ALIENS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Immigration and Naturalization, and ordered to be printed:

The Senate and House of Representatives:

I transmit herewith, for your consideration, a report and recommendations from the Secretary of State of the United States on the subject of the naturalization of aliens in the United States.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 21, 1904.*

PERMITS FOR COMMITTEE ON INAUGURAL CEREMONIES.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to call up for passage Senate joint resolution No. 84, authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Senate joint resolution 84, authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the Senate joint resolution. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I ask that the resolution be reported, so that we can understand what it is.

The SPEAKER. The resolution has already been reported and considered by the House. Does the gentleman desire more than the title reported?

Mr. UNDERWOOD. We can not tell by the title what is contained in it.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the resolution may again be reported.

Mr. MORRELL. Mr. Speaker, before the resolution is again reported I would like to state that it is the resolution exactly as it came from the Senate. Having consulted with the members of the District of Columbia Committee, in view of the very evident desire of the House——

Mr. UNDERWOOD. Do I understand, Mr. Speaker, that the Chair holds that the reporting of the title of a resolution is reporting the resolution to the House?

The SPEAKER. By no manner of means. The Chair was under the impression, without considering the matter particularly, that on the consideration of a House bill touching the same subject it was read in full; but the Chair overlooked the fact that this is a Senate joint resolution. It has not been read in the full House, so that, without unanimous consent, the gentleman is entitled to have it reported, and in the judgment of the Chair it ought to be reported.

Mr. UNDERWOOD. I do not know that there is any objection in the world to the resolution——

The SPEAKER. If the gentleman from Alabama will permit the Chair to conclude—unless objection is made to its consideration prior to its being reported, and objection can be made if any Member desires to make it when the title is read, or the objection could be made after the joint resolution is read.

Mr. UNDERWOOD. I would say to the Chair that I do not know that I have any objection to the resolution, but in these unanimous-consent cases, where it commits every Member of the House to the proposition, I think the best practice is to have the resolution read.

The SPEAKER. The Chair quite agrees with the gentleman from Alabama, and without unanimous consent it is the right of any Member to demand the reading of the resolution; and, as it has not been read before, the Chair, upon his own motion, would direct the reading of it.

The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building, in the city of Washington, on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, subject to such restrictions and regulations as the said Secretary may prescribe in respect of the period and manner of such use.

SEC. 2. That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon, and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Superintendent of the United States Capitol Building and Grounds: *And provided further,* That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservation or spaces.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1905, to stretch suitable overhead conductors, with sufficient supports wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided,* That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further,* That the said conductors shall not be used for the conveying of electrical currents after March 7, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1905: *Provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further,* That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 4. That $18,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1905, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance and to make special regulations respecting the standing, movements, and operating of vehicles of whatsoever character or kind during said period. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100, in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth, belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided,* That the loan of the said ensigns, flags, signal numbers, and so forth, to said chairman shall not take place prior to the 28th day of February, and they shall be returned by him by the 10th day of March, 1905: *Provided further,* That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1905, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided,* That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1905.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of the streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1905: *Provided,* That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners: *Provided further,* That no temporary tracks shall be laid upon or over any of the parks of the city.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. The gentleman from Illinois reserves the right to object. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving also the right to object, I wish to call the attention of the House to the fact that the other day when this matter was under consider-

ation unanimous consent was granted to amend by requiring a bond with proper security, to be approved by the Secretary of War, to be given in order to enforce compliance with the requirements of the resolution. I therefore now suggest to the gentleman in charge of the bill, the gentleman from Pennsylvania [Mr. MORRELL], that the words "and provided that a bond with security, approved by the Secretary of War, to comply with the foregoing requirements be required" be inserted at the end of section 2, which is where it would properly follow.

Mr. MORRELL. Mr. Speaker, I accept the amendment suggested by the gentleman from Mississippi.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question in reference to this resolution. I would ask what committee reported this resolution to the House?

Mr. MORRELL. The original resolution with the amendments in the shape of a substitute was reported by the Committee on the District of Columbia.

Mr. UNDERWOOD. Was that the bill which was called up by the gentleman from Pennsylvania [Mr. MORRELL] several days ago on a motion to suspend the rules, and on which the House refused to suspend the rules?

Mr. MORRELL. Yes; that is the bill.

Mr. UNDERWOOD. Well, as that resolution, amended as it was by the Committee on the District of Columbia, came up and the House refused to suspend the rules, it went back to the Calendar still in the state it came from the committee, with the proposition to hold the ball in the Capitol instead of in the Pension building, did it not?

Mr. MORRELL. Yes.

Mr. UNDERWOOD. I desire to know whether the committee has taken any action since that time, or if it has authorized the gentleman from Pennsylvania [Mr. MORRELL] to call this matter up and present the Senate resolution instead of the resolution that was agreed upon by the Committee on the District of Columbia?

Mr. MORRELL. The committee was unable to have a formal meeting; but I have seen the members of the committee, and from a poll of those members have been instructed to ask unanimous consent for the present consideration of the Senate resolution.

Mr. UNDERWOOD. I would ask the gentleman if he can inform me how many members of the Committee on the District of Columbia have been in town since the day before yesterday, when the House refused to allow this matter to be considered?

Mr. MORRELL. There were ten members that I was able to see.

Mr. UNDERWOOD. Will the gentleman favor me with the names of the members who agreed outside of the committee to this proposition?

Mr. MORRELL. Messrs. SAMUEL W. SMITH, ALLEN, WADSWORTH, MORRELL, MORGAN, SLEMP, DAVIS of Minnesota, WILEY of New Jersey, MEYER of Lousiana, and POU.

Mr. UNDERWOOD. There has been no formal meeting?

Mr. MORRELL. There has been no formal meeting of the committee; it was impossible to get one.

Mr. UNDERWOOD. And the absentee members do not know that it is now proposed to change the proposition which came from the committee?

Mr. MORRELL. No; of course it would be impossible for them to know that, but in view of the discussion which was held before the committee when this matter came up I am of the opinion that the members of the committee who are not here would be very willing to have the Senate resolution substituted for the House resolution, particularly in view of the importance attached by the gentlemen in charge of this civic demonstration to having a decision arrived at at once. The matter was very thoroughly discussed by the committee at the time, and I think the gentleman from Minnesota [Mr. DAVIS], a member of the committee, will bear me out in the conclusion that I have stated.

Mr. DAVIS of Minnesota. I do, Mr. Speaker, most emphatically.

Mr. MORRELL. And I would also call upon the gentleman from Louisiana [Mr. MEYER], who was present and who knows what the temper of the committee was.

Mr. MEYER of Louisiana. Yes; that is so.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Pennsylvania will permit, I understand that this is coming on now by unanimous consent, and I would like to make a parliamentary inquiry, which is this: If unanimous consent is given for the consideration of this bill, would it then be in order to raise the question of consideration in the House—that is, without first objecting to unanimous consent, so that the whole House may determine whether they shall consider a bill reported under these circumstances? In other words, if I do not object, may I then raise the question of consideration?

The SPEAKER. This is a request for unanimous consent to consider a bill. The Chair knows nothing of any bill or resolution except the Senate resolution with the amendments as reported from the Committee on the District of Columbia, and the Chair has not caused them to be read, but if unanimous consent should be given, it would be touching a bill in existence, and that is on the files of the House with proposed amendments reported from the Committee on the District of Columbia. Now, if unanimous consent for consideration is given for this bill, it seems to the Chair that the gentleman could not then raise the question of consideration, because that would seek to immediately undo what had been done by the House.

Mr. UNDERWOOD. I am inclined to think the Chair is correct in the ruling. I merely wanted to know what my position was in the matter. I will say this to the gentleman from Pennsylvania [Mr. MORRELL], that I do not wish to be placed in the position of objecting to a bill of this kind for the inauguration of a President who belongs to an opposite political party than the one to which I belong. I think it would look inopportune and in bad taste for a direct objection to this bill to come from this side of the House, and therefore I do not propose to raise an objection to this bill for that reason myself, but I wish to say that I do not think it is a proper way to present a bill of this kind with a serious matter involved. Over three years ago by law the Congress of the United States notified these inaugural committees and the people of Washington that they must provide some place to hold this inaugural ball without endangering the public buildings here. If the Pension building was burned down it would destroy records there that could not be replaced. It would destroy evidence that might deprive hundreds and thousands of soldiers of their pension rights, and I think it is a very serious question to present to this House in this way without a quorum at this time, when a large number of the Members have left here and when nearly one-half of the committee which reported the bill are not here, and the gentleman from Pennsylvania proposes to make an entire change of tactics and ask to do something that the committee reported against. Now, I think, under these circumstances, the House ought not to consider this bill at this time, as there will be plenty of time after the Christmas holidays, and it is only because I do not think it is in good taste for an objection to this particular bill to come from this side of the House that I do not raise a personal objection to it myself.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, if I may I would like to ask the gentleman from Pennsylvania a question or two, if he is willing. As I understand, the Committee on the District of Columbia first voted in favor of the Library of Congress, and so reported the resolution. Is that correct?

Mr. MORRELL. Yes, sir; that is correct.

Mr. MANN. And then they switched and voted for the Capitol. Is that correct?

Mr. MORRELL. That is correct; yes.

Mr. MANN. Now they switch and vote for the Pension Office.

Mr. MORRELL. That action was taken by the committee, I will inform the gentleman, on account of the very evident disposition of the House day before yesterday, when this bill was under consideration, in favor of the Pension building, and it was only in view of the fact that I had received, being in charge of this bill, specific directions to report the bill with an amendment in the shape of a substitute that I did not agree to the request which was made by the gentleman from Mississippi.

Mr. MANN. Well, of course the gentleman understands very well I am not making any criticism of his action in the matter, but did the gentleman understand the other day that the people who voted against this proposition voted against it only because they were in favor of the Pension Office as against the Capitol?

Mr. MORRELL. No; some were evidently against any building being used, and I might say personally I am on principle opposed to having any Government building used myself, but at this time no other building is available, and it was, as I stated before, evident, very evident from the disposition which the House manifested day before yesterday, that they desired the Pension building.

Mr. MANN. The gentleman gives his opinion. I would disagree with the gentleman.

Mr. MORRELL. That was my opinion.

Mr. MANN. Does not the gentleman think that if the members of the Committee on the District of Columbia, which has

charge of this matter in the House, change their minds three times in the course of three or four days, that the membership of the House ought to have a chance to express its opinion. And at the present time there is not one-quarter of the membership of the House here.

Mr. MORRELL. By all manner of means. I have no objection to having as much discussion of the resolution as desired.

Mr. MANN. The gentleman understands that there is not 25 per cent of the membership of the House in the Chamber.

Now, will the gentleman turn to page 4 of the resolution and give a little light to me? I find this provision as reported to the House, on line 11, page 4:

> Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance and to make special regulations respecting the standing, movements, and operating of vehicles of whatsoever character or kind during said period.

Does not the gentleman understand that under that provision it is within the power of the District Commissioners to increase the cab fare as well as street-car fare? Probably they would not increase the street-car fare.

Mr. MORRELL. I think, Mr. Speaker, in view of the high character of the gentlemen who compose the Commission, that in all probability—in fact, I am sure—they would not do anything which would be unjust to the people who come here at the time of the inauguration.

Mr. MANN. Well, that is all right. The gentleman answers in a very good way, from his standpoint. What I want to know is whether the provision of this resolution authorizes the District Commissioners to increase the cab fare while our people from outside the District are here during that week; and if it does not, what is its purpose?

Mr. MORRELL. It was not done, I presume, with the idea of increasing the fare, but to keep the cabmen from overcharging those who come here.

Mr. MANN. But that could not be possible, I would state, because the statute now regulates the fare. Here we have a proposition giving to the Commissioners a right to change that and fix the fare, and we all know what will be the result, I will say to the gentleman.

Mr. MORRELL. Well, then, if the gentleman will make a motion to strike that out I will agree.

Mr. ALEXANDER. What would be the result if any change was made by the Commissioners?

Mr. MANN. I can not hear what the gentleman said.

Mr. ALEXANDER. You say you know what the result would be. What would it be?

Mr. MANN. I think that the result will be that cab fares will be doubled or trebled.

A MEMBER. Oh!

Mr. MANN. What other purpose is there in having such a provision in the resolution?

Mr. ALEXANDER. My opinion is that they would be regulated so that they could not double the fare.

Mr. MANN. They are already regulated; but this proposes to change the regulations we have already and give to the Commissioners the power to fix the fare. That is what it says in the resolution.

Mr. OLMSTED. What would prevent the House, when the resolution is under consideration, from providing that they shall not be increased?

Mr. MANN. The gentleman from Pennsylvania knows very well that it is not practicable, as a rule, to make such amendments to the language of a bill in the House. The committees are the proper places to do it; and in view of the fact that this resolution comes back to the House three times changed——

Mr. OLMSTED. Whatever was done in committee would not be effective unless passed by the House. I am sure no gentleman here wants the rates of fare increased, and I know for myself, once having had to pay $20 for a carriage to attend an inaugural ball, I do not want it any higher, and I will join with the gentleman in putting in such a limitation as he suggests.

Mr. MANN. I have great confidence in the Committee on the District of Columbia and their ability to perfect this resolution and put it in proper shape, notwithstanding the fact that they have changed their minds, and I therefore object.

The SPEAKER. Objection is made by the gentleman from Illinois.

ADJOURNMENT OVER THE HOLIDAYS.

Mr. DALZELL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned until Wednesday, January 4, 1905, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a light-house near Southwest bar shoals, Chesapeake Bay—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of appropriation for the Bureau of Animal Industry—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of the finances of the Department with detailed report of expenditures from the contingent fund, etc.—to the Committee on Expenditures in the Post-Office Department.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Venus*, Henry Dashiel, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Pilgrim*, Priam Pease, master—to the Committtee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Cincinnatus*, William Martin, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *General Warren*, Issacher Stowell, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brigantine *Eliza*, Thomas Woodbury, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Ceres*, Rothwell Roath, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ketch *John*, Henry Tibbetts, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Hawk*, Joseph Hart, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Neptune*, Hezekiah Flint, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Lucy*, Eliakim Benham, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Sally Butler*, Alexander Chisolm, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Two Friends*, Peter Pond, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eliza W. Harper, administratrix of estate of Thomas J. Whitman, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Noah Folts against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Lillard, administrator of estate of Benjamin Lillard, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lawrence H. Rousseau, Carrie M. Boone, Oliver P. Anderson, Jacob Bedtelyou, William B. Britton, Alfred A. Garlock, Samuel E. Hill, Maria Kerby, Elizabeth B. Waller, John H. Ward, and John S. White against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10137) to establish a naval militia and define its relations to the General Government, reported the same with amendment, accompanied by a report (No. 3148); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16133) granting a pension to Thomas J. Gibbs, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, PETITIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENRY of Connecticut: A bill (H. R. 16907) to secure the use of the United States rural mail equipment and to place the rural service on a paying basis—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: A bill (H. R. 16908) to amend section 5398 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BASSETT: A bill (H. R. 16909) authorizing the purchase or acquirement of land adjoining the Fort Hamilton Reservation, New York City—to the Committee on Appropriations.

By Mr. BOWERS: A bill (H. R. 16910) to provide for the purchase of a site and the erection of a public building thereon at Gulfport, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A bill (H. R. 16911) providing for a tax on wood alcohol—to the Committee on Ways and Means.

By Mr. GREGG: A bill (H. R. 16912) to create a new division of the eastern judicial district of Texas and to provide for terms of court at Palestine, Tex., and for other purposes—to the Committee on the Judiciary.

By Mr. HEPBURN: A bill (H. R. 16913) to provide a leprosarium for the segregation of lepers and to prevent the spread of leprosy in the United States—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16914) to provide for the investigation of leprosy with special reference to the care and treatment of lepers in Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: A bill (H. R. 16915) limiting the hours of labor for railroad employees—to the Committee on Interstate and Foreign Commerce.

By Mr. DENNY: A bill (H. R. 16916) to amend section 5480 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. ALLEN: A bill (H. R. 16917) to provide for condemning of the land necessary for joining Kalorama avenue and Prescott place—to the Committee on the District of Columbia.

By Mr. BEDE: A bill (H. R. 16918) authorizing the Zenith Terminal Company to construct a bridge over the St. Louis River—to the Committee on Interstate and Foreign Commerce.

By Mr. BONYNGE: A bill (H. R. 16919) to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado—to the Committee on the Public Lands.

By Mr. REEDER: A bill (H. R. 16966) granting relief to certain persons in the military and naval service of the United States during the period of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A joint resolution (H. J. Res. 182) directing the Secretary of War to submit plans and estimates for the improvement of the inlet to Three-mile Harbor, in town of East Hampton, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

By Mr. LIVINGSTON: A joint resolution (H. J. Res. 183) fixing the date of the election of electors for President and Vice-President and Representatives in Congress, and the date for the assembling of Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 16920) granting an increase of pension to Stilwell Truax—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16921) granting an increase of pension to Edward Weiford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16922) granting an increase of pension to John C. Baber—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 16923) granting an increase of pension to Laura C. De Vane—to the Committee on Pensions.

Also, a bill (H. R. 16924) granting a pension to Edward Ousley—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16925) granting an increase of pension to Harriet Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16926) granting an increase of pension to Van B. Straight—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 16927) granting a pension to Mary Soupene—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16928) granting an increase of pension to Edward Prentice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16929) granting an increase of pension to John Moore—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16930) granting a pension to Eliza Farnsworth—to the Committee on Invalid Pensions.

By Mr. DICKERMAN: A bill (H. R. 16931) granting an increase of pension to Elizabeth Gething—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16932) granting a pension to Louisa E. Cummings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16933) granting a pension to Mary E. Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16934) granting prize money to George W. Cromis—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 16935) granting a pension to Julius C. Crimder—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 16936) granting an increase of pension to James P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16937) granting an increase of pension to John T. Haskins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16938) for the relief of America Lawrence—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16939) granting an increase of pension to Alfred Rowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16940) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16941) granting an increase of pension to Gilbert W. Underdown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16942) for the relief of the personal representatives of John Gates, deceased—to the Committee on War Claims.

By Mr. GILLET of New York: A bill (H. R. 16943) granting an increase of pension to Lucy E. Rumer—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 16944) to remove the charge of desertion against William H. Springer, late a private in Battery H, First Rhode Island Light Artillery—to the Committee on Military Affairs.

By Mr. HARRISON: A bill (H. R. 16945) granting an increase of pension to Alvin B. Franklin—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16946) granting an increase of pension to William Huddleson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16947) granting an increase of pension to Nathaniel C. Sawyer—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 16948) granting an increase of pension to Julius Cox—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16949) granting a pension to Amos Martin—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 16950) for the relief of Nicholas Welter—to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 16951) granting a pension to Levi Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16952) granting an increase of pension to Henry Pierpoint—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16953) granting an increase of pension to John Ryan—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 16954) granting an increase of pension to Hamilton L. Dickey—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 16955) granting an increase of pension to Frederick Green—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 16956) granting an increase of pension to Joseph Uhll—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 16957) granting an increase of pension to Juliette L. Davidson—to the Committee on Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 16958) for the relief of Henry H. Bellas—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 16959) granting an increase of pension to Andrew J. Wilde—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16960) granting an increase of pension to Dominick Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16961) granting an increase of pension to Lydia McCardell—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 16962) granting an increase of pension to James J. Creigh—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 16963) granting a pension to Jane Elizabeth Simpson—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 16964) granting an increase of pension to Sires B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16965) granting an increase of pension to D. T. Morgan—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 16967) granting an increase of pension to Andrew R. McCurdy—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 16968) granting an increase of pension to John H. Ladd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16969) to remove the charge of desertion from the military record of Frederick Reck—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 16970) granting a pension to William F. Myers—to the Committee on Pensions.

By Mr. SLAYDEN: A bill (H. R. 16971) to grant an honorable discharge from the military service of the United States to Henry Schwetheim—to the Committee on Military Affairs.

By Mr. WARNER: A bill (H. R. 16972) granting a pension to John N. Bayles—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 16973) granting an increase of pension to Simon Millison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16974) to grant an honorable discharge to James C. Thorpe, and to pay a pension of $20 a month to his widow, Elizabeth I. Thorpe—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 16975) for the relief of the administrators, as such, of the estate of Ira T. Jordan, deceased—to the Committee on Claims.

By Mr. EMERICH: A bill (H. R. 16976) granting an increase of pension to Francis M. Baker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Toledo, Ohio, in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Charley Sheppards and 18 other residents of Indian Territory, remonstrating against the medical registration law—to the Committee on the Territories.

Also, petition of Kent & Purdy Paint Company, in favor of amending the customs-drawback law—to the Committee on Ways and Means.

Also, petition of the Anti-Saloon League of Illinois, William H. Anderson, superintendent, in favor of restricting liquor regulations in the Territories now included in the statehood bill—to the Committee on the Territories.

Also, petition of the Whittier Citrus Union, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Adams, chairman of the committee on Freedman's Bank, for relief in the adjustment of the affairs of the defunct Freedman's Bank—to the Committee on Banking and Currency.

Also, petition of the Commercial Association of Danville, Va., in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. B. Champion, of Antwerp, Ohio, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Jersey City Subdivision, No. 53, of the Brotherhood of Locomotive Engineers, asking aid in prohibiting the excessive hours that locomotive engineers on many railroads are now held on duty—to the Committee on Interstate and Foreign Commerce.

Also, petition of business men and citizens of Kansas City, Mo., in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of the general assembly of the Presbyterian Church in the United States, for the amendment of the Hamilton statehood bill so as to protect the Indians from the drink peril—to the Committee on the Territories.

Also, resolution of the Oakland Board of Trade, of Pittsburg, Pa., in favor of river improvements—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER: Petition of citizens of Buffalo, in favor of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Resolution of St. Louis Merchants' Exchange, in favor of the arbitration treaties of a second peace conference at The Hague—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Affidavit of J. H. Holmes, in matter to accompany bill granting pension to Edward Ousley—to the Committee on Invalid Pensions.

By Mr. BENTON: Papers in support of bill granting an increase of pension to Stilwell Truax—to the Committee on Invalid Pensions.

Also, papers in support of bill granting an increase of pension to John C. Baker—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Edward Neiford—to the Committee on Invalid Pensions.

By Mr. CAPRON: Report of the United States engineers and resolutions adopted by commercial organizations, favoring the completion of the national harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

Also, the Woman's Christian Temperance Union of Central Falls, R. I., protesting against the exclusion of the word "sex" from the statehood bill—to the Committee on the Territories.

By Mr. BOWERSOCK: Resolution of the Kaw Valley Commercial Club, in favor of improvement of the mouth of Kansas River—to the Committee on Rivers and Harbors.

Also, petition asking for passage of Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Illinois Lumber Dealers' Association, indorsing bill to regulate interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of Rainbow Grange, No. 203; Nerona Grange, No. 206, and Pamola Grange, No. 265, all of Hancock County, Me., in favor of establishing a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. CONNELL: Resolution of the Illinois Lumber Dealers' Association, urging the passage of the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Scranton Board of Trade, indorsing resolutions adopted by the Interstate Commercial Law Convention, held at St. Louis October 28 and 29, 1904, urging the early passage of the Cooper-Quarles bill (H. R. 6273)—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Petition of Sharon Presbyterian Church, of Cass County, Mo., in favor of further restriction of the liquor traffic—to the Committee on the Territories.

Also, additional evidence to accompany bill for the relief of Lyda P. Kelley—to the Committee on Pensions.

Also, petition of the First Presbyterian Church of Clinton, Mo.—John H. Bright, moderator; J. G. Middlecoff, clerk—relating to interstate gambling by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for the relief of Henry Mountz—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition protesting against the word "sex" in the statehood bill—to the Committee on the Territories.

By Mr. FRENCH: Resolution of the Interstate Commerce Law Convention, favoring enlarging the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: Petition of farmers and ranchmen of Wheatland and Chugwater, Wyo., asking for the enactment of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HILDEBRANT: Papers to accompany bill for the relief of Nicholas Nelter—to the Committee on Military Affairs.

By Mr. HINSHAW: Petition of the Illinois Lumber Dealers' Association, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Bracken Brothers, of Polo, Ill., in favor of rural free delivery parcels post for local retail dealers—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Petition of the committee on philanthropic work of the Wilmington Monthly Meeting of Friends, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PORTER: Resolution of Pennsylvania Dairy Union, in favor of the Adams bill, to increase the appropriation for agricultural experiment stations—to the Committee on Agriculture.

Also, petition of the Outdoor Art League of California, in favor of the Calaveras big-tree bill—to the Committee on Agriculture.

Also, petition of the Merchants and Manufacturers' Association, of Pittsburg, in favor of the pneumatic-tube service—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Affidavits to accompany bill granting a pension to Andrew R. McCurdy—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Outdoor Art League, favoring the Calaveras big-tree bill—to the Committee on Agriculture.

Also, resolution of the Illinois Lumber Dealers' Association, favoring bill to regulate interstate transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Papers to accompany bill to correct the military record of Schwethelm—to the Committee on Military Affairs.

By Mr. WANGER: Resolution of the Druggists' Association of Montgomery County, Pa., in favor of bills S. 198, H. R. 9303, S. 3984, H. R. 12646, and H. R. 13679, and against bill H. R. 9302 and those pending for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Pennsylvania Dairy Union, in favor of bill H. R. 8678—to the Committee on Agriculture.

By Mr. WOOD: Petition of citizens of Somerset County, in favor of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. WYNN: Resolution of the commercial organizations of San Francisco, urging the adoption of a pneumatic-tube service for mail delivery in San Francisco—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 4, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

PARIS GIBSON, a Senator from the State of Montana, and HENRY M. TELLER, a Senator from the State of Colorado, appeared in their seats to-day.

The Journal of the proceedings of Wednesday, December 21, 1904, was read and approved.

NATURALIZATION OF ALIENS.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Immigration, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your consideration a report and recommendations from the Secretary of State of the United States on the subject of the naturalization of aliens in the United States.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 21, 1904.*

REPORT OF COMMISSIONER OF CORPORATIONS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the Commissioner of Corporations, covering the period from the organization of the Bureau to June 30, 1904.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 21, 1904.*

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of North Carolina, New Jersey, Nebraska, Idaho, Iowa, Wyoming, Indiana, New York, Utah, Massachusetts, Montana, Missouri, Maine, and Oregon; which, with the accompanying papers, were ordered to be filed.

CONSTRUCTION OF PUBLIC BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a statement of the present condition of the work of construction of public buildings under the charge of the Treasury Department; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture relative to an appropriation of $150,000 to supply a deficiency in the appropriation "General expenses," Bureau of Animal Industry, Department of Agriculture, etc.; which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

REPORT OF ATTORNEY-GENERAL OF PORTO RICO.

The PRESIDING OFFICER laid before the Senate a communication from the Attorney-General, transmitting pursuant to law the annual report of the attorney-general of Porto Rico; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

INTRODUCTION OF REINDEER IN ALASKA.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 12th ultimo, the report of Dr. Sheldon Jackson upon "Introduction of Domestic Reindeer in the District of Alaska;" which, on motion of Mr. NELSON, was, with the accompanying report and maps, referred to the Committee on Territories, and ordered to be printed.

REPORT OF BUREAU OF AMERICAN REPUBLICS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting the annual report of the Director of the Bureau of American Republics for the fiscal year ended June 30, 1904; which, with the accompanying paper, was ordered to lie on the table and be printed.

POSTMASTERS IN IDAHO.

The PRESIDING OFFICER laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of April 20, 1904, the report of Post-Office Inspector M. C. Fosnes, together with accompanying papers, upon the investigation made by him relative to postmasters in Idaho living in polygamy.

Mr. DUBOIS. I am not prepared to say now what, if any, action I shall desire to have taken upon the report. That is a matter for future consideration. I move that the communication and the accompanying report and papers be referred to the Committee on Post-Offices and Post-Roads and printed.

The motion was agreed to.

GOVERNMENT AID TO EXPOSITIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 4, 1903, a statement showing in detail all the sums appropriated by Congress since the beginning of the Government to the present time in aid of expositions and fairs, both international and local; which, with the accompanying paper, was referred to the Committee on Industrial Expositions, and ordered to be printed.

REPORT OF SUPERINTENDENT OF LIBRARY OF CONGRESS.

The PRESIDING OFFICER laid before the Senate the annual report of the superintendent of buildings and grounds, Library of Congress, for the fiscal year ended June 30, 1904; which was referred to the Committee on the Library, and ordered to be printed.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The PRESIDING OFFICER laid before the Senate the eighteenth annual report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

The PRESIDING OFFICER laid before the Senate a communication from the Public Printer, transmitting, in response to resolution of January 6, 1904, a statement showing the amounts due certain employees of that Department for leave of absence granted, but not taken, because the condition of the work was such that their services could not at the time be spared; which, with the accompanying paper, was ordered to lie on the table and be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Joseph Kerchner, sr., et al., heirs at law of Gallus Kerchner, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John Allman *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Thomas Rodgers *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John H. Marshall *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Primitive Baptist Church (colored), of Huntsville, Ala., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of Fletcher Chapel, of King County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the heirs of Pierre Sauve, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Frank J. McWorthy *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Amanda E. McFarlane, widow of John McFarlane, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Harriett F. Hibben, widow of Henry B. Hibben, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of Andrews Chapel, of Stafford County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Davidson County, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Missionary Baptist Church, Gravelly Springs, Ala., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John M. Forsyth *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Vinnie J. Thompson, executrix of James M. Thompson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Hawk*, Joseph Hart, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *John*, Henry Tibbetts, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Neptune*, Hezekiah Flint, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Lucy*, Eliakim Benham, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Sally Butler*, Alexander Chisholm, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Two Friends*, Peter Pond, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Venus*, Henry Dashiell, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the

assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Pilgrim*, Priam Pease, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Cincinnatus*, William Martin, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *General Warren*, Issacher Stowell, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brigantine *Eliza*, Thomas Woodbury, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Cercs*, Roswell Roath, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills which had been received from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

An act (H. R. 2052) for the relief of Ramon O. Williams and Joseph A. Springer;

An act (H. R. 3109) for the relief of Noah Dillard;

An act (H. R. 3619) for the relief of David V. Howell;

An act (H. R. 3950) for the relief of W. R. Akers, of Alliance, Nebr.;

An act (H. R. 6351) to pay J. B. McRae $99 for services as hospital steward, etc.;

An act (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased;

An act (H. R. 9758) for the relief of the heirs of George McGhehey for services rendered as mail contractor;

An act (H. R. 10089) for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.;

An act (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims;

An act (H. R. 11664) to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River; and

An act (H. R. 11802) for the relief of Adolph Spiegel as the successor of the firm of Spiegel, Finkelstein & Co.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

An act (H. R. 9090) to provide United States registry for the steamer *Success;*

An act (H. R. 9091) to provide United States registry for the steamer *Marie;* and

An act (H. R. 15981) to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi.

The act (H. R. 15011) to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation in the State of California, and for other purposes, was read twice by title, and referred to the Committee on Indian Affairs.

The act (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., was read twice by its title, and referred to the Committee on Military Affairs.

The act (H. R. 11370) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire, was read twice by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I present a large number of letters, mainly addressed to me, in reference to interstate-commerce legislation. I present them so that they may be referred to the proper committee, because many of them are argumentative upon the question what ought to be done. Most of them favor the passage of what is known as the Quarles-Cooper bill.

The PRESIDING OFFICER. The petitions will be received and referred to the Committee on Interstate Commerce.

Mr. CULLOM presented petitions of the Merchants' Association of New York City; of the Board of Trade of Boston, Mass; of the People's Institute of New York City; of the Coal Club of Boston, Mass.; of the Bar Association of Chicago, Ill., and of the Bar Association of Los Angeles, Cal., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Momence, Ill., praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Oconee, Ill., and a petition of sundry citizens of Ste. Marie, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Moline, Ill., praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

Mr. STONE presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., and a petition of the Manufacturers' Association of St. Louis, Mo., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Kansas City, Mo., and a petition of the Manufacturers' Association of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Newton County, Mo., remonstrating against the passage of the so-called "Hamilton statehood bill;" which was ordered to lie on the table.

He also presented a petition of sundry pharmacists of St. Louis, Boonville, Centralia, Jefferson City, Kansas City, Maryville, Sedalia, Windsor, Mexico, Mound City, Plattsburg, and Springfield, all in the State of Missouri, praying for the adoption of certain amendments to the patent laws relating to medicinal substances; which was referred to the Committee on Patents.

He also presented sundry papers to accompany the bill (S. 5801) for the relief of the estate of Saphira E. Stalcup; which were referred to the Committee on Claims.

Mr. BEVERIDGE presented a petition of the Studebaker Brothers' Manufacturing Company, of South Bend, Ind., praying that an appropriation be made to deepen the channel at the mouth of the Columbia River, in the State of Oregon; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Subdivision No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., praying for the enactment of legislation to prohibit the employment of any locomotive engineer who has not had at least three years' experience as a locomotive fireman; which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented a petition of the National Woman's Society of Bighorn County, Wyo., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. PLATT of New York. I present a petition praying that provision be made for such collection of statistics of and relating to marriage and divorce as shall bring the report on this subject, which was made by the Department of Labor, under an act of March 3, 1887, down to the latest practicable date.

The petition is signed by Hon. Seth Low; Rev. David H. Greer, bishop coadjutor of the diocese of New York; Dr. Morgan Dix, rector of Trininty Church; Rev. William T. Manning, vicar of St. Agnes Chapel; Nicholas Murray Butler, president of Columbia University; Vernon M. Davis, justice of the supreme court of the State of New York, and others. I move that the petition be printed as a document and referred to the Committee on the Census.

The motion was agreed to.

Mr. PLATT of New York presented sundry petitions of citizens of New York, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented memorials of sundry citizens of New York, remonstrating against the proposed reduction of 75 per cent from the present Dingley tariff rates to be levied on cigars, tobacco, etc.; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. WETMORE presented a memorial of the Woman's Christian Temperance Union of Rhode Island, remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Central Falls, R. I., and a petition of the Young Woman's Christian Temperance Union of Providence, R. I., praying for the adoption of a certain amendment to the suffrage clause of the statehood bill; which were ordered to lie on the table.

Mr. FAIRBANKS presented a petition of Local Subdivision No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Interstate Commerce Law Convention, of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a memorial of the Woman's Christian Temperance Union of Fairplain, W. Va., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Division No. 190, Brotherhood of Locomotive Engineers, of Huntington, W. Va., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Fortnightly Literary Club, of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3097) for the relief of Maramon A. Martin, late private, Company A, Sixth West Virginia Infantry; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Clarksburg, Huntington, and Buckhannon, all in the State of West Virginia, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a petition of the Western Pine Shippers' Association, of Spokane, Wash., praying for the enactment of legislation defining the duties and powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also (for Mr. FOSTER of Washington) presented a petition of Coeur d'Alene Subdivision, No. 443, Brotherhood of Locomotive Engineers, of Washington, praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman; which was referred to the Committee on Interstate Commerce.

He also (for Mr. FOSTER of Washington) presented a petition of the Woman's Temperance Union of Oak Harbor; of the Woman's Christian Temperance Union of Laconner; of the Ephphatha Club, of Dellingham, and of Fairhaven Temple, No. 22, Rathbone Sisters, of Dellingham, all in the State of Washington, praying for the adoption of certain amendments to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also (for Mr. FOSTER of Washington) presented resolutions adopted by the Indian Rights' Association held at Lake Mohonk, N. Y., relative to an alleged omission in the statehood bill of Indian Territory and Oklahoma regarding no statute imposing penalties for violations of the provision prohibiting the sale of intoxicating liquors in that Territory, etc.; which was ordered to lie on the table.

He also presented a petition of the Washington Equal Suffrage Association, of Seattle, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. DOLLIVER presented petitions of the Dubuque Trust Company, of Dubuque; of the Commercial Exchange of Des Moines; of C. A. Paul and sundry other citizens of Odebolt; of John Looft and sundry other citizens of Ledyard, and of J. B. Schmoker and sundry other citizens of Vincent, all in the State of Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. KEAN presented a memorial of the board of agriculture of Burlington County, N. J., and a memorial of the board of agriculture of Cape May County, N. J., remonstrating against the repeal or modification of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the mayor and common council of Millville, N. J., praying that an appropriation be made to open to navigation the channel of Maurice River in that State; which was referred to the Committee on Commerce.

Mr. NELSON presented a memorial of Local Union, American Society of Equity, of Rochester, Minn., remonstrating against the enactment of legislation reducing the tariff on Canadian wheat; which was referred to the Committee on Finance.

He also presented a petition of the common council of Duluth, Minn., and a petition of the American Society of Equity of Rochester, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER. I present a memorial from the executive council of the Public Education Association of Washington, D. C., indicating some needs of public education in the District of Columbia. At the request of some very worthy people I ask that it be printed as a Senate document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the memorial will be printed and referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Epping, N. H., and a petition of the Equal Suffrage Association of Claremont, N. H., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented a petitino of sundry citizens of Keene, N. H., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a memorial of the National Temperance Society of New York City, remonstrating against the passage of the so-called "Hamilton statehood bill;" which was ordered to lie on the table.

He also presented the petition of A. B. Chatfield, J. A. Watson, W. H. H. Warman, and George H. Zellars, committee on schools, in the District of Columbia, praying for the enactment of legislation to increase the salaries of teachers and officers of schools in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Methodist Episcopal Church of Rindge, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

Mr. MARTIN presented a petition of the Norfolk Alumni Association of the University of Virginia, Charlottesville, Va., praying that an appropriation be made to provide for the construction of the Jefferson Memorial road from Charlottesville, Va., to the tomb of Thomas Jefferson, at Monticello, in Albemarle County, Va.; which was referred to the Committee on Agriculture and Forestry.

He also presented sundry affidavits to accompany the bill (S. 5775) for the relief of the trustees of Zion Methodist Episcopal Church South, of Spottsylvania County, Va.; which were referred to the Committee on Claims.

He also presented petitions of sundry citizens of Norfolk, of the board of directors of the Commercial Association of Danville, and of 38 citizens of Emporia, all in the State of Virginia, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. COCKRELL presented a petition of sundry pharmacists in the State of Missouri, praying for the adoption of certain

amendments to the patent laws relating to medicinal substances; which was referred to the Committee on Patents.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation providing for the completion of the harbor of refuge at Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., and a petition of the Manufacturers' Association of St. Louis, Mo., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Manufacturers' Association of St. Louis and of sundry citizens of St. Louis, in the State of Missouri, and of sundry citizens of Vinita, Ind. T., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Missouri Federation of Women's Clubs, of St. Louis, Mo., praying for the passage of the so-called "pure-food" bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Labelle, Mo., and a petition of the congregation of the Christian Church of Labelle, Mo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HANSBROUGH presented a memorial of sundry citizens of Kenmare, N. Dak., remonstrating against the enactment of legislation relative to the free importation of Canadian wheat; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens on the Fort Rice Abandoned Military Reservation, N. Dak., praying for the enactment of legislation to relieve them from the necessity of paying the appraised value of the land settled upon, in addition to fulfilling the other requirements of the homestead laws; which was referred to the Committee on Public Lands.

Mr. SPOONER presented the petition of E. O. Dietzman and sundry other citizens of Richland Center, Wis., and a petition of the Christian Endeavor Society of the First Baptist Church of Racine, Wis., praying for the enactment of legislation for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

He also presented a memorial of Local Union No. 168, Cigar Makers' International Union, of Oshkosh, Wis., remonstrating against the enactment of legislation reducing the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions of Springfield, Bloomington, and Omro; of the Federated Trades Council of Madison, and of Woman's Relief Corps, No. 47, Department of Wisconsin, of Lancaster, all in the State of Wisconsin, praying for the adoption of a certain amendment of the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented a petition of the Board of Trade and Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation providing for untaxed denaturalized alcohol for industrial purposes; which was referred to the Committee on Finance.

Mr. LONG presented sundry papers to accompany the bill (S. 5904) granting an increase of pension to Thomas Martin; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 5905) granting an increase of pension to Andrew C. Reed; which were referred to the Committee on Pensions.

He also presented a petition of 17 citizens of Jackson County, Kans., praying for the adoption of an amendment to the Constitution acknowledging the authority of Christ and of the law of God; which was referred to the Committee on the Judiciary.

He also presented petitions of Eli Good and sundry other citizens of Marion of C. E. Eklund and sundry other citizens of Vilas, of M. F. Lawson and sundry other citizens of Coffeyville, and of M. J. Randall and sundry other citizens of Cherokee County, all in the State of Kansas, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. PERKINS presented a petition of sundry citizens of Santa Clara, Cal., praying that the treaties with the Five Civilized Tribes of Indians may be maintained inviolate; which was referred to the Select Committee on the Five Civilized Tribes of Indians.

He also presented petitions of the Merchants and Manufacturers' Association of Los Angeles; of the Chamber of Commerce of Sacramento; of Gold Hill Grange, No. 326, Patrons of Husbandry, of Gold Hill; of the Farmers' Institute of Gold Hill, and of the Merchants' Credit Association of San Francisco, all in the State of California, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the California State Board of Trade, of the Chamber of Commerce of San Francisco, of the Board of Trade of Oakland, and of the Merchants' Exchange of Oakland, all in the State of California, praying that an appropriation be made for deepening the channel of Oakland Harbor, in that State; which were referred to the Committee on Commerce.

He also presented a petition of the Merchants' Exchange of San Francisco, Cal., and a petition of the Merchants' Association of San Francisco, Cal., praying for the enactment of legislation to deepen and improve the harbor of Honolulu, Territory of Hawaii; which were referred to the Committee on Commerce.

He also presented a petition of the Bar Association of Los Angeles, Cal., and a petition of the Chamber of Commerce of Sacramento, Cal., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Merchants' Association of San Francisco, Cal., praying for the enactment of legislation to establish a pneumatic-tube service for mail delivery in that city; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Palermo, Cal., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 144) to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6184) authorizing the Mississippi Central Railroad Company to construct a bridge across the Pearl River at or near Smiths Ferry, Lawrence County, Miss., reported it with amendments, and submitted a report thereon.

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. PLATT of New York. From the Committee on Printing, I report a resolution to provide for printing for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations, and I ask for its present consideration.

Mr. COCKRELL. Let the resolution be read for information.

The PRESIDING OFFICER. It will be read.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904.

Mr. BAILEY. Mr. President, I would like to inquire if there is any objection to printing with that report the decision of the Supreme Court of the United States from which the Commissioner of Corporations is so confident that court will recede? I recall that during a political discussion some eight years ago the party to which I belong was savagely assailed because it ventured to express a hope, probably an opinion, that the Supreme Court might be induced to recede from its decision of the income-tax case. In the face of that aspersion against our party the gentlemen who made it are now proposing to print a large number of a report that expresses even greater confidence that the Supreme Court will recede from its well-considered decision, and I would like to have the decision which the report criticises printed with the report itself.

Mr. PLATT of New York. I will accept that suggestion.

The PRESIDING OFFICER. The Senator from Texas moves to amend the resolution reported by the Senator from New York.

Mr. GALLINGER. In what respect?

Mr. PLATT of Connecticut. I wish that the resolution may be again read.

The Secretary again read the resolution.

Mr. PLATT of Connecticut. I should like to inquire whether such an order to print is customary. It is a Senate resolution, is it not?

The PRESIDING OFFICER. A Senate resolution reported from the Committee on Printing.

Mr. PLATT of New York. It is a Senate resolution, and the cost comes within the limit of $500.

Mr. PLATT of Connecticut. I should like to inquire whether it has been customary for the Senate to pass resolutions of this sort, providing for printing for one of the Departments. I should also like to inquire whether the Department has not authority now and the means to print its own report for its own use? This is nothing that is to be printed for the use of the Senate. We are not to get a copy of this new print of the report, and we do not get any copies of the reports of a Department or of commissioners and bureau officers until the volume is printed. We will not have it for six months. It seems to me that if there is a necessity for printing this document we ought to have the benefit of the printing. I do not remember that we have been in the habit of passing resolutions authorizing a Department to print the report of the Secretary or of the bureau officers of the Department. Perhaps some Senator can inform me what has been the practice.

Mr. BAILEY. I am at agreement with the statement of the Senator from Connecticut. I think this is rather an extraordinary procedure. But if we are to print this document under a resolution of the Senate it must be printed, I take it, as a Senate document, and then I think it entirely proper not only to print the report of the Commissioner of Corporations, but also to print in its entirety the decision which the Commissioner of Corporations criticises. I myself have no desire to urge the passage of the resolution. My whole desire in the matter is that if the report is to be printed those who read it may have the benefit of having before them while they read it the decision of the court which it assails.

Mr. PLATT of Connecticut. The report may be printed as a Senate document, but this is a Senate resolution authorizing the printing of 10,000 copies of the report for the use of the Department of Commerce and Labor. Of course the 10,000 copies will go there and not to our folding room. I wish the matter might lie on the table until we can have an opportunity to examine it further.

The PRESIDING OFFICER. The report will go over until to-morrow.

REPORT OF MERCHANT MARINE COMMISSION.

Mr. GALLINGER. Mr. President, in behalf of the Merchant Marine Commission I desire to make a final report, a partial report having been made at a previous day in the session. I submit my report in writing. I will not ask that the report shall be read, but I will ask that 10,000 copies of the report as submitted be printed for the use of the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire asks that 10,000 copies of the report submitted by him be ordered printed for the use of the Senate. Is there objection? The Chair hears none.

Mr. GALLINGER. In connection with the report I submit three volumes of testimony taken by the Commission, and I desire to request that 2,000 copies of the report as submitted and the testimony be printed and bound in cloth for the use of the Senate.

The PRESIDING OFFICER. If there be no objection, such will be taken as the sense of the Senate. The Chair hears no objection, and it is so ordered.

Mr. COCKRELL. Is that to be done only by a resolution of the Senate? As I understand it we can not authorize the printing of a document that will cost over $500 by a resolution of the Senate, and those volumes look to me like they would cost more.

Mr. GALLINGER. I will say to the Senator from Missouri that the volumes are already in print, in plates, and it occurred to me, without making a very careful investigation of the matter, that the printing would not probably cost over that amount.

Mr. COCKRELL. All right.

Mr. GALLINGER. For the information of the Senate, several inquiries having come in, I will state that the third volume contains a very careful index of the testimony, and I feel sure that Senators will have no difficulty in acquainting themselves thoroughly with what the Commission has done, which I trust may meet the approval of the bodies which authorized its creation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. GORMAN. I concur with what has just been stated by the Senator from Missouri. I think it is a very unfortunate way to order the printing of documents, outside of the rule, and outside of the law. Fifteen hundred or sixteen hundred copies will be printed for the use of the Senate and the House under the general order when it is ordered to be printed. I think the better rule in all these cases, particularly in this, as it is a joint commission of the two Houses, is that whatever extra copies are to be printed shall be ordered by a concurrent resolution of the two Houses. I trust the Senator from New Hampshire will withdraw his request and let the ordinary number be printed, and then introduce a concurrent resolution.

Mr. GALLINGER. I will withdraw the request. I think the Senator from Maryland is entirely right in the position he takes. I somewhat inadvertently made the request.

The PRESIDING OFFICER. The Senator from New Hampshire withdraws the request.

Mr. GALLINGER. So far as additional copies are concerned.

The PRESIDING OFFICER. So far as additional copies are concerned.

GOOD SHEPHERD INDUSTRIAL SCHOOL, MILWAUKEE, WIS.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (S. 6067) for the relief of the Good Shepherd Industrial School, to report it favorably without amendment. The bill is but eight lines long, and the amount is less than $300. The money is due an industrial school, and I ask for the present consideration of the bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Good Shepherd Industrial School, of Milwaukee, Wis., $298.11, in payment and settlement for amount expended by said Good Shepherd Industrial School in the transportation of fifty-four Indian girls from Milwaukee, Wis., to Devils Lake and other points in North Dakota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I beg leave to report back from the Committee on Claims, with amendments, the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims, under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," and I submit a report thereon.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. WARREN. Mr. President, I ask permission to state that the bill just reported is what is known as the "omnibus claims bill." We have not passed a measure of this kind for three years. Only two such bills have heretofore become laws. The one now reported carries a smaller appropriation and benefits a larger number of claimants than either of the preceding bills. The amount is less than one-third of that of the first omnibus bill, while the number of claimants is more than double that of either of the bills passed.

There are over sixteen hundred claimants, and the amount of money appropriated direct is a little over $2,500,000. It is also proposed to refer to departments of the Government, including Court of Claims and Court of Admiralty, the demands of some twenty claimants. The bill also extends relief to about a dozen claimants, enabling the balancing of accounts where no money is appropriated.

The bill is made up of a clear list of Bowman and Tucker Act Court of Claims findings, amounting to over $1,350,000; French spoliation claims, amounting to a little over $750,000; miscellaneous Court of Claims findings, nearly $80,000; miscellaneous claims, amounting to a little over $375,000.

As to the first three, all have had trial in the courts. In the miscellaneous class many are made up in amount from statements rendered from Departments of the Government to the Congress, and still others—and these are comparatively few and for small amounts—the Congress, House or Senate, or both, have passed upon both the merits and the amounts to be paid. Many of the claims have passed both Houses of Congress, and the majority of them have passed the Senate during the present Congress, and therefore the footings of this bill would be nearly the total of claims allowed during the three years last passed.

Items in the bill are recommended entirely without reference to locality, but, assuming that inquiry may be made while considering the measure, a table has been prepared showing that the claimants are from forty-four of the fifty-four political divisions of the United States.

I trust the bill may receive the early attention of Senators, for I shall feel it my duty to call it up for consideration within a few days.

I ask unanimous consent that there may be printed 500 extra copies of the bill and 200 extra copies of the report. I am advised in the document room that extra copies will be necessary.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from Wyoming? The Chair hears none, and it is so ordered.

MISSISSIPPI RIVER BRIDGE AT MINNEAPOLIS.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5889) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River, to report it favorably with amendments. I call the attention of the Senator from Minnesota [Mr. NELSON] to the report.

Mr. NELSON. I ask unanimous consent for the consideration of the bill.

The PRESIDING OFFICER. It will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TELLER. We have no conception in this part of the Chamber as to what business is going on in the Senate. We would like to know what is before the Senate.

The PRESIDING OFFICER. The Senator from Arkansas reported favorably a bill, and the Senator from Minnesota asked unanimous consent for its present consideration. The bill has been read for the information of the Senate. Is there objection to its consideration?

Mr. TELLER. What is the character of the bill?

Mr. NELSON. It is a bridge bill. It authorizes the construction of a bridge across the Mississippi River at Minneapolis.

Mr. TELLER. I have no objection to the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDING OFFICER. The amendments reported by the Committee on Commerce will be stated.

The first amendment was, after the word "city," in line 9, page 1, section 1, to insert:

Provided such location is suitable to the interests of navigation.

The amendment was agreed to.

The next amendment was, at the end of section 2, page 2, to insert:

And until the plans and location of the bridge are approved by him the bridge shall not be built or commenced.

The amendment was agreed to.

The next amendment was to insert, after section 3, the following additional section:

SEC. 4. That all street-railway companies desiring the use of said bridge shall be entitled to equal rights and privileges relative to the passage of cars over the same and the approaches thereto upon payment of reasonable compensation for such use, and in case of disagreement as to the rates, terms, and conditions of such use all matters at issue shall be determined by the Secretary of War.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 5. That this act shall be null and void unless the bridge herein authorized is commenced within one year and completed within three years from the date of approval hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 6189) to provide for the purchase of a site and the erection of a public building thereon at Devils Lake, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6190) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts; which was read twice by its title, and referred to the Committee on Public Lands.

He also (for Mr. MCCUMBER) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6191) granting an increase of pension to Charles R. Van Norman;

A bill (S. 6192) granting an increase of pension to James McGinnis;

A bill (S. 6193) granting an increase of pension to Jacob O. White;

A bill (S. 6194) granting an increase of pension to William S. Moorhouse;

A bill (S. 6195) granting an increase of pension to Frederick Feigley; and

A bill (S. 6196) granting an increase of pension to William C. Dickinson.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6197) granting an increase of pension to Charles Hussey;

A bill (S. 6198) granting an increase of pension to George K. Green;

A bill (S. 6199) granting a pension to Eliza Stone;

A bill (S. 6200) granting an increase of pension to William Crawford;

A bill (S. 6201) granting a pension to Maggie Swan Engler (with accompanying papers);

A bill (S. 6202) granting an increase of pension to L. H. Canfield (with an accompanying paper);

A bill (S. 6203) granting an increase of pension to Ross Wheatley (with an accompanying paper); and

A bill (S. 6204) granting an increase of pension to John M. Barnes (with accompanying papers).

Mr. MCCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6205) granting a pension to Mary E. Wood (with accompanying papers);

A bill (S. 6206) granting an increase of pension to Joseph H. Kneisly;

A bill (S. 6207) granting a pension to Faldean Wealland;

A bill (S. 6208) granting a pension to Ernest L. Tolson;

A bill (S. 6209) granting a pension to Elizabeth Griffith;

A bill (S. 6210) granting an increase of pension to George W. Corby (with an accompanying paper);

A bill (S. 6211) granting an increase of pension to Susan V. French;

A bill (S. 6212) granting an increase of pension to Juliette L. Davidson;

A bill (S. 6213) granting an increase of pension to William A. Noel;

A bill (S. 6214) granting an increase of pension to Alexander McCormick (with an accompanying paper);

A bill (S. 6215) granting an increase of pension to John Heck;

A bill (S. 6216) granting an increase of pension to Mary A. Talbott (with an accompanying paper);

A bill (S. 6217) granting an increase of pension to Caroline Neilson (with accompanying papers); and

A bill (S. 6218) granting an increase of pension to Adam E. King (with accompanying papers).

Mr. MCCOMAS introduced a bill (S. 6219) to equalize the rank and pay of certain retired officers of the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6220) to increase the limit of cost of public building at Hagerstown, Md.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLATT of New York introduced a bill (S. 6221) to remove the erroneous charge of desertion against the military record of Henry Shaver; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCCREARY introduced a bill (S. 6222) for the relief of the estate of George Denny, sr., deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6223) for the relief of the estate of R. M. McClelland, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6224) granting an increase of pension to Anna M. Benny;

A bill (S. 6225) granting an increase of pension to Mary Ryan (with accompanying papers); and

A bill (S. 6226) granting an increase of pension to William Coxton (with accompanying papers).

Mr. BLACKBURN introduced a bill (S. 6227) granting an in-

crease of pension to Robert Hoop; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS (for Mr. MORGAN) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6228) for the relief of Jesse F. Jackson;

A bill (S. 6229) for the relief of James A. Paulk;

A bill (S. 6230) for the relief of Jane P. Paulk; and

A bill (S. 6231) for the relief of the estate of Aaron Paulk, deceased.

Mr. PETTUS introduced a bill (S. 6232) to provide for circuit and district courts of the United States at Selma, Ala.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6233) concerning a public building in Selma, in the State of Alabama; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE introduced a bill (S. 6234) granting a pension to Almie C. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6235) granting a pension to Louisa Amen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6236) to remove the charge of desertion from the military record of James A. Knight; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 6237) for the relief of Louise Powers McKee, administratrix; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 6238) to create the National Board of Corporations and to provide for the regulation thereby of corporations engaged in interstate, Territorial, district, or insular possessions business; which was read twice by its title.

Mr. HEYBURN. I ask that the bill be referred to the Committee on Interstate Commerce.

Mr. BACON. I desire to suggest that that is a bill which should go to the Committee on the Judiciary, as it certainly involves questions of constitutionality.

Mr. HEYBURN. I will state that I was in some doubt as to whether the bill ought to go to the Committee on Interstate Commerce or the Judiciary Committee, and as far as I am concerned I will not insist on its reference to the committee I suggested.

The PRESIDING OFFICER. If there be no objection, the bill will be referred to the Committee on the Judiciary.

Mr. ANKENY introduced a bill (S. 6239) to remove the record of dishonorable discharge from the military record of Thomas C. Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 6240) to provide for a collateral inheritance tax and for the fees, costs, and charges of the administration of the estates of decedents in the District of Columbia, and for other purposes;

A bill (S. 6241) to provide for condemning the necessary land to join Kalorama avenue and Prescott place;

A bill (S. 6242) authorizing the Commissioners of the District of Columbia to advertise for proposals and to enter into contract for the collection and disposal of garbage, and so forth (with accompanying paper);

A bill (S. 6243) to further regulate the issue of licenses for restaurants or eating houses in the District of Columbia;

A bill (S. 6244) to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes; and

A bill (S. 6245) authorizing the appointment of a master builders' examining board in the District of Columbia, and providing for the examination and licensing of persons as master builders, and for other purposes.

Mr. GALLINGER introduced a bill (S. 6246) for the relief of Horatio McIntire; which was read twice by its title, and, with the accompanying papers, referred to the Commitee on Military Affairs.

Mr. CULLOM introduced a bill (S. 6247) to provide for the erection of a public building at Alton, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6248) granting an increase of pension to Naanie L. P. Schmitt;

A bill (S. 6249) granting an increase of pension to Clinton Allen (with accompanying papers);

A bill (S. 6250) granting a pension to Evans Blake (with accompanying papers);

A bill (S. 6251) granting an increase of pension to John Stockwell (with accompanying papers);

A bill (S. 6252) granting a pension to Margaret Wilkins (with accompanying papers);

A bill (S. 6253) granting a pension to Daniel B. Stone (with an accompanying paper);

A bill (S. 6254) granting an increase of pension to John N. Matthews (with an accompanying paper); and

A bill (S. 6255) granting a pension to Annie Percey (with an accompanying paper).

Mr. CLAY introduced a bill (S. 6256) granting a fifteen-day leave of absence to rural free-delivery letter carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6257) for the relief of George A. Nowland, administrator of James B. Beavers, deceased;

A bill (S. 6258) for the relief of James T. Caldwell; and

A bill (S. 6259) for the relief of James T. Caldwell (with accompanying papers).

Mr. STONE (by request) introduced a bill (S. 6260) for the relief of Isaac Stover; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 6261) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LONG introduced a bill (S. 6262) granting an increase of pension to Seth M. Tucker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6263) granting a pension to Daisy E. Burrill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 6264) granting a pension to Charles Herbst; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Charles Herbst, dependent and totally blind son of Michael Herbst, Company G, First Missouri Engineers, together with the affidavits of Charles Herbst and Mary Herbst. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 6265) granting an increase of pension to Jane Miller; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mrs. Jane Miller, by W. Ritchhart, guardian of her person and estate, and the petition of W. Ritchhart, guardian, together with certificate of probate court as to appointment, etc., and certificate of county assessor and affidavits of M. E. Aspinwall, John H. White, J. A. McLean, and L. E. Whitney. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 6266) for the relief of R. L. Foster, surviving partner; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of R. L. Foster, surviving partner, for reference of war claim to the Court of Claims. I move that the bill and accompanying petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. DUBOIS introduced a bill (S. 6267) granting a pension to Albert E. Lyon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 6268) granting an increase of pension to Adria M. S. Moale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6269) for the relief of Ira Davis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6270) directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6271) granting an increase of pension to Thomas O'Toole; which was read twice by its title, and refered to the Committee on Pensions.

He also (for Mr. FRYE), introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6272) granting an increase of pension to John F. Dearborn;

A bill (S. 6273) granting an increase of pension to Walter S. Eldridge (with accompanying papers); and

A bill (S. 6274) granting an increase of pension to Enoch Gower.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6275) granting a pension to Jennie Morrow;

A bill (S. 6276) granting an increase of pension to W. K. Eggleston;

A bill (S. 6277) granting an increase of pension to John Wilder;

A bill (S. 6278) granting a pension to Priscilla L. Hamill;

A bill (S. 6279) granting an increase of pension to Albert S. Blake;

A bill (S. 6280) granting an increase of pension to William H. Nix;

A bill (S. 6281) granting an increase of pension to Harriet Williams (with an accompanying paper);

A bill (S. 6282) granting an increase of pension to James Luther Hodges (with accompanying papers);

A bill (S. 6283) granting an increase of pension to Levi E. Allen;

A bill (S. 6284) granting an increase of pension to Patrick J. Morgan; and

A bill (S. 6285) granting an increase of pension to William H. Stannah.

Mr. SPOONER introduced a bill (S. 6286) for the relief of the members of the band of the Second Regiment Wisconsin Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6287) granting an increase of pension to Lawrence Mericle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6288) granting an increase of pension to Anthony Barrett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 6289) granting a pension to Charles Norris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6290) granting a pension to Nancy Cochran; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

THE MERCHANT MARINE.

Mr. GALLINGER. By direction of the Merchant Marine Commission, I introduce a bill, which I ask may be referred to the Committee on Commerce.

The bill (S. 6291) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage was read twice by its title, and referred to the Committee on Commerce.

RAILROADS ENGAGED IN INTERSTATE COMMERCE.

Mr. NEWLANDS. I introduce a joint resolution and ask that it may lie on the table subject to my call.

The joint resolution (S. R. 86) creating a commission to frame a national incorporation act for railroads engaged in interstate commerce was read twice by its title, and ordered to lie on the table.

AMENDMENT TO STATEHOOD BILL.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $8,524.10 to pay the owners of the Norwegian steamer *Ragnar* for damages arising from the collision between said steamer and the U. S. army transport *Sumner*, in the Yangtze River, China, on March 18, 1902, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. DUBOIS submitted an amendment relative to the establishment of courts of probate in the Indian Territory, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

Ordered, That Norman S. Bull be permitted to withdraw from the files of the Senate the affidavit of Dr. Walter Seelye, heretofore filed by him in support of the bill granting him an increase of pension, there having been no adverse report on said bill.

USE OF MONEY IN FEDERAL ELECTIONS.

Mr. STONE. Mr. President, I submit the resolution which I send to the desk. I ask that it may be read and lie on the table, subject to my call, as I desire to address the Senate upon it at some future time.

The resolution was read and ordered to lie on the table, as follows:

Whereas Thomas W. Lawson, a prominent citizen of Boston, Mass., and a capitalist of reputed large fortune, in a signed article published in Everybody's Magazine, a responsible and widely circulated publication, has specifically charged that he conspired with certain other well-known capitalists to raise a large corruption fund to be used to promote the election of the Republican candidates for President and Vice-President in 1896, and that they did raise $5,000,000 to be expended to "turn at least five of the doubtful States;" and

Whereas during the campaign of 1904 it was directly and emphatically charged by Judge Alton B. Parker, a prominent candidate for the office of President, and by other citizens of great prominence and high repute, belonging to both the Republican and Democratic parties, as well as by many important and responsible journals, that large sums of money had been contributed by, or extorted from, numerous trusts and corporations to be used to influence the election then ensuing for President and Vice-President of the United States; and

Whereas the President in his last annual message, sent to Congress on December 6, 1904, took official cognizance of the growing tendency to corrupt the electorate, and did in direct terms recommend the enactment of a law against bribery and corruption in Federal elections: Now, therefore, be it

Resolved, That the Judiciary Committee of the Senate be, and is hereby, authorized, empowered, and directed to make inquiry into the matters stated in the foregoing preamble, and also, generally, into the subject of the use of money in Federal elections, so as to ascertain as far as possible the extent of the evil, and to report to the Senate at the first session of the Fifty-ninth Congress, by bill or otherwise, the legislation said committee may deem necessary to prevent or suppress bribery and corruption in such elections. Said committee may sit during the vacation of the Senate, and shall have authority to send for persons and papers and to compel the attendance of witnesses.

POWERS OF DESIGNATED PRESIDING OFFICER.

Mr. PLATT of Connecticut. I submit the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That the Hon. GEORGE C. PERKINS, a Senator from the State of California, designated by the President pro tempore to perform the duties of the Chair during his temporary absence, be empowered to sign as Acting President pro tempore the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States, and that the President be notified thereof.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. GORMAN. Mr. President, I should like to inquire of the Senator from Connecticut what reason there can be for the passage of such a resolution as this? I ask the Senator if, under the rule which the Senate has adopted authorizing the President pro tempore to designate a Senator to occupy the chair in his absence, such designation does not carry with it full and complete power for the Senator so designated to perform any and all duties that are incumbent upon the President pro tempore of the Senate?

Mr. PLATT of Connecticut. Mr. President, I think there is a question as to whether the designation by the President pro tempore of a Senator to act in his place and discharge the duties devolving upon the chair carries with it the right to sign enrolled bils. The precedent of the Senate is that a resolution should be passed in such a case. In 1892, I think, the President pro tempore designated me to act as Presiding Officer during his absence of perhaps a fortnight. The question then arose as to whether, under such designation, I would have the same power to sign enrolled bills as the President pro tempore has, under the rules. There being a doubt about it, a resolu-

tion similar to the resolution which I have now presented was prepared and passed at that time.

There is no constitutional power devolved upon the President pro tempore of the Senate to sign enrolled bills, and I do not know of any law which requires him to sign such bills. There may be, but I think there is not; so that he signs bills by virtue of a custom which has sprung up, and that custom has certainly come to be an unwritten law.

The rule authorizes the designation by the President pro tempore of a Senator to act as Presiding Officer during his absence. who shall perform all the duties of the chair. It is quite possible that that is of itself sufficient to authorize the Senator acting as Presiding Officer under such circumstances to sign bills, but on a former occasion it was thought better that there should be an actual authority given by the Senate, and I think it is better that there should be.

The PRESIDING OFFICER. The question is upon the adoption of the resolution.

Mr. ALLISON. Let it be again read.

The PRESIDING OFFICER. The resolution will be again read for the information of the Senate.

The Secretary again read the resolution.

Mr. TELLER. Mr. President, it does not seem to me that that resolution is necessary. If we adopt it we shall practically say that every time we have a condition similar to that existing at the present we must pass such a resolution. I should like to know from what committee this resolution came?

The PRESIDING OFFICER. The Chair is not advised that it has been referred to any committee.

Mr. PLATT of Connecticut. The resolution did not come as a report of any committee. If the Senator was paying attention to what I said when inquired of by the Senator from Maryland [Mr. GORMAN] regarding the matter, he would have known that I had made quite a full explanation of my object in offering the resolution.

The question arose as to whether the occupant of the chair under the designation of the President pro tempore was authorized or would be justified in signing enrolled bills presented for the signature of the President pro tempore. The question was submitted to some members of the Judiciary Committee, and later to me. While I am not prepared to say that such a resolution is necessary, I believe it is better to pass it rather than to have any question arise as to the regularity of the passage of bills. I think the Senator from Georgia [Mr. BACON] gave the matter some attention. Certainly, on a previous occasion the Senate passed a resolution identical in terms with the one which I have offered. That resolution was presented by the Senator from Wisconsin [Mr. SPOONER], who, I think, investigated the matter, and thought it was better that such a course should be taken.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado is entitled to the floor.

Mr. BACON. I beg pardon.

Mr. TELLER. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, I did not catch the entire purport of the resolution. I gather, however, that it relates to the question as to whether the temporary occupant of the chair under the appointment of the President pro tempore can be authorized to sign an enrolled bill. As the Senator from Connecticut [Mr. PLATT] has alluded to myself, I will state that, in response to the request of the present occupant of the chair, I did give the matter some little consideration and I came to the conclusion from a legal standpoint that the present occupant of the chair, or anyone occupying a like position, would not be authorized to sign such a bill. I will state to the Senator from Connecticut that while I have a well-defined view upon the subject it is not one based upon any very thorough investigation; but I have given him the benefit of the view which I entertain. I do not think that anyone can be invested with the power to sign such a bill unless he is the President of the Senate or one standing in the next position, which is also one authorized by the Constitution; that is, the President protempore.

The ground upon which I base my doubt as to whether or not it is legal for one occupying the chair by designation of the President pro tempore to sign a bill is this: I have not made an examination of the Constitution so that I can quote it literally, but I believe I am correct in stating that the Constitution requires that the President of the Senate shall sign enrolled bills.

Mr. PLATT of Connecticut. I think not.

Mr. BACON. It does not?

Mr. PLATT of Connecticut. I think not.

Mr. BACON. Does it say the presiding officers of the two Houses?

Mr. PLATT of Connecticut. I think the Constitution is silent on the subject.

Mr. BACON. As to signing bills?

Mr. LODGE and Mr. SPOONER. Yes.

Mr. BACON. Well, I confess that in that I was under a mistaken impression. But at any rate, Mr. President, the ground upon which I based the opinion which I gave in response to the question of the present occupant of the chair was that anyone who signed enrolled bills must be an officer elected by the Senate or must be directly authorized by the Senate thereto.

The opinion which I gave to the present occupant of the chair was submitted in the absence of any such resolution as is now proposed. Whether the pending resolution, if adopted, will cure the trouble, or remove it, I am not now prepared to say. I think, however, that the matter is of sufficient gravity for it to go to a committee for investigation before it is finally acted upon. Of course, if I am in error, as I am assured by the Senators who sit around me I am, in my assumption that the Constitution does provide for the signature of enrolled bills by an officer of the Senate, then some such resolution will be sufficient.

Mr. TELLER. Mr. President, this is a question which seems to be so intricate that it strikes me it ought to go to a committee for investigation—either the Committee on Rules or the Committee on the Judiciary. I do not like to interfere with the Senator from Connecticut [Mr. PLATT], but it seems to me the resolution ought to go to some committee in order that an examination may be made regarding the subject. It will be exceedingly annoying every time a new designation is made of a Presiding Officer for the Senate to be obliged to pass a resolution of this kind. Instead of providing for the present case by a special resolution, it seems to me, if the question can be covered by a general resolution to include everybody called to the chair under such circumstances, so far as the authority to sign bills is concerned, that would be just as easy as this, and it would save controversy hereafter.

I dislike to interfere with the resolution at this time, but yet I suggest to the Senator from Connecticut whether it is not better that the pending resolution should go to some committee, so that we may have a report upon it.

Mr. PLATT of Connecticut. The difficulty about it, Mr. President, is that there seems to be something of an emergency. The bills which had accumulated——

Mr. TELLER. Mr. President——

Mr. PLATT of Connecticut. Please let me finish my sentence.

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. The bills which had accumulated at the conclusion of the session before the holiday recess are quite numerous, and they have not yet been signed; they have now been delayed for a fortnight, and it is therefore necessary that they should be passed, especially the urgent deficiency bill, which can not go to the President until it is signed by the Presiding Officer. On account of the importance of the bills about which this question has arisen I thought it best to save any question by the passage of such a resolution as that which I have offered. Afterwards this matter can be referred to the Committee on Rules with reference to making some general rule to cover such cases; but I trust the Senator will allow this resolution to pass.

Mr. TELLER. I want to suggest to the Senator from Connecticut that we can in a few moments change this into a general resolution, which will cover this case and all similar ones, and then we can proceed without any controversy.

Mr. PLATT of Connecticut. Very well. Let the resolution lie on the table.

Mr. TELLER. Instead of the resolution applying merely to the present occupant of the chair, I am sure it can be made broad enough to cover all such cases, so that there will be no such controversy hereafter.

Mr. PLATT of Connecticut. Let the resolution, then, lie on the table for the present.

The PRESIDING OFFICER. The resolution will lie upon the table.

Mr. PLATT of Connecticut subsequently said: Mr. President, I ask unanimous consent that the Senate resume the consideration of the resolution which I submitted this morning, authorizing the Senator occupying the chair under designation of the President pro tempore to sign enrolled bills.

The PRESIDING OFFICER (Mr. MCCREARY in the chair). The Senator from Connecticut asks unanimous consent that the Senate resume the consideration of the resolution named by

him. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. PLATT of Connecticut. I submit an amendment to the resolution which I proposed this morning, and I ask that the amendment may be read.

Mr. GORMAN. The Senator from Connecticut has the right to modify his resolution.

Mr. CULLOM. Let the entire resolution be read as proposed to be amended.

Mr. PLATT of Connecticut. I strike out all after the word "*Resolved*" in the resolution and substitute what I send to the Chair.

The PRESIDING OFFICER. The amendment submitted by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all after the word "*Resolved*," at the beginning of the resolution, and to insert in lieu thereof:

That whenever a Senator shall be designated by the President pro tempore to perform the duties of the chair during his temporary absence he shall be empowered to sign, as Acting President pro tempore, the enrolled bills and joint resolutions coming from the House of Representatives or presentation to the President of the United States.

Mr. PLATT of Connecticut. I have submitted the proposed amendment to the Senator from Colorado [Mr. TELLER] and to the Senator from Maryland [Mr. GORMAN]. I think it is now satisfactory, and I ask that the amendment may be adopted.

The PRESIDING OFFICER. The question is on the adoption of the amendment to the resolution.

The amendment was agreed to.

Mr. PLATT of Connecticut. I now ask that the resolution as amended may be passed.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 16445) to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the presiding officer:

An act (S. 5704) to incorporate the American National Red Cross;

An act (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes;" and

An act (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes.

RED LAKE INDIAN RESERVATION, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.

The PRESIDING OFFICER (Mr. PERKINS). The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. HEYBURN. I should like to inquire whether or not the motion which was pending when the Senate went into executive session on December 16 last is not still pending before this body. The RECORD shows that immediately upon the announcement by the Chair that the motion was before the Senate and under consideration the Senator from Massachusetts [Mr. LODGE] moved that the Senate go into executive session, and the Senate went into executive session and thereafter adjourned, pending the consideration of the motion to take up the pure-food bill. The question I desire to raise is whether or not that motion is now pending before the Senate?

The PRESIDING OFFICER. If the motion was not then disposed of, it was simply a pending motion at that time, and the Chair thinks it fell with the adjournment of the Senate.

Mr. GORMAN. We could not hear the Chair.

The PRESIDING OFFICER. The Chair is informed that when the Senate was in session on December 16 a motion was pending before it. The Senate declined to take any action upon the motion. Therefore the Chair holds that when the Senate adjourned the motion fell.

Mr. COCKRELL. Was the motion pending in the morning hour?

Mr. HEYBURN. No; it was pending after the morning hour, after 2 o'clock. I should like to call the attention of the Presiding Officer of the Senate to the proceedings that were had. I quote from page 363 of the RECORD of December 16, 1904:

Mr. HEYBURN. I move that the Senate proceed to the consideration of House bill 6295, known as the "pure-food bill;" and on the question of agreeing to that motion I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. LODGE. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I have asked for the yeas and nays on my motion.

Mr. LODGE. That does not make any difference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

Mr. MCCUMBER. I demand the yeas and nays on that motion.

Mr. HEYBURN. I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded. Is there a second?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business, etc.

Now, Mr. President, the question I desire to submit is whether or not the motion which was made, having a special character of precedence, such as attaches to a motion to proceed to the consideration of executive business, merely suspended the consideration of the pending motion or whether it cut it off entirely.

The PRESIDING OFFICER. The Chair is of opinion that under Rule XXII of the standing rules of the Senate, when the motion to go into executive session, which is a privileged motion, was agreed to, the motion of the Senator from Idaho died.

Mr. HEYBURN. Then I would inquire whether, under the circumstances under which that motion was pending, it was not notice to this body, within the ordinary method of procedure, that that bill would be called up immediately on the reconvening of the Senate for business after the holidays?

The PRESIDING OFFICER. That is a question for the Senate alone to determine. Under the rules of the Senate and of parliamentary law, as the Senator from Idaho is aware, when a Senator rises in his place and addresses the Chair, and is recognized, he is entitled to the floor. The junior Senator from Indiana [Mr. BEVERIDGE] rose and addressed the Chair, and was recognized; and his motion to proceed to the consideration of the bill is now before the Senate. The title of the bill will be read for the information of the Senate.

The SECRETARY. A bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the bill at this time?

Mr. BATE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GIBSON (when his name was called). I am paired with the Senator from Utah [Mr. KEARNS], and am not at liberty to vote.

Mr. HANSBROUGH (when his name was called). I have a pair with the senior Senator from Virginia [Mr. DANIEL]. I take the liberty of transferring that pair to the junior Senator from Pennsylvania [Mr. KNOX], and will vote. I vote "yea."

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence, I withhold my vote.

Mr. MCENERY (when his name was called). I am paired with the Senator from New York [Mr. DEPEW], and therefore withhold my vote.

Mr. MALLORY (when his name was called). I have a gen-

eral pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MILLARD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CLARKE], who is absent. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "yea."

Mr. PETTUS (when Mr. MORGAN'S name was called). The senior Senator from Alabama is necessarily absent, and is paired with the senior Senator from Connecticut [Mr. HAWLEY].

Mr. SCOTT (when his name was called). I have a pair with the junior Senator from Florida [Mr. TALIAFERRO]. I transfer the pair to the senior Senator from Maine [Mr. HALE], and will vote. I vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I transfer the pair to the Senator from Rhode Island [Mr. ALDRICH], who is absent without a pair. That will leave the Senator from Tennessee and the Senator from Rhode Island paired, and I will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I should like to inquire whether he has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. STONE. Then I will refrain from voting. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I understand an arrangement has been made whereby that Senator stands paired with the junior Senator from Maine [Mr. FRYE], thereby allowing the junior Senator from Maryland [Mr. GORMAN] and myself to vote. I vote "yea."

The roll call was concluded.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. He is absent. I transfer the pair to the junior Senator from Michigan [Mr. ALGER], and let my vote stand in the affirmative.

Mr. KEAN. My colleague [Mr. DRYDEN], who is necessarily absent, is paired with the Senator from South Dakota [Mr. GAMBLE]. If my colleague were present, he would vote "yea."

Mr. FOSTER of Louisiana (after having voted in the negative). I should like to inquire if the junior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. FOSTER of Louisiana. Then I wish to withdraw my vote, as I have a general pair with him.

Mr. SPOONER. I wish to announce that my colleague [Mr. QUARLES] is necessarily absent from the city.

Mr. FOSTER of Louisiana. I understand that other arrangements have been made for the junior Senator from North Dakota [Mr. MCCUMBER], leaving me at liberty to vote. I understand that Senator will stand paired with the Senator from Nebraska [Mr. DIETRICH]. I vote "nay."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK] is necessarily absent from the Chamber, attending duties of a public nature.

The result was announced—yeas 31, nays 17, as follows:

YEAS—31.

Allee	Dick	Hansbrough	Platt, Conn.
Allison	Dillingham	Kean	Platt, N. Y.
Ball	Dolliver	Lodge	Scott
Bard	Elkins	Long	Spooner
Beveridge	Fairbanks	McComas	Stewart
Burnham	Foraker	Millard	Warren
Crane	Fulton	Nelson	Wetmore
Cullom	Gallinger	Perkins	

NAYS—17.

Bacon	Clay	McCreary	Teller
Bailey	Cockrell	Martin	Tillman
Bate	Dubois	Newlands	
Berry	Foster, La.	Overman	
Blackburn	Gorman	Pettus	

NOT VOTING—42.

Aldrich	Daniel	Hopkins	Morgan
Alger	Depew	Kearns	Patterson
Ankeny	Dietrich	Kittredge	Penrose
Burrows	Dryden	Knox	Proctor
Burton	Foster, Wash.	Latimer	Quarles
Carmack	Frye	McCumber	Simmons
Clapp	Gamble	McEnery	Smoot
Clark, Mont.	Gibson	McLaurin	Stone
Clark, Wyo.	Hale	Mallory	Taliaferro
Clarke, Ark.	Hawley	Mitchell	
Culberson	Heyburn	Money	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. The bill will be read in full.

Mr. BEVERIDGE. I was going to ask for the reading of the bill for the information of the Senate.

The PRESIDING OFFICER. That is next in order. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. MCCREARY in the chair). The bill is before the Senate as in Committee of the Whole.

Mr. BATE. I move that the bill be recommitted to the Committee on Territories.

Mr. BEVERIDGE. Does the Senator wish to press the motion before the Senator from Minnesota [Mr. NELSON] explains the bill?

Mr. BATE. Just as the Senator may prefer. I will yield to him if he wishes to proceed at this time.

Mr. NELSON. What is the motion now pending, Mr. President?

The PRESIDING OFFICER. The Senator from Tennessee [Mr. BATE] has moved the recommitment of the bill.

Mr. NELSON. Very well. It will be satisfactory to me to have the vote taken on that motion.

Mr. BATE. Mr. President——

Mr. BEVERIDGE. The Senator from Minnesota [Mr. NELSON] says he is willing that the motion of the Senator from Tennessee may be voted on now.

Mr. BATE. Do I understand that the Senator from Minnesota is willing the question shall be taken on my motion?

Mr. BEVERIDGE. Yes; the Senator from Minnesota is willing to defer his explanation of the bill until the motion of the Senator from Tennessee can be disposed of.

Mr. BATE. Very well, Mr. President.

The PRESIDING OFFICER. The question is on the motion made by the Senator from Tennessee [Mr. BATE], that the bill be recommitted to the Committee on Territories.

Mr. BATE. Mr. President, I desire to say a few words on the motion to recommit this bill.

Mr. BEVERIDGE. Certainly, the Senator should have that opportunity.

Mr. BATE. Before the question is put on my motion I desire to state very briefly the condition of matters here in the last week or two, so as to justify my motion. My motion is no reflection whatever upon the committee. We do not so intend it, nor do we intend to reflect upon anyone else; but a peculiar situation surrounded us just as we assembled here on the conclusion of the Christmas holidays, when there was, and has been since, but little opportunity for the consideration of such matters as this bill involves. Not only that, Mr. President, but the members of the committee upon our side—and by "our side" I mean the Democratic side; I mean the side that is against this report—all of the committee are absent on our side except myself. I came two or three days after the beginning of this session, and I think the Senator from Nevada [Mr. NEWLANDS] came a day or two after I did. There was not then a single man upon the committee opposed to this bill who understood the situation, except one Republican [Senator BARD], who did his duty in aid of the investigation faithfully and well.

That being so, testimony nevertheless was heard. I do not know how much testimony was taken, but there were perhaps some six or eight witnesses. I went to the committee, having been duly and properly notified on each occasion. I ascertained for the first time, when the hearing of the testimony was nearly over, that the evidence given by the witnesses had not been taken down stenographically. I took but little part in the matter beyond giving my presence there on two or three occasions and asking a few questions. But we are in that condition. The members reflecting the views of our side of the committee were absent, and we have but a few present here to-day of those who differ from the propositions of this bill and who could make a minority report. I want an opportunity to join with my fellows, who agree with me in regard to this bill, to make a minority report. We have not had such an opportunity.

When I called on the clerk of the committee to find where the testimony was upon which was based the majority report, and on which I could base a minority report, I discovered that there was no testimony there; that the testimony of not a single witness had been taken down. I was not present when it had been given and my committee colleague from Nevada [Mr. NEWLANDS] was not and had not been present, neither had any other member of the committee. That is the situation governing this bill.

Here is a question big with results, Mr. President, involving the life of four Territories that wish to be admitted into the Union as States. If you make an error in this legislation now, you can not correct it; but if you fail to pass this bill and let it

go, you can remedy it in the future by legislation that will come hereafter.

I want, as one member of the minority, to join in a report against the passage of this bill, and we want time in which to do it. We ask the Senate at this time that we may be allowed to do it.

I see no great necessity for pushing this legislation, urging and driving it through with whip and spur. We want time to properly consider it. It has been sprung upon us at this short session. There were only five or six, perhaps seven or eight, witnesses who appeared before the committee, and those hearings occurred, I beg to say, during the sessions of the Senate—a good part of them. That testimony was given during the afternoons, when I was engaged here, and my colleague, the only one present, was also engaged here in the Senate in other matters. It is not customary to take Senators from their places in this Chamber, where they have important public duties to perform, and summon them down to a committee room to the neglect of their duties in this Chamber. That is not the custom, neither is it right. No order appears upon the Journal of the Senate granting permission to Senators to absent themselves from their duties here in order to appear before a committee. Therefore, Mr. President, it seems to me that there is a courtesy in this thing, and that the Senate ought to allow the minority of the committee an opportunity to prepare a minority report and also to examine such testimony as they see fit to do.

I wish to further say that I should like to cross-examine every one of the witnesses who have been heretofore examined before the committee, so as to form the basis for what I believe to be a just and proper report, and also in regard to what I have heard some of them have stated. I did not hear their testimony and knew nothing of it whatever, except in a single instance, when I asked probably a few questions. Therefore I am striking in the dark, and this Senate is striking in the dark upon this matter. There is not a Senator within the sound of my voice who knows one scintilla of the proof in connection with this bill, which involves the life of States as it does the future of the country. It seems to me a sort of revolution, a change in the policy of the Government, for the policy of our Government heretofore, as I understand it, from the days that it started under the ordinance of 1787, with the Northwestern Territory down to the present, was to make small States, so that their management might be convenient and economical. That has been the policy.

Now, Mr. President, here are four Territories, among them the Indian Territory, with all that is involved in it and of the most delicate character for a man who wants to do justice to that ill-used and unfortunate people. That is one phase of the question. Another is Oklahoma, which has sprung up like magic, now having within its boundaries some four or five hundred thousand people. As to those two Territories we desire to prepare and submit a minority report, and we ought to have an opportunity to do so.

Then take the other two. Why, Mr. President, it has been said, and it is uncontradicted, that the two Territories which you propose now to make into a State are larger than all New England, New York, New Jersey, and Pennsylvania combined.

When Dakota came here for statehood some six or eight years ago, I do not believe there was a single man upon our side of the Senate who objected to it. I do not believe there was any objection made to it from any quarter. Why was the proposition made to divide Dakota? It was because it was thought to cover too large an area, which it was claimed was not in accordance with the theory of our Government to have small, compact States for convenience and economy.

As I have said, there is a revolution going on, and we are to enlarge States so that we shall have fewer Senators in this Chamber to speak the voice of the people for the States and the people thereof. Dakota then was divided because it was too large, and here in the case of two large Territories, either larger than Dakota, we propose to put them together and to make one State of them. This is a Territory, Mr. President, that has a history—a history that should not be lost sight of.

President Buchanan, I find in looking into the history of these matters, as far back as 1857, when he was President, urged and recommended that Arizona should be an independent Territory. She then belonged, as you know, under the treaty of Guadalupe-Hidalgo, to the United States, as New Mexico. Mr. Buchanan urged then that it should be made into a Territory.

Nature has divided these Territories. Look at their geography and you see that there is a mountain range from 4,800 to 10,000 feet high, with few passes along it to connect the extreme points of that country. There are but few pathways there, and their intercourse is infrequent. This is a natural divide, called "the Great Continental Divide." Nature has separated these two Territories, Mr. President, and having so separated them, that Mr. Buchanan recommended its separate admission.

Is that all?

Furthermore, in 1863, as appears by the records, Mr. Lincoln also recommended it. And not only did he recommend it, but it was passed during his Administration—on the 23d of February, 1863, I believe it was, that the bill went to him as President. He kept it but a day and sent it back with his approval, and it became the law on the 25th day of February, 1863. Yes, this same Arizona, as a Territory, received the sanction of Mr. Lincoln. Not only that, but if you will read the language you will see that it says that it shall remain a Territory "until it becomes a State."

Shall we go back on what Mr. Lincoln said and did—upon what Mr. Buchanan said? They were the great men of that day? Shall we do that? Have we not, as the minority of the committee, a right to look into these matters and make a report and bring it to the attention of the Senate and appeal to their patriotism and their sense of right? That is what I am asking for and nothing more.

I make no reflection upon the committee. It was due to lack of time. It was due to the fact that it was the early part of the session. It was the Christmas holidays coming before it could be consummated. It is nobody's fault. But, Mr. President, do not let our country suffer because of it.

Santa Fe is described in the bill which was just read as the capital of the State to be formed of these two great combined Territories. The Senator from Indiana [Mr. BEVERIDGE], the chairman of this committee, can come here from Indiana in less time and more comfortably than a person can go from the extreme point of Arizona to the capital of the proposed State—Santa Fe. Look at the inconvenience of it.

In addition to that, there is the want of economy. The members will get their mileage. We know something of that here. Let Arizona, as Mr. Lincoln said, remain a Territory until she becomes a State.

The remedy is for us to see what the truth is, and what is best to be done, and do it. If we now commit an error, as I said in the beginning, we can not remedy it. I wish to impress that upon the Senate, upon its honesty, upon its patriotism, upon its intelligence. We can not remedy the evil if we go wrong here now and make a State of a Territory; whereas by postponing it we may prevent an error and a folly, and by future legislation the proper thing can be done.

That is what I have to say about this matter, Mr. President. I do not know that there is anything else I wish to say now. I shall, at a subsequent time, if we get into the debate, have something to say more particularly and minutely in regard to this matter. I am on that committee, and it so happens that my name is mentioned first on the minority side. That is one of the reasons why I now speak to you in behalf of the committee.

Mr. BEVERIDGE. Mr. President, I have only one word to say in response to the statement made by the Senator from Tennessee [Mr. BATE], and that is this. The Senator will bear me out in the statement that he and every other member of the committee who were in Washington were duly and formally notified of each meeting of the committee, and that in addition thereto the chairman of the committee personally notified members by telephone so that there could be no mistake. And any person who failed to attend the meetings of the committee did so after having had due notice.

The hearings that were had were accorded to those who asked for them before the committee, and there was no request from either side of the committee table for a stenographic report, because, no doubt, of the fact that the House committee, which originated the bill, had had extended hearings lasting for very many weeks, and had made both a majority and a minority report, which were accessible to all.

I think this is a correct statement of the facts in the case, and that the Senator from Tennessee will bear me out in it.

Mr. BATE. Mr. President, I wish to have it understood that I did not mean to say there was no notice. The chairman gave us notice, and he did it also by telephone. I wish to do him full justice in that respect. I think he did all he could to get us there. I think he really felt that he had a majority on his side, and he wanted us to make a quorum.

With a view of testing this matter I will call for the yeas and nays upon my motion, and I hope the Senate will extend that courtesy to us.

The PRESIDING OFFICER. The Senator from Tennessee moves to recommit the bill to the Committee on Territories, and on that motion he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. QUARLES]. In his absence, I withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. Our pair is rather elastic. I voted against taking up the bill, but I will refrain from voting on this question.

Mr. FOSTER of Louisiana (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. MCCUMBER]. He being absent, I withhold my vote.

Mr. HANSBROUGH (when his name was called). I will allow the pair I announced this morning on a former vote to stand, and will vote. I vote "nay."

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence, I withhold my vote.

Mr. MCCOMAS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BLACKBURN], who is here but is not now in the Chamber. If he were present, I should vote "nay" and he would vote "yea." I withhold my vote.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MILLARD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CLARKE]. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. PETTUS (when Mr. MORGAN's name was called). The senior Senator from Alabama is paired with the Senator from Connecticut [Mr. HAWLEY]. If my colleague were present, he would vote "yea."

Mr. SCOTT (when his name was called). As stated this morning, I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I transfer the pair to the senior Senator from Maine [Mr. HALE], and will vote. I vote "nay."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. I transfer the pair to the Senator from Rhode Island [Mr. ALDRICH] and will vote. I vote "nay." I should like to have this announcement apply to any other vote to-day.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). Under the announcement regarding pairs made this morning, which I wish to stand for the day, I shall vote. I vote "nay."

The roll call was concluded.

Mr. KEAN. My colleague [Mr. DRYDEN] is necessarily absent, and on this vote he is paired with the Senator from South Dakota [Mr. GAMBLE]. I wish this announcement to stand for the day.

The result was announced—yeas 15, nays 31, as follows:

YEAS—15.

Bacon	Clay	McCreary	Pettus
Bailey	Cockrell	Martin	Teller
Bate	Gorman	Newlands	Tillman
Berry	Heyburn	Overman	

NAYS—31.

Allee	Cullom	Fulton	Perkins
Allison	Dick	Gallinger	Platt, Conn.
Ankeny	Dietrich	Hansbrough	Scott
Ball	Dillingham	Kean	Spooner
Bard	Dolliver	Lodge	Stewart
Beveridge	Elkins	Long	Warren
Burnham	Fairbanks	Millard	Wetmore
Crane	Foraker	Nelson	

NOT VOTING—44.

Aldrich	Daniel	Hopkins	Money
Alger	Depew	Kearns	Morgan
Blackburn	Dryden	Kittredge	Patterson
Burrows	Dubois	Knox	Penrose
Burton	Foster, La.	Latimer	Platt, N. Y.
Carmack	Foster, Wash.	McComas	Proctor
Clapp	Frye	McCumber	Quarles
Clark, Mont.	Gamble	McEnery	Simmons
Clark, Wyo.	Gibson	McLaurin	Smoot
Clarke, Ark.	Hale	Mallory	Stone
Culberson	Hawley	Mitchell	Taliaferro

So the Senate refused to recommit the bill to the Committee on Territories.

Mr. NELSON. Mr. President, I propose to occupy a few moments in making a brief statement in reference to the main features of this bill and what it proposes to accomplish.

This bill came from the House at the last session, having passed that body on the 19th of April last. It came here too late at the last session to receive any consideration by the committee at that session, but during the present session the Committee on Territories, having the bill in charge, have given it careful consideration and heard various parties both in favor of the bill and against it.

The bill proposes to create two States; first, to unite the Territory of Oklahoma and the Indian Territory into one State. Indian Territory, including Oklahoma, was in 1834 set apart as a Territory for the benefit and use of the Five Civilized Tribes and such other Indians as might be located there, with the consent of the tribes. But the pressure to acquire wild and unoccupied lands in the western part of the Indian Territory—that portion not occupied by the tribes—became so great that finally, in 1890, Congress passed an act establishing the Territory of Oklahoma, segregating it from the Indian Territory, and in segregating it and making it into a separate Territory, owing to the location and lands occupied by the Five Civilized Tribes, the eastern boundary of Oklahoma, as you will see by the map on the wall [indicating], became a very ragged and irregular boundary. The map on the wall represents the two Territories, and you can see the red line between them.

It was contemplated by the provisions of the act establishing the Territory of Oklahoma that by and by the two Territories would be merged in one State. I wish to call attention to this provision briefly. After describing the boundaries of Oklahoma, the act creating the Territory of Oklahoma provides:

> Whenever the interests of the Cherokee Indians in the land known as the Cherokee Outlet shall have been extinguished and the President shall make proclamation thereof, said Outlet shall thereupon and without further legislation become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian Nation or a tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of the Territory of Oklahoma, and the President shall thereupon make proclamation of the same.

So that the act establishing the Territory of Oklahoma really contemplated that in the future these two Territories should be merged and united as one State.

Most of the Senators who were here two years ago will remember that when the statehood bill was under consideration providing for the establishment of four States I advocated the importance and necessity of uniting these two Territories—Oklahoma and Indian Territory—into one State. I called attention to the character of the transportation facilities of the two Territories; I called attention to the make-up of the population of the two Territories; and I called attention to the natural resources of the two Territories, showing that the one in natural resources was the complement of the other, Oklahoma being in the main a grazing and agricultural Territory, while Indian Territory was not only to some extent an agricultural Territory, but also a country possessed of a large quantity of valuable timber, including pine, valuable coal lands, and lands containing gas and various minerals.

I am now glad, Mr. President, to know that the views I expressed in the remarks I made two years ago on this subject have in the main found approval both in Oklahoma and in Indian Territory. As I understand it to-day, most of the people in both of those Territories are agreed that it is for the best interests of both Territories that they should be united in one State.

If we look at the size of these Territories we can see that as separate distinct States they would be very small indeed for Western States. Oklahoma has an area of 38,830 square miles and Indian Territory 31,000 square miles. By uniting the two the area of the State to be known as "Oklahoma" would be 69,830 square miles, or a total of 44,691,200 acres. If we compare this size and area with the tier of States immediately north of it we find this to be the condition: Of the State immediately north of it, Kansas, has an area of 81,700 square miles; Nebraska, immediately north of it, has 76,840 square miles; South Dakota has 76,850 square miles, and North Dakota, 70,195 square miles. So the proposed State of Oklahoma will practically be about the same size as the State of North Dakota, and a trifle less in area than the other States in the same tier of States.

If we look at the matter of population, we find that the population of these two Territories is more than enough to make a strong and prominent State. According to the census of 1900 Oklahoma had a population of 398,331 and Indian Territory 392,060, showing that the two Territories at that time had pretty nearly an equal population. Most of the population of Indian Territory is white. There are somewhere between eighty and ninety thousand—I do not recall the exact figures—who are regarded and treated as members of the Five Civilized Tribes, but most of these, the larger share of them, are nearly white, and some of them are entirely white.

Among the eighty or ninety thousand who are regarded as members of the Five Nations there are only about twenty to twenty-five thousand full-blood Indians. The remainder are

partly diluted Indians, mostly white, and a large number of white people who have become members of the tribe by marriage and adoption, and some freedmen, the descendants of those who in ante-bellum days were slaves in that Territory. The bulk of the population of the Indian Territory in 1900—nearly four-fifths of it—was composed of white people who had settled there by the permission and with the consent of the Indians and who had been largely instrumental in extensively developing the great resources of that Territory.

The records of the land offices show that there has been an immense increase in population in the two Territories. Mr. President, I have no doubt that to-day there is a population of more than a million people in the two Territories combined. Indeed, there are many who claim there are upward of 1,200,000, and I am not prepared to dispute even that statement.

The bill proposed to give the State of Oklahoma, composed of these two Territories, with that population, five Representatives in Congress, divided by the bill into five separate and distinct districts. They would almost be entitled to that representation upon the basis of the census of 1900, and if we take the present population as a basis, they would be entitled perhaps to six, if not seven Representatives. The basis of representation in the House under the census of 1900 is, in round numbers, 194,000. The population of the two combined, taking the census of 1900, would be 790,391. I am satisfied, as I said a moment ago, that these Territories have a population to-day in excess of a million people. The Land Office records, the homestead entries which have been made, and everything else go to show that there has been a great immigration into that country.

Now this bill provides that the people shall hold a constitutional convention. That convention shall consist of 109 members, 55 to be elected by the people of the Territory of Oklahoma and 54 by the people of the Indian Territory.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER (Mr. MCCREARY in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. CLAY. Will the Senator state the population of Oklahoma in 1900 and also of the Indian Territory at that time?

Mr. NELSON. Certainly. I can give the Senator the figures. I thought I had given them.

Mr. CLAY. Is the representation in the convention to be based upon the population of each Territory at that time?

Mr. NELSON. Certainly. The population of Oklahoma in 1900 was 398,331, and the population of the Indian Territory was 392,060. There was a difference of a little more than 6,000 in the population of the two. On that account we have in the constitutional convention given Oklahoma Territory one more delegate than we have the Indian Territory, which would be the exact and fair ratio upon the basis of the population as it stood in 1900—55 delegates for Oklahoma and 54 delegates for the Indian Territory.

These delegates are to be elected by the people of the two Territories, and they are to be elected in Oklahoma conformable to the election laws of that Territory in districts established by the governor, the chief justice, and the secretary of said Territory. They are to be elected in the Indian Territory in and by districts to be established by the judges of the United States court in that Territory. These delegates are to be elected in Oklahoma by the qualified electors who are entitled to vote, and in Indian Territory by the white adult males and the Indian adult males, members of the Five Civilized Tribes.

The constitutional convention must meet on the fifth Tuesday after the election of delegates. The bill requires certain provisions to be incorporated in the constitution as a condition for admission as a State. These provisions, which are described in the bill, are substantially the same provisions that have been incorporated in the laws admitting other Territories as States.

The bill provides that the capital of the Territory is to remain at Guthrie, now the capital of Oklahoma Territory, until 1910. After that time it may be removed therefrom; may be changed by a vote of the people of the Territory.

The bill further divides the proposed State into two Federal judicial districts, to be known as the eastern and the western districts. The eastern district is composed of what is now Indian Territory and the western district of Oklahoma Territory. Courts are to be held at two places in Oklahoma Territory, and, by an amendment which we propose to offer, two places for holding court will also be given to Indian Territory.

After the constitutional convention has adopted a constitution the same must be submitted to a vote of the people. If ratified by a vote of the people, it is then submitted to the President of the United States. If he finds that the constitution is conformable to the provisions of the bill and republican in form, the President is authorized to issue his proclamation, whereby Oklahoma becomes a State, but not before March 4, 1906.

The reason for this delay is that, under the provisions of existing treaties and laws, the Indian nations will not cease to exist, nor the tribal relations of the different Indian nations be broken up, nor allotments in severalty to the Indians composing the Five Civilized Tribes be completed, before that time. The allotments have now been nearly completed. From the last report of the Dawes Commission I see that the Commission expects to have the allotments substantially completed by the expiration of the fiscal year 1905. I believe, under the law, the life of the Commission is to expire at that time. So there will be no impediment, so far as the rights of the Indians are concerned. Under the laws and treaties allotments of two kinds have been made to the Indians—so-called homestead allotments, consisting in most cases of 40 acres (in one case 160 acres), and other additional allotments. Under the treaties and laws in reference to these allotments there were certain restrictions placed upon the sale of the allotted lands. The homesteads are inalienable for twenty-one years, the other allotments for five years. By a paragraph in the last Indian appropriation act many of the restrictions upon alienation were removed, except in respect to the homestead allotments given to the Indians.

The provision in the last Indian appropriation act, approved April 21, 1904, for the fiscal year ending June 30, 1905, is as follows:

> And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding of the United States Indian agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded.

The bill gives to the State of Oklahoma two sections of land for school purposes. Sections 16 and 36 in every township are given for school purposes, and sections 13 and 33 in every township within certain counties or reservations are given for State institutions of various kinds, such as universities, normal schools, and other State institutions. This grant of two sections to a township in the Territory of Oklahoma for school purposes will amount, if filled—and I take it it can be filled, for the reason that wherever lands are taken, purchased, or occupied by settlers on these special sections the State may select lieu lands in place of them—if this grant of two sections to a township is filled it will amount to 1,413,803 acres. (See Governor Brodie's report for 1904, p. 159.) The lands in sections 13 and 33 granted amount to nearly 100,000 acres. In addition to this the State is given a special grant in lieu of what is known as the swamp-land grant, which was given to the older States west of the Mississippi River. In lieu of this swamp-land grant the State gets 900,000 acres for the purpose of constructing various buildings and maintaining various State institutions. So that in all the State is granted by this bill nearly 2,500,000 acres of valuable land.

Now, all these lands are within the limits of what is now Oklahoma Territory. There are none of these lands within the limits of the Indian Territory, for the reason that the lands in the Indian Territory belong to the Five Civilized Tribes, and have been allotted to them, as I have explained, in severalty.

A question was suggested to me by the Senator from Ohio [Mr. FORAKER], and I take pleasure in answering him. In all the school-land grants made to the Territories of sections 16 and 36 the grant has always been in this form that it should inure to the educational purposes of the Territory and to the future State. So there is no doubt at all but that this school-land grant will inure to the entire State—the people of the Indian Territory as well as the people of Oklahoma.

Now, owing to the fact, as I stated a moment ago, that Indian Territory belongs to the Indians, it is not possible for the Government to make a school-land grant in that Territory, as we do in the Territory of Oklahoma. The people of Indian Territory will get their share of the school-land grant in Oklahoma. The bill makes a specific grant of $5,000,000 on this account, so that practically you may say that Indian Territory contributes $5,000,000 to school purposes for the new State as against the school-land grant given Oklahoma. In other words, if Indian Territory had been in the matter of public lands in the same

condition as Oklahoma Teritory we could have given a similar school-land grant in Indian Territory, but not being able to do that, in lieu of it we give $5,000,000, which is not more than one-fourth of the value of the school-land grant to Oklahoma. It is not fair to take the school-land grant which has been given to Oklahoma as a Territory and spread it all over the new State and have Indian Territory contribute nothing.

Mr. BAILEY. Will the Senator from Minnesota permit me to inquire——

Mr. NELSON. Certainly.

Mr. BAILEY. If the land grant heretofore made the Territory of Oklahoma for school purposes was substantially the same that has been made to other Territories?

Mr. NELSON. I think so. That is my recollection.

Mr. BAILEY. Then, as a matter of fact, were not those other grants intended for a State, and were they not supposed to be sufficient, or if not entirely sufficient for school purposes at least such as the Federal Government was willing to make?

Mr. NELSON. Well, that is a question which is hard to answer. I am not able to say what was the intention and the purpose of Congress.

Mr. BAILEY. When that land grant was made there was no proposition pending here and no expectation existing anywhere that Oklahoma would be united with the Indian Territory for the purpose of creating one State, and the land grant to Oklahoma at that time was assumed to be a fair grant to a Territory yet to become a State. If that is true——

Mr. NELSON. I am not prepared to say whether that was the assumption or not, but I wish to call the Senator's attention—I think he was out of the Chamber—to something I stated at the outset. I called attention to the act creating and establishing the Territory of Oklahoma, pointing out how it contemplated in the future that the land of Indian Territory might be united with Oklahoma into one State.

Mr. BAILEY. Mr. President, I was not outside of the Chamber. I had read the very excellent speech delivered two years ago by the Senator from Minnesota, which I intend the Senate shall have the benefit of again during the course of this discussion, and I knew that that statement had been made repeatedly. But, admitting that that was true, then the original land grant to Oklahoma must have been made in contemplation either of its becoming a State as it stood or of its becoming a State in connection with the Indian country, and in either event the land grant, then, was intended to be such a grant as had been made to former Territories which were to become States, and this $5,000,000 is a pure gratuity.

Mr. NELSON. It is not a gratuity, for the reason——

Mr. BAILEY. I wish to say here, if the Senator will permit me, lest that statement——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly.

Mr. BAILEY. Lest that statement standing alone should be misunderstood, I am not opposed to seeing this Government give all it can for educational purposes. I myself would rather spend it for schoolhouses than for battle ships.

Mr. NELSON. I wish to say, Mr. President, that in most of the earlier States which were formed west of the Mississippi the school land grant was limited to sections 16 and 36—to only two sections in each township. When we admitted Utah as a State four sections of land were, for the first time, given for school purposes.

Mr. BAILEY. That was based upon a difference between the value of the land conveyed there and the land conveyed to the other States.

Mr. NELSON. In this case here was a grant given to the Territory of Oklahoma. Mr. President, I am not prepared to say what the intention of Congress was. We can only judge of the intention to-day by the phraseology of the grant as to whether the intention of Congress was that that was to be deemed sufficient for these public and educational purposes for a State of the area of Oklahoma Territory or whether it was to be deemed sufficient for a State composed of that and any portion or all of the Indian Territory annexed to it. I stated a moment ago that in respect of the establishment of the State of Oklahoma, although the constitution may be ratified by an election of the people prior to 1906, yet the Territory can not become a State by proclamation until March 4, 1906. That is for the reason that not until that time will all the tribal relations and tribal governments be broken up and all the tribal lands be allotted and distributed.

I shall not now take up any further time of the Senate with the case of Oklahoma. I will only add that $75,000 is appropriated for the expenses of the constitutional convention. Outside of that $75,000 and the $5,000,000 for school purposes, to which I have referred, the bill contains no other appropriation for Oklahoma.

I will now for a few moments refer to the other proposed State. The bill also proposes to create a State out of the Territories of Arizona and New Mexico. Upon the face of the map those two Territories seem an immense region, and if the number of superficial square miles and nothing else be taken into account it would seem to be an immense State, out of all proportion with most of the States; but if you take into account the population of the two Territories, the character of the resources of the two Territories, and the pace and measure of their development you will find that while superficially they may seem a large State, yet in reality in the matter of population, resources, and development they will not be equal in population, resources, development, or possibilities to the Territory of Oklahoma alone.

I will call the attention of Senators to the population of New Mexico, so that you can see how slowly the Territory has been growing. New Mexico was created a Territory September 9, 1850. At that time it embraced Arizona. The total population of New Mexico in 1850, including Arizona, was 61,547; in 1860 it was 93,516; in 1870 it had dropped down to 91,874. That was owing to the fact that Arizona, with a population of about nine or ten thousand, had in 1863 been cut off from New Mexico. In 1880 the population of New Mexico was 119,565; in 1890 it was 153,593, and in 1900, the last census, 195,310.

From these figures you can see how slow has been the growth of the Territory of New Mexico. If you allow the same percentage of growth which occurred from 1890 to 1900 to the population from 1900 to 1905—that is, a percentage of 0.271 for the decennial period, the population of New Mexico to-day, at the end of five years, would be 221,774. This would be the case if you assume that the growth of the Territory has been at the same ratio from 1900 to 1905 as from 1890 to 1900, I think this is a fair assumption. I shall hereafter show in more detail how scant and slow has been the growth and development of New Mexico.

Arizona was cut off from New Mexico and created a Territory February 24, 1863. In 1870 Arizona had a population of 9,658; in 1880, a population of 40,440; in 1890, a population of 88,243; in 1900, a population of 122,931. These figures show that the growth of Arizona Territory, with all of its immense area, has been very limited and on a scant scale. Now, if we allow the same percentage of growth from 1900 to 1905 as you do from 1890 to 1900, Arizona to-day would have a population of 161,931, and in that population there are something like twenty or twenty-two thousand Indians not taxed, members of tribes, who are not really entitled under the Constitution to representation.

The population of the two Territories, then, to-day, giving them the same ratio of increase from 1900 to 1905 as the ratio of increase from 1890 to 1900, would be 383,705; or, with a liberal estimate, a population of 400,000 in round numbers. And this, Mr. President, entitles them to what the bill proposes to give them—two Members in the House of Representatives. These members are to be elected by districts—what is now Arizona constituting one district and New Mexico one district.

If we look at these Territories from the standpoint of their area, it seems immense. Arizona has an area of 113,020 square miles; New Mexico, 122,580 square miles—the two together having an area of 235,600 square miles, while the area of the State of Texas is 265,780 square miles. The area of the proposed State composed of Arizona and New Mexico is 30,180 square miles less than the area of the State of Texas.

Mr. CLAY. While the Senator is on that point, with his permission I should like to ask him, Is it not true that the population of Arizona is largely American?

Mr. NELSON. Certainly it is; with the exception of the Indians.

Mr. CLAY. With the exception of the Indians?

Mr. NELSON. There are perhaps 25,000—and I do not know but 30,000—Indians of all kinds in Arizona. But there are about 22,000, if my recollection is right, who are members of tribes and not taxed, and so are not entitled to representation.

Mr. CLAY. There are but few Mexicans in Arizona?

Mr. NELSON. That is my understanding.

Mr. CLAY. The feeling between the people of Arizona and the New Mexicans has been bitter for a number of years. Is it not true that the population of New Mexico is mostly Mexican, and is it not also true that the population of Arizona is bitter against combining the two Territories as one State?

Mr. NELSON. I do not know as to the bitterness against combination, but I want to say that I do not think that there is any bitterness between the people of Arizona and the people of New Mexico. I do not think that there is any hostile feel-

ing between them. There is, however, some hostility between what you might call the political classes, those who are aiming to hold office and be represented in Congress. I think there is no feeling of hostility to the people of New Mexico.

I want to correct an impression of the Senator. I do not think the majority of the people of New Mexico to-day are what we call "Mexican." I do not think they number more than one-half, and some say only two-fifths, which perhaps may be correct. I think the governor of the Territory claims that two-fifths of the people of New Mexico are known as Mexicans—that means that they are of Spanish descent—while the balance of the population are of the same class we find in our Western Territories. My own notion is that now about one-half are Mexicans.

Mr. CLAY. I was simply going by the speech of the Senator, made, I believe, two years ago in regard to the population of New Mexico.

Mr. NELSON. My impressions have not changed. I am now stating what the governor of New Mexico states. He states that two-fifths of the population are Mexicans. My own opinion is about half are what may be called Mexicans, while the other half are Americans, coming from various States and localities, very much the same character of people you find in Arizona and in the grazing, cattle, and mining States of the West.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. I yield to the Senator.

Mr. STEWART. I frequently visited New Mexico in early days, and was then quite familiar with conditions in that Territory. The speeches and proceedings in the legislature were first in one language, generally English, and then translated by an interpreter into the Spanish language. This was the case in the courts as well as in the legislative body. The public schools taught the Spanish language in those counties where they had public schools. In some counties only parochial schools were maintained. In fact, New Mexico appeared to be a foreign country. The customs and practices of old Mexico before the recent revolutions in that country were maintained. Soon after Arizona was carved out of New Mexico A. P. K. Safford was appointed governor on my recommendation. I had many conversations with him with regard to the conditions there. I told him that it was very important that Arizona should not follow the example of New Mexico; that the proceedings in the legislature, in the courts, and in the schools should be in English. After a very severe struggle he succeeded in having the English language adopted for all purposes in Arizona. The result is very satisfactory. The Mexicans who reside in Arizona have become Americans by mingling with American people and speaking the same language. Several gentlemen from Arizona have appealed to me in opposition to the union of the two Territories. The principal objection urged is that New Mexico is still a foreign country, and that they do not desire to be controlled by people who speak a foreign language. I am not very familiar with the present condition of New Mexico and I would like to be informed by the Senator from Minnesota whether or not it is true that a foreign language is still in use in the legislature, the courts, and schools of New Mexico, and if that matter has been investigated by the committee.

Mr. NELSON. Mr. President——

Mr. BAILEY. Mr. President, will the Senator from Minnesota yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. I will yield to the Senator, but I should like to say to him that if he will bear with me for about ten or fifteen minutes I will cease speaking, in order to accommodate the Senator from Illinois [Mr. CULLOM], who desires to make a motion to adjourn on account of the death of a colleague in the other House. I shall resume my remarks subsequently, and if the Senator will postpone his queries until that time he may then ask me such questions as he may desire.

I did not, Mr. President, catch all of the remarks of the Senator from Nevada [Mr. STEWART] about the people of New Mexico; but I think it is true, as he stated, that to a considerable extent they use interpreters in the courts, in legal and in official proceedings, and that they have interpreters not only for witnesses, but that the speeches of the lawyers are interpreted to the jury, the charge of the court is interpreted to the jury, and in many instances interpreters go into the jury room when the jury find a verdict. While that has been the condition in New Mexico, I am informed that under their school system, which has been largely extended and improved, the old order of things is gradually disappearing, and what are known as "Mexican" people are gradually but surely becoming Americanized. That is my information, but I may be wrong about it.

Mr. President, coming back to the question of the area of Arizona and New Mexico, I want to call attention to one fact. I think everybody will now concede that it would have been highly proper to have united Nevada and Utah into one State. According to the last census, Nevada had only 42,000 people—20,000 less than she had ten years before.

Mr. BEVERIDGE. May I interrupt the Senator to state that the vote in Nevada at the last election did not number 12,000?

Mr. NELSON. Take Nevada and Utah together. The area of Utah is 82,000 square miles, and the area of Nevada is 109,000 square miles. If these two had been united into one State they would have had 191,930 square miles, not much less than the proposed State of Arizona and New Mexico.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly, when I get through. And the population of the two would, under the census of 1900, be 319,000. So that, while I am not criticising the action that has been taken by Congress heretofore, I simply call attention to the fact that if Utah and Nevada when they were in a Territorial condition had been united into one State it would not have made such an immense State either in area or population. They would at the time of the census of 1900 only have had a population of 319,000.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. In a moment. I see the Senator from Nevada is getting a little restless, and I want to say to him before he gets too excited about this matter that I do not intend at all to reflect upon his State. I simply call his attention to actual facts. Nevada is a good little State. It is well represented here in the Senate. I have a very high opinion of both the representatives from Nevada, and I have no desire to say anything against that State to hurt the feelings of either Senator.

Mr. STEWART. Mr. President, these flings at Nevada are both unpleasant and unjust. At the time of the admission of Nevada the Territory contained about 75,000 people, mostly miners. Nevada did not ask to become a State. The enabling act was passed without consulting the people of that Territory. It was made to appear to them that the Administration was desirous that a State should be formed of Nevada Territory for patriotic purposes. Since her admission into the Union Nevada has contributed largely to the support of the Government. The mines of the Comstock, Eureka, and other localities were largely owned by California corporations. The hundreds of millions which Nevada produced contributed largely to the building up of San Francisco, besides erecting monuments of wealth in the city of New York. When the rich bonanzas of the silver mines were partially exhausted and the legislation demonetizing silver reduced the price of that commodity, the population of Nevada dwindled. It is true that, according to the census of 1890, the population was only a little over 40,000, but I am glad to be able to state for the benefit of my friend from Minnesota that the population of Nevada has about doubled within the last year.

Mr. FORAKER. Within the last year?

Mr. STEWART. Within the last year. The registration of voters has risen from about 10,000 two years ago to over 16,000 at the last election.

Mr. FORAKER. Of voters?

Mr. STEWART. Of voters.

Mr. BEVERIDGE. The vote was 11,871.

Mr. STEWART. When?

Mr. BEVERIDGE. At the last election.

Mr. STEWART. The registration of voters was 16,000.

Mr. BEVERIDGE. But the vote, if I may interrupt the Senator, was 11,871.

Mr. STEWART. It was much more than that. It might have fallen a little short of 16,000, as the votes generally fall short of the registration.

Mr. BEVERIDGE. I think that is exactly it.

Mr. STEWART. That is but part of it.

Mr. BEVERIDGE. No.

Mr. STEWART. I am satisfied the Senator has not stated the vote correctly. He has not the full returns, and there must have been more than 11,871 votes out of 16,000 registered. Besides there was a large number of voters not registered, having come to the State within six months previous to the time for registration. I have no doubt that if all the voters in the State could have been registered the vote would have been over 20,000.

Within the last year discoveries of great mines have been made in Nevada, which are the most extensive and rich in prospect of any ever discovered in the United States. I visited them last fall. I never have seen anything to compare with them, and I am very familiar with the discovery of mines in the United States, except Alaska, and with all the gold fields, including those of Colorado. Nevada certainly has a better prospect than Colorado ever had, although Colorado has been a wonderful producer of the precious metals. Many Colorado people are in Nevada, and they say to me that the showing is better than Cripple Creek or any other section Colorado ever had, and twenty-five millions per annum have been produced from that State. That is the present situation in Nevada. I myself underrated both the mineral and the agricultural resources of Nevada, and desired an increase in its boundaries. At the first session I served in the Senate I succeeded in having added to Nevada two degrees to the east and that portion of Nevada south of the thirty-seventh parallel, which increased the area of the State nearly one-half. The territory then added to Nevada contains mines recently discovered of fabulous wealth. At the time the enabling act was passed the eastern boundary of Nevada was that part of Utah west of the twenty-seventh degree of west longitude, but it made the western boundary of Nevada the summit of the Sierra Nevada Mountains, depending upon the consent of California for that portion of California which was included in the boundaries named. California did not consent, but through my efforts more territory both east and south was obtained. I would not have objected to the annexation of Utah, although my people feared that Nevada would suffer by such an arrangement. In the winter of 1876 I came to Washington, appeared before the committees, and secured the passage of a joint resolution annexing the panhandle of Idaho to Washington, with the view of annexing the balance of Idaho to the State of Nevada, but President Cleveland defeated that project by a pocket veto, and nothing was left to be annexed to Nevada.

It is gratifying to know that notwithstanding the want of generosity on the part of California in refusing to consent to the western boundary as designated by the enabling act admitting Nevada and by the failure to obtain the annexation of any portion of Idaho on the north, that it is now known that Nevada has sufficient resources to make her a great State. Her agricultural resources are unknown outside of the State, consequently the existence of such resources is denied. The rich and beautiful valleys of Nevada equal any in the world, and water is available to irrigate large sections of them. The irrigation now in progress will more than double the agricultural land in the State—I mean when the work already begun is completed. I do not call land that can not be irrigated agricultural land. It is only grass land; but the agricultural land of Nevada which may be irrigated is more than is contained in many other States. There is certainly no New England State that has an equal area of agricultural land.

The new discoveries of mines at Tonopah, Goldfield, and Amargosa have already attracted a large population, and the population of the valleys is rapidly increasing. I feel that it is safe to predict that the next census will show a population in Nevada of from two hundred and fifty to three hundred thousand, perhaps more. Nevada has suffered in her population by belittling her after the manner of the Senator from Minnesota. Of course, he does not intend to be unjust or harmful. I hope that Senators will not keep people out of Nevada by intimating that the country is worthless. I would be obliged to my colleagues who know nothing about the situation if they would please let Nevada alone.

Mr. BAILEY. I hope that will be done.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. WILLIAM F. MAHONEY, late a Representative from the State of Illinois, and transmitted resolutions of the House thereon.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. CULLOM. I ask the chairman of the Committee on Territories if he will consent to have the bill laid aside for the time being?

Mr. BEVERIDGE. I will consent that the bill may be laid aside temporarily.

The PRESIDING OFFICER. The bill under consideration will be laid aside.

Mr. BEVERIDGE. Temporarily.

The PRESIDING OFFICER. Temporarily.

Mr. BEVERIDGE. It will resume its place to-morrow.

DEATH OF HON. WILLIAM F. MAHONEY.

Mr. CULLOM. I ask the Chair to lay before the Senate the resolutions of the House of Representatives relative to the death of my late colleague in that body.

The PRESIDING OFFICER. The Chair lays before the Senate the resolutions indicated by the Senator from Illinois, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 4, 1905.

Resolved, That the House of Representatives has heard with profound sorrow and deep regret of the death of Hon. WILLIAM F. MAHONEY, late a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate, and also a copy thereof to the family of the deceased Representative.

Resolved, That as a further mark of respect to the memory of the deceased Representative the House do now adjourn.

Mr. CULLOM. Mr. President, I will take occasion at some future time to submit some remarks relative to the life and public services of my late colleague. For the present, I offer the resolutions I send to the desk, and I ask for their adoption.

The PRESIDING OFFICER. The Senator from Illinois offers resolutions, which will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM F. MAHONEY, late a Representative from the State of Illinois.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

The resolutions were considered by unanimous consent, and unanimously agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 5, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 4, 1905.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty Father, from whom cometh all that is purest, noblest, and best in life, we bless Thee for the hallowed associations, the social pleasures, and uplifting influence of the season just passed into history; and we most fervently pray that for all it has brought to us of joy or sorrow, pleasure or pain, we may be the better prepared to fulfill our destiny as individuals and as a nation. Inspire, we beseech Thee, each Member of this House with wisdom to guide, strength to sustain, patience to endure; and may the Spirit that cometh from above sustain and guide the Speaker in his arduous duties, that the work of the session may be for the good of the nation and redound to Thy glory. Once more, almighty God, our heavenly Father, are we called upon to mourn the loss of one of the Congressional family, who graciously and efficiently filled a place upon this floor and whose genial presence inspired friendship in the hearts of all who came in contact with him. Comfort them in his loss and be especially near to the sorrowing wife and children, that they may look up to Thee in this hour of bereavement and find solace in the blessed hope of that land which is fairer than day, where pain and sorrow never enter, and where peace and joy will reign forever, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Wednesday, December 21, 1904, was read and approved.

MERCHANT MARINE COMMISSION.

Mr. GROSVENOR. Mr. Speaker, I present the report of the Commission on Merchant Marine to the House of Representatives, pursuant to the law of Congress.

The SPEAKER. The gentleman from Ohio presents the following report from the Merchant Marine Commission.

The Clerk read as follows:

A report of the Merchant Marine Commission on the development of the American merchant marine and American commerce.

Mr. SPIGHT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SPIGHT. I desire to ask unanimous consent of the House to file views of the minority of the Merchant Marine Commission.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to file the views of the minority members of the Commission.

Mr. SPIGHT. Up to Friday of this week.

The SPEAKER. Until Friday next. Is there objection? [After a pause.] The Chair hears none. Under the rule the report, and the minority views when presented, will be referred to the Committee on the Merchant Marine and Fisheries.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCMORRAN, for ten days, on account of important business.

To Mr. CALDWELL, indefinitely, on account of illness in the family.

To Mr. MORRELL, until January 9, on account of illness in the family.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5704. An act to incorporate the American National Red Cross.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the consideration of the following bills, and the same were referred to the Committee on Pensions:

S. 3742. An act granting an increase of pension to Juliet A. B. Hoff;

S. 4208. An act granting an increase of pension to Bessy Forsyth Bache; and

S. 5661. An act granting an increase of pension to Daniel B. Bush.

DEATH OF REPRESENTATIVE WILLIAM F. MAHONEY.

Mr. MANN. Mr. Speaker, it becomes my sad duty to announce to the House the death of my late colleague, WILLIAM F. MAHONEY, who passed away at his home in Chicago on the 27th of last month.

Following the precedents of the House, I shall not at this time give any extended expression to my personal sense of loss or pay tribute to his worth; but I shall hereafter ask the House to set aside some Sunday afternoon for the consideration of his personal character and his public services, at which time Members of the House may fittingly express their grief and their deep respect.

I now offer the resolutions which I send to the Clerk's desk:

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow and deep regret of the death of Hon. WILLIAM F. MAHONEY, late a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate, and also a copy thereof to the family of the deceased Representative.

Resolved, That as a further mark of respect to the memory of the deceased Representative the House do now adjourn.

The resolutions were unanimously agreed to; and accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Superintendent of Library Buildings and Grounds, transmitting the annual report for the fiscal year ended June 30, 1904—to the Committee on the Library, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of estimate for completing locks and dams Nos. 1 and 3 and constructing lock and dam No. 2 in the Allegheny River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of the investigation of the conditions of the immigrant service at San Francisco, Cal.—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting, with report of a commission, an estimate of an appropriation for the settlement of claims of the Kansas and Kaw Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Parker against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Levi S. North against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jacob R. Adams against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. W. Cummings, administrator of estate of Rebecca Cummings, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of the Methodist Episcopal Church at Lamberts Point, Va., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward H. Bergmann against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph C. Black against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of the Free Church of Burlington, W. Va., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eli Marshall, executor of estate of William Brown against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16166) granting an increase of pension to Charles P. Morrison, reported the same with amendment, accompanied by a report (No. 3149); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3426) granting an increase of pension to George W. Craig, reported the same with amendment, accompanied by a report (No. 3150); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16053) granting a pension to Florence Emery Blake, reported the same with amendment, accompanied by a report (No. 3151); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15760) granting an increase of pension to John W. Strayer, reported the same without amendment, accompanied by a report (No. 3152); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15865) granting an increase of pension to William H. McClellan, reported the same with amendment, accompanied by a report (No. 3153); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12090) granting an increase of pension to William R. Clark, reported the same with amendment, accompanied by a report (No. 3154); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15169) granting an increase of pension to Loretta V. Biggs, reported the same with amendment, accompanied by a report (No.

3155); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15491) granting a pension to Theresa M. Kennedy, reported the same with amendment, accompanied by a report (No. 3156); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11499) granting an increase of pension to Albert Jones, reported the same with amendment, accompanied by a report (No. 3157); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11312) granting an increase of pension to Malana W. Brant, reported the same with amendment, accompanied by a report (No. 3158); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15097) granting a pension to William H. Miller, reported the same with amendment, accompanied by a report (No. 3159); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10342) granting an increase of pension to William W. Marple, reported the same with amendment, accompanied by a report (No. 3160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7000) granting an increase of pension to John White, reported the same with amendment, accompanied by a report (No. 3161); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6310) granting a pension to Robert Clark, reported the same with amendment, accompanied by a report (No. 3162); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4169) granting a pension to T. J. Brooks, reported the same with amendment, accompanied by a report (No. 3163); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16149) granting an increase of pension to Thomas J. Moore, reported the same with amendment, accompanied by a report (No. 3164); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2946) granting an increase of pension to Albert Webb, reported the same without amendment, accompanied by a report (No. 3165); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16003) granting an increase of pension to George S. Williams, reported the same with amendment, accompanied by a report (No. 3166); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15575) granting an increase of pension to Jones Adler, reported the same with amendment, accompanied by a report (No. 3167); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16442) granting an increase of pension to Catherine E. Ray, reported the same without amendment, accompanied by a report (No. 3168); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16348) granting an increase of pension to Johnson Anderson, reported the same with amendment, accompanied by a report (No. 3169); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16175) granting an increase of pension to Merrick D. Frost, reported the same without amendment, accompanied by a report (No. 3170); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13969) granting a pension to Dora Smith, reported the same with amendment, accompanied by a report (No. 3171); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15848) granting an increase of pension to John Remminger, reported the same with amendment, accompanied by a report (No. 3172); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15859) granting an increase of pension to Samuel Shadman, reported the same with amendment, accompanied by a report (No. 3173); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15857) granting an increase of pension to David Galbraith, reported the same with amendment, accompanied by a report (No. 3174); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15866) granting an increase of pension to Benjamin F. Hopkins, reported the same with amendment, accompanied by a report (No. 3175); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15007) granting an increase of pension to Frederick B. Schuddy, reported the same with amendment, accompanied by a report (No. 3176); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15918) granting an increase of pension to Thomas Cullen, reported the same with amendment, accompanied by a report (No. 3177); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15927) granting an increase of pension to Freeman C. Witherby, reported the same with amendment, accompanied by a report (No. 3178); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15930) granting an increase of pension to William H. Cray, reported the same with amendment, accompanied by a report (No. 3179); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15929) granting a pension to Anna E. Brown, reported the same with amendment, accompanied by a report (No. 3180); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15947) granting a pension to Philander S. Wright, reported the same with amendment, accompanied by a report (No. 3181); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15954) granting an increase of pension to Ira D. McClary, reported the same with amendment, accompanied by a report (No. 3182); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16054) granting an increase of pension to Patrick O'Brien, reported the same without amendment, accompanied by a report (No. 3183); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16087) granting an increase of pension to Harriet H. Brady, reported the same without amendment, accompanied by a report (No. 3184); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16104) granting an increase of pension to Thomas Lanning, reported the same with amendment, accompanied by a report (No. 3185); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15769) granting an increase of pension to Henry Peoples, reported the same with amendment, accompanied by a report (No. 3186); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15639) granting a pension to Mollie Townsley, reported the same with amendment, accompanied by a report (No. 3187); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8395) granting a pension to James Duffy, reported the same with amendment, accompanied by a report (No. 3188); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15657) granting an increase of pension to William Tawney, reported the same with amendment, accompanied by a report (No. 3189); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15728) granting an increase of pension to Waldron Cheney Townsend, reported the same with amendment, accompanied by a report (No. 3190); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3710) granting a pension to Thomas C. Johnson, reported the same with amendment, accompanied by a report (No. 3191); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15786) granting an increase of pension to Horatio W. Longa, reported the same with amendment, accompanied by a report (No. 3192); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16420) granting an increase of pension to William C. Travis, reported the same with amendment, accompanied by a report (No. 3193); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16167) granting an increase of pension to Edward J. Dillon, reported the same with amendment, accompanied by a report (No. 3194); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16194) granting an increase of pension to James Gwyn, reported the same with amendment, accompanied by a report (No. 3195); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15783) granting an increase of pension to Charles J. Richards, reported the same without amendment, accompanied by a report (No. 3196); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16395) granting an increase of pension to Josephine A. Smith, reported the same with amendment, accompanied by a report (No. 3197); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16199) granting an increase of pension to Joseph McGuckian, reported the same without amendment, accompanied by a report (No. 3198); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15781) granting an increase of pension to Granville F. Plummer, reported the same without amendment, accompanied by a report (No. 3199); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16234) granting an increase of pension to Benjamin H. Hartman, reported the same with amendment, accompanied by a report (No. 3200); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16263) granting an increase of pension to Lewellyn Niles, reported the same with amendment, accompanied by a report (No. 3201); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16259) granting an increase of pension to John Walz, reported the same with amendment, accompanied by a report (No. 3202); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16617) granting a pension to Jacob Bowers, reported the same with amendment, accompanied by a report (No. 3203); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16125) granting an increase of pension to Eugene C. Moger, reported the same with amendment, accompanied by a report (No. 3204); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1324) granting an increase of pension to Thomas E. Skidmon, reported the same with amendment, accompanied by a report (No. 3205); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2476) granting an increase of pension to S. T. Grove, reported the same with amendment, accompanied by a report (No. 3206); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5951) granting an increase of pension to Joseph M. White, reported the same with amendment, accompanied by a report (No. 3207); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4676) granting an increase of pension to James B. Judson, reported the same with amendment, accompanied by a report (No. 3208); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7987) granting an increase of pension to Francis Scott, reported the same without amendment, accompanied by a report (No. 3209); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16618) granting a pension to Alfred N. Brown, reported the same with amendment, accompanied by a report (No. 3210); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8208) granting a pension to Burleigh C. D. Read, reported the same with amendment, accompanied by a report (No. 3211); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16124) granting an increase of pension to John Morgan, reported the same with amendment, accompanied by a report (No. 3212); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13082) granting an increase of pension to William E. Wheeler, reported the same without amendment, accompanied by a report (No. 3213); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15775) granting an increase of pension to Daniel W. Smith, reported the same with amendment, accompanied by a report (No. 3214); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13324) granting an increase of pension to John Kesler, reported the same with amendment, accompanied by a report (No. 3215); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14560) granting an increase of pension to Asbury W. Hamilton, reported the same with amendment, accompanied by a report (No. 3216); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15747) granting an increase of pension to Henry A. Wesson, reported the same with amendment, accompanied by a report (No. 3217); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14797) granting an increase of pension to Thompson I. Martin, reported the same with amendment, accompanied by a report (No. 3218);

which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15030) granting a pension to David Rothschell, reported the same without amendment, accompanied by a report (No 3219); which said bill and report were refe'red to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15079) granting an increase of pension to Constantine J. McLaughlin, reported the same without amendment, accompanied by a report (No. 3220); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15406) granting an increase of pension to George W. Carpenter, reported the same with amendment, accompanied by a report (No. 3221); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15497) granting an increase of pension to Patrick H. Oliver, reported the same with amendment, accompanied by a report (No. 3222); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15729) granting an increase of pension to Phaon Hartman, reported the same with amendment, accompanied by a report (No. 3223); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11651) granting a pension to Martha Bottineau—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16816) granting a pension to Matilda Merrick Goodrich—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16895) granting a pension to Wilmot Stevens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEVENS of Minnesota: A bill (H. R. 16977) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and to further prevent the payment of rebates or commissions on freight—to the Committee on Interstate and Foreign Commerce.

By Mr. WARNER: A bill (H. R. 16978) to increase the limit of cost for the purchase of site and the erection of a public building at Decatur, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 16979) to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 16980) authorizing the Commissioners of the District of Columbia to establish building lines—to the Committee on the District of Columbia.

By Mr. BROWNLOW: A bill (H. R. 16981) for the erection of a monument to the memory of Gen. Evan Shelby—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 16982) to further regulate the issue of licenses for restaurants or eating houses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LIND: A bill (H. R. 16983) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16984) to provide for the return by the Secretary of the Treasury to the several purchasers of timber from the ceded Chippewa Indian Reservation, in the State of Minnesota, upon the completion of their contracts and full payment thereunder, of the amounts deposited with their bids—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 16985) authorizing the appointment of a master builders' examining board in the District of Columbia, and providing for the examination and licensing of persons as master builders, and for other purposes—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 16986) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16987) to provide for holding terms of United States courts at Greenville, Miss.—to the Committee on the Judiciary.

By Mr. GILLESPIE: A bill (H. R. 16988) to amend section 551 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. PARKER: A bill (H. R. 16989) to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended—to the Committee on the District of Columbia.

By Mr. HOGG: A bill (H. R. 16990) establishing two judicial districts in the State of Colorado—to the Committee on the Judiciary.

By Mr. ALEXANDER: A bill (H. R. 16991) to repeal the act confirming a lease between J. W. Peglow and the Seneca nation of Indians—to the Committee on Indian Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16992) to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 16993) for a public building at Santa Cruz, Cal., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Texas: A bill (H. R. 16994) to construct a public building at Nacogdoches, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. NEEDHAM: A bill (H. R. 16995) directing the Secretary of War to make an examination, survey, and estimate of cost of improvement of Bay of Monterey, California—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16996) increasing the limit of cost of public building at Fresno, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: A bill (H. R. 16997) authorizing the President to adjust rank of certain retired army officers—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 16998) for the appointment of an additional United States commissioner and constable in the northern judicial district of the Indian Territory—to the Committee on the Judiciary.

By Mr. SIBLEY: A bill (H. R. 16999) to establish a national military park on St. Michaels Island, Lake Champlain, and to erect a monument in honor of the American sailors and soldiers killed in the battle of Plattsburg—to the Committee on Military Affairs.

By Mr. BONYNGE: A bill (H. R. 17000) providing for the sale of the old mint building and site thereof at Denver, Colo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17001) providing for the sale of the old mint building and site thereof at Denver, Colo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17002) providing for the completion of the new mint building at Denver, Colo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17003) to purchase certain lands adjacent to the present site of Fort Logan, Colo.—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 17004) to increase the pensions of certain persons now on the pension roll under the general laws—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A joint resolution (H. J. Res. 184) authorizing the Secretary of War to furnish a condemned cannon to the armory at St. Paul, Minn., to construct a memorial tablet—to the Committee on Military Affairs.

By Mr. BURLESON: A joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton—to the Committee on the Census.

By Mr. BAKER: A resolution (H. Res. 407) relative to the beef, coal, and oil trusts—to the Committee on the Judiciary.

Also, a resolution (H. Res. 408) of inquiry to the Attorney-General relative to the criminal prosecution of Hon. Paul Morton, Secretary of the Navy—to the Committee on the Judiciary.

Also, a resolution (H. Res. 409) of inquiry to the President

relative to Hon. Paul Morton, Secretary of the Navy—to the Committee on the Judiciary.

By Mr. MILLER: A resolution (H. Res. 410) directing the Clerk of the House to pay to the widow of J. N. McDonald, late member of the Capitol police, a sum equal to one-half year's salary, and expenses of last illness and funeral expenses, not to exceed $250—to the Committee on Accounts.

By Mr. CASSEL: A resolution (H. Res. 411) granting an increase in salary to Arthur Lucas and L. W. Pulies, cloakroom men—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 17005) for the relief of M. F. Thomas—to the Committee on War Claims.

Also, a bill (H. R. 17006) for the relief of Alexander Clapp—to the Committee on War Claims.

Also, a bill (H. R. 17007) for the relief of John Pilkenton—to the Committee on War Claims.

Also, a bill (H. R. 17008) granting an increase of pension to John Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17009) granting a pension to Abram Armstrong—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 17010) granting a pension to S. Effie Parkhill—to the Committee on Pensions.

Also, a bill (H. R. 17011) granting an increase of pension to William Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17012) granting an increase of pension to Oliver N. McLain—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 17013) granting an increase of pension to George P. Finlay—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 17014) granting a pension to William W. Kingsland—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 17015) granting an increase of pension to William Weitzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17016)) granting a pension to David Zecher—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 17017) granting an increase of pension to Joseph S. Thompson—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 17018) granting an increase of pension to Samuel F. Brown—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 17019) granting certain lands to the city of Tacoma, in the State of Washington, for use as a public park—to the Committee on the Public Lands.

Also, a bill (H. R. 17020) for the relief of Herman C. Funk—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 17021) to confirm title to lot 5 in square south of square No. 990, in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DAYTON: A bill (H. R. 17022) granting an increase of pension to William I. Hilkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17023) granting an increase of pension to Thomas F. Hebb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17024) granting an increase of pension to Albert Teets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17025) granting an increase of pension to William J. Street—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17026) granting an increase of pension to James A. Huffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17027) granting an increase of pension to Pary McNair—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 17028) granting an increase of pension to John S. Roseberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17029) granting an increase of pension to William W. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17030) granting an increase of pension to Philip H. Haupt—to the Committee on Pensions.

Also, a bill (H. R. 17031) granting a pension to Amelia B. Warfield—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 17032) granting a pension to Charlotte M. Wylie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17033) granting an increase of pension to Franklin W. De Lano—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 17034) granting an increase of pension to Augustus W. Thompson—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 17035) granting an increase of pension to W. H. Miles—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17036) granting a pension to Alexander R. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17037) granting an increase of pension to Thomas Haggart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17038) granting a pension to Rufus Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17039) granting a pension to Sarah Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17040) granting a pension to Mary Isham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17041) granting a pension to H. Edward Goetz—to the Committee on Pensions.

Also, a bill (H. R. 17042) granting an increase of pension to James Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17043) for the relief of Roger H. Abbott—to the Committee on War Claims.

Also, a bill (H. R. 17044) for the relief of James P. Cox—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 17045) granting an increase of pension to William A. Forbes—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 17046) granting an increase of pension to Hartvig Engebretson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 17047) granting an increase of pension to Wesley J. Banks—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 17048) granting an increase of pension to Nathaniel C. Sawyer—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17049) granting an increase of pension to R. H. Tombaugh—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 17050) granting a pension to Lena McNabb—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 17051) granting a pension to Bridget Turner—to the Committee on Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 17052) granting an increase of pension to Brian B. Tully—to the Committee on Pensions.

Also, a bill (H. R. 17053) granting an increase of pension to William McCan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17054) granting an increase of pension to Roten Burchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17055) granting a pension to Sarah Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17056) granting a pension to Sarah H. Willhite—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 17057) granting an increase of pension to Cornelia M. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17058) granting an increase of pension to Oscar Getman—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 17059) granting a pension to Jane Herr—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 17060) granting an increase of pension to Daniel H. Hastings—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17061) granting an increase of pension to E. A. Strimple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17062) granting an increase of pension to John R. Mote—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 17063) granting a pension to Marion W. Warden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17064) granting a pension to Louis Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17065) granting an increase of pension to George F. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17066) granting a pension to Benjamin F. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17067) granting a pension to Abraham H. Miller—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 17068) granting an increase of pension to James A. Coil—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 17069) granting an increase of pension to Carl W. Block—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17070) granting an increase of pension to Henry L. Pengilly—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17071)

granting an increase of pension to Joseph B. Pace—to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 17072) granting an increase of pension to Joseph F. Koonce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17073) granting an increase of pension to Francis M. Shewmaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17074) granting an increase of pension to John Piper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17075) granting an increase of pension to Henry F. Reuter—to the Committee on Invalid Pensions.

By Mr. RODEY: A bill (H. R. 17076) granting an increase of pension to Lewis Eckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17077) granting a pension to Doroteo Duran—to the Committee on Pensions.

Also, a bill (H. R. 17078) granting a pension to William Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17079) granting an increase of pension to Edmund G. Ross—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 17080) granting an increase of pension to James F. Travis—to the Committee on Pensions.

By Mr. SIBLEY: A bill (H. R. 17081) granting an increase of pension to Elizabeth A. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17082) granting an increase of pension to Jason T. Geibner—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 17083) granting an increase of pension to Robert Stewart Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17084) granting an increase of pension to Alonzo P. Spooner—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17085) granting an increase of pension to William S. Stanley—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17086) granting an increase of pension to J. Loomis Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17087) granting a pension to Mary Ann Connelly—to the Committee on Pensions.

Also, a bill (H. R. 17088) granting an increase of pension to Thomas Manahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17089) for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

Also, a bill (H. R. 17090) granting an increase of pension to Catharine Conway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17091) to correct the military record of Patrick Galligan—to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 17092) granting an increase of pension to John Jeffers—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 17093) granting an increase of pension to Felix Monaghan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of J. R. Lucas & Co., St. Louis, Mo., urging enactment into law of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wichita, Kans., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rudy Copeland, Jonesboro, Ark., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. W. Pattee, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Atlanta Chamber of Commerce, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. N. Johnson et al., of Mount Vernon, Ill., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. W. Burk et al., of Casco, Wis., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. Rupert & Sons, Newark, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Marietta Brokerage Company, Marietta, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Edward K. Lilikalani, praying for the appointment of a commission to inquire into his title to the so-called "Crown lands of Hawaii"—to the Committee on the Territories.

By Mr. ALEXANDER: Resolutions of Division No. 659, Brotherhood of Locomotive Engineers, favoring pension for locomotive engineers on military railroads—to the Committee on Pensions.

Also, resolution of Buffalo Lumber Exchange, Buffalo, N. Y., favoring increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Papers to accompany bill H. R. 16573, granting an increase of pension to Jonathan Wiggins—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16806, granting a pension to Marion F. Shreve—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16574, granting increase of pension to Leonard C. Davis—to the Committee on Invalid Pensions.

By Mr. BENTON: Papers in support of bill for relief of John Pilkinton—to the Committee on War Claims.

Also, papers in support of bill for the relief of M. F. Thomas—to the Committee on War Claims.

Also, papers in support of bill H. R. 12246, granting increase of pension to Joseph C. Grissom—to the Committee on Invalid Pensions.

Also, petition favoring bill empowering Interstate Commerce Commission to fix rates of freight—to the Committee on Interstate and Foreign Commerce.

Also, papers in support of bill granting a pension to Abram Armstrong, late of the United States Navy—to the Committee on Invalid Pensions.

Also, papers in support of bill granting increase of pension to John Perkins—to the Committee on Invalid Pensions.

Also, papers in support of a bill granting increase of pension to Alexander Clapp—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Resolution of the Philadelphia Board of Trade, urging appropriations for completion of Point Judith harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. BOWERSOCK: Petition of citizens of Kansas City, asking increase of power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Papers to accompany petition for increase of pension to George P. Finlay—to the Committee on Pensions.

By Mr. CAMPBELL: Papers supporting claim for pension for William W. Kinsland—to the Committee on Pensions.

By Mr. DAVIS of Minnesota: Papers accompanying bill (H. R. 15020) for the relief of Charles J. Kayser—to the Committee on Claims.

By Mr. DAYTON: Papers accompanying bill to increase pension of William I. Hilkey—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Illinois Lumber Dealers' Association, indorsing bill to regulate interstate freight—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Union League Club of December 8, 1904, relative to investigation by Congress of the conditions of manufacturers as affected by the tariff—to the Committee on Ways and Means.

By Mr. DRESSER: Papers accompanying bill for the relief of Philip H. Haup—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Arabella M. Marks—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of John S. Roseberry—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of the Illinois Lumber Dealers' Association, for legislation regulating the carriage of freight on all the railroads engaged in interstate transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of John W. Masury & Son, of Brooklyn, N. Y., for amendment of customs-drawback law by enactment of the so-called "Lovering bill"—to the Committee on Ways and Means.

By Mr. FULLER: Papers to accompany bill granting increase of pension to Augustus W. Thompson—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition in favor of Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of heirs of Jonathan N. Newman, deceased, late of Jefferson County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of Samuel I. Newman, late of Jefferson County, Tenn., praying reference of war claim to Court of Claims under Bowman Act—to the Committee on War Claims.

By Mr. HASKINS: Petition of Frank Martin and others, of Williamstown (Vt.) Grange, in favor of passage of bill H. R. 10765, establishing a Bureau of Public Highways—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Union Furniture Company, of Rockford, Ill., favoring bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of George M. Melendy, president of Carroll County (Ill.) Farmers' Institute, against any changes in the oleomargarine laws—to the Committee on Agriculture.

Also, petition of the Skandia Furniture Company, of Rockford, Ill., favoring bill H. R. 6273, modifying the interstate commerce laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Shippers and Manufacturers' Association, of Rockford, Ill., against legislation authorizing railroads to pool their traffic or earnings—to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: Petition of Liberty League, Grand Junction, Mesa County, Colo., indorsing bill H. R. 13778, increasing the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting sale of opium except on medical prescription—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting sale of liquors on all Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting no-license towns and States against selling liquor to "speak-easies" under guise of interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting use of mails for all gambling devices—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolutions by the Commercial Exchange (Commercial Club) of Des Moines, Iowa, on fixing just and reasonable freight rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. G. Stanley and others, for the passage of the Hepburn-Dolliver bill (H. R. 4072)—to the Committee on Alcoholic Liquor Traffic.

By Mr. JENKINS: Petition of the Nebagamon Lumber Company, of Lake Nebagamon, Wis., for passage of bills H. R. 6273 and S. 2439—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of the Austen Manufacturing Company, of Oswego, N. Y., for enactment of bill H. R. 9051—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Washington Camp, No. 650, Patriotic Order Sons of America, Broad Top City, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of I. E. Walker et al., favoring legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. PORTER: Papers relative to pension for George Wineland, of Mattawanna—to the Committee on Invalid Pensions.

Also, resolution of the Illinois Lumber Dealers' Association, indorsing supervision of the Interstate Commerce Commission over freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Winser & Co., of Philadelphia, Pa., against passage of bill H. R. 15594—to the Committee on Ways and Means.

Also, petition of Geidel & Co. et al., of Pittsburg, that the Interstate Commerce Commission be empowered to fix freight rates—to the Committee on Interstate and Foreign Comerce.

By Mr. SHERMAN: Petition of Utica (N. Y.) Chamber of Commerce, for enactment of the Cooper-Quarles bill regarding interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petitions of Edwin Irle and others, R. A. Kirk and others, and Edwin Suygart and others, all citizens of Minnesota, in favor of untaxed denaturized alcohol—to the Committee on Ways and Means.

SENATE.

THURSDAY, *January 5, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. ANSELM J. MCLAURIN, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

KAW COMMISSION AWARD.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting an item of $155,976.88 to be inserted in the Indian appropriation bill for the fiscal year 1906, in payment of the award made by the Kansas or Kaw Commission; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MEDALS OF HONOR.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill authorizing the distribution of medals for service in the Spanish-American war and other campaigns; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD ANDERSON.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward Anderson, administrator of Mary Anderson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Aurora*, Stephen Butman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Geneva*, Giles Savage, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. MCENERY presented the credentials of MURPHY JAMES FOSTER, chosen by the legislature of the State of Louisiana a Senator from that State for the term commencing March 4, 1907; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Oklahoma Territory, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Durand and Albion, in the State of Michigan; of sundry citizens of Baltimore, Md.; Jacksonville, Fla.; Danville, Va.; Kansas City, Mo.; New York City, Buffalo, and Rochester, in the State of New York; of sundry citizens of Philadelphia, Frankford, and Westchester, in the State of Pennsylvania, and of sundry citizens of Celina, Portsmouth, and Antwerp, in the State of Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Lawrence, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the Board of Directors of the "Bourse" of Philadelphia, Pa., praying for the enactment of legislation authorizing the construction of a sea-level canal across the Isthmus of Panama; which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of Pomona Grange, No. 41, Patrons of Husbandry, of Wayne County, Pa., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the faculty of Franklin Institute, of Philadelphia, Pa., praying for the enactment of legislation providing for the use of free alcohol in the arts and manufactures; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Home Missionary Society of the Presbyterian Church of Media, of the congregation of the Presbyterian Church of Manor, and of the congregation of the Presbyterian Church of Harrison city, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Erie, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Young People's Society of Christian Endeavor of the Cookman Methodist Episcopal Church of Philadelphia, Pa., and a petition of the Indian Rights' Association of Philadelphia, Pa., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the congregation of the Methodist Episcopal Church of Farmersburg, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the International Pure Food Congress, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Harriet Beecher Stowe Woman's Club of Valparaiso, of the Woman's Christian Temperance Union of Elkhart, of the Woman's Christian Temperance Union of Salem, and of the Ladies' Literary Club of Evansville, all in the State of Indiana, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented petitions of the Indian Territory Church Federation, of Muscogee, Ind. T.; of the Woman's Board of Home Missions of the Presbyterian Church; of the Ministerial Association of Kendallville, Ind., and of the congregation of the Tabernacle Christian Church, of Columbus, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Goodrich Brothers Hay and Grain Company, of Winchester, Ind., and a petition of the Morgan Electric Machine Company, of East Chicago, Ind., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a memorial of the congregation of the Methodist Episcopal Church of Poynette, Wis., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a memorial of the Woman's Christian Temperance Union of Dover N. H., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of G. W. Buzzell, superintendent of the Good Will Institute, of Nashua, N. H., praying for the enactment of legislation to provide for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of the North Capitol and Eckington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to grade and regulate the salaries of the Metropolitan police; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Republican Club of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. BATE presented petitions of the congregations of the Trenton Street Baptist Church, the Independent Methodist Church, the Methodist Episcopal Church South, the First Methodist Episcopal Church, the First Presbyterian Church, the Grace Episcopal Church, and the Protestant Episcopal Church, all of Harriman; of sundry citizens of McMinnville, in the State of Tennessee, and of the National Temperance Society of New York, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. MARTIN presented petitions of the Business Men's Association of Portsmouth, of the Bar Association of Richmond, of the Board of Trade of Lynchburg, and of the Chamber of Commerce of Newport News, all in the State of Virginia, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. KEAN presented a petition of sundry citizens of Riverton, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. CLAY presented sundry papers to accompany the bill (S. 5838) for the relief of the heirs of G. W. Click; which were referred to the Committee on Claims.

Mr. PLATT of Connecticut. I present two petitions, to which I wish to call particular attention. One is the petition of Judge Baldwin and other very prominent citizens of New Haven, Conn., relating to the collection of statistics regarding marriage and divorce. I move that the petition be referred to the Committee on the Census.

The motion was agreed to.

Mr. PLATT of Connecticut. I also present a resolution of Lyme Grange, Patrons of Husbandry, of Hamburg, Conn., declaring against the present system of free distribution of seeds. I think the resolution represents pretty fairly the sentiment among agriculturists in Connecticut in opposition to the present governmental distribution of seeds. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PLATT of Connecticut presented petitions of the Young People's Society of Christian Endeavor of the South Congregational Church of New Britain, of the Young People's Society of Christian Endeavor of the First Congregational Church of New Britain, and of the Young People's Society of Christian Endeavor of the Second Congregational Church of Berlin, all in the State of Connecticut, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Plymouth Christian Endeavor Union, of Terryville, Conn., praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

He also presented a petition of the Plymouth Christian Endeavor Union, of Terryville, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Home Mission Society of Stamford, Conn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Christian Church of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. To accompany the bill (S. 6058) granting an increase of pension to John S. Jones, I present the affidavit of Dr. C. H. Fulbright and a letter of George L. Clout. I move that the papers be referred to the Committee on Pensions to accompany the bill.

The motion was agreed to.

Mr. ANKENY presented a petition of sundry citizens of Washington and Alaska, praying for an extension of the Alaskan Government cable from Valdes to Dutch Harbor and Kiska Island and from Juneau to Ketchikan; which was referred to the Committee on Military Affairs.

Mr. LONG presented sundry papers to accompany the bill (S. 6262) granting an increase of pension to Seth M. Tucker; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 6263) granting a pension to Daisy E. Burrill; which were referred to the Committee on Pensions.

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. PLATT of New York. I call up the report which I submitted yesterday from the Committee on Printing, providing for printing the report of the Commissioner of Corporations, and I ask that it be considered as now proposed to be amended.

The PRESIDING OFFICER. The report will be read as now presented.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904.

Mr. CULBERSON. In the absence of my colleague [Mr. BAILEY] I call the attention of the Senator from New York to the proceedings of yesterday, in which my colleague suggested that the decision of the Supreme Court, which is criticised in this report, should also be printed with the report, and, as I understand it, the suggestion was accepted by the Senator from New York.

Mr. PLATT of New York. The resolution is now submitted in the form of a concurrent resolution.

Mr. CULBERSON. There is nothing in it, I understand, providing for the printing of the decision of the Supreme Court, which is criticised in the report, and to the printing of which the Senator from New York yesterday assented. I suggest that he amend the resolution and incorporate in it a provision for the reprinting with the report of the decision of the Supreme Court referred to.

Mr. PLATT of New York. Does the Senator's colleague make that demand now?

Mr. CULBERSON. I can not hear the Senator. Mr. President, there is so much noise in the Chamber it is impossible to hear the Senator from New York.

The PRESIDING OFFICER. The Senator from Texas makes an inquiry of the senior Senator from New York.

Mr. PLATT of New York. What is the inquiry?

Mr. CULBERSON. It is this: Yesterday my colleague (and I speak in his absence) suggested that if 10,000 copies of the report of the Commissioner of Corporations are to be printed, there ought also to be printed with the report the decision of the Supreme Court of the United States which is criticised in the report of the Commissioner.

Mr. PLATT of New York. I have no objection.

Mr. CULBERSON. The Senator from New York assented yesterday to that proposition.

Mr. PLATT of New York. I assented yesterday to it.

Mr. CULBERSON. But in the report which the Senator submits this morning from the committee there is no reference to a reprint of the decision of the Supreme Court of the United States.

Mr. PLATT of New York. The difference between the report made this morning and the one made yesterday is that it is now a concurrent resolution; the printing is to be ordered by both Houses.

Mr. CULBERSON. I do not understand that it would make any difference whether it is a concurrent resolution or merely a resolution of the Senate. I suggest to the Senator to let the matter go over until my colleague comes in.

Mr. PLATT of New York. All right.

The PRESIDING OFFICER. Without objection, the report will lie on the table for the present, to be taken up later.

Mr. PLATT of New York subsequently said: I now call up the concurrent resolution which was before the Senate a few minutes ago. I consent to the amendment suggested by the Senator from Texas.

Mr. BAILEY. I am glad the Senator from New York agrees to it, but noticing my remarks of yesterday in the RECORD this morning, I seem to have confined the suggestion to a single case. In order that there may be no misunderstanding about it I ask that both the case of Paul *v.* Virginia and what is known as the "Knight case" should be printed.

Mr. PLATT of New York. I will consent to that.

Mr. BAILEY. One is an insurance case and the other a manufacturing case.

The PRESIDING OFFICER. Will the Senator from Texas kindly indicate the decision that it may be made of record at the desk?

Mr. BAILEY. I am not sure but that it would be better to offer the decisions themselves, but probably the end can be just as easily and more conveniently reached by providing simply that with this report there shall be printed the opinion of the Supreme Court in United States *v.* E. C. Knight Company (158 U. S. 1), and also in the case of Paul *v.* Virginia (8 Wall., 168). If that is not sufficiently definite, it would take but a moment to send for the cases and give the pages and volumes.

Mr. ALLISON. That is definite enough.

Mr. BAILEY. I think it is definite enough.

Mr. PLATT of New York. The Senator from Texas can supply the references to pages and volumes afterwards.

The PRESIDING OFFICER. The Chair understands that the senior Senator from New York accepts the amendment proposed by the Senator from Texas.

Mr. PLATT of New York. I do.

Mr. BAILEY. I stated the opinion of the court. I ought also to have added the dissenting opinion and the statement of the case. There was a dissenting opinion in the Knight case, but none in the Paul case.

The PRESIDING OFFICER. The concurrent resolution will be so amended, in the absence of objection. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, including therein the statement of the case and the opinion of the court in Paul *v.* Virginia, 8 Wallace, page 168, and the statement of the case, the opinion of the court, and the dissenting opinion in United States *v.* E. C. Knight Company, 158 United States, page 1.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 4260) for the relief of Thomas C. Sweeney, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (S. 5804) to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 5799) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak., reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6183) to construct a tender for the engineer service of the twelfth light-house district, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6182) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California; and

A bill (S. 6181) to establish a light-house near Santa Barbara landing, California.

OUACHITA RIVER BRIDGE.

Mr. BERRY. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. X. MULHAUPT AND OTHERS.

Mr. KEAN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 739) for the relief of F. X. Mulhaupt and Caroline Mulhaupt, of Jackson County, Mo.;

A bill (S. 3125) for the relief of Andrew J. Holley;

A bill (S. 4063) for the relief of Edwin F. Mathews;

A bill (S. 5643) for the relief of the estate of Mrs. E. R. Morris, deceased;

A bill (S. 5645) for the relief of William H. Morris;

A bill (S. 5848) for the relief of Simon Normile, John F. Fastabend, and William F. McGregor;

A bill (S. 5866) for the relief of the rector, wardens, and vestry of St. John's Church at Jacksonville, Fla.; and

A bill (S. 6137) for the relief of St. John's Lodge, of Newbern, N. C.,

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of F. X. Mulhaupt and Caroline Mulhaupt, of Jackson County, Mo. (S. 739); Andrew J. Holley (S. 3125); Edwin F. Mathews (S. 4063); estate of Mrs. E. R. Morris, deceased (S. 5643); William H. Morris (S. 5645); Simon Normile, John F. Fastabend, and William F. McGregor (S. 5848); rector, wardens, and vestry of St. John's Church at Jacksonville, Fla. (S. 5866), and St. John's Lodge, of Newbern, N. C. (S. 6137), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DANIEL December 16, 1904, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate, That the Committee on Transportation and Sale of Meat Products be, and it is hereby, authorized to employ a stenographer, whose compensation shall be at the rate of $100 per month, to be paid out of the contingent fund of the Senate; and his employment shall cease at the close of this the third session of the Fifty-eighth Congress.

Mr. KEAN subsequently said: Mr. President, this morning I reported from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution authorizing the Committee on Transportation and Sale of Meat Products to employ a stenographer. I ask unanimous consent at this time for the reconsideration of the vote by which the resolution was passed for the purpose of correcting a mistake which was made in it.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent for the reconsideration of the vote by which the resolution referred to by him was passed. Is there objection? The Chair hears none, and the resolution is before the Senate for consideration.

Mr. KEAN. I now move to amend the resolution by striking out the words "a stenographer" and inserting the words "an assistant clerk."

The amendment was agreed to.

The resolution as amended was agreed to.

MISSISSIPPI RIVER DAM.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 5972) permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn., and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM REVENUE CUTTER FOR ALBEMARLE SOUND, ETC.

Mr. CLAY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina, to report it favorably without amendment.

Mr. OVERMAN. I ask for the present consideration of the bill just reported by the Senator from Georgia.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class adapted to service in the waters of Albemarle and Pamlico sounds and Neuse River, North Carolina, at a cost not to exceed the sum of $175,000.

Mr. OVERMAN. I ask that the letter from the Secretary of the Treasury be read in connection with the bill.

The PRESIDING OFFICER. The letter also will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 11, 1903.

SIR: I have to acknowledge the receipt of letter of the 7th instant inclosing House bill 2510, "to provide for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina," for such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have to say that a new vessel is needed to take the place of the steamer *Boutwell*, now on duty in the waters of North Carolina. This vessel is over 30 years of age, is virtually worn out, and ill adapted for the duty required.

The original cost of the *Boutwell* was $70,000. Since her purchase repairs amounting to nearly $60,000 have been made to the vessel. She now requires very extensive repairs, including new decks, new boiler, and general overhauling, and it is not considered for the interests of the service to put other than minor repairs upon the vessel.

I recommend the passage of the bill, which is herewith returned.

Respectfully,

L. M. SHAW, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT-HOUSE AND BUOY TENDER FOR THIRD DISTRICT.

Mr. GALLINGER. I am directed by the Committee on Commerce to report back favorably without amendment the bill (S. 6003) to provide for the construction of a light-house and buoy tender for the inspector of the third light-house district. I call the attention of the Senator from Connecticut [Mr. PLATT] to the matter.

Mr. PLATT of Connecticut. I ask that the bill may be now considered. I understand that some similar cases are being considered. The necessity for the tender is very great.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there shall be constructed by the Secretary of Commerce and Labor a light-house and buoy tender for use in the third light-house district at a cost not to exceed $135,000, and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said light-house and buoy tender, such draftsmen to be paid from the appropriation for building said vessel, such employment to cease and determine on or before the date when the plans for such light-house and buoy tender shall be finished and proposals for building said vessel are invited by advertisement; and for this purpose the sum of $135,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COUNTING OF ELECTORAL VOTES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the concurrent resolution submitted by himself December 8, 1904, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

BILLS INTRODUCED.

Mr. ALGER introduced a bill (S. 6292) for the relief of Delia B. Stuart, widow of John Stuart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6293) granting a pension to Lydia A. Bingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6294) for the relief of Mrs. Olivia F. Moore, formerly Mrs. Olivia F. James; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6295) granting a pension to Jane Agnew;

A bill (S. 6296) granting a pension to Sarah Ann Bradford (with accompanying papers);

A bill (S. 6297) granting a pension to Jesse Peters;

A bill (S. 6298) granting an increase of pension to Condy Manelius;

A bill (S. 6299) granting an increase of pension to Albert Ivers;

A bill (S. 6300) granting an increase of pension to John P. Patterson (with accompanying papers);

A bill (S. 6301) granting an increase of pension to John Oursler (with accompanying papers);

A bill (S. 6302) granting a pension to Margaret M. McPherson;

A bill (S. 6303) granting an increase of pension to James Gwyn (with accompanying papers); and

A bill (S. 6304) granting an increase of pension to Jacob Bickart (with accompanying papers).

Mr. PENROSE introduced a bill (S. 6305) to correct the military record of Joseph P. Swope; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6306) to authorize the President to appoint Capt. Henry H. Bellas (retired) to the grade of major and place him on the retired list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6307) to correct the naval record of James Foust; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6308) for the relief of Thomas M. Steep;

A bill (S. 6309) for the relief of Jacob Livingston & Co. (with accompanying papers); and

A bill (S. 6310) for the relief of Jones & Laughlin (Limited) and others (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 6311) for the relief of James W. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 6312) providing for the construction of irrigation and reclamation works in certain lakes and rivers; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 6313) providing for the disposal of lands acquired under the provisions of the reclamation act; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HANSBROUGH introduced a bill (S. 6314) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6315) granting an increase of pension to Theodore McClellan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6316) for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers, at Thermopolis, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 6317) for the relief of George W. Board; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6318) concerning foreign-built dredges; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6319) providing for compulsory education in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6320) to amend an act approved February 28, 1903, entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6321) granting a pension to Hattie F. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6322) for the erection of a public building at Belvidere, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MALLORY introduced a bill (S. 6323) granting a pension to Elizabeth Prigon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6324) granting a pension to Annie M. Kelly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6325) to amend section 5398 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6326) increasing the limit of cost of public building at Meriden, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced a bill (S. 6327) for the relief of L. K. Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAILEY introduced a bill (S. 6328) for the relief of Daniel W. Dorris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6329) authorizing the appeal of a test case from the citizenship court of the Choctaw and Chickasaw nations of the Indian Territory to the circuit court of appeals of the eighth circuit, at St. Louis, to determine the legal status of intermarried citizens and their descendants; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PETTUS introduced a bill (S. 6330) for the relief of the Mitsui Bussan Kaisha; which was read twice by its title, and ferred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6331) granting an increase of pension to John W. Faulkner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6332) granting an increase of pension to John B. Lucas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6333) for the relief of the estate of George F. Lee, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULBERSON (by request) introduced a bill (S. 6334) for the relief of the estate of John G. Snell, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 6335) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 6336) granting an increase of pension to Frances B. Kellogg; which was read twice by its title, and referred to the Committee on Pensions.

OFFICES OF PRESIDENT AND VICE-PRESIDENT.

Mr. BAILEY introduced a joint resolution (S. R. 87) proposing an amendment to the Constitution of the United States, extending the term of the President; which was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, and shall be known as Article XVI of the amendments to the Constitution:

"The executive power shall be vested in a President of the United States, who shall hold his office during a term of six years, and, together with the Vice-President, chosen for the same term, be elected as provided in Article XII of the amendments to this Constitution. The President shall forever be ineligible to a reelection, nor shall any person be eligible to an election to the Presidency who has served as President under any succession provided for in this Constitution or the laws made in pursuance thereof."

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. PENROSE submitted an amendment relative to the promotion of certain retired officers of the Navy who served during the civil war, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

OBSCENE LITERATURE, ETC.

Mr. PENROSE. I move that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (H. R. 9493) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same, and that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John Simpson, accompanying Senate bill 1368, Fifty-eighth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

REPORT OF MERCHANT-MARINE COMMISSION.

Mr. GALLINGER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the report on the Development of the American Merchant Marine and American Commerce, and of the testimony taken in connection therewith, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Merchant Marine Commission, of which latter 100 copies shall be bound in half morocco.

OUACHITA RIVER BRIDGE.

The PRESIDING OFFICER. If there be no further concurrent or other resolutions, the morning business is closed, and the Calendar under Rule VIII is in order.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 10, after the words "Sec. 2," to strike out:

That the said bridge authorized to be constructed under this act shall be built and constructed, upon plans to be approved by the Secretary of War, from the end of the main street of said town of Columbia, on the west bank of said Ouachita River, to a point on the east side which said street if projected across the river would touch: *Provided.*

And in line 14, page 2, after the words "Secretary of War," at the end of the section to insert:

And the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interest of navigation.

So as to make the section read:

SEC. 2. That the said bridge shall be constructed under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said parish shall submit for his examination and approval a design and drawing of the bridge and a map of the location; and until the location and plan of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War; and the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interest of navigation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSULAR OFFICE RENT.

Mr. LODGE. I ask unanimous consent for the consideration at this time of the bill (S. 3313) to amend section 1706 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1706 of the Revised Statutes by striking out the words of that section "not to exceed, in any case, 20 per cent of the amount of the annual compensation allowed to such officer," so that the act shall read, "the President may allow consuls-general, consuls, and commercial agents who are not allowed to trade, actual expenses of office rent whenever he shall think there is sufficient reason therefor."

Mr. TELLER. I wish the Senator who reported that bill would explain what the purpose of it is, as I could not catch it from the reading at the desk.

Mr. LODGE. The law now provides that there shall not be more than 20 per cent per annum allowed for the office rent of any consulate of the United States.

Mr. TELLER. Twenty per cent of what?

Mr. LODGE. Twenty per cent of the salary fixed by law. The result of that is in some cases the allowance is very much too large and in other cases it is very much too small. It is a matter now of discretion, to be paid out of the earnings of the service. The Department think it extremely necessary that the consuls should have this latitude, in order to furnish a sufficient sum for proper rent at some of the most important places, notoriously at London. The Committee on Foreign Relations very carefully discussed the bill, and the report is unanimous.

Mr. TELLER. I do not want to interfere with this bill, but I do want to say to the Committee on Foreign Relations that there is in the neighboring Republic of Mexico great need of some additional consulates. There are many sections of that country where people of the United States are investing large sums of money, a long distance from the consulate. I want to call the attention of the committee to the fact. I am particularly interested in a large colony of Colorado people who have gone into Mexico and have invested several millions of dollars there. They have appealed to me to see if they can not have consulates established at two or three different points. I wish the committee would consider that matter.

Mr. LODGE. That is very important, Mr. President.

Mr. CULLOM. I only wish to say that when information comes to the Committee on Foreign Relations of the need of consulships the committee has been inclined to provide for them. I know of one or two cases in Mexico where I hope consulates will be established, but it is rather difficult for the Committee on Foreign Relations to hunt up such places. Of course, when they are brought to the attention of the committee we give them proper consideration.

Mr. TELLER. I will state to the chairman of the committee that in a day or two I shall present him some points where I think there should be consulates established purely from a business standpoint.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF MEDICINE AND SURGERY IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5359) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEAN. I inquire if there is a report accompanying that bill, Mr. President?

Mr. TELLER. If there is a report, let it be read.

Mr. GALLINGER. Mr. President, possibly if I should make a brief statement it would obviate the necessity of reading the report.

The bill is asked for by the medical supervisors of the District and the leading physicians of this city. All it proposes to do is to establish a reciprocal arrangement, so that if in the State of Colorado, for instance, a practitioner of medicine is required to be a graduate of a medical school and is required to have a certificate from the State board of medical examiners equivalent to that required in this District, he may be permitted to practice in the District of Columbia, provided the State of Colorado extends the same reciprocal courtesy to practitioners of the District of Columbia going into that State. The bill simply commences a system of reciprocal courtesy, which can not by any means lower the standard of medical education, but which will be of some advantage to physicians of repute holding the right to practice in their several States—all the States now have laws on this question of medical practice and they are essentially the same—so that they may not be subjected to certain annoyances which they find when they go from one jurisdiction to another. That is all there is in the bill. I think it is a very proper bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDNANCE DEPARTMENT.

Mr. WARREN. Mr. President, I ask leave for the consideration at this time of the bill (S. 5166) to increase the efficiency of the Ordnance Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in section 1, page 1, before the word "colonels," at the beginning of line 5, to strike out "seven" and insert "six;" in the same line, before the word "lieutenant-colonels," to strike out "ten" and insert "nine;" in the same line, before the word "majors," to strike out "twenty-one" and insert "nineteen;" in line 6, before the word "captains," to strike out "twenty-three" and insert "twenty-five;" and in line 7, before the words "first lieutenants," to strike out "twenty-three" and insert "twenty-five;" so as to make the section read:

That the Ordnance Department shall consist of one chief of ordnance, with the rank of brigadier-general; six colonels; nine lieutenant-colonels; nineteen majors; twenty-five captains; twenty-five first lieutenants, and the enlisted men, including ordnance sergeants, as now authorized by law. The vacancies thus caused or created shall, as far as possible, be filled by promotion according to seniority as now prescribed by law, except that the chief of ordnance shall be selected from the permanent officers of the corps for a period of four years.

The amendments were agreed to.

Mr. TELLER. I wish the Senator who has reported this bill would give us some explanation of what is proposed to be accomplished by it.

Mr. WARREN. Mr. President, when the so-called "staff bill" was passed there was some doubt in the War Department and some doubt on the part of many Senators whether it sufficiently provided for the Ordnance Corps. It was submitted to trial, and it has been found that there are too few by seven or eight members of the staff, and that it is difficult to fill from the line under such an examination as the officers are obliged to submit to, because at present there is no promotion in the transfer or

detail. In other words, a man who is a first lieutenant in the line has to submit to a severe examination in order to pass and become eligible, and after having studied long and hard to obtain admission to that corps he gets no advantages in the way of promotion or pay, but is simply there for a short time and goes back to the line at the end of his detail service.

The bill raises the number of officers in the Ordnance Corps from seventy-four to eighty-one. It cuts down somewhat the estimate of the Department, and it leaves first lieutenants and captains eligible to captains' places after they have passed certain examinations, and second lieutenants from the Army at large eligible to first lieutenants' places in the ordnance service.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY MEDICAL DEPARTMENT.

Mr. WARREN. Mr. President, I do not wish to monopolize so much of the time of the Senate, but I feel obliged to call up a similar bill to the one just passed. I ask unanimous consent for the present consideration of the bill (S. 4838) to increase the efficiency of the Medical Department of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. Mr. President, this bill is no doubt intelligible to a Senator who is on the Committee on Military Affairs, but to a layman it seems technical, and I think there ought to be some little explanation of it.

Mr. WARREN. Mr. President, it is true the bill is a long one and seemingly technical, but in the sum total the bill is simply one to provide better regulations for the continuance of our Medical Corps. It is perfectly patent, from the fact that during the Spanish war there was a great increase of those employed in the medical service, and that at the close of that war there was a release of some portion of the force, that some measure of reorganization ought to be provided.

This bill does not, in my judgment, materially increase the expense of the corps. In the first place, it makes it possible to do away, in a measure, with the contract-surgeon system, which is now so prevalent and under which we have some 200 employees. It makes it harder for an applicant to get promotion——

Mr. SPOONER. I should like to inquire of the Senator how does the bill enable the doing away with the contract surgeons. Does it make them all officers?

Mr. WARREN. Some of them may be made officers—a reserve corps is provided for and one or more or all of the reserve corps may be called into service as occasion requires. While these are officers of the Army under that reserve corps, and under pay while actually employed, they are not entitled to retirement under pay, pension, etc.

Mr. SPOONER. Does the Senator think it is a good thing to do away with the contract surgeons?

Mr. KEAN. Mr. President, it is impossible to hear the Senators.

Mr. WARREN. This measure does away with the necessity of having in the service so large a proportion or number of army contract surgeons.

Mr. PLATT of Connecticut. There is one question I should like to ask. As I caught the reading of the bill, it provides that where a person is retired on account of disability he shall be retired at a rank higher than the rank which he is enjoying at that time. In other words, there shall be with the retirement promotion to a higher rank. I may not have caught it correctly, but I think I did. I should like to inquire whether that is the rule with reference to other bureaus or departments in the Army?

Mr. WARREN. Perhaps the understanding of the Senator is a little different from mine. For instance, if to-day the Senator were an officer of the Army and entitled to promotion by date and seniority, and he were on examination found inefficient physically, he would be retired with the grade that he were entitled to be seniority rather than to deny him that promotion which he had earned by long and faithful service in the Army because, broken down in health through such long service, he were found physically inefficient.

Will the Senator call my attention to the particular paragraph he has in mind?

Mr. PLATT of Connecticut. I presume the Senator from Wyoming is entirely correct, but my impression was derived from a reading of the bill, and it is very difficult to catch it as it is read from the desk. In section 5, on page 4, there is this provision:

That no officer of the medical corps shall be promoted therein until he shall have successfully passed an examination before an army medical board consisting of not less than three officers of the medical corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service.

Then there is a proviso——

Mr. WARREN. The Senator will understand——

Mr. PLATT of Connecticut. Let me read the proviso.

Mr. WARREN. Yes.

Mr. PLATT of Connecticut. It says:

Provided, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted.

Mr. WARREN. That is perfectly clear.

Mr. PLATT of Connecticut. Does that apply in other departments of the Army?

Mr. WARREN. Oh, yes. It applies and should apply to all departments of the Army.

As I stated before, when the proper time comes for the promotion of an officer by law, unless some examination intervenes, he of course passes up to promotion one higher grade through that, and if but a day after that he should be found physically incapable he would be retired in his new rank.

Now, this proposes that even though an officer's seniority entitles him to promotion he is not promoted to active service without an examination to see whether his capabilities, mental and physical, are sufficient to warrant such promotion. If he is found physically incapable, he is retired and goes on the retired list with that rank to which he would be entitled were it not for his physical disability.

Mr. PLATT of Connecticut. I think I understand it. But some cases have come to my attention in the line of the Army where an officer has been retired for physical disability, and, although he was just on the eve of promotion, retired at the rank which he then held. He lost his promotion. In some cases, and one particularly of which the Senator from Kentucky [Mr. BLACKBURN], who is listening to me knows, it was very hard indeed. I had thought that perhaps it had been corrected by general law. If not, it ought to be.

Mr. WARREN. There have been cases under old laws, and most of them have been since righted by special legislation. The later course was to pass the officer up to his rank, as if in health, and then retire him soon after.

Now, it is the intention to provide that in all cases there shall be an examination and favorable recommendation as well as seniority before promotion, and that a man's physical disability shall not be a bar to his receiving generous treatment at retirement.

Mr. PLATT of Connecticut. I think there ought to be uniformity in the whole Army about this matter. If we are providing it in reference to the medical staff or corps, the same rule ought to apply to the line.

I hesitate to say anything about this matter, for I probably know as little about the organization of the Army as any Senator.

Mr. PROCTOR. Mr. President, for a long time there has been a statute providing that if an officer reaches the head of his grade and is entitled to promotion, except that he is physically disqualified, he shall be retired at the higher grade.

That has been the statute for quite a good many years referring to all——

Mr. PLATT of Connecticut. Does this provision precisely correspond to that or is it an enlargement of it?

Mr. PROCTOR. I can not say, as I have been out of the Chamber and do not know the particular provision which is under discussion.

Mr. WARREN. In my judgment this bill could have been drawn in shorter form, relying upon the different existing statutes, but sometimes in constructing a measure it is better, instead of referring to other statutes, to have the whole text written out. This provision corresponds identically, according to my understanding, with the advantages offered in other lines.

Mr. SPOONER. I should like to inquire of the Senator from Wyoming what is the strength of the medical corps? This provides for—

16 colonels, 24 lieutenant-colonels, 110 majors, and 300 captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service.

Mr. WARREN. Under existing law there is 1 brigadier-general, 9 colonels, 12 lieutenant-colonels, 60 majors, 155 captains mounted, 75 first lieutenants, 200 contract surgeons, something over 500 in all.

Mr. SPOONER. What increase will this bill, if it is passed, make in the number of medical officers in the Regular Army?

Mr. WARREN. It increases in some grades and decreases in others, but the total number is not increased; on the contrary,

it is decreased over fifty, including, of course, the contract surgeons.

Mr. SPOONER. Are all these reserve corps men to be paid, whether on active duty or not?

Mr. WARREN. Oh, no.

I may say to the Senator that it gives the medical corps a more liberal number of the high-grade officers, but gives it no more in bulk, I may say, or in the aggregate, than at present employed.

The Senator has asked about the medical reserve force. This force is in line of, you may say, the contract surgeons. It may be called into service, in whole or in part, whenever needed. Its members will have passed examinations, be placed on the roll, and can be put into the service at any time, but they do not accumulate the right of officers regarding pay after retirement, pension, etc., and are under no pay except when in the service.

The PRESIDING OFFICER. The amendment reported by the Committee on Military Affairs will be stated.

The SECRETARY. On page 4, section 3, after the word "years," in line 9, it is proposed to insert "reckoned from the date of his commission;" so as to read:

Provided further, That a first lieutenant of the medical corps, upon the completion of three years' service, including service as assistant surgeon in the Regular Army, or as surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since, or on active duty as first lieutenant in the medical reserve corps as hereinafter provided, shall be entitled to the pay and allowances of a captain of the medical corps, and when the aggregate of his service, either as first lieutenant in the medical corps or as assistant surgeon in the Regular Army, equals three years, reckoned from the date of his commission, he shall be entitled, subject to examination, to promotion to the grade of captain in the medical corps.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE MURTAGH.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 5396) for the relief of Caroline Murtagh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the claim of Caroline Murtagh, as widow and sole heir of William J. Murtagh, deceased, for printing Treasury Department advertisements in the National Republican newspaper of Washington City during the years 1870 to 1873, inclusive, is hereby referred to the Court of Claims for adjudication, and if the court shall find that said advertisements were published with the knowledge and acquiescence of the President and that it had been usual and customary to publish such advertisements in the National Republican, and that said Department derived benefit from their publication, then the said court shall render judgment in such amount as will fairly compensate the said claimant for said advertisements, not to exceed the usual and customary rates of compensation.

Mr. SPOONER. Mr. President, I do not object to the consideration of this bill by the Senate. The matter was discussed on a former occasion, and I see no reason myself to arrive at a different conclusion from the one which forced itself upon me at that time. These empty benches will not take much interest in it, but I want to say a word about the bill if the Senate is to pass it and refer this matter to the Court of Claims, in order that it may not seem from the record that by common consent it was evidently the opinion of the Senate that the report contained evidence warranting the inference that the claim should be allowed by the Court of Claims.

In a nutshell, it is a case of sympathy; and I always sympathize with a woman whose husband performed some service for the Government and who wants pay for it.

The bill provided for seventeen thousand and some hundred dollars to pay for the publication of certain advertisements or notices in the Republican, then a prominent newspaper of this city. The law at that time provided that no advertisement, notice, or proposal for any Executive Department of the Government, or any Bureau thereof or for any office therewith connected, should be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department, and that no bill for such advertising should be paid unless there were presented with such bills a copy of the written authority required by law.

Mr. Murtagh, who was the owner of the National Republican, as I understand, and a friend of General Grant, had been in the habit of publishing these advertisements. However, for some reason, the law having been changed—he claims it was because of the personal animosity of Mr. Boutwell, who was then Secretary of the Treasury—he was unable to secure from the Secretary of the Treasury any written authority to publish these notices in his newspaper. The Secretary of the Treasury gave authority to other newspapers in the city, such as he chose, for the publication of the notices, and the report affords evidence that the notices were legally published in other newspapers and were paid for.

There is no possible theory upon which this claim can be maintained against the Government except upon the statements of this report, not one of which I think my friend the Senator from Nevada will agree could be competently proven in the Court of Claims. Take, for instance, the fact stated here, that Mr. Murtagh told his wife that in conversation with President Grant he was advised to go ahead and publish the notices without the written authority from the Secretary of the Treasury, and he (Grant) would see that the bill was paid. Of course a statement made by Mr. Murtagh to any third party would not be competent as proving that Mr. Murtagh had any such conversation with General Grant.

The conclusive presumption is that he must have misunderstood President Grant, for the statement here puts President Grant in the position of willfully violating an act of Congress. President Grant must have known, for the act was plain, that the bill could not be lawfully paid by the Secretary of the Treasury. The payment of it would be a gross, palpable, defiant violation of the law. The Senator admits that. And yet the principal foundation of this claim is that President Grant promised payment thus in violation of law.

If President Grant had been so anxious that these advertisements should be printed in that newspaper, he would have adopted a different course from that indicated here. He would not have said to Mr. Murtagh: "Publish these without authority of law, and I will see that you are paid in violation of law." He would have instructed the Secretary of the Treasury, it being purely an administrative matter, to publish the advertisements in Mr. Murtagh's newspaper and to give the requisite written order to that effect.

Here is a statement from Colonel Crook which shows the flimsiness of this whole business and the attempt to bolster up the claim, in which Colonel Crook testifies to the friendly relations between President Grant and Mr. Murtagh, and asserts his conviction that President Grant would not have permitted any injustice to be done to Mr. Murtagh. That has no tendency to support the charge which is made here against President Grant of violating a plain act of Congress, which was binding upon him, but, on the contrary, it tends very strongly to discredit the fundamental proposition upon which this claim is based, and that is that General Grant desired the publication in that newspaper, because if General Grant felt that his Secretary of the Treasury, out of pure personal hostility to his friend Murtagh, was doing him an injustice, he would have made his order to the Secretary of the Treasury to give the authority to Murtagh to publish the advertisements. He did not do that. He left it entirely to the Secretary of the Treasury, notwithstanding the appeal of Mr. Murtagh to him, and the fact is shown here that the Secretary's refusal to give the order was brought to the attention of General Grant before the publication.

It is absolutely inconceivable on the statements here made to me—I do not know how it may strike the two or three Senators who are giving attention to the public business just now——

Mr. KEAN. Here are two.

Mr. SPOONER. Well, a few. It is absolutely inconceivable, upon the statements made in this report, that any such promise should ever have been made by the President. All the parties are dead except the claimant. Mr. Murtagh is dead; President Grant is dead; and there is nothing here, in my judgment, to send to the Court of Claims. If the Senate wants to send the claim there, carrying with it the inference that in the opinion of this body or of the Congress the statements made here are deemed an adequate foundation for a judgment against the Government for $17,000, the Senate can do it, of course.

Mr. STEWART. Mr. President, if this was a claim Mr. Murtagh could have obtained payment for upon demand, it never would have been here. He was demanding payment, undoubtedly, all the time. As far as that is concerned, we admit it. The fact, however, appears that he published the notices as he had been doing before and as he did afterwards. Indeed, he published the leading newspaper in this place. It appears that the Secretary of the Treasury, for some peculiar reason of his own, did not order the publication. It is stated by witnesses that President Grant acquiesced in what was done. I do not think so. He did not order that the claim be paid. Of course, he could have commanded the Secretary of the Treasury to issue the necessary order, but Senators know how those things are neglected.

Mr. SPOONER. The Senator does not mean to say that

the President after publication, and without a change in the act of Congress, could have ordered the Secretary to pay the claim?

Mr. STEWART. He could have ordered him to publish the notices.

Mr. SPOONER. Yes. Why did he not?

Mr. STEWART. I do not know why he did not. Such things pass along very frequently without action. A great many things are not done which ought to have been done at the time. I think very likely if President Grant had thought his not doing it would prevent any payment hereafter he would have ordered it.

Now, this is not a new claim. It was presented by Mr. Murtagh himself, for many years, while living. It has been pending during the last fifteen or twenty years, probably. While Mr. Murtagh was alive and able to support his family I did not look into it so particularly. Now he is dead and his aged widow is penniless. His newspaper did this work. The bill provides that if the court shall find that the publication was made and was useful to the Government and was acquiesced in by the President, she may then be compensated. I think that is a fair thing to do. If there is no evidence to sustain the claim, if the claimant can not prove that the publication was made, and that it was useful, of course she can not recover. I admit that it will be a very difficult case to make out. After the statement of the Senator from Wisconsin, with no implication that the Senate has investigated it and found the testimony sufficient, it goes there to let the court examine it and see. If valuable service has been rendered to the Government it ought to be paid for. Upon such a finding the bill allows the court to enter a judgment for such amount as will fairly compensate for the service. I think the bill ought to pass under those circumstances. I think the claim ought to go to the court and that the claimant should be given a hearing.

Mr. SPOONER. Mr. President, just a word. There is nothing that passed along and was forgotten in the time of this claim. It was not something that was overlooked by President Grant. It was not some statutory prerequisite that was carelessly forgotten by Mr. Murtagh. Here is the affidavit of Mr. Murtagh:

> Under this designation and authority this affiant published and was paid for so publishing all United States Government advertisements, but in 1870 Congress enacted a law requiring that no advertisement, notice, or proposal for any Executive Department of the Government or for any bureau thereof or for any office therewith connected, should be published in any newspaper whatever except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising or publication should be paid unless there was presented with such bill a copy of the written authority required by said law. This affiant obtained the written authority required by the beforementioned act of Congress from the heads of all the other Departments, but failed to obtain the authority from the Treasury Department for the reason that affiant had opposed some of the policies of the Secretary of the Treasury and incurred his displeasure. Affiant explained the matter to President Grant.

Now, there we find the whole subject explained to President Grant. President Grant knew about the requirement of the law, first, that the publication should not be had without the prior written authority; second, that it should not be paid for except upon vouchers accompanied by the written authority. The refusal of the Secretary of the Treasury to give the written authority to Mr. Murtagh was brought to the attention of President Grant.

What is the attitude in which this affidavit puts President Grant? President Grant in that case, in my opinion, without any question if he had seen fit, would have overruled the Secretary of the Treasury, and would have directed him, as he had a right to do, to make the publication in the National Republican. That he did not do, and President Grant was pretty apt to do what he wanted to do, where he had the power to do it, as he had in this case. But this affiant says:

> Affiant explained the matter to President Grant, and inquired of him if it was safe to continue the publication of the advertisements of the Treasury Department. The President remarked that he had better continue the publication—

In absolute violation of law—

> and that he could rely on his good offices in the premises.

The only good offices the President could exercise would be a recommendation to Congress to pay the bill. Where is it?

Mr. STEWART. It is not here.

Mr. SPOONER. No; it is not here. I sympathize with the claimant, but I am here as the Senator is, a trustee for the people; and while we have a right to be sympathetic, of course, and generous with our own, we have no right to vote away the people's money without some warrant for it.

Mr. STEWART. While we have a right to be sympathetic and generous to our own, every person who has served the Government and has benefited the Government has a right to compensation. None of the claims in this claims bill here on my desk have been paid. It has not, I suppose, a claim in it that can be enforced otherwise than through Congress, by Congress recognizing the equity of the claim.

The services were performed in this case. I know something personally about the difficulty at that time and the relation between Secretary Boutwell and Mr. Murtagh at the time, but I do not care to state it. It made the matter a little personal to the President, and he would not like to interfere in such a case. I understand all that. Mr. Murtagh had been publishing in his newspaper here all the other notices before as he did afterwards. I think under the circumstances the court ought to inquire into it, and if it be shown clearly that the Government was benefited, I do not think that woman ought to starve while her husband performed services that benefited the Government and the Government withholds the money. I do not think it is purely a question of sympathy, but I think it is a question of equity. I think the bill ought to pass.

When the bill was up before, proposing to pay a certain amount of money, my attention was called to it and I could not state to the Senate that it was such a case as would warrant me in urging the passage of the bill. I had the bill referred back to the committee. The Senator from Maryland [Mr. MCCOMAS] then introduced another bill, which was brought before the committee, and a substitute was reported for it. Under the circumstances, I think the question whether Mr. Murtagh did services which benefited the Government should be inquired into; and, if he did, this poor old lady ought to be paid what was fairly earned by her husband.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. KEAN. I thought the bill was open to objection.

The PRESIDING OFFICER. The consideration of the bill was not objected to. It is before the Senate as in Committee of the Whole.

Mr. KEAN. It is subject to objection at any time.

The PRESIDING OFFICER. Does the Senator from New Jersey object?

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. The bill being objected to, it goes over under the rule. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, yesterday, in the remarks I then made touching the matter of the school-land grants in Oklahoma, New Mexico, and Arizona, I inadvertently made statements that were misleading to the Senate. It was not my purpose in any manner to create a false impression. Since yesterday I have carefully looked up the statutes on the subject, and I now desire to state to the Senate, briefly, the facts in reference to these school-land grants.

Oklahoma, by the act creating that Territory, was given a school-land grant of two sections in every township—sections 16 and 36. It was not in the form of a grant, but simply in the form of a reservation. Subsequent to that act, by three different acts of Congress, one found in 26 Statutes, page 1026, one found in the same Statutes, page 1043, and also a provision contained in 28 Statutes, page 71, authority was given to lease these school lands thus reserved. I will read the last of these acts bearing upon this subject, showing what authority was given in the premises. The act approved May 4, 1894, is as follows:

> That the reservation for university, agricultural college, and normal school purposes of section 13 in each township of the lands known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, in the Territory of Oklahoma, not otherwise reserved or disposed of, and the reservation for public buildings of section 33 in each township of said lands, not otherwise disposed of, made by the President of the United States in his proclamation of August, 19, 1893, be, and the same are hereby, ratified, and all of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior.

In this connection I desire to state that I am informed by the Delegate from Oklahoma Territory in the House of Repre-

sentatives that the legislature of that Territory has taken no action in this matter; but from the report of the governor of Oklahoma it appears that these lands, ever since authority was given under the statute to lease them, have been leased and have brought a large revenue to the Territory of Oklahoma. The common school fund of Oklahoma, according to the last report of the governor of that Territory—the report for 1904—states that $1,434,429 has been derived from the lease of the school and other lands granted or reserved to the Territory of Oklahoma.

In relation to New Mexico the condition is this: In the act creating the Territory sections 16 and 36 were reserved for school-land purposes, but by the act of June 21, 1898 (30 Stat. L., p. 484), these sections of land were absolutely granted to the Territory in fee. Subsequently a law was passed permitting the lands to be leased. That is found in section 10 of the act of June 21, 1898 (30 Stat., 486). They were permitted by that act to be leased for a period not exceeding five years, and no more than one section of land could be leased to any firm or corporation. As to Arizona, the reservation of sections 16 and 36 in every township given to New Mexico by the act creating the Territory while Arizona was a part of it inured to Arizona when that was created, and was not referred to nor repealed in the act creating Arizona. Subsequently an act was passed authorizing the lease of the school lands in Arizona. The act authorizing the leasing is found in 29 Statutes, page 90. No more than one section can be leased to any one person or corporation under the provisions of the act nor for a longer period than five years.

I desire further to call attention in this connection to the statute I have already referred to, the act of June 21, 1898, which gave an absolute grant to the Territory of New Mexico of the two school sections. It also gave a number of other grants, for university and other purposes and for irrigation purposes. These were absolute grants to the Territory. While the act provided that of the lands granted for university purposes the saline lands and sections 16 and 36—the school sections—could be leased, it provided that "the remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of the Territory of New Mexico."

Mr. FORAKER. Will not the Senator be willing to just read the terms of the grant as they appear in the statute?

Mr. NELSON. Yes. There are several grants. Here is the grant of the school-land sections. I read from the act of June 21, 1898:

That sections Nos. 16 and 36 in every township of the Territory of New Mexico, and where such sections, or any parts thereof, are mineral or have been sold or otherwise disposed of by or under the authority of any act of Congress, other nonmineral lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said Territory for the support of common schools, such indemnity lands to be selected within said Territory in such manner as is hereinafter provided.

Then there is a proviso, which is not material. I will read the other grants from the same act:

SEC. 2. That fifty sections of the unappropriated nonmineral lands within said Territory, to be selected and located in legal subdivisions as hereinafter provided in this act, shall be, and are hereby, granted to said Territory for the purpose of erecting public buildings at the capital of the State of New Mexico when said Territory shall become a State and be admitted into the Union, when said capital shall be permanently located by the people of New Mexico, for legislative, executive, and judicial purposes.

Then there is another grant:

SEC. 3. That lands to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the Territory of New Mexico for university purposes, to be held and used in accordance with the provisions in this section; and any portions of said lands that may not have been heretofore selected by said Territory may be selected now by said Territory. That in addition to the above, 65,000 acres of nonmineral, unappropriated, and unoccupied public land, to be selected and located as hereinafter provided, together with all saline lands in said Territory, are hereby granted to the said Territory for the use of said university, and 100,000 acres, to be in like manner selected, for the use of an agricultural college. That the proceeds of the sale of said lands, or any portion thereof, shall constitute permanent funds, to be safely invested, and the income thereof to be used exclusively for the purposes of such university and agricultural college, respectively.

Mr. FORAKER. Will the Senator state the date of that statute?

Mr. NELSON. Will the Senator allow me to continue the reading of these grants?

Mr. FORAKER. Certainly. I was asking for the date of the statute.

Mr. NELSON. I want to finish reading them.

The following-described additional grants are found in section 6 of said act:

And in lieu of any claim or demand of the State of New Mexico under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State of New Mexico, the following grants of nonmineral and unappropriated land are hereby made to said Territory for the purposes indicated, namely:

For the establishment of permanent water reservoirs for irrigating purposes, 500,000 acres; for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of the water in the bed of said river, 100,000 acres; for the establishment and maintenance of an asylum for the insane, 50,000 acres; for the establishment and maintenance of a school of mines, 50,000 acres; for the establishment and maintenance of an asylum for the deaf and dumb, 50,000 acres; for the establishment and maintenance of a reform school, 50,000 acres; for the establishment and maintenance of normal schools, 100,000 acres; for the establishment and maintenance of an institution for the blind, 50,000 acres; for a miners' hospital for disabled miners, 50,000 acres; for the establishment and maintenance of a military institute, 50,000 acres; for the enlargement and maintenance of the Territorial penitentiary, 50,000 acres. The building known as the Palace, in the city of Santa Fe, and all lands and appurtenances connected therewith and set apart and used therewith, are hereby granted to the Territory of New Mexico.

These are all absolute grants. Then after making these grants section 10 provides:

That the lands reserved for university purposes, including all saline lands, and sections 16 and 36 reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory.

Then farther down in the same section the following provision is found:

The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory.

Mr. FORAKER. Will the Senator give me the date of that statute?

Mr. NELSON. That is the act of June 21, 1898. It is found in 30 Statutes at Large, page 484.

Mr. FORAKER. The statute does not contain after the word "Territory" the words "or any State which may in the future be incorporated?" Some such language as that was implied in the debate yesterday as appearing in these grants.

Mr. NELSON. It does not appear in the phraseology here.

Mr. FORAKER. But there is a restriction in the statute by implication at least against the sale and disposition of the school lands.

Mr. NELSON. That is, of all school lands. It does not give the legislative assembly authority in express terms to sell it, but it is an absolute grant and gives permission——

Mr. FORAKER. To lease it.

Mr. NELSON. Yes; permission to lease; and if it were not for the last quotation from the statute which I have read I think, being an absolute grant, the Territory could dispose of it. But the act contains this restriction:

The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such rules and regulations.

That, under the rule expressio unius est exclusio alterius, would imply that if only those lands could be sold the other lands could not be sold.

Mr. FORAKER. Can the Senator tell us whether any of the lands have been in fact sold or whether they are all still retained by the Territory of New Mexico?

Mr. NELSON. There is nothing on record that I know of, but I am informed by people from that Territory that some of the lands of New Mexico have been sold.

Mr. BEVERIDGE. If the Senator will permit me, I think the statement which will be found to be correct is about this, that sections 16 and 36 granted in fee, but with the limitation of alienation, so that they have not been parted with, is one grant. There is a 4,000,000-acre grant outside of that. The 4,000,000-acre grant I understand contained no limitation and some of it has been alienated. I think that is the correct statement.

Mr. FORAKER. But nothing has been alienated of sections 16 and 36.

Mr. BEVERIDGE. No, sir; nor do I understand that it can be alienated. May I ask whether there has been a discussion of the school lands of New Mexico?

Mr. NELSON. I have not covered the school lands at all yet.

Mr. BEVERIDGE. Might it not be well to state for the benefit of the Senator from Ohio right at this point that the school lands in New Mexico and in Arizona are practically of little value? Has the Senator been discussing that point?

Mr. NELSON. I have not got to that point.

Mr. BEVERIDGE. All right; it will be called up later.

Mr. NELSON. In respect to Arizona, I want to supplement what I said a moment before the Senator from Ohio interrupted me, by saying that in addition to the reservation of two sections of each township for school purposes given to that Territory, and which under the law I have quoted they may lease, the Territory of Arizona, by the act of February 18, 1881 (21 Stat L., 326), got an absolute grant of 75,000 acres for a State university, and in the granting act the power of sale was given. Whether the Territory of Arizona has sold any of those lands, I do not know, but the Territory has had the absolute power, since the passage of that act, of selling those lands.

I think that is all I want to say in correction of statements made in the discussion we had about this matter yesterday. I think what I have just stated and quoted places this matter correctly and truly before the Senate.

I want to go back for a moment to Oklahoma and Indian Territory in reference to the Indian question and the question of Indian allotments. On the 17th of December I addressed a letter to the Secretary of the Interior, requesting him to state what progress had been made as to allotments of lands to the Five Civilized Tribes, and the status of the case. I did not yesterday have the letter relative to that subject, but this morning received it from the Department, and I ask to have the letter incorporated in my remarks.

Mr. FORAKER. Will the Senator not read it?

Mr. NELSON. It is quite a lengthy letter.

Mr. KEAN. Let it be read.

Mr. NELSON. As I have stated, the letter is quite lengthy. I shall call attention to some other matters in connection with this subject, which will further elucidate the situation, and incorporate the letter in my remarks.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 31, 1904.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt of departmental letter of the 24th instant, inclosing for immediate report a communication from Hon. KNUTE NELSON, of the Committee on Territories, United States Senate, requesting a statement relative to the extent to which allotments to members of the Five Civilized Tribes have been completed.

Senator NELSON desires details as to allotments to members of the Five Civilized Tribes in Indian Territory; how soon the lands not yet allotted are likely to be allotted; as to the per capita allotments in the various nations; the total quantity of each class of allotments; the homestead and surplus, and what provision has been made in respect to the unallotted lands.

Permit me to submit the following statement:

CHEROKEES.

Growing out of the claims of the Delawares, the allotment of lands in the Cherokee Nation was greatly delayed and was not begun until considerable progress had been made in the other nations. The agreement with the United States, approved July 1, 1902 (32 Stat. L., 716), provides for the classification of the lands at valuations from a minimum of 50 cents to a maximum of $6.50 per acre, and for a per capita distribution according to these valuations. Under this law citizens and freedmen select as their allotments land equal in value to 110 acres of the average allottable land, which is fixed at $325.60, and as homesteads land equal in value to 40 acres of average allottable land, fixed at $118.40. Since allotment work began 17,273 selections and claims have been filed, out of a total enrollment of 32,178 citizens by blood, including Delawares, and 3,851 freedmen. Up to and including June 30, 1904, 1,260,408.78 acres of land of the value of $4,291,695.34 were selected and claimed, out of a total area of 4,420,067.73 acres. Since that time the area selected has risen to 2,132,692.78 acres. It is expected that practically all the lands of the nation will be absorbed by allotments to the citizens by blood and freedmen, aside from special reservations for railroads, town sites, etc. The excess of each allotment over and above the homestead is salable after five years from date of patent.

A suit is now pending in the Court of Claims involving the right of intermarried whites to participate in the distribution of the tribal lands and funds. The questions growing out of these claims may be expected to delay the final settlement of the affairs of the tribe for several years, but the delays will involve funds rather than lands. It is impossible to forecast when the allotment work in this nation will be completed, on account of the probable delays in connection with pending litigation.

CREEKS.

The citizens and freedmen of the Creek Nation receive allotments of 160 acres each. The total area of the nation is 3,172,813.16 acres. Allotments covering an area of 2,485,068.79 acres have been made, leaving, in round numbers, less tracts reserved for sundry purposes, 640,000 acres. A total of 28,982 deeds, including homesteads and excess, have been executed by the principal chief of the nation. Of this number 27,981 have been approved, recorded, and delivered. About 1,000 deeds are withheld from delivery for various causes. Complete allotments have been made to 15,178 citizens and freedmen out of a total enrollment of 9,905 citizens and 5,473 freedmen. Homesteads consist of 40 acres. Provision is made in the Indian appropriation act approved April 21, 1904 (33 Stats., 189), for the public sale of the surplus lands of the Creek Nation. The allotment, outside of the homestead, is salable at the end of five years from date of deed. The first deeds were issued in the summer of 1902.

SEMINOLES.

The approved rolls of the Seminole Nation contain the names of 2,754 persons, to whom have been allotted 344,948.28 acres, the total area of the nation being 365,851.57, and 2,272.65 acres having been reserved from allotment for various purposes, leaving 18,630.64 acres for future disposition.

The agreement between the Commission to the Five Civilized Tribes and the Seminole Nation, approved July 1, 1898 (30 Stats., 567), contemplated the distribution of all the lands of the nation among its citizens.

The lands were classified in three grades, first, second, and third, and the amount of $309.09 was fixed upon as the total valuation which would approach nearest to an equal distribution of the lands. Those securing lands of the first grade received 60 acres, those receiving land of the second, 120 acres, and third, 240 acres. No patents have been issued. Legislation is now being sought from Congress for the issuance of patents and for the disposition of the surplus lands. Without further legislation on the subject the deeds or patents will not be issued until after the expiration of the tribal government, March 4, 1906. The restrictions as to the alienation of the surplus, above the homestead, will expire five years from the date of the patent. The homesteads consist of forty acres.

CHOCTAWS AND CHICKASAWS.

The Choctaw and Chickasaw citizens and Mississippi Choctaws receive allotments based on valuations, the average value being $1,041.28, while the value of each freedman's allotment is $130.16. The following table shows the number of acres of land embraced in an allotment, according to grade and appraisement:

	Members.	Freedmen.
Land appraised at—	*Acres.*	*Acres.*
$6.50	160.19	20.02
6.00	173.55	21.69
5.50	189.32	23.67
5.00	208.26	26.03
4.50	231.39	28.92
4.00	260.32	32.54
3.25	320.39	40.04
3.00	347.09	43.38
2.50	416.51	52.06
2.00	520.64	65.08
1.50	694.19	86.77
1.00	1,041.28	130.16
.75	1,388.37	173.54
.50	2,082.56	260.32
.25	4,165.12	520.64

There has been allotted and selected in the Choctaw Nation, by 20,208 persons, land to the amount of 3,097,043.22 acres. In the Chickasaw Nation 17,380 allotments and selections have been made, embracing 2,675,877.15 acres. The enrollment of persons entitled to full allotments in the Choctaw Nation is 19,609; of freedmen, 4,966; and in the Chickasaw Nation, 5,468 and 4,916, respectively. The total area of the Choctaw Nation is 6,957,460.21, and of the Chickasaw Nation is 4,653,145.90.

Under the agreement with these nations citizens may sell one-fourth of that part of the allotment which is in excess of the homestead at the end of one year from date of patent, another fourth at the end of three years, and the balance at the end of five years.

The allotments of freedmen are inalienable.

Under section 14 of the supplemental agreement with the Choctaws and Chickasaws (32 Stats., 641) the residue of the lands of the nations are to be sold at public auction.

The allotment work in these nations is nearing completion.

The Indian appropriation act, approved April 21, 1904 (33 Stats., 139), contained a provision which removed the restrictions on the sale of the allotments, except the homesteads, of all intermarried whites and freedmen in the several nations. This only affects the Creek and Cherokee freedmen, as the Choctaw and Chickasaw freedmen have no surplus above the homestead.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

Mr. NELSON. Mr. President, in reference to the allotments which have been made to the Five Civilized Tribes, I want to call the attention of Senators briefly to the character and nature of those allotments, and then to the legislation which was enacted in the Indian appropriation bill at the last session of Congress. There are five nations or tribes. Under an act of Congress agreements were made with the Indians and ratified by the act of March 1, 1901, for allotments to the Creek Indians, as follows:

7. Lands allotted to citizens—

That means citizens of the Creek tribe—

7. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be encumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor, and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Each citizen—

That means members of the tribes—

shall select from his allotment forty acres of land as a homestead, which shall be nontaxable and inalienable and free from any incumbrance whatever for twenty-one years, for which he shall have a separate deed, conditioned as above.

That is in respect to the Creeks. Now, in respect to the Cherokees, this is the condition of the allotments:

SEC. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

SEC. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

I call attention to the distinction that the homestead is inalienable for twenty-one years and the balance of the allotment for five years.

In respect to the Choctaw and Chickasaw nations, the following is the condition as to the allotments:

12. Each member of said tribes shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 160 acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

* * * * * * *

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent.

In reference to the Seminoles, the allotment was made in the same manner. Each allottee in that nation was to designate one tract of 40 acres, which shall, by the terms and conditions of the act, be made inalienable and nontaxable—a homestead in perpetuity.

So you see in these tribes there are two classes of allotments, one known as homestead and the other nonhomestead. These homestead allotments in the case of four of the nations or tribes were inalienable for twenty-one years, while in the case of the Seminoles the homestead grant was inalienable in perpetuity.

These restrictions upon the right of alienation were considerably modified by the following provision in the last Indian appropriation act:

And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding of the United States Indian agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded.

The provisions which I have read show exactly what restrictions are now in force upon the right of alienation. There was a section in this bill as it came from the other House which proposed to remove entirely all restrictions upon alienation—section 13. I think the committee of the Senate reported in favor of striking out that section, so as to leave the matter exactly as it is left under the law I have just quoted.

I will now, Mr. President, resume my remarks in respect to the proposed State of Arizona, to be composed of the Territories of Arizona and New Mexico. First, I desire to call attention to a proviso in the act establishing the Territory of New Mexico, in 1850 (9 Stat. L., 446):

Provided, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching—

I call attention to this—

or from attaching any portion thereof to any other Territory or State.

And in the act establishing the Territory of Arizona, the act of February 24, 1863 (13 Stat. L., 664), is this proviso:

Provided, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

So that we have the right under this law, aside from our general plenary right, to attach or to reattach it to-day as a mere Territory to the Territory of New Mexico; and if that right is reserved, manifestly we have a right to attach it to New Mexico and consolidate it with New Mexico as a State.

Mr. BEVERIDGE. Is it not true that in the proposed bill in regard to Indian Territory and Oklahoma and New Mexico and Arizona the original boundaries are merely restored?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. In both cases?

Mr. NELSON. As to New Mexico and Arizona.

Mr. BEVERIDGE. And as to Indian Territory and Oklahoma?

Mr. NELSON. Certainly.

Mr. FORAKER. Has the Senator before him the organic act creating the Territory of Arizona?

Mr. NELSON. Certainly I have.

Mr. FORAKER. There is a clause in the first part of that act which I should like the Senator to read.

Mr. NELSON. I was just reading from that act. The proviso I have just read is taken from it.

Mr. FORAKER. But there is another proviso which the Senator has not read, as I remember. The one beginning "*Provided further*," is the one I refer to. Will the Senator read that so it may appear in the RECORD?

Mr. NELSON. I am glad the Senator has called my attention to it. That proviso reads:

Provided further, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

Mr. FORAKER. What Territory is referred to there?

Mr. NELSON. Arizona.

Mr. FORAKER. That is, the Territory of Arizona as described by that act and as created by that act?

Mr. NELSON. Yes. I simply refer to these statutes as a matter of legislative history. Of course there is nothing in them that can constitutionally restrain Congress in its power to create and convert Territories into States. No matter what the legislation may have been under which the Territories were created as Territories, they remain under the absolute control and power of Congress, and there is nothing inhibitive in prior legislation to restrain Congress from taking such action in creating these Territories into States as Congress may see fit. In other words, until they become States Congress has absolute control and power over the subject.

Mr. FORAKER. Will the Senator allow me to interrupt him a moment there?

Mr. NELSON. Certainly.

Mr. FORAKER. I am asking only that I may get information and not in a controversial sense. Does or does not the proviso, or anything similar to the proviso which the Senator read at my request, appear in any other organic act creating a Territory since the beginning of the Government?

Mr. NELSON. I have not examined the other organic acts and I am not prepared at this time to state.

Mr. FORAKER. Can the Senator tell us whether he has examined the contemporaneous history and discussions with a view to ascertaining why this particular proviso was incorporated in this act?

Mr. NELSON. I have not.

Mr. FORAKER. I will ask the Senator another question, with his permission. Has it or has it not occurred to the Senator that that proviso is in the nature of a pledge for a continuance of the Territory of Arizona as created by that organic act until it should be admitted as a State, separate and apart from every other State?

Mr. NELSON. No; I do not understand it as a pledge.

Mr. FORAKER. But the Senator——

Mr. NELSON. At all events, it is not an irrevocable pledge. The Senator can not deny for a moment that, while these Territories remain in a Territorial condition they are absolutely under the control of Congress. It remains with Congress to create them into States, prescribe the dimensions of such States, and the conditions under which they may enter the Union.

Mr. FORAKER. Mr. President, if the Senator will allow me, later in this debate I shall undertake to answer the suggestion the Senator has now made. I am only calling his attention to it now in order that he may, while he is addressing the Senate, give us the benefit of his views on that subject.

Mr. NELSON. I now propose, Mr. President, to resume the discussion that I briefly entered upon yesterday, in respect to the combination of Arizona and New Mexico into one State to be known as Arizona. I stated yesterday, in substance, that, while superficially and upon the map, the area of these two Territories seemed large, almost too large for one State, and so large that there is only one State in the Union to-day—Texas—that exceeds it, and only two States—California and Montana—that approximate it, yet, when we take into consideration the condition of these Territories, their population, their agricultural, industrial, and mining resources, we find after all that Arizona and New Mexico combined will make a pretty small State.

Although these two Territories are to-day a part of the oldest-settled portion of the country within the limits of the United States, yet the two combined have a far less population than the little Territory of Oklahoma. The settlement of New Mexico was one of the first made in this country. A portion of New Mexico has been settled nearly three hundred years; and there was a settlement in the southern part of Arizona, particularly in that portion of it that is commonly called the "Gadsden purchase" at almost as early a date; yet in spite of that early

settlement, in spite of the fact that they have had a Territorial government as liberal and free as they have had in Oklahoma and in the other Territories of the United States, and in spite of the fact that the opportunities for securing public lands in Arizona and New Mexico have been as liberal as in the other Territories of the United States, yet their growth has been very slight, so that in population and in the development of agricultural, grazing, mining, industrial, and other enterprises New Mexico and Arizona are far behind.

Mr. FORAKER. What the Senator states, if he will allow me to interrupt him, as to facts is true, of course. The Senator is advised——

Mr. NELSON. If the Senator will allow me to finish this branch of the subject, I shall then very gladly yield to him.

Mr. FORAKER. But I wanted right in that immediate connection to ask the Senator if he does not think he ought to state, connection with the facts he has stated, that the Government has permitted these Territories to be occupied and overrun practically with the wildest and most savage Indians we had on the continent until only a very few years ago, so that it was not safe for anybody to go there; and if it is not also true that, until within the last two years, we had not completed the work which the land court out there has been engaged in of quieting title to those lands, so that there was no safety in taking public lands?

Mr. NELSON. I can not entirely concur with the Senator. In New Mexico the great body of the Indians have been of the most peaceable and orderly kind that we have in this country.

Mr. FORAKER. I am referring to the Apaches.

Mr. NELSON. I am coming to that. I will come to Arizona.

In New Mexico most of the Indians are known as Pueblo Indians, who live in little pueblos in the canyons and valleys of the different streams. They are the most peaceable and orderly and the most developed of all the Indians within the borders of the United States. There has never been a time when those Indians or any Indians in New Mexico have interrupted or interfered with the settlement and development of that country.

Away back years ago the Indians in Arizona were very lawless, and back in the sixties a portion of the Indians in the southern part of the Territory were guilty of massacring and destroying a few of the white settlements, as in later years some of the Apaches in the northern part have done; but it is many years ago now since the Indians in Arizona became quiet and peaceable. The worst of the Apaches were removed—some of them for a time to Florida—and the other Indians were pacified. For the last ten years the Indian problem has been as well solved in Arizona as in any of our Territories, and the Indians have in no manner interrupted the settlement or development of that country.

Now, I want to call your attention to the following facts as illustrating that, while superficially and on the map, the area of these Territories seems very extensive, yet the development of the country has been very limited and very scant. I do not lay this to the people of those Territories; but the fact of the case is, Mr. President, that nature, or Almighty God, has made a dividing line in this country between what we call the rainy belt, that portion of the country where there is a sufficient rainfall to produce crops, and that other belt of the country in which a lack of rain prevails, and where the people, in most instances, have to resort to irrigation.

The boundary line may be variously stated. Some claim that it is the ninety-eighth meridian, some that it is the one hundredth meridian, but whether it is one or the other, both Arizona and New Mexico are well within the boundaries of this arid belt; and they are in the very worst part of the boundaries of it, because they are in a more southern latitude, where the sun has a greater opportunity to dry up the arid land and scorch and dry up the vegetation that may be growing on it. In fact, a large portion of New Mexico and Arizona is a sterile desert, an arid country, interspersed here and there with mountain ranges. On some of these mountain ranges there is a variety of timber—not very heavy in many instances, but scattered timber, sufficient, perhaps, for the purposes of the country. Aside from that the country is, to a large extent, a desert. This becomes plain when we look at the settlement of the country and the amount of public lands that have been entered since these Territories were organized. I quote from the last report of the General Land Office—the report of 1903—the report of 1904 not having yet been issued. It appears, from the report of the Commissioner of the General Land Office for 1903, that at that time there were 47,003,821 acres in Arizona that were unappropriated and unreserved—still Government lands of the United States. There were 20,159,837 acres that were reserved. These lands were reserved partly for forest reservations, partly for Indian reservations, and partly for irrigation purposes under the reclamation act recently passed by Congress. Of the total amount of the area of that Territory, consisting of 72,792,320 acres, only 5,628,662 acres had been appropriated—that is, purchased and acquired from the Government—less than 6,000,000 acres. Even if we add to this number the sales and disposals of public lands in 1904, we find that the amount will not exceed 6,000,000 acres. So that out of that vast domain only about 6,000,000 acres have been appropriated, purchased, and acquired from the Government. The balance of the land still remains in the Government—20,000,000 acres of it in the shape of Indian, forest, and irrigation reservations.

In New Mexico we find this to be the condition: In 1903 there were 53,772,359 acres of unappropriated and unreserved public lands, and 6,607,759 acres that were reserved—some for irrigation purposes, some for the Indians, and some for forest reservations.

I shall subsequently call attention to the amount of land that has been reserved for forest and irrigation purposes; but in New Mexico there are 18,049,682 acres that have been appropriated and purchased, and a large share of that—I can not tell exactly how much—consisted of old Spanish and Mexican land grants that have been confirmed. So that out of the total area of that Territory—one of the oldest settled portions of the United States—out of a total area of over 78,000,000 acres only a little over 18,000,000 acres have been purchased and title acquired.

Compare this showing with that of Oklahoma and you will see the difference between the two Territories. Oklahoma is a little Territory of 24,774,400 acres. Out of the total area of Oklahoma there were, in 1903, 3,091,333 acres of unappropriated and unreserved public land. There were 3,762,462 acres reserved—all, I think, in the shape of Indian reservations—and 17,920,605 acres had been purchased, appropriated, and secured, mainly under the homestead law, by actual settlers, showing how in that little Territory nearly all the lands have been purchased, secured, and occupied by actual settlers, while in the large Territories of Arizona and New Mexico only a very small portion of the land has been appropriated. More has not been appropriated and secured for the reason that there is no opportunity, no opening for agricultural or grazing industries much beyond the present capabilities of the country; at all events, not until the science of irrigation has been further perfected and extended.

I call attention to these figures for the purpose of showing that the growth of these two Territories, Arizona and New Mexico, has been very slight.

The records of the Land Office show that in Arizona in 1903 there were 142,775 acres purchased and secured from the Government. Only 142,775 acres in all that large domain! In 1904 there were only 254,000 acres. In the two years, 1903 and 1904, less than 400,000 acres of the public domain purchased and secured in that immense Territory. And of that amount of land entries, to which I have just called attention, there were only 465 original homestead entries in 1903 and 453 in 1904. These homestead entries, I may say, and it is perfectly familiar to those of us who live in the West, more than anything else measure and show the settlement of the country by actual settlers.

As I said, there were 465 original homestead entries in Arizona in 1903, and there were 453 original homestead entries in 1904, making a trifle over 900 entries in the two years in all that domain. During that period there were, in 1903, 64,000 acres of railroad selections made under land grants, and 156,000 acres in 1904, or, in other words, a little over 200,000 acres of the lands appropriated in that Territory in those two years—that is, secured from the public domain—were in the shape of railroad selections to fill old railroad grants.

Now, compare this with Oklahoma. I am not doing this for the purpose of showing how much richer one country is than the other. I am not doing it for the purpose of casting a slur upon one country, to discriminate against it. I am simply calling attention to it for the purpose of showing the character of the two countries, in order to show that while the proposed State of Arizona has a great area superficially, yet in the matter of agricultural resources, mining, and everything else it is, after all, a country of limited area and will be a country of limited population.

In Oklahoma in 1903 there were 1,544,313 acres entered as original homesteads by 10,268 homestead settlers, and in 1904 there were 1,500,000 acres entered as homesteads. So you can see that in the two years 1903 and 1904 there were over 3,000,000 acres entered there by actual homestead settlers, as against, during the same period, 400,000 acres in Arizona and 800,000 acres in New Mexico.

So if you measure it by the land-office entries, by the lands entered and purchased from the Government, by the original homesteads made, you will find that the lands entered and the

homesteads taken in the two great Territories of Arizona and New Mexico do not equal half of what during the same period was entered in the little Territory of Oklahoma.

The reason of this scant settlement is the lack of rain. It is an arid country. As I said a moment ago, most of the land is an arid and desert plain, though there are valleys among the mountains, and it is the impossibility of irrigating those lands which more than anything else has retarded their settlement.

As to Arizona, I wish to call the Senators' attention to another fact, and that is with respect to the character of the lands reserved and put into a state of reservation. In Arizona there are 6,740,410 acres in forest reserves to-day, and 3,325,000 acres have been reserved for reclamation or irrigation purposes, showing a total of a little over 10,000,000 acres which have been reserved for forest purposes and for irrigation purposes.

In New Mexico there are to-day 3,257,920 acres of forest reserves and 834,000 acres of land reserved for irrigation or reclamation purposes. In Arizona 10,000,000 acres have been reserved for those purposes, and in New Mexico 4,000,000.

Now when we come to irrigation—and I wish to say to Senators that irrigation and the possibilities of irrigation more than anything else measure the capacity of these Territories for settlement, enlargement, and improvement—I have here a letter from Mr. Walcott, Director of the Geological Survey, which shows that the total amount of land now under irrigation in New Mexico is 254,945 acres, and he states in his letter that at the outside there are possibly 300,000 acres more that can be irrigated. In other words, the total area of land in New Mexico irrigated or possible of irrigation in the near future is only 554,945 acres. In Arizona Mr. Walcott states there are 247,252 acres now under irrigation, and that the extreme limit of irrigation in that Territory will be about 500,000 acres more, making a total in that Territory of land irrigated and possible of irrigation of 747,252 acres.

If we foot up the total in those two Territories we find that the total amount of land now under irrigation in the two Territories is 502,197 acres, and the total amount, according to the opinion of Mr. Walcott, possible of irrigation is about 800,000 acres more, making a total in the two Territories of land irrigated and possible of irrigation of 1,302,197 acres. Just think of that! The amount of land irrigated and possible of irrigation is less than 1 per cent of the total area of the two Territories. I will read Mr. Walcott's letter in this connection:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., December 21, 1904.

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.

SIR: I have received your favor of December 17, inquiring about irrigation in the Territories of New Mexico and Arizona.

In reply, I am inclosing table which will be printed in the forthcoming Census Report upon the acreage of irrigation in each drainage basin in these Territories. In addition to this, considerable development is possible in each Territory and will probably be carried out in the course of time by the Reclamation Service.

It is estimated that in New Mexico the irrigated acreage can be increased by 200,000 or 300,000 acres. A project has already been worked up for the use of the waters of the Rio Grande in Mesilla Valley. Investigations are in progress to determine the feasibility of irrigating considerable areas in the valleys of the Animas and La Plata in northern New Mexico; some development is possible under the San Juan, considerable in the drainage of the Pecos, and perhaps some on the headwaters of the Little Colorado and Mimbres.

In Arizona the chief developments possible are on the Colorado River, where several hundred thousand acres will eventually be irrigated; in Salt River Valley under the Tonto reservoir now under construction; in the Gila Valley under the proposed San Carlos reservoir, and in the valley of the Little Colorado in northern Arizona. It is roughly estimated that the present irrigated acreage in Arizona can be increased by about 500,000 acres.

Very respectfully, CHAS. D. WALCOTT, *Director.*

Following that are tables showing the number of farms and the number of acres that have been irrigated in New Mexico and Arizona, and I ask to have them incorporated with the letter in my remarks.

Irrigation in New Mexico, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
All sources	9,285	254,945
Streams:		
Rio Grande and tributaries	5,023	93,105
Pecos River and tributaries	1,473	54,018
Canadian River and tributaries	1,429	54,375
San Juan River and tributaries	524	20,455
Gila River and tributaries	260	9,322
Cimarron River and tributaries	72	6,481
Independent streams	316	8,314
Trinchera Creek and tributaries	13	691
Other sources:		
Springs	108	3,072
Wells	76	2,112

Irrigation in Arizona, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
All sources	3,867	247,250
Streams:		
Colorado River and tributaries, exclusive of Little Colorado River and tributaries	274	10,661
Little Colorado River and tributaries	456	11,776
Gila River and tributaries, exclusive of Salt River and tributaries	1,669	80,448
Salt River and tributaries	1,293	138,810
White River and tributaries	6	384
Other sources:		
Springs	41	1,061
Wells	128	4,110

I also have a letter from the Bureau of Forestry in the Agriculture Department showing the amount of forest reservations in these two Territories. I have already called the attention of the Senate to the acreage of the forest reserves, and I will now ask that this letter from the Bureau of Forestry in the Agriculture Department may be inserted in my remarks.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF FORESTRY,
Washington, December 31, 1904.

Hon. KNUTE NELSON,
United States Senate.

DEAR SIR: In accordance with your request by telephone I am glad to give you the following information in reference to Federal forest reserves in the Territories of Arizona and New Mexico:

ARIZONA.	Acres.
San Francisco Mountains Forest Reserve, area. The total stand of merchantable timber, as estimated by the United States Geological Survey, is 2,743,558,000 feet B. M.	1,975,310
Black Mesa Forest Reserve, area	1,658,880
Estimate of the standing timber (feet B. M., taken from other Government sources)	4,081,498,000
Prescott Forest Reserve, area (no estimate of standing timber)	423,680
Grand Canyon Forest Reserve, area (no estimate of standing timber)	1,851,520
Santa Rita Forest Reserve, area (no estimate of standing timber)	387,300
Santa Catalina Forest Reserve, area (no estimate of standing timber)	155,520
Mount Graham Forest Reserve, area (no estimate of standing timber)	118,600
Chiricahua Forest Reserve, area (no estimate of standing timber)	169,600
Total area	6,740,410

NEW MEXICO.	
Gila River Forest Reserve, area (no estimate of standing timber)	2,327,040
Pecos River Forest Reserve, area (no estimate of standing timber)	430,880
Lincoln Forest Reserve, area	500,000
Estimate of standing timber (feet B. M., taken from other Government sources)	836,335
Total area	3,257,920

I am exceedingly sorry that we have no more detailed information as to the stand of merchantable timber on these reserves.

Very truly, yours,

OVERTON W. PRICE, *Acting Forester.*

Mr. President, if you add the amount of land that is irrigated and that is possible of irrigation to the amount of forest reserves I think you will get a fair measurement of the land in the two Territories that is fit and can be utilized for agricultural and grazing purposes. The total amount of irrigated and possible of irrigation land in the two Territories is 1,302,197, and the total amount of forest reserves is 9,998,330, or a total of irrigated and possible of irrigation land and forest reserves of 11,300,527 acres.

Now, to my mind that covers, as I said, the agricultural and grazing resources of the country. They can only raise crops and carry on agriculture where they can irrigate. In some localities there are a few small farms in the forest reserves, but the forest reserves, in addition to the value of the timber, are valuable for grazing purposes and are more or less grazed on. The lack of water not only limits agriculture, but it limits grazing, for this reason: Cattle can not graze at any point, as I understand from testimony taken by the subcommittee, in Arizona, and from other information, or feed anywhere beyond five miles of reach of water. If an animal has to go five miles from its grazing ground to secure water to drink the round trip will be about ten miles a day, and that is the limit of the animal's capacity to secure food and water. As I said, grazing is as much limited as agriculture by the lack of water.

Taking the aggregate of these irrigated and possible of irrigation lands and forest reserves, a total of 11,300,527 acres, which is all that is possible for grazing and agricultural purposes, and it is equal to only one-half the area of the little Territory of Oklahoma.

So, you see, for agricultural purposes and for grazing purposes, for everything that pertains to industrial life in that country outside of mining, these two Territories combined have not a greater capacity than one-half of the little Territory of Oklahoma. It is just as though you took half of the little Territory of Oklahoma and planted it in all this big domain consisting of Arizona and New Mexico.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I notice that the Senator in his very interesting statement has given us relatively the amount of land now irrigated and that is susceptible of irrigation in the two Territories separately.

Mr. NELSON. Yes.

Mr. GALLINGER. Has the Senator the figures showing relatively the forest reserves in the two Territories?

Mr. NELSON. I have, and I have given them.

Mr. GALLINGER. Did the Senator give them yesterday?

Mr. NELSON. No; I gave them a moment ago. I have a letter from the Bureau of Forestry in the Agriculture Department, which gives the matter in detail. It gives each forest reserve and the acreage of each.

Mr. GALLINGER. That will appear in the Senator's speech?

Mr. NELSON. It will appear in my remarks. A moment ago I gave the aggregate acreage of the forest reserves in the two Territories.

Mr. GALLINGER. But what I am seeking to ascertain, if the Senator will permit me, is not the aggregate in the two Territories, but the amount in each Territory.

Mr. NELSON. I have it separately. I have a statement of each Territory and the aggregate of both.

Mr. GALLINGER. I will look at the Senator's statement.

Mr. NELSON. You will find it in the letter of the Acting Chief of the Bureau of Forestry of the Agriculture Department. So I think it is authentic.

In this connection I desire to call the attention of the Senate to another matter touching Arizona and New Mexico. Aside from agriculture and grazing, the other leading industry of those two Territories is mining, and I wish to show you that there has been a limited progress even in that industry in those two Territories.

I will take Arizona. The production of copper in Arizona in 1900, according to the census, was 118,300,000 pounds; in 1901, 130,000,000 pounds, and in 1902, 119,000,000 pounds—I do not read the odd figures—and in 1903, the latest statistics available—and I may say that these mineral statistics are unlike our other statistics in that they are for the calendar and not for the fiscal year, and hence we have not the figures for the calendar year 1904—it was 147,000,000 pounds. So you see there has been comparatively slight increase in the production of copper, which is the chief mineral product of Arizona. It was less than a million pounds more in 1902 than in 1900.

If you come to gold, you will find that the production has been very limited. In Arizona, in 1900, the total production of gold—and this is in dollars and for the calendar year—was a little over $4,000,000; in 1901, a little over $4,000,000; in 1902, $4,112,300, and in 1903, $4,357,600. So you see within this period, from 1900 down to 1903, taking the calendar years, there has been about $150,000 increase in the production of gold in that Territory. Gold mining has not been growing. There has been no expansion. It was in 1903 substantially where it was in 1900.

Coming to the production of silver, we see pretty much the same condition. The production of silver in 1900 was 2,995,000 ounces; in 1901, 2,812,000 ounces; showing a decrease, and in 1902, 3,043,000 ounces, a slight increase, and in 1903, 3,387,000 ounces, less than 400,000 ounces increase in the four-year period. It will be seen that both in respect of gold and silver the mining industry in Arizona has been practically at a standstill. In other words, it has not been in a progressive state.

Now, the other mineral product of Arizona is lead, and I find these to be the figures. I have not the figures for 1900, but I have the figures for 1901, 1902, and 1903. The production of lead in 1901 was 4,045 short tons. In 1902 it dropped down to 599 short tons, and in 1903 it was 1,493 short tons, showing that the mining of lead has dropped off immensely. It has diminished from 4,045 short tons in 1901 to 1,493 tons in 1903.

In addition to this I will give another industry in Arizona that is classed in the reports as a part of the mineral industry—the production of stones of various kinds. The total production of merchantable stones of various kinds in Arizona was $110,910 in 1902 and $531,135 in 1903. Arizona, according to the reports, produces no coal. So, practically, I have called the attention of the Senate to the mineral productions of Arizona, at the head of the list of which is copper, next gold, next silver, next lead, and next merchantable stone.

Now, coming to New Mexico, the record is even poorer in the way of mining. Take the matter of the production of copper. The total amount of copper produced in New Mexico in 1900 was 4,169,000 pounds; in 1901, 9,629,000 pounds; in 1902, 6,614,000 pounds, and in 1903, 7,300,000 pounds, showing that the increase in the copper production of New Mexico has been quite slight, and that there has not been great progress made in that mining industry.

Coming to the matter of gold, we find that that is a limited resource of New Mexico. In 1900 there was only $832,000 worth of gold produced; in 1901, $688,000 worth of gold; in 1902, $531,000 worth of gold, and in 1903, $244,000 worth of gold. It will thus be seen that the mining of gold since 1900 has been gradually on the decrease, until in the calender year 1903 it is only a little over one-fourth of what it was in 1900.

Coming to the production of silver, we find it is almost in the same condition in New Mexico as is that of gold. In 1900 there were 434,300 ounces of silver produced in New Mexico: in 1901, 563,400 ounces; in 1902, 457,200 ounces, and in 1903 only 180,700 ounces, showing a decrease from 1900 of the difference between 180,700 and 434,300. It will thus be seen that the silver-mining industry in that Territory is in a very feeble condition indeed.

Now, coming to the production of lead, New Mexico makes even a worse showing. I have not the figures for 1900, but I have the figures for 1901. New Mexico produced in 1901, 1,124 short tons; in 1902, only 741 short tons, and in 1903 only 613 short tons. It will thus be seen how that industry—the mining of lead—has been dwindling and dwindling.

I have not the figures as to the production of coal in New Mexico except for the years 1902 and 1903. The production of coal in 1902 was 1,048,763 short tons, and in 1903, 1,541,781 short tons, showing no great volume and no great increase in the production of coal in that Territory. Arizona, as far as the records show, produced no coal at all. The production of valuable and merchantable stones in New Mexico in 1902 was $12,291, and in 1903, $8,510.

I append hereto tables showing in detail the mineral production of these Territories during the years referred to and also showing the number of people employed in the various industries:

	1900.	1901.	1902.	1903.
COPPER.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Arizona	118,317,764	130,778,611	119,944,944	147,648,271
New Mexico	4,169,400	9,629,884	6,614,961	7,300,882
Montana	270,738,489	229,870,415	288,903,820	271,555,854
Lake Superior	145,461,498	156,289,481	170,600,228	192,400,577
Total, United States	606,117,166	602,072,519	659,508,644	698,044,517
GOLD.				
Arizona	$4,193,400	$4,063,000	$4,112,300	$4,357,600
New Mexico	$832,900	$688,400	$531,100	$244,600
SILVER.	*Fine ounces.*	*Fine ounces.*	*Fine ounces.*	*Fine ounces.*
Arizona	2,995,500	2,812,400	3,043,100	3,387,100
New Mexico	434,300	563,400	457,200	180,700
LEAD.	*Short tons.*	*Short tons.*	*Short tons.*	*Short tons.*
Arizona	----------	4,045	599	1,493
New Mexico	----------	1,124	741	613
Colorado	----------	73,265	51,833	45,554
Idaho	----------	79,654	84,742	99,590
Utah	----------	49,870	53,914	51,129
Total, United States	----------	284,204	280,797	292,874
COAL.				
New Mexico	----------	----------	1,048,763	1,541,781
Arizona	----------	----------	None.	None.
STONE.				
Arizona	----------	----------	$110,910	$531,135
New Mexico	----------	----------	$12,291	$8,510

CENSUS, 1900.

Territory.	Men employed in—			Men employed in mining coal.		
	Mining.	Agriculture.	Stock raising.	1901.	1902.	1903.
Arizona	7,452	9,638	3,640	None.	None.	None.
New Mexico	4,019	18,019	7,772	2,478	1,849	1,789
Total	11,471	27,657	11,412	----------	----------	----------

Now, Mr. President, I have gone over these statistics for the purpose of showing that what is claimed in many quarters, that there has been a great growth, increase, and progress in these Territories, in the nature of the case can not be true. I have shown the limited amount of irrigation that has been accomplished; I have shown the volume of the forest reserves; I have shown the volume and extent of the mining industry in the two Territories, and all these combined go to show that there could not have been any very great growth or very great increase either in population or in the industrial development of those Territories within the last three or four years.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I understand the Senator to state that whilst the area of Arizona and New Mexico is very large, yet the amount of cultivable land is very small, the amount of forest land is very small, and that the mineral resources are not developed to such an extent or are not developing to such an extent as to warrant the assumption that that vast territory will support a large population. I understood him to say that the forest land and the irrigable land in New Mexico and Arizona combined could be embraced in a State only one-half the size of Oklahoma, and I understand him to urge these facts as objections to separate statehood for each one of the Territories of Arizona and New Mexico.

Now, I ask the Senator, then, whether under these conditions, if according to his showing there is no immediate prospect of a sufficient population there, it would not be better to allow each of these Territories to remain in a Territorial condition until the increase in population and wealth shall justify the assumption of statehood?

If the Senator will pardon me just one moment further, I understand that the people of each of these Territories are opposed to joining together in statehood; that that is the overwhelming sentiment in Arizona; that it is the sentiment of the great majority of people in New Mexico, and that they would prefer to remain apart in their present Territorial condition rather than be joined together through the action of Congress in a common statehood.

I ask the Senator whether he would not in that view support the postponement of the consideration of this bill for the present, or to provide now, possibly, for statehood at some time in the future when each one of these Territories shall have reached such a population as in his judgment would entitle it to statehood—three or four hundred thousand people, or 500,000 people? I am told that the people of each one of these Territories would rather submit to a bill of that kind, taking effect in the future, when upon a census a population of four or five hundred thousand will be developed in each one of the Territories, rather than submit to a common statehood now.

Mr. NELSON. Mr. President, my information and views do not exactly coincide with what has been stated by the Senator from Nevada. Of course I have it only at second hand; I have not been in those Territories, but I will say very frankly to the Senator that my information is that a good, large majority of the people of New Mexico are in favor of joint statehood, while a majority of the people of Arizona are perhaps opposed to it. Whether this is true or whether the Senator's opinion is the correct one I am not prepared to say. But this is my view of the case——

Mr. NEWLANDS. Will the Senator permit me?

Mr. NELSON. I have not had a full opportunity to answer the Senator. This is the view I take of the case, that necessarily these Territories, or many of the people—the statesmen, at all events—residing in the Territories, will be continually pining and striving in the future as they have for years in the past for statehood.

Mr. HEYBURN. I ask the permission of the Senator at this tme to call attention to an expression of the views of the people of New Mexico, covering a large percentage of that population. In this connection, with the permission of the Senator, I should like to have read some telegrams received to-day from representative men and bodies in New Mexico, expressing their wishes in this matter. If it does not interfere with the Senator I should like to have them read.

Mr. NELSON. I wish to say to the Senator that while I am always ready and willing to yield to a question and to answer it as far as I can, I think it is hardly fair to me, in the midst of my remarks, to ask that a lot of telegrams and letters shall be read and injected in my speech. I submit to the Senator if he thinks that is fair. I am willing to answer questions and give all the information at my command, but I submit that this is hardly fair. The Senator in his own time can stand up and have all the telegrams, letters, and messages read. I see the Senator has a whole handful of them. Manifestly it would break in on my remarks and I hardly think it should be done. I want to be as courteous as any man can possibly be to my fellow-Senators, for they are always courteous to me, but I submit it is hardly fair to ask to inject all this stuff into the midst of my feeble remarks.

Mr. HEYBURN. I would not ask leave to interrupt the Senator for the purpose of injecting anything that was not immediately applicable to the statement made by the Senator that so far as he is advised a large proportion of the responsible citizenship of New Mexico desire statehood. However, I will await a subsequent time and present these matters, as the Senator suggests, in my own time.

Mr. NELSON. When the Senator from Idaho interrupted me I was about to say, in reply to the remarks of my friend the Senator from Nevada, that for years, as he knows, there has been a pining and a hungering in certain quarters, manifested in various forms, for these two Territories to become States. Indeed, if my friend from West Virginia [Mr. ELKINS] were here to-day he would bear witness to the fact that away back, years ago, when Mr. Blaine, I think, was Speaker of the House of Representatives and the Senator from West Virginia was a Delegate from that Territory, Congress came very near passing a bill creating New Mexico into a State. We all know that two years ago a supreme effort was made to create these two Territories into two States.

Now, Mr. President, I recognize the fact that to a greater or lesser extent the people of these Territories, or at all events certain classes of them, favor statehood. One class is composed of what I call, not in an odious sense, political promoters, and then there is another class, and I do not use the term in an odious sense—I do not intend that—who are industrial promoters. These two classes, one with a political scheme in view and the other with an industrial scheme in view, are always pining for statehood, because in the one case they hope to secure good offices with statehood, and in the other case because they expect to get local or State aid for their various industrial enterprises that they can not secure while the Territories are in a Territorial condition.

Mr. President, this demand will continue on behalf of these Territories in the future as it has in the past. Now, recognizing this demand, I think the best and happiest solution is to unite these two Territories, apparently vast——

Mr. FORAKER. Mr. President——

Mr. NELSON. Will the Senator excuse me? They are apparently vast in area, but substantially not vast, as I endeavored to make plain in my remarks, in resources or development. It is better to unite them into one State because they are both of the same character in reference to their resources and soil. It is an arid land, dependent on irrigation, and aside from what they can irrigate their other main resource is the mining industry. Where we have a country of that kind, so similar in its natural resources, let us unite them and make them into one State that will be at least somewhat respectable in numbers. It will give us at least a population of four hundred thousand, and by and by in the future in this vast area, when the irrigation system is completed, there may possibly be as many as a million people. I will now yield to the Senator from Ohio.

Mr. FORAKER. The question I was about to ask the Senator is a little out of place at this point in his remarks.

Mr. NELSON. We will try and put it in place.

Mr. FORAKER. If the Senator had permitted me to interrupt him when I asked him—and I am not complaining—the question I wanted to put is whether the Senator thought statehood would be of advantage to the industries of the Territory? I understood the Senator to say that there were two classes of people seeking statehood for these Territories, one political promoters and the other industrial promoters. The question I ask is whether the Senator thinks the industrial promoters are right in supposing that statehood will be of advantage to the industries of those Territories?

Mr. NELSON. In that connection I can only say to the Senator that in a certain measure they have a right to assume so. Take, for instance, the people who desire to build railroads or to exploit other enterprises. Under the Territorial organization now existing they are limited and hampered by the act of Congress. If they get a State government, they are cut loose from the controlling power of Congress, and if they succeed in controlling the State government they can secure either from the State or from local municipalities aid in promoting the railroad schemes and other industrial enterprises which they have in hand.

Now, I do not make these statements in any odious or invidious sense. I do not want to say that the men who have these

objects in view are dishonest or that they are actuated by a bad purpose, but I refer to the fact because I know the experience in my own State years ago. When our State was in its infancy we had saddled upon us a railroad debt of $5,000,000, given for railroads that were graded in little sections, but never completed. Finally, after a long agony, the State of Minnesota, in order to maintain its credit, those bonds having gone into the hands of the innocent purchaser, after a period of twenty-five or thirty years, had to take up and settle those bonds, when with accumulated interest and all it amounted to over $10,000,000. We had to settle it and we got nothing at all for it. That is a part of our experience in Minnesota. I think many of the Western States have had a similar experience, and such an experience is likely to occur here.

Now, I want to be fair. I admit that there are two sides to the question as to whether it is desirable for them to become a State or not. The ordinary taxpayer is an humble man, a poor citizen, who works a little farm and has no political ambition, no railroad scheme, nor any other great enterprise in hand. I think in respect to him it is far more desirable that these two Territories should remain in a Territorial condition, because the taxes and burdens of the Government would be less.

But in another sense there are a class of people who feel that their country can be developed more rapidly under a State than a Territorial government, and hence that early statehood is desirable. To these men and their enterprises early statehood may not only be desirable, but also of advantage. These men who have these purposes in view have not the free hand under a Territorial government that they would have under a State government.

Now, there is another matter.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. NELSON. It is well known that in the treaty by which we secured this territory from Mexico we agreed in time to make it into States, and sooner or later we shall have to do it. To my mind, no matter when it is done, I am as firmly convinced now that Arizona and New Mexico should be grouped into one single State as I was two years ago about the combination of Oklahoma and Indian Territory into one State. To my mind, no matter when it transpires, whether at this session of Congress or in the future, I think those Territories, so alike in many respects—in their resources, in their population, and everything else—ought to constitute one State. Except in the mere matter of acreage and area it would still be only a third or fourth rate State in the Union in resources and population.

Now I will hear the Senator from Nevada. I owe the Senator an apology for not stopping before.

Mr. NEWLANDS. In continuation of my former question, I should like to ask the Senator whether if he were satisfied that a majority of the people in each one of these Territories—the Territory of Arizona and the Territory of New Mexico—were opposed to joint statehood, would he then seek to impose, so far as Congress can, joint statehood upon them? I ask the Senator further, whether it would not be fair to consult each Territory, which thus far, for many years, has been a separate entity, as to its willingness to unite in joint statehood, and whether it is fair to the people of Arizona to subject them to an enabling act under which a large and overwhelming majority in New Mexico could subject them against the will of the majority of their people to joint statehood?

Mr. NELSON. Does the Senator concede that an overwhelming majority in New Mexico, as I understood him a moment ago to say, would reverse the action?

Mr. NEWLANDS. I do not; but there are dangers in this bill, and I will point them out to the Seantor. There is a provision in the bill that $5,000,000 shall be paid into the school fund of the State by the Federal Government. I can not measure the force of that inducement in an election, and I can not measure the force and strength of an additional gift to them of millions of acres of land. I do not believe that this bill is shaped in such a way as to get the calm, the deliberate, and the honest judgment of the people of those two Territories upon this question.

I appeal to the Senator whether it would not be a great deal better now to provide for the separate statehood of each one of these Territories and settle the question, conditioned upon each in the future increasing to a population of 500,000 people, to be determined by the next census. I am told that the people of each one of these two Territories would prefer such action in the place of the pending legislation; and if the Senator wishes to settle this question of statehood now it can be settled in such a way, and in a way that will entirely meet the Senator's contention with reference to the insufficiency of population.

Mr. NELSON. Mr. President, I can not very well reply to the Senator categorically, for the reason that it was rather an argument he made than a question he asked.

Mr. NEWLANDS. I will simplify my question.

Mr. NELSON. It is very easy to answer questions; but when the Senator makes an argument, of course one can not answer it directly. It has to be met with another argument.

Mr. NEWLANDS. Mr. President——

Mr. NELSON. The tenor of my remarks has been and will be in direct opposition to the view of the Senator, and I want to say further to him——

Mr. NEWLANDS. Will the Senator permit me one question?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I will put my question, then, in direct form. Would not the Senator favor an amendment to this bill providing that this common statehood shall be dependent upon a majority vote in each Territory? Would he not favor also settling the question of statehood for each Territory now conditioned upon each Territory increasing in the future to a population of 500,000 people as demonstrated by the next census; in other words, passing the enabling act for separate States now, but its effect to be conditioned on a showing of a population of 500,000 in each Territory at the next census?

Mr. NELSON. The Senator knows that I would not agree to that, because I joined the majority of the committee in favor of reporting this bill, and it expresses my sentiment.

I want to say to the Senator that if the assumption or statement he made a moment ago that the majority of the people in each of these Territories are opposed to joint statehood this will do them no harm. They can vote it down. Any constitution that is adopted by a constitutional convention has got to be submitted to the voters of the two Territories, and if the Senator is correct that a majority of both Territories are opposed to it, statehood will be defeated and they will not become States. But I say to the Senator again, and reiterate, that I am as well satisfied in my own mind that these two Territories now or at some time in the future ought to be united into one State as I was two years ago that Oklahoma and Indian Territory should be united into one State.

Now, I want to call attention to another matter bearing upon what I might call the ethnological side of this question. In the remarks which occurred yesterday between me and some Senators as to the character of the population in the two Territories, I intimated that about half of the population of New Mexico are what are commonly called Mexicans, while the people of Arizona are Americans, as we call them. As a matter of fact, I was partially incorrect in that statement. I am confident that half of the people of New Mexico may be termed Mexicans, what we ordinarily understand by that term, but I am also satisfied that there is a considerable percentage of what may be called Mexican people in Arizona. But now, when we unite the two Territories into one State, the so-called "American element" in New Mexico and Arizona will be absolutely dominating and controliing. They can control the fiscal, the industrial, and educational policy of the two Territories as one State.

Mr. SPOONER. The Mexicans can dominate?

Mr. NELSON. No; I mean the Americans. I mean that the American population of the two Territories, Arizona and New Mexico combined, will be in a large majority; that they will constitute nearly two-thirds of the population of the two Territories in the new State, and their influence, influence such as the Americans possess in all our growing, prosperous States, will be dominating and controlling, and control the policy and development of the future State. I think that will be a blessing to the Mexicans in New Mexico. I know in my own State we have a large foreign population, and to my mind it has been a great blessing to that foreign population that in our midst the dominating, controlling element has been composed of the best of what we call the American population of this country. Coming from the Eastern and Middle States out there and settling among the foreigners, they have helped to Americanize them and make them good loyal American citizens. They have been the great educator of those people, until the people of my State, as the people of the State of the Senator from Wisconsin [Mr. SPOONER], have become thoroughly Americanized, although a large portion of the population in both States is foreign.

Now, what is the condition in New Mexico? I am not finding any fault with the New Mexicans, but their language is different, their religion is different in the main from that of most Americans, and their customs, their language, and everything is different. They are more backward and less progressive. I maintain that if those people can be surrounded and dominated by a strong American influence that will be controlling in the new State it will not only be a blessing to the United States, but it

will be a great blessing to those Mexican people and hasten the day of their complete Americanization.

I wish to call attention to a few matters more and then I will yield the floor. I wish to call the attention of the Senate to the school-land grant. This bill gives a grant of four sections to each township for educational purposes. That seems to be a large grant. It is twice as much as was given to nearly all the older States west of the Mississippi River. If I remember aright—I am not clear as to Iowa and Missouri—the other States had two sections. The first time we made an exception, giving four sections in every township to a new State, was in the case of Utah, on account of the sterile and arid character of the land. I think the character of the lands in Arizona and New Mexico is fully as poor and bad as in Utah, and is such that the grant will be of little value.

I have heard it estimated, and I think it is correct, that this school-land grant would not be worth in the aggregate over 50 cents an acre to-day. Some of it, when it has been reclaimed by irrigation, will be valuable, but in its present condition I think nobody could be found to purchase the entire grant, or any large portion of it, for a price exceeding 50 cents an acre.

Mr. BEVERIDGE. I will ask the Senator if it is not true that the irrigation law provides that when irrigation is successful this land may be withdrawn by the Secretary of the Interior?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. So that these four sections might be withdrawn, leaving only arid land.

Mr. NELSON. This bill grants to the new State of Arizona four sections in each township, amounting to 16,725,248 acres. In addition to that, it gives 2,168,000 acres for various State institutions and State purposes, or an aggregate grant of 18,893,248. This seems an immense grant, but at 50 cents an acre—and I do not think it is worth any more—it would not amount to over $10,000,000.

The school-land grant in Oklahoma, in round numbers, is a little over 2,000,000 acres. Those lands will bring in the aggregate not less than $10 an acre, and that grant to-day of only 2,000,000 acres is of more actual and intrinsic value than this whole big land grant to Arizona. Some of it is merely grazing land; but I suppose the value of it to-day, at the lowest minimum price, taking it good and bad, is worth $10 an acre, and some of it over $10 an acre. The grant is estimated to be worth all the way from twenty to thirty million dollars in value. This grant in Arizona, in my honest opinion, is not worth over $10,000,000 on account of the poor soil and arid climate. It is, Mr. President, because of the poor value of this land that we give those people in this bill $5,000,000 for a school fund.

This vast acreage will not do the State any good until she can sell the land. It is only in case the land is merchantable and can be disposed of that the State gets any immediate fund for schools. This $5,000,000 gives them a fund to start on; but, without that, for years and years they would have nearly no school fund at all, because only such portions of these school lands could be disposed of and converted into money to go into such a permanent school fund as could be reclaimed by irrigation. Hence you will see, Senators, if you will look at it calmly and aside from the mere question of acreage, which in this case, as in the other case I have discussed, is deceiving—if you will look at it outside the mere question of acreage, you will see there is a greater necessity for giving them $5,000,000 in this case than there is even in the case of Oklahoma and Indian Territory. In that case it was given to make up a sort of equilibrium between the school-land grant in Oklahoma and the want of such a grant in the Indian Territory, while in this case, Mr. President, it is an absolute necessity because this grant will be a vanity of vanities, and give them in the near future very little money for school purposes. Without this $5,000,000 they would be without a school fund, except as they may tax themselves for that purpose.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him at that point?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I wish simply to say that not only is this true, but that the educational problem which confronts those people is more difficult than that which exists elsewhere, as will be patent to everybody from a review of the facts.

Mr. NELSON. The Senator is correct that the educational problem is more difficult there, for, if I remember correctly, the percentage of illiteracy in Arizona was 18 per cent, more than twice the average illiteracy that is found in any of the Northern States, and in New Mexico it is a great deal more than that—that is, in the Spanish and Mexican portion of New Mexico the illiteracy is at a very high rate. As the Senator has well said, they will need more than any other part of our country to develop the educational interests of the new State. In a few moments, Mr. President, I shall be done. I am gratified that the Senate has been so patient with me.

The constitutional convention is to consist of 110 delegates. We have in this bill made an amendment to the House bill fixing the number at 66 delegates for New Mexico and 44 for Arizona. On the basis of the census of 1900 this will give Arizona her full share, and I think about one delegate more.

Mr. BEVERIDGE. Does the Senator refer to the House bill?

Mr. NELSON. The House bill as amended by the committee.

Mr. BEVERIDGE. That was 70 for New Mexico and 40 for Arizona, I think.

Mr. NELSON. Yes; 70 to 40.

Mr. BEVERIDGE. One hundred and ten altogether.

Mr. NELSON. The provision was 70 to 40; but we have changed it a little, so as to make a fairer apportionment for Arizona. If I remember correctly, taking the census of 1900 as the basis, we gave Arizona the advantage by one delegate.

The bill as amended appropriates $150,000 for the expenses of the constitutional convention. The capital of the new State will remain at Santa Fe until 1910. After that time it may be changed by a vote of the people of the State.

Oklahoma, I might say, has practically no debts. The floating debt of these two Territories does not amount to anything; but they have a bonded debt. According to the last figures I have been able to find, which are not far out of the way—I have not seen the last report of the governor of New Mexico, as it has not been printed—but according to the best information I can get, the permanent debt of Arizona is $1,010,972, and that of New Mexico $1,098,300. So that their debts are almost of a similar amount, a little over $2,000,000 in the aggregate, which is the total debt the new State will assume, half of it coming from Arizona and half of it from New Mexico.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. HEYBURN. Would not the apportionment of representation in the constitutional convention enable New Mexico to frame and adopt a constitution for Arizona without regard to her wishes or her rights in the matter? Would it not enable New Mexico in the constitutional convention to organize and control this proposed government; and would that be fair to Arizona?

Mr. NELSON. That might be true if the Senator assumes that all the delegates from New Mexico would pull together and work together as one man hostile to Arizona, but I take it, Mr. President, that when they come to elect members to the constitutional convention both Territories will endeavor to send their representative and their best men, as has always been done in the West; and when the delegates from these two Territories meet in the constitutional convention they will work as individuals—not by Territories, not like conference committees, but they will work together in harmony with that liberal spirit which actuates all American statesmen, high or low, to work together for the common good of the whole country.

Mr. PLATT of Connecticut. Mr. President——

Mr. NELSON. The thought that the people of New Mexico would attempt in any shape or manner, or that the delegates to that constitutional convention would in any manner repress or do anything unfair to the people of Arizona, is utterly contrary to my notion of the spirit of justice that actuates American citizens. I now yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. The Senator from Minnesota has answered the question which I was about to ask him in advance of putting the question; that is, whether it was possible to assume that the delegates from New Mexico would attempt to do injustice to that portion of the State which is now Arizona.

Mr. NELSON. I do not want to assume that in reference to any class of public men in this country. I think that in New Mexico and in Arizona the delegates who will be sent to the constitutional convention will be actuated by that sense of justice which actuates us in this body, and which actuates all public men in America possessing the spirit of true American citizenship.

Mr. BATE. Will the Senator pardon me a moment?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. BATE. On that point I will ask the Senator if he does not think it will be in the power of New Mexico to combine, through such methods as may be pursued, all the delegates together, she having a majority of all the votes, so as to control the convention in her interests? I myself do not wish to see any such danger incurred.

Mr. NELSON. I want, in reply to the Senator, to say that it is a most violent assumption for him to suggest that all the delegates from New Mexico would be actuated by a spirit of injustice and would move in harmony as one in that spirit. Such a thing is possible, but we have no right to assume that it will occur.

In this connection, and upon this subject, I beg leave to call the attention of the Senate, as an illustration, to the spirit that prevails in this body. In this body to-day the Republicans largely preponderate. We have a majority; and yet outside of the few petty things that we call mere party politics, which do not oftentimes amount to anything, we are all actuated by a sense of justice. We do not call you Senators over on the other side "Arizonians" and call ourselves "New Mexicans." We all act as individual Senators, with a sense of justice, working for all parts of this country, so as to help them all. I know it has been my purpose in the Senate here to work as faithfully for the interests of my friends from the Southern States in the improvement of the Mississippi River, and in the improvement of their rivers and harbors, as for the improvement of the rivers and harbors in my own State. I have known no difference; and the same spirit which actuates us here we have a right to assume will actuate the people of New Mexico and the people of Arizona.

Mr. HEYBURN. If the Senator will permit me a moment there, is it not true that in the constitutional convention that was held in New Mexico fourteen years ago they repudiated by a direct vote a provision in their constitution requiring the English language to be taught in the public schools; and is it not true, according to the statement which I understood the Senator to make, that that element predominates in New Mexico; and that they could elect every delegate from that Territory to the constitutional convention of the faith which repudiated that plank, and thus control the convention?

Mr. NELSON. Perhaps the Senator is correct as to the fact regarding that plank of the constitutional convention of fourteen years ago. But if that be true, Mr. President, it only accentuates and emphasizes the argument I made a moment ago. If it be true that the people of New Mexico at that time, dominated by the Mexican element, took that course, we can be certainly assured that if we combine them to-day with Arizona, composed nearly altogether of Americans, such a thing can never happen. The American element, as I stated a moment ago, will be entirely dominant, and that element which fourteen or fifteen years ago engrafted such a provision on the constitution could not possibly engraft it under the provisions of this bill, because at least two-thirds of the two Territories combined will be what we may call "non-Mexicans"—they will be Americans.

Mr. BEVERIDGE. They never did that anyhow.

Mr. NELSON. But, assuming that they did, for the purposes of the argument, it makes no difference. If the danger exists to which the Senator from Idaho has called my attention, it merely demonstrates that under the provisions of this bill the occurrence of such a danger in the future is entirely removed, because the combination of the two States will utterly overcome the so-called "Mexican element."

But, Mr. President, I am aware that I have taken too much of the time of the Senate. I want to say this in conclusion: I take it that to-day—and I am very glad of it—a large majority of the people, both in Indian Territory and in Oklahoma, desire joint statehood. They have now come to see what was pointed out to them two years ago, the necessity and importance to their future welfare of being admitted into the Union as one State.

Mr. President, I am to-day as firmly convinced that Arizona and New Mexico, for the good of the people of those Territories, for the good of the Union, ought also to be united into one State as I was two years ago that Oklahoma and Indian Territory ought to be united. Whether or not my views to-day will prevail on this subject in this body I can not say; but, even if they do not, I feel confident that when the rank and file of the people, who do not compose the political and industrial promoters of the two Territories, come dispassionately to consider and discuss this question among themselves, their sober sense will lead them to the same conclusion as that to which the people of Oklahoma and Indian Territories have come.

Mr. BARD obtained the floor.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. GALLINGER. I rise for the purpose of asking the Senator from California whether he is particularly desirous of going on this afternoon? There is a large mass of executive business that ought to be transacted, and, if it is agreeable to the Senator, I will move to go into executive session.

Mr. BARD. I am quite ready to proceed with the remarks I desire to make, but wish to accommodate myself to the convenience of the Senator and of the Senate. So I yield.

The PRESIDING OFFICER. Without objection, it is understood that the Senator from California [Mr. BARD] has the right to the floor to-morrow at 2 o'clock.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahome and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. WARREN. Mr. President, I ask unanimous consent to call up——

Mr. BEVERIDGE. That is not what you asked.

Mr. NELSON. I ask unanimous consent that the Territorial bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that will be taken as the sense of the Senate.

Mr. BEVERIDGE. The Senator from Wyoming may ask unanimous consent that the statehood bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the request of the Senator from Minnesota will be taken as the sense of the Senate, and the Territorial bill will be temporarily laid aside. The Senator from Wyoming [Mr. WARREN] wishes to submit a request.

Mr. WARREN. I was about to ask unanimous consent to have the unfinished business temporarily laid aside——

Mr. BEVERIDGE. There will be no objection to that request, that the unfinished business be temporarily laid aside in order that the reading of the bill which the Senator from Wyoming has in charge may be proceeded with.

The PRESIDING OFFICER. That order has already been made by the Senate.

Mr. BEVERIDGE. Yes; provided he gets consent.

Mr. PLATT of Connecticut. Mr. President, I do not think we ought to have a bill laid aside by unanimous consent when that request includes the proposition to have another bill read. I have no objection to laying aside the unfinished business. That is all the request ought to contain.

The PRESIDING OFFICER. The Chair stated the request of the Senator from Minnesota. He asked unanimous consent that the statehood bill be temporarily laid aside.

Mr. PLATT of Connecticut. There is no objection to that.

Mr. BEVERIDGE. There is no objection to that being done.

The PRESIDING OFFICER. That action has already been taken. The Chair now recognizes the junior Senator from Wyoming.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask unanimous consent that the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," may be taken up for the purpose of being read.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the Senate proceed with the reading of the bill indicated by him. Is there objection?

Mr. CLAY. Is it not true that that bill just came in yesterday? We have not yet had time to examine it.

Mr. BEVERIDGE. All that is to be done to-day is to read it.

Mr. WARREN. I will say to the Senator that it is not my desire to carry the bill to passage or other consideration than that of reading.

Mr. CLAY. Then I have no objection.

Mr. BEVERIDGE. I understand that the Senator's desire is to begin the reading of the bill for the information of the Senate.

Mr. CLAY. That is all right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment.

The Secretary proceeded to read the bill and the amendment, and continued to the top of page 195.

Mr. BEVERIDGE. I move that the Senate adjourn.

Mr. WARREN. Before the motion to adjourn is put I wish to state that I regret we can not finish the reading of the bill to-night. It is nearly completed. While I will not now ask for unanimous consent for further consideration at some future time, I wish to give notice that I shall improve the first opportunity, of course subject to the pending measures, to call up this bill, either morning or evening, and to finish its consideration.

The PRESIDING OFFICER (Mr. CLAY in the chair). The question is on the motion of the Senator from Indiana that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 6, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1905.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Edward B. Pratt, Fifteenth Infantry, to be colonel, December 16, 1904, vice O'Connell, Thirtieth Infantry, retired from active service.

Maj. Arthur Williams, Third Infantry, to be lieutenant-colonel, December 16, 1904, vice Pratt, Fifteenth Infantry, promoted.

Capt. Willson Y. Stamper, Eighth Infantry, to be major, December 16, 1904, vice Williams, Third Infantry, promoted.

First Lieut. Harry E. Knight, First Infantry, to be captain, December 16, 1904, vice Davison, Fifth Infantry, retired from active service.

First Lieut. Campbell E. Babcock, Seventh Infantry, to be captain, December 16, 1904, vice Stamper, Eighth Infantry, promoted.

Second Lieut. Elliot Caziare, Eighth Infantry, to be first lieutenant, December 16, 1904, vice Knight, First Infantry, promoted.

Second Lieut. Carl C. Jones, Third Infantry, to be first lieutenant, December 16, 1904, vice Babcock, Seventh Infantry, promoted.

To be captains.

First Lieut. Daniel F. Keller, Thirtieth Infantry, December 30, 1904, vice Patten, Fourteenth Infantry, retired from active service.

First Lieut. Archie J. Harris, Second Infantry, December 30, 1904, vice Nixon, Second Infantry, detailed as quartermaster.

First Lieut. Alexander J. Macnab, Second Infantry, December 31, 1904, vice Phillips, Twenty-seventh Infantry, dismissed.

To be first lieutenants.

Second Lieut. Alfred J. Booth, Second Infantry, December 30, 1904, vice Keller, Thirtieth Infantry, promoted.

Second Lieut. Emery T. Smith, Ninth Infantry, December 30, 1904, vice Harris, Second Infantry, promoted.

CAVALRY ARM.

Second Lieut. Robert W. Reynolds, Thirteenth Cavalry, to be first lieutenant, December 17, 1904, vice McNally, Third Cavalry, detailed in the Signal Corps.

ARTILLERY CORPS.

To be captain.

First Lieut. Francis N. Cooke, Artillery Corps, January 1, 1905, vice Nicholls, detailed in the Ordnance Department.

To be first lieutenants.

Second Lieut. James Totten, Artillery Corps, January 1, 1905, vice Cooke, promoted.

Second Lieut. Frank T. Hines, Artillery Corps, to be first lieutenant, December 17, 1904, vice Buck, detailed in the Signal Corps.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Cavalry Arm.

Second Lieut. William C. F. Nicholson, Twenty-first Infantry, from the Infantry Arm to the Cavalry Arm, with rank from September 1, 1904.

TO BE PLACED ON THE RETIRED LIST OF THE ARMY.

With the rank of brigadier-general.

Col. John J. O'Connell, retired, with rank from December 16, 1904.

With the rank of major from April 23, 1904.

Capt. Robert W. Shufeldt, retired.

With the rank of brigadier-general from the respective dates upon which they shall be retired from active service.

Col. Charles Smart, assistant surgeon-general.

Col. Charles Shaler, Ordnance Department.

APPOINTMENT IN THE NAVY.

Judson L. Taylor, a citizen of Texas, to be an assistant surgeon in the Navy, from the 17th day of December, 1904, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE MARINE CORPS.

Lieut. Col. Charles H. Lauchheimer, assistant adjutant and inspector of the Marine Corps, to be adjutant and inspector of the Marine Corps, with the rank of colonel, from the 15th day of December, 1904, vice Col. George C. Reid, adjutant and inspector, retired.

Capt. Albert S. McLemore, United States Marine Corps, to be assistant adjutant and inspector in the Marine Corps, with the rank of major, from the 15th day of December, 1904, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) David C. Hanrahan to be a lieutenant in the Navy, from the 1st day of July, 1904, vice Lieut. Lay H. Everhart, retired.

Lieut. Commander Theodore F. Burgdorff to be a commander in the Navy, from the 30th day of September, 1904, vice Commander Newton E. Mason, promoted.

Rear-Admiral George A. Converse, United States Navy, to be Chief of the Bureau of Navigation in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Capt. Newton E. Mason, United States Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Commander Samuel W. B. Diehl, United States Navy, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for a term of four years.

Lieut. George W. Kline to be a lieutenant-commander in the Navy, from the 13th day of September, 1904, vice Lieut. Commander James T. Smith, promoted.

Lieut. Commander Templin M. Potts to be commander in the Navy, from the 8th day of November, 1904, vice Commander Charles G. Bowman, promoted.

Lieut. Charles M. McCormick to be a lieutenant-commander in the Navy, from the 18th day of December, 1904, vice Lieut. Commander William Truxtun, retired.

Capt. Joseph E. Craig to be a rear-admiral in the Navy, from the 28th day of December, 1904, vice Rear-Admiral Silas W. Terry, retired.

Lieuts. William W. Gilmer, Robert E. Coontz, William H. G. Bullard, and Harold K. Hines to be lieutenant-commanders in the Navy, from the 1st day of January, 1905, to fill vacancies created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) William S. Miller to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. William W. Gilmer, promoted.

Lieut. (Junior Grade) Cyrus W. Cole to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Robert E. Coontz, promoted.

Lieut. (Junior Grade) Lloyd S. Shapley to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Webster A. Edgar, promoted.

Lieut. (Junior Grade) William R. Sayles, jr., to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Philip Andrews, promoted.

Lieut. (Junior Grade) John W. Greenslade to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Harold K. Hines, promoted.

Lieuts. (Junior Grade) Charles E. Courtney and James H. Tomb to be lieutenants in the Navy, from the 1st day of January, 1905, to fill vacancies created in that grade by the act of Congress approved March 3, 1903.

Midshipmen to be ensigns.

Henry G. S. Wallace.
Horace S. Klyce.
Frank W. Sterling.
Emory S. Land.
Franklin W. Osburn, jr.
Gilford Darst.
Roe R. Adams.
Semmes Read.
Edwin G. Kintner.
Harry A. Baldridge.
William L. Pryor.
James Reed, jr.

George J. Meyers.
James P. Murdock.
Edward J. Marquart.
Andrew A. Peterson.
Leroy Brooks, jr.
Donald C. Bingham.
Robert Wallace, jr.
Ralph M. Griswold.
William W. Smith.
Francis S. Whitten.
Thomas L. Ozburn.
Lewis B. Porterfield.
Walter G. Diman.
Frank C. Martin.
Ralph P. Craft.
Adolphus Staton.
David A. Weaver.
Neil E. Nichols.
James A. Campbell, jr.
Otto C. Dowling.
Julius C. Townsend.
Wilson Brown, jr.
Robert Henderson.
William T. Conn, jr.
John H. Blackburn.
Frank B. Freyer.
Roscoe C. Davis.
Earl P. Finney.
William D. Puleston.
Charles S. Kerrick.
George P. Brown.
James O. Richardson.
Harold D. Childs.
Gilbert J. Rowcliff.
James P. Lannon.
Richard Wainwright, jr.
Charles W. Early.
Edward C. S. Parker.
Joseph O. Fisher.
Carlos Bean.
Oscar F. Cooper.
Kirby B. Crittenden.
Merritt S. Corning.
William J. Moses.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

DISTRICT JUDGE.

James Wickersham, of Alaska, to be judge of the district court of the district of Alaska, and assign him to division No. 3, to which position he was reappointed during the last recess of the Senate.

MARSHAL.

J. E. B. Stuart, of Virginia, to be United States marshal for the eastern district of Virginia, vice Morgan Treat, resigned.

CONSUL.

Samuel S. Knabenshue, of Ohio, to be consul of the United States at Belfast, Ireland, vice William W. Touvelle, resigned.

ASSISTANT AGENT FOR SALMON FISHERIES.

John N. Cobb, of Pennsylvania, who was appointed July 1, 1904, during the recess of the Senate, to be assistant agent for the protection of the salmon fisheries of Alaska in the Department of Commerce and Labor.

COLLECTOR OF INTERNAL REVENUE.

Henry M. Rose, of Michigan, to be collector of internal revenue for the fourth district of Michigan, to succeed Samuel M. Lemon, resigned.

REGISTERS OF LAND OFFICES.

Bryson P. Blair, of Colorado, to be register of the land office at Montrose, Colo., vice David R. Crosby, deceased.

Lon E. Foote, of Colorado, to be register of the land office at Hugo, Colo., his term having expired May 24, 1904. (Reappointment.)

Herman A. Hildebrant, of South Dakota, to be register of the land office at Watertown, S. Dak., vice Lee Stover, resigned.

RECEIVER OF PUBLIC MONEYS.

Charles J. Greene, of Louisiana, to be receiver of public moneys at Natchitoches, La., his term having expired January 17, 1904. Reappointment.

PROFESSOR OF MATHEMATICS IN THE NAVY.

Lieut. Commander Harry McL. P. Huse, to be a professor of mathematics in the Navy, with the rank of commander, to rank next after Professor of Mathematics Aaron N. Skinner, and to be an extra number in the corps of professors of mathematics in accordance with the provisions of an act of Congress approved April 27, 1904.

CHIEF OF BUREAU OF MANUFACTURES.

J. Hampton Moore, of Pennsylvania, to be Chief of Bureau of Manufactures, Department of Commerce and Labor.

APPOINTMENTS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Eugene H. Mullan, of Maryland, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Wade Hampton Frost, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

MEMBERS OF EXECUTIVE COUNCIL OF PORTO RICO.

Rafael Del Valle, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years, vice Jose Guzman Benitez, whose term has expired.

Luis Sanchez Morales, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years, vice Jose Gomez Brioso, whose term has expired.

COMMISSIONER OF THE INTERIOR OF PORTO RICO.

John Stuart Elliot, of Porto Rico, to be commissioner of the interior of Porto Rico, vice William H. Elliott, term expired.

POSTMASTERS.

ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, in the county of Tallapoosa and State of Alabama. Office became Presidential January 1, 1905.

Ralph G. Green to be postmaster at Bay Minette, in the county of Baldwin and State of Alabama. Office became Presidential January 1, 1905.

CALIFORNIA.

Horace E. Allatt to be postmaster at Imperial, in the county of San Diego and State of California. Office became Presidential January 1, 1905.

William Bradford to be postmaster at Hemet, in the county of Riverside and State of California. Office became Presidential January 1, 1905.

Edmund L. Brown to be postmaster at Fernando, in the county of Los Angeles and State of California. Office became Presidential January 1, 1904.

William S. Collins to be postmaster at Loyalton, in the county of Sierra and State of California. Office became Presidential October 1, 1904.

Samuel G. Watts to be postmaster at East Auburn, in the county of Placer and State of California. Office became Presidential October 1, 1904.

COLORADO.

George W. Summers to be postmaster at Gunnison, in the county of Gunnison and State of Colorado, in place of George W. Summers. Incumbent's commission expires January 16, 1905.

CONNECTICUT.

Judson D. Foote to be postmaster at Montowese, in the county of New Haven and State of Connecticut. Office became Presidential January 1, 1905.

William E. Gates to be postmaster at Glastonbury, in the county of Hartford and State of Connecticut, in place of William E. Gates. Incumbent's commission expired June 5, 1904.

Tudor Gowdy to be postmaster at Thompsonville, in the county of Hartford and State of Connecticut, in place of Tudor Gowdy. Incumbent's commission expired January 10, 1902.

FLORIDA.

John B. Leffingwell to be postmaster at Bradentown, late Braiden Town, in the county of Manatee and State of Florida, in place of John B. Leffingwell, to change name of office.

GEORGIA.

Clark Grier to be postmaster at Dublin, in the county of Laurens and State of Georgia, in place of Clark Grier. Incumbent's commission expired June 5, 1904.

HAWAII.

Arthur Waal to be postmaster at Lahaina, in the county of Maui Island, Hawaii, in place of Arthur Waal. Incumbent's commission expired December 20, 1904.

ILLINOIS.

Jennie M. De Roo to be postmaster at Fort Sheridan, in the county of Lake and State of Illinois. Office became Presidential October 1, 1901.

Samuel S. Irwin to be postmaster at Rankin, in the county of Vermilion and State of Illinois. Office became Presidential January 1, 1905.

William M. McDonald to be postmaster at Chandlerville, in the county of Cass and State of Illinois. Office became Presidential January 1, 1905.

Leander W. Niles to be postmaster at Bethany, in the county of Moultrie and State of Illinois. Office became Presidential January 1, 1905.

Darius B. Reid to be postmaster at Georgetown, in the county of Vermilion and State of Illinois. Office became Presidential January 1, 1905.

INDIANA.

Caleb W. Barker to be postmaster at Francesville, in the county of Pulaski and State of Indiana. Office became Presidential July 1, 1904.

Charles D. Davidson to be postmaster at Whiting, in the county of Lake and State of Indiana, in place of Charles D. Davidson. Incumbent's commission expires January 16, 1905.

Isaac F. Lawshe to be postmaster at Swayzee, in the county of Grant and State of Indiana. Office became Presidential January 1, 1905.

Charles McGaughey to be postmaster at Roachdale, in the county of Putnam and State of Indiana. Office became Presidential January 1, 1905.

John W. Morrow to be postmaster at Hebron, in the county of Porter and State of Indiana. Office became Presidential January 1, 1905.

James M. Ranstead to be postmaster at Bremen, in the county of Marshall and State of Indiana, in place of James M. Ranstead. Incumbent's commission expires January 16, 1905.

John P. Russell to be postmaster at Kewanna, in the county of Fulton and State of Indiana. Office became Presidential October 1, 1904.

INDIAN TERRITORY.

Robert A. Diggs to be postmaster at Lindsay, in district 17, Ind. T. Office became Presidential January 1, 1905.

Rena Winnett to be postmaster at Krebs, district 15, Ind. T. Office became Presidential October 1, 1904.

IOWA.

Bert C. Ellsworth to be postmaster at Kanawha, in the county of Hancock and State of Iowa. Office became Presidential January 1, 1905.

N. C. Kotchell to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa, in place of Joseph A. Farrell. Incumbent's commission expired December 20, 1904.

James Schroeder to be postmaster at Guttenberg, in the county of Clayton and State of Iowa, in place of James Schroeder. Incumbent's commission expired December 20, 1904.

Eugene Stiles to be postmaster at Sidney, in the county of Fremont and State of Iowa, in place of John R. McKee, resigned.

Edgar O. Winter to be postmaster at Redfield, in the county of Dallas and State of Iowa. Office became Presidential January 1, 1905.

KANSAS.

Frank W. Elliott to be postmaster at Edna, in the county of Labette and State of Kansas. Office became Presidential January 1, 1905.

James R. Hillhouse to be postmaster at Delphos, in the county of Ottawa and State of Kansas. Office became Presidential January 1, 1905.

William A. Hillhouse to be postmaster at Glasco, in the county of Cloud and State of Kansas. Office became Presidential January 1, 1905.

Floyd E. Richmond to be postmaster at Logan, in the county of Phillips and State of Kansas. Office became Presidential January 1, 1905.

Charles C. Wilson to be postmaster at Scandia, in the county of Republic and State of Kansas. Office became Presidential January 1, 1905.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky, in place of Homer B. Bryson. Incumbent's commission expired May 28, 1904.

MARYLAND.

William Hall Harris to be postmaster at Baltimore, in the county of Baltimore and State of Maryland, in place of S. Davies Warfield. Incumbent's commission expired January 15, 1904.

MASSACHUSETTS.

Wilbur F. Whitney to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts, in place of Wilbur F. Whitney. Incumbent's commission expires January 31, 1905.

MICHIGAN.

Carl M. Lund to be postmaster at Harrisville, in the county of Alcona and State of Michigan. Office became Presidential January 1, 1905.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, in the county of Hennepin and State of Minnesota, in place of Frank E. Bardwell. Incumbent's commission expired December 20, 1904.

Theodore G. Fasteen to be postmaster at Scanlon, in the county of Carlton and State of Minnesota. Office became Presidential January 1, 1905.

M. Miller Severns to be postmaster at West Concord, in the county of Dodge and State of Minnesota. Office became Presidential January 1, 1905.

MISSISSIPPI.

James W. Bell to be postmaster at Pontotoc, in the county of Pontotoc and State of Mississippi. Office became Presidential January 1, 1905.

Edwin W. Cabaniss to be postmaster at Clinton, in the county of Hinds and State of Mississippi. Office became Presidential January 1, 1905.

Robert S. Golden to be postmaster at Hollandale, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1905.

Robert W. Hinton to be postmaster at Lumberton, in the county of Lamar and State of Mississippi, in place of Robert W. Hinton. Incumbent's commission expires January 16, 1905.

Rosa Mayers to be postmaster at Shelby, in the county of Bolivar and State of Mississippi. Office became Presidential January 1, 1904.

Robert C. Sharbrough to be postmaster at McHenry, in the county of Harrison and State of Mississippi. Office became Presidential July 1, 1904.

Alma Stephens to be postmaster at Shaw, in the county of Bolivar and State of Mississippi. Office became Presidential January 1, 1905.

Alexander Yates to be postmaster at Utica, in the county of Hinds and State of Mississippi. Office became Presidential January 1, 1905.

MISSOURI.

Godfrey Haldiman to be postmaster at California, in the county of Moniteau and State of Missouri, in place of Godfrey Haldiman. Incumbent's commission expired April 27, 1904.

J. A. Knowles to be postmaster at Flat River, in the county of St. Francois and State of Missouri, in place of James L. Darling, resigned.

Solomon R. McKay to be postmaster at Troy, in the county of Lincoln and State of Missouri, in place of Solomon R. McKay. Incumbent's commission expires January 16, 1905.

Benjamin C. Nichols to be postmaster at Trenton, in the county of Grundy and State of Missouri, in place of Charles D. Morris, resigned.

MONTANA.

George W. Padbury to be postmaster at Marysville, in the county of Lewis and Clarke and State of Montana. Office became Presidential October 1, 1904.

NEBRASKA.

John G. Gannon to be postmaster at Pender, in the county of Thurston and State of Nebraska, in place of Melcher Emmington, resigned.

NEW JERSEY.

Reuben Abel to be postmaster at Bernardsville, in the county of Somerset and State of New Jersey, in place of Reuben Abel. Incumbent's commission expired December 20, 1904.

Samuel Gordon to be postmaster at South River, in the county of Middlesex and State of New Jersey, in place of Charles Whitehead. Incumbent's commission expired December 20, 1904.

William H. Kuhlthau to be postmaster at Milltown, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1905.

NEW YORK.

John Borup to be postmaster at Tuckahoe, in the county of Westchester and State of New York, in place of Richard G. Bennett. Incumbent's commission expired December 20, 1904.

Peter Dahl to be postmaster at Tonawanda, in the county of Erie and State of New York, in place of John G. Wallenmeier, jr., resigned.

Isaac Decker to be postmaster at Williamson, in the county of Wayne and State of New York. Office became Presidential January 1, 1905.

Frank A. Frost to be postmaster at Watkins, in the county of Schuyler and State of New York, in place of Levi M. Gano, deceased.

Fred A. Green to be postmaster at Copenhagen, in the county of Lewis and State of New York. Office became Presidential January 1, 1905.

Christopher B. Morgan to be postmaster at Aurora, in the county of Cayuga and State of New York. Office became Presidential January 1, 1905.

Hiro J. Settle to be postmaster at Ballston Spa, in the county of Saratoga and State of New York, in place of Frank Jones, deceased.

George J. Skinner to be postmaster at Camden, in the county of Oneida and State of New York, in place of Andrew W. Craig. Incumbent's commission expired February 9, 1903.

Hattie A. Walker to be postmaster at Bergen, in the county of Genesee and State of New York. Office became Presidential January 1, 1905.

NORTH CAROLINA.

Jesse F. Walsh to be postmaster at Elkin, in the county of Surry and State of North Carolina. Office became Presidential January 1, 1905.

NORTH DAKOTA.

Philip K. Eastman to be postmaster at Wilton, in the county of McLean and State of North Dakota. Office became Presidential January 1, 1905.

Charles H. Lee to be postmaster at Walhalla, in the county of Pembina and State of North Dakota. Office became Presidential July 1, 1904.

OHIO.

Peter Cranker to be postmaster at West Toledo, in the county of Lucas and State of Ohio. Office became Presidential January 1, 1905.

Willis E. Payne to be postmaster at Ashville, in the county of Pickaway and State of Ohio. Office became Presidential January 1, 1905.

Granville W. Springer to be postmaster at Crooksville, in the county of Perry and State of Ohio, in place of John G. Burley, resigned.

Alva G. Sutton to be postmaster at Attica, in the county of Seneca and State of Ohio. Office became Presidential October 1, 1904.

Edward L. Watts to be postmaster at Peebles, in the county of Adams and State of Ohio. Office became Presidential January 1, 1905.

OKLAHOMA.

George S. Bailey to be postmaster at Snyder, in the county of Kiowa and Territory of Oklahoma. Office became Presidential July 1, 1904.

William T. Barrett to be postmaster at Carmen, in the county of Woods and Territory of Oklahoma. Office became Presidential July 1, 1904.

Frank H. McCormick to be postmaster at Clinton, in the county of Custer and Territory of Oklahoma. Office became Presidential October 1, 1904.

William Thomas to be postmaster at Thomas, in the county of Custer and Territory of Oklahoma. Office became Presidential July 1, 1904.

OREGON.

John Hahn to be postmaster at Astoria, in the county of Clatsop and State of Oregon, in place of Grenville Reed. Incumbent's commission expired December 20, 1904.

John F. Reisacher to be postmaster at Condon, in the county of Gilliam and State of Oregon. Office became Presidential January 1, 1905.

Edward B. Waters to be postmaster at Burns, in the county of Harney and State of Oregon, in place of Edward B. Waters. Incumbent's commission expired May 28, 1904.

PENNSYLVANIA.

Christmas E. Fitch to be postmaster at Wampum, in the county of Lawrence and State of Pennsylvania. Office became Presidential January 1, 1904.

Jacob D. Laciar to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania, in place of Byron G. Hahn. Incumbent's commission expired March 6, 1904.

Harry H. Nichols to be postmaster at Girard, in the county of Erie and State of Pennsylvania, in place of Harry H. Nichols. Incumbent's commission expires Jaunary 31, 1905.

Eli D. Robinson to be postmaster at Butler, in the county of Butler and State of Pennsylvania, in place of Josiah B. Black. Incumbent's commission expired June 7, 1904.

Mary J. Russell to be postmaster at Vilas, in the county of Lycoming and State of Pennsylvania. Office became Presidential January 1, 1903.

Charles S. Shindel to be postmaster at Tamaqua, in the county of Schuylkill and State of Pennsylvania, in place of Charles S. Shindel. Incumbent's commission expired June 5, 1904.

Coleman Smith to be postmaster at Coudersport, in the county of Potter and State of Pennsylvania, in place of Will E. Olmsted. Incumbent's commission expired June 5, 1904.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, in the county of San Juan, P. R., in place of Walter K. Landis. Incumbent's commission expired June 5, 1904.

SOUTH CAROLINA.

Joseph H. Abbey to be postmaster at St. George, in the county of Dorchester and State of South Carolina. Office became Presidential January 1, 1905.

Frank C. Cain to be postmaster at St. Matthews, in the county of Orangeburg and State of South Carolina. Office became Presidential January 1, 1905.

James G. Harper to be postmaster at Seneca, in the county of Oconee and State of South Carolina, in place of Emma Harper, resigned.

A. L. King to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina, in place of William M. Hazzard, deceased.

TENNESSEE.

William E. Byers to be postmaster at Tracy City, in the county of Grundy and State of Tennessee. Office became Presidential January 1, 1905.

William T. Smythe to be postmaster at Mountain City, in the county of Johnson and State of Tennessee. Office became Presidential January 1, 1905.

TEXAS.

Theophilus F. Berner to be postmaster at Henrietta, in the county of Clay and State of Texas, in place of Theophilus F. Berner. Incumbent's commission expired December 20, 1904.

Joshua Cooke, jr., to be postmaster at Longview, in the county of Gregg and State of Texas, in place of Joshua Cooke, jr. Incumbent's commission expired December 20, 1904.

G. W. Crossman to be postmaster at Garland, in the county of Dallas and State of Texas. Office became Presidential October 1, 1904.

Kittie L. Edwards to be postmaster at Smithfield, in the county of Bastrop and State of Texas, in place of Kittie L. Edwards. Incumbent's commission expired April 30, 1904.

Jerra L. Hickson to be postmaster at Gainesville, in the county of Cooke and State of Texas, in place of Jerra L. Hickson. Incumbent's commission expires January 21, 1905.

Henry Liem to be postmaster at Center, in the county of Shelby and State of Texas. Office became Presidential April 1, 1903.

Adelia C. Pruitt to be postmaster at Lindale, in the county of Smith and State of Texas. Office became Presidential January 1, 1905.

Charles Real to be postmaster at Kerrville, in the county of Kerr and State of Texas, in place of Charles Real. Incumbent's commission expired December 20, 1904.

Andrew J. Reeder to be postmaster at Granger, in the county of Williamson and State of Texas. Office became Presidential January 1, 1905.

L. E. Robbins to be postmaster at Quanah, in the county of Hardeman and State of Texas, in place of John W. Hedley. Incumbent's commission expired December 20, 1904.

James B. Seargent to be postmaster at Orange, in the county of Orange and State of Texas, in place of Robert J. Looney, removed.

VIRGINIA.

Harry Fulwiler to be postmaster at Buchanan, in the county of Botetourt and State of Virginia. Office became Presidential January 1, 1905.

WASHINGTON.

Daniel Crowley to be postmaster at Vancouver, in the county of Clarke and State of Washington, in place of Lloyd Du Bois. Incumbent's commission expired January 28, 1903.

William P. Ely to be postmaster at Kelso, in the county of Cowlitz and State of Washington. Office became Presidential January 1, 1904.

Olaf N. Erickson to be postmaster at Auburn, in the county of King and State of Washington. Office became Presidential January 1, 1905.

George D. C. Pruner to be postmaster at Blaine, in the county of Whatcom and State of Washington, in place of George D. C. Pruner. Incumbent's commission expired June 5, 1904.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, in the county of Doddridge and State of West Virginia, in place of D. Porter Stout, resigned.

Benjamin O. Holland to be postmaster at Logan, in the county of Logan and State of West Virginia. Office became Presidential October 1, 1904.

Nathan C. McNeil to be postmaster at Marlinton, in the county of Pocahontas and State of West Virginia. Office became Presidential July 1, 1904.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in place of Eleanora Andrews, resigned.

F. J. Buell to be postmaster at Burlington, in the county of Racine and State of Wisconsin, in place of Theodore Riel, deceased.

John G. Burman to be postmaster at Amery, in the county of Polk and State of Wisconsin. Office became Presidential January 1, 1905.

George M. Carnachan to be postmaster at Bruce, in the county of Gates and State of Wisconsin. Office became Presidential January 1, 1905.

Charles F. Fine to be postmaster at Hillsboro, in the county of Vernon and State of Wisconsin. Office became Presidential January 1, 1905.

WITHDRAWAL.

Howard K. Sanderson to be postmaster at Lynn, in the State of Massachusetts. (Appointee deceased.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1905.

CHIEF JUSTICE, DISTRICT COURT OF APPEALS.

Seth Shepard, of the District of Columbia, now serving as associate justice of the court of appeals of the District of Columbia, to be chief justice of the court of appeals of the District of Columbia.

ASSOCIATE JUSTICE, DISTRICT COURT OF APPEALS.

Charles H. Duell, of New York, to be associate justice of the court of appeals of the District of Columbia.

REGISTER OF THE LAND OFFICE.

Herman A. Hilderbrandt to be register of the land office at Watertown, in the State of South Dakota.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 5, 1905.*

The House met at 12 o'clock m.

Rev. WILLIAM COUDEN, of Boston, Mass., offered the following prayer:

Our Heavenly Father, we are very grateful indeed this morning as we are reminded of the richness of our country and the great names that have enriched our history and the great opportunity that is before us. We pray that we may be equal to all these things, that our hearts may respond in righteousness to the love that Thou hast poured out unto us. We ask that Thy blessing, our Heavenly Father, may be with these Thy servants, who labor for Thee and Thy people this morning. We pray that Thou wilt inspire them with devotion that shall make them wise, that Thou wilt fill them with power to do Thy will, that Thou wilt enoble them with high motives and pure desires. We ask that Thy blessing may rest upon the deliberations of this House this day, and may Thy grace be with every member of it. We ask it in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

FORTIFICATIONS APPROPRIATION BILL.

Mr LITTAUER, from the Committee on Appropriations, reported the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered printed.

Mr. LLOYD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] reserves all points of order.

Mr. CLARK. I would like to inquire of the gentleman from New York when that appropriation bill is coming up for consideration?

Mr. LITTAUER. As soon as I can get an opportunity to be heard.

Mr. CLARK. I would like to have some definite information about it.

Mr. LITTAUER. It has to lie over until to-morrow. We will not want, of course, to bring it up before then.

Mr. CLARK. Of course, you can not bring it up to-day.

Mr. LITTAUER. The intention was either to bring it up to-morrow or on next Tuesday.

Mr. CLARK. Well, put it off as much as you can.

COTTON ESTIMATES OF DEPARTMENT OF AGRICULTURE.

Mr. WADSWORTH. Mr. Speaker, I offer the following privileged report from the Committee on Agriculture, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Agriculture, to whom was referred House resolution No. 400, "That the Secretary of Agriculture is hereby requested to forward to the House of Representatives all data, in detail, upon which said last report was made and published, said report to cover all sources and kinds of information upon which said report was based," beg leave to submit that your committee caused to appear before us the honorable Secretary of Agriculture and Chief of Bureau of Statistics of that Department, and upon hearings—a full copy of which is submitted herewith, giving in detail the plan adopted by said Department in arriving at its cotton estimates—your committee are of opinion that such estimates are honestly, intelligently made, and are as accurately made as is possible, and we recommend that said resolution lie upon the table.

Mr. WADSWORTH. Mr. Speaker, before making the motion to have the resolution lie upon the table, I desire to yield some time to the gentleman from Georgia [Mr. LIVINGSTON]. How much time does the gentleman desire?

Mr. LIVINGSTON. Mr. Speaker, I shall take just as little time as possible—I think, about thirty minutes. I think I can get through in that time.

Mr. WADSWORTH. How much time does the gentleman from Texas [Mr. BURLESON] desire?

Mr. BURLESON. About the same time.

Mr. LIVINGSTON. I do not want to be confined to thirty minutes if I can help it.

Mr. WADSWORTH. I yield to the gentleman from Georgia [Mr. LIVINGSTON] twenty minutes, inasmuch as I have only an hour and there are two or three other gentlemen who desire to speak.

Mr. LIVINGSTON. Mr. Speaker, I wish to say to the gentleman in charge of the resolution and to the House that I had no chance to go before the committee at all to show why this resolution ought to have been reported favorably. This is the only opportunity I shall have, and I ask the chairman of the Committee on Agriculture, the gentleman from New York [Mr. WADSWORTH], not to confine me to twenty minutes.

Mr. WADSWORTH. Mr. Speaker, I have every disposition to give the gentleman all the time he wants, but I have only one hour and there are two or three other gentlemen who wish to speak.

Mr. LIVINGSTON. Then I shall ask the House to grant me unanimous consent to make my statement in favor of the resolution. I shall make it just as short as I can.

Mr. WADSWORTH. Mr. Speaker, I shall yield the gentleman thirty minutes, and if the gentleman has not completed his remarks within that time I shall do the best I can, yet reserving enough time for the other gentlemen who wish to speak.

Mr. WILLIAMS of Mississippi. Mr. Speaker, with the permission of the gentleman from Georgia [Mr. LIVINGSTON], I would suggest that it would be well, I think, to have an hour given to the opponents of the resolution and an hour given to those in favor of it, the time of those opposed to the resolution to be controlled by the gentleman from New York [Mr. WADSWORTH], the chairman of the committee, and the time of those in favor of it to be controlled by the gentleman from Georgia [Mr. LIVINGSTON], who is the author of the resolution.

Mr. WADSWORTH. I have no objection to that, if the House is satisfied.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent that debate on this resolution be confined to two hours, one hour to be controlled by the gentleman from New York [Mr. WADSWORTH] and one hour to be controlled by the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WADSWORTH. Mr. Speaker, I now yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this resolution was not introduced, or when introduced, was not intended to imply or express either dishonesty or want of faithfulness or anything of that kind on the part of the Agricultural Department. Nor was this resolution introduced for the purpose of showing that

the last estimate made by the Department of Agriculture of 12,162,000 bales of cotton as the total crop was inaccurate. I do not question the accuracy of the report in the resolution, unless it be inferred from the preamble. The resolution is a plain, simple resolution, which I propose to read in my time.

Whereas there is great dissatisfaction and want of confidence in the reports on cotton acreage and production by the Department of Agriculture, especially to the last report, made on December 3, 1904: Therefore be it

Resolved, That the Secretary of Agriculture is hereby requested to forward to the House of Representatives all data, in detail, upon which said last report was made and published, said report to cover all sources and kinds of information upon which said report was based.

It is a simple resolution asking for information from the Department——

Mr. WADSWORTH. Will the gentleman kindly read also the preamble?

Mr. LIVINGSTON. I read it, sir.

Mr. WADSWORTH. I beg your pardon.

Mr. LIVINGSTON. It is just simply this: Whereas there is great dissatisfaction and want of confidence on the part of the producers and consumers of cotton in regard to the agricultural report as to acreage and results. Now, Mr. Speaker, it is charged in the hearings that I have in my hand that I have overestimated the dissatisfaction. That is the expression of Mr. Hyde, and I want to say to the House that this procedure has been a very remarkable one. As the introducer of the resolution I never had an opportunity to go before this committee and show why that report ought to have been favorable to the resolution instead of against it. I have got it to do now if I can.

Repeating, therefore, Mr. Speaker, that I am not charging falsehood or dishonesty on the Department, I did not charge in the resolution inaccuracy in regard to that estimate of 12,162,000 bales, but I am going to do it this morning; I am going to show this House it was not accurate or, rather, the sources of information upon which it was based, or the gin report of December 28, one or the other, is very inaccurate. Why are the people dissatisfied with these reports, it is challenged, and I have to answer and I have not time to take up all these clippings and editorials from newspapers of the South, from Virginia to Texas. Some of these editorials are extremely bitter, but when it is charged there is no dissatisfaction—as it was charged in the subcommittee before I was locked out that there was no dissatisfaction in the South; that the South was simply sore and distressed over the fact that they lost fifteen or twenty dollars a bale on their cotton after the report came out—why were they dissatisfied? First, I refer the Department of Agriculture and the committee and this House to the newspapers of the South—the semiweeklies, the weekly papers, dailies, from Virginia to Texas—and I ask those of you who have read them to remember without my stopping to prove that they are representative newspapers, they are the leading newspapers of the South, and they declare emphatically that the South is not only dissatisfied, but they are determined that if these estimates are to come out at all they will demand that they come nearer to what the actual facts are, with more frequency and publicity, or they will demand the abolition of the statistical division of that Department. This is, or seems to be, the mind of the press of the South.

In the next place, Mr. Speaker and gentlemen of the House, the bankers in all parts of the South are meeting and holding conventions to see what they can do in order to benefit the cotton producer and the cotton spinner, for one is just as much involved in this as the other. That is another evidence of dissatisfaction.

The ginners themselves, denying the last report made by Mr. North, have met and organized a National Ginners' Association, and the president of that association stands up before the world in a speech at the Piedmont Hotel at Atlanta, in which he declares that the report is wrong, not wrong because Mr. North made it wrong, but that it is wrong because "we were such chumps as to make such reports" from our ginneries. Then he goes on to specify how the mistakes were made and why they were made. That is another evidence that dissatisfaction exists.

There is another reason for this dissatisfaction. The Department of Agriculture estimated the acreage of cotton last year at more than one million acres too large and corrected that estimate in October. The Department that could make a mistake of one million acres in the acreage of cotton in the South in one season seems to me ought to give to the country the information upon which they base such estimates.

Second, here is the estimate of the Department of Agriculture showing the conditions of the crop last year by percentages, from June until October. On May 26 they reported the condition at 85 per cent, signifying a heavy crop of cotton; on June 26 they reported it at 88 per cent, still heavier, and July 26 they reported it at 91.6 per cent, still heavier, and on August 26 they cut that estimate to 84.01 per cent. In October they cut it to 75.6 per cent. This indicates that it was reduced by the Department in their estimate of the condition of the crop more than 16 per cent from June 1 to October 1.

Now, for that reason the people of the South are wanting in confidence.

Next, we have the estimate of cotton by the exchanges, including Liverpool, New York, Augusta, the Reform Club of Liverpool, the Yazoo Cotton Exchange, Latham, Alexander & Co., and many other of the largest cotton firms and business houses in this country and abroad. I have them all here. The average given by all of those cotton exchanges was 11,333,000 bales, yet Mr. Hyde comes out soon thereafter and makes an estimate of 12,162,000 bales. Are you surprised, in view of this, that the South is dissatisfied with his estimate? When they had taken Liverpool, which is always a bear market, and New York, which is also a bear market, and the cotton exchanges everywhere, which are usually in favor of cheap cotton, still the average of the estimates from this source was only 11,333,000 bales. The fact is that no report or estimate was made for the month of November, the month of all months in the season when cotton is being sold in large quantities, leaving everyone for two months in doubt as to what would come next; and then springing upon an unsuspecting people and upon an unsuspecting market a report of this kind, is it surprising that a panic is produced in the market? Cotton producers, as well as the cotton spinners of this country, want, first, accuracy, frequency, and publicity. But here the Department of Agriculture goes from October over to December 3 without any report, and in the midst of the heavy selling of cotton over the South. It makes no difference what this report would be, whether it was high up or low down, it will make a panic in the cotton market if you skip one whole month and make a return for two months as to the production of cotton. If he had made a report in November indicating a heavy crop of cotton, the producer and spinner would have been better prepared for it, but bringing it upon the market and upon the country suddenly produced a panic, and it is not at all surprising or astonishing that the whole South was dissatisfied. I again repeat that the dissatisfaction is rather over the way and time in which these reports are made public.

Do you want any other evidence of dissatisfaction? In every cotton county in the South, with but few exceptions, since the December report was made, they have held county conventions expressing their indignation when they learned that it was charged up here that there was no dissatisfaction about the cotton report. In three or four instances throughout the South they have met on the streets and have burned cotton. For what purpose? In order to demonstrate to the Department of Agriculture and to this House that there was great dissatisfaction.

Mr. LOVERING. Mr. Speaker, I call for order. I can not hear what the gentleman says.

The SPEAKER. The gentleman from Massachusetts makes the point of order that the House is not in order. The point is sustained. Gentlemen who desire to converse will please retire to the cloakroom.

Mr. LIVINGSTON. Again, Mr. Speaker, dissatisfaction has recently been intensified with the agricultural report by a report from the Census Office giving the total cotton ginned, up to December 13, 1904, of 11,971,477 bales, which is within 190,523 bales of the total estimate by the Department of Agriculture. If the Department of Agriculture is right, the gin report is a million bales too much. If the census report from Mr. North is right, Mr. Hyde is a million bales too low; and yet gentlemen stand in this House and in that committee room and say there was no dissatisfaction; and Mr. Hyde said I have overestimated it. What is the effect of it to-day? We have hung up here the cotton world, the spinner, the exporter, and the producer between two reports, one giving 12,162,000 bales total crop, and the other, up to December 13, ginned 11,971,477 bales. Is that accuracy? Will these wide divergent estimates give satisfaction or promote stability?

Again, Mr. Speaker, I want to say to the chairman of this committee and the committee that made this report that the Department of Agriculture is simply the creature or the servant of the people. They are not the masters of the people, no more than you or I are the masters of the people. The people through Congress constituted or set up this Department of Agriculture. The other day I was questioned by the Secretary of Agriculture himself this way: "Are you not an enemy yourself

of the Department of Agriculture? I said emphatically: "I am not," and if I had had opportunity I would have said to him that in my humble way, as an officer of the State agriculture society where the resolution originated calling upon Congress to establish this Department, I did my humble part in bringing it into existence; and I have done my humble part ever since to sustain it. The way to sustain it is to have publicity upon sources of information—taking the public into the confidence of the Department and establishing stability with confidence. Accuracy in the information given, and frequency, with as much publicity as possible, is the thing which in my opinion will prove a remedy and secure confidence and enable the Department of Agriculture to do the greatest good to the greatest number.

If their reports are inaccurate they destroy confidence; if they come too far apart, as they did this fall, they will produce a panic in the market whether they are right or wrong.

Mr. Speaker, I now come to the most wonderful document I have ever had the fortune to take up on the floor of this House since I have been a Member—for fourteen years. It reads this way: "Hearing before the Committee on Agriculture."

I want to suggest to the chairman that there were just three men present that day.

Mr. WADSWORTH. I did not catch the gentleman's statement.

Mr. LIVINGSTON. I suggested to him that there were just three men present that day.

Mr. WADSWORTH. There were at least five members of the subcommittee.

Mr. LIVINGSTON. I am speaking of when I left.

Mr. WADSWORTH. There may have been only that number when you left. There were five or six members of the subcommittee when the Secretary and Mr. Hyde made their statements. Mr. Speaker, I just want to make this one statement.

Mr. LIVINGSTON. Mr. Speaker, this is not to come out of my time.

Mr. WADSWORTH. I want to say to the gentleman from Georgia and the House that the reason why we went into executive session was that it was suggested that certain information might be divulged which could be telegraphed all over the country and which might affect cotton in a speculative way, and for that reason alone it was thought best to hold an executive session.

Mr. LIVINGSTON. That is all right. This committee was in executive session, and after the resolution had been read—listen to the questions propounded by the chairman of the committee:

> Now, Mr. Hyde, you see this resolution which is before us. What the committee wants to know is, is there any need of reporting this resolution favorably?

Mr. Hyde is the chief of a bureau in the Department of Agriculture. I had introduced the resolution in this House and had it sent to that committee. The committee never asked me the question: "Mr. LIVINGSTON, what reasons have you to give why this resolution ought to be reported favorably?" but they put the question to Mr. Hyde in that form. I will read the whole of it:

> Now, Mr. Hyde, you see this resolution which is before us. What the committee wants to know is, is there any need of reporting this resolution favorably? That is the question before this committee, and that is all there is of it. We want the data upon which we can act.

The complaint that I make, Mr. Speaker, is that you got your data from one side, when you ought to have heard both.

Mr. WADSWORTH. Let me reply to the gentleman that that is all he is asking for in his resolution.

Mr. LIVINGSTON. Secretary Wilson interrupted with this suggestion:

> Tell the committee unreservedly everything you know, Mr. Hyde.

Now, Mr. Hyde proceeds at once, according to the printed report of this hearing, to establish the fact that there was a big crop of cotton. I said nothing about that in my resolution. I said nothing in my resolution about the question whether there was a big or a small crop. I wanted the information upon which he was acting. Whether it established the fact of a big crop or a small one did not make any difference to me or to this House. But he takes my State, the State of Georgia, and it is the only State that he handles. After comparing the report from my State last year and the year before, he comes to this conclusion, which he states on page 2 of the hearing:

> Thus, with one exception—
>
> He says—
>
> all these six classes of correspondents reported a yield per acre 50 per cent or more greater than that of last year.

He has stated previously that he has six sources of information, and now he says, on page 2, that of all these classes or sources of information five of them reported the yield in Georgia 50 per cent or more greater than the year before—that is, 50 per cent greater in this present crop than in the one that preceded it. One class of these reporters, being planters exclusively, reported 39 per cent greater. Now listen:

> Mr. SCOTT. The estimate that you have given there is the average of all your correspondents of the several classes?
>
> Mr. HYDE. The average of all correspondents of each of six different classes for the State of Georgia.
>
> Mr. SCOTT. Yes.

I want to call the attention of the House to this declaration:

> Mr. HYDE. And what applies to Georgia applies in very much the same way to every other cotton-producing State, great and small. Now, the acreage this year unquestionably is a little higher than it was last year.

Mr. Speaker and gentlemen of the House, those are the only data furnished in this paper upon which anybody can estimate or guess whether Mr. Hyde was too high or too low in his figures. He says that in Georgia five sources of information put it at 50 per cent more than last year and one puts it at 39 per cent; and that applies, he says, practically to all the other States. Let us see, now, what becomes of it. Taking Mr. Hyde's statement before the committee, on page 2, that I have just read, if Mr. Hyde had taken the estimate from the five sources estimating the crop at 50 per cent greater than that of 1903, his report on the total should have been for Georgia 1,929,436 bales, which is 164,563 bales more than he reported for Georgia in that December report. Of course the 5 per cent for increased acreage was added to that, and it is claimed that in Georgia it was 15 per cent larger. Now, I have taken the smallest per cent of increase that Mr. Hyde has given and applied it to my State. He should have given 1,929,436 bales. He only gave 1,764,000 bales for Georgia. Had he taken the one class of reporters estimating the increase at 39 per cent, his report should have shown for Gerogia 1,792,508 bales, which is 27,605 bales more than he did estimate for Georgia. He says in this report that he exercised his judgment in determining these matters and that he usually took the mean or go-between. Did he take any mean or go-between here? He was 200,000 bales short of the bulk of the reporters of Georgia, five to one. Taking the figures from the smallest report, from the planters, at 39 per cent, he was 27,665 bales below his report December 3. So, I say, he ought to show to this House and to the world how he got his report for Georgia. That is just the information that I asked for in the resolution, but he failed to give it.

I ask that the House give me their attention for a minute that it may appreciate this wild business on the part of somebody. I am not charging it to Mr. Hyde, I am not charging it to the Department of Agriculture, I am not charging it to the Census Bureau; but I suppose that it is chargeable to the information that this Department and Bureau received from somebody, and that is one reason why the resolution was introduced, to ascertain who it was that furnished the information, so that if they were leading Mr. Hyde and the Census Bureau into a mistake this House could suggest to the Secretary of Agriculture that he ought to revise his list of informants.

Had Mr. Hyde taken the estimates, reporting 50 per cent or more increase with 5 per cent added for increased acreage, and applied it to all the cotton-producing States, as he said it was applicable, his estimate for the total crop would have been what? Twelve million one hundred and sixty-two thousand bales? No. It would have been 15,517,050 bales. About 3,355,050 more than he estimated the crop.

Mr. BURLESON. Your complaint now is that he made it too low?

Mr. LIVINGSTON. I am not complaining. I hope the gentleman will not go off halfcocked about the matter. I am complaining because the committee did not demand of him upon what information he relied. His estimate of the total crop, had he taken the 39 per cent, the lowest amount for Georgia, which he said was applicable to the other States, including the 5 per cent increase for acreage, the total estimate of cotton crop ought to have been 14,415,840 bales, 2,253,840 above his estimate. The point, Mr. Speaker and gentlemen, is simply this, and I trust that you can see it, and I trust the chairman will explain it if he can. His own figures, 50 per cent and 39 per cent greater, taking the information upon which he bases his estimates, his report should have been 15,517,050 bales; if the smallest report is correct, then it should have been 14,415,840 bales. Now, let Mr. Hyde take either horn of this dilemma that he will. Still, my resolution is here asking the question Where did you get it?

Now, Mr. Speaker and gentlemen, you can well see that Mr.

Hyde did not take either of these estimates given him, neither the 39 per cent or the 50 per cent for Georgia. How did he get his estimate in bales for Georgia? It is just as much of a mystery to-day as it was before the committee handled the resolution.

Ah, but some man will say, as was said to me this morning, "Suppose Mr. Hyde had followed his information and had given out 14,415,840 bales, which was the lowest estimate made to him, there would have been a panic sure enough." Well, Mr. Speaker, it could not have been much worse. When the ginners' report was filed it did come that his statement was inaccurate, or the ginners' report was inaccurate. I have made no calculations on the mean, for it is not necessary. He said before your committee, in answer to your question, "I usually take the mean between the extremes and make a report." He did not do it here, because the mean difference between 15,570,000 bales and 14,415,840 bales would be somewhere about thirteen and one-half millions; that would have been an average between the high and the low. But he did not take it. Why did he not take it? That is what my resolution calls for. "Mr. Hyde, why didn't you give to the committee this information, why is it that this committee comes in this morning——"

Mr. RICHARDSON of Alabama. Will the gentleman from Georgia yield to me?

Mr. LIVINGSTON. I will if I can hear the gentleman.

Mr. RICHARDSON of Alabama. I want to know from what class of farmers comes this dissatisfaction as to the report of the Department of Agriculture?

Mr. LIVINGSTON. I refer the gentleman to the newspapers of his own State and to all the newspapers of the South.

Mr. RICHARDSON of Alabama. You say that your resolution is based upon the dissatisfaction of the farmers of the South?

Now, is it not a fact in Georgia, as well as in my State, Alabama, that the "share-croppers," as we call them, and the small farmers, sold their crops at the beginning of the season for 10 and 10.10 and 10.20, and secured generally the highest price? Now, are they dissatisfied? I ask the gentleman from Georgia [Mr. LIVINGSTON] if that is the element which is dissatisfied, and is it not a fact that the same class sold their crops in his State at a high price?

Mr. LIVINGSTON. Mr. Speaker, I understand that in the South the men who were squeezed with mortgage and other debts sold their cotton early, and they are not hurt except in one way—yes, they are hurt, and it ought not to be forgotten. They will be notified next year, with 6-cent cotton, that they will have to give better collateral, and the merchants will notify them that with 6-cent cotton they will have to have better collateral than cotton.

Mr. RICHARDSON of Alabama. I do not see any objection to the gentleman's proposed investigation, but I ask these questions for information, to find what class are dissatisfied.

Mr. LIVINGSTON. If the gentleman will take the Montgomery papers and the Birmingham papers——

Mr. RICHARDSON of Alabama. Oh, I take those papers, but they do not represent all the farmers of the country.

Mr. LIVINGSTON. No, I do not think they represent all the farmers any more than they do the gentleman and myself.

Mr. RICHARDSON of Alabama. The class I refer to received generally 10 and 10.20 for their cotton, and many as low as 9 and 9.50 cents per pound.

Mr. LIVINGSTON. Oh, Mr. Speaker, I will let the gentleman make his speech in his own time.

Mr. RICHARDSON of Alabama. Mr. Speaker, I am just asking for information. I am not making any speech at all.

Mr. LIVINGSTON. Mr. Speaker, the last gin report made by the Census Office, which was made on the 28th of December—the Hyde report coming out on the 3d of December previous—reports some 30,000 gins, in which they had ginned up to that time——

Mr. LOVERING. Mr. Speaker, I think the gentleman is mistaken—that they had ginned up to the 13th of December.

Mr. LIVINGSTON. That is what I mean to say.

Mr. LOVERING. That is what the gentleman did not say.

Mr. LIVINGSTON. That the ginners had ginned up to the 13th of December not quite 12,000,000 bales of cotton; and I desire to suggest that if the gin report is correct that Mr. Hyde's estimates are awfully out of joint. I want to say about that ginning business—for I have been in it all my life—that the gins of the South, to have ginned that amount of cotton up to the 13th day of December, would have to have ginned 666 bales each, upon an average, more than they did in the same time the year before. I am not here to say that they did not do it or that they could not do it.

Mr. Speaker, this country wants the best service from the Department of Agriculture that we can get, and it is the first time in the history of that Department that an effort has been made to get accurate information from them, and they have shut the door in the face of Congress through their committee. I can not remember the report exactly as it was read from the desk; but, summing it up, that committee says that it is satisfied with the conduct of the Department of Agriculture in reporting cotton estimates. I believe that was the substance of the report. Mr. Speaker, it makes no difference whether the committee was satisfied or not. The question is, Is the country satisfied with this, and has the country, through its Representatives on this floor, the right to inquire? I think it is only so much the worse for the Department of Agriculture when they hesitate to give to Congress anything in the way of information touching upon their reports.

If the Agricultural Department had come in with the right kind of an answer through this committee to the House, I was prepared, with the help of other Members on the floor of this House, to have suggested to the Department of Agriculture how it could widen its inquiries and help the poor cotton producers of the South, whose markets have been fixed in Liverpool and New York for forty years, with two exceptions, and a great part of that time were compelled to sell their cotton below the cost of production. Mr. Speaker, to-day the price of cotton is fixed for next November and next October in Liverpool and New York. We are at their mercy. It is true the South has its own remedy if she can be persuaded to adopt it. If the Department of Agriculture would permit an humble Member of the House on the floor in his place to suggest some things that it might do, I shall suggest one, and I hope the gentleman from Massachusetts [Mr. LOVERING], who I see has asked for time, as a spinner will suggest others. There is pending at present before the Committee on Ways and Means a bill to take the tax off alcohol. If that bill is passed the producers of smokeless powder will consume 600,000 bales of cotton next year. There are many other such enterprises opening up to the poor cotton raiser of the South, if the Department of Agriculture would quit their estimating of crops long enough to get out into the world and indicate to the cotton grower where this cotton can be used and how it can be used. The poor producer of cotton is not the only man hurt in those reports, when they come in that manner, unexpected, upon the market, crushing it or elevating it without the bounds of reason. Last year it was rushed up to seventeen and one-half on a ten million crop. This year, on Mr. Hyde's estimate of twelve millions, it is rushed down to six and a quarter, and some parties in New York affirm that they will put it to five and a quarter cents before the season closes.

It is the way in which these reports come that hurts so much rather than the actual amount estimated. Now, Mr. Speaker, I insist that the Committee on Agriculture, and it is the only body I can reach and they did not seem to be friendly, and I ask the chairman of the committee as a patriot, I ask him as a national man and not as a sectional man, to call the attention of the Secretary of Agriculture to the fact that he ought to do for cotton what he has done for corn and butter and other things across the waters as well as at home. Why not let him spend part of his time and resources seeking new markets and new enterprises for the use of cotton? I had hoped that this matter might come legitimately before the House without this motion to table, so that we could have gone into the matter and given us the chance to discuss the wonderful development going on all over the world every day where new enterprises are springing up demanding cotton, cotton, cotton. I have a statement on my desk here from some Massachusetts spinners that have had to go into bankruptcy, and they charge it on account of the fluctuations made by speculators on these reports. Is it possible, gentlemen of the committee and of the House, is it possible to have these reports so come that they can not do that? That is all we pray for, that is all we ask for. I understand there are no such reports made as to wheat and corn. They have easy, smooth sailing; no great fluctuations. A short crop in wheat pushes it up gradually, and a long crop of wheat pushes it down gradually. That is legitimate; that is meeting the supply and demand question; but here when you can deduct $20 a bale in twenty-four hours out of 5,000,000 bales of cotton, I want to ask this House, Is that the kind of report to have, whether it be right or wrong?

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has fifteen minutes more.

Mr. LIVINGSTON. I reserve it.

Mr. WADSWORTH. Mr. Speaker, just one word. If the House will read the preamble of this resolution they will notice it states this:

Whereas there is great dissatisfaction and want of confidence in the report on cotton acreage and production by the Department of Agriculture, etc.

Now, the committee, in answer to that, felt it its duty, first, to inquire into the methods employed by the Deparment of Agriculture in gathering together these satistics upon which they base their report. The House will notice its methods are recited on page 2 of the hearings, and they are uniform in all the cotton States. Secondly, as to the accuracy of the results arrived at. On page 9 you will find the estimates for the last five years and on page 10 the statement that during the last five years the Department of Agriculture was only 152,952 bales out of the way on the average of each year.

Mr. LIVINGSTON. What was it in 1901?

Mr. WADSWORTH. We base our report, Mr. Speaker, on the methods employed by the Department in gathering these statistics and upon the results as brought about when prepared that way, and therefore we claim that the public has no reason for entertaining a want of confidence in the Department of Agriculture's statistics. And, further, I wish to say, in answer to the gentleman from Georgia, that the Secretary of Agriculture did not attempt to conceal anything as to his methods or results.

Mr. LIVINGSTON. May I ask the gentleman why they did not add in the report of 1901, which was a million short?

Mr. WADSWORTH. I can not state the reason right here. On page 9 the House will get the full information.

Now, Mr. Speaker, I yield twenty minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, at the outset, I desire to assure the membership of this body that the Committee on Agriculture has no disposition whatever to conceal or smother anything, as has been insinuated by the gentleman from Georgia [Mr. LIVINGSTON]. We have no objection whatever to making known all information with reference to the cotton estimate of December 3, within the keeping of the Statistician of the Agricultural Department, but your committee after a careful hearing, the full report of which is before you, reached the unanimous conclusion that it was wholly unnecessary to report favorably the resolution under discussion.

I will now attempt to give you the reasons moving us to reach this conclusion. On the 3d of December Mr. Hyde, the Statistician of the Department of Agriculture, gave out his estimate of the cotton crop for this year as 12,162,000 bales of cotton. If this estimate was correct, it was the largest cotton crop grown in the history of the cotton industry. If correct, it would be far-reaching in its consequences, and necessarily there would be dissatisfaction in some quarters, and of course the result of this announcement depressed the market price of the staple. But the inquiry very pertinently arises, where will this dissatisfaction come from? In effect, this same inquiry was propounded by the gentleman from Alabama [Mr. RICHARDSON] to the gentleman from Georgia [Mr. LIVINGSTON] a moment ago, and you noticed that no response was made thereto. I will now tell you where this dissatisfaction could certainly be located. Every cotton speculator, every cotton gambler, who was upon the bull side of the market was sure to be dissatisfied. Furthermore, every producer of cotton throughout the cotton region who was still holding his cotton in anticipation of a higher price, thereby in a measure becoming a speculator himself, would naturally be dissatisfied. I confidently assert that neither the gentleman from Georgia [Mr. LIVINGSTON] nor any other person can name one single producer of cotton who, content to receive the legitimate price for his staple, the price fixed by the law of supply and demand, and who sold his cotton as he gathered it, is now voicing dissatisfaction with the Bureau report.

The gentleman from Georgia [Mr. LIVINGSTON] complains that when this estimate was given out there was a slump in the price of cotton. He contends that if the Bureau of Statistics had indicated in November a heavy crop both the spinner and producer would have been better prepared. Ah! the estimate seems to have come too late. If anyone was seriously hurt by this slump, whose fault is it? Was his injury occasioned by reason of the fact that he had bought cotton or by reason of the fact that a great quantity was being held by the producer for a higher price? Was it occasioned by the fact that the Bureau of Statisitcs had misled anyone as to the true condition of the crop prospects? Let's be honest in our search after the truth, and see if the Statistician of the Agricultural Department deceived us. The very first crop estimate given out by the Bureau of Statistics promised 85 per cent, signifying, as said by the gentleman from Georgia [Mr. LIVINGSTON], a large cotton crop. In June the crop condition was reported at 88 per cent, which, he says, promised a still larger crop, and thence followed the Bureau's estimate of this crop, one after the other, in such a way as to clearly indicate to those who produced and those who consumed cotton that this year gave promise of a bumper crop. The very last estimate by percentage given out by the Bureau in October indicated even a larger crop than was announced by the Statistician in the December estimate, and yet the gentleman from Georgia [Mr. LIVINGSTON] complains that sufficient warning was not given.

Now, gentlemen, should anyone be heard to complain? If I, a producer of cotton, did not give heed to these most valuable statistics which were being issued by the Department of Agriculture, but, on the contrary, disregarded them and failed to sell my cotton as I gathered it, and hoping for a higher price held it, thereby placing myself in the attitude of a speculator in this great product, should I be heard to complain when the final estimate of the cotton crop does not happen to fit the necessities of my situation? Or, if one tinkers with the bucket shops and when the psychological moment arrives finds himself on the bull side of the market with a bumper crop assured, should we heed him when he cries aloud? I reiterate the statement that no grower of cotton who was content to receive the legitimate price for his product—that is, the price fixed by the law of supply and demand—and to sell his crop as he gathered it, will be heard complaining at this time.

Mr. HARDWICK. I want to ask the gentleman this question: While it may be proper to collect such statistics on the supply of cotton in order to maintain the equilibrium, to ascertain how the law of supply and demand is operating would it not be the gentleman's idea that it would be better to also gather statistics on the amount of demand for cotton?

Mr. BURLESON. Do you mean statistics relating to cotton consumption?

Mr. HARDWICK. Yes, sir.

Mr. BURLESON. I certainly do, and on yesterday I introduced a joint resolution directing the Census Bureau to collect and publish the very statistics the gentleman has in mind. I believe it will benefit both the cotton grower and the cotton manufacturer.

Mr. HARDWICK. I understood that to be the position of the gentleman.

Mr. GAINES of Tennessee. You have mentioned two kinds of speculators here, one whom you call the cotton exchange speculator or cotton gambler, and the other the man who is holding his cotton for a higher price. If that man is the grower and is holding his cotton, do you call him a speculator?

Mr. BURLESON. Any farmer who when he gathers his cotton does not sell it, but holds it in hope of securing a higher price, becomes a speculator, and unfortunately for me I am, this year, one of that kind—I still have mine. Now, gentlemen, this trouble has been caused——

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him another question.

Mr. BURLESON. I will remind the gentleman that I have only a few minutes, but——

Mr. GAINES of Tennessee. Then I will not interrupt the gentleman further.

Mr. BARTLETT. I would like to ask the gentleman one question.

Mr. BURLESON. I have only a few minutes, but I yield with pleasure to my friend from Georgia——

Mr. BARTLETT. I do not think the gentleman cares to put himself in the position of saying that the farmers who sold their cotton early did not sell it at a legitimate price, and that he thinks the present price is a legitimate price.

Mr. BURLESON. I have evidently failed to make myself understood. I firmly believe the present price of cotton is below the cost of production, but I hope and believe it will remain so only temporarily.

Now, gentlemen of the House, having ascertained who it really is that is dissatisfied, let us locate, if possible, the first cause of all this trouble. The truth is this dissatisfaction has not been occasioned by the act or acts of any governmental bureau.

I will tell you where the trouble comes from. Last year we produced approximately a ten-million-bale cotton crop, which was far short of the quantity required to meet the necessities of the commercial world. The Bureau of Statistics of the Agricultural Department and the Census Bureau, faithfully reporting the truth, promptly gave out information indicating this small crop. What was the natural result? When the final estimate was made the price soared. The gentleman from Georgia has said

it reached 17½ cents per pound. No complaint was then heard from any ginner or producer; no whining then except from cotton speculators or bucket-shop gamblers who happened to be on the bear side.

Mr. LIVINGSTON. Did not the Secretary of Agriculture complain?

Mr. BURLESON. No, sir; he expressed the opinion that the price was abnormally high, and that it would probably result in injury to the industry. I think myself such a price, so unusual, ultimately results in injury to the grower of cotton, as I was attempting to show when interrupted by the gentleman from Georgia. What was the result of that high price? The result was an increase in the acreage planted in cotton throughout the cotton region. In Texas, which is the greatest of the cotton-growing States, it has been estimated that this increase of acreage was as much as 10 per cent. Following this increased acreage came a most favorable season for growing cotton, and following this increase of acreage and this favorable season for growing cotton was the most exceptional season for gathering the crop which has been known for years. With these three factors entering into the cotton equation, the result was as certain as that "night doth follow day" that we were to raise a bumper crop. I believe to-day that the South has probably raised the largest cotton crop known to the history of the trade.

Last year's short crop, with its abnormal price, was the real cause of this year's bumper crop.

Furthermore, 17½-cent cotton then brought into existence the British Cotton Growers' Association and like bodies in France and Germany, which were promptly organized for the purpose of growing cotton, if it was possible to do so, in Africa and other of their colonial possessions. This was a threatened injury to the cotton grower, and it may be that this crop at present prices will not prove altogether an unmixed evil, for these efforts will now probably be abandoned. Last year the Census Bureau reports and the final estimate of the Agricultural Department disclosing a short crop were followed by higher prices. This year they disclose a large crop and are followed by lower prices. The question arises, If the real facts were made known then shall the truth be made known now?

I say that the truth should be made known at all times. I contend that it is to the interest of the producer of cotton that the true condition of the cotton situation should be at all times known. For myself I can not see by what process of reasoning any man, having the interest of the grower of cotton at heart, can reach the conclusion that the concealment of the truth is in the interest of the men who raise the cotton and the spinner who consumes it. I can well understand why one who has tinkered with the bucket shop and, by being on the bear side last year or on the bull side this year, might cry out against these reports and should want to muddy the waters or conceal the truth.

I will tell you why the cotton grower is interested in the truth being known even under the present distressing conditions. It is true there is a temporary depression in the price of his staple. I verily believe this temporary depression can be counteracted if those who hold the surplus cotton in the South will continue to hold it at this time. This depression of price can be further counteracted if the grower of cotton will cut down the acreage planted in cotton the coming season. They could not act with intelligence if they did not have knowledge of actual conditions.

The information they have received from Secretary Wilson's Department and Director North's Bureau will enable them to act advisedly. They are holding at this time, and declare their purpose to decrease the acreage, and already the price of cotton is on an upward trend.

The distinguished chairman of the Agricultural Committee [Mr. WADSWORTH] has said that he sometimes doubts the wisdom of the Government in making these estimates.

The gentleman from Georgia [Mr. LIVINGSTON] has said "that the South will demand their abolishment unless they are made more frequent and more accurate." He has also said "that the Department of Agriculture should quit estimating long enough to tell the farmer how to find new uses for his product."

Mr. Speaker, the intelligent producers of cotton will never consent to the abolishment of the work being done by the Bureau of Statistics and the Bureau of the Census, and in my opinion no true friend of the cotton grower will attempt to hamper them or will be instrumental in destroying confidence in the verity of their reports.

Too well do the cotton producers remember the period before the Government undertook to gather and publish cotton statistics. Then the market price of this great product, which is of vital concern to millions of our citizens, both North and South, was largely fixed by the foreign spinner, the cotton speculators, and their inseparable ally, the professional cotton-crop estimator. I have often been their victim and know whereof I speak.

Frequently, yes more often than otherwise, the short crop was marketed at low prices, and when the bulk of the crop had passed out of the hands of the grower the truth was ascertained. Higher prices would then come, but always too late to benefit the farmer. He was the constant victim of these estimates, exaggerated as they were for the purpose of depressing the price of his staple. There was no relief for him except through the instrumentality of his Government. It was at the instance of the producers of cotton that the Department of Agriculture has undertaken this important work of estimating the cotton crop, and in order to insure the highest degree of accuracy possible the Census Bureau was authorized to gather and issue the ginners' report. What has been the result of their labors? So accurate have been the estimates of the one and so complete the reports of the other that these professional cotton estimators have been thoroughly discredited and have practically been driven from business. I could call their names. Some of them, the avowed representatives of the Lancashire spinners, invariably overestimated the crop from half a million to two million bales. These two Bureaus have proven of inestimable value to the grower as well as to the consumer of cotton, and neither will be discontinued, and at all times they should be free from attack by those who have their own best interest at heart.

The gentleman from Georgia [Mr. LIVINGSTON] further complains that the Bureau's estimate of December 3 is higher than the average of estimates heretofore made by the Liverpool and other cotton exchanges throughout the country. That is true, but the ginners' reports issued by the Census Bureau since then confirms the correctness of the Bureau estimate, and shows conclusively that it is more accurate than all others; and to meet this embarrassing situation the insinuation is thrown out that the Census Bureau's ginners' reports are all wrong. It is said that the president of the National Ginners' Association says so. Well, that is an issue which could easily be put to test, and the Census Bureau invites it. All this I have said in order to show what basis there is in fact for all this dissatisfaction about which we have heard so much.

Now, gentlemen, I will address myself to this resolution, giving you your committee's reason for the recommendation they have made. In the first place, more than three years ago, at the time the census act was under discussion by Congress, there was placed in the RECORD by the senior Senator from Iowa [Mr. ALLISON], a letter addressed to him by the Secretary of Agriculture, giving in full all sources and kinds of information upon which the statistician based his crop estimates.

This letter, which I brought to his attention, gives exactly what the gentleman from Georgia asked for in his resolution, except that part asking for all data in detail upon which the estimate was based. This latter request your committee regarded as wholly unnecessary and impracticable. In the first place, as was said by the statistician in the hearings before the committee, to comply with that part of the resolution would call for the printing of a wagonload of letters and reports. This being manifestly impracticable, what remained for your committee to do? We substantially comply with that part of the resolution by having the statistician take a typical cotton State, the gentleman's own State—Georgia—and have him give in detail the estimates from every source of information used by him in making his final estimate of the crop in that State. All this is printed, furnished the gentleman from Georgia, and placed in the hands of every Member of this House. It was a compliance with the spirit if not the letter of this resolution.

Now, permit me to show you the care and accuracy of the Bureau of Statistics in making its crop estimate.

First, what are the sources of information upon which the Statistician bases his estimate? I will name them, and I want the gentleman from Georgia [Mr. LIVINGSTON] in his fifteen minutes' reply to put his finger upon one flaw in the system, or point out a single means by which the estimate can be improved. If he will do that instead of coming here and blindly attacking it he may render a real service to the producer of cotton. In my opinion, to come here and make an assault upon this system without any effort whatever to point out means by which it can be improved is to do an injury to the producer of cotton.

Now, let us take the State of Georgia and scrutinize the Bureau's sources of information in that State upon which it relies in making its estimate of the crop. In the first place, it

has in that State a State statistical agent who transmits to the Bureau after careful investigation his estimate of the crop. What character of man is he? He is an ex-governor of that State, a Democrat serving under a Republican Administration. From this fact it is evidently the purpose of the Agricultural Department to get only those of intelligence and character, whose estimates would be honest and would command the confidence of the people. The State agent makes his estimate and sends it to the Chief Statistician.

Mr. LIVINGSTON. What was his estimate?

Mr. BURLESON. I can give it to you in a moment.

Mr. LIVINGSTON. That is one of the things we have been trying to get.

Mr. BURLESON. It is in the hearings which are made part of the committee's report on your resolution. His estimate was 206 pounds of lint cotton per acre in the State of Georgia.

Now, what next? The Bureau also has its county correspondents; each sends in his estimate for his own county, and all these are averaged. Remember that this system has been long building up, has been going through years of improvement, constantly eliminating those correspondents who have been found to be least accurate or who, for any reason, have not given accurate estimates of the crop coming within the scope of their jurisdiction. It has county correspondents covering every county growing cotton in Georgia.

What next? It has its township correspondents in every township in Georgia, each making his estimate and all subsequently being averaged. It also secures the estimates of the ginners, and these, too, are averaged. These estimates are not the ginners' reports which are furnished the Census Bureau. The census deals only with the cotton actually ginned, but the ginners furnish the Bureau of Statistics with the amount ginned to date and also the amount yet to be ginned. It also secures estimates of the bankers and merchants and of the planters themselves, and, last, it has its own special field agents, who also furnish an estimate—seven sources of information, each independent, neither one of them in touch with the other.

Now, gentlemen, I want to show you how accurate these sources of information are. In this very estimate of December 3 from Georgia the township correspondents estimated 203 pounds of lint cotton per acre; the State statistical agent estimated 206 pounds of lint cotton per acre; the ginners estimated 212 pounds; the bankers and merchants, 205 pounds; the special field agents, 205 pounds; the county correspondents estimated 203 pounds per acre, and the planters themselves estimated 221 pounds per acre, the highest estimate that was made for the State of Georgia.

Note the marvelous uniformity of these estimates. It is not at all strange that with this system, which is very near perfect, an expert statistician could take these estimates and reach a result approximately close to the crop to be made. The statistician adopted 205 pounds per acre as his estimate, 2.9 pounds below the mean average, and in this report he gives his reason for so doing.

Now, because the Statistician did not take the highest estimate, because he did not take the planters' estimate, can the gentleman from Georgia [Mr. LIVINGSTON], who represents a cotton-producing constituency, be justified in complaining? The gentleman from Massachusetts [Mr. LOVERING], who is a spinner, might complain, but not the gentleman from Georgia, if he has at heart the real best interests of his constituents.

Mr. LIVINGSTON. I have made no complaint, sir.

Mr. BURLESON. He makes no complaint, but is dissatisfied. The complaint originally made was that this estimate of 12,162,000 bales, made December 3, was 600,000 bales too high. Following, as it was sure to follow, came the Census report of the ginners to December 13, which shows 11,971,477 bales ginned, a confirmation of the Bureau of Statistics estimate. As a matter of fact, it shows the estimate to be too low rather than too high. Will the gentleman complain because it is too low? And still there is talk about dissatisfaction! The dissatisfaction can only come from the source that I have indicated. I have here a letter that has just been handed to me by the chairman of the Committee on Agriculture, a letter addressed to Mr. Hyde, the Statistician. It is from the president of the Texas Cotton Growers' Association, of Texas. I will read it. It is dated January 2, 1905:

MY DEAR MR. HYDE: As the year rolls by and has shown conclusively that your estimates of December 3, which proved so disastrous to the cotton-growing interests of this country, were nearer right than were anticipated at that time, I wish to congratulate you on same, and to show our appreciation had resolutions passed yesterday at Dallas approving and recommending your Bureau.

I, like the balance of the cotton world, was entirely unprepared for any such enormous crop, and now the only question before us is to handle and protect same, so as to secure a living price for our products.

With best wishes, etc.

This letter surely does not indicate dissatisfaction on the part of cotton growers, but it does testify to the accuracy of the Bureau's estimates, and bearing further on their accuracy I avail myself of the privilege accorded me by the House and will embody here a letter recently addressed to me by the Statistician:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF STATISTICS,
Washington, D. C., December 31, 1904.

SIR: In compliance with your recent request, I have the honor to send you the following table, showing for each of the last five years this Department's preliminary estimate of the cotton crop of the United States, as published in December of each year, exclusive of linters and sample cotton, and the total amount of cotton, inclusive of linters and sample cotton, marketed in the corresponding years:

Year.	Estimate of actual growth, as published in December, exclusive of linters and sample cotton.	Commercial movement, including linters and sample cotton.
	Bales.	*Bales.*
1899	8,900,000	9,142,838
1900	10,100,000	10,401,453
1901	9,674,000	10,662,995
1902	10,417,000	10,725,422
1903	9,982,089	10,111,417

The estimates of the amount actually grown are not strictly comparable as they stand with the so-called "commercial crops," which represent the amounts marketed, inasmuch as each commercial crop includes not only from 2½ to 3 per cent of linters and sample cotton, known commercially as the "city crop," but also cotton brought forward from preceding years and so much of the crop of the succeeding year as may have been marketed prior to September 1; while, on the other hand, a deduction has to be made for cotton of that year's growth marketed during the preceding commercial year or carried forward to the year following.

Independent of these adjustments the Department's preliminary estimate of the crop of 1899, made, it should be remembered, before the entire crop was gathered, differed only 2.6 per cent from the amount marketed that year; that of the year 1900, 2.9 per cent; that of 1902, 2.9 per cent, and that of 1903, 1.5 per cent.

Only once in the last five years, namely, in 1901, was there any wide discrepancy between the Department's preliminary estimate of the amount grown and the commercial crop. That year the difference was so great—9 per cent—that a special investigation was made by field agents with a view to ascertaining its cause, and it was found that while the Department's estimate of the amount grown was 989,000 bales less than the commercial crop proved to be, the estimate differed only 292,000 bales, or less than 3 per cent, from the actual crop. The reason for the apparent great discrepancy was that in addition to 172,226 bales of linters and 67,343 bales of sample cotton rebaled, the commercial crop of that year included 528,900 bales grown in preceding years and brought out by the high prices which then prevailed and 198,190 bales of the crop of the following year marketed prior to September 1, 1902; there being, on the other hand, 115,550 bales of the crop of 1901–2 marketed prior to September 1, 1901, and 154,592 bales of the same crop carried forward to the year 1902–3, leaving an actual growth in the year 1901–2 of 9,966,478. These adjustments are shown for the several States in the table at the head of page 645 of the Statistical Appendix to the Department's Yearbook, a copy of which appendix is sent herewith.

The amount of cotton held over by planters from one year to another varies considerably, as you know, as does also—although this is a less important factor—the amount of cotton marketed before September 1, and consequently included in the commercial crop of the preceding year But while for this reason there may be a considerable difference between the amount grown and the amount marketed in any single year, the totals for a series of five or more years ought not to be greatly at variance, and it is in a comparison on a five-year basis that the accuracy of the Department's figures is most strikingly revealed. The total amount of cotton marketed in the United States in the five years ending August 31, 1904, was 51,044,125 bales, while the sum of the preliminary estimates of this Department, issued annually in December, plus 2½ per cent for linters and sample cotton (admittedly a conservative estimate), was 50,279,365 bales, a difference of only 764,760 bales for the five years, or 152,952 bales per annum. When it is remembered that in not a single one of these five years did the Department overestimate the crop, this close correspondence (within 1.5 per cent) becomes all the more significant.

With regard to the ginners' reports published at frequent intervals by the Bureau of the Census, I not only regard them as of the utmost value in themselves, but I consider the continuance of their publication by the Census Bureau as absolutely essential to that perfect cotton-reporting system which the magnitude of the cotton interests of the country demands, and which I fully believe will in the very near future be so strongly intrenched in public confidence that nothing can discredit it.

Very respectfully, yours,

JOHN HYDE, *Chief of Bureau.*

HON. A. S. BURLESON,
House of Representatives.

I confidently assert that for the five years this Bureau has been in existence it has been more accurate in its estimates of the cotton crop than any other estimator, be he the representative of foreign spinners, or of the New York Cotton Exchange, or any other exchange.

Mr. Speaker, there is no reason why this resolution should be adopted and every reason why it should be disposed of as recommended. We have indicated to the author of this resolution, not alone the general plan used by the Agriculture Department in making crop estimates, which was fully set forth in the CONGRESSIONAL RECORD years ago, but we also took a typical cotton State, his own State, and gave him detailed information with reference thereto, showing exactly how the Chief of the Statistical Bureau made his estimate of the crop.

Mr. WADSWORTH. And the methods employed in it.

Mr. BURLESON. Yes; and the methods employed, showing that in all other cotton States they were identical with the methods employed in the State of Georgia.

In conclusion, I ask the House—not that there is anything to conceal or that anything is to be covered up, but because it is wholly unnecessary to bundle before this body wagon loads of reports and letters and have them printed—that this resolution be disposed of as the Committee on Agriculture recommends—that is, be laid upon the table. [Applause.]

Mr. WADSWORTH. Mr. Speaker, I would like to ask the gentleman from Georgia if he wishes to use any of his time now?

Mr. LIVINGSTON. I will wait to hear something first from the other side.

Mr. WADSWORTH. Then I yield twenty minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, whatever may have been the purpose of the gentleman from Georgia [Mr. LIVINGSTON] in offering his resolution, I think it must be apparent to him now that the estimate of the Bureau was not excessive. I believe that the reports of the Bureau of Agriculture and the Director of the Census are accurate and are of incalculable value to both the grower and the spinner of cotton. I do not think there is any necessity even to go to them to find out what the crop of cotton was during this season. There are estimates made entirely outside of the Department which tally wonderfully well with those that are made by the Department. Take the Financial Chronicle, of New York—I do not believe there is an organ in this country that takes more pains and spends more money to get an honest estimate of the acreage and of the crops and products of this country than does that paper. This journal gave out its estimate of cotton acreage as over 32,000,000 acres.

It was apparent to men accustomed to figure on the cotton crop that under favorable conditions there would be an enormous crop this year. Taking the increased acreage and the periodical reports of the condition of the crop, running as they did very much higher than last year, it was perfectly possible to figure out the relative increase in the crop provided nothing happened to give it a setback. Nothing did happen.

As long ago as last June it was estimated that if this crop should turn out at the rate of 200 pounds of lint to the acre, which was a reasonable amount then, with the 32,000,000 acres planted, it would amount to 13,000,000 bales; and I can easily understand how as it goes up to possibly 220 pounds of lint, it will be nearer 14,000,000 bales than 13,000,000 bales to-day.

Another consideration not to be lost sight of is the very high character and grade of cotton grown this year. Among cotton men middling upland cotton is regarded as the standard grade, and when we hear of cotton quoted on the cotton exchanges it means middling upland cotton. It does not mean that the farmer has got to take the price of middling upland for his cotton, for the chances are that his cotton this year will grade much higher on the average. Undoubtedly more cotton will grade above middling upland this year than for many years past.

But the question is, Will this great crop prove to be a misfortune to the planter? It is hardly more of a misfortune to the planter than it is to the spinner. Let me say to you that this situation is by no means to the liking of the spinner. The truth is with this great crop hanging over him it has a tendency to unsettle market values of his products. He can not sell them to-day, and spindles are stopped and are stopping. The result is that even at the low price of cotton there will be less cotton consumed this year than there was last year. I have no hesitation in saying that a very large number of spindles are stopped all over the country to-day, particularly in the North.

Now, something has been said about speculators making the price of cotton. The speculator is not necessarily a gambler. A speculator is a calculator who measures conditions, prospects, and possibilities, and buys or sells an article on his judgment. If the speculators were to be called into court, you would call in every third cotton planter in the South. What do they do? They raise a big crop of cotton and then sell against it in the markets of New York and New Orleans. They are just as much speculators as anybody else. They hold it back, but they will not burn it. The spinners say to them: "Very well, if you want to hold back your cotton, hold it back; you can pay the interest on it, you can pay the warehouse charges on it, you can pay the insurance on it and keep it; we will take what we want and when we want it." That is the attitude of the spinners to-day. I am sorry to say it is so, but the spinner is not making any money out of this situation.

Now, what has the planter done? Allowing there are 13,000,000 bales this year, which is clearly foreshadowed by the ginners' report, he has disposed of six and a half million bales at a good price. He has disposed of it at a price which has yielded him between 9 and 10 cents a pound. If he was to sell the balance for 5 cents, just see where he stands. He will get $455,000,000 for his crop this year, which, added to $625,000,000 that he received last year will amount to $1,080,000,000, or an average of 9.40 cents per pound.

That will give him, on the two years taken together, a profit of 50 per cent. Now, show me any business in this country that can compare with that. I do not believe that the cotton spinners of the whole country have averaged to make over 5 per cent.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not rise to ask the gentleman a question about the profit he speaks of, because as a planter I would be delighted to be convinced that I have made 50 per cent profit. But I want to ask the gentleman this: Does not the gentleman think it would be right, while gathering these statistics on the one side, that we should gather them on the other side with equal freedom?

Mr. LOVERING. If I understand what the gentleman means, I should not object.

Mr. WILLIAMS of Mississippi. And that the manufacturers ought to report once a week, or at whatever time is fixed, at the same time that the other reports are made, on the amount of cotton on hand, the amount purchased, the amount spun and woven, and the amount of cotton exported meanwhile to Europe, so that the consumption side of the question may be quoted in statistics side by side with the production side?

Mr. LOVERING. Personally I would have no objection to that, though I do not think it would accomplish what the gentleman desires. I am a cotton spinner and I am interested in the running of many cotton gins; so I have interests on both sides of this question. Now, I say this, that the low price of cotton is by no means an unmixed evil. What was the result last year? From what are we suffering to-day? It is from the debauch in last year's speculation. There is no doubt of that. The high price received for cotton then stimulated an extraordinary effort to cultivate cotton to the utmost limit. The result was that every man who had an acre of land to plant planted it, and going through the South, as I did last June and as I have done this fall, I was tremendously impressed with what I found. I saw the cotton planted to the very edges of the road, and cultivated as I never saw it cultivated before. And what wonder is it? These people were told that they would never see the price of cotton below 10 cents again, and they put in the cotton. I sympathize with them very much. They prayed to God that He would send His abundant rains and give them a bountiful harvest. He has answered their prayers. They have got their harvest. They have a greater harvest than the world has ever seen, and the price of cotton will be lower, in my judgment, than the world has ever seen. But it is not an unmixed evil. With what were they threatened last year? Simply this: Every nation on earth that had use for cotton was seeking out new fields in which to grow cotton.

Now, this year has put a damper on all that, and it will discourage the movement. No matter if cotton is sold at a low figure and goes as such into consumption, there is no place on earth where cotton can be grown as well and as cheaply as in the South, and these countries will see it. The only thing that induced them to look about for new fields was the great price they were compelled to pay last year. This will stop all of that. They will not put in cotton this year; they will not plant it. Of course there are certain countries that will always do it. Egypt, India, Russia, and Brazil will always raise a certain amount of cotton, but they will not seek new fields. They would, however, if cotton had remained above 10 cents.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question right there? Does not the gentleman know it to be a fact that, in spite of all this guessing by the Department and the report of the ginners' statistics from the Census Bureau, the cotton that has come into the ports, the cotton that has come in sight each day, has been about half as much as it was last year? In other words, the receipts of cotton at ports and towns yesterday, the day before, and for a week or ten days past have not borne out the statement made by either the Agri-

cultural Department or the Census Bureau as to the twelve millions and more bales of cotton.

Mr. LOVERING. But what does that amount to? Does not the gentleman know that it is the boast of the planters in the South that they are holding their cotton to-day? Does not the gentleman himself admit that he is holding his cotton, several hundred bales that have not come forward?

Mr. BARTLETT. I admit that I have held all that I made. [Laughter.]

Mr. LOVERING. In making that reply the gentleman answers his own question.

Mr. BARTLETT. I do not think it does.

Mr. LOVERING. It shows there is nothing in it.

Mr. BARTLETT. The gentleman must know that every farmer in the South can not hold his cotton.

Mr. LOVERING. If the gentleman will have an answer I will give it to him. I can say this, that the banks in the South are helping the farmer all they can.

Mr. BARTLETT. Yes.

Mr. LOVERING. The only trouble is that banks are getting nervous and are calling in their loans and margins. The gentleman knows that, and that is what is pinching.

Mr. BARTLETT. If the gentleman will pardon me, almost every farmer who owed a bank paid it in my part of the country.

Mr. LOVERING. Oh, that may be, but there are six and a half million bales of cotton to come forward. It takes a great deal of money to carry it, and all of the farmers may not be as fortunate as those in the gentleman's own district.

Mr. BARTLETT. The State in which I live produces more cotton than any other State except Texas. I happen to come from a pretty good cotton-producing State.

Mr. LOVERING. As the gist of a love letter is in the postscript, so the gist of a resolution is in the preamble. The preamble of the gentleman's resolution complains that there is great dissatisfaction and want of confidence in the reports of the Department of Agriculture, and yet he keeps reiterating that he has no complaint to make. What, then, is all this talk about?

Mr. BARTLETT. The gentleman will permit me to say this: I think this resolution very unfortunate myself, because the report from the Agriculture Department and the Bureau of the Census would not have been borne out by the receipts from the cotton crop. But now, since we have this showing, it will probably sustain the report of the Agriculture Department and the census report.

Mr. LOVERING. The ginners' report, as made by the Director of the Census, corroborates the Agricultural Bureau's report.

Mr. BARTLETT. Pardon me; I want to say, if the gentleman will permit me, so far as the ginners' report in the district I live in is concerned, I think the Census Bureau and everyone can rely on it with absolute confidence.

Mr. LOVERING. I am glad to hear the gentleman say it. Now I want to address myself to one other phase of this question. I am absolutely in sympathy with the gentleman from Georgia and every other man engaged in raising cotton. There are many uses for cotton to which it has never been called, and it lies in the power of this House to open up new fields for the use of cotton, as the gentleman from Georgia very properly said.

The general public is probably unaware of the fact that raw cotton is the basis of many staple or useful articles in addition to those with which all are familiar. A few of such articles are smokless powder, celluloid, artificial silk, artificial leather, photographic films, etc. Grain or ethyl alcohol is by far the cheapest of the solvents necessary to the production of such articles. Many of these articles can only be produced on a paying basis with untaxed or free alcohol. We tax ethyl alcohol at the rate of $2.06 per gallon testing 94 per cent. Every first-class nation in the world has by legislation granted their industries untaxed alcohol. In fact, alcohol not used as a beverage is classified by these nations as raw material and as equally entitled to exemption from internal tax as pig iron or wool.

I have here samples of artificial silk manufactured in France. The basis of this product is raw cotton. To produce 1 pound of this artificial silk 2 gallons of alcohol converted into ether is absolutely necessary. The tax on alcohol is therefore prohibitive of the manufacture of this article in the United States. If Congress will bring our legislation, in so far as the taxation of alcohol is concerned, into line with that of Germany, France, and other European countries, we would manufacture this and similar articles on a large scale, and not only take from our surplus cotton crops several hundred thousand bales, but create employment for many thousands of workmen where none exists at present.

It may be questioned whether, since we import these articles, any more cotton would be consumed. To those who so believe I would say that the cost of these articles is now beyond the purchasing power of the consuming public. If the tax on alcohol for manufacturing purposes is removed these articles will be made in the United States and sold at a price which will enable the vast body of our citizens to purchase them.

Now, if you will take the tax off alcohol you will open up tremendous fields for the manufacture of products of which cotton is the chief component.

Mr. Speaker, I would like to add some statements to my remarks in the RECORD, if I may be permitted.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print statements in connection with his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Does the gentleman from Georgia wish to use his fifteen minutes now or will he wait further?

Mr. LIVINGSTON. I will wait.

Mr. WADSWORTH. I yield fifteen or twenty minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, this is not a new subject to me. In December, 1903, when the report of the Agricultural Department came out as to the estimated crop grown that year—0,962,000 bales—the "bear" crowd, as it is called, criticised the Department in most vigorous fashion. Among others was an article in the Washington Post, published in this city, the Post being such a conservative and reasonable paper I thought the statement should not go unchallenged, and I took occasion on the 14th of December, 1903, to make a speech on this subject, which appeared in the RECORD of that date. I want to read a part of those remarks in the line of what I am going to say to-day. Here is one paragraph of the Post article:

> When the last Government bulletin of estimates was announced the speculators ran the price up several cents. The cotton growers were naturally jubilant, but they have not been able as yet to realize anything upon their joy. The mill owners have called for a conference looking to the curtailment of production until the demand for manufactured products warrants an increase of price and warrants them in paying an advanced price for raw materials. The only beneficiaries of this gratuitous work of Government up to date appears to have been the speculators.

So you see it all depends on whose ox is gored as to what direction the cry comes from. A year ago the crowd that wanted to depress cotton was denouncing the Bureau, challenging the accuracy of its estimates, and as much as possible discrediting it. I rose then to defend the Department of Agriculture. I said then and repeat here to-day that prior to estimating by the Department of Agriculture the estimates of the growth of cotton were made every year. But by whom? By those interested in getting the cotton at the lowest prices. They were the estimators of the spinners in Europe and the exporters. They were estimated by those who were directly interested in producing the impression that large crops were grown. All the exchanges of the world universally reported the estimate of cotton grown for the current year in excess of what it turned out to be. As a rule the cotton farmer turned his cotton loose upon the price fixed by these accepted estimates. After the great bulk of the cotton had been sold by the grower the speculators organized and grabbed the remnant, and "corners" came to the country by reason of the fact that they were able to control by actual purchase the remnant of the cotton. But the farmer received no benefit from it. How were we to get estimates from a source that was not interested in magnifying the production all the time? Cotton growers individually and personally can not do this. They do not have sufficient means or resources. So we authorized the Government, through the Department of Agriculture, to do this work for the farmer. I wish to say that these estimates are marvels of accuracy when the vastness of the undertaking is considered. If you undertake to estimate how many bales of cotton will be grown, how many acres are planted to cotton in the entire cotton belt of the United States, think what a vast undertaking it is. It is impossible to be exact in the estimate of the number of bales grown, but the estimates have been so close in the actual growth as to have practically the same effect.

But on which side have they erred when they have erred at all? In every instance the estimated yield of cotton made by the Department of Agriculture has been less than it turned out to be when gathered and marketed. Who does it hurt? If it hurts anybody, it would be the spinner, would it not? It would hurt the consumer. But does it hurt the grower? Can it hurt him? Not if the best source of information that can possibly be had is to be relied upon. We have arrived at that point in the cotton world that both manufacturer and grower have learned to know the value of these reports and rely upon them, and the result is that we have information far in advance

of what the farmer used to have. Now, look at it the present year. Remember that we find in the cotton-consuming world almost famine supply. Cotton became exhausted by reason of short crops for several years. There were high prices, and there was an absolute demand for the earliest possible delivery of the present crop. No estimate of either enormous acreage or enormous yield would prevent good prices in the early stages of the present marketing season.

But let us examine whether the Department of Agriculture has been worth anything to the growers or not. Let us see whether or not their estimates have been of value to the farmer. The first estimate of condition is to May 25. That estimate includes the acreage and the condition of crops to that time and is made public usually June 3. This year the enormous total of 31,700,000 acres, in round numbers, was reported on the 3d day of June as having been planted to cotton, and the average of condition as reported at that time was 83 per cent of 100—100 being perfect. Take the acreage reported, and consider that it will make a crop which is indicated by the 83 per cent, and you have in the neighborhood of 15,000,000 bales of cotton. Does not the farmer see from the very first report that an enormous acreage was planted and that an enormous yield was promised?

Now, take the report for June, which is made on the 3d day of July. It was 88 per cent of a possible 100, an improvement over the June condition on this enormous acreage. What next? In July 91.6 per cent, the highest condition report ever made on any record yield.

The July condition, if maintained to gathering time, would have meant between fifteen and sixteen million bales of cotton. Did the farmer not have notice that he was making the greatest crop in the history of this country? Did he not have notice that the earliest picking and the earliest marketing was to his interest?

What next? Take the report for September, which includes the August condition, and what was it? Eighty-four and one-tenth of a possible hundred. That would still mean over 15,000,000 bales. On the 1st day of September our friends in Georgia and in Texas were actually ginning and selling cotton. Was it not to their interest to do so, when they discovered that the crop report warranted a possible 5-cent basis? Was it not to their interest to market the crop with the greatest possible rapidity? Now, what was the condition on the 1st of October, which gave the September condition, which is the last report issued, because the growing season is over? It was 75.8 per cent of perfect. The condition on the 25th day of September plainly showed that if maintained it meant in the neighborhood of 14,000,000 bales. Many hundreds of thousands of bales had been gathered and ginned at this time and were then ready for market, and here is a reliable Government authority telling the farmers that the United States this year is going to make probably 14,000,000 bales, showing it was to their interest to rush the cotton to market and to sell it. Without the evidence contained in these reports, what were the facts as printed in the newspapers in the month of August?

You may take the gossip of the New York Cotton Exchange, just as we got it through rumors and reports, that cotton was rapidly deteriorating, and cotton contracts for January went from 9.25 in July to 11.16 and 11.17 on the last days of August. Why? Because the manipulators and speculators were behind the move to put up prices and flooded the country with all sorts of crop-damage reports, which caused many growers to believe in great deterioration, and as a result that they would get 11 to 12½ cents per pound for their cotton, and many held back for these prices, believing the statements of the manipulators instead of accurate information from the Bureau. On account of the great scarcity of both cotton and cotton goods there was a great demand for the first cotton to come into the market this season, and this alone prevented a great slump in prices much earlier than it came. The spinners fully believed in a record crop, but their necessities were so pressing that they were willing to give good prices for early deliveries. The wise farmer believed the statements of condition and acreage pointed to a record-breaking yield, and he rushed picking and ginning and sold early and made good profits on his year's toil. But those who relied on the estimates of private sources and held have only themselves to blame.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. BARTLETT. How was it when the report of the Agricultural Department giving it at 90 per cent came out on the 7th of December?

Mr. SIMS. On the 3d of December.

Mr. BARTLETT. How could the farmers know what the excess would be before then?

Mr. SIMS. I was showing from the report that the condition indicated a larger crop than the final estimate. All that was necessary to see what size crop was indicated was to make a simple calculation. No accurate estimate of the size of the crop can be made until the growing season has past. As long as the plant is growing and maturing fruit it is not beyond damage by frost. The Department of Agriculture can not make a final estimate of the crop until the growing period is over in all parts of the cotton belt. Hence the 1st of December is as early as anything in the way of a reliable estimate can be made.

Mr. BARTLETT. Most of the cotton was picked on the 3d of December—picked, if not ginned.

Mr. SIMS. The greater portion of it picked, and a great portion of it ginned.

Mr. BARTLETT. Does not the gentleman know that on the 3d day of December there was very little cotton not picked; that it had been a most unusual season for gathering and picking cotton, and that, therefore, on the 3d day of December, when this report came out, that anybody could know what the condition of the crop was, so far as that was concerned, only as it was ascertained what it would be?

Mr. SIMS. Certainly.

Mr. BARTLETT. It was planted, cultivated, and gathered.

Mr. SIMS. Certainly.

Mr. LOVERING. I would like to ask the gentleman if he did not know that all during the month of December the cotton fields were white with cotton in northern Texas, Mississippi, and North Carolina?

Mr. SIMS. And some are white now.

Mr. LOVERING. And some are waiting yet.

Mr. BARTLETT. On farms where the people are not able to pick it.

Mr. SIMS. The point I am trying to get at is that the Government's reports on conditions put growers on their guard, and if my genial friend from Georgia held his cotton back he had a right to do it; but certainly he can not blame the Department of Agriculture because it told him the conditions and the acreage were such as to warrant a larger yield than was finally estimated and reported December 3.

When this resolution was first mentioned in private conversation I was opposed to its consideration Why? At that time the ginners' report had not come out for the December ginning, and I honestly believe a Government estimate of 12,162,000 was too low. I further believe that if we had the facts upon which this report was made, and those facts were made public, the bear element of speculation would seize upon them and magnify the crop, representing it to be even beyond what the Government estimated it; but since that time the ginners' report has come out and has absolutely confirmed the estimate of the Agricultural Department, and if we are to challenge its correctness it must be upon the side of conservatism.

A year ago I pleaded that this was the only reporting agency upon which the farmer could rely, and that every error it had ever made had been in favor of the producer. Why seek to bring it into disrepute and discredit right at a time when the whole world has learned to rely upon it by reason of its marvelous accuracy?

But it does not stop at that. This criticism now goes to the ginners' report. They say the ginners did not make reports. The fight is to abolish both the Agricultural Department estimate and report of conditions and to abolish the Census Office report, if the spirit of the criticism means anything as I read it in the press. Now, I wish to read here a letter from the Director of the Census on the question whether or not he is willing that the Members of this House or any other reputable persons shall know all that he knows:

CENSUS OFFICE,
Washington, D. C., January 5, 1905.

Hon. THETUS W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter calling my attention to the statement of Mr. J. A. Taylor, president of the so-called Cotton Ginners' Association, to the effect that the census report of the amount of cotton ginned to December 13 is "totally incorrect," and also referring to newspaper statements from different parts of the country that this report is made up largely from the estimates of the Census Office agents and not from actual returns by the ginners.

In reply to these statements, I extend to you an invitation to visit the Census Office, where every facility will be given for examining and checking the returns upon which the census report was based. Every phase and feature of this work is open to the inspection of reputable persons representing any branch of the cotton industry, and I am particularly anxious that the invitation extended should be availed of by some one who represents the cotton producers themselves.

Very respectfully,

S. N. D. NORTH, *Director.*

Mr. Speaker, I should like to have read from the Clerk's desk two letters, one from the Atlantic Compress Company, of Atlanta, Ga., and another from W. C. Craig & Co., cotton buyers of Vicksburg, Miss.

The SPEAKER. The letters will be read in the time of the gentleman.

The Clerk read as follows:

ATLANTIC COMPRESS COMPANY,
Atlanta, Ga., January 2, 1905.

Hon. S. N. D. NORTH,
Director of the Census, Washington, D. C.

DEAR SIR: This acknowledges receipt of your Special Bulletin No. 9, which I have noted with interest.

The writer is president of this company, with headquarters in Atlanta, and of the Gulf Compress Company, with headquarters in Memphis, the two companies handling, through their properties, upward of 2,000,000 bales of cotton annually, the movement so far this season being unprecedentedly large.

I am also largely interested in twenty-odd big cotton gins in Georgia and Alabama; am secretary and treasurer of the Alabama Ginners' Association and also of the Georgia Ginners' Association, and I know something about the Texas Ginners' Association and of the so-called National Ginners' Association, which the southern newspapers have been boosting up a good deal during the past three or four weeks.

I attended the meeting called in Atlanta a few days ago by President Taylor, of the National Ginners' Association, and I listened with interest to what he had to say.

President Taylor succeeded in attracting to his largely-advertised meeting here only about 30 men, and I observed that some of those were not interested in gin properties. The writer probably represented at that meeting more gin property than all of the others combined, excepting possibly the gins belonging to the Southern Cotton Oil Company, which company had two representatives at the meeting, but they had practically nothing to say.

President Taylor thinks that your report is wrong, and that the South has suffered as a result.

At the proper time, I hope, I argued that your report was right, going back to the incipiency of your work and following it along, period by period, up to to-day, maintaining that the withholding by certain ginners of any record of what they were doing did not seriously affect the situation, and made, I trust, some rather pointed illustrations, which were not challenged in the course of debate.

Again, I took as a basis for my belief, without regard to any knowledge of the care with which your data is accumulated and compiled, my own ginning interest in Georgia and Alabama, which shows an enormous increase this season over last season or any other season.

Furthermore, I took up the record of the compress plants of the two companies of which I am president, pointed them to the middle of the season from a compression standpoint, based upon the average of five years, and then told them how much cotton we had handled this season to the middle thereof as against the record for the middle of last season and of previous seasons. This increase would indicate to my mind that if your report is not right it is due to your having reported less cotton than has actually been ginned.

I argued that correct information with reference to the cotton crop was a good thing. I stated that the interest which I represented was instructed to furnish the Government with correct figures regarding the amount of cotton ginned; that I should not hesitate to dismiss from our service any employee who willfully violated these instructions, and that I thought it to the interest of every other ginner to do likewise.

I further argued that there was nothing practicable in the scheme of the National Ginners' Association; that they were lacking in organization and in means with which to conduct the work even with an organization, etc.

I thought I could observe a disappointed look in the faces of President Taylor and his supporters, so I concluded my remarks with the statement that I was not present at their meeting as an obstructionist; that I was quite willing to put my gins into the organization and lend it material and moral support, provided there were no conditions in it which would have the effect of handicapping in any way the Census Bureau at Washington in its efforts to furnish the country with correct information regarding the production of cotton; that to my mind through the Census Bureau was the only practicable way to obtain this data.

I then discussed the advantages of correct information to the producer as compared with estimates of "Tom," "Dick," and "Harry."

Since the meeting referred to I have read a letter of yours to one of our Congressmen, which has been published in the papers, and I regret to note your apparently pessimistic attitude on the subject of future reports. Really I do not think there is much happening in this part of the country to discourage you in your efforts, and only wish that I had an opportunity of talking the matter over with you instead of briefly expressing a few thoughts by letter.

Very truly, yours,

C. C. HANSON,
President.

VICKSBURG, MISS., *December 31, 1904.*

Mr. S. N. D. NORTH, *Director, Bureau of Census,*
Department of Commerce and Labor, Washington, D. C.

DEAR SIR: We have read with much interest your letter addressed to Hon. A. S. BURLESON, of Texas, and also Mr. BURLESON'S views upon the contents of your letter. We wish to assure you that we heartily and thoroughly agree with everything you have to say in your letter to Mr. BURLESON and equally so with what he has to say to you.

We are interested in both the production and consumption of cotton. We own property in Mississippi, are natives of this State, and through financial concerns, in which we are interested or control, make extensive advances to farmers to grow cotton. On the other hand, we own mill stocks in the South and in New England, and we feel that it is not amiss for us to let you know that you have our unqualified indorsement of your position in the subject-matter of your letter to Mr. BURLESON.

We think it would be the greatest misfortune that could possibly happen to the cotton farmer of the South to have the census ginner's report abolished.

We can not believe that the newspaper reports voice the sentiments of the best people and the thinking people of the South. What the cotton farmer, the cotton merchant, the cotton spinner, and the banks of the South desire is to know the truth.

We remember quite well the fall of 1899, when the South was gathering and marketing one of the most dismal failures of a cotton crop, yet the price of cotton was unduly depressed until the great bulk of the crop had been marketed, simply because local crop estimators figured the crop at about 2,000,000 bales above what it proved ultimately to be. If there was no way to get at the facts, these same estimators would, in the due course of time, have control again. As it is to-day, the famous local and foreign crop estimators have all been relegated to the shade, and their estimates have practically no effect, whether large or small, on the cotton market of the world.

Just at this time the southern people are stunned and depressed at the tremendous shrinkage in the value of cotton, and they are saying and doing things that we do not believe under cooler moments they would even consider.

We greatly appreciate the census ginner's report, and hope that it will be continued and that the service will continue to improve for years to come.

Yours, very truly,

W. C. CRAIG & CO.

Mr. SIMS. These letters show that the confidence of those most to be affected by the work of the Census Bureau is unshaken.

Whatever may be said as to the advisability of making estimates of the growth of cotton by the Department of Agriculture, certainly no reasonable objection can be made to the system of reporting the amount of cotton ginned to stated periods, as is now being done by the Census Bureau under the very able supervision of Director North. These reports are so valuable to the whole cotton trade that they should be made as frequently as practicable. All that is necessary to do this is to increase the appropriation for that purpose. I think these reports should be made every two weeks, beginning with September 1. But how is this to be done without increasing the appropriation? If the appropriation for this purpose is doubled, then the reports can be doubled.

Mr. Speaker, I have no objection to the organization of the ginners, but the character of organization proposed, as I see it, can not possibly be as efficient and as beneficial as the reporting to the Census Bureau as now. The ginners will have to be at all expenses incurred in keeping and making these reports. They will not have the franking privilege and their expenses for postage alone will be very heavy. They must have offices and a salaried office force. All these expenses will have to come out of the pockets of the members of the organization. How are they to recoup themselves? Will they become dealers in cotton or will they sell their information or make it public free? All the information that this proposed organization can possibly procure is now procured by the Government without one cent of expense to the cotton grower or ginner, and is made public for the benefit of all the world.

When the question of making the Census Bureau permanent was being considered by this House, one of the strongest arguments made in its favor was the great benefit it was to be to the cotton grower in gathering and making public cotton statistics. If my good friend, the gentleman from Georgia [Mr. LIVINGSTON], who is the ranking minority member on the Appropriations Committee of this House, will only use his influence and energy in securing a sufficient appropriation to have these reports from ginners made and published every two weeks, he will confer a lasting benefit on the cotton growers of the South. I know he is friendly to such an idea, and I hope he will take this matter up and push it with his characteristic energy and ability.

I notice in some of the newspapers it is stated that some ginners have recently refused to make reports when called on by the Census Bureau, and that some have made incorrect reports. I don't believe that such a thing has been done to any great extent, but to whatever extent it is greatly to be deplored, and if the ginners, who in the main are cotton growers, are so shortsighted as to be guilty of such indefensible conduct, it will result in a discontinuance of this work of the Census Bureau at a time when it is being made almost perfect and furnishes free to the growers the most valuable information which it is possible to furnish them, and from an absolutely reliable and disinterested source.

In this connection I wish to read and make a part of my remarks a clipping from the Washington Post of December 30, 1904, being a letter from the Director of the Census to the gentleman from Texas [Mr. BURLESON], and an interview of Mr. BURLESON.

Director of the Census North, in a letter to Representative BURLESON, of Texas, made public yesterday, takes notice of the situation presented by the cotton statistics given out for publication Wednesday, and expresses his surprise and concern at the recent alleged movement in the Southern States, "apparently approved and augmented by the cotton growers themselves," to destroy the census reports by the concerted refusal of the ginners to make returns. Director North asserts that a continuance of the cotton ginning reports is impossible without the sympathetic and whole-hearted cooperation of the ginners of the South.

Immediately after the receipt of the letter, Mr. BURLESON, a member of the House Census Committee, and who was the author of the provision making appropriation for the gathering of the cotton statistics, gave out an interview in which he upholds the Director in the work now being done by his Bureau. Director North's letter is as follows:

DIRECTOR NORTH'S LETTER.

WASHINGTON, D. C., *December 29, 1904.*

Hon. ALBERT S. BURLESON,
House of Representatives, Washington, D. C.

MY DEAR SIR: It seems proper to invite your attention to certain anomalous conditions which confront the Census Office in carrying out the provisions of section 9 of the act to establish a permanent Census Office, directing the periodical collection of the statistics of cotton production through the agency of the ginners. This provision was inserted in the law at your urgent request and that of other southern Representatives, on the plea that it was necessary for the protection of the cotton producers against the speculators and others interested in depressing the price of the staple for their own profit. It was urged that enormous losses resulted from the untrustworthy estimates put forth every year by speculators and agents of the Liverpool market, and that early and trustworthy official information regarding the size of the crop would protect the grower, disarm the speculator and market manipulator, and permit the law of supply and demand to regulate the price.

Since the law was passed Congress has appropriated and this Office has disbursed more than $125,000 a year in the collection and dissemination of this information. The system has been gradually perfected until it has become more nearly perfect than any similar plan for obtaining exact knowledge of the size of any agricultural crop during the progress of harvesting. No complaint has been made that the census reports are not accurate; indeed, for a year or two past, we have been able to trace the crop so closely that practically every bale has been accounted for.

The statistics increase in value every year, for it becomes possible, by comparison of the statistics of one year with those of the same date in preceding years, to judge the size of successive crops with an accuracy never before known or approximated.

The ginning reports of the Census Office have crowded out the speculative and interested estimates referred to, and the single object which the southern Representatives had in view in urging this legislation has been successfully accomplished.

In view of these facts, I have been surprised and concerned at the present movement in the Southern States, which is apparently approved and augmented by the cotton growers themselves, to destroy the census reports, by the concerted refusal of the ginners to make the returns upon which they are based. Thus far the movement has not seriously affected our work, but if it continues and spreads, it will necessarily destroy its value during the coming year. It appears to have been suddenly discovered that these reports, undertaken solely at the demand of the cotton grower, are highly detrimental to his interests. Mr. E. F. Webber, president of the Memphis Cotton Exchange, is quoted as declaring that "the cotton interests of the South have everything to lose and nothing to gain by their continuance; they put the manufacturing interests in possession of information which works irreparable injury to the South."

My attention has also been called to the so-called "National Cotton Ginners' Association," the purpose of which is stated to be "to gather accurate and reliable information regarding the amount of cotton produced, in advance of the Government report." It also appears that "this information is to be sent in code; and the members of the association will be sworn not to divulge it." The informaton is still highly desirable, but possession of it is to be restricted to those who grow and gin the cotton.

I can understand the disappointment of cotton growers at the present prices of cotton, and their feeling that these prices are due to the unusual size of this year's cotton crop, early and definite knowledge concerning which has been given to the public by the census reports. But I confess myself unable to follow the reasoning which leads the growers, and through them the ginners, to imagine that it will be to their advantage, because of this exceptional situation, to destroy the efficiency of the official machinery through which they learned the present situation, early knowledge of which has undoubtedly extended the change in the price of cotton over a much longer period, and thus saved the growers and the country from larger losses than would otherwise have been encountered in connection with this year's crop. It would seem to be plain that in the long run, taking one year with another, only one thing can decrease the speculative element in the business of cotton selling, and thus permanently benefit the cotton grower, and that is knowledge of the exact truth as to size of the crop, from an absolutely impartial and trustworthy source, at the earliest practicable dates. This was the unanimous contention of the southern Representatives in Congress when the law was passed.

It is not my purpose, however, to argue the matter. I simply desire to call your attention to the fact that the continuance of the census cotton-ginning reports is impossible without the complete, sympathetic, and whole-hearted cooperation of the thirty-odd thousand ginners of the South. The Census Office can not enter into competition with a cotton-ginners' association which proposes to gather the same data "for private information only." Moreover, it can not continue to promulgate statistics of the quantity of cotton ginned to certain dates after it has reason to believe that these reports are no longer correct in consequence of a concerted boycott by the ginners. Otherwise it would be guilty of the identical evil of misrepresentation its reports were established to prevent. The Census Bureau has no interest in the matter whatever beyond the discharge of its duty as established by law and the maintenance of its reputation for the compilation and publication of accurate statistics.

I have, therefore, decided to notify you in this manner, and through you the cotton growers of the South, that the continuance of the movement which they have begun will necessarily result in the discontinuance of the cotton-ginning reports of the Census Office, for without the hearty and general cooperation of the ginners those reports would become valueless and their compilation an unpardonable waste of public money. The situation would then revert to what it was five years ago.

But after the private and interested estimates controlling the market price have again for a few years been too high, as they undoubtedly will be, and the repeated losses of the cotton growers in consequence have again convinced them that the change they demanded in 1901 was a wise one, it will be far more difficult, and may be impossible, to induce Congress to reestablish a system which the cotton growers set up once before only to tear it down when it chanced that a knowledge of the facts was to their disadvantage.

I deem it my duty to acquaint you with the probable course of the Census Office, in order that you may take any steps which may seem to you desirable or necessary in connection with the matter.

Very respectfully,

S. N. D. NORTH, *Director.*

Upon receipt of the letter, Mr. BURLESON gave out the following statement:

MR. BURLESON'S STATEMENT.

Believing that it was to the interest of the producer of cotton to eliminate as far as possible the speculative element from entering into or affecting the market price of his product, I caused to be embodied in the act making the Census Bureau permanent the original item providing for statistics of cotton ginned during the current year, and the result of the Census Bureau's labors in carrying into effect this provision has materially aided in accomplishing this end. The result has not influenced a change of opinion on my part.

If I may be pardoned a personal allusion, a grower of cotton myself, having frequently experienced the damage occasioned by the high estimates and cocksure assertions put forward by those acting for speculators and cotton gamblers, I felt the necessity of some impartial source of information which would be as accurate as possible. This the Census Bureau has proven itself to be.

I concur in every word contained in this letter of Mr. North, and feel that it would be nothing short of a calamity if the ginners should at any time fail to furnish prompt and accurate reports to the Census Bureau. To fail to report to the Census Bureau will only play into the hands of the cotton gamblers, and will serve to promptly reestablish alleged statistical agents, who are now, thanks to the Bureau of Statistics of the Department of Agriculture and the Census Bureau, thoroughly discredited. If during next year, as a result of decreased acreage and imperfect weather conditions, there should be a short crop, which is not improbable, then the ginners' reports issued by the Census Bureau would again be in high favor by the cotton growers. What is wanted and what is really always to the interest of the cotton grower is a prompt knowledge of the exact truth.

It is my purpose to prepare and offer at this session of Congress an amendment to the census act providing for the collection and publication of accurate statistics of the number of bales of cotton consumed each year and the surplus of cotton held in the hands of the manufacturer, and the number of bales exported. This is necessary and only fair to the grower of cotton. He should promptly have this information, as the manufacturers of cotton throughout the world are given knowledge of the number of bales of cotton grown.

I have discussed this with Senator BAILEY, of my State, and he agrees with me as to the importance and necessity of this amendment, and agrees to lend a helping hand in securing its adoption.

Mr. Speaker, the effect of this great work by the Department of Agriculture on the prices of cotton should not be confined to a single crop, but take the result for such a number of years as will give a general average. When this is done I think there can be no reasonable doubt that no similar amount of public expenditure has resulted in a larger or more general benefit to the country and especially to the cotton grower; and I think I voice the general sentiment of the South when I say that we do not want the work of the Department of Agriculture or that of the Census Bureau curtailed or reduced in the least, but we want it made even more efficient by enlarged appropriations.

Mr. WADSWORTH. Mr. Speaker, the gentleman from Georgia [Mr. LIVINGSTON], I believe, has fifteen minutes remaining, if he wishes to use it, and I have two minutes remaining.

The SPEAKER. The gentleman from Georgia.

Mr. LIVINGSTON. Mr. Speaker, neither of the speakers on this side of the House addressed himself to the resolution that was sent to the committee, nor did the gentleman on my right [Mr. LOVERING]. The gentleman from Tennessee [Mr. SIMS] and the gentleman from Texas [Mr. BURLESON], members of the committee, have simply endeavored to show to this House that there is a big crop of cotton. Nobody has disputed that. The gentleman from Texas [Mr. BURLESON] says that I was complaining. There was no complaint made on that line in my remarks or anywhere else.

The South wants exact information. They want it frequently—at least once a week—and they want the sources of the information published. Now, the gentleman from Texas [Mr. BURLESON] said that in all my remarks I had made no suggestion as to how this matter should be improved. I distinctly stated, and I repeat it now, that, in my opinion, if the Department of Agriculture could have its reports made weekly, or more frequently at least than two months apart, when cotton is being sold, and have as much publicity as possible as to how its information is obtained and from whom, the South would be satisfied as a producer, and I believe the spinners would be satisfied. Now, the gentleman from Texas [Mr. BURLESON] has done himself and southern planters a very great wrong on this floor to-day when he has denounced them as speculators.

Mr. Speaker, the reason why some men do not sell their cotton in the South as fast as they can pick it is simply this: Whether they make a large crop of cotton or a small crop of

cotton it makes no difference. There is a class of people in the South who must sell. Their guano notes, their provision notes, and their rent notes, and everything of that kind come in against them, and they must sell.

Now, if the class of cotton growers who are able to hold back their cotton should join in and sell also, it would dump an enormous amount of cotton on the market, an amount that the market could not take except at the hands of the speculators. The gentleman from Texas, if he knows anything, knows that in every single instance where we have all sold early in the market it has beared the market to the lowest point. The truth of the business is cotton ought not to be sold any faster in the South than the consumers will take it. That is the truth of it, and now the gentleman says that because some men in the South have not sold they are speculators. If they had sold they would have put the market down to 7 cents at the start. The simple fact is that a part of the cotton was held back, and part of it was marketed to the English spinners, who took the early cotton. The fact that a man is able to hold back a part of his cotton is a favor to the man who can not hold his cotton, because he does not dump it on the market at the same time, and thus carry down the market price.

The gentleman from Texas says another thing, that there would have been two wagonloads of papers hauled into the committee room to be examined as to contents, according to my resolution, if it had been adopted. Let me say before this House that when the gentleman came to me on the floor the day that my resolution was introduced, or the next day, he made that statement to me, and I said to the gentleman from Texas that I would remedy that. I asked him how many sources of information Mr. Hyde had. He said six. I said, "Let him take the tabulated statement of those six sources, and send it to the committee and the House, and I will be satisfied." Mr. Hyde said in this report before the committee that he has six sources tabulated. He has the State agents tabulated; he has the planters tabulated; he has the bankers tabulated; he has all the sources tabulated. The gentleman from Texas said that that would be done. Why did not the Secretary of Agriculture do that?

Mr. BURLESON. I would like to say to the gentleman that the hearings had been had at that time, and therefore the gentleman must be mistaken when he says that I said that that would be done.

Mr. LIVINGSTON. That did not prevent the Secretary of Agriculture from receiving from me, through the gentleman from Texas, information as to what would be satisfactory. He had it tabulated and he could have made his report in that way. They were all tabulated, and why did not the gentleman send these tabulated sources of information into the House and let the country have them? I said, when I was on the floor, that dumping this kind of a report onto the market when we had no estimate for two months will always produce a panic. It goes up or it goes down, according to the estimate of the report. The South, the North, the East, and the world that consumes cotton, as well as those who produce it, would like some regularity and stability in the market. If these reports should come weekly from the Department of Agriculture, and come accurately and publicly, it would give to the market stability. We do not have that now, and that is what we are asking for.

And yet the gentleman from Texas says that I have made no suggestion of improvement at all. I would like to ask the gentleman from Texas and the chairman of the committee if they do not agree with me that accuracy and frequency and publicity will help to make the market stable? If it will, will you use your influence with the Department of Agriculture to have it do that? If you will, I am content, and the South will be content. [Applause.]

Mr. WADSWORTH. Mr. Speaker, I believe I have two minutes remaining, and I yield that to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. The gentleman from Georgia [Mr. LIVINGSTON] complains that those who have supported the report now before the House have addressed themselves not to his resolution, but to the proposition that there is a large cotton crop. In the brief time at my disposal I have no other wish than to discuss the gentleman's resolution and to state as clearly and briefly as possible the reasons which influenced the Committee on Agriculture to bring in the report which is now before you.

This resolution demands that "the Secretary of Agriculture be requested to forward to the House of Representatives all data, in detail" upon which the estimate of the Bureau of Statistics in said Department upon the cotton crop was made and published. To have reported this resolution favorably would have been—as the gentleman from Texas [Mr. BURLESON] has already stated—to unload upon this House thousands of letters and reports from thousands of correspondents all over the cotton States. To tabulate and digest these reports so as to make them of any value whatever would require the work of many experts for many days, possibly for many weeks; and even when this work had been done the result would have thrown no real light on the question at issue. The gentleman says now that he did not expect or desire to have these cartloads of individual reports; that all he wanted was the final tables. The committee, unfortunately, had no means of knowing what the gentleman wanted except by what he asked for in his resolution, and the committee was unanimously of the opinion that to grant the request literally would entail an utterly useless burden upon the Bureau of Statistics with no resulting good whatever to this House or to the country.

The committee was of the opinion, however, that what it conceived to be the spirit of this resolution might with entire propriety be complied with. The crop estimates published by the Bureau of Statistics undoubtedly have very great influence in fixing prices, and producers and consumers alike have a perfect right to know how these estimates are made, so that they may judge for themselves how nearly accurate they are likely to be.

Accordingly, your committee called before it the Secretary of Agriculture and the chief of the Statistical Bureau, and interrogated them in detail as to the manner by which the results which they publish are reached. The results of this inquiry are given in full in the "hearing," which is submitted with the report which is now under consideration; and in the judgment of your committee they not only answer the spirit of the resolution of the gentleman from Georgia, but they also demonstrate beyond question that the methods employed in making up these crop estimates are such as to come as near insuring accuracy as can possibly be done in any mere forecast.

For the information of those who may not have taken time to read these hearings I will summarize briefly the essential statements made therein.

In the first place, the Bureau appoints a State statistical agent for each of the cotton States. This man is appointed regardless of politics, the selection being governed solely by fitness and character. The State agent for Georgia, for example, is a former governor of that State, and, of course, a Democrat. These State agents have several hundred correspondents scattered throughout the State, who report to them and upon whose reports they make up their own estimates to the Bureau. The Bureau also has a county correspondent in each county of all the States, who have their reporters scattered throughout the county. These reporters send in their estimates to the man in charge of the county, and from them he makes up his own estimates to the Bureau. Besides these, the Bureau gets reports from ginners, from a correspondent in each township, from a large list of bankers and merchants, and from thousands of individual growers. And in addition to all these, the Bureau maintains a corps of special agents, expert men who put in the entire season traveling through the cotton section and reporting their conclusions.

The estimates sent to the Bureau by these eight classes of reporters are tabulated separately for each State, and from these reports the chief of the Bureau of Statistics deduces his conclusions. That these conclusions are absolutely accurate, is not to be expected, of course. And yet they are surprisingly accurate. Consider, for example, the estimates given by the various classes of reporters for the State of Georgia:

	Pounds per acre.
State agent's estimate	206
County correspondents	203
Township	203
Ginners	212
Special agents	205
Bankers and merchants	205
Individual planters	221

When reporters of so many different classes show such remarkable unanimity, it can hardly help following that the final estimate, made by a man who through long experience has learned to properly appraise the work of all his different reporters, will be found very close to the truth.

In the judgment of your committee, Mr. Speaker, the facts brought out in the "hearing," which is now available for every Member of this House, demonstrate beyond question that the crop estimate published by the Bureau of Statistics are made honestly and intelligently, and that the results obtained are as nearly accurate as it is possible for any mere forecast to be. We believe also that in laying this "hearing" before the House we have fully complied with the spirit of the resolution of the

gentleman from Georgia [Mr. LIVINGSTON], and we therefore recommend that it lie on the table.

Mr. WADSWORTH. Mr. Speaker, I now move to lay the resolution on the table.

The SPEAKER. The question is on the motion of the gentleman from New York, that the resolution do lie on the table.

The question was taken; and on a division (demanded by Mr. LIVINGSTON) there were—ayes 80, noes 17.

So the motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. MARSH, until Tuesday next.

Mr. BOWERSOCK, indefinitely, on account of important business.

IMPROVING CURRENCY CONDITIONS.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions, and pending that motion I would like to make, if I can, some agreement with the gentleman from Georgia [Mr. BARTLETT] respecting the question of reopening the general debate. Since the House last considered this bill a number of gentlemen, members of the committee, have indicated their desire to have some time in which to speak upon the measure, and I am sure the House desires to hear the gentleman from Georgia [Mr. BARTLETT] at some length upon the bill. I therefore ask unanimous consent that the debate be reopened for a specified time, if we can agree on the time.

Mr. BARTLETT. Mr. Speaker, if I may be indulged a moment. As is well known, by reason of the fact that I made the minority report on this bill when it was reported from the Committee on Banking and Currency the control of the time was given to me by unanimous consent. On Thursday before the Congress adjourned for the holidays the bill was forced up before the House under protest during my absence—providential absence—and, as I understood at the time, over an agreement had with the gentleman in charge of the bill, the gentleman from Connecticut [Mr. HILL], that it should not be so forced up in my absence. There may be some misunderstanding between himself and myself as to whether that was true. That certainly was my understanding. During my absence upon that day, known to the House to be providential, the gentleman from Mississippi [Mr. WILLIAMS] took charge of the matter, as he should have done, and conducted the discussion upon the bill on our side and had control of the time. He made a motion, which prevailed, to close the general debate. Of course I have no objection to any gentleman speaking who desires to do so, but under the circumstances as they exist, the condition in which the bill and debate upon it now is—brought about through no fault of my own, but rather because of the insistence of the gentleman from Connecticut [Mr. HILL] that the bill should be heard when it ought not to have been heard—I do not feel that I can now agree with him as to time in reference to general debate.

The SPEAKER. The gentleman from Georgia objects to the request of the gentleman from Connecticut.

Mr. BARTLETT. Mr. Speaker, I do not object to any request. I understood the gentleman desired to know if he could make some agreement with me.

Mr. HEPBURN. Mr. Speaker, I desire to interpose an objection to reopening general debate.

Mr. HILL of Connecticut. The agreement, of course, would be such as to permit the gentleman from Georgia [Mr. BARTLETT] to have an opportunity to speak upon the bill.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Connecticut [Mr. HILL] for favoring me; but in the past the House has been kind enough to indulge me and I have been always able to get my own time.

Mr. HEPBURN. Mr. Speaker, I do not desire to interpose any objection to the gentleman from Georgia [Mr. BARTLETT] having an opportunity to engage in debate, but I do object to any general debate.

The SPEAKER. The gentleman from Iowa objects.

Mr. HILL of Connecticut. Mr. Speaker, I call for the question.

The SPEAKER. The question is upon the motion of the gentleman from Connecticut, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 81, noes 75.

Mr. BARTLETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 91, answered "present" 8, not voting 176, as follows:

YEAS—109.

Acheson	Dresser	Kinkaid	Smith, Ill.
Adams, Pa.	Dunwell	Knapp	Smith, Iowa
Adams, Wis.	Dwight	Lacey	Smith, Pa.
Allen	Field	Lafean	Snapp
Bede	Fordney	Landis, Frederick	Southard
Bingham	Foss	Lawrence	Sperry
Birdsall	Foster, Vt.	Lilley	Stafford
Bishop	Fowler	Longworth	Stevens, Minn.
Boutell	Fuller	Loud	Sullaway
Bradley	Gaines, W. Va.	McCleary, Minn.	Thomas, Ohio
Brownlow	Gardner, N. J.	McCreary, Pa.	Tirrell
Butler, Pa.	Gibson	Mahon	Townsend
Calderhead	Gillett, Mass.	Mann	Volstead
Campbell	Grosvenor	Marshall	Vreeland
Capron	Hamilton	Martin	Wachter
Cockran, N. Y.	Haskins	Miller	Wanger
Conner	Haugen	Minor	Warner
Cooper, Pa.	Hedge	Needham	Warnock
Cousins	Hepburn	Olmsted	Webber
Crumpacker,	Hill, Conn.	Otjen	Weems
Curtis	Hitt	Padgett	Wiley, N. J.
Cushman	Holliday	Parker	Williamson
Dalzell	Huff	Perkins	Wood
Daniels	Hull	Porter	Woodyard
Darragh	Humphrey, Wash.	Prince	Young
Davis, Minn.	Jackson, Ohio	Reeder	
Dovener	Jenkins	Roberts	
Draper	Jones, Wash.	Scott	

NAYS—91.

Adamson	Dickerman	Kitchin, Wm. W.	Russell
Aiken	Dinsmore	Kline	Ryan
Baker	Dixon	Lamar, Fla.	Sheppard
Bankhead	Fitzgerald	Lamar, Mo.	Sherley
Bartlett	French	Lester	Shober
Beall, Tex.	Gaines, Tenn.	Lever	Sims
Bell, Cal.	Garber	Lind	Small
Bonynge	Garner	Lindsay	Smith, Tex.
Bowers	Gilbert	Little	Snook
Brooks	Gillespie	Lloyd	Spight
Brundidge	Goulden	Macon	Stanley
Burgess	Gregg	Maynard	Sullivan, Mass.
Burleson	Gudger	Moon, Tenn.	Swanson
Burnett	Hardwick	Murdock	Talbott
Byrd	Harrison	Page	Taylor
Candler	Hay	Patterson, N. C.	Underwood
Clark	Hogg	Pierce	Van Duzer
Clayton	Hopkins	Pinckney	Wallace
Cooper, Tex.	Houston	Pou	Williams, Ill.
Cowherd	Humphreys, Miss.	Randell, Tex.	Williams, Miss.
Croft	Hunt	Ransdell, La.	Wynn
De Armond	James	Rhea	Zenor
Denny	Johnson	Rider	

ANSWERED "PRESENT"—8.

Beidler	Currier	Richardson, Ala.	Smith, Ky.
Cromer	Landis, Chas. B.	Sherman	Sparkman

NOT VOTING—176.

Alexander	Fitzpatrick	Kyle	Rixey
Ames	Flack	Lamb	Robb
Babcock	Flood	Legare	Robertson, La.
Badger	Foster, Ill.	Lewis	Robinson, Ark.
Bartholdt	Gardner, Mass.	Littauer	Robinson, Ind.
Bassett	Gardner, Mich.	Littlefield	Rodenberg
Bates	Gillet, N. Y.	Livernash	Rucker
Benny	Gillett, Cal.	Livingston	Ruppert
Benton	Glass	Lorimer	Scarborough
Bowersock	Goebel	Loudenslager	Scudder
Bowie	Goldfogle	Lovering	Shackleford
Brandegee	Gooch	Lucking	Shiras
Brantley	Graff	McAndrews	Shull
Breazeale	Granger	McCall	Sibley
Brick	Greene	McCarthy	Slayden
Broussard	Griffith	McDermott	Slemp
Brown, Pa.	Griggs	McLachlan	Smith, Samuel W.
Brown, Wis.	Hamlin	McLain	Smith, Wm. Alden
Buckman	Hearst	McMorran	Smith, N. Y.
Burke	Heflin	McNary	Southall
Burkett	Hemenway	Maddox	Southwick
Burleigh	Henry, Conn.	Marsh	Spalding
Burton	Henry, Tex.	Meyer, La.	Steenerson
Butler, Mo.	Hermann	Miers, Ind.	Stephens, Tex.
Caldwell	Hildebrant	Mondell	Sterling
Cassel	Hill, Miss.	Moon, Pa.	Sullivan, N. Y.
Cassingham	Hinshaw	Morgan	Sulzer
Castor	Hitchcock	Morrell	Tate
Cochran, Mo.	Howard	Mudd	Tawney
Connell	Howell, N. J.	Nevin	Thayer
Cooper, Wis.	Howell, Utah	Norris	Thomas, Iowa
Crowley	Hughes, N. J.	Otis	Thomas, N. C.
Davey, La.	Hughes, W. Va.	Overstreet	Trimble
Davidson	Hunter	Palmer	Vandiver
Davis, Fla.	Jackson, Md.	Patterson, Pa.	Van Voorhis
Dayton	Jones, Va.	Patterson, Tenn.	Wade
Deemer	Kehoe	Payne	Wadsworth
Dougherty	Kelher	Pearre	Watson
Douglas	Kennedy	Powers, Me.	Webb
Driscoll	Ketcham	Powers, Mass.	Weisse
Emerich	Kitchin, Claude	Pujo	Wiley, Ala.
Esch	Kluttz	Rainey	Wilson, Ill.
Evans	Knopf	Reid	Wilson, N. Y.
Finley	Knowland	Richardson, Tenn.	Wright

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. BURTON with Mr. SPARKMAN.

For the day:

Mr. ALEXANDER with Mr. RIXEY.

Mr. BABCOCK with Mr. STEPHENS of Texas.

Mr. BATES with Mr. BADGER.

Mr. BRANDEGEE with Mr. SCARBOROUGH.
Mr. BRICK with Mr. BASSETT.
Mr. BROWN of Wisconsin with Mr. BENNY.
Mr. BUCKMAN with Mr. BOWIE.
Mr. BURKE of South Dakota with Mr. BREAZEALE.
Mr. BURKETT with Mr. MADDOX.
Mr. CASTOR with Mr. BROUSSARD.
Mr. COOPER of Wisconsin with Mr. CALDWELL.
Mr. DAVIDSON with Mr. COCHRAN of Missouri.
Mr. DOUGLAS with Mr. DAVEY of Louisiana.
Mr. ESCH with Mr. SHACKLEFORD.
Mr. EVANS with Mr. DAVIS of Florida.
Mr. FLACK with Mr. SULLIVAN of New York.
Mr. GARDNER of Michigan with Mr. CROWLEY.
Mr. GARDNER of Massachusetts with Mr. DOUGHERTY.
Mr. GILLET of New York with Mr. FOSTER of Illinois.
Mr. GILLETT of California with Mr. FITZPATRICK.
Mr. GOEBEL with Mr. GOLDFOGLE.
Mr. GRAFF with Mr. GRANGER.
Mr. HEMENWAY with Mr. LIVINGSTON.
Mr. HENRY of Connecticut with Mr. HILL of Mississippi.
Mr. HILDEBRANT with Mr. HAMLIN.
Mr. HOWELL of New Jersey with Mr. HEFLIN.
Mr. HUGHES of West Virginia with Mr. HITCHCOCK.
Mr. KENNEDY with Mr. HEARST.
Mr. KETCHAM with Mr. HUGHES of New Jersey.
Mr. KNOPF with Mr. WEISSE.
Mr. KNOWLAND with Mr. LIVERNASH.
Mr. KYLE with Mr. HENRY of Texas.
Mr. LITTAUER with Mr. BENTON.
Mr. LITTLEFIELD with Mr. JONES of Virginia.
Mr. LOVERING with Mr. KELIHER.
Mr. MARSH with Mr. LUCKING.
Mr. MCCARTHY with Mr. LEWIS.
Mr. MCLACHLAN with Mr. KLUTTZ.
Mr. MCMORRAN with Mr. LEGARE.
Mr. MONDELL with Mr. MCDERMOTT.
Mr. MOON of Pennsylvania with Mr. WEBB.
Mr. MORRELL with Mr. CLAUDE KITCHIN.
Mr. MUDD with Mr. GLASS.
Mr. NEVIN with Mr. MCLAIN.
Mr. NORRIS with Mr. SLAYDEN.
Mr. OTIS with Mr. VANDIVER.
Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.
Mr. PALMER with Mr. PATTERSON of Tennessee.
Mr. PAYNE with Mr. KEHOE.
Mr. PEARRE with Mr. RAINEY.
Mr. POWERS of Massachusetts with Mr. REID.
Mr. PUJO with Mr. SOUTHALL.
Mr. RODENBERG with Mr. ROBB.
Mr. SIBLEY with Mr. SCUDDER.
Mr. SLEMP with Mr. ROBINSON of Indiana.
Mr. WM. ALDEN SMITH with Mr. MIERS of Indiana.
Mr. SOUTHWICK with Mr. FLOOD.
Mr. SPALDING with Mr. ROBINSON of Arkansas.
Mr. STERLING with Mr. WILEY of Alabama.
Mr. TAWNEY with Mr. RICHARDSON of Tennessee.
Mr. WATSON with Mr. SULZER.
Mr. WILSON of Illinois with Mr. TRIMBLE.
Mr. WRIGHT with Mr. WILSON of New York.
For the week:
Mr. BARTHOLDT with Mr. THOMAS of North Carolina.
Mr. BEIDLER with Mr. HOWARD.
Mr. BOWERSOCK with Mr. WADE.
Mr. CASSEL with Mr. GOOCH.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. CROMER with Mr. GRIFFITH.
Mr. GREENE with Mr. MCNARY.
Mr. LORIMER with Mr. MCANDREWS.
Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.
Mr. SAMUEL W. SMITH with Mr. GRIGGS.
Mr. THOMAS of Iowa with Mr. SMITH of Kentucky.
Mr. VAN VOORHIS with Mr. CASSINGHAM.
Mr. WADSWORTH with Mr. LAMB.
On currency bill:
Mr. DRISCOLL with Mr. POWERS of Maine.
After the holidays:
Mr. BURLEIGH with Mr. BRANTLEY.
For the session:
Mr. CURRIER with Mr. FINLEY.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. DEEMER with Mr. SHULL.
Mr. CHARLES B. LANDIS with Mr. TATE.
Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.
Mr. SHERMAN with Mr. RUPPERT.

The result of the vote was announced as above recorded.

Mr. BURLESON. Pending the announcement of the vote I ask unanimous consent to extend my remarks in the RECORD which were made on the resolution that was reported a moment ago.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions, with Mr. DALZELL in the chair.

Mr. HILL of Connecticut. Mr. Chairman, at the time the committee rose, when the bill was last under consideration, the first section had been read, and, as I understand it, an amendment offered by the gentleman from Mississippi [Mr. WILLIAMS]. Then, if I am not mistaken no other amendment had been offered, although one had been proposed by the gentleman from Arkansas [Mr. MACON] to offer an amendment, but I understood later that that was withdrawn, so that it stands now with simply the amendment of the gentleman from Mississippi [Mr. WILLIAMS].

I have been informed that the chairman of the Committee on Banking and Currency also desires to offer an amendment to this section, and it seems to me that if other amendments are to be offered it will be well—and I think the gentleman from Mississippi and the gentleman from Georgia will agree with me—if there is to be further discussion on the question it will be well to discuss the whole question at the same time, and that it would be the proper thing to do for the gentleman from New Jersey to offer his substitute and have it pending.

Mr. WILLIAMS of Mississippi. I have no objection to that course, but I do not wish a vote to be taken upon my amendment until after opportunity is offered to make a few remarks.

Mr. HILL of Connecticut. I will state that as far as the gentleman from Connecticut is concerned there is no disposition to force any vote upon any amendment until it is fully considered.

Mr. BARTLETT. Will the gentleman from Connecticut permit an interruption?

Mr. HILL of Connecticut. Certainly.

Mr. BARTLETT. I simply desire to ask that the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] be read again. It has been some time since it was offered, and we wish to have it read in connection with the amendment to be offered by the gentleman from New Jersey [Mr. FOWLER].

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The Clerk read as follows:

After the word "regulations," in line 9, page 1, insert the words "requiring payment of interest on amounts deposited and limiting amount to be deposited in any one bank bidding in competition for the same."

Mr. FOWLER. I move to strike out all after the enacting clause in section 1 and substitute in place thereof the amendment which I will send to the desk to be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SECTION 1. That in addition to the provisions of section 5153 of the Revised Statutes, concerning the designation of public depositories and the deposit of public moneys therein, the Secretary of the Treasury may also deposit in such designated depositories any public money received from whatever source, including receipts from customs, without requiring security by the deposit of United States bonds and otherwise, as provided in said section, but no such deposit shall in any case exceed 25 per cent of the paid-up and unimpaired capital of any such depository. National banking associations having on deposit public money in accordance with the provisions of this act shall pay to the United States for the use thereof interest at the rate of 2 per cent per annum, payable semiannually on the first days of January and July of each year. The United States shall have a paramount lien on the assets of banks in which public moneys are deposited in accordance with the provisions of this act for the repayment of the same on demand of the Treasurer of the United States.

The CHAIRMAN. The amendment is considered as pending and to be disposed of after the disposition of the amendment of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman from New Jersey [Mr. FOWLER], the chairman of the Committee on Banking and Currency, how much time he desires?

Mr. FOWLER. I desire to proceed until I finish my remarks.

Mr. BARTLETT. I then ask unanimous consent that the gentleman from New Jersey [Mr. FOWLER], who is the chairman of the Commitee on Banking and Currency, be permitted to speak upon this amendment for such time as he may desire.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FOWLER. It was not my pleasure to be here the other day and hear the discussion, but I have read the RECORD, and upon concluding a review of what was said I asked for some information from the Secretary of the Treasury which I think

will throw a good deal of light upon the particular point which was under discussion then. This information proves conclusively that no bank anywhere in the United States, under any condition, can afford to pay interest at any rate worth speaking of and make any profit. If that is true, then all the discussion with regard to offering the public money at any price falls to the ground, unless it be offered to the public for the purpose of enabling the bank which gets it to advertise that fact, which is not a legitimate purpose. Under the date of January 3, I received this letter from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, January 3, 1905.

MY DEAR MR. FOWLER: I have your letter of the 20th instant, requesting a statement showing what profit or loss would accrue to national banks through Government deposits secured by Government bonds, the banks paying 2 per cent interest, and inclose you herewith a tabulated statement showing the profit or loss on deposits secured by various classes of bonds in cities having varying rates of interest.

Very truly, yours,

L. M. SHAW.

Hon. CHARLES N. FOWLER,
House of Representatives.

Loss to national banks holding Government deposits.

CENTRAL RESERVE CITY—$100,000 DEPOSIT SECURED BY $100,000 PAR OF GOVERNMENT BONDS—BONDS PURCHASED AND DEPOSIT RECEIVED JANUARY 1, 1905—BANK TO PAY AN ANNUAL TAX OF 2 PER CENT ON ITS DEPOSIT—RESERVE OF 25 PER CENT HELD—3 PER CENT LOCALITY.

	Consols of 1930, 2 percents.	Loan of 1908-1918, 3 percents.[a]	Loan of 1907, 4 percents.	Loan of 1925, 4 percents.
Capital invested	$104,375.00	$104,250.00	$105,625.00	$130,462.00
Bonds purchased, par	100,000.00	100,000.00	100,000.00	100,000.00
Receipts:				
Interest on deposits	2,250.00	2,250.00	2,250.00	2,250.00
Interest on bonds deposited	2,000.00	3,000.00	4,000.00	4,000.00
Total receipts	4,250.00	5,250.00	6,250.00	6,250.00
Deductions:				
Tax on deposits	2,000.00	2,000.00	2,000.00	2,000.00
Sinking fund	116.47	1,130.32	2,174.61	1,110.94
Total deductions	2,116.47	3,130.32	4,174.61	3,110.94
Net receipts	2,133.53	2,119.68	2,075.39	3,139.06
Interest on capital invested	3,131.25	3,127.50	3,168.75	3,913.86
Loss to bank	997.72	1,007.82	1,093.36	774.80

CENTRAL RESERVE CITY AND OTHER RESERVE CITY—$100,000 DEPOSITED, SECURED BY $100,000 PAR OF GOVERNMENT BONDS—BONDS PURCHASED AND DEPOSIT RECEIVED JANUARY 1, 1905—BANK TO PAY AN ANNUAL TAX OF 2 PER CENT ON ITS DEPOSIT—RESERVE OF 25 PER CENT HELD—6 PER CENT LOCALITY.

Capital invested	$104,375.00	$104,250.00	$105,625.00	$130,462.00
Bonds deposited, par	100,000.00	100,000.00	100,000.00	100,000.00
Receipts:				
Interest on bonds deposited	2,000.00	3,000.00	4,000.00	4,000.00
Interest on deposits	4,500.00	4,500.00	4,500.00	4,500.00
Total receipts	6,500.00	7,500.00	8,500.00	8,500.00
Deductions:				
Tax on deposits	2,000.00	2,000.00	2,000.00	2,000.00
Sinking fund	75.03	1,071.88	2,102.80	792.25
Total deductions	2,075.03	3,071.88	4,102.80	2,792.25
Net receipts	4,424.97	4,428.12	4,397.20	5,707.75
Interest on capital invested	6,262.50	6,255.00	6,337.50	7,827.72
Loss to bank	1,837.53	1,826.88	1,940.30	2,119.97

PLACES OTHER THAN RESERVE CITIES—$100,000 DEPOSITED, SECURED BY $100,000 PAR, OF GOVERNMENT BONDS—BONDS PURCHASED AND DEPOSIT RECEIVED JANUARY 1, 1905—BANK TO PAY AN ANNUAL TAX OF 2 PER CENT ON ITS DEPOSITS—RESERVE OF 15 PER CENT HELD—6 PER CENT LOCALITY.

Capital invested	$104,375.00	$104,250.00	$105,625.00	$130,462.00
Bonds purchased, par	100,000.00	100,000.00	100,000.00	100,000.00
Receipts:				
Interest on bonds deposited	2,000.00	3,000.00	4,000.00	4,000.00
Interest on deposits	5,100.00	5,100.00	5,100.00	5,100.00
Total receipts	7,100.00	8,100.00	9,100.00	9,100.00
Deductions:				
Tax on deposits	2,000.00	2,000.00	2,000.00	2,000.00
Sinking fund	75.03	1,071.88	2,102.80	792.25
Total deductions	2,075.03	3,071.88	4,102.80	2,792.25
Net receipts	5,024.97	5,028.12	4,997.20	6,307.75
Interest on capital invested	6,262.50	6,255.00	6,337.50	7,827.72
Loss to bank	1,237.53	1,226.88	1,340.32	1,519.97

[a] Here treated as maturing 1908.

Loss to national banks holding Government deposits—Continued.

PLACES OTHER THAN RESERVE CITIES—$100,000 DEPOSITS SECURED BY $100,000, PAR, OF GOVERNMENT BONDS—BONDS PURCHASED AND DEPOSIT RECEIVED JANUARY 1, 1905—BANK TO PAY AN ANNUAL TAX OF 2 PER CENT ON ITS DEPOSIT—RESERVE OF 15 PER CENT HELD—10 PER CENT LOCALITY.

	Consols of 1930, 2 percents.	Loan of 1908-1918, 3 percents,[a]	Loan of 1907, 4 percents.	Loan of 1925, 4 percents.
Capital invested	$104,375.00	$104,250.00	$105,625.00	$130,462.00
Bonds purchased, par value	100,000.00	100,000.00	100,000.00	100,000.00
Receipts:				
Interest on bonds deposited	2,000.00	3,000.00	4,000.00	4,000.00
Interest on deposit	8,500.00	8,500.00	8,500.00	8,500.00
Total receipts	10,500.00	11,500.00	12,500.00	12,500.00
Deductions:				
Tax on deposits	2,000.00	2,000.00	2,000.00	2,000.00
Sinking fund	39.38	993.22	2,008.21	485.90
Total deductions	2,039.38	2,993.22	4,008.21	2,485.90
Net receipts	8,460.62	8,506.78	8,491.79	10,014.10
Interest on capital invested	10,437.50	10,425.00	10,562.50	13,046.20
Loss to the bank	1,976.88	1,918.22	2,070.71	3,032.10

[a] Here treated as maturing 1908.

MEMORANDUM.

These computations show in detail the loss to national banks in holding Government deposits, when the bank is required to pay an annual tax of 2 per cent on the said deposits.

A reserve of 25 per cent is allowed for in reserve cities, and of 15 per cent in other places.

JOS. S. MCCOY,
Government Actuary.

TREASURY DEPARTMENT, *January 3, 1905.*

(If no reserve were required, yet there would be a loss in every instance.)

It will be observed that every condition as to reserves that now prevails throughout the country was covered in a 3 per cent locality, in a 6 per cent locality, and in a 10 per cent locality. Assuming that the banks pay interest to the Government at the rate of 2 per cent, in the locality where interest is 3 per cent on the 2 per cent bonds the loss on $100,000 would be $997, on the 3 per cent bonds in the same locality it would be $1,007, on the 4 per cent bonds due in 1907 it would be $1,093, and on the 1925 4 per cent bonds, $774. In a 6 per cent locality, with a 25 per cent reserve, the loss upon a Government deposit of $100,000 with 2 per cent bonds as security would be $1,837: on the 3 per cent bonds, $1,826; on the 1907 fours, $1,940, and on the 1925 fours, $2,119.

Mr. PALMER. In what period?

Mr. FOWLER. A year.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption there?

Mr. FOWLER. Certainly.

Mr. WILLIAMS of Mississippi. That is based on the supposition that the banks loan their money for a year.

Mr. FOWLER. This gives the result of a rate.

Mr. WILLIAMS of Mississippi. As a matter of fact, is it not true that the banks never do that; that they do not loan the money for a whole year, but they lend it to one man for a short time and then to another man?

Mr. FOWLER. If the loan continued for one year they might not loan it to one man, but they might loan the same money to different men.

Mr. WILLIAMS of Mississippi. That is the very point, the gist of the fallacy of all that figuring on the banks loaning this money for one year as an annual loan, when, in fact, they compound it every thirty and sixty days, and that is where their profit comes in.

Mr. FOWLER. That is the high rate.

Mr. WILLIAMS of Mississippi. On the low rate or the high one.

Mr. FOWLER. If you will follow me, you will see the higher the rate the worse the dilemma.

Mr. WILLIAMS of Mississippi. That is the profit to the banks upon the use of the money that they have deposited with them.

Mr. FOWLER. The higher the rate the worse the result or the greater the loss.

Mr. WILLIAMS of Mississippi. A person loaning it on thirty days and renewing in thirty days would lose more money, and that the bank would lose more than loaning it for a whole year. Is that your idea?

Mr. FOWLER. If you will follow this, you will appreciate what I have been saying.

In the locality where the reserve is 15 per cent and the rate is 6 per cent on twos the loss would be $1,237; on the 1908 3 percents, $1,226; on the 1907 fours, $1,940, and on the 1925 fours, $1,519. With a 15 per cent reserve in the locality where it is loaned for 10 per cent, the loss, you will see, is greater. On the 1930 2 percents it would be $1,976; on the 1908 threes, $1,968; on the 1970 fours, $2,070, and on the 1995 fours, $3,000.

I think, therefore, that we need not discuss this question any further.

Mr. SHERLEY. Will the gentleman permit me to ask him a question?

Mr. FOWLER. Certainly.

Mr. SHERLEY. You have fixed or based your calculation on the banks paying 2 per cent to the Government for the loan, have you not?

Mr. FOWLER. Yes. I fixed it at 2, to establish a principle; but at whatever rate, whether you fix it at 1, 2, or 3, the same principle would apply.

Mr. SHERLEY. But there is a rate that you have got in your market where there would be a profit to the bank. If a deposit were made in New York, where the rate would be a small rate, coming under 1 per cent, the banks would still make a profit, on the same principle.

Mr. FOWLER. Now you may relieve the banks from carrying any reserve whatever against Government deposits and there will be a loss in every instance covered.

Mr. SHERLEY. I think if the gentleman will go over the mathematics of it carefully, as I have done, he will find that there is a small profit, and they will still be able to pay something under 1 per cent in the New York market.

Mr. FOWLER. Provided they borrow the bonds from some institution instead of purchasing them.

Mr. SHERLEY. I am talking about the 2 per cent bonds, which are selling at 104½, and you will still have a profit.

Mr. FOWLER. Not a practical margin of profit. This report that I have submitted comes from the Government actuary, and I am not going to discuss the question of details with the gentleman, but simply submit it as the conclusion of the Treasury Department.

Now, the object of putting the money again into the channels of trade is what? Not that the Government may get a profit from it, but that the public may have the use of the money; and therefore the question of interest is simply an incident, the main one being to get the money back into the channels of trade, in order that business may not be disturbed. Therefore, while I do not think it is necessary to discuss this, I want to allude to the argument that has been made, referring to it with the utmost respect. A bid for money with the idea of making it more profitable for the Government because it took the higher rate, ought not to be considered, even though what I have proven was not true, for you might send the money to a place where the highest profit would come to the Government, and it would not be the place where the money ought to go in the case of a crisis or a panic; and the Government, using its discretion with all the facts before it, should not be subject to criticism, animadversion, and attack, because it had exercised a wise discretion and put the Government deposit at the point where it believed commerce demanded it.

Now, I have sent to the Clerk's desk an amendment which, in my judgment, ought to prevail, because it puts this Government into the same position that every great municipality is, that every great corporation is, by depositing its money at once in the banks of the country with the view of checking out again at will. I believe that in a country as great as ours, with only $100,000,000 of Government deposits in the national banks where there are five billion other deposits, it is child's play to give the banks thirty or sixty days' notice before withdrawing any part of the hundred million. The exchanges every day average $300,000,000. Therefore if the Government said nothing, but drew its checks upon its various accounts and used its money and transferred it from one bank to another, these transactions would not be noticed as they are to-day, for whenever the Government says, "Next week or next month we are going to make a draft upon the banks," it is like sending out a fire alarm. No more attention should be paid to the Government account than to any other account of the same character in size.

Now, can anyone give me a single valid reason why the Government should not deposit its money, and all of its money, from day to day and from hour to hour, if necessary, back in the banks precisely as a business house does? Why should it require bonds to secure the repaymnet of this money? Is it not safe in the hands of the banks which hold five billions of the people's money? We are the supervisors and examiners of these banks. Could not the Government select safe banks in which to deposit the amount proposed by this bill, an amount not to exceed 25 per cent of the paid-up capital, that deposit being precisely as it is to-day, a first lien upon all the assets of that bank? Would danger follow? Would loss accrue?

In 1899 I presented to Secretary Gage an inquiry to this effect: Supposing that in 1879 the Government had deposited its money in the banks of the reserved cities, of which I think there are ten, pro rata to the capital of all the banks included, would there have been any loss, and if the Government had received 1 per cent per annum, what would the profit have been? Later I had that report brought down to cover the 31st day of January, 1902. That report showed that for the twenty-four years not one penny would have been lost by the Government, and we would have had then at 1 per cent interest $19,898,000 profit. If the amendment which I have just sent to the desk had been the law since 1879, the Government would now have $50,000,000 from interest upon its deposits.

This is the letter that Secretary Gage wrote me at the time he made that report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 14, 1900.

MY DEAR SIR: I have the honor to hand you herewith statement compiled by the Treasury actuary, in response to your memorandum of inquiry as to the result to the Government had certain surplus moneys of the Treasury been deposited with national banks in the reserve cities in proportion to the respective capital of each of such banks, etc. It is somewhat surprising, and it is very interesting, to find that not a dollar of money would have been lost. From the tables it appears that $16,370,206 would have been realized in the way of interest and that the 10 per cent guarantee fund which your inquiry suggests should be put up for insurance against loss to the Government would not have been touched.

Very truly, yours,

L. J. GAGE, *Secretary.*

Hon. CHARLES N. FOWLER,
House of Representatives, Washington.

Now, I do not know that I care at the present moment to add anything to what I have said. Every remark that I have made has been based upon experience, and the result of the experience of our own Government, and all that I ask this House to do is to apply the same business rules to the management of the affairs of the Treasury that every great business institution applies to its own affairs, excepting this: I would give to the Treasury the preference which I think the people's money ought to have in the form of collected taxes over their own private accounts, namely, a first lien upon the assets of the banks.

Mr. SHERLEY. Before the gentleman takes his seat I should like to ask him one or two questions for information.

The CHAIRMAN. Does the gentleman from New Jersey yield?

Mr. FOWLER. Yes.

Mr. SHERLEY. Is there any provision in your amendment which would require the Secretary of the Treasury, in depositing Government funds, to deposit them over the country at large, or would he be permitted to deposit them all in some one center?

Mr. FOWLER. There is no requirement, except that the bill provides that he can not deposit in any one bank an amount in excess of 25 per cent of its capital. Now, I do not believe that any law should be passed compelling the Secretary of the Treasury to make any particular distribution of it, because if he has funds to deposit at any time, and it should seem wise because of the peculiar conditions existing in some particular city, he ought to be at liberty to meet the emergency.

Mr. SHERLEY. You give him full option, simply requiring that he shall not exceed a certain proportion of the capital of the bank, and requiring payment of 2 per cent interest?

Mr. FOWLER. Yes.

Mr. SHERLEY. The point was made during the argument the other day by the gentleman from Indiana that a great benefit had accrued to the country at large by virtue of the deposit of Government moneys at interior points, that it had helped to move the crops, overlooking entirely the fact that before they got the money they had to buy in the New York market the bonds that were selling at a premium.

Mr. FOWLER. It robbed the country of capital just to the extent of the premium paid.

Mr. SHERLEY. Yes; instead of adding to the amount of money that was brought into the interior. I simply wanted to get these facts before the committee.

Mr. FOWLER. It is a self-evident fact that if a bank in New Orleans or St. Louis or San Francisco desires Government deposits of a hundred thousand dollars, it would rob that city of the premium, whatever it might be, say from four to six thousand dollars.

Mr. SHERLEY. Unless there were Government bonds not being used in that city.

Mr. FOWLER. Yes, that they might borrow; but only in that case.

Mr. WILLIAMS of Mississippi. And as a rule they do borrow them.

Mr. FOWLER. But I do not believe it is well for this House to legislate upon the assumption that these bonds are here and there and may be borrowed by the bank, because I do not believe the men that lend the bonds have any right to do so. They belong in the treasuries of the institutions that own them, and not in the hands of the bank. Why? They appear in the statement of two concerns, and they have only a right to appear in the statement of one concern.

Mr. HILL of Connecticut. Mr. Chairman, I am going to give a practical illustration of the problem upon which we seem to be differing. In front of the Clerk's desk is a chart, and if members of the committee will give their attention, I will explain the process of procuring a Government deposit of $100,000 under present conditions, and, if I can, make clear this question upon which there seems to be so much difference of opinion.

I shall have to disagree with the chairman of the committee concerning the figures which he has just submitted, and think that I can prove that he is mistaken. Let me take three different banks, representing three different classes, in the country. First, the section of country where the bank rate of discount is 10 per cent, a section of the country where it is 6 per cent, and a stock exchange Wall street bank where the rate on call loans averages, say, 2 per cent. If the figures on the chart are not large enough to be easily seen, I wish gentlemen would step down a little nearer. I think I can make this proposition plain. Before doing it I want to read from the remarks of the gentleman from Mississippi [Mr. WILLIAMS] the other day when he offered his amendment. This is what he said:

> One object of my amendment is this: The money is now going to the great centers to be used for speculative purposes, to corner markets, and everything else. On October 31, 1903, $39,000,000 went to New York City and $42,000,000 to New York State to constitute a fund for speculation in "industrials," etc.; in short, for plain gambling. It ought to be the object of the National Legislature to have the money go to the parts of the country that are developing most rapidly, that are building up with productive enterprise, and not merely gambling in wheat, corn, copper, and stocks; and this would be the effect, in my opinion, of doing that very thing which my amendment requires, because the security being the same, the question of comparative safety being eliminated, there is nothing left to determine the direction in which the money shall go except the question of comparative rate of interest. It will therefore go to the place of the highest prevailing interest rate.

Now, I want to show to the gentleman from Mississippi, and to every other Member of the House, that precisely the thing which he wants to do he is not doing, and precisely the thing which he is trying to avoid he is doing by his amendment, and I think I can satisfy you gentlemen of that fact.

Take, first, the 10 per cent section of the country. I want to get a Government deposit as a banker. I have to take $105,000 of my own money, or my bank's money, worth to me 10 per cent, loaned by me at 10 per cent right straight along, and do what with it? I have got to invest it in 2 per cent bonds—$105,000—with a loss of 10 per cent on the interest.

My first loss in the transaction would be $10,500, if I stopped there. But in lieu of that $105,000 I get $100,000 of Government bonds, from which I cut off coupons every year amounting to $2,000. Therefore I must credit the loss with that amount. I do that, less interest on the bonds received, $2,000. My loss so far has been $8,500 in one year on an investment of $105,000.

Mr. BARTLETT. But the moment you put that into United States bonds you do not have to pay any taxes at all.

Mr. HILL of Connecticut. That is a small feature, but before I get through I will show that that is entirely overcome by something else. What do I then do? I go to the Treasury Department and I deposit my $100,000 in bonds, and ask them for a deposit of an equal amount of money and they give me $100,000 to deposit in the bank. Now, under the law I am required to hold a reserve of 15 per cent, which I can not loan at all. I therefore have $85,000 of loanable funds out of the deposit which I have received, and I loan that at 10 per cent, and it nets $8,500, and there is neither profit nor loss in the transaction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Connecticut. Mr. Chairman, I ask unanimous consent that my time may be extended until I can get through with this chart.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended until he can conclude his remarks. Is there objection?

There was no objection.

Mr. PERKINS. Mr. Chairman, I would like to ask a question. Would not the gentleman have been obliged to hold the 15 per cent reserve on the $100,000 he took with which to purchase bonds?

Mr. HILL of Connecticut. The gentleman asks me if it would not be necessary to hold $15,000 on the first $105,000. Not at all. That is not a deposit. That is my own money. That is the money belonging to the bank, the capital of the bank, if you please. But even if a reserve was required it would simply change the figures, but not affect the principle which I am trying to illustrate.

Mr. PERKINS. But with the bank it would be a deposit.

Mr. DICKERMAN. You would have to hold that, of course, if you had $105,000 in bank. You have got to keep your reserve, as a matter of course.

Mr. LIND. But, as a matter of fact, the Treasury does not insist that any reserve be held.

Mr. HILL of Connecticut. I admit the criticism of the gentleman from Minnesota [Mr. LIND] that the Treasury does not insist, and the reason is this: The law insists, and no regulation of the Treasury has ever been made to the contrary. But there is no penalty under the law, and the Secretary of the Treasury chooses not to prescribe a penalty. I will add, furthermore, that many of the banks do—the prudent, cautious banks do maintain a reserve in accordance with the law. Now, the New York banks maintain 25 per cent.

Mr. LIND. I would ask the gentleman whether a bank having public deposits can not, under existing regulations, loan just as large a percentage of the money deposited as it can of its own funds?

Mr. HILL of Connecticut. No; because the law does not require a reserve against its own funds.

Mr. LIND. As a matter of practice they do.

Mr. HILL of Connecticut. Oh, not at all. Every bank is compelled to maintain its reserve against its deposits, but it does not have to maintain a reserve against its own capital and surplus.

Mr. LIND. But it is not enforced against these funds that are deposited on bond security.

Mr. HILL of Connecticut. One moment, Mr. Chairman. I presume there will be a great many questions before I get through, and if the gentleman will kindly allow me to get through with these three illustrations I will then answer the questions that are asked.

Mr. LIND. I just want to call attention to one point. No bank would loan all its funds. A prudent bank would probably retain 15 per cent of its funds.

Mr. HILL of Connecticut. Certainly; and as a rule a larger amount.

Mr. LIND. So that when you estimate the interest on $100,000, in the first instance, why should you not estimate interest on $85,000 in the first instance, and thus put it fairly before the House?

Mr. HILL of Connecticut. Simply because, in the first place, it is a deposit, and the law requires 15 per cent. I could not take a haphazard case in making this illustration. I am going exactly in accordance with the law.

Now, in a 10 per cent section, gentlemen, anybody can take a Government deposit and come out even, provided they do not have any shrinkage in their $5,000 of premiums on the bonds during the time they are holding their deposit. They must take their chances on that. Now, I want to show how a lower rate of interest will furnish more profit. Take No. 2 in the 6 per cent section. You take the 6 per cent section and the $105,000, at 6 per cent, nets $6,300 loss. The interest received from the 2 per cent bonds, $2,000, leaves the net loss $4,300. Now, then, you get that deposit. You deduct the 15 per cent reserve required by law and loan the $85,000 deposit at 6 per cent, and you have got $5,100, and the $5,100 minus $4,300 leaves $800 net profit by loaning that money at 6 per cent, where no profit at all was made in loaning it at 10 per cent.

Now, coming down to No. 3, you make the same investment of $105,000 with a stock exchange Wall street bank, with money at 2 per cent, and the loss is $2,100. You recoup yourself with the $2,000 interest, and you have a net loss on the first transaction of $100. You loan your $85,000——

Mr. TALBOTT. Do you mean 2 per cent a month?

Mr. HILL of Connecticut. No; 2 per cent per annum.

Mr. TALBOTT. Is any New York bank loaning at 2 per cent?

Mr. HILL of Connecticut. Yes; they loaned all summer on call at 1 per cent. There was very little money loaned at higher than 1½ per cent during the summer months. Now, you loan the $85,000 at 2 per cent and you have $1,700, from which you deduct your loss of $100, and you have a net profit of $1,600.

I will insert this showing in the RECORD at this point.

No. 1.—10 per cent rate.

Investment, $105,000, at 10 per cent	$10,500
Less interest on bonds received	2,000
Loss	8,500
Deposit, $100,000; less reserve, $15,000; loan power, $85,000, at 10 per cent	8,500

No profit. Loaning power reduced $20,000 to the community.

No. 2.—6 per cent market.

Investment, $105,000, at 6 per cent	$6,300
Less interest on bonds received	2,000
Net loss	4,300
Deposit, $100,000; less reserve, $15,000; loan power, $85,000, at 6 per cent	5,100
Profit	800

No. 3.—2 per cent market.

Investment, $105,000, at 2 per cent	$2,100
Less interest on bonds received	2,000
Net loss	100
Deposit, $100,000; less reserve, $15,000; loan power, $85,000, at 2 per cent	1,700
Profit	1,600

No. 1 can bid nothing for deposit, No. 2 can bid eight-tenths of 1 per cent, and No. 3 can bid 1.6 of 1 per cent, and take it all.

NOTE.—For the sake of uniformity I have made the reserve 15 per cent in each case. The 25 per cent required by law in the reserve city would only strengthen the argument and make the showing more effective.

What is the result? That Government deposit at 2 per cent makes you $1,600. Now, do not misunderstand me; you make $1,600 more than you would have made if you had loaned your own money at the start without having the Government deposit. You make nothing in the 10 per cent market more than you would have made if you had loaned your own money at the beginning without taking the Government deposit, but in the second case you make $800 more. If Mr. WILLIAMS's amendment providing that the bank should pay interest on this money should go into effect, how much could they pay, how much would they pay? The bank in the 2 per cent money market has made $1,600. They could pay 1.6 and come out even. The 6 per cent money market bank could pay eight-tenths of 1 per cent, just exactly half what the 2 per cent money market bank could, and come out even. The 10 per cent bank could not bid at all, because they have not made a cent on the transaction. Now, why is that so? It seems like a fallacy. The simple explanation of the whole thing is this: Many people think they have got a great deal more money loaned than in the first place, but the actual fact is that, aside from the bond investment, the loaning power of the bank is in every case $20,000 less than it was when the transaction started—$20,000 less than it would have been if they had not taken the Government deposit at all. Why? Because the preliminary action, the very first thing that must be done, is to take this good money and go and lock it up in the Government 2 per cent bonds and deposit them for security.

Mr. WILLIAMS of Mississippi. Is that practically true?

Mr. HILL of Connecticut. That is absolutely true.

Mr. WILLIAMS of Mississippi. Is that done?

Mr. HILL of Connecticut. That is absolutely true.

Mr. WILLIAMS of Mississippi. In the majority of cases do not they loan the bonds?

Mr. HILL of Connecticut. I will come to that in a minute. Now, how does this work? Here is $5,000 of premiums on which there is no interest at all, and $15,000 of reserve on which there is no interest. That makes $20,000. At 10 per cent it is $2,000.

Against this you receive $2,000 of coupons from the bonds, and consequently you are even. Take the 6 per cent case. You have the $5,000 of premiums and $15,000 of reserve, making $20,000 on which you lose 6 per cent interest, namely, $1,200; you have $2,000 of coupons back from the interest on the bonds, and the difference is $800. That is the profit.

Mr. COCKRAN of New York. Will the gentleman allow me a question? I think he will save time if I ask him a question now.

Mr. HILL of Connecticut. Certainly.

Mr. COCKRAN of New York. Where does the gentleman from Connecticut get his territorial divisions in the rate of interest? What does he mean by 10 per cent belt, a 6 per cent belt, and a 2 per cent belt?

Mr. HILL of Connecticut. I presume there are a great many looking at me who could explain that matter, very unfortunately. I understand that the State of Minnesota has 10 per cent.

Mr. COCKRAN of New York. The 2 per cent market is really the market for call loans and your 10 per cent rate is for temporary loans. How can you make a comparison between those two?

Mr. HILL of Connecticut. I am simply taking the situation as I find it in different sections of the country.

Mr. COCKRAN of New York. Isn't the 2 per cent rate, which you say is peculiar to New York, exactly the same rate that you get in Minnesota?

Mr. HILL of Connecticut. The gentleman from Minnesota [Mr. MCCLEARY] stands in front of me, and I will ask him if he knows of any loans or call loans at 2 per cent in Minnesota?

Mr. COCKRAN of New York. If I could finish my question, perhaps the gentleman and I would agree. I asked if there is any distinction between the rate paid for call loans in New York and the rate paid for call loans in Minnesota on the same security?

Mr. HILL of Connecticut. I will have to inquire of the gentleman from Minnesota [Mr. MCCLEARY].

Mr. COCKRAN of New York. You will have to answer, because you have made a disquisition on the subject to the effect that there is a difference.

Mr. HILL of Connecticut. I would say the call-loan business——

Mr. COCKRAN of New York. I will ask the gentleman if he does not know that every bank in Minnesota maintains a deposit in New York at about the rate of 2 per cent, which is a call loan?

Mr. HILL of Connecticut. I understand that a great many of the banks in Minnesota maintain their reserve, which they are required to keep by law, in reserve city banks, on which some of them get 2 per cent, some of them get 1½ per cent, and some of them get nothing.

Mr. COCKRAN of New York. They get the pervailing call-loan rate.

Mr. HILL of Connecticut. The call-loan rate has nothing to do with that. I think that the gentleman will concede that what I say is correct that this summer when the western banks were getting 2 per cent interest on their reserve, he will recall to mind that call money in Wall street was only 1 per cent.

Mr. COCKRAN of New York. Then they were doing better. Does the gentleman believe that in any bank in the world, in Minnesota or elsewhere, money could be loaned upon the basis which he describes there in time loans at 10 per cent?

Mr. HILL of Connecticut. I mean that in parts of Minnesota and many other sections the discount rate is 10 per cent. The gentleman here says it is the rate allowed by law.

Mr. COCKRAN of New York. I would like to get this answer clear. Do I understand the gentleman to say that in Minnesota or anywhere else in the United States all the funds of a bank could be loaned on time?

Mr. HILL of Connecticut. I am not informed as to that. I am speaking of the discount rate. But it makes no difference whether all or part is loaned at that rate.

Mr. COCKRAN of New York. But you assume they all come under the 10 per cent rate.

Mr. HILL of Connecticut. Not at all.

Now, gentlemen, I think it is perfectly manifest that in bidding to get a deposit the 10 per cent section of the country can not bid, because they can make no profit.

Mr. GILBERT. Will the gentleman allow me to ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. GILBERT. In those territories where money is worth 10 per cent, would not the loss that you have demonstrated be more than compensated for in view of the fact that in those communities the banks would loan their money, if deposited, at 10 per cent?

Mr. HILL of Connecticut. I desire to state that I have said nothing during the past few days in regard to the various arguments that have been made on the question of the advantages to the communities of these Government deposits. As a matter of fact, every bank that accepts Government deposits lessens its loaning power to the community by 20 per cent of the amount of that deposit.

Mr. GILBERT. It does not embark in the banking business for the purpose of realizing a profit out of these bonds, or the money invested in these bonds.

Mr. HILL of Connecticut. It takes the Government deposit solely for the profit there is in it.

Mr. GILBERT. It takes the Government bonds solely for the purpose of enabling it to go into the banking business, not to get a profit on those bonds; but it enables them to loan the deposit to its customers, and in those communities where 10 per cent is obtainable the profit is larger in proportion.

Mr. HILL of Connecticut. Now, let me show you this. In the 6 per cent section the bank can take a deposit and make a profit of $800 a year on $100,000. But will they do it and pay part of that as interest to the Government? The Comptroller's report shows that with 2 per cent bonds at 104.7 the profit on circulation is $1,028 on $100,000. With Government bonds at

the same rate, 104.7, which was the average price last year, the profit on the $100,000 deposit would be $818, and the bank makes nearly 25 per cent less than it could make on the circulation; so that if they would take a Government deposit at a profit of $818 and out of it pay interest, why do they not take the circulation at a profit of $1,028? There is to-day uncalled for an unclaimed circulation to the amount of $300,000,000, because the profit derived from the circulation does not justify the banks in taking it out. Yet the gentleman from Mississippi [Mr. WILLIAMS] endeavors to convince this House that a bank which makes 25 per cent less on deposit than on circulation will pay interest on the deposit for the sake of securing it. They are absolutely barred out of the market.

Now, let me go a little further. Take the 2 per cent banks, which get 1.6 per cent profit on their Government deposits.

Mr. FITZGERALD. Is there any such thing as a 2 per cent bank?

Mr. HILL of Connecticut. Oh, not at all. I was speaking of the money invested by the bank in Government bonds as security for deposits.

Mr. FITZGERALD. Are these Government deposits that you talk of as being made to these banks loaned at 2 per cent? As a matter of fact, does any bank loan out its money at 2 per cent, even in New York?

Will the gentleman answer that question, if he knows of any bank which takes out this money from the Treasury and loans it at 2 per cent only?

Mr. HILL of Connecticut. I will state to the gentleman, as I stated to the other gentleman from New York, that during this summer millions on millions of dollars have been loaned out at 1 per cent.

Mr. FITZGERALD. Does the gentleman mean to say that banks getting these deposits lend them at 2 per cent?

Mr. HILL of Connecticut. With the 1.6 per cent which they make on the deposit in the 2 per cent call money market, the bank can pay something in the way of interest.

And I submit—pardon me until I have finished this—that it is proved absolutely, both by the figures which the gentleman from New Jersey [Mr. FOWLER] gave and by the figures of the Treasury Department, that a compulsory rate of interest charged will bar out the 10 and 6 per cent classes, and that a 2 per cent rate of interest would bar out and make a loss even to the Wall street banks.

What are the conditions now? In order that there may be no misunderstanding about it, for you are all interested in behalf of your constituents, permit me to show that this money is now distributed all over the United States.

Mr. PIERCE. May I ask the gentleman a question?

Mr. HILL of Connecticut. In just a minute. I say you are all interested in behalf of your constituents. This money is now distributed all over the United States. There is not a State or Territory or District in which it is not now placed. Fifty-two States, Territories, and Districts hold this money, every single one having had money sent to it by the Treasury of the United States. If you pass an amendment here which bars out those banks, the first proposition is that you strip those banks of the deposits which they now have, because you render it impossible for them to continue them at any profit.

Mr. PIERCE. Now, will you let me ask you that question?

Mr. HILL of Connecticut. Understand, I am not claiming that it is any special advantage to the particular section of the country to have these deposits, except under one condition——

Mr. PIERCE. Is this a branch of Coin's, Hill's, or Chadwick's school of finance? [Laughter.]

Mr. HILL of Connecticut. I am trying to make this plain and clear.

Mr. SHERLEY. If the gentleman will permit me, is it not true that the depositing of Government moneys out through the country at large, instead of increasing the money in a particular community where the money is deposited, actually decreases it?

Mr. HILL of Connecticut. Absolutely, by 20 per cent, except under some conditions. There are two conditions under which it increases it. If a bank located in Kentucky, the State from which my friend comes, can find in its community bonds which it can buy, and thereby change a fixed investment into floating capital, his community is benefited; but it would be a very rare thing for him to find bonds there. Now, that is one case. The other is where the bonds can be borrowed at a rate which will afford a profit and where no actual investment in the bond is made.

Mr. SHERLEY. Would not the community be just as much benefited if the owner of those bonds sold them in the open market?

Mr. HILL of Connecticut. Precisely the same.

Mr. SHERLEY. Then there is no advantage to the country in Government deposits?

Mr. HILL of Connecticut. I have said that the loaning power of the bank is absolutely reduced by 20 per cent on every dollar of deposits that the bank takes.

Mr. SHERLEY. The reason I want to bring that out clearly is because the gentleman from Indiana——

Mr. HILL of Connecticut. Now, I beg pardon. I said I would not reply to that argument.

Mr. GARNER. Will the gentleman yield for a question?

Mr. HILL of Connecticut. Yes.

Mr. GARNER. How does the gentleman account for the fact that banks desire these deposits, if they decrease the loaning power of the banks 20 per cent?

Mr. HILL of Connecticut. Because they make money on them in spite of the fact that the loaning power to the community is lessened.

Mr. GARNER. How can they make money on those deposits if the deposits decrease their loaning power 20 per cent?

Mr. HILL of Connecticut. Because they make more on the loaning of the Government deposits, with the interest on the bonds added, than they would have made if they had loaned their own money only, in the one case $800 more and in the other case $1,600, and banks are looking for a profit.

Mr. GARNER. Then, as a matter of fact, the 10 per cent field does not make a cent by these deposits?

Mr. HILL of Connecticut. The 10 per cent field neither makes nor loses.

Mr. GARNER. Then why do the banks in the 10 per cent field seek these deposits?

Mr. BEDE. I will tell you why: Because of the prestige which it gives to the banks.

Mr. MCCLEARY of Minnesota. The words "United States depository" on the front door are worth something to the bank.

Mr. HILL of Connecticut. On the last day of September there were deposited $69,000,000 in what are known as regular depositories. Those are the depositories where the internal-revenue money is collected and paid in. I will take, for instance, a bank in Minneapolis. Suppose that the bank in Minneapolis puts up $50,000 of bonds. Within that amount, as these internal-revenue receipts are collected, they hold it. If the receipts run up in excess of $50,000 the bank is required to remit the excess to the Treasury, but within $50,000 they can hold it subject to a draft of the Treasury. These are called "regular depositories." Aside from these, there are what are known as "special depositories," holding about $46,000,000 in the aggregate.

Now, gentlemen, we have spent two or three days in discussing this question of interest. There is now outstanding a call for 25 per cent of the entire deposit, regular and special; 10 per cent of that is to be paid week after next, 15 per cent on the 15th of March. That cuts the total down to $88,000,000. If conditions continue this year as they were last, the expenses increasing and the revenues decreasing, one year from now you will have no occasion to discuss the question of interest on Government deposits—none whatever—for they will be entirely disposed of, so far as the special deposits are concerned.

The question comes right down to this, and I do not think the figures can be disputed, it is Government bond security and no interest, or it is interest and no Government bond security. That is the question, and you must take your choice.

The gentleman from New Jersey [Mr. FOWLER] has offered a different proposition, but I think the plan which he offers comes nearer to what the gentleman from Mississippi wants than does the amendment offered by the gentleman from Mississippi himself. But it is a question of whether you will take Government money and loan it out at the discretion and judgment of one man, investing the Secretary of the Treasury with banking functions, to use his judgment concerning the assets of the bank. Now, I am not going to speak for or against that proposition.

Mr. GILBERT. The gentleman from Connecticut started out by saying that he disagreed with the chairman of the committee on some proposition.

Mr. HILL of Connecticut. On the figures he gave. I think he only gave a part of them. I think the Treasury Department gave a list of the returns from investments in various classes of bonds, but they did not supplement that list by showing the profit received from the deposits. I think that is where the difference is between the gentleman from New Jersey and myself. I have completed the transaction and he only gave a part of it.

Now, as I say, I am not going to discuss the question as to whether it is wise for the Representatives to deliberately, in the last year, probably, of Government deposits, special deposits at least, discuss the question of overthrowing the uni-

form practice of the Government for the last forty years. In my judgment it is unwise. In my judgment the American people will say that security is the first thing they are looking for and interest is the last thing they are thinking of.

Mr. SHERLEY. Does not the gentleman think that under our present national banking laws every national bank ought to be so secure as to make not only Government but individual deposits safe?

Mr. HILL of Connecticut. Personally, I believe they are. I said I would not discuss it. I believe the plan of a paramount lien on the bank assets submitted by the gentleman from New Jersey [Mr. FOWLER] is absolutely safe, but I do not believe that you can convince the American people that it is. We have tried it once on asset currency, and we didn't get very far with it. [Laughter.]

Mr. SHERLEY. Then the gentleman wants to take the position which he thinks is stable because the people will not agree with him?

Mr. HILL of Connecticut. Not at all. I am free to say that I think it is safe. But there is another thing I will say to my legal friend from Kentucky, a gentleman whose ability I respect, that I believe it is wrong in principle to invest the Treasury of the United States with banking functions. It is the business of corporations or banks chartered by the State and by the nation, and the time might come in the history of this country when the people would regret that they had ever given to the Secretary of the Treasury power to take the funds of the country and loan them out at his own discretion without bond security.

Mr. COCKRAN of New York. Will the gentleman from Connecticut tell us what his bill aims at except to have the Secretary of the Treasury discharge that very function?

Mr. HILL of Connecticut. The bill aims at this, that customs and revenue funds should be treated alike under present conditions and without any change of law as to either security or interest, and I think the Committee on Banking and Currency are unanimously in favor of that proposition.

This other amendment providing for interest and asset security brings us back again to the suggestion which I made the other day, that it is too great a question and too important a question to be decided offhand on the spur of the moment by the House of Representatives. It should go to the committee, and after careful and judicious hearings, the whole subject in all its bearings being carefully considered, a perfected interest proposition should be brought in here. I am not the man to vote against interest on Government deposits when such a proposition has been submitted.

Mr. FOWLER. But does not the gentleman from Connecticut [Mr. HILL] know that this very proposition, word for word, came from the Banking and Currency Committee two years ago when he was on the committee?

Mr. HILL of Connecticut. Yes; and I will state, furthermore, that there are gentlemen on this floor who will object to a fixed rate of interest. The gentleman from Mississippi [Mr. WILLIAMS] himself objects to a fixed rate of interest.

Mr. FOWLER. I am not talking about that.

Mr. HILL of Connecticut. The proposition that came from the Banking and Currency Committee was for a fixed rate of interest.

Mr. FOWLER. So is this, 2 per cent.

Mr. HILL of Connecticut. That is what I say. I am saying now that the proposition of the gentleman from Mississippi is not for 2 per cent, but for receiving bids for the use of this money.

Mr. FOWLER. I know; but I am getting back to your assault upon the proposition in the amendment that I offer.

Mr. HILL of Connecticut. Not at all. I have no opposition to make to the gentleman's amendment. I neither oppose nor favor it. I simply say that I think the proposition made by the gentleman from New Jersey [Mr. FOWLER] is a safe one.

Mr. COCKRAN of New York. Mr. Chairman, I would ask the gentleman if he will allow me a question, so that we can get his position before the committee.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from New York?

Mr. HILL of Connecticut. Certainly.

Mr. COCKRAN of New York. I understand the gentleman to say that he objects to the Secretary of the Treasury being equipped with the power to dispose of the funds of the United States in the ordinary process of banking.

Mr. HILL of Connecticut. Yes; I will agree to that.

Mr. COCKRAN of New York. This bill aims to give to the Secretary of the Treasury the power to make the deposits without interest.

Mr. HILL of Connecticut. Yes; without interest.

Mr. COCKRAN of New York. Yes.

Mr. HILL of Connecticut. Well, that is not using the ordinary processes of banking.

Mr. COCKRAN of New York. I understand, and the precise distinction is that the gentleman from Connecticut thinks it is not banking when he does not get interest for it, although the banks are willing to pay interest, and it is banking when he gives it to them for nothing.

Mr. HILL of Connecticut. Oh, the gentleman is a man of marvelous ability, with a power of expression equaled by few people in the country, but he can not get me away from the fundamental proposition that the United States Treasury ought not to be invested with banking functions.

Mr. COCKRAN of New York. I agree with the gentleman there.

Mr. HILL of Connecticut. With the power to loan at its discretion to one man at one rate of interest and to another at another rate of interest, exercising the functions and the privileges of a president of a bank sitting in his banking parlor.

Mr. COCKRAN of New York. Oh, I agree with the gentleman there.

Mr. DANIELS. Mr. Chairman, I raise the point of order that the House is not in order.

The CHAIRMAN. The point is well taken.

Mr. HILL of Connecticut. Mr. Chairman, I am going to stop in just a moment. You have to vote on this proposition: Will you change your existing conditions in the face of a rapidly falling surplus and overthrow the practice and experience of the United States Government for forty years? It is a question with which we are face to face. It is bond security and no interest or interest and no bond security.

Mr. JAMES. Mr. Chairman, I would like to ask a question. If I understand the gentleman correctly, his contention is that the banks could not afford to pay interest to the Government because they could not make any money by doing that.

Mr. HILL of Connecticut. I say that the Wall street banks, in a 2 per cent call-money market, can afford to pay interest, but nobody else can.

Mr. JAMES. If the gentleman's original contention that they could not afford to pay interest was true, then they would not pay interest, and nobody would be hurt.

Mr. HILL of Connecticut. And the result would be that the deposits would go back into the Treasury of the United States.

Mr. JAMES. Not at all. Why not give the people the opportunity to say whether or not the gentleman is right, whether or not the banks would be willing to pay interest for the people's money?

Mr. HILL of Connecticut. That is all right. I would be perfectly willing to give the people an opportunity for proving that three and two make four instead of five, but I think it would be a waste of time.

Mr. COCKRAN of New York. The gentleman would prefer to show them that three and two make six.

Mr. HILL of Connecticut. I prefer to show them that three and two make five and not four. I thank the Members of the House for their attention. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I feel disposed to paraphrase a very celebrated utterance and say that there are three sorts of fallacies—plain fallacies, blamed fallacies, and expert fallacies. Now, we have listened to an argument of the expert character a moment ago which if it proves anything proves this: The gentleman from Connecticut and I are in the banking business. I live in a 10 per cent interest field, and the gentleman from Connecticut——

Mr. HILL of Connecticut. You do not care to have this map remain here?

Mr. WILLIAMS of Mississippi. Leave it there; I would not get that thing out of the way. That ought to be worshiped, because it is "like nothing in the heavens above or the earth beneath or the waters under the earth." We have listened to an argument which if it proves anything at all proves this, that the gentleman from Connecticut and I engage in the same sort of business. I in a 10 per cent interest field and he in a 2 per cent interest field go through with certain operations, the same operations precisely, to get a certain deposit of Government money. I have a bond and he has a bond, both bearing the same rate of interest. We deposit them with the Government on exactly the same regulations and after we have deposited them there we continue to draw upon our respective bonds the rate of interest which the bonds originally drew and then, as a result of the deposit, we have obtained from the Government a certain net amount of money. So far we have performed exactly in the same rôle, but now we reach a point of divergence. We proceed to use our money, let us say $85,000 as under his figures, because the gentleman deducts $15,000 as

the reserve required by law, the gentleman having neglected to tell the House that any safe banking business in the world, if it had kept the original $100,000, would also have kept in reserve at least 15 per cent if it was doing a safe banking business. Now, then, we have come to where we have $85,000 apiece, and this expert speech, to which we have just listened, teaches us that when we have got to that point, traveling the same road——

Mr. HILL of Connecticut. Will the gentleman permit me——

Mr. WILLIAMS of Mississippi. Wait until I get through the trip. We then proceed to loan out our $85,000, I at 10 per cent and the gentleman at 2 per cent, and then it is proven beyond all cavil of doubt by expert fallacy—the supremest sort of fallacy—the gentleman from Connecticut being spokesman, that when I loan my $85,000 at 10 per cent I lose money and when he loans his $85,000 at 2 per cent he makes money. [Applause on the Democratic side.]

Mr. HILL of Connecticut. Now, will the gentleman permit me?

Mr. WILLIAMS of Mississippi. One word more and then I will listen to you. [Applause on the Democratic side.] Wait until I have finished this statement and I will listen to the gentleman. Now, part of the fallacy consists in this: Look how ingeniously my friend from Connecticut has put that, "Number one, 10 per cent rate field; investment, $105,000 at 10 per cent; sacrifice of interest, $10,500;" from which he generously deducts the amount already drawn in the shape of interest upon the bond—$2,000—and then he marks it as a "loss" of $8,500, which he tells us afterwards cancels the profit of 10 per cent upon $85,000 and makes me come out even.

Mr. HILL of Connecticut. Will the gentleman permit?

Mr. WILLIAMS of Mississippi. Wait a minute.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COCKRAN of New York. I trust the gentleman's time will be extended until the completion of his remarks.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Mississippi be extended until the completion of his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. I want to call attention to this fallacy above before the gentleman interrupts me again, because when the gentleman undertakes to help me out in figures I do not know what is going to become of my nervous system. Now, the gentleman calls that a "loss." Gentlemen, that is a fallacy. He would have you believe the man is losing $8,500 because he has abstracted that much from a 10 per cent market. Now, he has not lost a dollar. Now, let me show you.

Mr. HILL of Connecticut. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. Oh, I can not have you interrupt me now; I said I would yield in a minute as soon as I had made this statement. You confuse me.

That is no loss. What has happened to the man? He has turned $100,000 of money plus $5,000 more money into a $100,000 United States bond, has he not? After he has done that what has happened to him? Why, nothing, except a lessening of the rate of interest that he is drawing on his money. As long as he had the $100,000, or the bond was worth that at par, his money or his bond was bringing him net 2 per cent, but when it cost him $105,000 to buy a $100,000 bond then his bond is bringing him, on rough calculation, 1.9 per cent. So he still continues to draw interest on what? On $105,000. At what rate? At the rate of 1.9 per cent. He has lost $8,500. What has happened to the man? He is drawing interest on $105,000 at the rate of 1½ per cent, and he is drawing in addition to that, interest on $85,000 at the rate of 10 per cent. So he is making $2,000 interest on the bond in one place and $8,500 interest on his money minus the reserve in another place, making $10,500 interest upon the money. He has lost nothing, and the gentleman does not and can not figure it so that he has lost anything, except if we permit the gentleman to keep books on one side of the ledger alone and contend that the man must keep his reserve of 15 per cent after he has become the depository, but that he could do a safe business without a reserve before he turned his $105,000 into a bond. Then he would have the advantage of $15,000 in each $100,000. But that is not true. That is not safe business, and no safe banker would do business of that sort. He must keep in reserve to be safe about 15 per cent anyway.

Now, the gentleman forgets another thing—and, by the way, my other distinguished colleague, the gentleman from New Jersey, a financial expert, who makes mysteries of money science, in his amendment and in his remarks that he made concerning it this morning, proceeds upon the idea that after the bank in either the 10 per cent interest field or the 2 per cent interest field, I care not which, gets this money it proceeds to lend it by the year. That is not true. The very profit of banking consists in lending for a short term, say thirty, sixty, or at most ninety days, and then lending the interest collected each time over again, and thus compounding it. One man is compounding in a 10 per cent market and the other man is compounding in a 2 per cent market. The difference is obvious and immense.

Now, a few words concerning the amendment of the gentleman from New Jersey [Mr. FOWLER]. There are two vital objections to it. One is that it fixes the rate of interest at a certain percentage—2 per cent. It thereby deprives the scheme of its automatic feature, and the automatic feature is the feature of it that ought to be retained. In other words, the deposit ought to take place in such a way that the money will go at whatever rate of interest is prevailing in the market at a profit to the operator after paying that rate of interest, and to the field of industrial enterprise most needing it and best able to pay for it. Hence we ought not to be tied down to a rate of interest. At some stages of the market nobody could afford to pay 2 per cent; at other stages of the market everybody could afford to pay 2 per cent; then would come up the same system of favoritism of selection between the same people wanting to pay 2 per cent as comes now.

But that is not all. The gentleman from New Jersey says his system is "perfectly safe." The gentleman from Connecticut [Mr. HILL] says that the system proposed by the gentleman from New Jersey is perfectly safe also. Now, I will agree with both gentlemen that, so far as the Government loan is concerned, it is perfectly safe. But I deny that it is safe banking, because I urge that when the Government deposits the money in these banks without any special security deposited by the borrowing banks, and takes merely a first lien upon their assets, we impair the security of the other depositors in the national banks, and there is no occasion to do that.

Now, then, if the gentleman wants to offer an amendment which will do away with the objections which he says lie to my amendment, let him offer an amendment to the effect that, instead of being required to deposit United States bonds, they can deposit "security satisfactory in the opinion of the Secretary of the Treasury"—any security by national or other banks satisfactory to the Secretary of the Treasury.

I do not believe I would vote for that, but it would accomplish his purpose at any rate, or the purpose which he says he has. But let him not deposit with these people at interest, and merely make the Government safe, while he impairs the assets of the banks, that go to the satisfaction of the demands and liabilities of depositors, by making one depositor, to wit, the Government, a preferred creditor. The gentleman says it is "perfectly safe." I believe in nine cases out of ten the Government would get back its money; but suppose it had had a little of it deposited out here in these Chadwick banks the other day, how much do you suppose the depositors would have gotten back of their money? And in one of those cases at any rate, if I remember the figures correctly, even the Government would not have gotten back its money.

Now, besides that error in the gentleman's statement and in his figures this morning, there is another. If the gentleman will take the trouble to figure it out carefully, he will find that at the present rate of bond premium you can not become a Government depository at 2 per cent with a profit in certain markets of the country; but that there is a percentage at which it would be profitable to become a depository, and if the percentage was left to be settled automatically by bidding, that percentage would be arrived at.

Now, one word more and I am through, and then I will answer the question of the gentleman from Connecticut. The gentleman from Connecticut [Mr. HILL] says, and I took down his language:

> Every bank lessens its loaning power by 20 per cent when it becomes a Government depository.

Mr. HILL of Connecticut. Twenty per cent of the amount of the Government deposit.

Mr. WILLIAMS of Mississippi. Twenty per cent of the amount of the Government deposit, that is what I mean. In other words, if a bank receives a deposit of a hundred thousand dollars it lessens what it could have loaned, if it had not received it, by 20 per cent.

Mr. HILL of Connecticut. If it complies with the law.

Mr. WILLIAMS of Mississippi. Of course, and I am assuming that it does comply with the law.

Now, the gentleman wants us to believe two things, the latter of which he must believe, because it is patent before his eyes every day. The first thing is that every bank that becomes a depository lessens its loaning power 20 per cent. That state-

ment is based upon his utterance. Then he will likewise want us to believe, I presume, because it is palpable to all our eyes, that in spite of that fact all the national banks of this country are clamoring every day to become Government depositories. Either might be credible. Both are incredible.

Now, the gentleman says that we will send all of this money to the great centers, if my amendment be adopted, because they can use the money to much greater advantage at 2 per cent than the banks down South and West can use it at 8 and 6 per cent. I am going to grant, for the sake of argument, just a moment, that there is something in what the gentleman has said. I do not grant it for any other purpose, because you can not make me believe that when a man's rate of interest is reduced from 2 per cent to 1.9 per cent upon his bonds and he still makes interest at the prevailing interest rate in his market on the balance of his money which is in loanable shape, that he has lost any money or merely come out even either; but if the gentleman were right, my answer is that in the present condition of affairs all of this money is now going to the great centers for speculative purposes. I read from the statements of October 31, 1903. They are not strictly correct now, because there has been a lessening of the general amount on deposit everywhere, but they are proportionately correct. That is to say, the amount of loans in one place as compared with another have kept at about the same relationship one to the other.

I find that in the great city of New York upon that day there were loaned to the national banks, without interest, under the name of deposits, $39,052,000, in round numbers; that in the great city of Chicago, which has not as many different sorts of gambling rigs running as New York, and has not as great demand for this sort of money to be used on call for speculative purposes, but which is nearly as great a city, only $2,800,000, in round numbers, were thus loaned by the Government; and in the great manufacturing and home city of Philadelphia there was only $4,900,000, in round numbers. I find in the State of New York $42,750,000, in round numbers.

The gentleman from Indiana [Mr. HEMENWAY] was on his feet the other day, talking about the great dread of Indiana being hurt by "all of this money going to New York" if my amendment was adopted. I find at that time that while New York State was receiving $42,739,000 and New York City over $39,000,000 the whole State of Indiana received but $4,031,000. Now, the gentleman grew eloquent upon how Mississippi and Louisiana and Alabama and South Carolina and the South had been benefited and "made prosperous" even by the deposits of public moneys. I find that Alabama received $429,000, not quite half a million; that Mississippi received $349,000, a little over a third of a million, and Louisiana, owing to the fact that the great city of New Orleans was in that State, received eight hundred and odd some thousand dollars, near a whole million. In all the developing and productive parts of the country—and I will not read them all—you can realize the same lesson.

Let us take the State of California, for example. It got only $2,300,000, including the great city of San Francisco, doing then nearly all the business of the Pacific slope. In other words, this money was being loaned without interest to those parts of the country that generally deal in "industrials," so called—I never knew why except that they have not much regard for industry—and in the South and West and on the Pacific, where the country is going forward by leaps and bounds in the establishment of factories, mines, sawmills, farms, and everything in the world, they got nothing, or almost nothing. I have not added it all up, but the city of New York alone gets more than all of the lower Middle West and South put together. So that if any gentleman is alarmed about the moneys leaving the West and going to New York, I will simply add that it can not go there much more disproportionately than it goes now—at the very worst. But it will not go there. Common sense teaches you that these banks would not be clamoring to be made depositories at a loss of 20 per cent of loaning power—not practically. Of course theoretically, in a way, it may be, but not in practical business. The gentleman from Connecticut says that they are losing practically 20 per cent of their loaning power, but common sense tells you that when I do the same thing as the gentleman from Missouri does, get the same amount of money, deposit the same amount of security, at the same cost, and both of us have $85,000 left of the $100,000, he will make more money lending out an equal sum at 10 per cent or 6 per cent than I will make at 2 per cent, unless of course he shall have been guilty of some recklessness or wastefulness.

Mr. HILL of Connecticut. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. HILL of Connecticut. The gentleman started his remarks with this sentence: "We will both start from the same point, both having bonds." Now, if the transaction started there, he would be right. But, as a matter of fact, the bonds must be procured, and the loss is caused by the necessity of procuring low-interest-rate bonds by the investment of high-rate money. Ten per cent money invested in 2 per cent bonds means a loss of 8 per cent.

Mr. WILLIAMS of Mississippi. It does not make a particle of difference at what precise moment of our existence we acquired the bonds. The gentleman and I both understand that we acquired the bonds and must have held them before we deposited the bonds. We have both got bonds, and the bonds are drawing 2 per cent nominally, i. e., drawing 2 per cent upon their face value. They are drawing one and a fraction per cent upon their cash value in the market. He has the very same that I have, and I have the very same as he has, and they are drawing the same rate of one and a fraction per cent on the investment. Now the whole fallacy is in stating that money is lost on this $85,000. The next chief fallacy is based on the assumption that the banks loan their money for a year, when the fact is that they loan the money for a short time, and compound the interest instead of having one annual loan, as the gentleman from New Jersey said this morning.

Mr. FOWLER. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. FOWLER. I would like to ask you, for information, how often you would bid for rates upon Government bonds?

Mr. WILLIAMS of Mississippi. I did not understand the gentleman.

Mr. FOWLER. How often would you offer public moneys for bids?

Mr. WILLIAMS of Mississippi. That is left to the discretion of the Secretary of the Treasury, who could proceed by proper regulations. I did not seek in this amendment to draw up legislation covering that point. I did not have time. I did not want it to be done crudely, and therefore the entire matter is left to the discretion of the Secretary of the Treasury, subject to such regulations as he may make as to manner, time, etc.

Mr. FOWLER. Does the gentleman think it is wise to turn over to the Secretary of the Treasury one hundred millions, or one hundred and fifty millions, of dollars, to experiment with in the way of higher rates this month and higher rates next month and lower rates this month and lower rates next month, as the case may be? Does the gentleman realize that the most important thing in business is the fixity of conditions?

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will answer the gentleman's question by saying that it may or may not be wise to turn over to the Secretary of the Treasury $150,000,000 to deposit in banks with interest under such regulations as he may fix, but that it is certainly as wise as it is under this bill to turn over $150,000,000 to deposit in these same banks, or others to be selected by him as he chooses, without interest. What is the difference? [Applause.]

Mr. FOWLER. That is the law to-day.

Mr. WILLIAMS of Mississippi. That is the law to-day. I say further, it is wise to make money on your money, if you have any money in surplus amount.

Mr. FOWLER. Does the gentleman think it is a matter of very great importance that, as compared with certain conditions of business interests of the country, we should make 3 per cent above 2?

Mr. WILLIAMS of Mississippi. I believe it would be a steadier market to loan with than without interest, and I will tell the gentleman why. You have one hundred and fifty millions in the bank to-day, not to-day, but you had it a little while ago; you have drawn some out. I am informed that we are going to issue bonds for the construction of the Panama Canal, instead of taking our own money lying idle and doing nothing. Why? Because neither the gentleman nor I would dare to take all of that money at once out of these banks, although it is earning nothing. Now, then, if it were earning something when the Government was afraid of drawing that money out of the bank, we could better afford to let it lay there than now, because the interest which it was earning from the banks would offset the interest on the bonds which the Government would have to pay when it issued the bonds. It would lead to greater stability of business, to greater fixity of governmental purpose. It could not lead to any greater instability, and if the gentleman can show me how money in any bank drawing interest could lead to any greater lack of fixity, any greater instability than the same amount of money in a bank drawing no interest, I would like to hear from him, because the Government no more dares to draw in too large an amount when it is drawing no

interest, than it would if it was drawing interest. It is not the little percentage that breaks up the business of the country, it is the principal which is being drawn out which has been loaned out and is at work in the pathways of industry. Will the gentleman from New Jersey tell me how one could lead to any greater lack of fixity than the other?

Mr. FOWLER. I think nothing could be so disturbing to the business interests of this country as to have this Government raising and lowering the rate of interest.

Mr. WILLIAMS of Mississippi. Now, I must answer that right there. I deny that the Government would be raising and lowering the rate of interest. The rate would be left to business needs to fix automatically by free and voluntary competitive offerings.

Mr. FOWLER. In other words, the United States Government would have a call loan amounting to $150,000,000, or whatever it was.

Mr. WILLIAMS of Mississippi. They have a call loan now of $150,000,000, or whatever it is, only they are receiving no interest on it now, and then they would be receiving interest.

Mr. FOWLER. Now, if the gentleman will allow me to answer him, and just allude by way of answer to his argument which does not at all apply to my amendment, which provides that those banks shall pay the Government 2 per cent interest, which is identical with the rate of interest that the Panama bonds draw, I will say that therefore the deposits absolutely fix the interest on the bonds.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I reply to that by saying that you ought not to prefix the interest rate. Now, then, if the gentleman will excuse me a moment, the gentleman would be doing, if he fixed a rate, just what he said a moment ago would be the "worst disturbance of business in the world," viz, have the United States Government fix a rate of interest. I would leave business to fix the rate automatically, have people bid for it for the purpose of using it in industrial fields. The gentleman from New Jersey [Mr. FOWLER] would absolutely fix a 2 per cent interest for the banks to pay the Government, and it would have its effect upon interest generally.

Mr. FOWLER. Does the gentleman mean to say that if the Government fixed a rate of 2 per cent on its deposits, wherever they might be placed, it would have the slightest effect upon the ten billions of deposits in the United States and the ten billions of discounts?

Mr. WILLIAMS of Mississippi. I should think that every dollar that went into the loan market would have its effect on the balance; yes, in the loan market. It might be almost inappreciable, but it would have its effect.

Mr. FOWLER. That is the point; it would be inappreciable.

Mr. WILLIAMS of Mississippi. It might be. I think it would be quite appreciable.

Mr. FOWLER. That is the only point the gentleman makes with reference to my amendment.

Mr. WILLIAMS of Mississippi. I make the further point that you would impair the security of depositors in national banks.

Mr. FOWLER. Now, the gentleman says that it would impair the security of depositors. Is that correct?

Mr. WILLIAMS of Mississippi. Yes.

Mr. FOWLER. Very well. If the Government had made a deposit of money without bonds and should deposit $25,000 in a national bank, and the Government had a first lien on those assets, the gentleman asserted it would be——

Mr. WILLIAMS of Mississippi. And the bank failed.

Mr. FOWLER. Yes. That it would be an injury and would impair the security to the depositors.

Mr. WILLIAMS of Mississippi. Undoubtedly.

Mr. FOWLER. Now, let us for a moment assume that the Government change from that condition to its present condition. What would it do? It would deposit $25,000 with the bank and would go right in behind the counter and seize $26,000 of the assets, which they would take down to Washington and lock up. Does not the gentleman then think that it would impair the assets?

Mr. WILLIAMS of Mississippi. No; they do not seize $26,000 of the assets to start with.

Mr. FOWLER. What do they do?

Mr. WILLIAMS of Mississippi. When people go to work to make up a national bank they go into the market and buy the bonds before they start the bank.

Mr. FOWLER. Where do they get the money to buy the bonds with?

Mr. WILLIAMS of Mississippi. How do I know? The gentleman must stop a moment. I say it would impair the security of other depositors, and I say that any man of common sense who will think for a minute will say that it must necessarily impair the security of the other depositors. What is the security the depositors have now except the assets of the bank? When a bank fails now its circulating notes already issued are fully met and more than met by the bonds deposited, so that the Government never has to go back to the assets of the bank for the payment of its circulating notes. Thus the depositors are left with an access to all of the other assets of the bank to pay them in case of the failure of the bank. Now, if the Government were one of the depositors and had $50,000 in that bank and a preference, of course it would impair the security of the balance of the depositors, who would have to fall in behind that preference; whereas if independent security were given as now the Government would get satisfaction from that, leaving all other assets to its other depositors.

Mr. FOWLER. Does the gentleman mean to tell this House that it has not a preference after it has seized enough of the assets to pay the bonds to secure the $50,000? Does the gentleman mean to say that it has not a preference?

Mr. WILLIAMS of Mississippi. I do not understand.

Mr. FOWLER. Does the gentleman mean to tell this House that the Government has not a preference and a prior lien on the assets when it has already seized enough of the assets to pay the bonds to secure the deposit and taken them to Washington and locked them up? Why, it is not only a judgment against the bank, but it is an execution issued and the property seized.

Mr. WILLIAMS of Mississippi. I do not understand. I understand that under the gentleman's amendment they would be given a first lien.

Mr. FOWLER. Don't they have a first lien to-day under the law as it stands?

Mr. WILLIAMS of Mississippi. No, practically not, for this reason: there is a first lien upon the assets of the bank, as far as that is concerned, for the payment of its notes, but the bonds deposited being always sufficient, the lien is practically never asserted nor the other assets resorted to.

Mr. FOWLER. How about its Government deposits?

Mr. WILLIAMS of Mississippi. As a practical fact, the gentleman knows that the bonds deposited more than pay the notes, so that the Government never has to recur to the assets of the bank for the payment of its notes; and for its deposits, as they are regulated to-day, the Government also has its security in the same way—in the shape of deposited bonds.

Mr. FOWLER. Where do the bonds come from?

Mr. WILLIAMS of Mississippi. I do not care where they come from. The Government has its security in the shape of those bonds, and, as a consequence, gets its money back if the bank fails from those bonds without having to proceed against the other assets of the bank, leaving the balance of the assets free to the other depositors.

Mr. FOWLER. Do you mean to say that those bonds deposited to secure the Government deposits are not assets of the bank?

Mr. WILLIAMS of Mississippi. The gentleman, I started to say, quibbles, but I would not say that.

Mr. FOWLER. I do not think, sir, you can say that.

Mr. WILLIAMS of Mississippi. But the gentleman is indulging in mere technicalities.

Mr. FOWLER. Not at all; in most serious facts.

Mr. WILLIAMS of Mississippi. I said a moment ago that after the bank had gone to the deposited bonds, in the case of a failed bank, to make good the amount of money owed it as a depository that its other assets, and I used the word "other," were left free for the "other" depositors to pay the obligations due them.

Mr. FOWLER. Where would the proceeds that went to purchase the Government bonds be if you did not use them to purchase the bonds?

Mr. WILLIAMS of Mississippi. How do I know? [Laughter.]

Mr. FOWLER. They would be in the use of the bank,

Mr. WILLIAMS of Mississippi. I suppose the fellows who loaned the bank the bonds, or put money in the bank, or formed the association to form the bank would still have the money, but they might have loaned it out last Tuesday, for all I know, or done something else with it, for all I know.

Now, Mr. Chairman, apologizing to the House for taking up some of its time absolutely unnecessarily, I want to thank you for your attention. [Applause.]

Mr. MARSHALL. I would like to have the gentleman yield for a question.

Mr. WILLIAMS of Mississippi. I have yielded the floor. The gentleman from Illinois has the floor.

Mr. PRINCE. Mr. Chairman, I desire to discuss the bill now before the committee. The provisions in this bill should receive the careful attention of the committee before the bill becomes a

law. The purpose of section 1 is to provide for the uniform treatment of public moneys collected from customs as well as moneys collected from internal revenues of the country. As the law now stands, money collected from customs can not be deposited in the national banks, but must be sent to the Treasury or subtreasuries of the United States, where it is kept in idleness unless used for the expenses of the Government. Aside from the trust funds held in the division of issue and redemption and a reasonable daily working cash balance, the surplus funds of the Treasury should be kept in commercial use. There is about $30,000,000 now in the Treasury arising from customs receipts, which, if this bill becomes a law, could be placed in the national-bank depositories instead of remaining as it does now in the Treasury and subtreasuries.

States and municipalities do not lock up the proceeds of local taxation. The Government should not lock up its receipts arising from customs receipts and internal revenue or from any other source from which the Government derives receipts. Section 2 provides for the repeal of the law by which only $3,000,000 of lawful money can be deposited with the Treasury monthly for the purpose of releasing an equal amount of bonds previously deposited as security for note circulation and to redeem an equal amount of circulating notes whenever they shall thereafter be presented for redemption. I do not agree with this section. The repeal of this last restriction will give to the national banks a free hand to contract the currency as rapidly as they see fit to do so. The provision or restriction was undoubtedly wisely placed there. December 1, 1904, the total circulation of bank notes was $460,679,075. It clearly appears that it would not be the wise thing to allow this large volume of currency to be diminished at the will and pleasure of national banks without any restriction. The only hindrance to the ability of the banks, if they wanted to create a bankers' panic by reducing and contracting their currency, would be the capacity of the officials in the Treasury Department to do the necessary work to comply with the application for such retirement.

I notice by the views of the minority that Mr. BARTLETT states that "from information furnished him, on inquiry made of the Comptroller of the Currency, the entire amount of national-bank circulation could, if this restriction is removed, be retired in one week or less." This is giving too much power to the national banks. The power had better be reserved in the hands of the Government. The restriction, thus far, has worked no hardships either to the banks or the people. It is evident that it has worked no hardship to the banks, for they have steadily increased their circulation from a little over $200,000,000 a few years ago up to the present circulation of $460,000,000. Here is a case in point where it is safe to let well enough alone. Section 3 provides for the increase of subsidiary silver coinage as public necessity may demand it, from time to time, by recoining standard silver dollars for that purpose. The present volume of silver stored in the vaults of the Treasury is equivalent to nearly 500 carloads of 30 tons each. It would cost $100,000 to recount it. There is a growing demand for subsidiary coinage. We have no bullion to any extent out of which to coin this needed subsidiary silver.

This enormous amount of silver dollars can be used, if authorized by law, for the purpose of subsidiary coin. Every dollar of this great volume of silver dollars is redeemable at the discretion of the Secretary of the Treasury in gold. Every dollar of it that is recoined into subsidiary coin is put into circulation in the pockets of the people, in such a way that it can never be gathered up and exchanged for gold. Every dollar so coined lessens the menace, if any there be, against the gold reserve. The form of the currency is so changed that it becomes a matter of circulation and is absorbed by the people and meets an imperative and continuous demand for minor coin. This section is a wise one and should be passed by the House. Sections 5 and 6 of the bill should be considered together. The purpose of these sections is to give to the Secretary of the Treasury authority to meet the shortage in ten-dollar denomination by the issue of ten-dollar gold certificates, to permit national banks to issue notes of $5 and upward as public convenience may require. These provisions are good ones and I believe can be safely adopted.

Mr. WILLIAMS of Mississippi has introduced an amendment requiring the national depositories to pay interest on Government funds deposited in them. Mr. FOWLER has also offered an amendment to the amendment requiring the said banks to pay to the Government interest at the rate of 2 per cent on Government deposits. The question of interest is now presented. I think it is fair to the House to state that the national banks that are depositories of public funds are anxious and desirous of being such depositories. Do they want it for the purpose of advertisement alone, upon the windows of the banks, or is there, as conditions now exist, a money value to them in having that money?

The truth is, we all know it is of financial value to the said banks. It has been stated here, perhaps, by some that it is a loss to a bank to be a national depository. By others it is alleged that it is of value to the bank to be a national depository of public funds without paying interest on the same. Now, let us to the facts. The banks ought to know about this matter. I have a statement here, issued by the National City Bank, of New York, which states the following: The profits on $100,000 of public deposits in a 5 per cent money market on December 1, 1904, is as follows: Based on twos, 1930, it is 1.62 per cent; based on threes, 1908, it is 1.54 per cent; based on fours, 1907, it is 1.39 per cent, and based on fours, 1925, it is 1.19 per cent. I herewith make the statement of the bank a part of my remarks.

Profit on $100,000 of public deposits in a 5 per cent money market on December 1, 1904.

	Based on—			
	2's—1930.	3's—1908.	4's—1907.	4's—1925.
Purchase price, flat	104⅛	104⅛	106⅛	131¼
Purchase price, net	104.418	104.630	106.067	130.799
Income from bonds	$2,000	$3,000	$4,000	$4,000
Income from deposit loaned at 5 per cent	$5,000	$5,000	$5,000	$5,000
Gross income	$7,000	$8,000	$9,000	$9,000
Annual sinking fund to retire premium on bonds at maturity	$88	$1,158	$2,224	$893
Net income	$6,912	$6,842	$6,776	$8,107
Income if net cost of bonds were loaned direct	$5,221	$5,232	$5,304	$6,540
Increased income through purchase of bonds	$1,691	$1,610	$1,472	$1,567
Percentage of profit on investment	1.62	1.54	1.39	1.19

So that as conditions now exist, buying bonds with which to give security to get Government money in the national-bank depositories, the banks make from 1.2 to 1.6 per cent. The truth is the banks do not always buy bonds in order to get money from the Government on deposit. They borrow the bonds from individuals or trust companies or other banks and pay at the rate of 1.5 per cent for the loan of said bonds. As shown by the statement of the National City Bank of New York, heretofore mentioned in my remarks, the increased income through purchase of bonds ranges from $1,492 to $1,691. When the bonds are borrowed by the banks the profits are greater. It is a flat profit of $3,500 on $100,000 of public deposits in a 5 per cent money market. To illustrate: The bank borrowing $100,000 of bonds pays at the rate of 1.5 per cent on the face value of the bonds, which is $1,500. It takes these borrowed bonds to the Government and gets in exchange $100,000 in cash as a deposit, which it proceeds to loan to its customers at 5 per cent, realizing $5,000. Deducting the $1,500 paid for the loan of the bonds, leaves a net profit of $3,500. The profit is correspondingly increased in a money market which has a higher rate of interest than 5 per cent. Thus it is evident that the national depository banks can well afford to pay the Government interest on Government deposits at least 1 per cent.

If the banks buy the bonds outright they can afford to pay at least 1 per cent, which would mean a profit to the Government, based upon $100,000,000 held by the banks last year, of $1,000,000. If the banks borrow the bonds they can more easily afford to pay a like rate of interest for Government deposits. The Government ought to insist upon interest upon its deposits in national banks. If the banks decline to pay interest, as they have a right to do, then let the Government purchase its own bonds and place the same in the Treasury uncanceled. This would save at least $2,000,000 a year on $100,000,000 of Government bonds purchased. These bonds, if necessary, could be sold and the money realized placed in the Treasury for general uses.

If an individual had money in the bank he would take up his own notes and stop the interest. There is no good reason why the Government should not do likewise, and I suggest that if the bonds are good security for the loan of the money, as they are, they are equally good to purchase with the money loaned to the banks without interest. If the banks have the money it is in commercial use. If the banks decline to take the money the Government can purchase its own bonds, and the money paid for the bonds at once goes into circulation and does not in the slightest degree affect the business interests of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Connecticut. I ask unanimous consent that the gentleman be allowed to proceed with his remarks.

The CHAIRMAN. For how long?

Mr. PRINCE. I will not take over ten minutes.

Mr. BARTLETT. I make the request that the gentleman from Illinois [Mr. PRINCE] have such time as he desires.

Mr. PRINCE. I will proceed as rapidly as I can.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PRINCE. Let us see the condition of the country so far as the bonds are concerned. On the 7th day of December, 1903, this was our condition: We had five hundred and fifty-eight millions and upward of bonds that we can not pay until the 1st of April, 1930. On August 1, 1908, there will be due $$77,000,000 of bonds. After July 1, 1907, there will be due $161,000,000 of bonds. After February 1, 1925, there will be due $118,000,000 of bonds. After February 1, 1904, there were $7,000,000 of bonds due, and those have been paid. Now, what security did the Secretary of the Treasury of the United States take when he deposited this money in the national banks? As I ascertained, because I introduced a bill and presented the facts in the form of a preamble, the Secretary of the Treasury at that time held as security for money deposited in the national bank depositories Philippine certificates, State and city bonds, District of Columbia bonds, Hawaiian bonds, and United States Government bonds deemed by him to be ample security for a loan without interest to the national bank depositories for the sums aforementioned. It is clear to any of us that for more than a year there has been upward of $100,000,000 belonging to the people in the hands of the national banks for which they have not received any interest. Why do I state that?

One year ago there were in the hands of the national banks in the United States more than $104,000,000. I have a statement here dated January 4, 1905, and it shows that there is still in their hands, and has been continuously for more than a year, $103,000,000. As stated by my colleague from New Jersey [Mr. FOWLER], if this money had been deposited as ordinary business men deposit their money, and checked upon, there would be no perceptible interference with the financial condition of this country, because, as he stated to you, the amount of the volume of business done in the neighborhood of nearly $400,000,000 in the transactions in this country day by day. So that the checking in or the checking out of this money would not affect the business interests of the country in the slightest degree. [Applause.]

If we are going to insist upon a greater rate of interest than 1 per cent, the only way to act is to deposit in the national banks Government money the same as business men deposit their money. We exact of the banks a bond security for the money now deposited with them. The amendment of my colleague does not say the Secretary of the Treasury may not require other security, but leaves that question in the discretion of the Secretary of the Treasury, who may require security or not, as he sees fit.

If we are going to require large interest from the banks for the use of Government money, let us go at it squarely and fairly and do and act the same as the ordinary business man does and acts and receive the same treatment so far as depositors are concerned.

The banks can well afford to pay the Government interest on its deposits. There is no question but what they can do that. There is not one of us who does not see in the papers every day advertisements asking depositors to go to the different banks here and elsewhere and that they will pay them 2, 2½, and 3 per cent on their deposits.

Is there any danger in the Government depositing its money in national banks unless security is required? Who has the supervision of these banks? The Government of the United States. Who gives their charter? The Government. Whose officers are daily upon guard, watching and demanding and insisting from time to time on statements from these banks? The national officers, through the Comptroller of the Currency. As has been stated by my colleague, if the banks from 1879 down to this moment had paid to the Government interest at the rate of 2 per cent on these deposits at least fifty millions would have been realized by the Government. But some one may suggest there might have been losses somewhere. Admit there could possibly have been a loss of, say, five or six thousand dollars in rare instances. That is a mere nothing compared with the fifty millions that would have been realized from interest. So that it seems to me that this amendment is a good proposition, and we can favor the amendment, as suggested by my colleague, in favor of requiring 2 per cent on money loaned to these national depositories. I can not agree to the provision of a first lien on the assets, as I do not regard it as fair to depositors. Put the Government and others on the same footing.

Mr. COCKRAN of New York. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Certainly.

Mr. COCKRAN of New York. What is the reason of the gentleman favoring an arbitrary rate of 2 per cent, fixed by the Secretary of the Treasury, rather than a rate fixed by the banks based upon a computation of the use of the deposit?

Mr. PRINCE. I would say that this was the best judgment of the committee, seeking to get interest on some basis. Two per cent was the basis fixed by the Government for its last loan. The people were ready and willing to purchase bonds at that rate. The banks themselves were ready and willing to purchase those bonds at that rate. They regarded it as a good investment. Banks generally throughout the country pay 2 per cent on savings deposits, and are very anxious to obtain money at that rate from depositors. I think they should be willing to pay the Government, as a depositor, the same rate they pay other depositors. [Applause.] If it should be the judgment of the committee that the question of interest should be left entirely to the discretion of the Secretary, I would be perfectly satisfied. What I do want and shall insist upon, so far as I can, is that the Government get interest on its deposits. [Applause.] Has the gentleman any further questions?

Mr. COCKRAN of New York. That is entirely satisfactory.

Mr. HILL of Connecticut. Mr. Chairman, as the hour is getting late, and as I propose to move that the committee rise, I should like to make one suggestion. I will ask to have inserted in the RECORD the figures I have shown on the chart which I have exhibited. I should like in this connection to call attention to the fact that I made the reserve uniform in the reserve cities as well as in the country, making it 15 per cent all the way through. Of course I understood that in the reserve cities the reserve is 25 per cent. It only makes the showing stronger on the proposition that I have advanced.

Mr. BARTLETT. Are you going to put that table in the RECORD?

Mr. HILL of Connecticut. I am going to try to have it put in the RECORD.

The CHAIRMAN. If there be no objection, the table to which the gentleman refers will be printed in the RECORD.

There was no objection.

Mr. HILL of Connecticut. Before moving that the committee rise I will ask if there are any gentlemen who would like to have time on this particular section?

Mr. DE ARMOND. Mr. Chairman, I think I will take a few minutes.

Mr. HILL of Connecticut. I think the committee are willing to give all the time that is desired. There are several other sections to the bill, and I hope that at the next time it is called up we can come to a vote on this particular section in an hour or two.

Mr. BARTLETT. What is the proposition?

Mr. HILL of Connecticut. The proposition is that debate on this section and all amendments thereto be closed in one hour when the bill is called up again.

Mr. BARTLETT. Do you make that as a motion?

Mr. HILL of Connecticut. I would like to ask unanimous consent.

Mr. COCKRAN of New York. I think you had better leave that open.

Mr. HILL of Connecticut. On this particular section.

Mr. BARTLETT. We can not make that arrangement this afternoon.

Mr. HILL of Connecticut. Very well, then; I will move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4831) to improve currency conditions, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2510. An act for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina; and

H. R. 15317. An act to build a bridge across the Ouachita River, Arkansas.

The message also announced that the Senate had passed bills

of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6067. An act for the relief of the Good Shepherd Industrial School; and

S. 5888. An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM F. MAHONEY, late a Representative from the State of Illinois.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6067. An act for the relief of the Good Shepherd Industrial School—to the Committee on Claims.

S. 5888. An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation—to the Committee on Indian Affairs.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. J. Res. 158. Joint resolution for the relief of Julius A. Kaiser;

H. R. 16445. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes; and

H. R. 15590. An act to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes."

And then, on motion of Mr. DALZELL (at 4 o'clock and 35 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a copy of a letter from a former Secretary of War, a draft of a joint resolution authorizing the distribution of medals for service in the Spanish-American war and other campaigns—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, preliminary report of survey and estimate for a wagon road from Valdez to Fort Egbert, in Alaska, and of a trail from the Yukon River to Coldfoot, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the annual inspection of the several branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting reports from the accounting officers of the Treasury on the rendition and transmission of accounts and on balances due the Government—to the Committee on Expenditures in the Treasury Department.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for fulfilling treaties with the Kickapoo Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the secretary of the Smithsonian Institution submitting an estimate of appropriation for transportation of exhibits from the Louisiana Purchase Exposition—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for expenses of a minister to Morocco—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for establishment of aids to navigation in the waters of the Midway Islands—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a copy of a communication from the Secretary of State, an estimate of appropriation for furnishing the legation buildings at Peking, China—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a report of the disbursements for the fiscal year ending June 30, 1905, to the several States for the colleges of agriculture and the mechanic arts—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an additional estimate of appropriation for the Navy—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Aurora*, Stephen Butman, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Geneva*, Giles Savage, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas P. Morgan against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Annie E. Jones, Robert McElroy Jones, Alice J. Jones, Mattie E. Blanchard, Clemence W. Brian, Cecilia McElroy Dunn, and Robert M. Jones, administrator of estate of Emma H. Wells, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16450) to authorize certain changes in the permanent system of highways, District of Columbia, reported the same with amendment, accompanied by a report (No. 3227); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name, reported the same without amendment, accompanied by a report (No. 3228); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16802) to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, etc., reported the same with amendment, accompanied by a report (No. 3229); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 4079) for the relief of James Denton, reported the same without amendment, accompanied by a report (No. 3225); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the

procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. BINGHAM: A bill (H. R. 17095) to establish aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: A bill (H. R. 17096) to further increase the efficiency of the Navy—to the Committee on Naval Affairs.

By Mr. WADSWORTH: A bill (H. R. 17097) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

By Mr. GROSVENOR: A bill (H. R. 17098) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAUGEN: A bill (H. R. 17099) to further regulate interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 17100) to authorize the construction of a bridge across Sunflower River in Sharkey County, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: A bill (H. R. 17101) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish, for the benefit of the Congressional Cemetery—to the Committee on the District of Columbia.

By Mr. HARRISON: A bill (H. R. 17102) to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902—to the Committee on Claims.

By Mr. McNARY: A bill (H. R. 17103) to make Quincy, Mass., a port of delivery—to the Committee on Ways and Means.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 17104) to provide for the erection of a monument on the battlefield of Gettysburg to commemorate the services of the United States Signal Corps during the war of the rebellion—to the Committee on the Library.

By Mr. SHERLEY: A bill (H. R. 17105) to provide for the construction of a dam on the Ohio River at the head of the falls at Louisville, and so forth—to the Committee on Rivers and Harbors.

By Mr. KINKAID: A bill (H. R. 17106) to amend an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904—to the Committee on the Public Lands.

By Mr. COUSINS: A bill (H. R. 17107) for improving, repairing, and the erection of an addition to the public building at Cedar Rapids, Iowa, and for purchasing ground therefor—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: A bill (H. R. 17108) authorizing the President to place certain army officers on the retired list—to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 17109) to define the limits of square 1131 in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. SHEPPARD: A bill (H. R. 17110) for the repeal of act No. 42, public, entitled "An act to authorize the construction and to maintain a dam and wagon bridge across Twelvemile Bayou, in parish of Caddo, in the State of Louisiana," approved February 8, 1901, on certain conditions—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A bill (H. R. 17111) to authorize the construction of water-power dams across the navigable waters of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: A bill (H. R. 17112) to authorize the establishment of fish-cultural and biological stations in the United States, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILEY of New Jersey: A bill (H. R. 17113) for universal transfers over the street railway lines in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 17114) to provide for the removal of snow, ice, grass, weeds, and other impediments from the sidewalks and gutters of the streets, avenues, and highways in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ADAMS of Pennsylvania: A bill (H. R. 17115) to provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted—to the Committee on the District of Columbia.

By Mr. COWHERD: A bill (H. R. 17116) to fix rate of postage on books and merchandise mailed at distributing postoffices of rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. SPARKMAN: A joint resolution (H. J. Res. 186) for the relief of P. J. McMahon—to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A joint resolution (H. J. Res. 187) providing for the appointment of an auditing board in the Choctaw and Chickasaw nations, Indian Territory—to the Committee on Indian Affairs.

By Mr. GOULDEN: A joint resolution (H. J. Res. 188) to provide for the appointment of a commission to investigate and recommend legislation for the development of the naturalization laws of the United States—to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: A resolution (H. Res. 412) requesting the Secretary of the Interior to furnish the House of Representatives, for the information of Congress, a copy of certain contracts—to the Committee on Indian Affairs.

By Mr. McCLEARY of Minnesota: A resolution (H. Res. 413) authorizing the Committee on Appropriations to provide specifically for certain personal services in the District of Columbia—to the Committee on Rules.

By Mr. McNARY: A resolution (H. Res. 414) directing information from the President of the United States concerning the Isthmian Canal Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: a bill (H. R. 17117) granting an increase of pension to George H. Brusstar—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17118) granting a pension to G. M. McCurry—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 17119) granting an increase of pension to Lewis Hitt—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 17120) for the relief of the heirs of Elijah S. Means—to the Committee on Claims.

By Mr. BIRDSALL: A bill (H. R. 17121) granting a pension to Raymond P. Snow—to the Committee on Pensions.

Also, a bill (H. R. 17122) granting an increase of pension to Charles Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17123) granting an increase of pension to George V. Barnard—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 17124) granting a pension to Rupert Cannon—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 17125) granting a pension to Mary Haynes—to the Committee on Pensions.

Also, a bill (H. R. 17126) granting an increase of pension to Caroline Jennings—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 17127) granting a pension to George W. Anthony—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17128) granting a pension to John Hobart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17129) authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service—to the Committee on Naval Affairs.

By Mr. COCKRAN of New York: A bill (H. R. 17130) granting an increase of pension to Edward Donnelly—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 17131) granting an increase of pension to James W. Cross—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 17132) for the relief of the Mitsui Bussan Kaisha—to the Committee on Claims.

By Mr. CLARK: A bill (H. R. 17133) granting an increase of pension to Stephen Glanden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17134) granting an increase of pension to Harrison Randolph—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 17135) granting an increase of pension to David C. Austin—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17136) granting a pension to A. N. Stamm—to the Committee on Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 17137) granting a pension to Charles W. McMullen—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 17138) granting an increase

of pension to Sarah J. Drummond—to the Committee on Invalid Pensions.

Also (by request) a bill (H. R. 17139) granting an increase of pension to George W. Jennings—to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 17140) granting a pension to Mary E. Hoffman—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17141) granting a pension to William E. White—to the Committee on Pensions.

Also, a bill (H. R. 17142) granting an increase of pension to Edward G. Burnet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17143) granting an increase of pension to Thomas C. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17144) granting an increase of pension to Abraham Mathews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17145) granting an increase of pension to James C. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17146) granting an increase of pension to William Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17147) granting an increase of pension to James A. Gossett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17148) for the relief of M. D. Wright and Robert Neill—to the Committee on Claims.

By Mr. GROSVENOR: A bill (H. R. 17149) granting an honorable discharge to Alva A. Miller—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 17150) for the relief of Michael J. Murphy—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 17151) granting a pension to Avery Dalton—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 17152) for the relief of the estate of William F. Sharp, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17153) for the relief of James Prater—to the Committee on War Claims.

Also, a bill (H. R. 17154) for the relief of the estate of Joel Johnson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17155) for the relief of Eli Sharp—to the Committee on War Claims.

Also, a bill (H. R. 17156) for the relief of the estate of William H. Turley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17157) for the relief of the estate of John Browder, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17158) for the relief of G. A. McNutt—to the Committee on War Claims.

Also, a bill (H. R. 17159) for the relief of A. K. Meek—to the Committee on War Claims.

Also, a bill (H. R. 17160) granting an increase of pension to Amos L. Griffith—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 17161) granting a pension to C. J. Walton—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 17162) granting an increase of pension to Thomas Dukes—to the Committee on Pensions.

By Mr. HILDEBRANT: A bill (H. R. 17163) granting an increase of pension to Elizabeth Jackson—to the Committee on Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 17164) granting a pension to Solomon Carpenter—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 17165) for the relief of Addison L. Brown—to the Committee on War Claims.

By Mr. JACKSON of Ohio: A bill (H. R. 17166) granting a pension to Catherine Boehler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17167) granting a pension to Malinda M. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17168) granting a pension to Richard M. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17169) granting an increase of pension to William Minick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17170) granting a pension to Roberta R. Havelick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17171) granting an honorable discharge to Samuel Zellner—to the Committee on Naval Affairs.

Also, a bill (H. R. 17172) granting an increase of pension to James H. Morrill—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 17173) granting an increase of pension to O. T. Westmoreland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17174) granting an increase of pension to John Luther Kraber—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 17175) for the relief of Capt. Frank D. Ely—to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 17176) granting an increase of pension to J. B. Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17177) granting an increase of pension to Norman I. Squires—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting an increase of pension to John S. McCammon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17179) granting an increase of pension to Eli Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17180) granting an increase of pension to John G. Snook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17181) granting an increase of pension to Thomas H. Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17182) granting an increase of pension to William Little—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17183) granting an increase of pension to Eli Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17184) granting an increase of pension to Samuel H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17185) granting an increase of pension to James Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17186) granting an increase of pension to John M. Bayley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17187) granting a pension to Peter R. Crum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17188) granting a pension to Walter Donahue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17189) granting an increase of pension to Ralph D. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17190) granting an increase of pension to William H. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17191) granting a pension to William H. Moody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17192) granting a pension to Wesley Ann Dodd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17193) granting a pension to Emiline Malone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17194) granting a pension to Rosina Brestel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17195) granting a pension to Ransom B. Hunter—to the Committee on Pensions.

Also, a bill (H. R. 17196) granting a pension to D. Y. Mears—to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 17197) granting an increase of pension to James Mitchell—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 17198) to correct the military record of Christian Beehler—to the Committee on Military Affairs.

Also, a bill (H. R. 17199) to correct the military record of Thomas J. Shaw—to the Committee on Military Affairs.

Also, a bill (H. R. 17200) granting an increase of pension to James Martin—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 17201) granting an increase of pension to Henry Lorch—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 17202) granting an increase of pension to Seth Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17203) granting an increase of pension to Abasha Risk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17204) granting a pension to Thomas Dockery—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 17205) granting an increase of pension to Patrick Haley—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 17206) for the relief of David F. Hood—to the Committee on Military Affairs.

Also, a bill (H. R. 17207) granting an increase of pension to James H. McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17208) granting an increase of pension to William Umbarger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17209) granting an increase of pension to Moses Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17210) granting an increase of pension to John L. Whitman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17211) granting an increase of pension to George L. Toombs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17212) granting certain lands to the Agricultural and Mechanical College of Oklahoma Territory—to the Committee on the Public Lands.

Also, a bill (H. R. 17213) granting an increase of pension to William B. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17214) granting a pension to Rebecca Walters—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 17215)

granting a pension to Eliza H. Britton—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 17216) granting an increase of pension to Benjamin Bibb—to the Committee on Pensions.

Also, a bill (H. R. 17217) granting an increase of pension to L. B. Jackson—to the Committee on Pensions.

By Mr. OTIS: A bill (H. R. 17218) granting an increase of pension to Cornelius Springsteel—to the Committee on Invalid Pensions.

By Mr. PINCKNEY: A bill (H. R. 17219) granting an increase of pension to Alfred B. Menard—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 17220) granting an increase of pension to John Costello—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17221) for the relief of William A. Grogan—to the Committee on Claims.

Also, a bill (H. R. 17222) granting an increase of pension to William G. Mullen—to the Committee on Pensions.

Also, a bill (H. R. 17223) granting an increase of pension to William C. Brown—to the Committee on Pensions.

Also, a bill (H. R. 17224) granting an increase of pension to Joseph McNulty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17225) granting a pension to J. M. Cruson—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 17226) for the relief of Edward B. Haynie—to the Committee on Military Affairs.

Also, a bill (H. R. 17227) granting an increase of pension to Thomas Summers—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 17228) to correct the naval record of Stephen Shorthill—to the Committee on Naval Affairs.

Also, a bill (H. R. 17229) to correct the military record of Reuben D. Terry—to the Committee on Military Affairs.

Also, a bill (H. R. 17230) granting an increase of pension to Richard Desmond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17231) granting an increase of pension to Ernest A. Billings—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17232) granting an increase of pension to Martha McAfee—to the Committee on Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 17233) granting a pension to Moses E. Angell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17234) granting a pension to Ellen S. Gifford—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 17235) for the relief of Arra M. Farnsworth—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 17236) granting an increase of pension to Sarah B. Hirll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17237) granting an increase of pension to Henry Knox Sikes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17238) granting an increase of pension to Andrew J. Herod—to the Committee on Pensions.

By Mr. WILSON of Arizona (by request): A bill (H. R. 17239) for the relief of Anna White—to the Committee on War Claims.

Also, a bill (H. R. 17240) granting an increase of pension to Luther Kaltenback—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 17241) granting an increase of pension to David A. Miller—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 17242) amending the records of the War Department in the case of John D. McGeehan—to the Committee on Military Affairs.

Also, a bill (H. R. 17243) granting an increase of pension to James Batten—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 17244) granting an increase of pension to John Winemiller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of Carriage Builders' National Association of Wilmington, Del., in favor of increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of New England Sabbath Protective League, against Sunday banking by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Chrisman, Edgar County, Ill., against sale of intoxicating liquors in the Indian Territory—to the Committee on the Territories.

Also, petition of Nolin Miller, of Albion, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lande & Conner et al., of Auburn, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Papers to accompany bill H. R. 11681, granting an increase of pension to James H. V. Voldo, alias James H. Nenier—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to George H. Brusstar, private, Company H, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16805, for increase of pension to Fred A. Bird—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Papers to accompany bill H. R. 16033, granting increase of pension to Church Fortner—to the Committee on Invalid Pensions.

By Mr. BURTON: Petition of the Cleveland Chamber of Commerce, urging the establishment of pneumatic systems of mail transmission at Cleveland, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Resolution of Providence Division, No. 57, Brotherhood of Locomotive Engineers, of Providence, R. I., in favor of the passage of the bill for the relief of locomotive engineers during the war of the rebellion—to the Committee on Invalid Pensions.

Also, resolution of the South Woodlawn Improvement Society, of Pawtucket, R. I., in favor of the passage of the Hearst bill to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Roger Williams Baptist Sunday School, of Providence, R. I., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Pawtucket Merchants' Association, of Pawtucket, R. I., in favor of the passage of the Hearst bill to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, papers to accompany bill granting an increase of pension to David C. Austin—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of the Methodist Episcopal Church Society of Rindge, N. H., favoring legislation prohibiting sale of intoxicating liquors on all Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of E. H. King et al., of Claremont, N. H., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DAYTON: Petition of Joshua L. Corder, of Barbour County, W. Va., favoring reference of war claims to Court of Claims—to the Committee on War Claims.

Also, petition of heir of William H. Wentzell, of Jefferson County, W. Va., favoring reference of war claims to Court of Claims—to the Committee on War Claims.

By Mr. FRENCH: Papers to accompany bill for the relief of James C. Fisher—to the Committee on Invalid Pensions.

By Mr. FULLER: Protest of the New England Tobacco Growers' Association, against reduction of duty on Philippine tobacco—to the Committee on Ways and Means.

By Mr. GIBSON: Petition of W. B. Coldwell et al., favoring pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of administrator of estate of George Simmons—to the Committee on War Claims.

Also, petition of Bettie H. Eastman, in support of southern war claim—to the Committee on War Claims.

Also, papers to accompany claim of Allen R. Johnson—to the Committee on War Claims.

Also, papers to accompany claim of J. Reese Cook—to the Committee on War Claims.

Also, papers to accompany claim for relief of E. O. Cross—to the Committee on War Claims.

Also, papers to accompany claim for the relief of Elizabeth Flippins, of Lancaster County, Va.—to the Committee on War Claims.

By Mr. GRANGER: Petition of the South Woodlawn Improvement Association, favoring bill to increase powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of

Providence, R. I., opposing the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, protesting against striking out the word "sex" in the statehood bill—to the Committee on the Territories.

Also, petition of the First Baptist Church of Newport, R. I., in favor of constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the New England Shoe and Leather Association, of Boston, Mass., favoring the bill to increase the powers of the Interstate Commerce Commission—to the Committeee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Central Falls, R. I., protesting against striking out the word "sex" in statehood bill—to the Committee on the Territories.

Also, petition of Providence Division, No. 57, Brotherhood of Locomotive Engineers, of Providence, R. I., favoring bill H. R. 13354—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of J. W. Conway and 7 other citizens of Elma, Iowa, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: Petition of business men and producers of Ottumwa, Iowa, urging passage of bill H. R. 13778, known as the "Hearst interstate-commerce bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition urging the passage of bill H. R. 13778, known as the "Hearst bill," by citizens of Portland, Oreg.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEDGE: Petition of citizens of Oklahoma, for saloon exclusion—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILDEBRANT: Petition favoring the Hepburn-Dolliver bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Elizabeth Jackson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition for the relief of James Batten—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Memorial praying for the extension of the Alaskan Government cable from Valdez to Dutch Harbor and Kiska Island and from Juneau to Ketchikan—to the Committee on Military Affairs.

By Mr. JACKSON of Ohio: Papers relating to the removal of charge of desertion and obtaining pension for Samuel Zellner—to the Committee on Invalid Pensions.

Also, papers relating to pension for Richard M. Johnson, Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers relating to pension increase for Daniel Hartsough—to the Committee on Invalid Pensions.

Also, papers accompanying application of Mrs. Roberta R. Havelick, for special pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Papers to accompany application for pension for Gertrude A. Harding—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Papers to accompany bill H. R. 17056, granting a pension to Sarah H. Willbite—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17054, granting a pension to R. Burchfield—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16394, granting a pension to Sarah C. Johnson—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17052, for the relief of Brian B. Tulley—to the Committee on Invalid Pensions.

By Mr. MACON: Petition for an increase of pension for Benjamin F. Bibb—to the Committee on Pensions.

Also, petition for an increase of pension for Mrs. L. B. Jackson—to the Committee on Pensions.

By Mr. MAHON: Petition of First Baptist Church of Lewistown, Pa., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McLACHLAN: Petition of W. E. Stevens et al., of Carpenteria, Cal., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of New Haven, Mich., in favor of the Hearst bill, enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill H. R. 15748, to increase pension of Evan R. Young—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Robert D. Embrey, of Fauquier County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Petition of the Ladies' Missionary Society of the Essex Street Baptist Church, of Lynn, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of C. B. Cushing, of Chelsea, Mass., in favor of constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Union League Club of New York, in relation to tariff revision—to the Committee on Ways and Means.

Also, petition of the Buffalo Lumber Exchange, favoring enlargement of the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Petition of Miami Division of Brotherhood of Locomotive Engineers, for relief of engineers on Government roads in the civil war—to the Committee on Invalid Pensions.

Also, papers in support of bill H. R. 13065, increasing the pension of James Hay—to the Committee on Invalid Pensions.

Also, petition in support of bill H. R. 13065, increasing the pension of James Hay—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: Petition for the enactment of legislation to amend and legalize the customs-drawback law as expressed in the Lovering bill—to the Committee on Ways and Means.

By Mr. WANGER: Petition of the Montgomery County (Pa.) Medical Society, favoring the bill to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

By Mr. WARNOCK: Petition of Clinton Duncan & Co. et al., citizens of Ostrander, Ohio, in favor of increasing the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Papers to accompany bill H. R. 16265, for the relief of Margaret Stevens—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of D. C. Boyd et al., of San Jose, Cal., favoring legislation prohibiting opium in the Philippines—to the Committee on Ways and Means.

Also, protest against construction of the proposed bridge at Carquinez Straits, California—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of San Francisco, Cal., favoring the improvement of the harbor of Honolulu, Hawaii—to the Committee on Rivers and Harbors.

Also, petition of the Michigan Sugar Manufacturers' Association, against legislation reducing duty on either raw or refined sugar—to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 6, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

ENDOWMENT OF AGRICULTURAL COLLEGES.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements of the fiscal year ended June 30, 1904, made to the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act approved July 2, 1862," and an act approved August 30, 1890; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

REPORT OF THE ATTORNEY-GENERAL.

The PRESIDING OFFICER laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1904; which was referred to the Committee on the Judiciary, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of Pennsylvania and Rhode Island; which, with the accompanying papers, were ordered to be filed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILWAY COMPANY.

The PRESIDING OFFICER laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator and Railway Company, of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants' Association of New York City, and a petition of the American Conference on International Arbitration, of New York City, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Angelica, Poplar Ridge, and Reed Corners, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Republican Club of New York City, praying for the enactment of legislation to reduce the excessive representation from the affected States in Congress and the electoral colleges; which was referred to the Committee on the Census.

He also presented memorials of sundry citizens of New York City and Binghamton, in the State of New York, and of the Sugar Manufacturers' Association of Saginaw, Mich., remonstrating against any reduction of the tariff on sugar, tobacco, cigars, etc., imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented a petition of the committee on political reform of the Union League Club, of New York City, praying that an investigation be made of the conditions of manufacture as affected by the present tariff law; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Clyde, Rose, Seneca Falls, Elk Creek, and Buffalo, of the Chamber of Commerce of Utica, and of the Chamber of Commerce of Albany, all in the State of New York, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Jefferson Division, No. 154, Brotherhood of Locomotive Engineers, of Howell, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a memorial of the congregation of the First Methodist Episcopal Church of Petoskey, Mich., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of the Michigan Woman's Christian Temperance Union, of the Woman's Christian Temperance Union of Detroit, of the Woman's Christian Temperance Union of Shelby, and of W. L. Griffin, of Shelby, all in the State of Michigan, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pittsford, Detroit, Lansing, Armada, Big Rapids, and Hillsdale, all in the State of Michigan; of Harbor Springs Grange, No. 730, Patrons of Husbandry, of Harbor Springs; of Wilson Grange, Patrons of Husbandry, of East Jordan; of Woodman Grange, No. 610, Patrons of Husbandry, of Gobleville; of Inland Grange, No. 503, Patrons of Husbandry, of Benzie County; of Fremont Grange, No. 831, Patrons of Husbandry, of Saginaw County; of Grass Lake Grange, No. 925, Patrons of Husbandry, of Antrim County; of Crystal Grange, No. 441, Patrons of Husbandry, of Crystal; of Keene Grange, No. 270, Patrons of Husbandry, of Lowell; of Danby Grange, Patrons of Husbandry, of Portland; of Moscow Grange, No. 108, Patrons of Husbandry, of Hanover; of the Farmers' Club of Owosso; of the Overisel Creamery Company, of Allegan County, and of the faculty of the Agricultural College of Michigan, all in the State of Michigan, remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented memorials of the Woman's Christian Temperance Union of the Tenth Congressional district, of sundry citizens of Birmingham, of the State Woman's Christian Temperance Union, of the congregation of the Methodist Episcopal Church of Ishpeming, and of James M. Wells, of Petoskey, all in the State of Michigan, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Portsmouth, Sunfield, Grand Lodge, Owosso, Allegan County, and of the Banner Mercantile Company, of Saginaw, all in the State of Michigan, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Plymouth; of the Ladies' Club of Coleman; of the Ladies of the Grand Army of the Republic, Department of Michigan, of Benton Harbor; of the Century Club of Detroit; of Greenville Hive, No. 201, Ladies of the Order of the Maccabees, of Greenville; of the Federation of Woman's Clubs of Grand Rapids; of the Woman's Christian Temperance Union of Livingston County; of the Woman's Christian Temperance Union of West Bay City; of the Woman's Christian Temperance Union of Hart; of the Woman's Union Label League of Bay City; of the Woman's Club of Owosso; of Parker Hive, No. 114, Ladies of the Maccabees, of Stanton; of the New Century Club of Detroit; of the East Side Ladies' Literary Club, of Grand Rapids; of the Political Equality Club of Saginaw; of the Woman's Christian Temperance Union of Penn; of the Woman's Christian Temperance Union of Escanaba; of the Woman's Civic League of Grand Rapids; of the Century Club of Charlotte; of the Equal Suffrage Association of Bay City; of the Ladies' Literary Club of Grand Rapids; of the Ladies of the Grand Army of the Republic, Department of Michigan, of St. Joseph; of the congregation of the Fountain Street Baptist Church, of Grand Rapids; of the Civic League of Grand Rapids; of the Central Trades Council of Bay City, and of the Chautauqua Alumni of Benton Harbor, all in the State of Michigan, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Eastbank, W. Va., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. McCOMAS presented a petition of the Bar Association of Montgomery County, Md., and a petition of the Chamber of Commerce of Baltimore, Md., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Travelers and Merchants' Association of Baltimore, Md., and a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Yearly Meeting of the Religious Society of Friends of Maryland, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Union of Middletown, Md., praying for the enactment of legislation providing for Federal control in the Territory of Oklahoma when admitted to statehood, and remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Hartford County, Baltimore, Whiteford, Oakland, Sandy Spring, and Forest Hill, all in the State of Maryland, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to simplify the laws in relation to the collection of the revenues; which was referred to the Committee on Finance.

Mr. KNOX presented a petition of the Oakland Board of Trade, of Pittsburg, Pa., praying for the enactment of legislation to improve the condition of the Monongahela and Ohio rivers in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Patriotic Order, Sons of America, praying for the enactment of legislation providing for more stringent laws and regulations governing immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Subdivision No. 43, Brotherhood of Locomotive Engineers of Pennsylvania, praying for the enactment of legislation prohibiting the employment of locomotive engineers who have not at least had three years' experience; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Quaker City Metallic Bedstead Company, of Philadelphia, Pa., praying for the enactment of legislation providing for untaxed denaturalized alcohol for use in the arts and manufactures; which was referred to the Committee on Finance.

He also presented a petition of the Merchants and Manufac-

turers' Association of Pittsburg, Pa., praying for the enactment of legislation for the establishment of a system of pneumatic tubes for the transmission of mail in the cities of Pittsburg and Allegheny, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the C. H. Squier & Son Co., of Pittsburg, Pa., and a petition of W. J. Koch & Co., of Philadelphia, Pa., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Hauenstein & Co., of Lincoln; the Johns-Brash Cigar Company, of McSherrystown; the Cigar Manufacturers' Association of Pittsburg; H. R. Stierheim, of Millvale; H. K. Stork & Co., of Adamstown; D. J. Rex & Co., of Pittsburg; Samuel Smith & Son, of Allegheny; S. R. Moss, of Lancaster; the Imperial Cigar Company, of Lancaster; the Banner Cigar Company, of Lancaster, and the La Union Cigar Company, of Hanover, all in the State of Pennsylvania, remonstrating against any reduction in the tariff on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented petitions of R. D. Wood & Co., of Philadelphia; the Baldwin Locomotive Works, of Philadelphia; the Hess-Bright Manufacturing Company, of Philadelphia; the Stow Flexible Shaft Company, of Philadelphia; the Hoopes & Townsend Co., of Philadelphia; the Pittsburg Shovel Company, of Pittsburg; of John Lucas & Co., of Philadelphia; the Empire Chain Company, of Pittsburg; of William Sellers & Co., of Philadelphia; the Flannery Blot Company, of Pittsburg; the Crescent Manufacturing Company, of Scottdale; the National Malleable Castings Company, of Sharon; of McConway & Torley Co., of Pittsburg; the Carnegie Steel Company, of Pittsburg; the Pittsburg Spring and Steel Company, of Pittsburg, all in the State of Pennsylvania, and of the Westinghouse Air Brake Company, of New York, praying for the enactment of legislation to permit the use of Government ground near the Department of Agriculture for a railway appliance exhibition; which were referred to the Committee on the District of Columbia.

He also presented memorials of D. L. Albright, of Milton; O. E. Bunnell, of Honesdale; R. W. Fitzwater, of Canton; H. P. Bunnell, of Meshoppen; Mount Chestnut Grange, No. 133, of Butler County; Mount Joy Grange, No. 584, of Clearfield County; H. F. Harer, of Linden; M. J. Murray, of Overton; Richland Grange, No. 1208, of Richland Center; Scandia Grange, No. 1042, of Scandia; E. G. Wiesuer, of Stines Corner; J. A. Grove, of Bucknell; C. L. Longsdorf, of Floradale; D. W. Hartman, of Richland Center; F. P. Blakeslee, of Blakeslee; Hayfield Grange, No. 800, of Crawford County; Friendship Grange, No. 1018, of Uniondale; Farmers' Union, of Geigers Mills; Martin L. Dunkle, of Lewisburg; B. F. Tyson, of Belfry; C. S. Bates, Dyberry; London Grove Grange, of Chester County; Granville Grange, No. 257, of Canton; Oriental Grange, No. 165, of Lake Winola; Richland Grange, No. 1206, of Richland Center; Highland Grange, No. 980, Highland Lake; Lamar Grange, No. 274, of Salona; Franklin Grange, No. 998, Springtown; J. H. Dawson, of Butler; August Drugler, of Butler; Alva McDowell, of Butler; Clarence A. Post, of Butler; W. D. McCandless, of Butler; John L. Miller, of Butler; O. J. McCandless, of Butler; J. V. Bonnert, of Rasselas; O. W. Abbey, of Turtle Creek; S. C. McClintock, of Corydon; E. R. Lyphrit, of Reynoldsville; John C. Clark, of Butler; George H. Wirt, of Montalto; Shiloh Grange, No. 927, of West Auburn; J. W. Poust, of Hughesville; Sparta Grange, No. 110, of Spartanburg; A. M. Baker, of Gradyville; A. S. Kirsch, of Nicktown; Eva K. Preston, of Solebury; Banner Grange, No. 1115, of Cambria County; R. G. Abbey, of Hanlinton; North Bingham Grange, No. 1194, of North Bingham; Clarion County Pomona Grange, No. 27, of Clarion County; Susquehanna Grange, No. 1145, of Curwensville; Kennett Grange, No. 19, of Chester County; W. E. Sawyer, of Wrights; J. B. Colcord, of Port Allegany; J. C. Gording, of Port Allegany; C. L. Goodwin, of Sutton Creek; E. E. Pownall, of Richboro; W. A. Crawford, of Cooperstown; Valley Grange, No. 1184, of Danville; John Davis, of Patton; Charles Bingoon, of Patton; Leatherwood Grange, No. 625, of Clarion County; J. F. Boice, of Jamestown; Creamery Association Eastern Pennsylvania, of Philadelphia; W. O. Beach, of Cambridge Springs; E. E. Jeffords and sundry other citizens of Erie County; Sebring Grange, No. 1047, of Tioga County; W. H. Tyrrell, of Rome; W. A. Sibley, of North Orwell; Harrison Eberhart, of Butler; Jerry A. Eberhart, of Butler; A. A. Snyder, of Meeker; Elk Lake Grange, No. 806, of Susquehanna County; Josiah Shrever, of Union City; Henry C. Demming, of Harrisburg; Pomona Grange, No. 26, of Crawford County; Brandywine Grange, No. 60, West Chester; N. P. Wilson of Woodland; J. E. Hildebrant, of Lehman; George Baner, of Butler; J. M. Raisley, of Butler; H. C. Stark, of West Nicholson; C. W. Slocum, of Leraysville; D. L. Myers, of Linden; Sullivan Grange, No. 84, Sullivan; Wellsboro Grange, No. 1009, of Wellsboro; M. M. Naginey, of Milroy; C. W. Koontz, of Bedford; Union City Grange, No. 9, of Union City; John L. Pierce, of Warren; Exchange Grange, No. 65, of Exchange; W. A. Hoyt, of Guys Mills; L. T. Ahlum, of Richland Center; Black Ash Grange, No. 212, of Crawford County; French Creek Grange, No. 595, Cochranton; C. E. Childs, of Guys Mills; Fairfield Grange, No. 1157, of Fairfield; Clark D. Heath, of Burlington; E. D. Schnure, of Milton; Pomona Grange, No. 29, of Clinton County; P. M. Cutshall, of Guys Mills; A. S. Stevens, of Towanda; H. C. Spencer, of Towanda; F. L. Rockwell, of Powell; A. W. Rockwell, of Powell; Charles E. Graham, of Lawrenceville; J. B. Smith, of Somers Lane; S. W. Spencer, of Genesee; R. E. Grove, of Genesee; John Hart, of Kinney; Henry M. Landis, of Quakertown; F. M. Baldwin, of Meshoppen; West Nicholson Grange, No. 321, of West Nicholson; C. M. Shern, of Union City; P. S. Bowman, of Hanover; Jacob A. Myers, of Muncy Valley; C. J. Secules, of Muncy Valley; George Crawley, of Muncy Valley; William G. Taylor, of Muncy Valley; Shiloh Grange, No. 927, of West Auburn; G. A. Willard, of West Auburn; Jason Sexton, of North Wales; F. T. Fassett, of Meshoppen; C. E. Thomas, of Nelson; F. A. Burdick and others, of Smethport; Greenbrier Grange, No. 1148, of Greenbrier; Poplar Run Grange, No. 1137, of Poplar Run; Laurel Mill Grange, No. 1161, of Milan; California Grange, No. 941, of Milton; C. W. Mascho, of Westfield; D. Plank, of Westfield; F. A. Ackby, of Westfield; Washington Grange, No. 157, of State College; Colley Grange, No. 365, of Colley; B. H. Creveling, of Bloomsburg; W. J. Beidleman, of Bloomsburg; John D. Neff, of Linden; I. A. Esehbach, of Milton; L. D. Woodfill, of Smithfield; G. W. Bowser, of Osterburg; Lewis B. Zaner, of Dushore; Herman R. Jacoby, of Satterfield; Charles M. Yonkin, of Dushore; Columbia Grange, No. 83, of Bradford County; Rundells Grange, of Conneautville; Sandy Lake Grange, No. 393, of Sandy Lake; Springfield Grange, No. 1257, of West Springfield; O. J. Cropp, of Meadville; A. B. Wilson, of Saegertown; R. H. Buck, of Westfield; West Grove Farmers' Club, of Toughkenamon; C. S. Dreibeldis, of Shoemakersville; Lewis M. Hagerty, of Water Street; Osterburg Grange, No. 737, of Osterburg; William T. Creasy, of Catawissa; Covington Grange, of Moscow; L. B. Henson, of Coatesville; Columbus Grange, of Columbus; P. M. Sharples, of West Chester; W. M. Baldwin, of Jackson Valley; A. G. Decker, of Maple Hill; Philip Hartman, of Richland Center; Edward K. Bohn, of Robesonia; Justitia Grange, No. 434, of Lewisburg; William J. Erdley, of Lewisburg; David Wurster, of Linden; W. H. Smith, of Townsville; Frank H. Taylor, of Reedsville; Myron R. Tunstall, of Warren; C. J. Barney, of Warren; William H. Yont, of Osterburg; John Grundis, of Warren; R. W. Horton, of Union City; Franklin Grange, No. 1169, of Smoch; John A. Cuppett, of New Paris; Martin L. Frey, of Martins Creek; Russellville Grange, No. 91, of Chester County; R. J. Moyer, of White Deer; H. Weed, of East Smithfield; Elkland Grange, No. 976, of Estella; Greenfield Grange, No. 226, of Erie County; George H. Bird, of East Smithfield; V. R. Nicholas, of East Smithfield; R. W. Child, of East Smithfield; Wellsboro Grange, No. 1009, of Wellsboro; Center Grange, No. 229, of Tioga County; Monroe Grange, No. 641, of Wyoming County; Pomona Grange, No. 8, of Montgomery County; Troy Grange, No. 182, of Troy; Richmond Grange, of Bradford County; Jefferson Grange, No. 314, of Washington County; Harts Log Valley Grange, No. 375, of Huntingdon County; Pineville Grange, No. 507, of Bucks County; Oakland Grange, No. 281, of Venango County; Goshen Grange, No. 623, of Clearfield County; Southampton Farmers' Club, Trevose; Bennetts Branch Grange, No. 1174, of Elk County; Summit Grange, No. 1155, of Elk County; Ganusarago Grange, No. 27, of Hughesville; W. H. Kelly, of New Bethlehem; J. A. Firth, of Sugargrove; J. H. Cyphers, of East Stroudsburg; H. J. Seely, Beach Haven; P. C. Sharbaugh, Carrolltown; Thomas Coulston, of Genesee, and John H. Hooverm, of Patton, all in the State of Pennsylvania, remonstrating against the repeal of the present oleomargine law; which were referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE presented petitions of sundry citizens of Muncie, Hartford, and Winchester, all in the State of Indiana, praying for the enactment of legislation providing for the holding of terms of the Federal courts at Muncie, in that State; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hanna, Ind., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a memorial of the Woman's Christian Temperance Union of Columbia, Wash., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also (for Mr. FOSTER of Washington) presented a petition of the Woman's Christian Temperance Union of Columbia, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

TEMPERANCE CONDITIONS IN THE ARMY AND NAVY.

Mr. GALLINGER. I present a brief paper concerning temperance conditions in the United States Army and Navy. I ask that the paper be printed as a document, and that 10,000 additional copies be printed for the use of the document room of the Senate.

There being no objection, the order was made as follows:

Ordered, That 10,000 additional copies of Senate Doc. No. —, relating to "Temperance Conditions in the United States Army and Navy," be printed for the use of the Senate document room.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6337) for the establishment of subports of entry at Rouses Point and Malone, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6338) for the relief of the heirs and legal representatives of George S. Simon; and

A bill (S. 6339) for the relief of the heirs and legal representatives of Asahel Bliss.

Mr. FULTON introduced a bill (S. 6340) to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6341) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6342) to amend an act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6343) to amend section 604 of chapter 18, entitled "Corporations," of the Code of Laws for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6344) granting an increase of pension to Richard B. Dickinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 6345) for the appointment of an additional United States commissioner and constable in the northern judicial district of the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BALL introduced a bill (S. 6346) granting an increase of pension to Benjamin F. Sheppard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6347) to refer to the Court of Claims the claim of L. K. Scott; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6348) granting an increase of pension to Richard Edmund Hyde; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 6349) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NELSON introduced a bill (S. 6350) granting an increase of pension to Thomas Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6351) granting an increase of pension to Martin T. Cross; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 6352) for the relief of James Broiles; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6353) for the relief of George A. McKenzie, alias William A. Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. PATTERSON) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6354) granting an increase of pension to Pierce McKeogh;

A bill (S. 6355) granting an increase of pension to Michael McDonald;

A bill (S. 6356) granting an increase of pension to Walter J. Jones;

A bill (S. 6357) granting an increase of pension to Alvan P. Granger (with accompanying papers);

A bill (S. 6358) granting an increase of pension to Theodore W. Gates (with an accompanying paper);

A bill (S. 6359) granting an increase of pension to Edgar L. Patton (with accompanying papers); and

A bill (S. 6360) granting an increase of pension to Joel R. Smith.

Mr. TELLER (by request) introduced a bill (S. 6361) to authorize the construction of a public railway for the transportation of the mails, troops, and munitions of war of the United States, and to aid in the regulation of interstate commerce; which was read twice by its title, and, with the accompanying brief, referred to the Committee on Railroads.

Mr. ALDRICH introduced a bill (S. 6362) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6363) granting an increase of pension to Alice A. Arms;

A bill (S. 6364) granting an increase of pension to Catharine Seymour;

A bill (S. 6365) granting a pension to Jane Rivers; and

A bill (S. 6366) granting a pension to Cynthia L. Allen.

Mr. ALDRICH introduced a bill (S. 6367) to remove the charge of desertion from the naval record of Peter O'Neill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 6369) for the relief of John T. Spence, or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6370) for the relief of Thomas Johnson, or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6371) to confirm title to lot 5 in square south of square No. 990 in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. NEWLANDS introduced a bill (S. 6372) regulating the compensation of the collector of customs for the district of Georgetown, in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

AMENDMENTS TO STATEHOOD BILL.

Mr. GALLINGER submitted sundry amendments intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table, and be printed.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. I ask unanimous consent to call up for consideration the bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore

granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Foreign Relations with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. I understand that the Senator from Oregon [Mr. FULTON] called up this bill. The people of his section of the country are very anxious about it, and I think the bill is entirely right and just. I should like to have the Senator make a statement about it, and if there is objection then, in view of the absence of the Senator from Alabama [Mr. MORGAN], I would ask that it may go over until he can be present.

Mr. FORAKER. Will the Senator from Oregon allow me to say just one word?

Mr. FULTON. I yield to the Senator from Ohio.

Mr. FORAKER. I understand that the Senator from Alabama [Mr. MORGAN] is very anxious to have the Senate pass the bill. I will say, for the benefit of the Senator from Illinois, that it is the desire of the Senator from Alabama that we do not wait for him.

Mr. FULTON. I am informed it is a fact that the Senator from Alabama is anxious that the bill shall be passed. Of course I would not have called the bill up otherwise. The Senator from Alabama did not make that statement to me, but I understand he made the statement to the Senaor from California now occupying the chair.

Mr. President, if I may be permitted, I will briefly state the purpose of the bill. At the time the United States was asserting jurisdiction over that portion of the waters of Bering Sea within the boundaries of Alaska our Government sought to exclude pelagic sealing in those waters and arrested and confiscated a large number of vessels, some under the British flag and some under the flag of the United States.

England contested the jurisdiction of the United States, and it was finally decided by the international commission appointed to determine the question of jurisdiction that the United States was without jurisdiction over those waters beyond the 3-mile limit. As a result the United States was compelled to pay the British subjects for the vessels seized belonging to them.

Russia in the meantime had seized many vessels of the United States. The United States Government presented a claim to Russia for repayment to her citizens, and Russia paid the citizens of the United States whose vessels she had seized and confiscated.

The only owners of vessels left who have not been compensated are our own citizens whose vessels were seized by this Government Mr. Don M. Dickinson, who was the counsel for the United States before the commission selected to determine the amount of the claims of British subjects, which commission sat at Vancouver, British Columbia, made a report which is published in the report of the Committee on Foreign Relations upon the bill. He states that when the claims were presented by the British subjects they amounted to $1,289,000. He was absolutely without any testimony to reduce the amount of those claims, although he knew that they were in excess of the value of the vessels. As a result he appealed to American sealers whose own vessles had been seized and confiscated, and they furnished him with testimony by which he reduced the amount of the claims of the British sealers from $1,289,000 to $467,000. He said that these men went over there and gave this testimony even at the peril of their lives, because the sentiment was very strong against them.

The Senator from Alabama [Mr. MORGAN] made the report from the Committee on Foreign Relations, in which he very earnestly urges the passage of this bill. I have called it up because on the Pacific coast there is a strong sentiment in favor of the enactment of the bill, as many of their people have suffered by reason of these seizures and because I understand the senior Senator from Alabama [Mr. MORGAN] is anxious that it shall be passed; but I, of course, will not insist on it at this time if objection be made. I have made this statement in order that the Senate may understand the merits and equities of the bill.

Mr. SPOONER. I should like to make an inquiry of the Senator from Oregon. What exigency is there in this litigation, if any, which requires that an act of Congress shall make competent as evidence documents which otherwise would not be competent in courts of the United States?

Mr. FULTON. To what part of the bill does the Senator refer?

Mr. SPOONER. The bill provides:

> That in considering the merits of claims presented to the court hereunder any evidence, affidavits, reports of officers, and such other papers as are now on file in the Departments of the Government of the United States shall be considered by the court as competent evidence.

Mr. FULTON. I have not gone into the details in that respect. The bill was before the Committee on Foreign Relations and they seemed to think that a proper provision and so reported it. I have not examined into the character of the testimony to find what proof this would afford. As to that I do not know.

Mr. SPOONER. That provision would render competent possibly a great many affidavits against the Government when there would be no opportunity to cross-examine witnesses.

Mr. FULTON. The court would take them for only what they were worth. These claims are to be presented to a judicial tribunal.

Mr. SPOONER. They would not be worth anything——

Mr. FULTON. Then the court would not consider them.

Mr. SPOONER. They would not be worth anything in court except for this provision.

Mr. FULTON. They would be admissible with this provision, but they might not have much influence with the court. It simply allows them to be presented. I do not pretend to know how many of those affidavits there are, or what is their character, but this very competent committee investigated it and reported the bill with that provision.

Mr. SPOONER. I am on that committee, and so——

Mr. FULTON. That is the reason particularly why I said it was a very competent committee.

Mr. SPOONER. The Senator admits that it was a competent committee?

Mr. FULTON. I can prove that.

The PRESIDING OFFICER. The Chair understands that objection is made to the bill, and under Rule VIII it will go over.

Mr. FORAKER. I do not understand that anyone objected.

The PRESIDING OFFICER. The senior Senator from Illinois [Mr. CULLOM] objected.

Mr. FORAKER. He simply called attention to the absence of the Senator from Alabama [Mr. MORGAN].

Mr. CULLOM. Mr. President, I desire to be set right on that point. At the time I objected I was not aware that the Senator from Alabama had expressed any desire that the bill should be taken up in his absence, and feeling that he perhaps knew more about the details of the whole measure than anyone else, I thought it would be unfair to him to take it up and consider it now, when perhaps if he were here he might be of great value to the Senate in the understanding of the bill itself. If there is no other objection to the consideration of the bill now, I am sure I shall not stand in the way in the light of what has been said in reference to the wish of the Senator from Alabama.

The PRESIDING OFFICER. The objection being withdrawn, the bill is before the Senate as in Committee of the Whole.

Mr. FORAKER. Mr. President, I wish to say that the bill is brought up now, as I understand it, at the request of the Senator from Alabama. I received a message from him at the hands of the senior Senator from California, who had received a letter from him asking me to assist in taking the matter up. I think it is such a measure that if anything is to be done with it in the Senate it ought to be passed without any further delay.

This measure was well considered, I think I can say, in the Committee on Foreign Relations. There is a report filed here, showing the usual care the Senator from Alabama takes in regard to such matters, and that report expresses, I understand, the opinion entertained by the committee as a whole at the time the bill was under consideration.

The Senator from Wisconsin raised a question about the provision as to evidence. That provision might be stricken out. It was thought it might be objectionable, but the committee did not object to it, as the report of the bill with that provision in it shows. The provision is simply that all documentary evidence on file in the State Department may be allowed to be introduced as evidence and be given such weight as the court may deem it entitled to receive. If it is incompetent evidence I do not suppose the court would give it much weight. All I can say as to the views of the Senator from Alabama in regard to the report of the committee on that provision is to quote

from the report. He refers to that provision in the last paragraph of his report, as follows:

The rulings of the commission of 1896, that made the awards in favor of British subjects, are worthy of consideration by the circuit court as to the measure of damages and the proper scope of inquiry as to the right of compensation to be considered by the court, lest the committee doubt the propriety of adopting them by act of Congress, and recommend the amendment of the bill as to that and some other features that do not materially affect the equitable and just right of the claimants to the relief they seek.

It is really done, as suggested by the Senator from Massachusetts [Mr. LODGE] who sits just in front of me, to protect our own Government, in order that the court may have the benefit of all the documents placed on file. I think the suggestion made in the committee originally, when we left that provision in the bill, was that by it the court might have the benefit of whatever was filed in the State Department in helping them to reach a just conclusion.

Mr. SPOONER. I suppose these are affidavits by the parties as to the value of vessels, and all that.

Mr. LODGE. As to the value of the British ships.

Mr. FORAKER. No claim was ever made as to the American ships.

Mr. LODGE. There has been no evidence introduced about American ships. Without this evidence introduced about the British ships that testimony would not be before the court, as I understand it.

Mr. FORAKER. The official proceeding or investigation at Victoria was as to the amount of damages this Government should pay to the British claimants because of the wrongful seizure, and all this testimony relates to that seizure and to the value of ships of that character.

Mr. SPOONER. Does the Senator from Ohio know that?

Mr. FORAKER. I know that was the statement before the committee, and I know there was no law authorizing any American to make a claim. No American has ever been allowed to make a claim to the State Department or any other Department for the seizure of his ship under the order. The reason for that, I understand, is that our Government, taking the position that that was a closed sea, held it to be a violation of our statute as to pelagic sealing to take seal anywhere within the sea, outside of the 3-mile limit or within the 3-mile limit; and because it was held to be a violation of a statute on that account, treating it as a closed sea, they were never allowed to make any claim, and they never have made any claim.

They are to be allowed now simply to go into a court of the United States and by presenting a petition there set up their claims. They have to prove it by competent testimony. This provision was thought necessary by the committee. I had forgotten the exact reason for it; it was a long time ago when we considered this measure; but the Senator from Massachusetts has suggested it. It was thought by the committee to be entirely proper that these documentary evidences on the general subjects should be available for the court for whatever they might be worth.

Mr. CULLOM. I remember distinctly the statement was made in the committee that the court ought to have the right to look at these documents in the State Department in order that the Government itself might be protected as far as possible.

Mr. SPOONER. Let the bill go over for the present.

Mr. FORAKER. While I am on this subject, if the Senator from Wisconsin will allow me to call attention to it, it is stated in the report that the claims of citizens of the United States have never been presented before any tribunal.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Objection being made to the consideration of the bill, it will go over.

Mr. LODGE. I hope objection will not be made.

Mr. SPOONER. I think there is no question whatever about the merits of this bill. I think we should give our citizens the opportunity to go into the courts of the United States to make their proofs of loss and that we should provide for the payment of such judgments as may be rendered by the courts, but I think the interest of the Government ought to be properly safeguarded. I have been advised of no good reason thus far why, in this proposed act, which is drawn for the benefit of claimants, Congress should make competent as evidence affidavits, reports, and things of that kind which would not otherwise be evidence. These claimants would have a right under this bill to introduce as evidence affidavits, etc.

Mr. FULTON. Will the Senator from Wisconsin allow me to make a suggestion to him?

Mr. SPOONER. Certainly.

Mr. FULTON. Why not eliminate that portion of the bill?

Mr. SPOONER. That is what I want to eliminate.

Mr. FULTON. Unless the bill is promptly passed it will not pass at this session of Congress, and American citizens who have sustained such losses will not get the benefit of its provisions. I think we can correct this. I understand the Senator from Wisconsin desires only to have proper evidence considered. Why not amend the language by saying "that it may be considered so far as it may furnish evidence against the claimant, but not in support of the claims?"

Mr. SPOONER. Then the early part of the section and the latter part would be inconsistent with each other.

Mr. FORAKER. No; we eliminate that, of course. Section 6, on page 5, might be amended so as to read, "shall be considered by the court in so far as it may be considered competent;" and stop there.

Mr. SPOONER. I have not the slightest objection to that.

Mr. FULTON. I see no objection to saying that it be considered, so far as it may furnish evidence against the claimant.

Mr. SPOONER. Would that be fair?

Mr. FULTON. They can furnish their own testimony, I suppose.

Mr. SPOONER. The Government ought to meet their testimony by evidence.

Mr. FORAKER. I move to amend that section by inserting in line 17, after the word "court," the words "in so far as the same may be;" so as to read, "in so far as the same may be considered competent evidence;" striking out the word "as."

The PRESIDING OFFICER. The Chair understands that objection has been made to the further consideration of the bill.

Mr. SPOONER. I do not wish to delay this bill unless Senators insist upon making affidavits purely ex parte of parties who may be dead or beyond reach of cross-examination competent evidence. I am not in favor in a bill of this character or any other, where we give the right to sue in the Federal courts, of providing that evidence which is not common law evidence and would not be admissible against the Government shall be by statute made so.

The PRESIDING OFFICER. If objection be withdrawn, the bill will be considered as before the Senate as in Committee of the Whole, and the amendments reported by the committee will be stated.

Mr. SPOONER. We are considering it now, if the Chair will permit me.

Mr. PETTUS. I think objection was made by the Senator from Georgia [Mr. BACON] to the consideration of the bill.

Mr. BACON. No; the Senator is mistaken about that.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] objected; and if the objection is not withdrawn, the bill, under Rule VIII, will go over.

Mr. FORAKER. I understand the Senator from Wisconsin does not object to the consideration of the bill if it be amended as he suggests.

Mr. SPOONER. No; I do not.

Mr. PETTUS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill has gone over.

CAPT. ARCHIBALD W. BUTT.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Capt. Archibald W. Butt, quartermaster, United States Army, $480, the amount stolen from the United States in Manila, P. I., by an employee of the quartermaster's department, by name José B. Luciano, Capt. Archibald W. Butt having fully paid the sum to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. PETTUS. I desire to give notice that the senior Senator from Alabama [Mr. MORGAN] desires to be heard upon the regular order of business, the statehood bill, on Monday next, when that bill is taken up.

THOMAS C. SWEENEY.

Mr. SCOTT. I ask unanimous consent for the consideration at this time of the bill (S. 4260) for the relief of Thomas C. Sweeney.

Mr. LODGE. Mr. President, has morning business closed?

The PRESIDING OFFICER. The morning business has closed, and the Chair announced that the Senate would proceed with the consideration of the Calendar under Rule VIII.

Mr. LODGE. I shall not interfere with this bill, but after it shall have been disposed of I shall ask for the regular order.

The PRESIDING OFFICER. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill.

Mr. LODGE. Is there a report in that case, Mr. President?

Mr. SCOTT. There is; but it is quite a lengthy report. If the Senator will allow me, I think I can explain the purport of the bill in a minute.

The claim has been before the Senate and before the Court of Claims and has been allowed by the Court of Claims. The amount of money due Mr. Sweeney is $10,040, and if interest were allowed it would be much more. That amount the Court of Claims allowed him; but I have succeeded in getting Mr. Sweeney to agree to settle the claim for $5,000. For that reason the bill was put in the form in which it now appears. The Secretary read it as being for $10,040, but there is an amendment reducing the amount to $5,000. The Senator from Nevada [Mr. STEWART] will say that it was a mistake in putting in the amount at $10,040.

The PRESIDING OFFICER. The Chair is informed that there is an amendment reported by the Committee on Claims to the bill. Is there objection to the present consideration of the bill?

Mr. LODGE. The bill is not even here, Mr. President.

Mr. SCOTT. I think the bill is here, Mr. President, and the Senator can have the report read if he desires.

Mr. LODGE. I think the bill is not here.

Mr. SCOTT. The bill has heretofore been before the Senate and the House of Representatives and passed. It has also been before the Court of Claims and has been allowed by that court.

Mr. LODGE. My point is simply that the bill was reported yesterday and has not yet been received from the printer.

The PRESIDING OFFICER. The Chair is informed that there is a copy of the bill at the desk.

Mr. SCOTT. My reason for asking for the immediate consideration of the bill is that I may get it incorporated in the omnibus claims bill, which was reported by the Senator from Wyoming [Mr. WARREN]. This bill has been hanging for years. It is a just bill, and, as I have said, has been passed upon by the Court of Claims. I am sorry that any Senator should object to the very reasonable consideration here proposed.

Mr. LODGE. Mr. President, I do not object to the consideration of the bill; but I want to know something about it, even if I have to ask for the reading of the report.

Mr. WARREN. Mr. President, I would say that this claim would have been included in the omnibus claims bill except for the rule which requires that that bill shall only include such matters as have already passed one or the other or both Houses. This bill would be eligible, if it should pass the Senate at this time, to be placed on the omnibus claims bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "ten thousand and forty" and insert "five thousand."

The amendment was agreed to.

Mr. ALLISON. Now, Mr. President, let the bill be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That there be paid to Thomas C. Sweeney, of Wheeling, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPERTY LOST IN MILITARY SERVICE.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 3828) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States, which has heretofore been passed over on the Calendar.

Mr. LODGE. That, I understand, is a bill which was passed over when heretofore reached on the Calendar, and I shall not, therefore, include it in my objection.

The PRESIDING OFFICER. The Chair is so informed. The bill will be read for the information of the Senate, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been lost or destroyed in the military service since the 21st day of April, 1898, without fault or negligence on the part of said officers and men, and the reimbursement of which is not provided for by any existing law; and the amount of such loss or destruction so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full compensation for all such loss or destruction: *Provided*, That any claim which shall be presented and acted on under the authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That the liability of the Government under this act shall be limited to such personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or enlisted man while engaged in the public service, in the line of duty; but such liability shall not include property lost by theft, or destroyed by use, or lost in action, or horses which died from natural causes, or the property of officers left for their own convenience in buildings owned or hired by the Government: *And provided further*, That all claims within the scope of this act shall be presented within two years from the passage of this act, and that all such claims filed thereafter shall be forever barred.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I desire to ask the Senator having the bill in charge if it is intended only to reach cases where losses have already occurred or is it to be a continuing act?

Mr. PROCTOR. It is not a continuing act, as I interpret it, but I am perfectly willing to have it amended by inserting the word "heretofore."

Mr. ALLISON. I think, for safety, that word should be inserted.

Mr. PROCTOR. I move to amend the bill on page 1, line 7, by inserting the word "heretofore" after the word "has."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. PROCTOR].

Mr. PROCTOR. Mr. President——

Mr. ALLISON. If I may interrupt the Senator, I think the words which already appear in the bill will accomplish the purpose I had in mind. I did not notice them at first.

Mr. PROCTOR. I think so, too, and I therefore withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ALLISON. The only object I had, Mr. President, was to guard against this bill being a permanent statute.

Mr. PROCTOR. The only claim, Mr. President, which I know of that has arisen is in regard to property lost in the Galveston flood. The Comptroller ruled that the present statute of March 3, 1885, which covers cases of property lost by fire, although fire is not specified, did not apply to the case intended to be reached by this bill. I think the existing statute would bear the interpretation that it would cover even the Galveston flood case, but the Comptroller decided against it. So far as I know that is the only case which has arisen.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASHTABULA HARBOR, OHIO.

Mr. LODGE. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The first bill on the Calendar will be stated.

The bill (S. 4161) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that of the money appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, in the act approved June 13, 1902, entitled "An act making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so much as may, in the discretion of the Secretary of War, be deemed desirable may be expended in the extension of the west breakwater.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING EXPERIMENT STATIONS.

The PRESIDING OFFICER. The Chair will state that the Secretary read the second bill on the Calendar instead of the first.

Mr. LODGE. The first bill ought to go over. I object to it.

The PRESIDING OFFICER. The Chair is informed that Calendar No. 793, being the bill (S. 271) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, went over, but it does not so appear on the printed Calendar.

Mr. TELLER. Mr. President, what was done with Senate bill 271?

The PRESIDING OFFICER. The Chair is informed that it went over when the Calendar was last under consideration, and,

by error, it is printed in the Calendar to-day at the head of the list.

Mr. TELLER. I am glad to know what has happened, because we did not know anything about it over here. It was impossible to hear what was being said.

OBSOLETE ORDNANCE AND ORDNANCE STORES.

The bill (S. 4378) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to issue such obsolete ordnance and ordnance stores as may be avilable to State and Territorial educational institutions for purposes of drill and instruction of students.

Mr. TELLER. Mr. President, I should like to have the chairman of the committee who reported this bill tell us what kind of stores the bill refers to. I could not catch the information from the reading of the bill.

Mr. PROCTOR. I would ask, Mr. President, as perhaps the shortest answer to that, to have read the letter of Secretary Root as it appears in the report of the committee. It is very brief.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, December 23, 1903.

SIR: I have the honor to transmit herewith a General Staff report relating to the issue of obsolete ordnance and ordnance stores for the use of State and Territorial educational institutions and recommending legislation upon lines which, for greater convenience, have been thrown into the form of a draft bill. The recommendation of the General Staff has my hearty approval, and I hope that it will receive the favorable consideration of Congress. The United States has now begun the manufacture of the new service rifle, model of 1903. It has in the hands of regular troops 111,764; in the hands of the organized militia, 96,353, and in reserve, 227,824 (total, 435,941) service rifles and carbines, all models (1896, 1898, 1899), commonly known as the Krag-Jörgensen. It has also on hand available for issue 101,190 of the old Springfields (rifles, model 1879, 23,620; model 1884, 62,350; model 1888, 11,187; carbines, 4,033), besides about 50,000 not yet turned in from the militia and a number in the hands of the Philippine Scouts.

We have not yet enough of newer models to consider the Springfields obsolete, but they will soon become so, and in the meantime several thousand of older models on hand can be used under the proposed legislation for the purpose of military training in the schools of the country other than those to which details of military officers are made. Such training will be of material value, and I have no question that the proposed use of the old rifles will be of much greater military value than keeping them in store or selling them for the trifling price which could be realized.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF GEORGE W. SOULE.

The bill (S. 559) for the relief of the legal representatives of George W. Soule was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that this bill has already been read.

Mr. COCKRELL. Let it be read again.

Mr. ALLISON. I suggest that the bill be again read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, which had been reported by the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of $31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of $31,500 being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims, of every description whatever, on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,500 for the purposes specified in this act.

Mr. TELLER. If there is a report in this case, I should like to have it read.

Mr. ALLISON. I ask that the bill may go over.

The PRESIDING OFFICER. Objection being made, the bill will go over under the rule, without prejudice.

Mr. TELLER. Mr. President——

Mr. ALLISON. Does the Senator from Colorado desire to have the report read?

Mr. TELLER. I wish to ask the Senator from Iowa if he will not withdraw his objection. Here is an old claim; it is very old; it has been before the committee again and again; and I think if the report is read the bill will probably go through without any objection.

Mr. LODGE. The report is a very long one.

Mr. TELLER. It has been a long time since the Government took this man's property——

Mr. GALLINGER. That is right; half a century.

Mr. TELLER. More than fifty years; and more than one committee has declared that he was entitled to remuneration. I do not desire to discuss the bill, if it is objected to, but it seems to me the fact that the report is a long one ought not to make any difference.

Mr. LODGE. I have no objection to the bill. I think it ought to pass.

Mr. TELLER. If the objection is——

Mr. ALLISON. I do not know whether it should pass or not. It seems to be a very old claim, and it struck me that if it has waited fifty years, it might wait a day or two longer. That is the reason why I objected; but if it is so pressing, I will withdraw my objection temporarily that the Senator from Colorado may explain the bill.

Mr. TELLER. I could not explain from memory the exact details in this case, but I remember it was before the Committee on Claims again and again. If the report is read, I believe it will be satisfactory. If the Senator from Iowa is not then satisfied, he can object.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report, submitted by Mr. BURNHAM February 18, 1904, as follows:

The Committee on Claims, to whom was referred the bill (S. 559) for the relief of the legal representatives of George W. Soule, have given the same a careful consideration and beg leave to submit the following report:

The material facts upon which this claim is based have been shown by statements under oath and by letters and other evidence specifically referred to.

George W. Soule, of whose last will and testament Ephraim Hunt and Julia M. Hunt are the executors, was in 1850 a citizen of New York in good circumstances and of high standing in his business and social relations. Early in 1851 he went to San Francisco, Cal., and was one of the pioneers in that locality. Large tracts of land within the limits of that city, partly above the high-water mark of the bay of San Francisco and partly between high and low water mark, were then unoccupied. The title to much of this land was unknown and was not ascertained until some years after, when it was determined by legislation and the decisions of the courts.

Many of the early settlers took possession of this land without a title and erected thereon houses and business blocks, and thus laid the foundations of a part of the city. In no other way could the city have been so rapidly built up. To have waited until titles could be ascertained and secured would have resulted in long delay and a hindrance to the growth of the city.

The possessory rights thus obtained were generally confirmed, and the payments, if any were made, were only nominal.

By an ordinance known as the Van Ness ordinance, approved June 20, 1855, and thereafter duly ratified, the city of San Francisco gave full title to those who had such rights. The material parts of this ordinance were as follows:

"SEC. 2. The city of San Francisco hereby relinquishes and grants all the right and claim of the city to the lands within the corporate limits to the parties in the actual possession thereof, by themselves or tenants, on or before the 1st day of January, A. D. 1855, and to their heirs and assigns forever * * * *Provided*, Such possession has been continued up to the time of the introduction of this ordinance in the common council; or, if interrupted by an intruder or trespasser, has been or may be recovered by legal process."

Mr. Soule took possession early in 1851 of one of these unoccupied lots of land. It was a lot 275 feet square and was bounded north by Jackson street, east by Battery street, south by Washington street, and west by Sansome street.

Much the greater part of this lot, but probably not all of it, was tideland between high and low watermark.

In June, July, and August, 1851, Mr. Soule erected on the easterly side of this lot six stores, fronting for a distance of 125 feet on Jackson street, at an expense of $31,500.

While erecting these stores, or soon after their completion, in the same year, he obtained an alcalde grant, as it was called, and also sundry other conveyances in the usual form from different grantors for different parts of said real estate, but it does not appear that any of these grantors other than the alcalde had a title to any of the land which their deeds purported to convey, or any authority to make such conveyances. Mr. Soule states that the parties from whom he received these deeds said they owned the property, and he gives that as the reason for his obtaining these conveyances.

Mr. Soule continued in undisturbed and peaceable possession of this property and collected the rents from his six stores, which amounted to $1,800 a month, until he was dispossessed as hereinafter stated. He held all the title he was then able to secure, and his possession and rights were no different from those of all others who claimed and possessed land in that vicinity.

He occupied this land and erected his six stores thereon in good faith and with a reasonable expectation that what was wanting in his title he would be able to secure whenever it was ascertained and determined by the courts or by legislation who were in fact the legal owners of the land.

He paid taxes to the city of San Francisco, doubtless assessed on

account of this lot, and the city in this way recognized his interest in the property.

Mr. Soule was in the full enjoyment of his property and of the rents derived therefrom, with no one, so far as he knew, claiming a better title, when in the month of September, 1852, he was ousted by the Government of the United States. The facts relating to this seizure by the Government are stated, as follows, in the opinion of the Court of Claims filed June 6, 1892, when, this claim having been presented and heard, it was determined that the court had no jurisdiction:

"III. That in the month of September, 1852, T. Butler King, at that time collector of customs at the port of San Francisco, notified the claimant that the Government of the United States, by its proper officers, had decided to erect a custom-house on said premises and, without apparent authority, demanded of claimant the possession of said premises and improvements; that thereupon claimant refused to deliver possession of said premises so demanded, whereupon said King, collector as aforesaid, notified the claimant that he would take possession of said premises and improvements and at the same time advised and counseled said claimant to deliver to him, said King, collector as aforesaid, under protest, the possession of said premises and sue the collector; that Congress had appropriated and would appropriate money to pay property owners for property taken upon which to erect a custom-house, and thereupon the said claimant delivered to said King, collector as aforesaid, a protest of some kind in writing, and without removing or attempting to remove said stores he had erected thereon, yielded possession of said premises."

It appears from the finding and from other evidence that Mr. Soule, relying upon the advice and counsel of the collector, a high Government official, and upon the statement that Congress had appropriated and would appropriate money to pay property owners for property taken upon which to erect a custom-house, yielded up to this collector possession of the entire lot of land and the buildings he had erected thereon.

Thus the Government, through its collector of customs, without the shadow of a claim to this property, without legal proceedings of condemnation, and without compensation of any kind, compelled him to surrender the possession of this property.

It is true that Mr. Soule might have refused to deliver up possession to the Government, but he relied, as other men would under the same circumstances, upon the assurances of this Government official.

He filed a protest in writing, as advised, and doubtless believed that out of the money which the collector informed him had been or would be appropriated by Congress for this purpose he would be fully compensated.

This property was taken by the Government for its own use as a site for a custom-house, and not by the State of California or the city of San Francisco, and so this claim is made against the Government.

The custom-house was erected upon the lot of land which had been, as above stated, in the possession of Mr. Soule and has remained there to this date. His buildings were taken down and removed by the Government and he was thus deprived of land, the title to which in all probability would have been confirmed to him, and of buildings from which he was then deriving a very substantial income.

The Government had no legal title whatever to this land until two years after, on the 5th of September, 1854, when it obtained a deed from the State of California—a deed which conveyed the use of this land as a site for a custom-house—with a reversion to the State whenever it ceased to be used for that purpose. The full title, so far as the State could give a title, was not obtained by the United States until a second deed was given by the State on the 1st day of May, 1868.

The Government, while neglecting to make any provision for payment to Mr. Soule, did recognize and admit the existence of these possessory rights by the act of August 4, 1854. (10 Stat. L., 559.) By that act $10,000 was appropriated for the extinguishment of two private claims to the possession of a small part of the Soule land. These two claimants, Lyons and Hastings, could have had no greater right or better title than Soule, yet the Government paid to each of them the sum of $5,000. Neither had made any improvements on their water lots nor was either in possession of any part of the Soule lot when Soule commenced his occupation and the erection of his buildings.

The facts in regard to this payment by the Government are stated in the following letter from the Acting Secretary of the Treasury, Hon. O. L. Spaulding, to Hon. Henry W. Blair, dated February 19, 1902:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 19, 1902.

SIR: In reply to your letter of the 24th ultimo, relative to any payments made to individuals in connection with the custom-house site in San Francisco, I have the honor to advise you as follows:

By the act of August 4, 1854 (10 Stat. L., p. 559), the sum of $10,000 was appropriated for the extinguishment of private claims to the possession of the custom-house lot in San Francisco, and the Auditor for the Treasury Department, to whom the matter was referred for report as to the disbursement of the above-named sum, reports, under date of February 18, 1902, as follows:

The $10,000 in question was disbursed as follows: $5,000 was paid to Henry A. Lyons for relinquishment of all his right, title, and interest in and to water lot No. 78, and $5,000 was paid to S. C. Hastings for relinquishment of all his right, title, and interest in and to water lot No. 79. The two lots in question formed part of the block on which the custom-house at San Francisco, Cal., was then (1854) being built. Deeds to said lots were recorded in the office of the recorder of San Francisco County, sent to this Office November 14, 1854, and transmitted to the First Comptroller December 11, 1854.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

Hon. HENRY W. BLAIR,
213 East Capitol Street, Washington, D. C.

A claim for damages amounting to $133,200 was presented to the Forty-eighth Congress, which claim included the cost of the buildings—$31,500—and the title of the land on which the same were standing. An adverse report from the Committee on Claims of the House was submitted at that time.

A letter from the Secretary of the Treasury, dated February 28, 1884, annexed as a part of that report, states that no reference to Mr. Soule's claim is found in the accounts, records, or correspondence of the Department.

The House report seems to have been based on the fact that Mr. Soule did not prove any title to the premises.

This claim was again presented to the House of Representatives in the Forty-ninth Congress, but no action was taken from the fact that during that Congress an act was passed giving enlarged jurisdiction to the Court of Claims, and it was believed by the claimant that, under its increased powers, the court would have jurisdiction of his claim. In due time the claim was presented to the court, which, after a hearing in the case, known as No. 15702, returned a finding of facts June 6, 1892, but decided, as a conclusion of law upon those facts, that it had no jurisdiction of the claimant's action. The petition was accordingly dismissed.

This conclusion was upon the ground that the action was not based upon a contract, but was an action sounding in tort, and therefore not within the jurisdiction of the court.

An appeal was taken, but was not prosecuted on account of the inability of the claimant's executors, the claimant having previously died, to provide the means and procure the evidence for its further prosecution.

There were no other proceedings in this matter until a bill was presented to the Fifty-seventh Congress, but no action was taken in that Congress. In the present Congress bills have been presented both in the Senate and House in favor of the claimants.

The Government at the time it took possession of Soule's land and buildings had no title whatever and no right, by condemnation proceedings or otherwise, to oust Soule from his possession. He was until then in the undisturbed occupation of this land and the buildings he had erected thereon. For sixteen months he had held possession and his right to continue peaceable occupation was good except against one who had a better title. This superior right the Government did not have.

The advantage to the Government by its ejection of Mr. Soule was very considerable. It obtained immediate possession and avoided the expense and delay of legal proceedings. It also secured the property for much less than its real value.

It was decided by the courts that the State of California held the title to tide lands between high and low water mark. A considerable part, but perhaps not all, of the Soule land was between these marks, and when, two years after the Government took possession of this land, it was decided to purchase this tide land from the State, agents agreed upon by both parties reported the value of the land to be $300,000. The Government paid the State, upon the grant of the use and occupation of this land, as above stated, September 5, 1854, only the sum of $150,000. At a subsequent date, May 1, 1868, the Government paid the State another $150,000 for all the right, title, and interest of the State in and to the land in question. In the meantime the property had greatly increased in value and the total amount paid by the Government was much less than the real value of the property.

The loss to Mr. Soule by this eviction on the part of the Government was very large in amount, and the consequences of this action were ruinous to the financial interests of the claimant and his family.

Directly he lost the full amount of the cost of his buildings, which, by conclusive evidence, is shown to have been $31,500. In addition he lost the rents of the buildings, which at that time amounted to $21,600 a year. If he had remained in possession of these buildings during the two years between the taking by the Government and its securing a title from the State on the 5th of September, 1854, he would have received from that source of income $43,200.

If the Government had taken the usual means of securing title to the property under the right of eminent domain there would have been the long delays incident to such proceedings, and during that time Mr. Soule would have been in possession, and in all probability would have received a large amount from the rentals of these buildings; and if he had not been dispossessed by the Government he would have been, so far as his interests in this property were concerned, in no different position from that of a large number who took possession of land in San Francisco, as he did, and whose titles were confirmed to them by the Van Ness ordinance.

The loss to him on this account may be said to be conjectural; but no reason is suggested why he, if undisturbed by the Government, would not have shared in the benefits of this confirmation of title, as did many and perhaps all others who had taken possession of land, as he did, in that new and rapidly growing city. The amount of damages he thus sustained would be difficult to estimate; but some impression may be gained from the amount actually paid by the Government for the title of the State.

The committee has considered the question of delay in the prosecution of this claim.

It has been judicially settled by the decision of the Court of Claims above referred to that there has never been any remedy for Mr. Soule except through action of Congress.

It appears from the letter of Ephraim Hunt, one of the executors of his will, to Hon. Henry W. Blair, dated November 30, 1902, a copy of which is hereto annexed and marked "Exhibit A," that soon after the Government seized his property Mr. Soule was prostrated by a severe illness and was carried on a stretcher aboard a steamer which brought him home. Some time in 1853, against the advice of his physician, he returned to look after his affairs and remained until January, 1855. Again he suffered from illness and for several years his health was completely broken.

In the meantime his witnesses had gone, a change of administration had brought into office a new collector and other new officials, and a little later the former collector, Mr. King, died.

In December, 1852, Mr. Soule put all the papers relating to this property, including his deeds and a copy of the protest delivered to Collector King, into the hands of Mr. James E. Wainwright, and when he returned, in 1853, he learned that Mr. Wainwright had gone to Japan and was dead. Mr. Soule was never able to find any of these papers.

Some time during the sixties he began to search for his witnesses, but he was still in poor health and but little, if anything, was accomplished.

The civil war and the difficulties to be overcome, arising in part from the long distance across the continent and the expense and delay of communication before the building of a transcontinental railroad, his continued ill health, and want of means may account for his not prosecuting the claim during a considerable period after the loss of his property.

He had become impoverished, and from 1872 until his death was in the care of Mr. and Mrs. Hunt, the executors, either in their own home or elsewhere.

It appears from a letter written by Mr. Hunt to Hon. Henry W. Blair, dated November 23, 1903, a copy of which is hereto annexed and marked Exhbit B, that it was not until the seventies that he had succeeded in getting together some of the papers to establish his claim. "He was, then, as this letter states, "sick again, to death's door, given over by the doctors, pronounced incurable." His disease would naturally result, as therein stated, in his being "completely broken in health and spirit."

He, however, partially recovered and, in 1881, secured the assistance of counsel and presented his claim to Congress.

The effort to secure favorable action upon this claim appears to have been continuous from that time up to the date of the decision of the Court of Claims, June 6, 1892.

An appeal was taken from this decision, but was not prosecuted from lack of means. Mr. Soule had died before the decision was filed, the papers were again lost through no fault of the executors; two agents, or attorneys, upon whom they relied, one in Washington, D. C., and another in Lebanon, N. H., had died, and the executors were without means. They afterwards were enabled to secure other assistance, and presented their claim to the Fifty-seventh Congress.

The facts last stated appear in a letter from Mr. Hunt to Hon. Henry W. Blair, dated January 2, 1903, a copy of which is hereto annexed, and marked "Exhibit C."

The committee finds, under the circumstances that have appeared in this case, that there have not been such laches or neglect on the part of Mr. Soule or his executors as to justify a denial of the claim upon that ground.

The State of California owned the tideland, as above stated, and conveyed that part of the land in question to the Government, but it is claimed by the counsel for Mr. and Mrs. Hunt that a strip of land bordering on Jackson street was above high-water mark and that this strip was never conveyed to the Government, but now belongs of right to the heirs of Mr. Soule under his alcalde grant.

The bill as amended provides that the payment of the sum hereinafter named shall be in full discharge of all claims against the United States of any description in favor of said Soule, his heirs and legal representatives.

In view of the possible claim that might be made to a part of the land in question and in view of the great advantage the Government has derived from its unauthorized act in taking possession of the property and of the great and irreparable loss to Mr. Soule, his heirs, and legal representatives, occasioned by this act, the committee has found that the claimants should be paid the sum of $31,500.

The taking of this property by the Government without legal right, the great equities in the case in favor of the claimants, and the serious results to the claimant and his family, by which they have become impoverished and deprived of the means of more seasonably prosecuting their claim, would seem to justify the payment of a much larger amount than is allowed by the amended bill.

The committee, however, after a careful consideration of the evidence and of all the circumstances surrounding the claim, have concluded to eliminate all that part of the claim which might be regarded as uncertain or too remote, and have allowed only the amount that has been clearly established as the cost of the buildings which the Government took from Mr. Soule and destroyed, and for which no compensation was ever made.

The committee therefore recommend the passage of the bill when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of $31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of $31,500 being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims of every description whatever on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

"SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,500 for the purposes specified in this act."

EXHIBIT A.

GRAFTON CENTER, N. H., *November 30, 1902.*

MY DEAR SIR: Mr. Soule went to California late in 1849 and was an importer direct from the producers of French wines and brandies.

That is why he had to do with T. Butler King, collector of the port, and whom he had previously known. He had prospered, and, having erected his stores on unoccupied land, supposed he had all the rights of "the squatter," and, with his rents and his own business, was on the high road to great wealth, as he supposed.

But when the Government seized his stores, reduced in strength from a robust health, he was prostrated by the loss of his income, and, given over by the doctors, was carried on a stretcher hastily aboard a steamer just ready to sail, without "bag or baggage."

His sickness extended far into 1853, but, improving somewhat, he ventured to return to look after his affairs against the advice of doctors and friends. He remained until January, 1855, having been absent one year and three months, or thereabouts.

Ill health and great anxiety about his unsettled affairs in San Francisco brought back his illness, complicated with diseases incident to change of climate and crossing the Isthmus, and his health was completely broken for several years.

His other business affairs and the scattering of all his tenants to the four quarters of the globe made it impossible to touch his claim against the Government. As he thought that was so just and clear a case, he attended as far as he was able to his other affairs.

Meantime his own baggage, left at San Francisco, and also Collector King's, had both gone astray to Honolulu or Australia, or nobody ever knew where.

Mr. King's death about the same time still further embarrassed the case, and it was not until the sixties that he rallied enough to begin the search for his witnesses (tenants), who were speculators—here to-day and in Australia or China to-morrow. The seizure of the stores had scattered them.

He started to recover his claim from the Government before he had recovered his health and finances. During his long sickness my wife's property sustained himself and family.

From 1872 until his death they were in our care, either in our own house or in a rent provided by us.

All through his life he had the most abiding faith that the Government would finally do him justice and pay him for the stores and land.

And on the last day of his life he said to my wife: "I shall not get it, but you will—it is yours, and you deserve it."

I can say no more and only this, because it was so well known to members of the family.

Yours, truly,

E. HUNT.

Hon. H. W. BLAIR.

If you and Mr. Currier think best for Mrs. Hunt to go to Washington, she might be able to get enough or half enough to start.

E. H.

EXHIBIT B.

UNION VILLAGE, VT., *November 23, 1903.*

DEAR SIR: Am in receipt of yours of the 18th. I should like, of course, to come to Washington, but absolutely have no money to enable me to do so.

Have income of barely 65 cents a day for five (5) persons.

In your clear statement of the case you have relied upon the "argumentum ad judiciam." That is right. As to the age of the claim, some two or three years ago Congress allowed a claim for "property destroyed" one hundred and one years before to the very remote heirs of George Washington.

Our claim is for property still in existence, and of increased value, and a squatter's right is "adscriptus glebae" and never dies, and Senator Hoar as a profound and learned jurist knows this.

You say, Why delay of thirty years? There was no such delay. As has been said, Mr. Soule returned to California against advice of doctors and came home in 1853 and had a long sickness of several years, and was not able to attend to business affairs until 1861, and then a four years' war, from a kind of inherited patriotism, delayed any demand upon the Government, overburdened with expenses, and not until the seventies had he succeeded in getting together some of the papers to establish his claim.

He was then sick again, to death's door, given over by the doctors, pronounced incurable—trouble with bladder and kidneys—had to use the catheter for twenty years, last five or six by the aid of physician. As one can see, he was completely broken in health and spirit.

But after resting three years in Reading at my expense he rallied and again tried to earn something to support his family and at the same time prepare his claim, and, like "Duos qui sequitur lepores, neutrum capit," he at last, in 1881, decided he would call counsel to his aid, but did not get a full hearing until 1886, as you have set forth.

So that really there was only forced delay until now, for after 1892 we were without papers, waiting, as he had done, to secure the evidence, Governor Boutwell having lost the papers, and we did not have means to carry on the case, further embarrassed by my entire lack of business ability.

Senator Hoar, with his broad knowledge of human affairs, will not fail to see how matters would be forced to drift with a man completely broken in health and leaning for assistance upon one who could only aid him to live and support his family, but of no business capacity to assist him. Indeed, he seemed to feel that all he would have to do was to present his case to the Government and it would at once be adjusted—it was so clear and strong.

The strange combination of accidents and misfortunes, causing so much delay in presenting the claim, make a modern romance of facts stranger than fiction.

I have your answer to letter I sent yesterday.

Yours, truly,

E. HUNT.

Hon. H. W. BLAIR.

EXHIBIT C.

GRAFTON CENTER, N. H., *January 2, 1903.*

MY DEAR SIR: Mrs. Hunt reminds me I forgot to tell you a quite important fact. After Governor Boutwell had closed his Washington office and we had decided to take the claim to Congress, from lack of funds to prosecute it in Supreme Court, to which governor appealed it on his own motion, and said he thought he could win it, Mrs. Hunt went to him to get the papers in the case, and he told her that in moving from Washington to Groton two boxes of books and papers were lost, and in them were the Soule papers, and if he ever found them he would send them to her. (Not yet done.)

This he told her in his son's office in Boston. Here was another loss of papers, and by an ex-secretary and governor, only in transit from Washington to Massachusetts. Was not this discouraging? Was it not more wonderful than the loss of the original papers by King and Soule, when their baggage went astray to Honolulu and Australia, when transportation was more risky?

Well, we waited in hopes to receive the papers, but have not.

Then we must do the best we could—of course with no papers we could present no case to anyone.

Well, we had some correspondence with a Washington firm of agents, on recommendation of a friend, Steinberger & Co., or something of that kind, I forget name, but the principal died and firm dissolved.

Then we got what papers we could find, and Mr. Spring, of Lebanon, whom you must have known, was to take the case, and he copied the records of the Court of Claims, which I forwarded to you at the outset, and, as you know, he too died, and we were again afloat.

We had notice that Mr. Currier would be elected, and knowing his ability we waited and deemed ourselves fortunate to secure your aid in the case.

So you see how we have had to work for ten years and wait.

Hoping you will now be successful, I am,

Yours, truly,

E. HUNT

Hon. H. W. BLAIR.

Mr. ALLISON. I ask that the bill may go over without prejudice.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice. The Secretary will announce the next business on the Calendar.

ESTATE OF GEORGE W. SAULPAW.

The bill (H. R. 1513) for the relief of estate of George W. Saulpaw was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims

with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of George W. Saulpaw the sum of $7,000, in full compensation for the steamer Alfred Robb, taken by the United States for the use of the Government during the late war of the rebellion; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,000 for the purpose specified in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY BASH.

The bill (S. 2749) for the relief of Henry Bash was considered as in Committee of the Whole. It proposes to pay to Henry Bash the sum of $1,260, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Port Townsend, Wash., from July 1, 1886, to October 1, 1891, being sixty-three months, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PLATTING OF MINING CLAIMS.

The bill (S. 181) to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims was considered as in Committee of the Whole. It provides that all moneys heretofore or hereafter deposited in any United States depository under the rules and regulations of the General Land Office for platting of mining claims and other office work in the office of any surveyor-general connected with proceedings to obtain patents shall be deemed an appropriation for the objects contemplated by such rules and regulations, and authorizes the Secretary of the Treasury to cause the sums so deposited to be placed to the credit of the proper appropriation for platting and other office work in obtaining patents for mining claims. But any excesses in such sums over and above the actual cost of such platting and office work, comprising all expenses incidental thereto, and for which they were severally deposited, shall be repaid to the depositors, respectively; such payments to be made upon a statement of account therefor by the Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BURGESS.

The bill (S. 4224) to correct the naval record of Alfred Burgess was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any report in that case?

The PRESIDING OFFICER. There is. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. PLATT of New York February 23, 1904, and read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4224) to correct the naval record of Alfred Burgess, having previously given the case careful consideration, report the same favorably and recommend that it do pass, attaching hereto and making a part of this report Senate Report No. 2824, Fifty-seventh Congress, second session.

The report is as follows:

"The Committee on Naval Affairs, to whom was referred the bill (S. 4906) to correct the naval record of Alfred Burgess, report the same favorably and recommend that it do pass.

"The records show that the said Burgess enlisted in the Navy on June 23, 1862, as a first-class fireman, for two years; that he served on board the U. S. S. *Sonoma* and deserted from that vessel on August 31, 1863.

"It appears, however, from affidavits and statements in the hands of the committee made by Asa B. Cullins, late acting and first assistant engineer, United States Navy, and John A. Pingree, late acting third assistant engineer, United States Navy, hereto attached and made a part of this report, that the charge of desertion entered against the said Burgess was an error and due to the neglect of the paymaster of the ship on which he was serving.

"The fact is, according to the affidavits above mentioned, the said Burgess was transferred from the U. S. S. *Sonoma* to the New York Navy-Yard in July, 1863, rated as a first-class fireman, on account of his abilities as blacksmith and fireman.

"The committee believe that an injustice has been done the said Alfred Burgess, and that the charge of desertion standing against him upon the naval records should be removed."

Mr. COCKRELL. Is there anything from the Navy Department to show that the beneficiary served in the New York Navy-Yard?

Mr. SPOONER. Would not the transfer show it?

Mr. COCKRELL. Yes.

Mr. GALLINGER. There is a communication from the Navy Department in the report.

Mr. COCKRELL. Let it be read.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, March 15, 1898.*

SIR: Referring to your communication of the 12th instant, requesting to be furnished, for the use of the Committee on Naval Affairs, in the consideration of the bill (S. 4104) to relieve Alfred Burgess from the charge of desertion, with the views of the Department in regard to the propriety of the legislation proposed, I have the honor to state that it appears from an examination of the records in the case of Burgess that he enlisted in the Navy June 23, 1862, as a first-class fireman, for two years; served on board the U. S. S. *Sonoma*, and deserted from that vessel August 31, 1863.

It appears from an examination of the records of the Department that on June 18, 1891, the case of Burgess was considered with a view to the removal from his record of the charge of desertion under the provisions of the act of Congress to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, and was rejected on the ground that he neither served until May 1, 1865, nor was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty.

The Department sees no reason for special legislation in this case. The question whether or not such relief should be granted the applicant would appear to be a matter for the determination of the Congress.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. COCKRELL. Is there anything in the report to show that the beneficiary ever went to the place where it is stated he was transferred? Mr. President, it is an important point there. If this man was transferred, there is some record of it, and the Committee on Naval Affairs ought to present that record. There is no trouble about the record if he was transferred to another branch of the service.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Missouri to two affidavits which appear in the report made by the senior Senator from New York relative to this case.

Mr. COCKRELL. Those affidavits are not record evidence. You can not substantiate a man's service for the Government simply by the affidavit of some other party. The Government keeps a record of all its employees of every kind, and the record ought to show the transfer. If he performed any service for the Government, the Government paid him for it, and there is a record of it. I must ask that the bill go over until that question can be answered.

The PRESIDING OFFICER. Objection being made, the bill goes over under the rule, without prejudice.

Mr. COCKRELL. If the claimant was transferred, as the affidavits state, there is a record of it, and the record is the best evidence of it and it ought to be the only evidence. Oral testimony to prove service of that kind will not do, particularly in army and navy service.

The PRESIDING OFFICER. The bill will be passed over without prejudice under the rule.

J. M. BLOOM.

The bill (S. 1586) for the relief of J. M. Bloom was considered as in Committee of the Whole. It directs the Postmaster-General to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with $189.12, and to cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $123 in postal funds by robbery of the post-office on the 10th day of February, 1897, and $66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $189.12 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTIS PARKE UPSHUR.

The bill (S. 2020) for the relief of Custis Parke Upshur was considered as in Committee of the Whole. It proposes to pay to Custis Parke Upshur $787.82, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Astoria, in the State of Oregon, from July 1, 1886, to October 1, 1891, being for five years and three months, at $12.50 per month.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. FULTON from the Committee on Claims February 24, 1904.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business, which is House bill 14749.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BARD. Mr. President, it seems important, in the beginning of this discussion, to call attention to the peculiar history of the pending bill.

Following the defeat of the omnibus statehood bill in the Fifty-seventh Congress, there was introduced early in the first session of the Fifty-eighth Congress, in this Chamber, by Mr. Quay, on November 16, 1903, Senate bill 878, to enable the people of *New Mexico* to form a constitution and State government, and Senate bill 879, being a similar bill providing for the admission of *Arizona* as a State.

The first bill introduced in the House of Representatives in the Fifty-eighth Congress was H. R. No. 1, a bill to enable the people of *New Mexico* to form a constitution and State government and be admitted into the Union, introduced by the Delegate from New Mexico, Mr. RODEY.

On the same day there was introduced in the House another bill (H. R. 24) intended to provide for the union *of Oklahoma* and the *Indian Territory* as one State.

On the following day (November 10) another bill (H. R. 848) intended to provide for the admission of *Arizona* alone was introduced by the Delegate from Arizona, Mr. Wilson. A week later there was introduced by the Delegate from Oklahoma, Mr. MCGUIRE, H. R. 4078, a bill intended to provide for the admission of *Oklahoma* alone. On January 14, 1904, another bill (H. R. 10010) intended to provide for the admission of *Oklahoma and Indian Territory* united as a State was introduced by Mr. ROBINSON of Indiana, in the beginning of the second session of the Fifty-eighth Congress, March 5, 1904. A bill (H. R. 13524) providing for the admission of *Indian Territory* alone as a State was introduced by Mr. MOON of Tennessee.

It will be observed that while two of these bills proposed the union of Oklahoma and Indian Territory, all of the rest, five in number (S. 879, S. 878, H. R. 848, H. R. 4078, H. R. 13524), were intended to permit each of the four Territories to be admitted separately. None of the bills proposed the union of New Mexico and Arizona, and the people of these Territories have never asked for joint statehood.

The bill (H. R. 14749) now under consideration by the Senate was introduced by the chairman of the Committee on the Territories and referred to his committee on April 4, 1904. It was reported back to the House of Representatives on April 8, 1904, without amendment, having been in the hands of the committee three days. On April 19, 1904, the bill was taken up for consideration by the House as in Committee of the Whole House, under a rule reported by the Committee on Rules, limiting the debate, excluding intervening motions, and providing for a vote on the bill on its final passage at 4 o'clock of that day. No amendments were permitted under the rule, except such as had been proposed in the rule; and the bill, as thus amended, was passed by the House on April 19, 1904, after a debate lasting three and one-half hours. No bill of the kind was ever introduced in either House of Congress until this bill was brought out of the committee by the chairman of the House Committee on the Territories.

Some of the Members who participated in the debate expressed regret that the limitations for the consideration of a measure so imporant prevented them from presenting certain amendments which, in their opinions, would probably have been accepted, and if accepted would have removed what was regarded as serious objections to the bill.

The bill was never read before the House. (See p. 5152, CONGRESSIONAL RECORD, April 19, 1904.)

I have recited these facts as they appear on the record of the legislative history of the measure which the Senate is now considering, for the purpose of showing that the people of Arizona and New Mexico, through their representatives, or otherwise, have never applied to be joined in statehood, and no bill was ever before introduced in Congress for such purpose, but that such proposition originated in the Committee on the Territories of the House of Representatives. It does not, therefore, appear that the committee was prompted by any consideration of the wishes of the people of the Territories of Arizona and New Mexico, but its action was in direct disregard of the protests made in their behalf.

In the absence of any explanation given in their report or elsewhere, we are compelled, therefore, to presume that the measure was suggested only by what a majority of the members of the committee in the House regarded as best for the common weal of the whole people of the United States, and that in their judgment such consideration is paramount and justifies its refusal to regard the wishes and interests of the people directly interested. But, if such be the case, there is nothing in the House report indicating how such a conclusion has been reached and it remains to be explained by Senators who are supporting the measure how it has become necessary that this bill shall be passed in order that the best interests of the Republic shall be conserved or promoted.

In view of the facts concerning the history of the measure, I wish to express my gratification that the rules of the Senate accord to its members the fullest opportunity and latitude for debate, and that they secure for this or any other measure as full and deliberate consideration as its importance merits.

Senators who are opposing the passage of this bill, as a whole or unless it is amended so as to eliminate all portions of it which apply to New Mexico and Arizona, are expecting to have full latitude under these rules and successfully to dispel any idea that may be entertained that there *is* any present public necessity for safeguarding or promoting the common interests by the enactment of this bill in its entirety.

In this short session of Congress, which will be taken up principally by the consideration of the great appropriation bills, there will be presented to the Senate for its consideration no measure more important than the statehood bill. It affects the rights and political destiny of nearly 2,000,000 of our own American people and proposes to terminate the control of Congress over the only contiguous territory belonging to the United States.

The creation of new States has often marked some important epoch in the political history of the nation and too frequently has signified the accomplishment of some selfish scheme of the political party which at the time controlled the Government. There does not appear to be any circumstances by which either of the great political parties of this day can secure any sure advantage by either the enactment or defeat of this measure; and I believe that Senators can not be persuaded to let any hope for political advantage to either of the parties, whose representatives are supposed to be divided by the central aisle of this Chamber, prevent them from considering this measure only on the higher plane of duty to the Republic and to the people most directly interested in it.

I have no objections to the proposed joining of Oklahoma and Indian Territory to make a State of the Union, but I believe that it would be more consistent with the principles of our Government to permit the people of each of the Territories, separately, to vote upon the proposition, and to require a vote of the majority of the qualified electors of each Territory to ratify the proposed constitution of the new State. These Territories have made great advance in the development of their resources and are already populous.

The combined area of the two Territories is about seventy thousand square miles—about the size of Missouri. Oklahoma and Indian Territory contain 11,000 square miles less than Kansas and 17,000 square miles more than Arkansas, and their joint area is less than three-fourths of the area of Colorado—all being their neighboring States.

The aggregate population of the two Territories is probably far beyond a million.

The organic act creating the temporary government for Oklahoma provided for the addition, from time to time, of large portions of the Indian Territory. By this organic act it is apparent that it was not intended to draw a permanent line of division between Oklahoma and Indian Territory, but that Oklahoma should be enlarged by adding other lands within the Indian Territory whenever the Indian nation or a tribe on such lands shall assent to the extension.

Indian Territory is practically without a government and has no representation in Congress. Before the proposed constitution of the new State shall be in force the lands belonging to the Five Civilized Tribes will have been allotted and disposed of and all of the Indians will have become citizens of the United States.

By the Curtis Act, and various agreements with the Five Tribes, tribal courts were abolished July 1, 1898, and all tribal relations and government of the five nations are to cease March 4, 1906.

Of the whole population of the Indian Territory the Indians of pure and mixed blood, who have intermarried whites and negroes, and adopted citizens, constitute only one-fifth of the inhabitants of the Territory. The remaining four-fifths of the inhabitants of the Territory have no connection with tribes, and are white people with a small percentage of negroes, whose

citizenship in the States from which they came has qualified them for statehood.

This large population of white people is without adequate schools, except those which have been provided by the Government for incorporated towns. It is estimated that 100,000 white children in the Territory are without free educational opportunities.

There seems to be, therefore, not only a sufficient preparedness, but a necessity for statehood.

But as to the proposition to join Arizona and New Mexico, I am not in accord with the majority of the Senate Committee on Territories, of which I have the honor to be a member; but I believe that Arizona, at least, has a right to protest against this measure, and has sufficiently indicated to Congress that her people are earnestly protesting against the proposed attempt to coerce them to accept joint statehood with New Mexico. At no time have the people of either of the Territories of Arizona or New Mexico expressed any desire to have joint statehood.

At the hearings held December 11, 15, 17, 1903, and on January 6, 1904, before the House Committee on the Territories, reference was made for the first time to the proposition of joining Arizona and New Mexico. It occurs in the statement before the House committee by Mr. RODEY, the Delegate from New Mexico. (See Hearings, Vol. II, p. 631, and on pp. 64, 66, and 70.) He introduced the subject himself by saying:

There is no use in mincing matters. It is better for the Delegates from the Territories to be plain with the committee. There is a sentiment in the East, as we know it was developed in the opposition to statehood *last winter*, in favor of making an effort to join the Territories of New Mexico and Arizona as one State when they come into the Union.

And, continuing, he said:

The people of the Territory of Arizona, as I am at present advised, would vote *as a unit* against such a bill; and 60 or more per cent of the people of New Mexico would vote this minute to defeat a constitution under it. *If they shall change their minds* it will only be by coercion after this Congress has denied their just demands.

That was the testimony of Delegate RODEY. At the same hearing Hon. E. E. Ellinwood, of Prescott, Ariz., for five years United States district attorney, said (p. 145):

If you can not benefit the Territory of Arizona, do not do her an injury. New Mexico does not want us tied to her, and we do not want to be tied to New Mexico. We want statehood, gentlemen of the committee, but we are not insane on the subject of statehood. If you can not admit Arizona with its 113,000 square miles, with its resources, with its American population, leave us out. * * *

Gentlemen of the committee, take up the New Mexico bill and pass it; take up the Oklahoma bill and pass it; and let Arizona remain as it is rather than join us together. We will be loyal. We would prefer to remain a Territory absolutely indefinitely, forever, until we work out our own salvation. We will do it. For heaven's sake do not strike us in the face if you can not help us up. This is the preference of the people. I know the conditions in the Territory, and no one will appear before you who will not tell you the same thing. Arizona is unanimous on this subject. We will not have it if we can help it.

Mr. Ellinwood was asked the following question:

By what authority do you speak, on behalf of your Territory, saying that you are united in opposition to being joined with any other Territory to form a State? Is it simply your judgment about it, or has there been a vote, or a town meeting?

His reply was:

I will state to the gentleman that since this question has been up I have been in every county in the Territory, and nearly every town in every county. I am with the people all the time; I am in the courts with the jurors and witnesses all the time; and I have never heard one man in the Territory of Arizona express himself favorably to any such joining of the two Territories.

The Delegate from Arizona, Mr. WILSON, being asked (January 15, 1904) by the chairman of the committee:

Supposing that you were confronted with the question whether you could be admitted with New Mexico or not at all, would you rather wait, or would you rather be joined?

replied:

We would rather wait until the crack of doom before we would ever consent to it, and if stronger language is necessary I will use it.

Mr. ROBINSON. Is that the sentiment of your people?

Mr. WILSON. Yes, sir; absolutely.

Mr. ROBINSON. Will that sentiment change?

Mr. WILSON. It never will. It will only grow more violent.

In each case these witnesses gave in full the reasons why the people of Arizona are not only unwilling to be joined with New Mexico in joint statehood, but strongly protest against it. This protest was early expressed by the governor of Arizona in his report to the Secretary of the Interior for the year ended June 30, 1903. He said (p. 205):

While the people of Arizona are unanimous in their desire for the admission of the Territory as a State and feel that the longer this boon is denied them the longer is a great injustice being done to a hardy, honest, straightforward, and patriotic people, still they are as unanimous in their opposition to a union with any State or part of State or Territory, even though by such a union could the desired boon be attained.

They have withstood the dangers and vicissitudes of frontier life too many years; they have worked too hard to mold a State from the desert; they have expended too much time and energy in the upbuilding of their Territorial public institutions to at this late day desire to surrender control to others. * * * Arizonans desire admission to statehood, feeling sure that, under the stimulus given by the more stable form of government, Arizona will rapidly forge to the front and soon become one of the most prosperous of all the States of our Republic. They feel without exception that a union with the Territory of New Mexico as one State, by whatever name it may be known, would make a State too unwieldy for the proper administration of public affairs; that such a union would be disastrous to all concerned, and would be rather an obstacle than a help to progressive advancement for either.

And in his last report, for the year ended June 30, 1904, after the bill under discussion had been passed by the House, the governor of Arizona says (p. 14):

Finding themselves confronted with a plan to unite their Territory with New Mexico, the people of Arizona *have protested* vigorously, and they will *continue* to do so until they have defeated this repugnant scheme. The injustice of it should readily appeal to all. * * *

The two Territories, as they stand, are different in many ways. They have little in common; their lands are dissimilar. It is doubtful if they could ever become reconciled to exist under one form of State government.

* * * *I* can not *add* to the *protest* that has already been made by the people of the Territory of Arizona against this reprehensible measure, and I have only to say that they would desire that their Commonwealth *remain a Territory indefinitely* rather than be joined with New Mexico. They desire to come into the Union as the State of Arizona, with the present Territorial boundary, and until, in the wisdom of the nation's legislators, they are permitted to do this, they are content to remain as they are, trusting in the justice of the future years to bring the boon so earnestly sought.

The people of Arizona, alarmed by the intimation that such a proposition was being entertained by the House Committee on Territories a year ago, quickly sent earnest protests to their Delegate, that he might present them to Congress; and we find these protests printed in full in the CONGRESSIONAL RECORD, pages 5111 to 5118, filling eight pages. They are the resolutions passed by the people in mass meetings in all the principal towns and cities and throughout the counties of Arizona, and by municipal bodies, county supervisors, boards of trade, chambers of commerce, etc. They are positive declarations "that the people of Arizona are unalterably opposed to New Mexico and Arizona being consolidated and made one State; that they prefer to remain as citizens of a Territory than to enter the sisterhood of States under such condition;" and they pray that "no bill be passed providing for the union of New Mexico and Arizona into a single State."

The newspapers of Arizona also have repeatedly given expression to the almost unanimous opposition by the people of that Territory to this measure. The sentiment of opposition is shared by the people and press of both political parties of Arizona. Were it necessary or advisable, many pages of the RECORD could be filled with hundreds of newspaper articles in support of this statement. Specimens of these denunciations by the press of Arizona are perpetuated in the Appendix, printed in connection with the admirable remarks of Mr. NEEDHAM, one of the Representatives from California, on pages 5130 to 5132 of volume 38 of the CONGRESSIONAL RECORD.

I am personally informed, from various reliable sources, that most of the best-known men of Arizona, among them Chief Justice Kent, of the Territory, and ex-Governor Murphy, of Arizona, strongly express their own disapproval of the proposed jointure of the two Territories, and state that the opposition of the people is almost unanimous.

Governor Otero, of New Mexico, a Republican in politics and originally an appointee of President McKinley in his first term, is of Spanish descent on the paternal side and qualified in every way to speak of the popular sentiment in the two Territories respecting this measure.

There is no doubt that the great majority of the people of New Mexico are opposed to joining New Mexico and Arizona into one Commonwealth as is proposed by pending legislation. Even the small percentage who would acquiesce in such a consolidation prefer single and separate statehood for each Territory. This is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historic and ethnologic standpoint, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history.

And Governor Otero has said, in even a more emphatic manner, in a recent interview as reported by the newspapers, the following:

The new State would be an unnatural and an unwilling alliance. It would be the coercion of two populations, which are unlike in character, in ambition, and largely in occupation.

The union would be abhorrent to both. Because the two populations are in the Southwest the nation should not suppose that they are alike or sympathetic.

Arizona was once a county of New Mexico, but from the very beginning her people were dissatisfied and desired to become separated from New Mexico. Senator Wade, in this Chamber,

in the debate on July 3, 1862, on the bill to create a temporary government for Arizona, said:

The organization of the Territory of Arizona has been a matter of constant importunity upon this Government for more than seven years, to my certain knowledge. * * * The people there, * * * ever since I have been upon the Committee on Territories, have been urging Congress to organize this Territory.

It appears that the people of New Mexico were quite reconciled to the proposed separation, for in the debates in Congress, preserved in the Congressional Globe, we find Mr. Watts, the Delegate from the Territory, earnestly supporting the bill to create the temporary government for Arizona then pending, and representing that the people of New Mexico realized that sooner or later a division of the Territory would be made by Congress, and that it were *better* to come now, *before* the people of the different sections of the Territory shall become so "attached to each other and so intertwined as one people that to disrupt the Territory will cause the most unpleasant and painful sensations."

But, Mr. President, the people of these two Territories were not permitted to become "attached to each other" or "to be intertwined" very long, for the bill which Mr. Watts was then supporting soon afterwards became the law, under which, for forty-two years, the people of Arizona have enjoyed the benefits and happiness of a separate autonomy. Mr. Watts said, in his remarks upon that occasion, in 1862:

It is a Territory large enough to make four States of the size of New York or Pennsylvania, and I know and feel that it will not be allowed to remain undivided. I know that it will be considered too large for one Territory, and division must come sooner or later.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. Certainly.

Mr. TILLMAN. Before the Senator from California passes from the point he is making in his almost, I will say, unanswerable argument in favor of the contention which he is urging, I will submit, if he will permit me, some very recent and, to my mind, conclusive testimony just received in the mail this morning from the Bar Association of Arizona, signed by Jerry Millay, president, and Thomas J. Prescott, secretary—a personal letter addressed to me inclosing a resolution passed by the bar association, dated the 31st of December, 1904. I suppose it has been three or four days in transit, or something like that, but it is the most recent and authoritative statement of the opposition of those in Arizona who are supposed to know what they want. If the Senator will permit me, I will ask the Secretary to read it, so that it may go into the RECORD.

Mr. BARD. With pleasure.

Mr. BEVERIDGE. Does the Senator want both the letter and the resolution read?

Mr. TILLMAN. Yes; I want both read, because they are interlocked and one is about as strong as the other. Let the letter be first read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

BAR ASSOCIATION OF ARIZONA, OFFICE OF SECRETARY,
Phoenix, Ariz., December 31, 1904.

Hon. BENJ. R. TILLMAN,
Senator from South Carolina.

DEAR SIR: We herewith present to you a copy of resolutions adopted by the Bar Association of this Territory regarding the proposed union of Arizona and New Mexico and their admission to the Union as a single State.

These resolutions have been forwarded to the United States Senate as a body, but in addition we desire to invite your personal consideration of this proposed legislation and to implore you to lend your assistance to avert from the people of this Territory the calamity which they feel to be impending.

It is impossible by resolutions to convey to you or to the honorable body of which you are a distinguished member the intensity of the feeling of our people upon this subject and their loathing of the proposed union. In this time of our peril we appeal to the Senate of the United States and to each individual member thereof not to put upon the people of Arizona the blight which this odious union will entail.

The people of this Territory are homogeneous, with similar tastes, ideals, and ambitions, and they have at great sacrifice established and maintained appropriate educational and charitable institutions conformable to those ideals and ambitions, and they desire the opportunity to work out their own destiny in accordance with those ideals.

There is nothing in common between the people of Arizona and those of New Mexico, and the topography of the country interdicts all intercourse and all interchange of commodities or ideas.

The combined area of the two Territories is too great for the convenient and economical administration of government.

The inhabitants of this Territory differ from those of New Mexico in race, government, ideas, political ambitions, and otherwise to such an extent as to make it impossible for the people of the two Territories to unite in harmonious conduct of a State government.

We therefore implore you not to lend your countenance or assistance to the passage of this measure, which, if it becomes a law, will practically disfranchise and enthrall as progressive, loyal, and patriotic a body of American citizens as any whom the members of your honorable body represent.

Separate, independent statehood has ever been the hope of our people, yet we willingly, gladly consent to defer the fruition of that hope indefinitely rather than incur the irremediable disaster of the submergence of our identity which the proposed union with New Mexico would entail.

Respectfully, JERRY MILLAY, *President.*

Attest:
THOS. J. PRESCOTT, *Secretary.*

Resolution.

The Arizona Bar Association, of Arizona, at a meeting held at the capital of the Territory, on December 27, 1904, adopted the following resolution:

Resolved, That this association protest against the admission of Arizona and New Mexico as one State into the Union, and offers this protest against the passage of the bill now pending on the following grounds:

First. It violates our sense of local pride; sentimental possibly, but a sentiment underlying and necessary to loyalty, patriotism, and the higher aspirations for good government and good citizenship.

Second. It subjects us to the domination of a majority heretofore strangers to us, living under different institutions, observing different customs, having different laws and different rules of property as to its acquisition, enjoyment, and disposition, subject to different environment, having different trade relations, and the larger proportion of whom can not and do not understand, speak, or write the English language.

Third. That such union involves either a concession by that majority of their laws, customs, and habits or an abandonment by us of ours, and the consequent unsettling of our laws and jurisprudence which are the growth of nearly half a century of different, distinct, and separate government, and by experience shown to be adapted and adaptable to our institutions, customs, habits, and peculiar wishes.

Fourth. The union of these two Territories would create a State the area of which would be greater than Iowa, Michigan, New York, and all the New England States combined. This would entail extraordinary expenditure of money and time in the transaction of public business, working hardship and more or less operating to deprive us of participation in the transaction of our public affairs. It is, we submit, a cardinal principle of American institutions that the more nearly within the actual observation of the people the functions of a government are exercised, and the greater facility afforded them for actually participating therein, the safer those institutions are and the more economically, honestly, efficiently, and capably they are carried on.

These considerations principally, perhaps others, more than forty years ago induced a Congress of the United States to establish the government of the Territory of Arizona separate and apart from that of New Mexico. The lapse of time has not, we submit, rendered these reasons of less efficiency, but has, on the contrary, not only justified the act of that Congress, but emphasized and made more apparent and urgent the reasons that then prompted the separation. The proposed enabling act is violently opposed to our wishes and, as we deem it, will necessarily result in the subversion of our rights.

We therefore respectfully but most earnestly protest against the passage of the proposed law, implicitly believing that in so doing we express the sentiment of the vast and overwhelming majority of our people.

And as members of this honorable profession we appeal to the Congress of the United States that, as a matter of right and justice, this distasteful union be not imposed upon an unwilling people.

I hereby certify that at a special adjourned meeting of the Bar Association of Arizona, held in the court room at the court-house in the city of Phoenix, Ariz., on the 28th day of December, 1904, at the hour of 2 o'clock p. m., due and timely notice of such meeting having first been given, the foregoing resolution was unanimously adopted; that the undersigned was at the date of said meeting and now is the duly elected, qualified, and acting secretary of said association.

THOS. J. PRESCOTT, *Secretary.*

PHOENIX, ARIZ., *December 31, 1904.*

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. I do.

Mr. TILLMAN. If the Senator from California will permit me, I want to say that this cry for help appeals to me with greater force than possibly it does to many others here, for the reason, if I understand the situation, that it is a cry of a pure-blooded white community against the domination of a mixed-breed aggregation of citizens of New Mexico, who are Spaniards, Indians, Greasers, Mexicans, and everything else. It is just about the same as if we were to join Florida and Cuba, and then let the two be governed by a legislature elected by the universal suffrage of the Cubans and Floridians.

Mr. BARD. I am afraid the Senator from South Carolina——

Mr. TILLMAN. I want to say that I cast no reflections, and I do not want to cast any reflections, upon the New Mexicans. I am willing to give them statehood, but I do say that, as a white man, I appeal for white supremacy in Arizona.

Mr. BARD. I had no intention of introducing in my speech any similar testimonials of the feeling existing in Arizona in opposition to this bill, but since the Senator from South Carolina [Mr. TILLMAN] has introduced these papers, I have been handed by a messenger two communications which perhaps may as well be submitted at this time. I am informed by telegrams that there will be much more of the same kind of evidence presented to the Senate.

The PRESIDING OFFICER. Does the Senator from Cali-

fornia desire the communications to which he has referred read by the Secretary?

Mr. BARD. If permitted, I will have them inserted in the RECORD as a part of my remarks. I will say, however, that they consist of resolutions of protest by the Arizona Baptist convention.

Mr. BEVERIDGE. Let them be read.

Mr. BARD. Very well, I will send the communications to the desk. I ask that the resolution only be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Resolutions of protest by the Arizona Baptist Convention.

At a called meeting of the board of managers of the Arizona Baptist Convention held in Phoenix, Ariz., December 31, 1904, the following preamble and resolution were unanimously adopted:

Whereas a bill has been introduced in the United States Senate providing for the admission to the Union of Arizona and New Mexico as one State:

Resolved, That we respectfully and most earnestly protest against the proposed merging of the two Territories as being unjust, unwise, and impolitic, believing, as we do, that it would provoke antagonism which would be detrimental to the interests of both Territories to unite two Commonwealths so separated by natural, political, racial, and religious barriers.

LEWIS HALSEY,
President Board of Managers of the Arizona Baptist Convention.

Attest:
GEORGE H. BREWER, *Secretary.*

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. I do.

Mr. BEVERIDGE. I had assurance from the Senator that he would yield before I rose to address the Chair.

Accepting at its face value, and more, the statement of the Senator from California, upon the authority which he cites in support of it, that the people of Arizona are practically a unit against this bill, and the statement which he quotes from the governor of New Mexico that the people of New Mexico are practically a unit against the bill, I ask the Senator what harm can come from submitting this question to the people themselves, and letting the people themselves say at the ballot box whether they want this or whether they do not, and whether or not that would not be a more accurate expression of their desires than the statements of governors appointed over them?

Mr. BARD. Mr. President, I have anticipated a little further along in my speech the question of the Senator from Indiana——

Mr. BEVERIDGE. Very well; I am willing to let it go.

Mr. BARD. And when I come to it I will direct his attention to the remarks in reply to his question.

Mr. BEVERIDGE. If I had known that the Senator was going to take it up I would not have said anything on the subject. It merely occurred to me, I will say to the Senator from California, that there could not be any harm in hearing from the people themselves, since this bill could not possibly become effective if it is true, as the authorities he quotes say, that the people themselves are against it.

Mr. FORAKER. If it does not interfere with the Senator from California, I should like to ask the Senator from Indiana a question at this point.

Mr. BARD. I yield.

Mr. FORAKER. And that is whether or not the Senator from Indiana will contend that a majority of the people in each of those Territories, New Mexico and Arizona, are in favor of statehood by consolidation?

Mr. BEVERIDGE. Will the Senator from California permit me to answer the question of the Senator from Ohio?

Mr. BARD. Certainly.

Mr. BEVERIDGE. I will say, in answer to the question of the Senator from Ohio, that I do not contend that or the reverse. I contend for what the bill which was passed by the House and came to this body proposes—merely that the people of this country shall hear from the people of the Territories themselves as to whether they wish this bill or not, and not from those who assume to represent the people. For fifty years we have heard what politicians said the people wanted, but never have we heard the people themselves say what they wanted. That is what I contend for.

Mr. BARD. Mr. President, in the history of legislation on this subject there has never been a case where Congress has acted except upon evidence that the people were applying for admission to the Union as a State. I will proceed.

As originally constituted, the Territory of New Mexico, including Arizona, contained 235,380 square miles; larger than any other State or Territory, except Texas, nearly 50 per cent larger than California, and two and one-half times as large as the Territory of Oregon. There is good evidence to show that Congress had anticipated the necessity of dividing the Territory of New Mexico, for in the act of September 9, 1850, creating the temporary government of the Territory, it is provided that when admitted as a State the said Territory, *or any portion of the same*, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission, and also—

That sections 16 and 36 in each township in said Territory shall be reserved for the purpose of being applied to schools in said Territory and *in the State and Territories hereafter to be erected out of the same.*

One of the same reasons given then for desiring separation is given now for remaining separate Territories, namely, that the combined area of the two Territories is too great for convenient and economical governmental administration; and this is insisted upon now, though the facilities for intercourse between the sections are greatly improved by railroads and telegraph and telephone lines.

New Mexico alone has an area larger than the aggregate area of England, Scotland, Ireland, and Wales.

New Mexico and Arizona together have an area equal to the area of all the thirteen States on the Atlantic seaboard from Maine to South Carolina, or equal to the aggregate area of New York, Pennsylvania, West Virginia, Ohio, Kentucky, and Indiana.

These two Territories are a part of the territory which was ceded by Mexico under the treaties of Guadalupe Hidalgo and for the Gadsden purchase.

The great State of Texas, having an area of 265,780 square miles, was also originally Mexican Territory. Along the international boundary between Mexico and the United States, from the mouth of the Rio Grande, at the Gulf of Mexico, to the southwestern corner of California, on the Pacific Ocean, lie the State of Texas, the Territories of New Mexico and Arizona, and the State of California.

The distance between the two extreme points named, following the boundary, is about 1,500 miles. Such a line stretched from the most northeasterly corner of Maine on the Atlantic would reach to the Florida keys.

These four border States and Territories—Texas, New Mexico, Arizona, and California—have an aggregate area of about 660,000 square miles, which is 22 per cent of the whole area of continental United States—equal to the aggregate area of all of the six New England States and New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Ohio, and Indiana, represented in this Chamber by twenty-eight Senators, while the same area of the Mexican border States are represented here by only four Senators.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Can the Senator state, if he has the figures at hand, what the respective populations of those respective areas are?

Mr. BARD. I have not the figures.

Mr. BEVERIDGE. I ask that question because I assume that the Senator does not contend that this is a Government of areas, but a Government of people.

Mr. BARD. I have not the information at hand.

Mr. TILLMAN. If the Senator from California will allow me, I would suggest to the Senator from Indiana that this body is peculiarly a representative of entities, representing area and not population.

Mr. BEVERIDGE. Of course I do not want to interrupt the Senator from California; I thought perhaps he had the figures at hand, and that is the only reason why I do not answer the pointed observation of the Senator from South Carolina. I merely thought perhaps the Senator from California had the figures and could put them in.

I will be very glad to take up the other subject at some other time.

Mr. BARD. I am sorry I have not the information, but I will remind the Senator from Indiana that the territory with which I have contrasted these Mexican boundary-bordering States is a thoroughly American community——

Mr. BEVERIDGE. Certainly.

Mr. BARD. That it has had great advantages, varied development; and there is no comparison in some respects between the two areas.

Mr. BEVERIDGE. That is true.

Mr. BARD. The Territories of Arizona and New Mexico are *inchoate States*, entitled sooner or later to become members of the Union of States. If they are not yet prepared for statehood, Congress may justly deny their application; but Congress

can not justly unite them if the proper political equilibrium of the various sections of the country is to be preserved.

The people of Arizona, particularly, are, as I have shown, earnestly protesting against the passage of this measure. Through fear of the consequences and injury which the bill would inflict upon them, they have abandoned all hope that Congress will, at this time, give Arizona separate statehood, though such has been their ambition for a whole generation. In surrendering this hope now Arizona *begs*, but begs in a manner that is *dignified*, though *intensely earnest*, that she may be spared the degradation of the loss of her separate autonomy and identity, and the humiliation of having her boundaries forever effaced, and forgetting in her distress the rights that she may claim, almost pitifully says, "rather than incur the impending disaster of a joint statehood with New Mexico, we request Congress *to allow us to remain* as a Territory of the United States."

But, Mr. President, no one can with propriety ask here in behalf of the people of Arizona that only their wishes or preferences shall guide Congress in its consideration of this measure. I realize that Congress, in considering such measures, has a duty to perform to the whole people of the Nation as well as to the people of the sections of the country whose interests are more particularly involved.

It devolves now upon the Senate to determine whether or not there is any *injustice* in the provision of this bill which attempts to unite Arizona and New Mexico in statehood; and if there be any such injustice, whether it shall nevertheless be permitted.

Congress has undoubtedly the power to do what it will in respect to the government of the Territories, and there is no power or authority on earth to question that right. There is no court to which the question could be appealed. It is generally admitted, as Judge Cooley has said, that—

> the people, *except as Congress shall provide therefor*, are not *of right* entitled to participate in authority until the Territory becomes a State.

And that—

> while Congress will be expected to recognize the principle of self-government to such extent as may seem wise, its discretion alone can constitute the measure by which the participation of the people can be determined.

But it has been the practice of Congress, from the earliest times, since the adoption of our Constitution, to create temporary governments for the Territory; and though there have been different forms of Territorial government, in every case there is implied in the acts creating them that the governments are to be succeeded by permanent governments, and that the people shall emerge eventually from their temporary pupilage and partial dependence into the full growth of statehood.

In every treaty of cession to the United States by which additional territory has been acquired, except for the purchase of Alaska, Porto Rico, and the Philippines, the United States Government obligated itself to incorporate the inhabitants into the American Union as soon as consistent with the principles of the Constitution. The period of pupilage varies: Kansas, 4 years; California, none; Michigan, 32 years; Utah, 44 years; Nebraska, 36 years. New Mexico and Arizona have existed under Territorial government 54 years.

These acts creating Territorial governments are modeled upon the principles embodied in the ordinance of 1787, which the Constitution left in force. The ordinance was adopted July 13 of that year by the Congress of the Confederation, sitting in New York, when the convention that framed the Constitution of the United States, sitting at Philadelphia, was in the very middle of its great work.

There can be no doubt that the eminent members of the Congress and of the convention were constantly conversant with all that was transpiring in either body. It may be reasonably surmised that before the convention framed Article IV, section 3, of the Constitution it had regarded with great interest the proceedings in the Congress while it was engaged upon the formulation of that noble and notable instrument known as the "ordinance of 1787," providing a government for the Northwest Territory and for the three or five States which were to be formed out of that Territory.

An examination of this ordinance and particularly of the older forms of the ordinance, adopted in 1784, will show that the Congress regarded the subdivisions of the Territory as "*States*" and called them by that name when referring to them even before a temporary government had been formed in them. And so to this day we are in the habit of regarding and referring to our Territorial organizations as embryonic States, which are eventually, at such time and under such conditions as Congress may deem proper and necessary, to receive authority to form a permanent constitution and State government, and to be entitled to be admitted into the Union on an equal footing with the original States in all respects whatever.

It is to be remembered that Article V of the ordinance provided that "There shall be formed in said Territory not less than three nor more than five States," and then it goes on to define with minuteness the boundaries of the three States, but provides that these boundaries shall be subject so far to be altered that if Congress shall hereafter find it expedient it may form one or two States in that part of the Territory which lies north of an east and west line drawn through the southern bend of Lake Michigan.

This division of the territory was in the main adhered to when Congress created the temporary governments of the Territories of Ohio, Indiana, and Illinois; and the three States which bear those names are substantially the same in territorial dimensions as the three States described in the ordinance of 1787.

This Article V, fixing the boundaries of the States within the territory is one of the articles which the ordinance declared shall be considered as articles of *compact* between the original States and the people *and the States* in the territory, and which shall forever remain *unalterable* unless by common consent.

Alongside of the articles which assured to the settlers in the Northwest Territory, freedom of worship or religious sentiment, the right to the benefits of the writ of *habeas corpus*, the right of trial by jury, and the free navigation of the large rivers, is to be found this Article V, which, in express terms, provides that—

> Whenever any of the said States in the said territory shall have 60,000 inhabitants therein, such State shall be admitted, by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever.

The admission of the States was conditioned *only* upon that qualification of population and that the constitution and the government so to be formed shall be republican. There was no reservation to Congress of discretionary power to consolidate two of the States in the territory, and no joining of two States was ever attempted.

And remembering these facts, that the convention and the Congress were sitting at the same time, that the ordinance referred to the subdivision of the Territory as *States*, and that it reserved to Congress no discretionary power to form a new State by the junction of two or more States within the Territory, we may find some new significance in its language, while we read again Article IV, section 3, of the Constitution of the United States as follows:

> New States may be admitted by Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State, *nor any State be formed by the junction of two or more States or parts of States* without the consent of the legislature of the State concerned, as well as of Congress.

Mr. President, I do not argue that the constitutional injunction forbidding the formation of any State by the junction of two or more States applies as well to the formation of a new State by the junction of two Territories. Nevertheless, in view of the fact that, in the ordinance of 1787, and that in almost all of the acts of Congress creating Territorial governments since the adoption of the Constitution and down to the present day, the Territories are referred to as *States*, there does seem to be *some* foundation for such a construction of the article of the Constitution which I have just read. But that is not my argument here. I am contending that the *principle* and the *rule* of the constitutional provision which forbids the formation of a State by the junction of two States have *already* been made to apply to the case of Arizona and New Mexico, and that by its own enactment of law Congress is enjoined from forming a new State by joining them without the consent of the people of each and both of these Territories.

And I am showing, Mr. President, that the people of Arizona, through their Delegate and otherwise, are protesting, and have right to protest, against the enactment of this measure on the ground that it would be a violation of a compact made and existing between Congress and the people of that Territory.

I will attempt to show that the *status* of the people of Arizona is different from the status of the people of any other Territory of the United States, now existing or that has been created since the beginning of the last century; that their present autonomy and their ultimate right to statehood rests not upon uncertain construction, but is expressly guaranteed by an act of Congress having the same force as the charter of compact embodied in the ordinance of 1787 in respect to the people then inhabiting the territory northwest of the Ohio. Out of the territory of the Northwest Ohio was established as a State in 1802 and there were created, from time to time, other Territories for which separate governments were established by Congress—

first, Indiana Territory in 1800; Michigan Territory in 1805, and Illinois Territory in 1809.

In the separate acts creating these three Territories, it provided that there should be established within the said Territory a government in all respects similar to that provided by the ordinance of 1787; "and the inhabitants thereof shall be entitled to and enjoy, all and singular, the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River" by said ordinance.

And finally, on April 20, 1836, Congress passed the act establishing the Territorial government of *Wisconsin*, which was also a part of the Northwest Territory; and this act also specifically extends to the inhabitants the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio by the articles of the compact contained in the ordinance of 1787.

But we find, however, that Congress, for the first time in the history of the creation of Territorial governments, provided in the act creating the Territory of *Wisconsin* that—

"Nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories in such manner and at such times as Congress shall, in its discretion, deem convenient and proper; or from attaching any portion of said Territory to any other State or Territory of the United States."

Such proviso was, in effect, a reservation of discretionary powers in Congress; and it forms a precedent which has been followed in all of the acts creating Territories of the United States since the act creating the Territory of Wisconsin in 1836 down to the present day, except in the case of the Territory of Washington, in which the proviso is omitted entirely, and in the case of the Territory of Arizona, where reservation of the power of Congress to *attach any part of its territory to any other State or Territory* is omitted.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Before the Senator leaves that particular branch of his very interesting argument, I beg leave of the Senator to make a statement which will complete the history of that.

Mr. BARD. I have not completed it yet.

Mr. BEVERIDGE. I will ask the Senator if it is not true that when the ordinance of 1787 was originally drawn it provided for ten States out of the Northwest Territory, giving their delimitations, and that Congress itself changed it from ten States to five States, thus beginning the policy of Congress, which has been continued since, of making the States progressively larger; and whether it is not true that the original subdivision of the Northwest Territory into ten States, which was rejected by Congress, was urged upon the ground of maintaining equilibrium upon the part of this new territory and the States east of the Alleghenies, and was rejected by Congress and made into five States instead of ten because they did not think that position was tenable?

Mr. BARD. I am unable to tell the Senator what was the reason for it.

Mr. BEVERIDGE. What was done was that originally it was proposed to make ten States out of the territory of which there are now five, and Congress, by committee, the chairman of which was an ancestor of a Member of this body, rejected that plan as originally drawn and adopted the plan of five States, upon the theory, even at that early time, that there were States in the Union which were entirely too small. In this portion of his very interesting and well-connected historical address, I thought perhaps the Senator from California would not object if I put in that statement.

Mr. BATE. Before the Senator from Indiana sits down, with the permission of the Senator from California, I should like to ask a question.

Mr. BARD. Certainly.

Mr. BATE. Is it not true that the territory embraced within Arizona and New Mexico is larger than all the five States or the ten States he speaks of—aye, nearly twice as large?

Mr. BEVERIDGE. With the permission of the Senator from California, I should be very pleased, indeed, to answer the question of the Senator from Tennessee, but I fear I should want to answer it more comprehensively than would be quite courteous to the Senator from California in his time.

With the permission of the Senator, I may state, however, in answer to the question of the Senator from Tennessee, that this new proposed State is much less in area than the State of Texas; that the distances are not so great as at least in two other States of the Union.

Mr. BATE. They have a right to divide it up into five States, a right not given in this bill.

Mr. BEVERIDGE. Yes; and if it is desired that there shall be more Senators from that section of country, why does not Texas, well settled and well populated, avail herself of that opportunity and send ten Senators here?

Mr. BARD. I have just quoted, from the act creating the Territory of Wisconsin, what is a reservation of discretionary powers in Congress, and this forms a precedent. This proviso with reference to Wisconsin—I want to be particular—this proviso with reference to Wisconsin is found to be identical as to phraseology with that of the act of June 12, 1838, creating the Territory of *Iowa;* the act of August 14, 1848, creating the Territory of *Oregon;* the act of March 3, 1849, creating the Territory of *Minnesota;* the act of September 9, 1850, creating the Territory of *New Mexico*, and on the same date the act creating the Territory of *Utah;* the act of March 30, 1854, creating the Territory of *Nebraska*, and on the same date the act creating the Territory of *Kansas;* the act of February 28, 1861, creating the Territory of *Colorado;* the act of March 2, 1861, creating the Territory of *Nevada*, and on the same date the act creating the Territory of *Dakota;* on March 3, 1863, creating the Territory of *Idaho*; the act of May 26, 1864, creating the Territory of *Montana;* act of July 25, 1868, creating the Territory of *Wyoming*, and the act of May 2, 1890, creating the Territory of *Oklahoma*.

Congress has several times exercised its discretionary power thus expressly reserved *to divide* a Territory, as in the case of the division of the Territory of Dakota, of which two States were formed, and in the case of the original Territory of New Mexico, of which Arizona was at one time a part, and also in the case of Utah, which was originally bounded on the west by California, but out of which the State of Nevada was taken, and in the creation of the Territory of Iowa out of a portion of Wisconsin.

But Congress has rarely exercised its power of attaching a portion of a Territory to any other State or Territory. The new Territory of Idaho, organized in 1863, included within its boundaries a part of the Territory of Washington, though the right to attach a portion of Washington Territory to any other State or Territory was not reserved in terms in the act creating that Territory.

The fact that this proviso is found in all of the acts creating many of the Territories certainly indicates that Congress regarded it *necessary* to specifically make a reservation of the right to divide the Territory or to attach portions of it to other States, which right otherwise would appear to be waived by the act of Congress creating a Territorial government in which the autonomy of the people is recognized.

If it be admitted that it was *necessary* that such reservation of the right to attach portions of the Territory to any other State or Territory should be specifically made, then it follows that the *omission* of such a reservation in the act creating the Territory of Arizona implies that Congress intended to give to the people of Arizona an assurance that no portion of their Territory will ever be attached to New Mexico or any other State or Territory.

It is true that Congress has, under the Constitution, plenary power to govern the Territories; but a Government such as ours, when dealing with dependent territory, will exercise such power only according as its wisdom shall deem politic, wise, and just, having regard for the interests of the inhabitants of the territory as well as for the common weal. Congress exercises such power *without qualification* when it governs *newly acquired* territory. It sometimes establishes for such territory military or provisional government, or a government by an executive and judges appointed by the President, who together constitute the legislature for the territory. In such a government the people do not participate.

But in a Territorial government, such as that of New Mexico or Arizona, Congress provides that the executive and the judges shall be appointed by the President, but it gives to the *people* the right to elect the legislature; and the authority conferred upon the legislature extends to all rightful subjects of legislation not inconsistent with the Constitution and the laws of the United States, and such laws stand unless disapproved by Congress.

The granting to the people by Congress of a part of its constitutional power to govern the Territory brings into play the doctrine of the consent of the governed, and creates an autonomy which never has been revoked and never ought to be revoked.

This autonomy belongs to the people "*within the Territory*" of Arizona as it is now constituted and they can not be justly

deprived of it in the manner proposed by this bill. Congress has reserved the right to change the boundaries and to divide the Territory of Arizona, but it has *not* reserved the right to revoke or to discontinue its grant to the people of the limited right of local self-government without the consent of the people.

Let it be observed that Congress has never, in any act creating a Territorial government, reserved to itself the discretion to attach the *whole* of one Territory to another Terrtiory, or to consolidate the governments of two Territories. If it be contended that the right of Congress to unite the *whole* of one Terriory with another, as proposed by this bill, is unquestionable, then it is pertinent to inquire, Why was it necessary or important for Congress, in almost all of the acts creating Territories, to reserve the right to attach *a portion* of one Territory to another State or Territory?

I have said that the precedent formed by these provisos has been followed in all of the acts creating temporary governments of the United States since 1836, except in two of them. One of these exceptions I have referred to as relating to the Territory of Washington, where the proviso is entirely omitted.

The other exception is very remarkable, and I desire especially to call attention of the Senate to the important change in the character and phraseology of this proviso in the case of the act of February 24, 1863, providing a temporary government for the Territory of Arizona, which, as it will be remembered, had been a part of the Territory of New Mexico.

The Arizona proviso is as follows:

Provided, That nothing in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such times as it may deem proper.

This reserves to Congress the power to divide the Territory and follows the precedent to that extent only; but it omits the usual reservation of the right to "*attach any portion of the Territory to any other State or Territory of the United States*," which is contained in every one of twelve acts creating Territorial governments passed by Congress from 1836 to 1863, excepting only the act relating to the Territory of Washington.

This omission is notable, and its significance is accentuated by the fact that, in the act providing for the temporary government of the Territory of *Idaho*, passed in the same session of Congress and about one week later, the usual proviso reserving the right of Congress to *attach* portions of the Territory to any other State or Territory was retained. And the identical proviso contained in the act creating the Territory of Idaho, as well as in the twelve Territorial acts before 1863, is also contained in the later acts of 1864, 1868, and 1890, creating the Territories of Montana, Wyoming, and Oklahoma.

I contend, Mr. President, that this notable omission of the reservation to Congress of the discretion to *attach* any portion of the Territory to any other State or Territory, in the case of Arizona, supports my contention that it was the intention of Congress to give to the people of the Territory of Arizona an assurance that the Territory would never again be joined to that of New Mexico.

In view of the circumstances, it is impossible to believe that the reservations of the right "to change the boundaries" of Arizona could be construed to mean a reservation to Congress of the right to consolidate the whole of the Territory with another State or Territory.

But, Mr. President, there is something even more remarkable and important in the act providing a temporary government for the Territory of Arizona; and I *rely* upon it, mainly, to support my contention that there exists a compact between the United States and the people of the Territory which forbids Congress to pass this measure—and I am gratified to observe that I have at this point the attention of Senators.

The act contains a second proviso, which reads as follows:

Provided further, That *said government* shall be maintained and *continued* until such time as the *people residing in said Territory* shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

You will look in vain for any similar provision if you expect to find it in any of the acts creating Territories passed since 1822. You must go back and examine the ordinance of 1787 or the acts creating the separate Territories of Ohio, Indiana, and Illinois, originally parts of the territory northwest of the Ohio, to find any legislation by Congress which in the least resembles it.

This second proviso in the act creating the Territorial government of Arizona is remarkable in that it is the only legislation since the beginning of our Government which recognizes, *in express terms*, the right of the people of any Territory, sooner or later, to form a State government and apply for and obtain admission into the Union as a State. Indeed, the *subject* of statehood is not even mentioned in any other act creating a Territorial government except in the acts creating the Territories of New Mexico, Kansas, and Nebraska; and in them the only reference to statehood is in the proviso which I have already quoted, and which for sake of emphasizing the reference I quote now once more. It reads as follows:

And provided further, That *when admitted as a State* the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.

There is neither mention of, nor reference to the subject of admission of a State to statehood in any of the acts creating the Territories of Missouri, Alabama, Arkansas, Louisiana, Wisconsin, Iowa, Oregon, Minnesota, Utah, Washington, Colorado, Nevada, Dakota, Montana, Wyoming, or Oklahoma.

But this second proviso in the act creating the Territory of Arizona not only recognizes, by express terms, the right of the people residing in said Territory, ultimately, with the consent of Congress, to form a State government and apply for and obtain admission into the Union as a State, but it assures the people that the temporary government so formed shall be "*maintained and continued* until the people residing in *the said Territory of Arizona*" shall take the initiative to form a State government.

I have called the proviso a compact between the Congress and the people of the Territory of Arizona, similar to the Articles of Compact contained in the ordinance of 1787, which assured to the inhabitants of the territory northwest of the Ohio certain important rights, privileges, and advantages, among which was the right to maintain the boundaries of their separate States or Territorial subdivisions, and eventually to be admitted as States of the Union.

Is there any difference, in point of obligation and national faith, between an ordinance and such a proviso as is found in the act creating the Territorial government of Arizona? Will anyone contend that the difference in the forms of contract is material? Are not the ordinance and the acts of Congress of equal force? Will it not be as gross a violation of good faith for Congress to ignore its solemn agreement with the people of Arizona and compel them to submit to the conditions which this bill imposes as it would have been for Congress to ignore the ordinance of 1787 in the creation of Territories and States in the territory northwest of the Ohio?

The people of Arizona are *not* applying, and have *never* asked Congress for the privilege of again becoming united with New Mexico, or thus united, of becoming a part of a State. On the contrary, they are entering a vigorous protest against this bill.

I regret that the Committee on Territories did not preserve in writing the testimony given at its hearings on this bill in the early part of this session of Congress; but, being a member of the committee, I am justified in stating that there appeared before the committee Governor Brodie, the present governor of the Territory of Arizona; Mr. WILSON, the Delegate in Congress from Arizona, and Mr. B. A. Fowler, a well-known resident for many years of Arizona, and who was the Republican candidate for Delegate at the last national election.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. The Senator will do the committee of which he is a member the justice to observe in this connection that no member of the committee of either party requested that the hearing should be taken down stenographically——

Mr. BARD. That is true.

Mr. BEVERIDGE. And that the hearing followed many months of hearings in the House. Of course, if the Senator had requested it, it would have been done.

Mr. BARD. That is very true.

Mr. BEVERIDGE. Nothing was neglected.

Mr. BARD. I am to be blamed, perhaps, because I myself did not request it.

Mr. BATE. I beg in this connection, with the permission of the Senator from California, to state that all the members of the committee were not present. I ask the Senator from California if there was any opponent of the bill in the committee at the time except himself?

Mr. BEVERIDGE. And the Senator will also do the chairman the justice to say that he had notified the members both formally and by telephone and in person.

Mr. BATE. Certainly; but of the minority there were only two here, who attended when we could; the other two were absent, and they are not here yet.

Mr. BARD. I do not think it will be proper for me to speak of what occurs in my committee or the debates which occurred

between members, but I think I am justified here merely in introducing into my remarks what I think every member of the committee who was present will corroborate.

Mr. BEVERIDGE. There is no objection to that.

Mr. BARD. Certain persons appeared there and gave certain testimony, but in the absence of our usual means of obtaining that knowledge and presenting it to the Senate I am justified in giving the information thus obtained to the Senate.

Mr. BEVERIDGE. There is no objecion to that; and, furthermore, I will corroborate any statement the Senator from California may make as to the gentlemen who appeared at the hearing and what they said, because he will make a correct statement of it. I only rose in justice to the committee to observe, and I thought it proper that it should go in the Senator's remarks, that if the hearings were not preserved stenographically it was because no member asked for it.

Mr. BARD. That is true.

The governor and the Delegate are the official representatives of the people of the Territory; and Mr. Fowler, by reason of his long residence and of opportunities recently afforded him, has ascertained the sentiment of the people of Arizona with reference to this matter. All joined in the statement that the people of Arizona are almost, if not entirely, unanimous in their protest against the passage of this bill.

These representatives of Arizona admit that the majority of the people of Arizona understand that it is not probable that Congress can be convinced now that the Territory has yet reached that degree of preparation which fits it for statehood. They also stated that the people of Arizona, rather than to be joined with New Mexico as a single State, will prefer to remain for an indefinite period under their present Territorial government; and they offered the assurance that, if this measure were defeated, Arizona would not again apply for admission to the Union of States, at least until after the next decennial census shall be taken.

I now call the attention of the Senator from Indiana to what follows, for I think it will be a reply to his inquiry a few minutes ago.

It is said that it is not the purpose of this bill to *compel* Arizona to unite with New Mexico into one State, but that it simply gives the people of the two Territories the privilege and opportunity of coming into the Union in that manner, if they desire to do so.

But this is disingenuous and misleading; for, in the last elections for delegates, Arizona cast only *19,667* votes and New Mexico cast *43,011* votes, while Arizona has only 31,677 registered voters, and New Mexico has 64,422 registered voters; and therefore it is plain that under the scheme of this bill the fate of Arizona depends not upon her own people, but upon the wishes and the interests of the electors of New Mexico.

The bill substantially proposes an arbitrary submission to the electors of the two Territories, jointly, the question whether Arizona (which has been assured by Congress of a separate autonomy) shall, without the consent of her people, be joined with New Mexico in a new State. Even though the vote of Arizona should be cast unanimously against the adoption of the proposed constitution, nevertheless it would be within the power of the voters of New Mexico to force upon Arizona people the acceptance of the new State government.

The measure proposes to give Arizona a representation in the constitutional convention of only 44 delegates, while New Mexico, whose separate autonomy is in no degree superior to that of Arizona, is given a representation of *66* delegates. Such ratio of 3 to 2 is based upon the aggregate population of the two Territories; but the inequality in representation in the convention of the two political *entities* would be unjust.

The constitution of the proposed new State of Arizona must provide for the adjustment of the differences in the customs, the civil procedures, and the debts of the respective Territories. Emphasis has been given in the memorials protesting against the jointure to the *differences* that exist between the two peoples in respect to their race origin, their local customs, habits, and institutions, their ideals and ambitions. Now, under such circumstances the Arizona delegates in the constitutional convention would be utterly powerless to secure a fair adjustment of these differences.

The bill sets before the people of both Territories, as a consideration for their acquiescence, the seductive offers of the grant of public lands larger in area than has ever been granted before to a new State at the time of its admission and also the grant of $5,000,000 in ready money.

When the proposed constitution shall be submitted there will be called at the same time, as is usual in such cases, an election for State, county, and township officers. Think of the candidates, estimated at 1,000 in number, who will be interested in the result, and of the conversions they will make for adoption of the constitution, in order that their candidacy shall not be without results. Qualified voters of both Territories, under such conditions, will be seduced, and, throwing their convictions to the winds, will vote for the constitution in order that their friends or the hundreds of candidates of their party may win the offices.

When in the history of our Republic has a community of American citizens so considerable in number and having their own organized government ever been treated as this bill proposes to treat the people of Arizona?

Mr. President, American communities, and especially those who have blazed the way for the advance of American civilization, enduring the hardships of frontier life, and consecrating their energies of mind and body to the development of the West and the establishment there of American laws, customs, and institutions, are naturally proud of their achievements, their history, and their traditions.

The bill proposes to give the name of Arizona to the proposed new State. It is impossible for such a proud, liberty-loving community of American citizens to be conciliated by such a proposition, or even to receive it with patience.

On the contrary, they will resent such a proposition as a mockery of their distress and an outrage upon their sensibilities as a people. The preservation of the identity of the people of a community can be accomplished only by the preservation of its territorial boundaries. Such use of the name of Arizona is no compliment to them and can not be a compensation to them for the loss of their identity as a separate people.

Some of the people of Arizona regard their Territory as, in a measure, the ward of California, and the commercial and social relations between these two peoples are very close. As my residence is in the southern part of California, which is especially thus closely connected with Arizona, I have opportunities of knowing the sentiment of the people in respect to statehood.

I am pleading for Arizona; not that she may *now* be exalted to the rank and dignity of a sovereign State of the Union, but that she may be spared the humiliation of being deprived of her separate autonomy, which has been recognized for more than forty-one years, and that she may not suffer the degradation which this bill proposes to inflict by forcing her people, against their wishes and protest, under circumstances which are beyond their power to prevent, and upon unequal terms, to be joined forever with her sister Territory of New Mexico.

And I am pleading, also, for the honor of the Congress, that there shall be no violation of good faith with which, as I firmly believe, it can justly be charged if it ignores, as this bill proposes, the compact contained in the act creating the Territory of Arizona, between Congress and the people residing in that Territory.

The repudiation by our Government of any of its obligations or promises would be a reproach to our people, and must inevitably have serious consequences.

The saddest in the train following the violation of its faith by any government will be the patriotic citizens who are shorn of their confidence in the efficiency and honesty of the administration of their government and weakened in their faith in the strength and wisdom of their institutions.

The people believe that "righteousness exalteth a nation." And, Mr. President, I submit that to the minds of the common people of this country this bill will not appear to be righteous. They will be able to put no other construction upon the provisos in the act creating the Territorial government of Arizona, to which I have referred, than that it was a solemn guaranty that for all time the people of Arizona may of right enjoy within their present territorial boundaries a continuous separate autonomy and ultimately to become a sovereign State in the Union, and that to despoil them of such right is unjust, unwise, and dishonorable.

The amendment which I shall offer proposes to strike out sections 19 to 37, inclusive, being all of the provisions of the bill relating to the Territories of Arizona and New Mexico.

If the amendment shall be accepted by the Senate, then the proposition for the admission of the new State of Oklahoma would stand alone, and it is quite evident that Senators are almost of one mind on that question.

Two years ago I opposed the admission of Arizona and New Mexico as separate States, but *now* I would support such a proposition with my vote if by so doing I could prevent their admission jointly.

And, in conclusion, I suggest that if it is wrong to expose the people of Arizona to the possible danger of being forced, against their will, into a union with New Mexico and if such wrong be consummated by the passage of this bill such wrong can never be undone.

Mr. WARREN. I wish to appeal to the Senator from Indiana [Mr. BEVERIDGE] in charge of the pending measure that he permit it to be laid aside temporarily in order that the Senate may resume the consideration of the omnibus claims bill.

Mr. BEVERIDGE. I ask unanimous consent that the unfinished business, the pending bill, may be temporarily laid aside for the purpose indicated by the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the pending measure be temporarily laid aside. Is there objection? The Chair hears none, and that order is made.

Mr. GALLINGER. I desire to ask the Senator from Wyoming how long a time will probably be consumed in concluding the reading of the omnibus claims bill?

Mr. WARREN. It will not take a long time. I shall be glad to have the reading of the bill completed, and then to offer some committee amendments. It is rather early to go into executive session. There will be plenty of time to do that later.

Mr. GALLINGER. I will say to the Senator from Wyoming that it is rather important that the Senate should go into executive session when there is a quorum present, and if the Senator will yield for that purpose now, there will be ample opportunity to have his bill read in the near future. I hope the Senator will agree to that course.

Mr. WARREN. Mr. President, of course, in view of the request of the Senator I shall have to yield; but I wish to give notice that I shall move to go into legislative session for the purpose of resuming the reading of the omnibus claims bill.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. BEVERIDGE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

INTERMENT OF ROSE DILLON SEAGER.

Mr. WARREN. Mr. President——

Mr. GALLINGER. I will say to the Senator from Wyoming, who has been very kind to me to-day, that I wish to ask for the consideration of a bill, and if there is a single objection to it I will immediately withdraw it.

Mr. WARREN. I shall not make any objection, as I understand the bill is very short and will not consume much time.

Mr. GALLINGER. It is a bill of but five or six lines, which I desire to report from the Committee on the District of Columbia, and ask for its immediate consideration.

Mr. WARREN. Very well.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

I will simply say that this bill is necessary for the reason that this most estimable young woman, a citizen of the District of Columbia, died at Panama of yellow fever. Under our laws, while the body could be transported through the city, interment could not be allowed. We have passed similar bills heretofore. The remains are expected from New York on next Wednesday, and hence the haste. I have consulted with the health officer of the District, who very highly approves of the passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the health officer of the District of Columbia to issue a permit for the interment in the District of Columbia of the remains of the late Rose Dillon Seager, formerly a resident of the District of Columbia and a citizen of the United States, who died at Panama January 2, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask unanimous consent for the consideration at this time of the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act."

Mr. BEVERIDGE. I have no objection to that, Mr. President, it being understood that the bill is taken up while the regular business is temporarily laid aside for that purpose.

Mr. WARREN. That understanding has already been had, I believe.

Mr. PETTUS. I should like to have another understanding, which is, that no other business shall be transacted this evening.

Mr. BEVERIDGE. Certainly.

Mr. WARREN. So there can be no misunderstanding, I will say that I merely wish to finish the reading of the bill and to offer the committee amendments which are on my table, to correct typographical errors, etc. Then the bill may pass over without further action.

Mr. KEAN. And that no other business shall be transacted.

Mr. BEVERIDGE. The Senator is asking for an agreement merely that the reading of the bill may be finished?

Mr. WARREN. I am merely asking that the reading of the bill may be finished and that some amendments may be made.

Mr. BEVERIDGE. All right.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Wyoming [Mr. WARREN]?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The reading of the bill will be continued.

The Secretary resumed the reading of the bill, and amendment of the Committee on Claims at the top of page 195, and the reading was concluded.

Mr. WARREN. I have some short and unimportant amendments which I should like to offer to perfect the bill.

Mr. BEVERIDGE. They will not take very long?

Mr. WARREN. Only a few moments.

On page 192, after line 11, I move to insert what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Thomas C. Sweeney, of Wheeling, W. Va., the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863.

Mr. WARREN. On page 185, after line 13, I move to amend the amendment by inserting what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Maj. E. W. Halford, paymaster, United States Army, the sum of $165.44, for refunding money to him which he disbursed through error and without fault on his part for travel pay to enlisted men on discharge.

Mr. WARREN. On page 194, after line 2, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read and agreed to, as follows:

To Wiel & Anumdsen, owners of the Norwegian steamer Ragnar, the sum of $8,524.10, amount found due by Consul-General Goodnow, for damages arising from the collision between said steamer and the United States Army transport Sumner, in the Yangtze River, China, on March 18, A. D. 1902.

Mr. WARREN. On page 181, after line 15, I move to insert as an amendment to the amendment, what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Capt. Archibald W. Butt, quartermaster, United States Army, the sum of $480, amount stolen from the United States in Manila, Philippine Islands, by an employee of the quartermaster's department, by name Jose B. Luciano, the said Capt. Archibald W. Butt having fully paid said sum to the United States.

Mr. WARREN. On page 180, after line 23, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read and agreed to, as follows:

To the Chesapeake Bank, of Baltimore, Md., $2,396.28, the amount found to be due the said bank by the Commissioner of Internal Revenue, under the act of Congress approved February 28, 1901 (31 Stat., p. 1750), for internal-revenue taxes illegally collected.

Mr. WARREN. On page 36, under the heading "Arkansas," after line 5, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Robert Gordon, administrator of Jamison W. Rice, deceased, of Phillips County, $5,705.

Mr. WARREN. Under the heading "District of Columbia," on page 42, after line 17, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Mary J. Carpenter, administratrix of the estate of Benjamin D. Carpenter, deceased, $1,253.

Mr. WARREN. On page 55, after line 24, under the head of

"Maryland," I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Richard P. Blackistone, of St. Mary County, $6,326.

Mr. WARREN. On page 67, after line 5, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To B. E. Gray, administrator of the estate of Mrs. S. M. Davidson, deceased, of Marshall County, $2,370.

To Samuel Worthington, administrator of the estate of Samuel Worthington, deceased, $18,835.

Mr. WARREN. On page 207, after line 12, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To refund internal-revenue taxes illegally collected from owners of private dies, the following amounts, or so much as may be found due by the accounting officers of the Treasury Department, to wit:

To American Match Company, of Cleveland, Ohio, $358.63; Dr. J. C. Ayer & Co., $8,435; Barclay & Co., $211.25; B. Bendel & Co., $584.17; William Bond, $40; B. Brandreth, $1,965; Brocket & Newton, $280; Frederick Brown, $521.71; Joseph Burnett & Co., $249.90; Byam, Carlton & Co., $28,240.75; Centaur Company, $39.58; Clark Match Company, $970; Cowles & Lech, $1,084.52; Curtiss & Brown, $24; M. Daily, $4,395; James Eaton, $4,505; P. Eichele & Co., $7,427.72; Excelsior Match Company, $398.27; B. A. Fahenstock & Co., $100; Fleming Brothers, $1,300; William Gates, $23,104.81; A. J. Griggs, $1,358.75; R. P. Hall & Co., $2,050; Samuel Hart & Co., $2,861; J. E. Hethrington, $95; Hiscox & Co., $12; C. E. Hull & Co., $81.96; Thomas J. Husband, $154.70; T. T. Ives, $85.95; Dr. D. Jayne & Son, $4,321; J. S. Johnson & Co., $279.75; Johnston, Holloway & Co., $102; Kennedy & Co., $126.66; Lawrence & Cohen, $2,862; C. S. Leete, $505.91; John J. Levy, $1,153.20; C. W. Lord (Lord & Robinson), $1,328.27; Andrew S. Lowe, $51; Dr. J. H. McLean, $970; Merchants' Gargling Oil Company, $536.29; A. Messenger, $4,895; Newbauer & Co., $480; New York Consolidated Card Company, $215; Ray V. Pierce, $969.22; D. Ransom, Son & Co., $748.20; D. M. Richardson, $20,955; Richardson Match Company, $4,730.50; H. & W. Roeber, $958.91; William Roeber, $2,804; J. H. Schenck & Son, $1,284; Schmitt & Schmittdie, $2,282.09; J. E. Schwartz & Co., $90; Schwartz & Haslett, $150; A. L. Scoville & Co., $784; H. Stanton, $3,163.25; Swift & Courtney, $4,650; Herman Tappan, $5; E. R. Tyler, $45; A. Vogeler & Co., $265.50; James H. Weedon, $895; World's Dispensary Medical Association, $30.40.

Mr. WARREN. I have here a list of about thirty-five typographical changes, a letter put in here or one struck out there. I will send the list to the desk, and I have given the reporters a bill already corrected. I should be glad to have these amendments adopted. There is no money involved.

Mr. BEVERIDGE. I understand these are nothing whatever except mere typographical errors to make the bill read correctly.

The PRESIDING OFFICER. Does the Senator desire to have the corrections adopted without being read?

Mr. BEVERIDGE. Certainly.

The PRESIDING OFFICER. Without objection, the amendments to the amendment will be considered as agreed to.

The amendments to the amendment are as follows:

Page 32, line 21, correct spelling of "Moore."
Page 32, line 23, period after "dollars."
Page 38, line 10, period after "cents."
Page 42, line 25, hyphen at end of line.
Page 46, line 17, period at end of line.
Page 47, line 3, comma after "Arkansas."
Page 55, line 18, strike out "at" and insert "of" in lieu.
Page 71, line 19, insert "r" in claimant's name, making it "Elmer."
Page 73, line 21, period after "cents."
Page 75, line 19, period after "cents."
Page 82, line 16, hyphen at end of line.
Page 85, line 17, correct spelling of "surviving."
Page 86, line 20, after word "Company" insert words "of Pittsburg, Allegheny County."
Page 88, line 11, correct spelling of "dollars."
Page 91, line 19, change comma at end of line to period.
Page 91, line 20, change period at end of line to comma.
Page 92, line 3, put hyphen at end of line.
Page 92, line 7, period after "M."
Page 100, line 7, semicolon instead of comma at end of line.
Page 106, line 17, put in comma at end of line.
Page 110, line 22, correct spelling of "Episcopal."
Page 119, line 8, correct spelling of "proceeds" and strike out "re-" before the word "covered."
Page 119, line 24, hyphen at end of line.
Page 123, line 5, insert comma after part of word "deceased" in that line.
Page 123, line 16, insert comma at end of line.
Page 124, line 8, insert comma at end of line.
Page 133, line 5, insert comma at end of line.
Page 133, line 18, transpose two final letters in name of decedent, making name read "Welles."
Page 134, line 21, change period to comma at end of line.
Page 134, line 22, change comma to period at end of line.
Page 178, line 16, change semicolon after "ninety-four" to comma.
Page 181, line 13, correct spelling of "eighty."
Page 183, line 23, change comma after "four" to semicolon.
Page 190, line 25, correct spelling of "and."
Page 223, line 14, correct spelling of name, making it "Louis J." at end of line.

The PRESIDING OFFICER. What is the pleasure of the Senate in regard to this measure?

Mr. WARREN. I do not wish to have the bill considered further at this time, but I desire to say that I shall seek the earliest opportunity to call it up and put it upon its passage, of course deferring to the pending business.

Mr. BEVERIDGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, January 9, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, January 6, 1905.

DISTRICT JUDGES.

Robert W. Tayler, of Ohio, to be United States district judge for the northern district of Ohio, vice Francis J. Wing, whose resignation has been accepted to take effect February 1, 1905.

Arthur L. Sanborn, of Wisconsin, to be United States district judge for the western district of Wisconsin, vice Romanzo Bunn, resigned.

MARSHAL.

John B. Robinson, of Pennsylvania, to be United States marshal for the eastern district of Pennsylvania. A reappointment, his term having expired April 16, 1904.

SECOND SECRETARY AT LEGATION.

Irwin B. Laughlin, of Pennsylvania, to be second secretary of the legation of the United States to Japan, vice John Mackintosh Ferguson, resigned.

CONSUL.

Harold L. Lyon, of Minnesota, to be consul of the United States at Chungking, China, vice M. Marshall Langhorne, declined.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. William W. Low to be a captain in the Marine Corps, from the 1st day of December, 1904, vice Second Lieut. John S. Bates, retired, after being due for promotion.

First Lieut. Leof M. Harding to be a captain in the Marine Corps, from the 9th day of December, 1904, vice Capt. Wendell C. Neville, promoted.

First Lieut. Harold C. Reisinger to be a captain in the Marine Corps, from the 15th day of December, 1904, vice Capt. Albert S. McLemore, appointed assistant adjutant and inspector.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1905.

COLLECTOR OF INTERNAL REVENUE.

Henry M. Rose, of Michigan, to be collector of internal revenue for the fourth district of Michigan.

COLLECTOR OF CUSTOMS.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Charles F. Howell to be a second lieutenant in the Revenue-Cutter Service of the United States.

George E. Wilcox, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Muller S. Hay, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Thaddeus G. Crapster, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

ARKANSAS.

H. F. Butler to be postmaster at Warren, in the county of Bradley and State of Arkansas.

NEW YORK.

Herbert B. Eaton to be postmaster at Youngstown, in the county of Niagara and State of New York.

PENNSYLVANIA.

Nelson B. Duncan to be postmaster at Zelienople, in the county of Butler and State of Pennsylvania.

Samuel W. Hamilton to be postmaster at Vandergrift, in the county of Westmoreland and State of Pennsylvania.

Millard F. Mecklem to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania.

Arthur H. Rider to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania.

James R. Underwood to be postmaster at Roscoe, in the county of Washington and State of Pennsylvania.

H. P. Williams to be postmaster at McDonald, in the county of Washington and State of Pennsylvania.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

EXTRADITION TREATY WITH PANAMA.

The injunction of secrecy was removed January 6, 1905, from a treaty between the United States and the Republic of Panama, for the mutual extradition of criminals, signed at Panama on May 5, 1904.

EXTRADITION TREATY WITH SWEDEN AND NORWAY.

The injunction of secrecy was removed from an amendatory extradition treaty between the United States and Sweden and Norway, signed on December 10, 1904.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 6, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. DALZELL. Mr. Speaker, I move that when the House adjourn to-day, it adjourn to meet on Monday next.

The motion was agreed to.

REGULATION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I want to call the attention of the House to Senate bill 5306. The bill was reported from the Committee on the Merchant Marine and Fisheries. A question arose as to a point in the bill, and the committee directed me to request the return of the bill to the committee. I made the request, but by some means it did not reach the Journal of the House, at the conclusion of the session. I therefore now ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill, and that the bill and report be recommitted to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of a bill the title of which will be reported by the Clerk, and that the same be referred to the Committee on the Merchant Marine and Fisheries. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 5306) to amend certain sections of Title LII of the Revised Statutes of the United States entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, we were unable to hear the statement of the gentleman. We would like to know what he wishes to do with the bill.

Mr. GROSVENOR. I want it to go back to the Committee on the Merchant Marine and Fisheries for further examination in connection with certain matters which have transpired since the bill was reported out.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

The SPEAKER. The Chair had a memorandum of two gentlemen on the Democratic side of the House, as he recollects, who desired to be recognized, each to call up a bill, and as the Chair recollects, a bridge bill. The Chair has lost his memorandum, and he calls attention to the matter and submits the request in the presence of the gentlemen. The Chair will recognize either or both.

Mr. LIND. Mr. Speaker, I have a bill, but it is not a bridge bill.

The SPEAKER. The gentleman from Minnesota.

GULL RIVER LUMBER COMPANY.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, to the Gull River Lumber Company, its assigns or successors in interest, a deed of quitclaim and release, quitclaiming and releasing all the right, title, and interest of the United States of America in and to the following real property, lying and being in the county of Cass, in the State of Minnesota, and described as follows: Lots 1, 2, 3, 4, and 5, sec. 20, T. 135 N., R. 29 W.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to hear some explanation.

Mr. LIND. Mr. Speaker, some years ago the Government planned to construct an additional reservoir in the northern part of our State. There are already two or three up the Mississippi, and this was called the Gull River Reservoir. In pursuance of that plan, it obtained conveyance of flowage rights from the settlers without compensation. The project has been abandoned, and this simply authorizes the Secretary of War—and it has the recommendation of the War Department—to reconvey the flowage rights that were granted under the original scheme, and only to reconvey in cases where no consideration was paid for it by the Government in the first instance. The bill has the approval of the War Department. I suppose the property is worth nothing to the Government or to anyone else except to the riparian owners. It is virtually a bill to clear the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the last vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. And pending that motion I would like to fix the time for closing general debate.

Mr. LIVINGSTON. Mr. Speaker, the gentleman from Alabama [Mr. TAYLOR], the ranking member of the subcommittee, is not present. I would like to have an understanding with the gentleman in charge of the bill as to whether we shall have any discussion on the bill in the nature of general debate.

Mr. LITTAUER. Personally, I have had only one request for fifteen minutes. I think we could get along with a half an hour on each side.

Mr. LIVINGSTON. Does any gentleman on this side wish for time?

Mr. BAKER. I want a little time.

Mr. LIVINGSTON. How much does the gentleman want?

Mr. BAKER. Oh, you had better make it an hour.

Mr. LIVINGSTON. I think we had better make it an hour on each side. I have only one request for time.

Mr. LITTAUER. Will not half an hour on each side be sufficient?

Mr. BAKER. I will withdraw my request.

Mr. LIVINGSTON. Then we will make it a half hour on each side.

The SPEAKER. Is there objection to half an hour for general debate on each side on the bill? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. LITTAUER was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. BOUTELL in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. LITTAUER. Mr. Chairman, this bill as submitted to the House carries appropriation of $6,747,893. About one-third of that amount, $2,000,000, is for the repair, preservation, and modernizing of our seacoast defense plant, of gun and mortar batteries and their armament. About one-quarter of the amount, $1,555,000, is for range and position finders and the system of fire control; $700,000 is for submarine defense; $200,000 for searchlights; $800,000 for ammunition for seacoast guns, for practice and for reserve supply. Then come items amounting to $1,800,000, which do not appropriately belong to seacoast fortification; $877,000 for artillery, to be used by armies in the

field, with ammunition for practice and for reserve supply, and finally the item of $936,000 for fortification of our insular possessions.

While this bill carries appropriations of $770,300 less than the fortification appropriation bill of last session, yet we have appropriated $513,000 more for submarine defense and $275,000 more for range and position finders. While on the other hand last year we appropriated $800,000 for the purchase of new sites and erection of new batteries, while this year we submit no appropriation whatever for these purposes. Again, last year we appropriated $1,210,000 for guns for seacoast fortification, while this bill carries but $182,000 for that purpose. Now, Mr. Chairman, these figures merit the attention and careful consideration of the committee.

Mr. LIVINGSTON. Mr. Chairman, before the gentleman leaves that line of thought, I will ask him to indicate to the House where the cut comes between the estimate and the appropriation? Does it come on the Atlantic coast, the Pacific coast, or where does it come—nearly four millions of money? I will state that the members on this side of the House are interested in that question.

Mr. LITTAUER. The amount recommended for expenditure by the engineers, which includes the building of emplacements, fortifications, and all material connected therewith, is $532,600 less than the estimates. The recommendation for the artillery is $687,000 less than the estimates. Then we appropriate for fire control installation $651,852 less than recommended. When we reached the subject of insular fortification we cut the recommendations from the estimates $1,675,000.

Mr. LIVINGSTON. In which colony does that appear?

Mr. LITTAUER. The gentleman will have to help me out in his designation of "colonies."

Mr. LIVINGSTON. I mean insular possessions.

Mr. LITTAUER. The specific appropriations are shown in the report, toward the end of page 4.

Now, Mr. Chairman, the figures that I have given mark the beginning of a new plan and a departure from the progressive installation of the Endicott scheme for the defense of our harbors, which was inaugurated in 1889, and toward which during the next seven years twenty-two and one-half millions of dollars were expended, while during the last nine years ninety millions of dollars have been appropriated, and this includes $35,800,000 voted in the Fifty-fifth Congress—at the outbreak of and during the war with Spain.

The former Secretary of War, in his report for 1903, estimated that to complete this scheme, including barracks and quarters, would cost $50,852,694, while his successor, the present Secretary of War, in the report for 1904, makes his estimate $65,346,082. The magnitude of these figures demanded a thorough and comprehensive reexamination of the entire scheme, and your committee advises that further progress in installation now cease, because the complement of heavy guns is nearly complete, while the provision for rapid-fire guns has been about one-half completed. The Endicott scheme for the fortification of our harbors, thirty-one in all, provided for 364 guns of largest caliber, 8, 10, and 12 inch, of which 334, or 91 per cent, are already emplaced or provided for. It also provided for 524 12-inch mortars, and of these 376, or 71 per cent, are already emplaced or provided for; and, in addition, 1,296 rapid-fire guns, of which 587, or 45 per cent, are in like condition.

Now, with these facts before us, and with the positive assurance that the chief harbors of our country have, mounted in their fortifications and ready for use, guns and mortars sufficient to offer an effective defense against any attack from the sea, and cause any thoughtful naval commander, who had not ships to lose, to hesitate before approaching our harbors, your committee has reached the conclusion that it is now time to call a halt in the Endicott scheme, stop any additional installations whatever, and devote our energies as represented by appropriations to thorough utilization of what we already have installed.

This bill is based upon that policy. In following out that determination—to put what we already have in most efficient shape—we begin with the gun emplacements, and, instead of building additional ones, as we have been doing year after year, we begin to modernize those we already have. Bear in mind that when this scheme was originated a proper service for heavy guns was supposed to be that they could be fired once in every five or eight minutes; but the development of the battle ship and the armored cruiser, along the line of an enormous supply of rapid-fire artillery, made it necessary to greatly increase the rapidity of fire on land. This contingency was met with improved gun construction, with improved disappearing carriages, and with smokeless powder, which had not even been invented at the time this scheme was inaugurated. So that to-day our great guns can be fired almost as rapidly as what were formerly termed "rapid-fire guns."

We have demonstrated that we can fire them accurately at least once every minute, and, at times, every forty-five seconds. Now, in connection with such rapidity of firing, there must necessarily come many accessories in the batteries and emplacements. The magazines must be of greater capacity to hold the larger amount of powder and projectiles, and they must be proof against dampness, in order to preserve the smokeless powder. The gun platforms must be larger, in order to handle the greater amount of material. The means of handling these great projectiles, weighing 800 and 1,000 pounds, from the magazines to the firing platform must be improved. Formerly this was done by crane and hand power, but now electrically operated, continually running belt hoists are needed to do the work. An estimate has been made of the cost of modernizing these emplacements, which would amount to some nine hundred and odd thousand dollars. We have recommended an appropriation to begin this work in this bill of $450,000.

Next we come to the guns, and again, instead of providing amply for a large manufacture of new guns, we appropriate half a million dollars to improve and modernize the older and earlier built guns to bring them up to the point of efficiency of those latest made. It is estimated that it will take three years of like appropriations to complete the work, if, fortunately, in the meantime we may not be able to devise new means of still further increasing the efficiency of these guns, for we are very fortunate, indeed, in that not a single one of the guns in our seacoast forts has as yet become obsolete; we have been able to add improved equipment to each one of them, so as to make them quite as efficient as those of the latest and newest designs.

Next we proceed to searchlights, and there we increase the usual annual appropriation by one-third, realizing that guns at night are practically useless without the aid of searchlights, and that this has been emphasized greatly in recent experience.

Now we have two great lessons from the experience of the Japanese and the Russians on the seacoast side of Port Arthur, from the standpoint of coast fortifications. First, in the sea, the demonstrated effectiveness of submarine mines, and, second, from the land side, the practical uselessness of guns of long range without a proper system of direction and fire control. The Japanese gun fire, if I am properly informed, has sunk only two ships of large size, while the Russians have lost seven battle ships, nineteen cruisers, and thirty-six torpedo boats and torpedo-boat destroyers. This is a unique experience, and bears testimony to the great efficiency of submarine mines. Then, from the land side, not a single Japanese vessel has succumbed to the fire of the long-range guns in the fortifications of the harbor at Port Arthur, despite the fact that the Japanese fleet continually maneuvered within the range of these guns, thus proving that shots are simply wasted when directed against vessels at a longer range than 2 miles, unless the fire be controlled by a proper system of range finders and fire control. The value of submarine defense, properly known as the first line of defense against attack from the sea, is nowhere in the world so important as in our own country, because of its immense coast line and numerous harbors.

Moreover, our military policy, which provides only for a skeleton army, to be filled in by militia and volunteers at the outbreak of war, makes it indispensable that we should organize our forces in such a way as to gain time and prevent sudden attack at the outbreak of war. We ought, therefore, to continually provide for an effective submarine defense to secure to us this precious time to prepare in other directions. Now, until recently your committee has been informed by the engineers, who formerly had control of our submarine defenses, that they were amply provided for, and could be effectively laid down within ten days of any emergency, and that they were so laid down within ten days at the outbreak of the Spanish war.

This year we are confronted by the able report of a member of the General Staff who has investigated this subject, and who declares that our harbors are literally unprovided with submarine defense—that not a single harbor in the United States has mine material at hand to lay down an effective defense within the time called for by usual war conditions. The army reorganization act placed the control and care of submarine defense in the hands of the artillery, and the Secretary of War has ordered formed the torpedo board for this purpose. That board concurred in that opinion, so that your committee was led to conclude that our submarine-mine equipment was far from complete and that it was our duty properly to provide for deficiencies, lest this necessary element of defense might either fail or become practically useless in time of emergency. The torpedo board, at the order of the General Staff, has made a detailed estimate of what it will cost to supplement the ma-

terial we have to provide for a complete submarine defense. It estimates that that equipment will cost, for all the harbors of the United States, $2,634,276, to which must be added $1,185,144 to provide the submarine defense designed to be laid in the eastern entrance of Long Island Sound—a total of $3,819,000. Now, if that estimate of less than $4,000,000 is in any way approximately correct, the amount sinks into insignificance when compared with the value of a single battle ship, which costs twice as much, particularly so when we reason that this submarine defense is a guaranty of safety not only for the protection for the thousands of millions of dollars' worth of property in our harbors, but it will enable our powerful and costly Navy to go forth to perform its proper work on the seas, confident that every harbor on our coast is secure against sudden attack. For this submarine defense we have recommended $700,000, the entire amount estimated, which will complete the equipment in about five or six years.

Mr. MANN. Do they remain equipped?

Mr. LITTAUER. The material can be so stored as to practically remain good for from twenty to fifty years; we have had no great experience. The suggestion has called to my mind another matter, and that is in time of peace we can procure this equipment economically, but to wait until the outbreak of war, when people become stampeded at the vaguest prospect of attack, as was the case at the outbreak of the Spanish war, and then to rush into wasteful expenditure, as we did then, will prove false economy, for we have learned very thoroughly that what we need for submarine defense can not be had at short notice.

The next subject to which I will call your attention is the range and position finding equipment and fire-control system that we have developed. Our artillery has devised a system of this kind which is unequaled in the world. It is based on long horizontal lines, sighting the angles of ships, reporting them to a central station by telephone or telautograph, where the direction of the gun is given to the men behind the guns. It is so accurate that effective shots are continually fired from guns and mortars, some when the target representing the ship can not be seen by the gun crews. It has proven that we can discharge effectively our great guns at an extreme range up to 6 miles, while without this position-finding and fire-control system shots at a longer range than 2 miles are practically useless and thrown away. It adds a great advantage to the land gun over the gun on the battle ship. We have appropriated a large sum for the general installation of these range and fire control systems—something like $1,555,000—about the same as we appropriated last year. It is a matter that must grow progressively on year after year. The system has been fully tested and fully approved. The Board of Ordnance and Fortification report that they know of no object for which money can be more effectively expended, or from which greater benefit can be derived. General Storey, the Chief of Artillery, states that to double our armament would not increase the effectiveness of our defense as much as would the complete installation of the approved position finding of guns already mounted.

Next we come to the recommendation in connection with insular fortifications. In conformity with oft-repeated recommendation by the Secretary of War, we began last year to make appropriations for insular fortification. We appropriated $1,318,000 for a beginning. Your committee, after much consideration, determined that we should spend a like amount during the coming year. We appropriate specifically $936,000 and then authorize the transfer of $380,000 worth of surplus guns that we have on hand, so that the total appropriation is within a couple of thousand dollars of what it was last year. There has been no complete project for insular fortification yet developed. Its necessity is obvious, particularly at harbors where there are naval stations. There have been suggestions that we ought to have a second board for insular fortifications similar to the Endicott Board. We have made plans for emergency emplacements at practically all the larger harbors, and surveys have gone on at even some of the smaller harbors like Iloilo and Cebu.

The appropriation of last year was spent entirely, or will be spent entirely, at Subig Bay and Manila. The design is, in the estimates of this year, that whatever we will appropriate will be spent at the same place in connection with a moderate amount at Guantanamo. We omitted Hawaii for this reason. The estimate was $526,000 for the sites needed for emplacements. We gave $200,000 last year. Part of the sites were purchased. The engineers stated that if we gave them money this year they would do no fortifying, but would simply buy more land. And in the spirit of what we believed to be proper economy, and to give them opportunity to let the price of the land go down, we thought we would defer appropriation for more land until we are ready to begin fortification.

Now, I think, Mr. Chairman, that that completes what I have to say about the bill. [Applause.]

Mr. ROBINSON of Indiana. I have never charged the committee with dereliction of duty, but I have understood that the Bureau of Ordnance and Construction, under a misinterpretation of Congressional enactment, have gone to such wild ventures in the building or promoting engines of war that they have permitted, to the extent of $100,000, the building of a Langley air ship. I want to ask the gentleman from New York [Mr. LITTAUER] whether the committee has directed any appropriation to that Bureau of Ordnance and Fortification, or whether the Department has taken any stand with reference to any further expenditure upon that line?

Mr. LITTAUER. I will say to the gentleman from Indiana he might properly ask the Board of Ordnance and Fortification, the professional advisers of this House, with reference to these technical matters.

Mr. ROBINSON of Indiana. Will the gentleman then, as the professional adviser of the committee of the House, state what has been the policy adopted recently, and if it includes anything new with reference to the expenditure for the Langley air ship?

Mr. LITTAUER. All I can say to you is that the Board, on March 3, 1904, reported that they were not prepared to make an additional recommendation at this time for conducting the work on the Langley aerodrome. I would also say that we reduced the usual recommendation of appropriation for the Board of Ordnance and Fortification from $100,000, where it has stood for many years, to $10,000, because we found that they had an unexpended and unallotted balance of $216,000 on hand July 1, 1904.

Mr. ROBINSON of Indiana. Well, I think the gentleman has fully explained the proposition. I am glad that he is protecting the public from such a fantastic expenditure.

The CHAIRMAN. The gentleman from New York has six minutes of his time remaining.

Mr. LITTAUER. I reserve the balance of my time.

Mr. LIVINGSTON. I have no application for time.

Mr. BAKER. I wish the gentleman would yield to me.

Mr. LIVINGSTON. How much time does the gentleman want?

Mr. BAKER. About ten minutes.

Mr. LIVINGSTON. I yield ten minutes to the gentleman from New York.

Mr. BAKER. Mr. Chairman, I would like to ask the chairman of the subcommittee having charge of this bill a question before I make one or two remarks. As understood, in response to a question of the gentleman from Indiana [Mr. ROBINSON], he said that certain army officers were the technical advisers of this House. When did this House select these technical advisers? And if this House never selected them, how can they be called advisers of a body that had nothing to do with their selection?

Mr. LITTAUER. I will refer the gentleman to the legislation which formed this Board of Ordnance and Fortifications, which makes them practically, as I stated they were, the advisers on all technical matters in connection with ordnance and fortifications.

Mr. BAKER. Did the legislation to which the gentleman refers me provide who was to constitute this Board? Were they appointed by this House?

Mr. LITTAUER. It provided how the Board was to be constituted.

Mr. BAKER. Were they appointed by this House?

Mr. LITTAUER. They were not.

Mr. BAKER. Then how can they be called the technical advisers of this House when this House never selected them? [Laughter and applause.]

Mr. LITTAUER. I believe the legislation specifically provided that they shall be the Chief of Ordnance, the Chief of Engineers, and the Chief of Artillery.

Mr. BAKER. They are not selected, then, by this House?

Mr. Chairman, on yesterday it will be remembered that the gentleman from Missouri [Mr. CLARK] endeavored to obtain explicit information as to when this bill would come up for discussion in this House, and he failed to obtain that information. The reply of the chairman of the subcommittee having charge of the bill, evasively, was, "As soon as I can get an opportunity to be heard." The gentleman from Missouri [Mr. CLARK] then pressed his request for more definite information, and Mr. LITTAUER replied that he would either bring it up to-morrow or on next Tuesday.

Now, Mr. Chairman, I want to enter my protest here and now against legislation being enacted in this manner. I do not speak now against the bill particularly, but am protesting against your present methods of legislating, which in effect

require that men be here and be in their seats every moment primed and fortified all the time with all available data on bills on which they wish to speak; that they have got to have their data constantly with them, as such a bill as this may be called up without their having any foreknowledge that it is to be considered.

Now, I have taken pains to collect some data bearing upon this subject. That data is not available here to-day. We have not for the House any office building like the Senate has, and therefore it is not possible for me to have this data easily at hand, where it could be obtained. That data is at the other end of the city, and therefore I am unable to make such a criticism of this bill as I would offer if I had that data. I say it is a crying shame and disgrace that the rules of this House are so made as to permit such a condition to exist. As to all legislation of a general character the Members of this House should know one or more days in advance that it is coming up for action so that they can be prepared to discuss it. I was unable even to obtain a copy of the bill until after the gentleman having it in charge [Mr. LITTAUER] had commenced to speak on it.

I came to the Capitol this morning with the expectation of attending a meeting of the Committee on the Judiciary, to which my resolutions asking the Attorney-General what steps, if any, have been taken to prosecute the Secretary of the Navy for having, when vice-president of the Sante Fe Railroad, granted a secret rebate to the Colorado Fuel and Iron Company, has been referred, which I desired to discuss before that committee. I came prepared on that subject, but I did not come prepared on this subject, as I might have been prepared if I had known that it was to come up to-day. The Committee on the Judiciary, however, held no meeting, although it is the day regularly appointed for its meetings. Having no knowledge that this bill was coming up to-day until the session commenced, I am not as fully prepared to discuss it as I desired to be. I say that legislation ought not to be enacted in this way.

Now, as to the merits of the bill itself. Constant pleas are being made here for these tremendous expenditures. In the report of this committee one of the arguments made for this appropriation is that during some prior Congresses large sums of money were appropriated; therefore it is necessary to go on with that policy. What a puerile plea! We make precedent a fetich to be worshiped. Because a previous Congress laid a heavy burden of useless expenditures on the people, why we must do likewise. We are told in the report that of the $90,000,000 expended for fortifications since 1889, $68,000,000 of that amount has been expended within the last nine years; and that is given as a reason for further expenditures. There seems to be an utter lack of disposition, an utter lack of intent, on the part of the administration of the Government of this country, as represented on this floor as well as at the White House—an utter lack of desire or intent to take the first step, to make the first move, to do the slightest thing, which will promote peace among the nations of the world. No! We must always be spending money in competition with other great nations.

We are told that this and that great nation has expended enormous sums of money and therefore we must do the same. No expression of horror, not one word of detestation of the fearful results that spring from such policies as this. Oh, no! Humanity has no consideration upon this floor. It is only some man with epaulets, the man behind the gun, who is extolled; but the men, the women, and the children who suffer from the policy of these tremendous warlike expenditures that inevitably result in friction between nations—not one word is said in their behalf, and no disposition or intent is shown to bring about a change in this fearful competition for warlike supremacy among the great nations of the world.

Mr. LIVINGSTON. The gentleman is preaching a sermon from the text "Blessed are the peacemakers."

Mr. BAKER. No; I do not care about quoting Scripture. When men come here having their minds made up that they are going to engage in such practices as these, no Scripture quotations will have any effect upon them. When they are led by the man who worships war, who wants to hold himself up in the United States as the equal, as the counterpart, of William II, the great war god; when an Administration is dominated by such a spirit as that it would be farcical to make Scriptural quotations; it is almost useless to suggest anything in the interest of peace.

Mr. Chairman, a great deal has been said here to-day about the "utility" of certain instruments of human destruction. Does anybody care that 800 human souls went down in the harbor of Port Arthur as the result of one little torpedo or one little submarine boat getting under the *Petropavlovsk*?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I yield to the gentleman five minutes more.

A MEMBER. Give him all the rope he wants.

Mr. BAKER. "Give him all the rope he wants and he will hang himself." That is the sentiment. [Laughter.]

Mr. GAINES of Tennessee. You will not kill anybody, will you?

Mr. BAKER. I would like to prevent this House taking any steps to kill people. Let me say that the fact of my not being elected to the Fifty-ninth Congress has no influence and no effect upon my position here to-day. Had I been reelected I should have said what I say now. I said it last year only a short time in advance of the Congressional elections, and I want to say to you gentlemen who seem to believe that you have got to fall down and worship this god of war that in my judgment the fact that my opponent and the whole Republican organization of Kings County made a particular drive against me because I dared to raise my voice upon this floor in behalf of peace and against extravagant, useless, and wasteful warlike expenditures—I do not believe that fact lost me one vote; that is, the aggregate loss to myself was not one vote. I met that issue then, and I will meet it anywhere; in fact, I mailed to several thousand of my constituents a copy of a speech I delivered at the Lake Mohonk Arbitration Conference in June last. I wish more moral courage was displayed on this subject by the Members of this House. I wish the Democrats here would get up and show to the nation that we are opposed to these extravagant war appropriations. I say it is the duty of the minority to use every parliamentary device at their command to block all such legislation. The moral duty is upon every Democrat to do what he can to prevent the Republican party continuing this policy.

Only in to-day's papers we are told that what is called the "pride of the Russian navy" has grounded on a rock and has sunk, it is believed, with all on board, off the island of Madagascar. The people of this country and the people of the great nations of the world have had their eyes for months centered upon the titanic struggle going on between those two nations and we are told that because Japan and Russia are fighting, therefore we must expend more millions of dollars in order to get ready for fighting. But I want to call the attention of those who worship this idol of war to the fact that in the one so-called civilized country where autocracy rules, in the country where it has been heretofore almost impossible to find any man to stand with that greatest of all Russians, Count Leo Tolstoi, and raise his voice against such a shameful waste of the people's money and such a fearful waste of human lives, right in Russia within the last ten days a great meeting has been held in the old city of Moscow, in the heart of that great Empire, and 766 representative men voted in favor of a resolution and only 7 against it, declaring that the war between Russia and Japan was a monstrous, cruel, and wasteful war, and expressing their opinion that it ought to be brought to an end at the earliest possible moment.

These are the resolutions:

[From the New York Times, Thursday, December 29.]

RUSSIAN LIBERALS DEFY GOVERNMENT'S WARNING—MUCH EXCITEMENT IN MOSCOW, AND OUTBREAK IS FEARED—DEMAND THAT WAR BE ENDED—RESOLUTIONS PASSED AT BANQUET.

ST. PETERSBURG, *December 28.*

It is evident from the reports received from the interior that the fairly good impression produced by the imperial manifesto on the subject of reforms may be more than offset in many places by the effect of the Government's note of warning to the Zemstvos.

Private reports from Moscow indicate that much excitement prevails there, and the gravest fears are expressed that the ancient capital of Russia will be the scene of bloody excesses.

The banquet held there on the occasion of the anniversary of the revolution of 1825 was stopped by order of the police at 3 o'clock this morning. Among those present were popular writers, professors of the university, the mining school, and the technological institute, editors, and Socialist workmen. M. E. Kedrine, a well-known lawyer and member of the St. Petersburg municipality, presided. A resolution, which was carried by 766 to 7 votes, after many perfervid speeches, was as follows:

"In view of the horrors of the war, which is devoid of sense, and in view also of the enormous sacrifices and ruin in which the country is being involved, we, representing the liberal professions and working classes, protest against the war into which the Government dragged the nation without consideration for the opinions or interests of the Russian people, and we express our profound belief that only the nation itself can save Russia from her difficulties through free representatives of the people elected by secret ballot on the principle of equal rights.

"Our motto is peace and freedom."

Mr. Chairman, in order to clear my skirts of the infamy of our part in this constant competition of strife between nations, in order that I may clear my skirts of responsibility for these things, I enter a protest against the enormous sum appropriated by this bill.

That I have not attempted to hide my views on this subject is not only proven by my circulating a speech at Lake Mohonk, which I shall incorporate in my remarks to-day, but is also shown in an article I contributed to the Hebrew Standard, a leading Jewish paper in New York, and which I also include.

But the chief reason why I desire to incorporate here the Lake Mohonk speech is because I wish the country to appreciate the absurdity of Members of this House forming an interparliamentary union for peace and then voting, as you do in this bill, extravagant appropriations to "fit" us for war.

ARE YOU FOR PEACE OR WAR?

[Speech of Congressman ROBERT BAKER at Lake Mohonk Conference on International Arbitration, Lake Mohonk, June 1, 1904. From Tenth Annual Report of the Lake Mohonk Arbitration Conference, 1904.]

I have frequently asked myself why it is that the idea which is the basis for this conference, which, for a number of years, has seemed to have a large following among the more highly intellectual people of the United States, as well as of the leading European nations, should make so little apparent progress.

We have just listened with a great deal of pleasure to the report of Doctor Trueblood; we have noted the interesting events which he has related, which appear to be, and I think really are, indicative of considerable progress toward our ultimate object, universal peace. But at the same time we ought to look at the other side of the picture. I believe that the other side of the picture exists to a very considerable degree just because such gatherings as this, just because the kind of people who are gathered here to-day, do not attempt to lay out a consistent course toward this idea. They pray for international peace, but do they pray for domestic peace? Now, that may seem a foolish question to many, but it is impossible to get the American people generally to take more interest in the affairs of their country with the other nations of the world than they do with the affairs of each with the other. And, until the intellectual class, such as are gathered here, are prepared to, and do, frown upon every act of their officials, every act of their representatives, every act of their legislative bodies, which makes for domestic war, you can not hope to make any large advance toward international peace.

Now, what do I mean? Just to give point to a matter that has been referred to by one of the speakers here this morning. We have been told of the formation during the recent session of Congress of an American group of the Interparliamentary Union.

Mr. SMILEY. Mr. BAKER is a member of that group.

Mr. BAKER. That is true, but that is not what I was going to speak of. We have also heard it stated, and that is significant and very important, it seems to me, that at this same session only two votes were recorded in Congress, not against a navy, not even against large appropriations, but against an appropriation for two more battle ships. And I was not one of those two, not because I would not have been one of the two, or rather made it three, had I been there, but it happened that at the time I was at home sick. There were some forty-odd Members of Congress present at the meeting in January when the American group of the Interparliamentary Union was formed. It is certainly not probable that when some sixty days subsequently that vote was taken as to whether we should go on and appropriate some $11,000,000 for those two new battle ships, there were none of those forty-odd Members present other than the two who voted against the appropriation. Now, I say it is farcical for men to come together, form themselves into an organization, and say they wish the American nation to be a leader for international peace, and then go into the halls of Congress and vote $97,000,000 for a big navy. [Applause.]

But more than that. Not one voice except my own was raised in Congress against an immense appropriation for the Army. Not one. An army which no one can pretend—I do not care who the man may be that talks about the "necessity" of war—no one can seriously pretend that we need an army for national defense. We occupy a unique, unassailable geographical position, and the wildest and most fantastical devotee of war can not conceive of any combination of countries being formed that could make a successful attack upon this country unless we deliberately throw the gauntlet down to practically every one of the European nations.

Here we had appropriations of $97,000,000 for the Navy, $70,000,000 to $80,000,000 for the Army, $7,000,000 for fortifications, and so on, and yet only three members of the group raise their voices against this fearful waste of the people's money, and the far more wasteful expenditure of the mental energies of the country that is involved in the people looking for causes or excuses for war, when they ought to be, and would otherwise be, directed, as Doctor Leipzeiger has said, toward education. Why is this? It is because the members of the Interparliamentary Union, and, I fear, many of those here assembled, look at this matter as a dilettante measure. Let us be consistent. If we really favor peace, let us be in favor of it from the 1st of January until the 31st of December, and not alone on those occasions when some great international event is transpiring. Only last week I saw, within ten blocks of each other, two immense armories, gigantic forts, being erected in the city of New York, one occupying almost all of a big block, which, I suppose, is to cost a million or so of dollars. Let us say that this enormous waste now going on every year in this State shall cease. How can the American people, the great mass of the people, ever be successfully appealed to, when told that peace is desirable, when right in their midst you who are of the intellectual people of the United States encourage your members of assembly to vote millions for the erection of such absolutely useless buildings as these armories [applause], while your Congressmen vote hundreds of millions annually for a big navy and a great army? Are you in favor of peace, or are you not? That is the question.

[From the Johnstown, Pa., Democrat.]

CIVILIZED NATIONS UNCIVILIZED—CONGRESSMAN BAKER ADVOCATES EQUAL RIGHTS FOR ALL, IRRESPECTIVE OF RELIGIOUS BELIEFS, AND IN FORCEFUL MANNER DEPRECATES THE HORRORS OF WAR AND THE INSINCERITY OF NATIONS.

In the Hebrew Standard, Hon. ROBERT BAKER, prominent New York Congressman, says:

The treatment of the Jews by certain of the so-called civilized nations of Europe shows how far they yet are from real civilization. Civilization in truth has been confronted by no more powerful barrier than the passions that for centuries have been aroused and inflamed by appeals to religious prejudices.

That these appeals have been made in the name of the Lowly Nazarene proves that instead of being permeated by his doctrines, animated by his ideals, these nations have been rendering mere lip service, and have adopted those doctrines as a cloak under which the better to incite men to war upon their fellow-men, thus perverting and prostituting to the vilest ends the ennobling and uplifting teachings of Him who said "Blessed are the peacemakers."

For myself, I abhor beyond expression those who foment race hatred of whatever kind, but especially am I unable to conceive how any rational and well-disposed mind can fail to reprobate and condemn in the strongest terms the fomenting of religious hatred. Here, at least, where existence is due to an unquenchable love of liberty, men should not merely abstain from acts which reflect upon the religious beliefs of their fellows, but should insist that no discrimination shall ever be made on such grounds. If the spirit of liberty, the love of justice and of humanity really animated us as a nation; if the greed of gain were not so constantly in our minds, we would demand the removal of every restriction or impediment preventing anyone on account of his religion receiving the same treatment or exercising the same rights allowed to others.

An Administration—I care not whether it be Democratic or Republican—which does not demand that the same treatment be given and the same rights accorded to Jews as to those of other religious beliefs fails in one of its most important functions.

My views of the horrors of war are probably understood. I would not advocate any step in the remotest degree liable to embroil this country in war. There are other ways of inducing a foreign nation to accede to any reasonable demand. If this country is justified, which I do not admit, in erecting an artificial barrier to commerce—commerce, the world's most potent peacemaker—in the form of a tariff wall, and then intimating that it will remove certain parts of that wall—knock out a brick here and there—if some other nation will reduce its duties on certain articles manufactured here, surely there is far higher justification for removing those duties if that other nation will agree to cease its discrimination against some of our citizens on account of their religious beliefs. We are not too prone to elevate the material above the ethical. Material prosperity is desirable, but liberty, justice, and fraternity among all the people of the earth are still more desirable.

Why can not we say: We are willing to trade with you. We are willing to exchange the product of our mills, mines, and farms for things you people produce or manufacture, but we owe a duty to our citizens to see that none of them are discriminated against by you on account of their religion. Therefore, the first requisite of trade with us is, that no citizen of this Republic shall be denied, when entering your territory, the privileges extended by you to other foreign citizens. We therefore insist that there shall be no discrimination shown in the issuance of passports because of the religious beliefs of the applicants.

I submit that if our country should make some such proposition as this it would show a willingness to at least remove the beam from its own eye before offering its service to its brother, and would show that we could place ethical above material considerations.

Mr. Chairman, I hope to live to see the day when even such expenditures as this will have to be submitted to a referendum vote of the people. As matters are carried on to-day no one can tell what proportion of the people favor these wasteful, if not criminal, expenditures. The interests that profit either through contracts, or, as in the case of the Philippines, by exploiting the inhabitants through the possession of its special privileges, are always active in fomenting the demand for war and for warlike preparations. No one can tell whether the people thus influenced constitute 5, 15, or 50 per cent of the people, while those who are opposed to war have the disadvantage which always attaches to the negative side, of finding it difficult to secure a hearing. Even if the peace lovers constitute 90 per cent of the people, the remaining 10 per cent may make so much noise, beat tom-toms so loudly, and in other ways become so assertive as to convey the impression that they constitute the majority and not those whose motto is "Blessed are the peacemakers."

But anyhow, as the mass of the people have through indirect taxation not only to pay the expenses of war, but supply the targets for the other fellow's bullets, they should first have the opportunity of determining by a direct vote, unmixed with any other subject, whether they desire a war or not.

Mr. Chairman, I do not look for any material change in the attitude of this House on this subject any more than on other matters of great moment until the people are able to express their views directly on public questions. Under our present election system it is impossible to know what the people really desire on these matters. Take the recent election as an illustration. I am confident that hundreds of thousands of Democrats who have no sympathy with Mr. Roosevelt's views on war, imperialism, or militarism—of which this bill is an expression—voted for him, because it seemed to them the only way they could protest against the control of their own party by its monopolistic elements. Had it been possible for these and other men who are coming to realize the curse of these warlike preparations to have separately expressed their views thereon, it is quite likely that the President would not be so confident that the election was a magnificent indorsement of him and of his works. I am therefore greatly pleased and encouraged to observe the growing demand for the "initiative and the referendum," reflected as it is in the action of certain Democrats, who, as candidates, received such extraordinary votes at the election in November.

Governor Garvin, of Rhode Island, has for several years been an outspoken advocate of "direct legislation." I am confident that his election in 1902 and 1903 was in great measure due to his advocacy of this truly Democratic principle. Even on November 8 his strength with the people of his State was so great that, while Mr. Roosevelt received some 15,000 plurality in Rhode Island, Governor Garvin only failed of election by about 500. This was a most gratifying tribute to his sincere devotion to Democratic ideals and his championship of the initiative and referendum, which, by bringing government close to the people, make the people's representatives the people's servants.

That brave Democrat of the Middle West, Joseph W. Folk, the man who has done more to strike terror into the hearts—if they have any such uncommercial organ—of the great monopolists, who are constantly corrupting public officials, is, I am informed, a convert to this same theory of government, and will endeavor to secure the adoption by the Missouri legislature of bills establishing direct legislation—the initiative and referendum.

In Wisconsin, the governor of which State is a splendid Democrat on all questions save the tariff, has won out in his fight against the combined public-service corporations of his State. His victory, I am told, will result in the enactment of a primary-election law, which will make it much more difficult, if not impossible, for the railroads and other special-privileged interests to dictate nominations, and will also, I believe, insure Wisconsin adopting the principle of direct legislation.

In Massachusetts the man who won the phenomenal victory of carrying that Republican stronghold by 36,000, with Roosevelt having 80,000 plurality, in his message to the Massachusetts legislature yesterday takes advanced ground for the popular referendum and for municipal ownership of public utilities.

All these men comprehend that the people are demanding more direct control of legislation. They know the people are rapidly abandoning the idea that such bodies as this Congress are composed of men of superlative wisdom and can make no mistakes, even where they are not directly affected by the emissaries of special interests who are constantly demanding legislation in the interest of the privileged few.

Governor Toole, of Montana, another Democrat who was able to carry his State in a year when the plutocratic Democrats were driving Democratic Democrats to the support of Roosevelt, is also an advocate of the initiative and referendum.

The aggressive attitude which Governor Douglas has taken in advocacy of these fundamental Democratic principles is shown in his message of yesterday. So sure is he that the people of his State did not on November 8 indorse the "stand-pat" policy of the gentlemen on the other side of this House that he even proposes that a commission be appointed to investigate the operations of your sacred tariff system and recommends that the result be submitted to the people for their decision by a referendum vote as to what tariff changes they desire. It may easily be that the Republican delegation of that State will thus be instructed to vote with the men on this side of the House in favor of radical tariff changes and to place coal, hides, lumber, leather, etc., on the free list.

His recommendations are as follows:

[From the New York Times, Friday, January 6, 1905.]

DIRECT LEGISLATION URGED BY DOUGLAS—BAY STATE GOVERNOR WANTS POPULAR VOTE ON FRANCHISES—FOR MUNICIPAL OWNERSHIP.

BOSTON, *January 5.*

Direct legislation, muncipal ownership of public service utilities, popular vote on franchise grants, the abolition of indiscriminate imprisonment of offenders, and tariff revision were the principal recommendations made by Governor Douglas in his inaugural address.

Governor Douglas, who is the forty-first governor of the State, was sworn in shortly after noon to-day. He is the fourth Democratic governor in fifty years. All the other State officers are Republicans, and the legislature is heavily Republican.

Governor Douglas made a vigorous plea for tariff revision, attributing the increased cost of living to the present law. He asks authority of the legislature to appoint a commission which shall determine the nature and extent of the injury the State suffers by excessive tariff taxes, and suggest a remedy.

A referendum vote should be taken, he thinks, on the conclusions of this commission, the object being to obtain an expression from the people which shall serve as a guide to the Massachusetts delegation in Congress.

On direct legislation he says:

"It is difficult to see what objection there can be to such a grant of power to the people over their legislation. As members of the legislature are representaties of the people, they should not object if their constituents be given to reverse or approve their acts. If the objection be made that the people can not be trusted, such an objection is a denial of the success of popular government as shown by the history of town meetings for more than two centuries.

"Especially do I recommend the passage of a law giving broad powers to the people of our cities to secure the submission to them of acts of the city councils affecting the interests of the citizens."

Continuing, Governor Douglas advocates a direct vote on franchises. "When capital," he says, "has been invested in these franchises there arises at once, in the nature of things, a conflict between the public, which desires the cheapest and best service, and the franchise owners, whose purpose is to gain profit. It is futile to expect, if the legislature continues the sole distributor of these valuable franchises, that it will not be invaded by men who seek them, or that their possessors will not protect their privileges to the utmost.

"If the people are given the right by direct vote to determine whether such franchises shall be granted, and how, within legal limitations, they shall be exercised, the seekers and holders of such franchises will be compelled to meet the popular requirements."

Governor Douglas recommends wider powers of municipal ownership. "Whatever doubts," he says, "may exist as to the expediency of State or Federal ownership of public utilities, the operation of such undertakings by towns and cities has now passed the experimental stage. It has been demonstrated by the experience of towns and cities in this Commonwealth, both with regard to water supply and public lighting, that under favorable conditions and proper management the business of gas, electric lighting, and water supply can be conducted by municipal corporations with profit to the inhabitants, both in price and in service."

He, therefore, recommends that municipalities be granted the power to conduct their own public service utilities.

As further evidence of how rapidly this demand for municipal ownership is growing, and also how general is the demand for the initiative and referendum as to the means whereby the people can secure the same, I want to incorporate in my remarks a letter I have just received from the president of the Referendum League of Erie County, N. Y.—that is, of the city of Buffalo. You will note there is the same old story of inadequate accommodations provided, of excessive fares, of low wages and long hours for the company's employees, together with what amounts to a practical refusal to pay even the ridiculously small amount of taxation which the present law requires them to pay. This is accomplished by having these enormously valuable franchises assessed for taxation by the State board of tax commissioners, instead of, as they should be, by the local authorities, whom the voters could reach if they permitted these public service corporations to dodge their taxes, as they now do by being assessed at probably not more than 25 per cent of the rate at which the homes of the people of Buffalo are assessed. Thus these corporations first steal the property of the whole people of a city by bribing aldermen to give them these valuable privileges; then they refuse to pay taxes upon the people's property which they monopolize, thus forcing the mechanic and the merchant to pay a larger amount of taxation than they otherwise would be called upon to pay.

Mr. Stockton's letter is a strong presentation of the argument for both municipal ownership and the initiative and referendum, and is well worthy of perusal by every Member of this House. It is inserted in full:

[*Referendum League of Erie County.*—Lewis Stockton, president; Thomas M. Crowe, M. D., vice-president; W. H. Baker, treasurer, 215 Franklin street; James Malcolm, 313 Herkimer street. Council: The Rev. Israel Aaron, D. D., J. N. Adam, James Ash, Max Breuer, M. D., J. B. Coakley, M. D., Spencer Clinton, John Coleman, Charles F. Dunbar, A. J. Elias, Rev. O. P. Gifford, D. D., William Horace Hotchkiss, Neil McEachren, William E. Kreiner, John G. Milburn, Michael Nellany, George S. Potter, Rev. L. M. Powers, John J. Smith, Thomas Stoddart, Hon. Truman C. White. Proposed legislation: 1. Expressions of opinion by voters of Buffalo on questions of public policy at elections when 5 per cent petition therefor. 2. Votes at the polls on grants by the common council of franchises and other public property.]

BUFFALO, N. Y., *January 3, 1905.*

Hon. ROBERT BAKER, M. C.,
Washington, D. C.

DEAR SIR: The common council of this city realize the impossibility, under existing conditions, of obtaining from the New York State legislature any adequate remedy for certain conditions. The evils complained of and everywhere recognized result from the monopolies which spring from grants of franchises for public service utilities in cities to quasi public corporations for private gain. The Buffalo common council, under the "good government" or "general welfare" clause of the city charter, therefore enacted the following ordinance:

CHAPTER 45. Upon the filing with the city clerk of a written petition signed by 5 per cent of the registered voters of the city of Buffalo, as shown by the last registration list, or upon a resolution of the common council of said city, passed by a majority vote thereof, authorizing it, it shall be the duty of the proper election officials to submit any question or questions of public policy so petitioned for or authorized to the electors of said city at any general election in order to obtain the opinion of such electors thereon; provided that such petition is so filed or such resolution becomes of force not less than sixty days before the date of the election at which such question or questions are to be submitted. Not more than three questions proposed by petition shall be submitted at the same election, and such questions shall be submitted in the order of filing the petitions.

SEC. 2. The city clerk shall publish in the official paper and in three other daily papers of the city a notice that such question or questions are to be voted upon at the next election. The notice shall be published twice a week for three weeks prior to the election.

SEC. 3. Every question submitted to the electors shall be submitted in the manner and form in which constitutional amendments or other public measures are submitted to a vote of the electors.

Under the foregoing ordinance the following petition is being circulated:

THIS IS THE PETITION. SIGN IT.

Sign it at once if you believe that the people should have a voice in city government. Get as many signatures as you can to this petition, and when filled in send to the Referendum League, 97 Erie County Savings Bank Building. (Telephone, Seneca 3673-Y.) If more blank petitions are needed they can be obtained at above address.

Explanation of questions.

Question 1. Referendum bill provides for votes at the polls, on grants of large franchises and other public property. Privileges and permits are to be granted under general rules, which rules are to be approved

by popular votes. No interest is affected adversely. Act prevents "hold ups" and stops franchise grabbing. Grants may be submitted at general elections, but a special election may be held and would-be grantee may be required to pay expenses of such special election if he is in a hurry.

Question 2. Oregon law gives equal opportunity under law as to nomination. All city candidates would be nominated directly by voters. Political parties governed by affiliated party voters. Candidates may on their petition pledge how they will or will not vote on questions. Two per cent petition places name on party ballot. Nominee receiving highest vote is party's candidate. Regular parties must use this law. Australian ballot used at primaries, and same election officers and safeguards as at general elections.

Ends factional fights for control of party machinery, and places governing power more directly in hands of the people.

Question 3. City's right to use power poles and conduits expires December, 1905. Niagara Falls power obtainable at $20 per horsepower per year. Cheap power would bring small manufacturers, and also benefit merchants, householders, and city by giving cheaper lights for stores, homes, and city streets.

BUFFALO, N. Y.

Petition for a city referendum on franchise grants, direct nominations, and a municipal lighting and power plant.

To the city clerk of Buffalo, N. Y., and the commissioner of elections in Erie County, N. Y.:

We, the undersigned registered voters of Buffalo, respectfully petition that the following questions of public policy be submitted to the electors of the city of Buffalo at the general election to be held on Tuesday, the 7th day of November, 1905, in order to obtain the opinion of such electors thereon:

(1) *Grants of franchises or public property.*—Shall legislation be enacted amending the charter of the city of Buffalo by requiring that all acts granting property or franchises to persons or corporations in said city shall be submitted to the people of Buffalo at elections before taking effect?

(2) *Direct primary nominations.*—Shall legislation be enacted providing for a direct primary nominating elections law for Buffalo in substance similar to the law enacted by the people of the State of Oregon on June 6, 1904?

(3) *Municipal electric lighting and power plant.*—Shall the city of Buffalo own and operate an electric lighting and power plant for the benefit of itself and its inhabitants?

	Name.		Address.
Circulator's name. Address.		PETITION.	

The reason for submitting the first question to the voters of Buffalo at the polls next November is that franchises are public property, and the people should have a voice in their disposition. The private ownership of franchises being a menace to popular government, the only remedy is found in the accurate expression of public opinion at the polls as a check and wise safeguard in grants of popular rights and property, so that the people may know the terms, conditions, and considerations for such grants. One franchise for a street railroad in Buffalo granted by the State legislature runs for a term of nine hundred and ninety-nine years. The corporation counsel estimates the value of this franchise, exclusive of tangible property, at $20,000,000, but the State board of tax commissioners appraises the value at less than $5,000,000, upon which sum the tax is levied. The street cars are crowded, lowering the standard of manners, morals, and health of of the community, and no remedy is forthcoming from the legislature.

The Buffalo Gas Company is overcapitalized. As a consequence the city and consumers are overcharged. There is no publicity of accounts. There is no record of any compensation to the people for the grant of a distributing franchise, and no remedy is forthcoming from the legislature.

Experts assure us that we can, by a municipally owned and operated plant, get arc electric lights for $37.50 per year, as against $75 now paid; that for $12 we could have incandescent electric lights of twice the illuminating power of the gas-burners now used (for which we pay $14.04 per year), and we could supply electric light and power to private consumers at an immense reduction over present prices as well as pay for the whole plant in twenty years. But the Buffalo General Electric Company has a monopoly of distribution and there is no chance of a remedy from the State legislature.

The reason for submitting the second question is that under the present system of nominations by delegates party bosses have more power than the people themselves, and yet these political leaders are unchecked by anything but public opinion; and the only accurate way to ascertain what public opinion is is by means of popular votes.

No one but the people can be trusted to choose the people's servants.

Direct nominations will prevent factional fights, but not destroy political parties. They will save convention expenses and convention log rolling, but will not endanger political parties.

If Tweed was rightly quoted in saying "Let me select the candidates and you can elect whichever you please," he stated what all intelligent citizens recognize to be truth. We can never have a fair trial of popular government unless we give a fair chance to the people to govern themselves or to choose their governors.

The reason for submitting the third question is that the mayor and common council have advised the city, over eighteen months ago, to adopt the plan of municipal ownership and operation of an electric lighting plant. Yet nothing is done by the city government toward carrying the recommendation into effect. The organized, insistent, and able representatives of the Buffalo General Electric Company seem able to postpone action which the city government has advised to be for the best interests of the city, its citizens, and taxpayers.

Under these circumstances the people should themselves vote on this question, thus intervening in their own behalf.

In general it may be urged that only by such participation in city government, by exercising the function of determining public policy can popular institutions be safeguarded and preserved in cities.

Five per cent of the registered voters of Buffalo number 3,800. We need the active interest of all to obtain signatures and thus educate the voters intelligently on the question at the election to be held November 7, 1905.

I am, sir, yours, respectfully,

LEWIS STOCKTON,
President of the Referendum League of Erie County, N. Y.

Mr. LIVINGSTON. Mr. Chairman, as there is no other application for time on this side of the House, I will yield the remainder of my time to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Chairman, after listening to the remarks of the gentleman from New York [Mr. BAKER] in favor of universal peace on earth, I propose to call the attention of the House to a question that was submitted to our consideration by the President in his annual message, which it is hoped will lead to domestic peace as between individuals who have entered into the holy state of matrimony. I quote from the President's message on page 13, in which he says:

> There are certain offenders, whose criminality takes the shape of brutality and cruelty towards the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment; for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

Mr. Chairman, in pursuance of that suggestion by the President I have introduced a bill into this House which, as it is short, I will read for your information. It is as follows:

H. R. 17115.

Be it enacted, etc., That whenever hereafter any male person in the District of Columbia shall beat, bruise, or mutilate his wife, the court before whom such offender shall be tried and convicted shall direct the infliction of corporal punishment upon such offender, to be laid upon his bare back to the number of lashes not exceeding thirty, by means of a whip or lash of suitable proportions and strength for the purpose of this act.

SEC. 2. That the punishment provided in the first section of this act shall be inflicted by the marshal of the District of Columbia, or by one of his deputies, within the prison inclosure, and in the presence of a duly licensed physician or surgeon and of the keeper of the said prison or one of his deputies, but in the presence of no other person.

Mr. Chairman, twenty-two years ago, when I had the honor to sit in the senate of Pennsylvania, representing one of the districts of Philadelphia, a constituent put in my charge a similar bill to repress this crime and inflict a proper punishment. I thought so little of it that I declined all personal responsibility for it, and introduced it "by request." Strange to say, the committee, instead of allowing it to die in the pigeonhole of the committee room, reported it adversely to the senate chamber, an unusual proceeding. Being rather nettled, I addressed the senate on the subject and to my surprise and to the surprise of everybody the bill was placed on the calendar by the necessary two-thirds vote in spite of the adverse report of the committee to the contrary. [Applause.]

Almost the entire press of Pennsylvania took up the subject in its advocacy and support. I began to look into this subject seriously, and I assure you from that day to this I have been thoroughly impressed with the advisability of such legislation to put down this brutality. More than that, I have gone into the economical side of the question, and if the House will bear with me I will show that it is in the interest of the taxpayers to enact this legislation.

Many historians have agreed that the treatment of women as a nation is one of the best tests of its progress in civilization. A short review will testify to the soundness of this conclusion. In savage life, in which prowess alone commands distinction, the comparative feebleness of woman deprives her of recognition, and she is the mere slave of man for labor and drudgery. This is equally true of the barbarians of the past, or the savage of Brazil and North America of the present. The first idea of a wife seems to have arisen from the power to obtain and retain possession of a woman. We read in the Bible of the capture of wives from the daughters of the Shiloh for the children of Benjamin. The early history of the Greeks, Romans, and Hebrews is filled with expeditions made for no ostensible reason save that of procuring wives. Walter Scott says that the MacGregors captured a wife in 1750 for Robin Oig; a date so recent that the deed might be set down to fiction did we not know that it was necessary to pass a law in England in the third year of

Henry VII's reign making it a capital offense to carry away a woman without her consent. The next step in the matrimonial relation was the sale of daughters among the semicivilized tribes. This had the improvement of giving fathers and brothers some say in the disposition of the woman, and of at least rejecting brutal alliances. The Egyptians stand out in bold relief in respect to their treatment of women during the reign of the Pharaohs, but as their advanced state of civilization at that time is well known, it but adds a proof to the validity of the test before named.

The legal status of woman was changed early in the Greek law, and from that of a chattel to be sold, the father paid a sum of money to the bridegroom, which was the beginning of the custom of "dowry." This was secured to her, in case of separation, as well as an allowance from her husband, if he were the guilty cause of a divorce. Thus, a fixed legal status with personal rights was first given by Greek law. This raised her position in the marital state, and she became the companion instead of the plaything of the husband. The "Patria Potestas" of early Rome gave absolute authority to the father over the family. He could sell his daughter to one of his own selection, and his authority was transferred to the husband as to the fortune and even the life of his wife. More mature Rome jurisprudence improved the status of the female to the extent of inheritance of property and its retention independenly of her husband. The fall of Rome and the institution of feudalism had a disastrous effect on the social and legal position of women. Marital service was the indispensable qualification of the right to hold property. Deprived of this, her personal rights were soon abridged. During the whole Anglo-Saxon period the law gave the power to the husband to exercise restraint by correcting her if necessary. Civil law allowed the husband for some misdemeanors "flagellis et festibus acriter verberare uxorum," and for others only "modicum castigationen adhibere." Authorities do not agree as to what constituted a moderate castigation, or the instrument wherewith it was to be inflicted. Welsh law fixes as a proper allowance "three blows with a broom stick on any part of the body except the head." A second law limits the size of the stick at the "length of the husband's arm and the thickness of his middle finger." Another rule was that "a man may lawfully correct his wife with a stick no bigger than his thumb." No wonder, then, when Justice Brooke (12 Henry VIII, fol. 4) affirms "that if a man beat an outlaw, a traitor, a pagan, his villein, or his wife it is dispunishable, because by the law common these persons can have no action." He says "God send gentle woman better sport or better compane." But said Blackstone, in his Commentaries, "with us in the politer reign of Charles II this power of correction begins to be doubted, and a wife may now have security of the peace against her husband. Yet the lower rank of people, who were always fond of the old common law, still claim and exact their ancient privilege." It was not until 1829 that the act of Charles II, which embodied the old common law and allowed a man to "chastise his wife with any reasonable instrument," was repealed.

The legal position of women in this, our century, is fully established, so far as her rights to property are concerned, and she is amply protected against her husband squandering her wealth, be it real or personal. Her person itself occupies a less secure position, and even the remedy offered by law is not available to her, owing to the attending consequences, and this in spite of the constitution of the country guaranteeing the right of enjoying and defending life and liberty. The usual proceeding "in civiliter" of suit against her husband for damages resulting from assault and battery is denied her, owing to her marital state, while the criminal prosecution, with the penalty of imprisonment, deprives her and her children of needed support, which anticipated result is frequently a bar to her even seeking protection. The binding of her husband to keep the peace, or the order of maintenance by the magistrate, has been found to be futile, especially among the class to which most wife beaters belong, namely, drunkards, who are the only class allowed to take the law in their own hands and inflict corporal punishment on their wives for alleged faults existing only too often in their intoxicated brain, while fines and costs simply deprive the injured mother and innocent children of the necessities to sustain life. Referring to the prevalence of the inhuman crime of wife beating, Darwin says, "with the exception of the seal, man is the only animal in creation which maltreats its mate, or any female of its own kind."

Judicial statistics leave no question as to the extent of the crime. In England and Wales, issue of 1877, we find that of aggravated assaults on women and children brought under summary jurisdiction there were reported in 1876, 2,737; in 1875, 3,106; in 1874, 2,481, and of these it is estimated that four-fifths were assaults made by husbands on their wives. It is in centers of dense mercantile manufacturing and mining populations that this crime was most prevalent. In London the largest returns for one year (Parliamentary reports of brutal assaults) of brutal assaults on women were 351; in Lancashire, 194; in Stafford, 113; West Riding, 15, and in Durham, no fewer than 267, with a population of only 508,666. In America it has been impossible to secure any published statistics, but to supply the place of such records the following interrogatories were sent to every district attorney in the State of Pennsylvania, and their replies have been tabulated to show the results:

I. During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?

II. How many true bills were found?

III. How many convictions were obtained, and what was the average term of sentence?

IV. The nationality of the condemned?

V. In your opinion is the crime on the increase?

VI. Do you know if the families of the condemned, or what proportion of them, became a charge upon the county for want of support?

VII. Were the condemned under the influence of liquor at the time of committing the crime?

Please return, etc.

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Adams	3	2	2, costs and fines	American	No	None	Yes.
Allegheny			50, 5 days to 1 year				
Armstrong							
Beaver	2	1	1, 2 years	Irish	No		
Bedford	None.	None.			No		
Berks	10	8	5, fines and costs	4 German, 3 Irish, 1 English	Yes	2	Mostly.
Blair	4	1	1, 6 months	American	No	1	Yes.
Bradford	2	2	6, 2 days to 3 months	All	Yes	1	Yes.
Bucks	15	None.				1 or 2	Three-fourths were.
Butler							
Cambria	None.				No		
Cameron	1	1	1, 6 months	German	No		Yes.
Carbon	8	6	6, 30 days to 3 months	German, Irish	Yes	2	1 case.
Center							
Chester		4	4, fines and costs		Yes	No	Yes.
Clarion	3	2	6, years	German, Irish	No	No	No.
Clearfield	5	3	3, fines and costs	American, Irish, German	No	Not any	Yes.
Clinton	2	2	Costs and fines	German, American	No	None	No.
Columbia	None.	None.	None		No	No	
Crawford	2	2	2		No	No	Yes.
Cumberland							
Dauphin	2	2	1, 2 months	Colored	No	No	Yes.
Delaware							

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Elk							
Erie	1	1	1, 1 year	German	No	1	Yes.
Fayette	a 3			American		1	1.
Forest	None.	None.	None		No		
Franklin	2	2	1, 6 months	German	Yes	None	No.
Fulton	1	None.		American	No		Yes.
Greene	3	2	1, 30 days	do	Yes	None	No.
Huntingdon	4	None.		do	No	No	No.
Indiana	None.						
Jefferson	2	1	1, 30 days	American	No	No	Yes.
Juniata	1	1	1, 6 months	German			Yes.
Lackawanna	6	6	1, 30 days	Hungarian	No	None	Yes.
Lancaster	7	None.	2		No	No	No.
Lawrence	None.				No		
Lebanon	12	8	8, 60 days	German, Irish	No	Not any	Yes.
Lehigh	4	None.	None	Irish and German	No	None	No.
Luzerne							
Lycoming	10	6	4, 15 days	American, Irish	No	No	Yes.
McKean	5	5	None	Irish and American	No	None	Yes.
Mercer	2	None.	None		No		Yes.
Mifflin							
Monroe	None.				No		
Montgomery	9	9	4, 3 months	Irish, English, American	Yes	None	5 yes, 4 no.
Montour	None.				No		
Northampton	10	8	6, 30 days, 6 months	Irish, American	Yes	No	Yes.
Northumberland							
Perry	None.						
Philadelphia	308	182	80, 5 months	No record	Yes	Not many	Almost always.
Pike	None.				No		
Potter							
Schuylkill	16	16	15, 20 days		No		Yes.
Snyder							
Somerset	1	1	1, 2 years 6 months	Italian	No	No	Yes.
Sullivan	2	None.	None	American	No	No	Yes.
Susquehanna	None.				No		
Tioga							
Union	None.				No		
Venango	1	1	1, 1 year	American	No	Yes	Yes.
Warren	None.						
Washington	4	None.	None	2 Welsh, Scotch-Irish	Yes	None	3 yes, 1 no.
Wayne	2	1	None	Irish		None	1 no, 1 yes.
Westmoreland	6	3	None	American	Yes	None	4 yes, 2 no.
Wyoming	2	None.	None	American, Hungarian	No	None	
York	None.				No		
	527	287	211, 3 months	Mostly foreigners	Yes 11, No 36.		Yes 30, no 7.
Camden	125	30	½, 15 to 60 days	Irish, German, American	Yes	A few	Mostly.

a Wife desertion.

Five hundred and twenty-five brutal complaints by wives against their husbands for brutal beatings in one year is a terrible showing for a State so long settled and so far advanced in civilization in other respects as is Pennsylvania. Three hundred and thirty-seven of the complaints were pronounced well founded by the grand jury, and 211 husbands were convicted for terms averaging three months each, thus depriving their families of necessary support. Would that we could flatter ourselves that these returns showed the full extent of this crime in that Commonwealth, but it is probably ten times as great as is directly apparent. It will be noticed that there is no return from the coal regions of Luzerne County. Attention is also called to the prevalence of wife beating in Camden, N. J., which, except for geographical lines, is part of Philadelphia. The tabulated reports represent only the aggravated assaults, in which the wife, driven to desperation by repeated assaults, seeks to have her husband imprisoned.

Hundreds of minor cases appear before the justices of the peace or are settled before trial. This fact is established by the voluntary remarks of the several district attorneys. He of Lycoming County says: "The statement does not by any means represent the extent of the crime. Many prosecutions are settled before the justices that we never hear of. Many more wives are abused who will not make a complaint." The prosecutor of Northampton County says: "There probably have been many more such cases returned for trial during the year, but settled by parties before bill is found. Many more have been settled by the justices of the peace and no returns made to court." Blair County: "I have had a great many cases of wife beating, but only some three or four have come to trial; all generally settled, and frequently before preliminary hearing." Montgomery County: "Desertion cases, which are disposed of on hearing without jury trial, develop a large amount of wife beating. These are not included in the queries. During the past year wife beating was developed in ten desertion cases." The district attorney of Erie County says: "I find that a certain class of Englishmen beat their wives from habit." Dauphin County: "Only two specific charges of assault and battery on wives, but in many desertion or maintenance cases the testimony showed personal violence by husbands."

Clearfield County reports: "Forty complaints have been made before magistrates in addition to complaints appearing in court." In the thickly settled mining regions of Schuylkill County the preserver of the peace writes: "Thirty-six cases were returned by justices of the peace and were bound over by the judges for good behavior. Then we had about forty cases in which there was no trial from the fact that the wives asked the court to withdraw the prosecution of the defendant, as his imprisonment would leave the families in want." It is needless, in order to establish the prevalence of this crime, to quote from others who write in a similar strain.

Further, it will be noticed that wife beating exists to a greater extent, though not exclusively, among the foreign population, and it is certainly desirable that the baneful influence of the practice should be promptly checked before contaminating our native-born people.

To the question, "Were the condemned under the influence of liquor at the time of committing the crime?" the answer is almost invariably in the affirmative. Here is a thought for those interested in the temperance cause. What effect would the whipping post have on these drunken brutes? From eleven counties and from Camden comes the disheartening statement that in the opinion of the men best able to judge the crime is on the increase.

Surely, with its prevalence in many counties and its increase in others, the present law is proved to be inadequate, and legislation is necessary on the subject.

The knowledge of the frequency of wife beating will be startling to the community and the inadequacy of the present punishment evident. Infliction of punishment should always have a twofold end—the reform of the criminal and the prevention of the committing of the crime by others. Hobbes says: "In revenges or punishments man ought not to look at the greatness of the evil past, but the greatness of the good to follow, whereby we are forbidden to inflict punishment with any other design than for the conviction of the offender and the admonition of others." The latter has the greatest interest for the public for its own safety and that of its property.

The ordinary procedure, when complaint is made, is before justices of the peace, to whom the wife applies to have her husband bound over to keep the peace or to provide maintenance. These cases are usually settled, the wife preferring to risk a second beating rather than deprive herself and offspring of food and shelter. The risk of such deprivation likewise deters the magistrate. The district attorney of Cameron County writes: "The greatest difficulty in enforcing the law properly and punishing wife beaters arises from the fact that the wives themselves in every instance come into court and beg their husbands' release. This has been my experience and my predecessor says his was the same. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent the constant occurrence of this crime."

The district attorney of Schuylkill County says: "There were about forty cases in which there was no trial, from the fact that the wives asked the court to withdraw the prosecution. To imprison the defendant would only leave their families in want."

The district attorney of Lycoming County testifies: "Except in aggravated cases settlement is encouraged because the parties are all poor and have no money for the costs and fines, and their families suffer while they are in prison."

The district attorney of Pittsburg writes: "In most cases the wives come into court and beg for the release of their husbands."

The district attorney of Philadelphia says: "I have no doubt the imprisonment of the wife beater in a large majority of cases causes very great suffering to the innocent families. More, indeed, than his incarceration inflicts on him."

In the more formal and protracted procedure of complaint and indictment by the grand jury, followed by trial in court, the objections noted rise to even a greater degree of force, and Judge Mitchell, of Philadelphia, informs me that in cases in which conviction has been had he has invariably been appealed to by the wife to impose only a short sentence, as long imprisonment meant starvation to the family of the convicted.

Confinement in the county jail, where not even hard labor is imposed, has no terror for a brute so demoralized that he will strike a woman—his physical inferior—and by nature he is incapable of feeling for those suffering at home.

It has been urged that wives would not inform on their husbands and expose them to the disgrace of being whipped. But at least they would have a chance, and it will be seen from the testimony given that the law, as at present existent, does not even give them any option, for with the want of food staring them in the face they dare not complain. The punishment of the lash is not open to the objection that want will follow to the complainants, and if they have a remedy and prefer to suffer, it is for them to decide. Wife beating is not done openly where the law can see and take cognizance of the breach of the peace, and that the law may be put in motion it is essential that the wife should be placed in an untrammeled position, free to protect herself by making complaint.

There is an economic side to the whole matter which affects the community far more than the mere horror of the brutality of the offense. Society is an organization to protect itself. The combining of the weaker against the strong and the employment of the machinery of the law offer comparative safety to the individual. To sustain the system society is willing to be taxed; to have prisons built; judges and prosecuting attorneys paid; police hired; convicts immured and supported, and for every murderer hung or incarcerated the sense of increased security for his person is a return to the individual for the tax paid, and the conviction of each thief is a consideration received on account of the premium paid for the security of property.

What relation does the crime of wife beating bear to the taxpayer beyond the shock to his feelings of humanity? It affects the citizen in no degree if the brute plies his vocation every day of the year. The person of the taxpayer, if anything, is less secure, for the brute from force of habit in inflicting pain might assault others who were his physical inferiors, while the property of the taxpayer, if the brute is convicted and sentenced, is taxed to support him in jail. The evil does not end here, for the chances are largely in favor of the wife and children of the criminal being left a charge on the county as inmates of almshouses during his imprisonment. The number of persons who thus become a charge upon the county it is next to impossible to estimate. In reply to the inquiry on this subject the several district attorneys were unable to give information save in a few cases, and as commitments only read, "assault and battery," no information can be gleaned from the prison registers.

The men convicted of this crime are married, and with the average family the number of persons deprived of support can not be small. The incomplete returns give 211 convictions with an average sentence of three months each, which, at 25 cents per diem, makes a charge upon the taxpayer of over $5,000 annually for supporting these brutes in idleness. Not a pleasant thought, certainly. Of course the subject might be pursued further in this direction, and we might discuss as a matter of loss to the State the pay of jurors, witness fees, also the time wasted by courts and attorneys in trials of wife beaters while important civil cases awaited adjudication. An additional loss is the money spent in the purchase of the alcoholic stimulant with which these brave men fortify themselves for the heroic deed of attacking their wives—their physical inferiors, to say nothing of the further loss due to the habit of idleness acquired during their imprisonment without labor. But enough has been adduced to support, from an economic view, the passage of a law to suppress this crime.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I do.

Mr. GAINES of Tennessee. What States or Territories have such a law as this now?

Mr. ADAMS of Pennsylvania. The State of Maryland passed this law, and after one conviction and punishment wife beating almost disappeared from that good State. The State of Delaware already has a whipping post, and I regret to say this crime is not included. I wish it distinctly understood in advocating this bill that I am not an advocate of the whipping post as it exists to-day in the State of Delaware. Certain crimes should be punished in another way, in my judgment.

Mr. GAINES of Tennessee. Well, why does not the gentleman so amend his bill as that it shall provide that a man shall be whipped for striking any woman, whether she is his wife or not? Any man who would strike a woman ought to be whipped, and I would like to do the whipping myself, if necessary. [Applause and laughter.]

Mr. ADAMS of Pennsylvania. I quite agree with that. That, however, is already provided for by law under the crime of assault and battery, and the people have their remedy as the statute now exists.

Mr. BEDE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I do.

Mr. BEDE. Mr. Chairman, I would like to ask if the gentleman reports this bill because, as a bachelor, he is immune to the provisions of the bill? [Applause and laughter.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, the only class of people who can be got to introduce this legislation are single men, because they are not in the married men's trust. [Applause and laughter.]

Mr. GAINES of Tennessee. I would like to suggest that it is not the fault of the gentleman from Pennsylvania [Mr. ADAMS] that he is a bachelor.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in a recent debate in the senate of Pennsylvania objection was raised by a senator, not trained in the law, that the proposed punishment was in violation of the constitutions of the United States and of that Commonwealth. The amendment to the Constitution of the United States forbids "cruel and unusual punishment." This is a restriction of the Federal Government, and not upon the States. It is inapplicable to offenses against the State. This is well recognized, and has been adjudicated in the case of Barker *v.* The People. (3 Cow (N. Y.), 686.) The law as it existed in the slave States formerly, and as it exists in Delaware and Maryland to-day, is a sufficient answer to the objection.

It will be noticed that the constitution of Pennsylvania does not retain the wording of the bill of rights (1 William and Mary), as does the Constitution of the United States, but omits the word "unusual." That this omission was designed by the framers there can be no question, as the original phrasing was

of too ancient a date and too familiar to be mistaken, and formed one of the most pronounced declarations of that statute which established security of personal liberty. In interpreting the portion of the bill of rights cited, James Fitzjames Stephens says, "No doubt the flogging of Oats and others who were sentenced were the cruel punishments which Parliament referred to." Macauley, in describing the infliction of the sentence, says that Oats was expected to die. He was whipped twice at an interval of two days. "The hangman laid on the lash with such unusual severity as showed that he had received special instructions. The blood ran in rivulets." On the second whipping he received 1,700 lashes. It was the prevention of such cruel and unusual punishment as this that the provision of the bill of rights was directed, and not against whipping itself. This is substantiated by the fact that "whipping has never been formally abolished for common-law misdemeanors" (Stephens), but, on the contrary, has been named as punishment to be inflicted in the acts 26 and 27 Victoria, C. 44, where the number of whippings, and the instrument to be used, and the number of strokes to be inflicted, are set forth. In 1863 this statute, the garroters act, was passed by Parliament, discretionary power being given to the judge to inflict the additional punishment of flogging, and this most atrocious crime of strangling, which had held London in terror for several years, disappeared after one or two convictions.

These statutes plainly show that in England the section of the bill of rights against cruel and unusual punishments is held not to refer to whipping properly administered as a punishment.

In Pennsylvania, up to the time of the adoption of the constitution of 1790, in which was first inserted the restriction against cruel punishment, the provisions of 1 William and Mary were in force, and to show that the interpretation in that State was the same as that in England I cite the act of March 10, 1780 (1 Smith's Laws, 501), in which punishment for horse stealing is prescribed. "Every such person or persons so offending, for the first offense, the offender shall stand in the pillory for one hour and shall be publicly whipped on his or on their bare back with thirty-nine lashes well laid on." And the act of March 16, 1785, prescribes that for counterfeiting the offender "shall be sentenced to the pillory, to have both his or her ears cut off and nailed to the pillory." These were not considered cruel and unusual punishments under the bill of rights, nor can they be held to be in violation of the clause of the constitution of 1790, for they remained statutes after its adoption for nearly fifty years, and were only repealed by the act of April 3, 1829, although it may be a question as to what was the effect on this subject of the acts of April 5, 1790, and April 22, 1794. The present constitution of Pennsylvania retains the clause of the former constitution verbatim in regard to cruel punishment, and as the case is in no wise changed, I hold that there is no constitutional prohibition preventing the passage of the law inflicting whipping as a punishment.

Mr. SHACKELFORD. Mr. Chairman, I would like to ask the gentleman if this provides for duckings also for female offenders.

Mr. ADAMS of Pennsylvania. I do not see the relevancy of that question. If I did, I would answer it with pleasure.

Mr. SHACKLEFORD. Well, the gentleman can answer it yes or no, whether it does or not.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I do not see the relevancy of that question. The question of flagellation as a punishment has received much more attention than perhaps the Members of this House are aware and from very serious sources. It has long been debated whether flagellation as a punishment or flagellation as a penance was the more ancient of the two kinds of whippings; but the Rev. William M. Cooper, in his History of the Rod, decides that corporal punishment is as old as sin, and that voluntary flagellation was in imitation of punishment inflicted on themselves by those feeling guilty of such sins as they had committed. That whipping is one, if not the oldest, mode of punishment history offers ample proof. In Exodus we read that Pharaoh flagellated the Israelites. In the laws of Moses flagellation was imposed for certain offenses, the number of lashes being limited to forty. Jesus Christ was scourged before crucifixion. The Romans carried the practice of flagellation further, perhaps, than any other nation. Horace tells of the nicety to which it was administered in his accounts of the "Ferula, the Scutica, and the terrible Flagellum."

The celebrated cases of Henry II, in England, and Miss Cadiere, in France, suffice as examples of the Middle Ages, while Austria, Russia, China, Turkey, and Siam at the present day apply the rod in various forms as a means of punishment. But it is far from my object to advocate whipping as a punishment in general or to approve the law as it exists in the State of Delaware to-day. The object is only to urge whipping as a remedy for the crime of wife beating, and in so urging I am in consonance with the doctrine laid down by James Fitzjames Stephens, the ablest judge that ever sat in an English criminal court, and one of the most learned writers on criminal law. In his history he says: "The view which I take of the subject would involve the increased use of physical pain, by flogging or otherwise, by way of secondary punishment. It should, I think, be capable of being employed at the discretion of the judge in all cases in which the offense involves cruelty in the way of inflicting pain or in which the offender's motive is lust. In each of these cases the infliction of pain is what Bentham calls a 'characteristic punishment.' The man who cruelly inflicts pain on another is made to feel what it is like. The man who gratifies his own passions at the expense of cruel and humiliating insult inflicted on another is most fearfully and shamefully humiliated." In 1874 the home office of England issued a circular requesting opinions whether flogging should be authorized in cases of assault, especially on women and children. There was a great unanimity of opinion that the law as it stood was insufficient, and that the penalty of flogging should be added to the list of sanctions. Lord Chief Justice Cockburn, Justices Blackburn, Meller, Lush, Quain, Archibald, Brett, Grove, Lord Chief Baron Kelly, and Barons Bramwell, Piggott, Pollock, Cleasby, and Amphlet were all of this opinion. Lord Coleridge and Mr. Justice Denman were hesitating, and Mr. Justice Keating, of all who sat upon the bench, was the only opponent of flogging.

The chairman and magistrates in sessions were, in sixty-four cases out of sixty-eight, in favor of whipping. The recorders of forty-one towns were likewise in favor of it, only three entering their protest against it. When, at the session of the legislature, a bill to establish the whipping post for wife beaters was introduced in the senate by the speaker he was flooded with letters from within and without the State in support of the bill, and copies thereof asked for even from Canada. The proposed act received the almost unanimous support of the public press. In the interrogatories sent to the several district attorneys the direct question of their opinion as to the establishment of the whipping post as a punishment was not asked for two reasons: First, in the agricultural counties the crime exists to a slight extent only, and the attorneys, probably in ignorance of its prevalence elsewhere, would naturally see no necessity for it; in the second place, the reasons for imposing whipping as a punishment solely for the crime of wife beating have but recently been given to the public. The following voluntary remarks, therefore, have double force as spontaneous opinions of the public prosecutors. The district attorney of Schuylkill County says: "There is a growing sentiment in this county in favor of your bill. Our judge has spoken favorably of it, and reminded a defendant, as he was about to sentence him, that he hoped that the day was not distant when wife beaters would be punished as directed in your bill." The district attorney of Westmoreland County adds: "As a rule, the same parties, in a year or so, turn up in court again for the same offense. The whipping post is the only adequate punishment for the offense." The district attorney for Cameron County testifies: "The law in its present condition is utterly powerless to prevent this crime. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent its reoccurrence." The district attorney of Adams County puts a P. S.: "Your proposed correction of this evil, when the case is clearly established, meets with my hearty approval." Forest County: "A law to flog wife beaters would be good." The judgment of the district attorney of Bradford is: "We ought to have the old whipping post in Pennsylvania, and nothing else will so effectually check this most dastardly crime."

The district attorney of Franklin writes: "I heartily favor the whipping post." Clearfield County, represented by district attorney, says: "In the writer's opinion, the Delaware whipping post would be a salutary preventive for this crime." The opinion of the experienced district attorney of Philadelphia, who presented 308 bills to the grand jury and convicted 80 brutes of this cowardly crime, is: "In my judgment, the reestablishment of the whipping post or some mode of corporal punishment, inflicted privately, would be more effective to reduce the number of wife beaters than the punishment of incarceration." Three grand juries of Philadelphia County recommended the passage of this bill to the legislature, and four called the attention of the public to the prevalence of the crime. The opinions of the judges of the court of common pleas of the State, on the advisability of whipping as a remedy for wife beating, are generally unknown to the speaker, but the mature judgment of the two judges longest in service on the Philadel-

phia bench—Judge Allison and Judge Ludlow (his junior but a few years)—both favored the proposed punishment.

It is a curious fact that the code of Delaware, which inflicts whipping for so many crimes, does not impose it for the offense of wife beating. We can therefore get no information from Delaware as to the efficacy of whipping in suppressing and preventing this particular crime, however potent it may be against others in that State.

Mr. BAKER. Mr. Chairman, I would like to ask a question of the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. Yes.

Mr. BAKER. Mr. Chairman, there was so much noise that I did not hear the names of those English judges, and I would like to know whether Mr. Justice Hawkes is included among them, because he has the reputation of being the most severe, the most vicious, and the most cruel judge, and I think he ought to be in that list.

Mr. ADAMS of Pennsylvania. I dare say that if he is constituted that way his horror of wife beating would be such that the gentleman will find him in the list.

Mr. BAKER. I should imagine that his desire to perpetuate force and to appeal to the desire for strength, for the worship of war, the worship of everything that is cruel, would make this law appeal to him. That is his reputation.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yielded to the gentleman for a question. I will ask him one. Do you favor wife beating?

Mr. BAKER. No, sir.

Mr. ADAMS of Pennsylvania. Thank you.

Mr. GAINES of Tennessee. What would you do with a man who hit a woman?

Mr. BAKER. But I do not favor your law or your proposed bill.

Mr. ADAMS of Pennsylvania. I am sorry to hear it. Probably after the gentleman has heard the balance of my argument and the remarks I hope to be allowed to extend, and he will read them, he may get some information, because I know he is fair; but, as I stated in reply to the gentleman, this is to tend toward domestic peace, and having just expressed his great interest in national peace, I am sure he will be in harmony with the measure.

Mr. BAKER. It is because I am very sure it will promote domestic war instead of peace that I am opposed to it.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I have endeavored to gather together some statistics of the District of Columbia, and I applied to the marshal's office, but unfortunately, owing to the shortness of time and as they have kept no records and most of these cases have been tried under the charge of simple assault, they could not furnish me with any accurate information, but the chief of police said hereafter he would keep an inventory of these particular crimes, because the department is thoroughly in favor of the measure, and he said that in his best judgment there are four or five cases a month of wife beating tried in the lower police courts here in this city.

In 1883 the legislature of Maryland passed a bill to punish wife beaters by whipping them, and the district attorney of Baltimore informed the speaker that after the first conviction the crime ceased as if by magic in that State. With this last unanswerable testimony I closed my argument in favor of the establishment of the whipping post for the offense of wife beating, feeling fully persuaded that the sentiment which undoubtedly exists to a certain extent against whipping as a punishment will, as did my own individual feeling, change when the facts are known, and when it is well understood that corporal punishment is to be inflicted solely in cases of wife beating.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LITTAUER. Mr. Chairman, I would ask that the Clerk now read the bill.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, $348,000.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question. I notice that this first paragraph on page 5 appropriates the apparently large sum of $348,000 for the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for seacoast artillery practice, and that in the very next paragraph there is $77,000 appropriated for the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for mountain, field, and siege artillery practice. I wish to ask him whether there is any difference in the ammunition used for these two different kinds of practice or in the subcaliber tubes, or whether they could not well be tested at one time and possibly save a duplication of expense?

Mr. LITTAUER. Of course, the item of test is a small one. The main item of $348,000 is for practice with the great seacoast guns, what we call the large guns of 8, 10, and 12 inch caliber, together with the rapid-fire guns composing the seacoast batteries. The second item is an appropriation for ammunition for guns used by the Army in the field. It has nothing to do with coast fortification, and you will notice it reads for "mountain, field, and siege artillery." Now, in fact, we have but few mountain guns. We are just now beginning to manufacture a new type of field gun which is supposed to be the best in the world, but we have not yet any modern siege artillery. This sum came to us in one lump sum and we sought to divide that portion which applies to coast fortifications from that which properly applies to army field guns.

Mr. OLMSTED. I think probably the gentleman has satisfied my inquiry which was simply whether there was a duplication here which would result in an increased expense.

Mr. LITTAUER. They are of entirely different caliber.

Mr. OLMSTED. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper station, at the rate of $2.50 per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, $18,700.

Mr. OLMSTED. Making a proforma amendment for the purpose of asking the gentleman a question, I will inquire if the expenses of these officers referred to in this paragraph, already in the pay of the military branch of the Government, when away from their regular posts are not already provided for in appropriation for the military branch of the Government?

Mr. LITTAUER. There are no salaries attached to this item. It is merely for expenses.

Mr. OLMSTED. Are they not already under salary from the Government, and are there not provisions in the regular appropriation bills for the military department for their expenses, whether at or away from their regular posts?

Mr. LITTAUER. Not for this special character of expenses. The mileage has to come in in another way. This has been carried along for many years in this bill, allowing officers who are temporarily employed on ordnance duty at Sandy Hook proving grounds $2.50 a day.

Mr. OLMSTED. When they do that, as I understand it, they are already allowed, under the general law, for their expenses?

Mr. LITTAUER. They are allowed for mileage. The item is under the heading of "Proving grounds at Sandy Hook," which means that when officers are detailed from forts in New York Harbor or elsewhere and sent to Sandy Hook they provide them with this allowance of $2.50 a day for maintenance.

Mr. OLMSTED. The point I am making is that when an officer goes to New York or Philadelphia from Washington he gets his expenses in some way under the existing law.

Mr. BUTLER of Pennsylvania. He only gets his mileage.

Mr. LITTAUER. But this is for his maintenance.

Mr. BUTLER of Pennsylvania. Mr. Chairman, let me ask the gentleman from New York [Mr. LITTAUER] why the officer should be allowed a maintenance on this particular errand when he is not allowed it in other cases.

Mr. LITTAUER. The Government furnishes transportation, but he has to take care of himself when he is away from the place at which he usually gets his board and lodging.

Mr. BUTLER of Pennsylvania. Does he not have to provide his maintenance when he is in the barracks? He certainly does. He is not allowed a cent of compensation.

Mr. OLMSTED. He gets an allowance for maintenance whenever he is in the employ of the Government.

Mr. LITTAUER. It is temporary employment when officers are sent to the Sandy Hook proving grounds to test guns and ammunition, and like matters, and it has always been carried in this bill. The officers are there temporarily, and receive $2.50 a day as recompense for the additional expense they must incur by being sent away from their usual posts for a week or two weeks.

Mr. OLMSTED. I am not objecting to their getting their expenses, but this looks really like giving them additional compen-

sation at the rate of $2.50 a day. My colleague suggests that wherever they are in the service of the Government they get commutation for their rations.

Mr. BUTLER of Pennsylvania. In response to the suggestion made by the gentleman, I understand that an officer gets the commutation of quarters, but not of rations; that the enlisted man only gets rations.

Mr. PALMER. The Government does not furnish commutation to anybody. He gets his pay, forage, and rations, but no money.

Mr. LITTAUER. Think of the expense they must incur in going down to the Sandy Hook proving grounds and remaining two or three days.

Mr. PALMER. I am not objecting to that item. I only state what the custom is with reference to the payment of officers.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman from Pennsylvania——

Mr. PALMER. I would be very pleased to afford you all the information that I can.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman to say that the officer is allowed his rations?

Mr. PALMER. Certainly; he gets his commutation for rations.

Mr. BUTLER of Pennsylvania. Is it so in the Navy?

Mr. PALMER. I do not know anything about the Navy. You are on the Naval Committee and you ought to know.

Mr. BUTLER of Pennsylvania. Is it so in the Marine Corps?

Mr. PALMER. I do not know.

Mr. BUTLER of Pennsylvania. The Marine Corps get the same pay as the Army, and not one cent is allowed to the officer.

Mr. PALMER. You are a sailor and I am a soldier.

Mr. LITTAUER. You are mistaken in your statement. The officer is allowed commutation in the Army.

Mr. MANN. He gets commutation of quarters.

Mr. BUTLER of Pennsylvania. He gets commutation of quarters, and that is all he gets.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw the pro forma amendment?

Mr. OLMSTED. I withdraw the amendment.

The Clerk read as follows:

SUBMARINE MINES.

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments, for the purchase of the necessary machinery, tools, and implements for the repair shop of the torpedo depot at Fort Totten, N. Y., and for extra-duty pay to soldiers necessarily employed for periods not less than ten days on work in connection with the issue, receipt, and care of submarine mining material at the torpedo depot, $300,000.

Mr. OLMSTED. I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question relating to these lines beginning on line 2, and ask him why, if these men have once in a while to do a little work, they should be allowed extra pay?

Mr. LITTAUER. The law says that if soldiers are on extra duty for work in connection with submarine mining for a longer period than ten days, they shall receive extra pay, ranging from 35 to 50 cents per day.

Mr. OLMSTED. These are soldiers of the general Army, and if the law provides for that, is it not provided for in the army appropriation bill?

Mr. LITTAUER. The army appropriation bill expressly excludes this provision.

Mr. OLMSTED. Then there is no duplication?

Mr. LITTAUER. None whatever.

Mr. MANN. May I ask the gentleman a question?

Mr. LITTAUER. Certainly.

Mr. MANN. This bill provides for submarine work and mines?

Mr. LITTAUER. Yes, sir.

Mr. MANN. I would like to ask the gentleman from New York if there is any provision in the bill anywhere for the building of submarine boats?

Mr. LITTAUER. None whatever.

Mr. MANN. Is there any likelihood to be such a provision in the bill when it becomes law, if the gentleman will risk making a prophecy?

Mr. LITTAUER. I would not care to enter the domain of prophecy, but, if I maintain good health, there will be none in this year's bill, I think.

Mr. MANN. I hope the health of the gentleman will remain good.

Mr. McCALL. What amount was recommended for submarine mines?

Mr. LITTAUER. The estimate was for $300,000, and we allowed the full estimate. I should very much have liked to have seen the estimate much larger.

Mr. McCALL. I was impressed with the gentleman's remarks upon that branch of the case, and I was curious to see whether they had reduced the amount appropriated below the estimate.

Mr. LITTAUER. We allowed the full amount of the estimate. I believe that $1,000,000 instead of $300,000 could well have been appropriated. It would have been good economy and to the best interests of the country.

Mr. McCALL. It seems so to me.

Mr. BUTLER of Pennsylvania. I should like to ask the gentleman a question.

Mr. LITTAUER. Certainly.

Mr. BUTLER of Pennsylvania. If I recollect rightly, we made an appropriation for extra services of $2.50 a day to officers who might be engaged upon other service than those performed in the barracks. Am I right about that?

Mr. LITTAUER. You mean officers. This appropriation of $2.50 a day pertains exclusively to work at the proving grounds at Sandy Hook, away off there at the extreme portion of the Hook.

Mr. BUTLER of Pennsylvania. This would not carry an appropriation for these officers?

Mr. LITTAUER. None whatever.

Mr. BUTLER of Pennsylvania. All right.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

FORTIFICATIONS IN INSULAR POSSESSIONS.

For construction of seacoast batteries in the insular possessions, $700,000.

Mr. BRUNDIDGE. Mr. Chairman, I move to strike out lines 8 and 9, providing for the construction of seacoast batteries in insular possessions, $700,000.

My purpose in making this motion is because I believe this to be the most extravagant item contained in this bill, and by far so. The facts are that if it shall be the policy to be determined by this House that this Government shall fortify what is known as our "insular possessions," it is an undertaking involving the expenditure of untold millions of dollars. How much no member of this committee knows, and no Member of this House knows. How much it will cost the War Department itself confesses it does not know, and of which it has made no estimate. The estimates provided and that were submitted to this committee for this bill were $2,600,000, and the committee have reported $936,000.

Now, it is apparent to the committee, and may be apparent to gentlemen of this House, that even if the full amount of the estimate had been allowed by the committee, and $2,600,000 had been appropriated, that sum would only have begun the work of fortification of these insular points, such as Manila, Subig Bay, and other places. Now, if this would be but a beginning of the work, in view of the fact that it is unknown what it will take to complete it, why give this small sum of $936,000 to begin a work which it practically does not begin; a work that no man knows how much it is going to cost to complete, and upon which nobody can give any information on the subject? It is simply asking for an estimate and allowing something to continue a policy that we have not fully determined upon, and nobody knows what amount of money it will take to complete.

Then, in the next place, gentlemen, I take it that every man must have some doubt as to whether or not it shall be the policy of the United States Government to continue to hold on to its insular possessions for all time to come and to fortify them and defend them as a part of the United States. I for one have had the hope, and I yet entertain the hope, that at some time in the future the United States will be able to rid herself of these possessions that have proven so far—and, in my judgment, will continue to prove—a burden and a tax upon this country and nothing more. I entertain the hope, Mr. Chairman, that we may at some time, with credit to ourselves, dispose of and dispense with our entire insular possessions. And in view of the fact that this appropriation would simply begin—in fact, would not begin—the expenditures that this Government would be compelled to make; in view of the fact that it would accomplish no good at this time; in view of the fact that no good result can be pointed out that would come from it; in view of the fact that it would fortify nothing, that it would protect nothing; that it simply commits this Government to a policy that I for one am not willing to say we shall commit ourselves to in advance of knowing what the cost will be—for

these reasons I move that this appropriation be stricken out of this bill. Hence I express the hope that this amendment may be adopted. If so, we will have taken the first step in the direction of true economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRUNDIDGE], to strike out lines 8 and 9.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BRUNDIDGE demanded a division.

The committee divided; and there were—ayes 45, noes 38.

Mr. LITTAUER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. BRUNDIDGE and Mr. LITTAUER.

The committee again divided; and the tellers reported—ayes 59, noes 74.

Accordingly the amendment was rejected.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

Mr. BAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. BAKER] rise?

Mr. BAKER. I rise for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. BAKER. I move to strike out all the words in lines 11 and 12, after the word "abroad." In other words, I move to strike out the words "which material shall be admitted free of duty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 11, after the word "abroad," strike out the words "which material shall be admitted free of duty."

Mr. BAKER. Mr. Chairman, I make this motion for the purpose of asking the gentleman in charge of the bill [Mr. LITTAUER] a question. Do I understand that these words have been incorporated in this bill at the request of the Administration—the Secretary of War?

Mr. LITTAUER. I believe all the Administrations since the Board of Ordnance and Fortifications has been in existence have practically recommended the same verbiage.

Mr. BAKER. This is the recommendation of the Secretary of War?

Mr. LITTAUER. Yes; of the present Secretary of War and also past ones.

Mr. BAKER. And I understand, Mr. Chairman, that the Secretary of War is a member of the Republican Administration, which advances the proposition that the foreigner pays the tax. Now, why are you going to make this present to the foreigner? If the foreigner pays the tax levied on goods brought into the United States, why does the Republican Administration, which is so assertive of its solicitude for American labor, favor the removal of this tax? Why does it not tax the foreigner? Why does it not compel the foreigner to pay that tax into the American Treasury and thus relieve the American people of so much taxation? Will the gentleman kindly answer me that question?

Mr. LITTAUER. Oh, this is not the time for that kind of a discussion.

Mr. BAKER. Oh, yes, it is. It is always the proper time when you people are shown up in the fraud of your contention that the foreigner pays the tax. [Laughter.] That is always appropriate. Now, I want to know does the Republican party yet defend the proposition that the foreigner pays the tax? And if it does, how can it consistently come here and say that it is going to remit from the foreigner the tax that they claim he pays on goods brought into the United States?

I have asked that question, but the Republican side of this House stand mute. I withdraw my amendment, Mr. Chairman.

And then, on motion of Mr. LITTAUER, the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. LITTAUER. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was passed.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. DALZELL (at 1 o'clock and 45 minutes p. m.), the House, under the order previously adopted, adjourned until Monday, January 9, 1905.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for service of the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter transmitting the annual report of the Georgetown Barge, Dock, Elevator and Railway Company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Attorney-General, transmitting a copy of his report for the year 1904—to the Committee on the Judiciary.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fannie Solari, heir of Emanuel M. Solari, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, reported the same without amendment, accompanied by a report (No. 3230); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15233) granting a pension to Mattie M. Hawkins—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17102) to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902—Committee on Claims discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 17245) authorizing the Secretary of the Interior to sell a tract of land in the south half of the Colville Indian Reservation—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 17246) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 17247) to divide the State of Virginia into three judicial districts, and for other purposes—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 17248) to increase the limit of the appropriation for a public building at Deadwood, S. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17249) to provide for a collateral inheritance tax, and for the fees, costs, and charges of the administration of the estates of decedents in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GILLETT of California: A bill (H. R. 17250) providing for the construction of irrigation and reclamation works in certain lakes and rivers—to the Committee on Irrigation of Arid Lands.

By Mr. BOWIE: A bill (H. R. 17251) to provide for circuit and district courts of the United States at Selma, Ala.—to the Committee on the Judiciary.

Also, a bill (H. R. 17252) concerning a public building in Selma, in the State of Alabama—to the Committee on Public Buildings and Grounds.

By Mr. HEDGE: A bill (H. R. 17253) granting an appropriation for the repair and strengthening of the Flint Creek to Iowa River levee and increase and improvement of its outlets—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 17254) to amend section 13 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899—to the Committee on Naval Affairs.

By Mr. MAYNARD: A bill (H. R. 17255) relating to the salaries of the President and Vice-President of the United States, and for paying the President a salary after his retirement from office—to the Committee on Appropriations.

Also, a joint resolution (H. J. Res. 189) for the survey of Blackwater River, in Virginia and North Carolina—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 190) for the survey of the Warwick River, in Virginia—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 17256) granting an increase of pension to John P. Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17257) granting an increase of pension to Daniel Heinz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17258) granting a pension to Mary Duran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17259) granting a pension to Louis Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17260) to correct the military record of Cornelius Hardin—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 17261) granting a pension to Mary A. Gibson—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 17262) granting an increase of pension to Jennie N. Jones—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17263) granting a pension to Taylor Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17264) for the relief of the heirs of Susan Gholson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17265) for the relief of James Barron, of Cullman County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 17266) for the relief of Isaac Chadwick, of Dekalb County, Ala.—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17267) granting an increase of pension to George Spangler—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17268) granting a pension to Ella Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17269) granting a pension to Nicholas Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17270) for the relief of Miss Lou Jahn—to the Committee on Military Affairs.

Also, a bill (H. R. 17271) directing the issue of five coupon bonds of $100 each in lieu of lost bonds drawn in favor of James Mitchell—to the Committee on Ways and Means.

By Mr. DRAPER: A bill (H. R. 17272) granting an increase of pension to Chauncey L. Guilford—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 17273) granting an increase of pension to James J. Furlong—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 17274) granting a pension to Louis A. Lavalley—to the Committee on Invalid Pensions.

By Mr. FIELD: A bill (H. R. 17275) granting an increase of pension to Carmen Frazee—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 17276) for the relief of the Flat Creek Baptist Church, of Pettis County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 17277) for the relief of Central College, at Fayette, Mo.—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 17278) for the relief of the heirs at law of Capt. John Lewis—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 17279) for the relief of Ashton Fletcher—to the Committee on War Claims.

By Mr. KLINE: A bill (H. R. 17280) granting an increase of pension to Ogden Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17281) granting an increase of pension to William Kress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17282) granting an increase of pension to Norman H. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17283) for the relief of Benjamin F. Simmons—to the Committee on War Claims.

By Mr. KNAPP: A bill (H. R. 17284) granting a pension to George Mottram—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 17285) for the relief of Chester Bethel—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 17286) to remove the charge of desertion from the military record of John W. Curtis—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 17287) granting an increase of pension to Daniel G. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17288) for the relief of William Edward Bailey—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 17289) granting an increase of pension to Lydia A. Wood—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17290) granting an increase of pension to John W. Grove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17291) granting an increase of pension to John T. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17292) granting an increase of pension to John W. Diggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17293) granting an increase of pension to Joseph Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17294) granting an increase of pension to Albert G. Lovell—to the Committee on Invalid Pensions.

By Mr. PINCKNEY: A bill (H. R. 17295) granting an increase of pension to John T. Philips—to the Committee on Pensions.

Also, a bill (H. R. 17296) granting an increase of pension to Edward J. Morriss—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 17297) granting an increase of pension to Joseph C. Prosser—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17298) for the relief of Jesse H. Dickerson—to the Committee on War Claims.

Also, a bill (H. R. 17299) for the relief of Jesse H. Dickerson—to the Committee on War Claims.

Also, a bill (H. R. 17300) granting a pension to Charles H. Penoyer—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 17301) granting an increase of pension to George B. D. Alexander—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17302) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager—to the Committee on the District of Columbia.

By Mr. SNOOK: A bill (H. R. 17303) granting a pension to Ida M. Long—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17304) granting an increase of pension to William Dustin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17305) granting an increase of pension to James M. Caswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17306) granting an increase of pension to George Dallison—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 17307) for the relief of the heirs of Washington Dorney, of Maryland—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 17308) granting an increase of pension to William M. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17309) granting an increase of pension to Henry F. Turner—to the Committee of Invalid Pensions.

Also, a bill (H. R. 17310) granting an increase of pension to Libbie D. Lowrey—to the Committee on Pensions.

Also, a bill (H. R. 17311) granting an increase of pension to Adam W. Grassley—to the Committee on Pensions.

Also, a bill (H. R. 17312) granting a pension to Eva B. Koch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17313) granting a pension to Kittie C. Beach—to the Committee on Pensions.

Also, a bill (H. R. 17314) granting a pension to Maria Holloway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17315) granting a pension to Jane C. Van Akin—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 17316) for the relief of Samuel T. Townsend—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17317) granting an increase of pension to N. G. Heard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17318) granting an increase of pension to James M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting an increase of pension to Fredrick Shinaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) granting an increase of pension to William E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17321) granting an increase of pension to William Clark—to the Committee on Pensions.

Also, a bill (H. R. 17322) granting an increase of pension to Marshal M. Angleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17323) granting an increase of pension to John Lemly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17324) granting an increase of pension to John Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17325) granting an increase of pension to Albert H. Noble—to the Committee on Pensions.

Also, a bill (H. R. 17326) granting a pension to Mary Ann Getting—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17327) granting a pension to James J. Sim—to the Committee on Invalid Pensions.

By Mr. YOUNG (by request): A bill (H. R. 17328) for the relief of George Nottle—to the Committee on War Claims.

Also, a bill (H. R. 17329) granting an increase of pension to Abraham Roberts—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Smith, Young & Co., of Lansing, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 8678—to the Committee on Agriculture.

By Mr. BADGER: Papers relating to pension of Tillman Gaff, of Columbus, Ohio—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Petition of the Chamber of Commerce of Waycross, Ga., favoring removal of the tax on alcohol used for mechanical purposes—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of heirs of Philip Roberts, late of Grainger County, Tenn., favoring reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Stephen Gross, of Claibourne County, Tenn., favoring reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. CASTOR: Petition of citizens of Philadelphia, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petition of the business men of Lafayette, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of shippers of Lowell, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Papers to accompany bill H. R. 17138, to increase the pension of J. Drummond—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17139, to grant an increase of pension to George W. Jennings—to the Committee on Pensions.

Also, papers to accompany bill H. R. 17137, to grant a pension to Charles W. McMullen—to the Committee on Invalid Pensions.

Also, petition of William Raubinger, proprietor of Everton Roller Mills, of Everton, Mo., and others, relating to tariff on wheat—to the Committee on Ways and Means.

Also, papers to accompany bill H. R. 15917, to increase the pension of Oliver P. Hughes—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers supporting bill H. R. 16076, for relief of estate of Lucinda Muse Thomas—to the Committee on War Claims.

By Mr. DRAPER: Petition for legislation against unjust discrimination in tariff rates—to the Committee on Ways and Means.

By Mr. FIELD: Papers to accompany bill for increase of pension for Carmen Frazee—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of Union League Club of New York, asking investigation of working of present tariff act—to the Committee on Ways and Means.

Also, resolution of the Interstate Commerce Law Convention, favoring a law against unjust discrimination in tariff rates—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Rockford (Ill.) Manufacturers and Shippers' Association, against pooling of railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Electric Appliance Company, of Chicago, in favor of increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Republican Club of the City of New York, relative to southern representation in Congress and the electoral college—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HAMLIN: Petition of John F. Meyer & Sons et al., in support of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. HASKINS: Petition of Division No. 106 of the Brotherhood of Locomotive Engineers, of Bellows Falls, Vt., for enactment of bill H. R. 13354, granting pensions to locomotive engineers employed in military service on railroads from 1861 to 1865—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of A. L. Heckman et al., favoring the Conner bill, for increase of postage on packages by rural free delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of Forest City Creamery Company, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLIDAY: Petition of subdivision of Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., favoring legislation for competent engineers—to the Committee on Interstate and Foreign Commerce.

Also, petition of subdivision of Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., for legislation against excessive time of work for engineers—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of Young People's Society of Christian Endeavor, for legislation favoring abolition of war—to the Committee on Foreign Affairs.

By Mr. JONES of Virginia: Papers to accompany bill for the relief of Ashton Fletcher—to the Committee on War Claims.

By Mr. KLINE: Petition in support of a bill granting relief to Benjamin F. Simmons—namely, two months' extra pay—to the Committee on War Claims.

By Mr. KNAPP: Papers to accompany bill granting pension to George Mottram—to the Committee on Pensions.

By Mr. LACEY: Petition for protection of Indians in Oklahoma from sale of intoxicants—to the Committee on the Territories.

Also, petition favoring Conner rural-route bill for reduction of postage on packages—to the Committee on the Post-Office and Post-Roads.

Also, petition favoring increased power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of citizens of Chicago, Ill., favoring investigation of condition in the Kongo Free State—to the Committee on Foreign Affairs.

Also, papers to accompany bill H. R. 17060—to the Committee on Pensions.

By Mr. MAYNARD: Petition of B. J. Rodgers & Co. et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr MAHON: Petition of D. L. Kluck et al., favoring legislation restricting immigration—to the Committee on Immigration.

By Mr. MOON of Tennessee: Papers to accompany bill for an increase of pension to Lydia C. Wood—to the Committee on Invalid Pensions.

By Mr. OTJEN: Papers to accompany bill for relief of George Notte—to the Committee on War Claims.

By Mr. PINCKNEY: Papers relating to increase of pension for John T. Phillips—to the Committee on Pensions.

Also, papers relative to increase of pension for Edward J. Morris—to the Committee on Pensions.

By Mr. PORTER: Petition of the Carriage Builders' Association of Wilmington, Del., favoring legislation empowering the Interstate Commerce Commission to determine freight rates—to the Committee on Interstate and Foreign Commerce.

Also, remonstrance against proposed reduction in tariff on

tobacco and cigars from the Philippine Islands—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Papers to accompany bill for relief of Joseph C. Prossler—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of John H. Caton, of Mount Pisgah, Ind.—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Carriage Builders' National Association, for legislation empowering the Interstate Commerce Commission to change freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Papers to accompany bill for relief of John Winemiller—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill for relief of Ida M. Long—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: Petition of 50 citizens of Fenton, Mich., urging legislation against polygamy—to the Committee on the Judiciary.

Also, petition of W. H. Magee, of Strobridge, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Burnett et al., of Rose, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Hartland, Mich., against the enactment of legislation favoring the domestic parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pontiac Grange, No. 283, favoring the Grout bill—to the Committee on Agriculture.

Also, petition of Oxford Grange, No. 395, favoring the Grout bill—to the Committee on Agriculture.

Also, petition of George B. D. Alexander, for an increase of pension—to the Committee on Pensions.

By Mr. STERLING: Papers to accompany bill H. R. 16422, for the relief of Edward Cook—to the Committee on Claims.

Also, papers to accompany bill H. R. 16622, for the relief of William H. Boyle—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16621, for the relief of William Meredith—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16254, for relief of Lydia R. Howard—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 9, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

IRRIGATION IN CALIFORNIA AND ARIZONA.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, information relative to the use of the waters of the Lower Colorado River for the irrigation of arid lands in the State of California and the Territory of Arizona; which, with the accompanying paper, was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Mount Horeb Methodist Episcopal Church South, of Fauquier County Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Clayton G. Landis, administrator of the estate of David B. Landis, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, trasmitting the final ascertainment of the electors for President and Vice-President for the States of Washington, New Hampshire, and South Carolina; which, with the accompanying papers, were ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest; and

A bill (H. R. 17094) making appropriations for fortifications and other woks of defense, for the armament thereof, for the procurement of heavy ordnance for trial, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. GAMBLE presented a petition of the Business Men's Club of Deadwood, S. Dak., and a petition of the Retail Implement Dealers' Association of Alexandria, S. Dak., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Woman's Christian Temperance Union of Gary, S. Dak., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Volin, S. Dak., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. J. A. Arbuthnot, of Brookfield Mo., and a petition of sundry citizens of Linn County, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Odell, of the Woman's Christian Temperance Union of Mount Sterling, and of sundry citizens of Chrisman, all in the State of Illinois, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. MCENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation for the improvement of the navigation of the Sabine River from its mouth to Logansport, in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 15,

Memorializing Congress to make appropriations for the improvement of the navigation of the Sabine River from its mouth to Logansport, La.

Whereas in the opinion of this body the Sabine River Valley and adjacent territory would be greatly benefited by the making navigable this river: Therefore, be it

Resolved by the legislature of the State of Louisiana, That the Congress of the United States is hereby memorialized in the interest of navigation, commerce, and the general welfare of the people of the Sabine River Valley to secure an appropriation for survey and improvement of said Sabine River; that our Senators and Representatives in Congress be urged to use their influence to this end: Therefore, be it

Resolved, That a copy of this resolution, duly certified, be forwarded to our Senators and Representatives in Congress.

R. H. SNYDER,
Speaker of the House of Representatives.

P. M. LAMBREMONT,
President pro tempore of the Senate.

Approved.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

Mr. MCENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation to complete the construction of the locks on Bayou Plaquemine at a point where it empties into the Mississippi River. I ask that the resolution be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 6, memorializing Congress to complete the construction of the locks on Bayou Plaquemine at the point where the aforesaid bayou empties into the Mississippi River.

Whereas in the opinion of this body the Teche Valley would be greatly benefited by the completion of the locks now in the course of construction on Bayou Plaquemine near the town of Plaquemine, parish of Iberville: Therefore be it

Resolved by the legislature of the State of Louisiana, That the Congress of the United States is hereby memorialized in the interest of

navigation, commerce, and the general welfare of the people of the Teche section to have completed the locks on Bayou Plaquemine where the aforesaid bayou empties into the Mississippi River, and that our Senators and Representatives be urged to use their influence to that end: Therefore be it further

Resolved, That a copy of this resolution, duly certified, be forwarded to our Senators and Representatives in Congress.

R. H. SNYDER,
Speaker of the House of Representatives.
P. M. LAMBREMONT,
President pro tempore of the Senate.

Approved, June 18, 1904.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

Mr. McENERY. I present a concurrent resolution of the legislature of Louisiana relative to divorcing the Mississippi River from the Red and Atchafalaya rivers and for the immediate completion of the locks at Bayou Plaquemine and the improvement of that navigation. I ask that the resolution be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 11.

Resolution for divorcing the Mississippi River from the Red and Atchafalaya rivers, and for the immediate completion of the locks at Bayou Plaquemine and the improvement of that navigation.

Whereas there is great danger of the Mississippi River taking the shortest and most direct route to the Gulf of Mexico by the Atchafalaya River, through the mouth of the Red and Old rivers; the distance by the Atchafalaya from its head, on a direct line, to the nearest point on the Gulf being 86 miles, and by its channel and that of its numerous outlets and lakes, by Berwick Bay, to the Gulf 125 miles, the distance from the mouth of the Red, by the Mississippi, to the Gulf of Mexico being 315 miles, proving that route more than one-third shorter, endangering a large number of the richest parishes in the State, lying on the west bank of the Lafourche, and including the beautiful Teche and Vermilion parishes, and flooding of its valley and basin, containing 8,100 square miles, or 5,184,000 acres, of the richest lands in the world, of which only a portion has been improved and put in cultivation where protected by levees on the Mississippi and upper Atchafalaya rivers;

Whereas the floods of the Mississippi pouring into the mouth of the Red through 26½ miles of abandoned levees throw its waters into the Red and Atchafalaya rivers, damming up the Red, the Black, and the Ouachita rivers, also the Tensas and other bayous that drain the Tensas basin, thereby stopping the drainage from rain and crevasses and causing immense damage to the lands under cultivation and rendering the greater portion of 3,436,000 acres unfit for improvement and cultivation;

Whereas by entirely divorcing the Mississippi from the Red and letting it entirely discharge its waters into the Atchafalaya the whole Tensas basin will be relieved and at the same time the Atchafalaya Valley and basin not endangered, it having been estimated by United States engineers that it requires one-sixth of the flood waters of the Mississippi to endanger or flood the lands of the Atchafalaya Valley or basin; and by doing this at least one-half of 8,620,800 acres now flooded and rendered unfit for cultivation can be reclaimed and rendered cultivable with little or no expense for levees; and it will not only do this but it will prevent all danger of the Mississippi from taking the short and direct route to the Gulf, leaving the great city of New Orleans with its immense commerce without a river; and

Whereas by the completion of the locks at Bayou Plaquemine and the improvement of the navigation the whole waters of western Louisiana will have a certain communication with the Mississippi and New Orleans at low water and at all seasons of the year: Therefore,

Be it resolved by the house of representatives (the senate concurring therein), That we urge the immediate completion of the locks at Bayou Plaquemine and the improvement of navigation so that steamboats and other craft can pass through the locks into the Mississippi River at all seasons of the year, drawing at least 6 feet of water; that as soon as this is done immediate steps be taken for the divorcing of the Mississippi from the Red and rebuilding of the 26 miles or more of abandoned levees above the mouth of the Red River, thus redeeming at least 5,000,000 acres of the richest lands in the world for settlement, cultivation, and improvement, adding one-third to the wealth of the State and benefiting the whole nation.

Be it further resolved, That our Senators and Representatives in Congress are hereby requested to give their immediate attention to these resolutions and that a copy hereof be forwarded to each of them and to the Secretary of War.

R. H. SNYDER,
Speaker of the House of Representatives.
P. M. LAMBREMONT,
President pro tempore of the Senate.

Approved, July 6, A. D. 1904.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

Mr. McENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation to secure slack-water navigation in Bayou Macon and Boeuf River, providing for survey, dredging shoals, and building locks and dams. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commrece, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 7, memorializing Congress in behalf of an appropriation to secure slack-water navigation in Bayou Macon and Boeuf River, providing for survey, dredging shoals, building locks and dams.

SECTION 1. Whereas the commerce of our country is affected by and dependent upon the betterment of our transportation facilities; and

Whereas the improvement of the navigation of our waterways is the cheapest, safest, and surest means of transportation; and

Whereas, the same properly and justly comes under the province and jurisdiction of our General Government; and

Whereas Bayou Macon and Boeuf River, situated in the northeastern portion of this State, are important tributaries to our great Mississippi waterways, taking their source far up in the State of Arkansas and coursing along through and draining a vast and magnificent stretch of territory in Louisiana and Arkansas, finely timbered by a great variety of hard and soft woods, and whose soil is very fertile and productive and susceptible of a very high state of development and cultivation; and

Whereas this section is comparatively new, backward, and undeveloped, without adequate and proper "outlets" to the markets of the world; and

Whereas the improvement of the drainage and navigation of these streams is of paramount importance and interest to the material welfare and to the development and commerce of that great section of our Union which is already coming into notice, rapidly forging to the front, reaching out, seeking after, and inviting capital and immigration: Therefore, be it

SEC. 2. *Resolved, by the general assembly of Louisiana*, That it is the sense, belief, hope, and earnest desire of this body that it is the duty of the General Government to come speedily and effectually to the relief of these important streams, and we hereby memorialize the Congress of the United States for relief in the premises and we call upon our Representatives and Senators in that august body to urge action thereon and to use their influence and utmost endeavors to secure an appropriation of $125,000, or as much thereof as may be necessary and required, to make preliminary surveys and to dredge, lock, and thereby improve the navigation and commerce of said streams and section by insuring permanent slack water the year round as far up as practicable.

SEC. 3. That copies of this resolution be placed in the hands of each of our Members of the House and Senate of the United States at the next session of Congress by the secretary of state, calling their attention to and asking early consideration and cooperation in the matter.

R. H. SNYDER,
Speaker of the House of Representatives.
P. M. LAMBREMONT,
Lieutenant-Governor and President of the Senate.

Approved:

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

Mr. FAIRBANKS presented a memorial of the Arizona Bar Association, of Arizona, and a memorial of the Chamber of Commerce of Tucson, Ariz., remonstrating against the enactment of legislation providing for the admission of Arizona and New Mexico into the Union as one State; which were ordered to lie on the table.

He also presented a memorial of the Colorado Beet Sugar Manufacturers' Association, and a memorial of the Michigan Beet Sugar Manufacturers' Association, remonstrating against the enactment of legislation to reduce the present duty on either raw or refined sugar imported into the United States; which was referred to the Committee on Finance.

Mr. PROCTOR presented a petition of Green Mountain Division, No. 330, Brotherhood of Locomotive Engineers, of St. Albans, Vt., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a memorial of the Woman's Christian Temperance Union of Chittenden, County, Vt., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the congregation of the Sixth Presbyterian Church of Des Moines, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Denison, Iowa, praying for the enactment of legislation to change the postage rate on packages of books and merchandise from 16 cents per pound to 5 cents per pound; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Division No. 211, Brotherhood of Locomotive Engineers, of Eagle Grove, Iowa, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of Peter Hatterscheid and sundry other citizens of Corwith, Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. McCOMAS presented a petition of the Woman's Home and Foreign Missionary Society of the Presbyterian Church of Forest Glen, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Antietam Lodge, No. 512, Brotherhood of Locomotive Firemen, of Hagerstown, Md., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of the Commercial Club of Duluth, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. BERRY presented petitions of the Arkansas Synod of the Cumberland Presbyterian Church, of Clarendon; of the White River Conference, Methodist Episcopal Church South, of Augusta, in the State of Arkansas, and of J. M. Birdwell and 49 citizens of Proteau, Ind. T., praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Brodhead, Wis., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. HOPKINS presented petitions of sundry citizens of Fulton, Mount Sterling, La Clede, Quincy, Bartlesville, Paris, Sugar Loaf, Dekalb, Harvey, and Champaign, all in the State of Illinois, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Momence and Chicago, all in the State of Illinois, praying that an investigation be made into the conditions existing in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Illinois State Bar Association, of the Chamber of Commerce of Chicago, of the Business Men's Association of Springfield, and of the Irwin Paper Company, of Quincy, all in the State of Illinois, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Chicago, Alton, Astoria, Aurora, Batavia, Canton, Cobden, Decatur, East St. Louis, Freeport, Galesburg, Harvey, Jacksonville, Joliet, Lasalle, Moline, Monmouth, Naperville, Oregon, Peoria, Rockford, Sandwich, Sparta, Sterling, Waukegan, and Rock Island, all in the State of Illinois, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee in Interstate Commerce.

Mr. LODGE presented petitions of sundry citizens of Boston, Reading, Somerville, and Everett, all in the State of Massachusetts, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Shelburne, Brookline, Manchester, New Bedford, Edgartown, Chicopee Falls, Hyde Park, North Swansea, Lyon, Chelsea, Cambridge, Mansfield, Somerville, and Worcester, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

SALARIES OF TEACHERS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present a memorial of Washington teachers, showing the necessity for increased salaries in the District of Columbia. The memorial is brief. I move that it be printed, and referred to the Committee on Appropriations.

The motion was agreed to.

REPORT ON CHILDREN'S COURTS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in cloth 2,000 copies of the report on Children's Courts in the United States (House Document No. 701, 58th Cong., 2d sess.), of which 1,000 copies shall be for the use of the Senate and 1,000 copies for the Department of State.

REPORT OF MERCHANT MARINE COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the report on the Development of the American Merchant Marine and American Commerce, and of the testimony taken in connection therewith, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Merchant Marine Commission, of which latter 100 copies shall be bound in half morocco.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4112) granting an increase of pension to Elizabeth Wynne;

A bill (H. R. 2353) granting an increase of pension to Sophia C. Hilleary;

A bill (H. R. 14150) granting an increase of pension to John J. Carberry;

A bill (H. R. 12058) granting an increase of pension to John W. Dickey;

A bill (H. R. 9771) granting an increase of pension to Mary E. Weaver;

A bill (H. R. 10686) granting an increase of pension to Michael Kurtz;

A bill (H. R. 7367) granting an increase of pension to John M. Barron;

A bill (H. R. 3359) granting an increase of pension to Cyrus E. Salada; and

A bill (H. R. 5245) granting an increase of pension to William A. Helt.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5455) granting an increase of pension to Jeanie G. Lyles, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7241) granting an increase of pension to Philip H. Strunk;

A bill (H. R. 1907) granting an increase of pension to Wyman J. Crow;

A bill (H. R. 15744) granting an increase of pension to Edward L. Russell;

A bill (H. R. 14951) granting an increase of pension to Benjamin F. Watts;

A bill (H. R. 11402) granting an increase of pension to Agnes B. Hesler;

A bill (H. R. 6543) granting an increase of pension to Robert Liggatt;

A bill (H. R. 12397) granting an increase of pension to Alfred Chill;

A bill (H. R. 4211) granting an increase of pension to Elijah Roberts;

A bill (H. R. 5089) granting an increase of pension to Charles W. McKenney;

A bill (H. R. 5692) granting an increase of pension to John Stanley;

A bill (H. R. 15269) granting a pension to Anna C. Owen;

A bill (H. R. 14576) granting an increase of pension to Evelyn M. Dunn;

A bill (H. R. 6948) granting an increase of pension to Joshua Parsons;

A bill (H. R. 808) granting an increase of pension to George Deland;

A bill (H. R. 11451) granting an increase of pension to Alexander Morrison;

A bill (H. R. 15743) granting an increase of pension to Desire Leglise;

A bill (H. R. 8166) granting an increase of pension to Martha A. Johnson;

A bill (H. R. 10945) granting a pension to Lola Qualls;

A bill (H. R. 9115) granting an increase of pension to Merritt Mead;

A bill (H. R. 11148) granting an increase of pension to George W. Stanfield;

A bill (H. R. 6961) granting an increase of pension to Thomas E. Rice;

A bill (H. R. 10554) granting an increase of pension to John McGregor; and

A bill (H. R. 6640) granting an increase of pension to John A. Courtney.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 4728) granting an increase of pension to Willam W. Smith, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13501) granting an increase of pension to James L. Townsend;

A bill (H. R. 3712) granting a pension to Frederick W. Tappmeyer;

A bill (H. R. 12052) granting a pension to Walter P. Mitchell;

A bill (H. R. 11984) granting an increase of pension to Edward C. Jones; and

A bill (H. R. 10969) granting an increase of pension to Joseph H. Shay.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5436) granting a pension to Hiram Baird;

A bill (H. R. 5461) granting an increase of pension to Preston D. Roady;

A bill (H. R. 12576) granting an increase of pension to William M. Kitts;

A bill (H. R. 11235) granting a pension to Clarissa E. McCormick;

A bill (H. R. 12577) granting an increase of pension to James Graves; and

A bill (H. R. 1099) granting an increase of pension to Lewis O. Marshall.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4655) granting an increase of pension to Henry Jeffers; and

A bill (H. R. 14184) granting an increase of pension to James Ginnane.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6506) granting an increase of pension to Edward M. Rhoades;

A bill (H. R. 15688) granting an increase of pension to Augustus H. Haines;

A bill (H. R. 6129) granting an increase of pension to Edwin M. Raymond;

A bill (H. R. 2558) granting an increase of pension to John Cummings;

A bill (H. R. 11661) granting an increase of pension to William H. McClurg;

A bill (H. R. 5037) granting an increase of pension to Richard H. Stillwell;

A bill (H. R. 11788) granting an increase of pension to Henry L. Kyler;

A bill (H. R. 4948) granting a pension to Wilson H. Davis;

A bill (H. R. 2151) granting an increase of pension to Samuel H. Hunt;

A bill (H. R. 9798) granting an increase of pension to Isaac W. Sherman;

A bill (H. R. 14601) granting an increase of pension to William Scheall; and

A bill (H. R. 12859) granting an increase of pension to James Donnelly.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 15404) granting an increase of pension to John A. Hayward, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4392) granting an increase of pension to Samuel Hyatt, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4660) granting an increase of pension to Nellie B. Newton, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10272) granting an increase of pension to Lorenzo Streeter;

A bill (H. R. 14855) granting an increase of pension to Henry C. Thayer;

A bill (H. R. 15144) granting an increase of pension to William J. Reynolds;

A bill (H. R. 912) granting an increase of pension to John F. Dorsey;

A bill (H. R. 6832) granting an increase of pension to Nathaniel Cayes;

A bill (H. R. 15785) granting an increase of pension to Charles E. Young.

A bill (H. R. 3287) granting an increase of pension to Orin Plaisted;

A bill (H. R. 15680) granting an increase of pension to Isaac Hanson;

A bill (H. R. 15071) granting an increase of pension to Matilda L. Curkendall;

A bill (H. R. 15779) granting an increase of pension to Lucinda M. Reeves; and

A bill (H. R. 15791) granting a pension to Mary Suppes.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 6857) granting an increase of pension to Lorenzo D. Jameson, reported it without amendment, and submitted a report thereon.

ESTATE OF HENRY LEE, DECEASED.

Mr. WARREN. There has been referred to the Committee on Claims the bill (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased. As the bill relates to taxes upon legacies, incomes, etc., the Committee on Claims report the same back, asking that they may be discharged from the further consideration of the bill, and suggesting that it be referred to the Committee on Finance.

The PRESIDING OFFICER. The Committee on Claims will be discharged from the further consideration of the bill and it will be referred to the Committee on Finance, in the absence of objection.

VIEWS OF MINORITY OF MERCHANT MARINE COMMISSION.

Mr. MALLORY. I submit the views of the minority of the Merchant Marine Commission. I move that the views of the minority be printed and referred to the Committee on Commerce.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. SCOTT introduced a bill (S. 6373) for the relief of Mrs. Thomas McLaughlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6374) granting an increase of pension to Lewis Secor (with accompanying papers);

A bill (S. 6375) granting a pension to Sarah A. E. Walton (with accompanying papers);

A bill (S. 6376) granting an increase of pension to Henry S. Dewey; and

A bill (S. 6377) granting a pension to Belle Elder.

Mr. WARREN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6378) granting an increase of pension to Marie Louise Michie;

A bill (S. 6379) granting an increase of pension to James M. Conrad (with accompanying papers); and

A bill (S. 6380) granting a pension to Martha L. H. Spurgin.

Mr. BARD intoduced a bill (S. 6381) granting an increase of pension to John Hamilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6382) for the relief of William M. West; which was read twice by its title, and referred to the Committee on Claims.

Mr. DIETRICH introduced a bill (S. 6383) to provide for an Alaskan government board, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. McCUMBER (by request) introduced a bill (S. 6384) granting an increase of pension to Elizabeth Jackson; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 6385) granting an increase of pension to Antonette Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6386) to regulate the employment of child labor in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6387) authorizing the extension of Rhode Island avenue NE.; which was read twice by its title, and with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6388) granting an increase of pension to George W. Hadlock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6389) granting a pension to Ellen Harriman (with an accompanying paper);

A bill (S. 6390) granting a pension to Hannah A. Sawyer;

A bill (S. 6391) granting an increase of pension to Albert C. Andrews (with an accompanying paper);

A bill (S. 6392) granting a pension to Lydia Jones (with accompanying papers);

A bill (S. 6393) granting an increase of pension to Charles M. Bailey (with an accompanying paper);

A bill (S. 6394) granting an increase of pension to Frank B. Dore (with an accompanying paper);

A bill (S. 6395) granting a pension to Emma F. Evans; and

A bill (S. 6396) granting a pension to Leocardia F. Flowers.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6397) for the relief of the trustees of Liberty Church, Dranesville, Va.;

A bill (S. 6398) for the relief of the trustees of the Presbyterian Church of Marshall, Va.;

A bill (S. 6399) for the relief of the vestry of St. James Protestant Episcopal Church, of Culpeper County, Va.;

A bill (S. 6400) for the relief of the trustees of Mount Zion Old School Baptist Church, near Aldie, Loudoun County, Va.; and

A bill (S. 6401) for the relief of the trustees of the Methodist Episcopal Church South, of Jeffersonton, Culpeper County, Va.

Mr. SMOOT introduced a bill (S. 6402) granting an increase of pension to Samuel Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6403) granting an increase of pension to Daniel L. Wise; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6404) granting an increase of pension to George W. Cowen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6405) granting an increase of pension to Jennie L. Overton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 6406) providing for the purchase and condemnation of irrigable lands in certain cases; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NELSON introduced a bill (S. 6407) granting an increase of pension to John Dempster Croissant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 6408) granting an increase of pension to Michael L. Cunningham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6409) granting an increase of pension to Louis N. Frank; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 6410) to provide for the deposit of the savings of enlisted men of the United States Marine Corps (with an accompanying paper);

A bill (S. 6411) relating to certified checks furnished to secure compliance with proposals and contracts for naval supplies (with an accompanying paper);

A bill (S. 6412) relating to the band of the United States Marine Corps (with an accompanying paper); and

A bill (S. 6413) to provide for the temporary warranting and for the retirement of pay clerks in the Navy.

Mr. HALE introduced a bill (S. 6414) granting an increase of pension to John Kief; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6415) granting an increase of pension to Daniel Bolen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER. For my colleague [Mr. QUARLES], who is necessarily absent, I introduce three bills.

The bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions, are as follows:

A bill (S. 6416) granting a pension to Nancy Young;

A bill (S. 6417) granting an increase of pension to Lucy F. Cruttenden; and

A bill (S. 6418) granting an increase of pension to Wallace Goff.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6419) granting an increase of pension to Thomas J. Hart (with an accompanying paper);

A bill (S. 6420) granting an increase of pension to James G. Hannard; and

A bill (S. 6421) granting an increase of pension to Salem Bruner (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 6422) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6423) to establish a railroad storage yard for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. NELSON introduced a joint resolution (S. R. 88) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to students of said university who served in Spanish war; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO STATEHOOD BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

Mr. TELLER. I offer an amendment in the nature of a substitute for the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States. I ask that the proposed amendment may be printed. As the committee has already reported the bill, I do not desire that the amendment shall be referred.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CRANE submitted an amendment proposing to appropriate $47,500 to pay the balance of interest found due and remaining unpaid on such Kaw or Kansas Indian scrip promising to pay 6 per cent upon the principal of the same as shall have been filed in the Interior Department on or before the 1st day of March, 1890, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HALE submitted an amendment proposing to authorize the Secretary of the Navy, in his discretion, to require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in the line of duty, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

EUGENE D. DIMMICK—WITHDRAWAL OF PAPERS.

On motion of Mr. PROCTOR, it was

Ordered, That the papers in the case of S. 2637, second session Fifty-eighth Congress, "Authorizing the appointment of Eugene D. Dimmick, colonel, United States Army, retired, as brigadier-general," be withdrawn from the files of the Senate, there having been no adverse report thereon.

REPORT OF YOSEMITE PARK COMMISSION.

On motion of Mr. BARD, it was

Ordered, That the original manuscript of the report of the Yosemite Park Commission, printed as Senate Document No. 34, Fiftieth Congress, third session, be taken from the files of the Senate and returned to the Interior Department, said manuscript being of the original files of that Department.

MEMORIAL ADDRESSES ON THE LATE SENATOR HOAR.

Mr. LODGE. Mr. President, I desire to give notice that on January 28, immediately after the routine morning business, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Hon. GEORGE FRISBIE HOAR.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year ended June 30, 1904, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 9, 1905.*

EFFICIENCY OF THE ARMY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I have, in a former message, stated to the Congress my belief that our Army need not be large, but that it should in every part be brought to the highest point of efficiency. The Secretary of War has called to my attention the fact that the act approved February 2, 1901, which accomplished so much to promote this result, failed to meet the needs of one staff department, in which all of our people are peculiarly interested and of which they have a right to demand a high degree of excellence. I refer to the Medical Department. Not only does a competent medical service by safeguarding the health of the Army contribute greatly to its power, but it gives to the families of the nation a guaranty that their fathers, brothers, and sons who are wounded in battle or sicken in the camp shall have not only skilled medical aid, but also that prompt and well-ordered attention to all their wants which can come only by an adequate and trained personnel.

I am satisfied that the Medical Corps is much too small for the needs of the present Army and therefore very much too small for its successful expansion in time of war to meet the needs of an enlarged Army, and, in addition, to furnish the volunteer service a certain number of officers trained in medical administration. A bill which, in the opinion of the Secretary of War, of the late Secretary of War, and of the General Staff of the Army, supplies these deficiencies was introduced at the last session of Congress and is now before you. I am also advised that it meets the cordial approval of the medical profession of the country. It provides an organization which, when compared with that of other nations, does not seem to err on the side of excessive liberality, but which is believed to be sufficient. I earnestly recommend its passage by the present Congress. If the Medical Department is left as it is, no amount of wisdom or efficiency in its administration would prevent a complete breakdown in the event of a serious war.

I transmit herewith a memorandum which has been prepared for me by the Surgeon-General of the Army, and also the remarks of the former and of the present Secretary of War with reference to this bill.

It is reported to me that the Ordnance Corps is in a position of disadvantage; that its personnel is inadequate to the performance of the duties with which it is charged, and that under existing conditions it is unable to recruit its numbers with officers of the class necessary for the conduct of its very technical work. It is unnecessary for me to lay stress upon the desirability of having the design and manufacture of the material with which we are to fight in competent and sufficient hands, as there is no difference of opinion as to the intention of all concerned to have provided a proper supply of weapons, munitions, engines of war, equal in conception and construction to any in the world, and superior in any respects in which by skill and attention we may be able to compass such superiority.

The greatly increased utilization of the exact sciences in ordnance construction requires a larger personnel for their application, and the process of its selection should be severely and continuously discriminating, under conditions offering stimulus sufficient to cause officers of proper capacity, of whom it appears there are plenty, to wish to subject themselves to it. A bill embodying the necessary provisions and involving no radical departure from existing methods has been prepared by the War Department. I think it should be passed.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 9, 1905.*

Mr. COCKRELL. Mr. President, if I am not very much mistaken, the Senate has already passed both the bills referred to in the message; but I ask that the message may be printed and referred to the Committe on Military Affairs.

The PRESIDING OFFICER. Such will be the order of the Senate in the absence of objection.

Mr. WARREN. Both those bills have passed the Senate and gone to the House of Representatives.

Mr. COCKRELL. Yes; I think both the bills referred to in the message have already passed the Senate.

Mr. WARREN. Yes.

HOUSE BILLS REFERRED.

The act (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The act (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest, was read twice by its title, and referred to the Committee on Military Affairs.

COLVILLE INDIAN RESERVATION, WASH.

Mr. ANKENY. I ask unanimous consent for the present consideration of the bill (S. 5187) to provide for the opening of the remaining portion of the Colville Indian Reservation, in the State of Washington, and for other purposes.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BURROWS. I should like to inquire of the Senator from Washington whether the bill has the approval of the Interior Department?

Mr. ANKENY. I am not aware that it has.

Mr. BURROWS. Is there a report accompanying the bill?

Mr. ANKENY. There is.

The PRESIDING OFFICER. Does the Senator from Michigan ask for the reading of the report?

Mr. BURROWS. I should like to know if there is a letter from the Interior Department embraced in the report?

The PRESIDING OFFICER. The Chair is informed that there is no letter from the Department embodied in the report of the committee.

Mr. BURROWS. Is there a communication from the Department in regard to it?

Mr. ANKENY. I am not aware of any.

Mr. BURROWS. I understand the Senator from Washington to state that he is not aware that the bill has received the approval of the Interior Department. I ask for the reading of the report.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. STEWART April 8, 1904, as follows:

The Committee on Indian Affairs, having had under consideration the bill (S. 5187) providing for the opening of the south half of the Colville Indian Reservation, in the State of Washington, beg leave to report the same favorably and recommend its passage.

A bill (S. 345) in some respects similar to this bill (S. 5187) was reported favorably on January 25 by Mr. TELLER, who reviewed the facts in the case in Senate Report No. 468.

In presenting a report on House bill 12235, which is similar to the bill now under consideration (S. 5187), Mr. HINSHAW, from the Committee on Indian Affairs, made the following statement:

"The Committee on Indian Affairs, having had under consideration the bill (H. R. 12235) providing for the opening of the south half of the Colville Indian Reservation, in the State of Washington, beg leave to submit the following report:

"The Colville Indian Reservation was set aside in 1872, by Executive order, so as to provide a definite location for certain Indian bands which then were roaming around over the Northwest country without any fixed abode, and for such other Indians as might from time to time be placed there by the Government. Several different tribes have been placed thereon, but no treaty relations exist with any of them. On the reservation are to be found members of the following tribes: Lake Colville, Okinagan, Columbias, Nez Percé, Sanpoil, and Nespelim.

"Originally the reservation contained about 3,000,000 acres of land, and was located in the north-central part of the State of Washington. In 1892 an act was passed to provide for the opening of the north half of the reservation. Prior to this time a commission had been appointed to treat with the Indians, and an agreement had been made to pay them $1,500,000. A bill was introduced in the House of Representatives to ratify this agreement. It passed the House of Representatives, but when it came before the Senate committee all after the enacting clause was stricken out, and it was provided that the north half should be thrown open to homestead entry and that the homesteaders, in addition to complying with the homestead laws, should pay $1.50 per acre for the land. This did not go to the Indians, however, but was to go into the Treasury of the United States, subject to appropriation by Congress for any public use, and, until so appropriated, might be used for the support and education of the Indians. The Senate acted upon the theory that the Indians had no title to the lands, but were occupying them under a license. The report of the committee (S. Report No. 664, 52d Cong., 1st sess.) states:

"'This Executive order defines the Colville Reservation as it now exists, and is the sole basis upon which the right of occupancy of these Indians rests. Under this order the Indians were given a license to occupy the lands described in it so long only as it was the pleasure of the Government they should do so, and no right, title, or claim to such lands has vested in the Indians by virtue of this occupancy. So that in the opinion of the committee Congress is entirely free to legislate concerning the lands embraced in this reservation and make such disposition of them as it deems proper. An erroneous idea seems to have grown up that the Indian allotment act and its amendments have given additional sanctions to Executive reservations and operated to confer titles upon the Indians occupying them they did not before possess. The language of that act is simply an authorization to the President, and is as follows:

"'"In all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural and grazing purposes, to cause such reservations, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in such reservation in severalty to any Indian located thereon." * * *

"'At the time of the enactment of this statute there were fifty-six Executive reservations, embracing perhaps from 75,000,000 to 100,000,000 acres of the public lands, in which the Indians had no right or claim of title and which could be extinguished by act of the President. It would be preposterous to place such a construction upon the language of this act as would divest the United States of its title to these lands. It extended no further than a legislative recognition of Executive reservations. No part of the Colville Reservation has been surveyed. No allotments have been made upon it. No selections for allotments have been had, and, in fact, no basis of selections by individual Indians for allotment purposes yet exists.

"'Individual Indians have occupied and improved holdings in the faith that hereafter they would be permitted to obtain the same by allotment, and this expectation should not be disappointed. The Colville Reservation is in the form of an irregular square, bounded on the east and south by the Columbia River, west by the Okonogan River, and on the north by the forty-ninth parallel or international boundary line. It contains about 3,000,000 acres.

"'The bill as it passed the House proposes, with certain modifications, the ratification, confirmation, and carrying into effect of an agreement of cession and relinquishment entered into between the Indians occupying this reservation and three commissioners appointed by

the President for the purpose, in pursuance of a provision contained in the last Indian appropriation act.

"'The House bill, as your committee has shown, rests upon an entirely erroneous basis, and would not only commit the Government to relinquish its complete title in the land proposed to be ceded, but compel it to pay such a purchase price therefor as the Indians having no claim to it might exact, and also commit the Government to an acknowledgment of Indian title to the remainder of the reservation. The Colville agent in his last report submits a carefully prepared census, taken by himself and employees, of the Indians under his charge, including those on this reservation.

Name of tribe.	Males above 18 years.	Females above 14 years.	Children between 6 and 16 years.	Persons not otherwise enumerated.	Total.
Lake	117	112	74	45	348
Colville	109	91	62	41	303
Okinagan	120	152	102	63	437
Columbias	144	152	67	43	406
Joseph's band of Nez Percé	40	62	11	16	129
Nespelim	19	22	12	6	59
Sanpoil[a]	135	165	.....	.....	300
Total	684	756	328	214	1,982

[a] Estimated.

"'This substantially agrees with the enumeration made by said Commission, which placed the number of male Indians above the age of 18 years rightfully on the reservation at 685. Many of the Lake and Colville Indians are industrious and have made encouraging progress in civilization. They reside along the upper Columbia River, on the northern part of the reservation. They cultivate the soil, are self-supporting, and desirous of educating their children and acquiring in severalty the lands they occupy. They are largely on the land proposed to be vacated as a reservation and opened up to settlement. A number of the Okanagons and some of the Moses Indians are on this portion of the reservation. The latter have made commendable progress, though not so far advanced in civilization as the Lakes and Colvilles.

"'The Columbias and Nez Perces were placed upon this reservation subsequent to its creation and by virtue of that provision in the Executive order authorizing the Secretary to locate such other Indians thereon as he saw fit.'

"The bill reported by the Senate committee became law. During the Fifty-seventh Congress an act was passed relieving the settlers from paying the $1.50 per acre for the land.

"The State of Washington is developing very rapidly. Its population in 1880 was about 75,000; in 1890 359,000, and in 1900 over 500,000. According to a careful estimate made by the State bureau of statistics the population of the State now is over 750,000.

"The south half of this reservation is the principal body of land in the State not now settled upon and which is suitable for homesteading. In addition to the large area of agricultural, grazing, and timber lands lying in the north and south halves of this reservation, mineral discoveries of great richness, extent, and variety have been made, and a vast mineral region lies to the immediate westward of this reservation, which only can be reached for transportation purposes by the construction of railroads across it. Such construction, however, can not be afforded unless the traffic resources along the routes across the reservation can be developed. This can take place only by opening the lands to white settlement and ownership. To keep these lands closed to settlement is to retard the growth and development of the State. The number of Indians on the south half is estimated at about 1,376.

"Your committee does not recognize nor deny the title of the Indians to this land. Prior to the establishment of the reservation they were roving about over many thousand square miles of territory in the Northwest without any fixed abode. Whatever right or title they had must have been a very shadowy one, if any at all, and whatever right they had to the reservation after it was formed was common to all. Under this bill each man, woman, and child will be given the exclusive right and title to 80 acres of land. This is more than enough to support them in abundance. In addition to this, however, it is provided in sections 3 and 4 that for a certain period settlers upon the lands unallotted shall, in addition to complying with the homestead laws, pay certain amounts per acre for the lands homesteaded, and this money is to be set apart in the Treasury to be expended by the Secretary of the Interior for the use and benefit of all the Indians of the original reservation.

"'SEC. 3. That each entryman, in addition to complying with the requirements of the homestead laws, shall pay to the United States for the land entered at the rate of $1.25 per acre for land entered within six months after the land is opened for settlement; $1 per acre if entered thereafter and within one year after the land is opened to entry; 75 cents per acre if entered after one year and within two years after the land is opened to entry, and 50 cents per acre if entered after two years from the time when the land is opened for entry; one-fifth of such sums to be paid when the original entry is made and one-fifth thereof each year thereafter until the full amount is paid: *Provided*, That in case any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the lands covered by his or her entry shall be forfeited and held for cancellation: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entry under section 2301, Revised Statutes, by paying for the land entered the price fixed upon, receiving credits for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation of final entry as now provided by law where the price of the land is $1.25 per acre: *And provided further*, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of ten years from the date of the President's proclamation opening the said land to entry shall be disposed of under the general mining and homestead laws of the United States in force at the expiration of the said ten-year period until otherwise provided by Congress, and without any additional payment therefor.

"'SEC. 4. That the proceeds received from the sale of said lands in conformity with this act shall be set apart in the Treasury of the United States, subject to expenditure by the Secretary of the Interior from time to time, as he shall deem best, in the building of schoolhouses and the maintenance of schools for all the Indians in the territory originally embraced in the Colville Indian Reservation, and in such other ways as he may deem best for the education, civilization, and support of all the said Indians.'

"This, doubtless, will furnish an ample fund for the building and maintenance of schoolhouses, the purchase of farming utensils, supplies, and other things necessary for the support and civilization of these Indians. Considering the character of these lands, the committee considers that the Indians will receive full and just compensation for whatever right or claim they may have to these lands and the lands embraced in the north half heretofore opened up.

"There will really be no expense to the Government in the opening of this reservation, because it is provided that the amount for survey and allotment shall be repaid to the Government out of the fund arising from the disposition of the lands.

"Amend as follows: After 'appropriated,' in line 2, page 7, insert the following: 'which sum shall be repaid into the Treasury of the United States out of the fund arising from the disposition of said lands.'

"And as so amended we recommend that the bill be passed."

The amendment thus incorporated in the House bill by the above report is part of the bill (S. 5187) as introduced in the Senate by Mr. Foster and is included in lines 3, 4, and 5, page 7, of his bill, which is hereby approved and recommended for passage.

Mr. PLATT of Connecticut. Mr. President, the bill stands as open to objection at this time, I believe?

The PRESIDING OFFICER. The Chair so understands.

Mr. PLATT of Connecticut. I do not know that I wish to object to the consideration of the bill, but I think the Senate ought to know just what the bill is before it acts upon it. At some time I should like to make a statement with regard to the bill. I will make it now, before the bill has been taken up, or at any other time. I suppose an objection can be entered at any time while the bill is under consideration?

The PRESIDING OFFICER. The Chair so understands, under the rule.

Mr. PLATT of Connecticut. The bill may be taken up, and I will then make a statement about it as I understand it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. Mr. President, I did not assent to this report when I was a member of the Committee on Indian Affairs and stated in the committee why I did not, and I should like to state in the Senate why I do not.

The Colville Indian Reservation, in the State of Washington, contains about 3,000,000 acres. It was, as the bill states, an Executive order reservation. As to the north half, it has been opened for settlement under these circumstances and conditions: A treaty was negotiated with the Colville Indians for the opening of the north half of their reservation upon the payment of $1,500,000 to the Indians in certain specified payments. This negotiation was in consequence of a provision in the Indian appropriation act of August 19, 1890.

A commission was appointed to negotiate with the Indians. It negotiated an agreement, as I have said, for the north half of the reservation, by which the United States was to pay the Indians $1,500,000 in five installments of $300,000 after allotting 80 acres in severalty to each Indian. They were also to erect some blacksmith shops, sawmills, gristmills, schools, and so forth.

When that agreement came to Congress, it was not ratified by Congress. I think the House of Representatives ratified the agreement and provided for payment. When, however, it came to the Senate the Senate did not ratify the agreement, but passed a bill authorizing the opening of the north half of the reservation without reference to the agreement. That bill became a law without the President's signature. It is to be found in the Revised Statutes, volume 27, page 62. That bill, ignoring the agreement which had been made with the Indians, proceeded to open the reservation upon these terms: Each Indian was to have 80 acres of land, then the land was to be opened to homestead entry, and the person taking it under homestead entry——

Mr. HANSBROUGH. That is the surplus land.

Mr. PLATT of Connecticut. The surplus land. The persons taking the lands were to pay a dollar and a half an acre for them. That money so received from the homestead entries and the payment of a dollar and a half an acre was to be put in the Treasury of the United States, and until disposed of was to be used for the benefit of the Indians. It was a very peculiar provision.

Section 2 provides:

That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local

taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

While this section provides that that money might be taken out of the Treasury and used for other purposes, it is very manifest it never would have been, but that it would have remained in the Treasury for the benefit of these Indians.

Then came the free-homes law, which applied to these lands. Consequently the settlers upon these lands have not been required to pay anything to the Government for the lands, and the Indians derived nothing under this bill. It stands, then, that the lands on the north half of this reservation have been taken from the Indians, giving them only 80 acres for whatever rights or equities they may have had in the lands which they occupied under the Executive order. They get nothing.

Now, this bill proposes to deal with the south half of the reservation. It provides that, after giving the Indians 80 acres, the rest of the land shall be opened to settlement by proclamation. Under the new arrangement and for a certain time it may be taken up at a dollar and a quarter an acre, I believe; then after that at 75 cents an acre, and finally disposed of, I think, at 50 cents an acre, if it is not taken by homestead settlement.

So it is manifest that under this opening of the south half something will be derived for the benefit of the Indians; but the Indians on the north half, or the Indians on the Colville Reservation, will, by reason of the operation of the free-homes law, have received nothing for the lands which are taken on the north half of the reservation. This bill changes the disposition of the money received from those lands in that it is put into the Treasury for the use of the Indians without any power to divert it from their use, as there was in the original law.

My objection to this arrangement is this: I think it is perhaps a fair enough disposition of the lands, but it raises the question—I do not know that it is really any longer a question—whether the Government can take away the lands which Indians have been settled upon by Executive order without any agreement with the Indians, and if it can, whether in the statute taking them away it has made reasonable provision for the compensation of the Indians.

But the point about this matter is, that if we do this and the Indians derive some benefit from it, we are certain to have a claim made by those Indians for a million and a half dollars for the opening of the north half of the reservation, where there was a treaty in the first place, or an agreement, that they should have a million and a half dollars, and then the action of Congress that the lands should be subject to homestead at a dollar and a half an acre, which was expected to give them a million and a half dollars, and where the lands have been taken without their receiving a cent. If we pass this bill giving them something for these lands, giving them the proceeds which come from the opening to settlement, under the terms of the bill they are sure to come here in the future saying that they are entitled to a million and a half dollars for the land in the north half, and they will get that money. No one who has been familiar with these Indian claims will doubt for a moment that Congress, as a result of this whole transaction with regard to the Colville Indian Reservation, will be called upon hereafter to pay out a million and a half dollars from the Treasury.

Mr. HANSBROUGH. They have a right to do that, anyway.

Mr. TELLER. I want to know of the Senator from Connecticut if, upon the statement he makes, he does not think that those Indians will be entitled to that as a matter of right; and what right has the Government to take it away from them if it belongs to them?

Mr. PLATT of Connecticut. I do not know that I want to commit the Government by making that answer. Of course the first taking of a portion of this reservation was before the Lone Wolf case. The decision in Lone Wolf case, I think, goes to the extent that the United States would have the right to take these lands from the Indians without making them any compensation, or making them such compensation as the United States in taking the lands might feel they were entitled to. I merely make this statement, as I want the Senate, if it passes this bill, to know the facts and to be sure that it is to be followed by the payment of a million and a half dollars out of the Treasury to those Indians.

Mr. DUBOIS. Mr. President, I should like to ask the Senator a question. I am a little confused in my own mind regarding this matter. The Senator, as I understand, thinks that if we pass this bill it will be followed by the payment of a million and a half dollars for the north part of the Colville Reservation. As a matter of fact, have not bills been presented here for the payment of money to the Indians of the north part of the reservation? I think I have seen such bills, though I am not quite sure whether they came to our committee or not.

Mr. PLATT of Connecticut. I do not at this moment remember, but I have an impression that there have been such bills presented.

Mr. DUBOIS. As I have stated, I think such bills have been presented.

Mr. PLATT of Connecticut. I can not speak with positiveness on that subject.

Mr. BURROWS. Mr. President, I should like to make some inquiry about this matter, and I therefore trust that the bill will go over without losing its place on the Calendar. For the present I object to its further consideration.

The PRESIDING OFFICER. Objection being made, the bill will go over, under Rule VIII, without prejudice.

TOMBIGBEE RIVER BRIDGE.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 6368. An act providing for the interment in the District of Columbia of the remains of Rose Dillon Seager; and

S. R. 79. A joint resolution granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

PACIFIC PEARL MULLETT.

Mr. WARREN. Mr. President——

Mr. BACON. If the Senator will yield to me, I wish to ask consent for the consideration of a bill which has come with a favorable report from the committee of which he is chairman.

Mr. WARREN. If the bill will not lead to discussion, I yield.

Mr. BACON. I think it will not. I ask unanimous consent for the present consideration of the bill (S. 965) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, $2,062.06 in full for the balance due her husband on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the navy-yard commission, under the provisions of the act of August 5, 1882, making appropriations for the naval service, the balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy and now in the possession of the widow of Alfred B. Mullett.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask unanimous consent that the Senate resume consideration of the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act."

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Claims as amended.

Mr. WARREN. I believe all the amendments to the amendment heretofore proposed by the committee have been adopted. I have one here which was inadvertently left out.

Mr. BERRY. There were some additional amendments not presented when the bill was reported. Have they been included in the bill?

Mr. WARREN. They were all passed upon separately upon the reading of the bill on Friday.

Mr. BERRY. The committee had a meeting after the bill had been reported, and proposed certain other amendments?

Mr. WARREN. And reported further amendments.

Mr. BERRY. And all of them have been agreed to?

Mr. WARREN. They were adopted. As I understand the parliamentary situation, the bill is still in the Senate as in Committee of the Whole?

The PRESIDING OFFICER. That is the correct status of the bill.

Mr. WARREN. The consideration closed the other night with the offering of various amendments by the committee. I now have a committee amendment which I will send to the desk. It was overlooked the other evening.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming, on behalf of the committee, will be stated.

The SECRETARY. On page 201, after line 17, it is proposed to insert:

To Malinda S. Gray, widow and legal representative of Frederick P. Gray, deceased, the sum of $356.10, for mail services performed as contractor on route 10171, from Clarksburg to Paris, Tenn., from January 1 to March 31, 1861.

The amendment to the amendment was agreed to.

Mr. WARREN. The committee has one more amendment to offer, being the bill last passed here in the Senate this morning.

The PRESIDING OFFICER. The Senator from Wyoming, on behalf of the committee, offers an amendment, which will be stated.

The SECRETARY. On page 188, after line 21, it is proposed to insert the following:

To Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, the sum of $2,062.06 in full for the balance due her husband, the said Mullett, on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the navy-yard commission, under the provisions of the act of August 5, 1882, making appropriations for the naval service, said balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy and now in the possession of the widow of said Mullett.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

Mr. PLATT of Connecticut. I should like to inquire why that claim has not been paid, if vouchers have been issued therefor?

Mr. WARREN. A part of the original claim only has been paid, I will say to the Senator. While a voucher was issued, there were no available funds from which to pay it. The bill as first passed in the Senate covered a little more than double the present sum. But it passed in the House for a less sum. The item was passed on an appropriation bill. Finally, in conference, a smaller amount was designated as in full of the claim. The beneficiary never accepted it as final, and never took the entire amount appropriated, but, it seems, drew upon it to the extent of something like twenty-five hundred dollars. The remaining portion is still standing there appropriated for, and this amendment practically reappropriates that and adds the balance of the claim, making the sum the same as the Senate has permitted on previous occasions.

Mr. PLATT of Connecticut. Does this amendment not say that vouchers are already in existence for what we are going now to give?

Mr. WARREN. Not as paid vouchers or receipts, Mr. President.

Mr. PLATT of Connecticut. I probably did not catch the reading aright. Will the Secretary read it again?

Mr. WARREN. I have not the report before me.

Mr. BACON. I have the report.

Mr. PLATT of Connecticut. Let the Secretary read again what it says about the vouchers.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Said balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy and now in the possession of the widow of said Mullett.

Mr. PLATT of Connecticut. The question I ask is, Why, if there are vouchers which have been issued by the Secretary for this claim, which are now in the possession of the widow, it has not been paid, and why we need to do anything about it?

Mr. BACON. I hold in my hand the report of the House committee. This claim has been reported favorably by the committee in each House, and both concur in the statement—the House report being adopted by the Senate committee—that at the time there were no funds available for the payment of the full amount due—that is stated in this report—and that the amount now appropriated is the exact amount which the Secretary of the Navy contracted to pay.

Mr. WARREN. That is right. This added to what has already been paid——

Mr. BACON. This is in pursuance of a contract made at the rate of $4,000 per annum by the Secretary of the Navy with Colonel Mullett, and the only reason why the full amount was not paid by the Navy Department is that there were no funds available under the appropriation made for the Secretary to pay the amount due. That fact is found by the committee of the House of Representatives and the committee of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. BACON. I desire to offer an amendment, but I have not the form here at the moment. I gave it to the Senator from Wyoming, as chairman of the committee, and I think he has sent to his room for it, but it has not yet been brought here. It is an amendment to pay a certain amount found by the Court of Claims in favor of St. Philip's Episcopal Church, of Atlanta, Ga.

Mr. CLAY. Four thousand nine hundred and twenty-five dollars.

Mr. BACON. I desire to ask the Senator from Wyoming, the chairman of the committee, if he will not permit that amendment to go on the bill?

Mr. WARREN. The amendment proposed to be offered by the Senator from Georgia, I understand, is based upon a finding of fact by the Court of Claims in favor of a church. I will ask if the Senator has the finding there?

Mr. BACON. I have it here.

Mr. WARREN. Let me see it.

Mr. BACON. Please hand this to the Senator. That is the report.

Mr. WARREN. I have the papers here now.

I wish to ask the Senator from Georgia not to press the amendment for this reason: The case is one of a class that has not been included in the present bill. I do not say that they should not be considered and paid; I do not say that at some time they may not be considered and paid; but they differ from the claims that have been inserted in the bill.

I will say, furthermore, that this case does not stand alone. There are various other churches similarly situated, and a very great many bills of individuals are also pending, amounting, in the findings of the last three or four years, to perhaps $300,000.

Turning to the finding of the court, article 4 reads as follows:

It is not shown that any claim for the property herein claimed for was ever presented to any Department of the Government until its presentation to Congress and its references to this court, as set forth in the statement herein.

Now, the committee has believed that the pending bill was as large as we ought at this time to consider, and the committee has believed that since the Senate has extended to it some measure of confidence in authorizing the grouping together of bills in an omnibus bill, all bills as to which any questions might arise, as the one here, should be eliminated from the omnibus bill; that it should be a straight collection of court findings free from charges of either disloyalty or laches.

That is all I have to present as a reason why this claim should not be included. It seems to me it would make an invidious distinction if this were permitted to go into the bill, unless indeed it is the pleasure of the Senate to open it up to perhaps a hundred and fifty more claims, involving perhaps three or four hundred thousand dollars, which have various flaws in the findings, if I may term them such, similar to the one I have just read.

Mr. CLAY. I will ask the Senator whether it is not true that there have been bills pending both in the House and the Senate ten years for the payment of this claim?

Mr. WARREN. I would not be able to say yes on no——

Mr. CLAY. I say it is true.

Mr. WARREN. Because I think the Senator will hardly expect me to remember the several thousand claims annually introduced and referred to the committee.

Mr. CLAY. Then, as I understand the Senator, the only reason why this claim was not inserted in the pending bill is that claimants have been negligent in presenting it to the Department or to Congress. The finding of the court in every respect complies with the Tucker Act. It says the claim is just; that the claimant was loyal, and that the money ought to be paid. There is nothing said against it except the fact that this is the first time it has been presented to Congress. That is my understanding of the finding of the Court of Claims. The bill has been pending in Congress many years.

Mr. WARREN. Perhaps the Senator from Georgia states it rather broadly. The court finds that the church was loyal, but it finds that the claim can not be allowed for the amount presented. However, it finds that there is a portion of the claim justly due. But it finds that it was not presented early enough to clear it of the charge of laches. For instance, this claim was not presented to the Quartermaster's Department or the Southern Claims Commission.

Mr. CLAY. Let me correct the Senator, with his permission. They find one item of certain damages amounting to $800. The total damages amount to $4,925.

Mr. WARREN. Yes, Mr. President; but that opens up another branch of the subject. It has not been the policy and practice of the Senate or the House or of Congress, if I am correctly informed, to allow bills of damage as such, while they do allow for material taken and used. For instance, if a house becomes damaged in war or is torn down, it is not allowed for strictly as damage. The Quartermaster's Department would not allow for it. The Southern Claims Commission would not allow for it. Congress would not allow for it. But if material from a destroyed structure—lumber and brick, etc.—is taken and used for the benefit of the Army or the forces of the United States, the owners are allowed pay for it.

But, Mr. President, I will not now go into the matter of the amount, preferring rather to put the reasons exactly as they exist with the committee—i. e., that the claim was excluded at this time as one of a class, all of which were excluded. I appeal to the Senator from Georgia to withdraw the amendment at this time and permit the claim to be considered with a great many others of the same kind.

I wish to say to the Senator that the Committee on Claims has presented to Congress, and Congress has kindly consented to send down very nearly all the claims of churches that have been presented, and they are now before the Court of Claims. The court has but just commenced their consideration. This bill contains the findings of the court in a few cases. The committee files show the reports of quite a number more that are situated exactly as this one is situated, and hence not included in the pending measure. But the larger part of the church claims are yet unconsidered before the court.

So this claim, if it does not go into the pending bill, is in nowise prejudiced or put out of court, if I may use that expression. It is simply not included at the present time because we are considering another class of claims.

Mr. CLAY. The merits of the claim will not be affected in any way by the passage of this measure, and it is simply considered in a class that is rejected on the fourth ground set forth in the report of the findings of the Court of Claims—on the ground that there was negligence?

Mr. WARREN. It is even better than that. These claims are not rejected. They are simply not included in the present bill. It will not in any manner, in my judgment, inure to the injury of the bill.

Mr. BACON. I wish to ask the Senator one question in order that it may be made clear. I understand, then, there is no other claim standing in this exact class which is included in the bill?

Mr. WARREN. I know of no other one, and if my attention should be drawn to one of that kind, I would ask to have it stricken out.

Mr. BACON. There are a large number of others in the same class which are likewise excluded from the bill on the same ground?

Mr. WARREN. Exactly so, and without any prejudice to such claims.

Mr. BERRY. Just one moment, Mr. President. I have two claims which I have been very anxious to get into the bill. One is in favor of Joel G. Higgins, administrator of Richard Higgins, deceased, and the other is in behalf of Annie F. Polk, Susan Keesee, and others. They are in this same class, where the court find that there was no excuse for the delay. If claims of this class are to be included in the bill, I will offer an amendment embracing these two claims, which I am very anxious to have paid, and I hope the Senator from Wyoming will agree to let them go in.

The Senator from Wyoming says the committee has excluded all claims of that class, and that none of them are in the bill. I very much regret that he did not put all of them in the bill, because it seems to me they ought to be paid. The findings in these two cases have been here for three or four years. The court find that the parties are entitled to the money, but they say that no excuse has been shown for the delay in the prosecution of the claims. Of course, if that entire class of claims is ruled out, I am helpless, although I would be very glad indeed to see them all put in the bill.

Mr. BACON. As I understand the Senator from Wyoming, it simply defers their consideration until a later day?

Mr. BERRY. Certainly.

Mr. WARREN. Certainly.

Mr. BATE. Mr. President, I understand from the Senator from Wyoming that there are a good many cases on a footing with that presented by the Senator from Georgia.

Mr. WARREN. Just so.

Mr. BATE. Our State has several, and I have approached the Senator from Wyoming in regard to some five or six, three of which I am very urgent about. But, as I understand, they have been laid aside on the same ground that has been stated here with respect to the claim presented by the Senator from Georgia. I took it for granted that it was to be uniform. I did not think there would be any exception made to it, else I should have presented the claims in which I am interested, and I shall do so now if there is to be any exception. But, as I understand, it is the uniform practice with respect to this bill to exclude those cases. However, I understand the Senator is going right to work on the other claims, and will try to get them through when this bill is disposed of.

Mr. WARREN. We will try to arrange it in such way that the Senate can consider what it will do with them.

Mr. BATE. I understand, however, that they are not put off purely for delay, but that in the church cases particularly which have been spoken of there has been some arrangement made by which they will be entertained by the committee.

Mr. WARREN. They certainly will not, by the committee, be kept away from the consideration of the Senate. The committee will cooperate with Senators to bring all the facts before the Senate for such disposition as it may see fit to make of this class of claims.

Mr. BATE. I simply do not want to see any invidious distinctions made. I am willing to submit to that rule, if it is thought best, but I do not want any invidious distinction made, and I desire to come in with the claims in which I am interested if there is any chance to secure their adoption.

Mr. WARREN. I want to say, and Senators I believe will appreciate my situation, that the refusals on my part and on the part of other members of the committee to include this class of claims have been very numerous. Since sitting here this morning waiting for the recognition of the Chair, I have probably had twenty or more cards sent me from those outside who represent claims of this nature, and should I not now resist all amendments of this kind, I should feel that I had wronged perhaps a hundred—yes, and probably more than that number—of those who have asked the insertion of similar claims in the pending bill.

I hope such amendments will not be pressed.

Mr. TELLER. Mr. President, I have on my table several of these claims (I am told by the Senator from Arkansas that such claims involve a very large sum) where the court has found the fact of the loyalty of the claimants and where an appropriation by the Government would be proper, but have left to Congress the question whether there were such laches as under the act of 1878 excluded them. I have two or three cases in which it seems to me there can not be any question that the laches was excusable. I know, having been on the Committee on Claims a long time, the difficulty the chairman has with these claims.

What is the amount involved in the bill, I will ask the Senator from Wyoming?

Mr. WARREN. Including the amendments already adopted, the number of claimants will reach above 1,700, and the amount of the bill will reach possibly twenty-eight hundred thousand dollars in direct appropriations, and there are in addition some not large matters to be sent to the Court of Claims for adjudication.

I will say to the Senator from Colorado that personally I would be glad to see a bill twice as large go through, in order to more nearly clear the files of deserving claims, but I think the Senator will agree with me that it is inexpedient to enlarge the present measure and also inexpedient to try out at this time the cases of complete or partial laches.

Mr. TELLER. I did not intend to embarrass the Senator by offering any amendments. I only wanted to excuse myself to a constituent or two of mine who will wonder why I did not succeed in getting their claims on after the court had said they were entitled to the amount. But I can see very readily that if we went to work at this short session of Congress and put on some claims which would raise a question that might be debated elsewhere very extensively we might jeopardize the bill.

I have felt for many years that these claims unpaid and unsettled have been rather disgraceful to this nation. We have gone about their examination with all the care possible; committee after committee has taken testimony; and we have reported them here to the Senate again and again, and they are tied up until the people who are entitled to the money die. Frequently the heirs die before the money comes, and then it goes to collateral heirs, if it is ever paid at all. I would be the last person to throw any obstacle in the way of the speedy passage of this bill, which I believe justice—I will say more, decency—on the part of this Government demands should be passed.

Mr. WARREN. Mr. President, just a word. I will say for the encouragement of those who are interested in claims that are not included here that this bill includes more of the Bowman and Tucker Act findings than any bill, with one exception, that has ever passed—something like fourteen hundred thousand dollars, nearly five times as much as the House expressed a willingness to pass at the time it considered this bill.

Mr. SIMMONS. Mr. President, I have in my hand the findings of the Court of Claims in reference to a case which I imagine falls within the category mentioned by the Senator a few moments ago.

It is a claim in favor of O. H. Perry, administrator of George W. Perry, deceased. As I understand, the court has found and adjudged that the decedent, Mr. Perry, was a loyal citizen of the United States, and that the Government is indebted to him in the sum of $4,350 for supplies taken from him for the use of the Army during the war. There is no specific finding to the effect that the administrator was guilty of laches, but I suppose there is an inferential finding to that effect; that is, it is said that there is no evidence showing that the claim was presented in time under the act of 1871.

I should like to ask the Senator if that bill comes within the category of claims which have been excluded under the rule adopted by the committee?

Mr. WARREN. The bill clearly does come within the class that is not taken up, and does not come within the class that has been inserted in this bill.

Mr. SIMMONS. Now, am I to understand, if the Senator will permit me, that this rule established by the committee is in no sense to be taken as a finding adverse to that class of claims?

Mr. WARREN. Simply that we do not consider them at this time.

Mr. SIMMONS. If the Senator will permit me one other question, is it the purpose of the committee to present a supplemental bill during this session of Congress including claims of that character?

Mr. WARREN. The committee has not yet taken up that subject. It has not considered it. I think the Senator from North Carolina will admit that the committee has been exceedingly busy so far this session with the make-up of the pending bill, and the subject of another bill has not yet been considered.

Mr. SIMMONS. If the Senator will permit me, I should like to make another inquiry. In case the finding of the court is to the effect that there has been laches or that there is no evidence rebutting laches, will it be necessary for the case to go back to the Court of Claims for the purpose of taking evidence on that question, or will the committee act upon it on the evidence of loyalty and as to the validity of the claim against the Government?

Mr. WARREN. My own judgment is it will be unnecessary to send it back, because, unless there is new evidence, the court is supposed to have weighed the evidence and to have decided as it would again decide.

I will state to the Senator that the committee does not consider it inferential laches when the court declares that no evidence is presented to show why the claim was never presented before.

This is a clear case, because the findings of fact state:

> The claim was not presented to the Commissioners of Claims under the act of March 3, 1871, and is consequently barred under the provisions of the act of June 15, 1878. No evidence has been offered by the claimant under the act of March 3, 1887, "bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty," etc.

Mr. SIMMONS. There is no finding that there was actual laches?

Mr. WARREN. There never has been a finding of that kind in one of these cases that I know of. The finding has always been in the way I have stated.

Mr. SIMMONS. Will the Senator oblige me and the Senate by stating approximately the amount of claims excluded on account of laches?

Mr. WARREN. Something approaching $300,000 of claims that are in the same position as the claim the Senator now advocates; that is, claims amounting to $300,000 or more have accumulated during the last three or four years.

Mr. BATE. With the permission of the Senator, I beg to say, in connection with what I said a while ago about those cases, that every one of them has been in the Court of Claims and has been passed upon, the question of loyalty established, the amount agreed upon by the court, and payment recommended.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Claims, as amended.

The amendment as amended was agreed to, as follows:

Page 1, strike out all after line 9 down to and including line 14, page 30, and insert:

"ALABAMA.

"To Thomas M. Hobbs, of Limestone County, $7,662.
"To B. W. Hewitt, administrator of Dr. V. Burrow, deceased, of Lauderdale County, $667.
"To Jesse Keys, of Madison County, $623.
"To H. B. Lansden, administrator of Martha W. Lansden, deceased, of Marshall County, $448.
"To John J. Turrentine, administrator of the estate of Andrew McWilliams, deceased, of Limestone County, $860.
"To William A. Walker, of Colbert County, $330.
"To John S. Watkins, of Lauderdale County, $1,534.
"To H. S. Watters, administrator of the estate of Claiborn C. Watters, deceased, of Cherokee County, $440.
"To C. H. Lavender, administrator of Elizabeth Nell, deceased, of Dallas County, $1,415.
"To Douglass Taylor, administrator of Cyrus Jones, deceased, of Madison County, $605.
"To John H. Vaught, administrator of John Sullivan, deceased, of Jackson County, $1,357.
"To Floyd H. Gilliam, administrator of Josiah Springer, deceased, of Madison County, $1,085.
"To Mrs. Mollie Smith, administratrix of John Hollingsworth, jr., deceased, of Morgan and Limestone counties, $556.
"To Russell M. Kilburn, of Lauderdale County, $1,453.
"To Douglass Taylor, administrator of Jessie Jefferson, deceased, of Madison County, $267.
"To John A. Chandler, administrator of Garrett S. Chandler, deceased, of Lauderdale County, $621.
"To Douglass Taylor, administrator of Elizabeth Horton, deceased, of Madison County, $242.
"To Douglass Taylor, administrator of David Vincent, deceased, of Madison County, $518.
"To Douglass Taylor, administrator of Benjamin Carter, deceased, of Madison County, $445.
"To Douglass Taylor, administrator of John Haynes, deceased, of Madison County, $475.
"To Douglass Taylor, administrator of Edward Moore, deceased, of Madison County, $266.
"To Amelia Simpson, administratrix of Randolph Simpson, deceased, of Tuscaloosa County, $465.
"To Douglass Taylor, administrator of Stephen Harris, deceased, of Madison County, $350.
"To Priscilla A. Nicolson, widow of John O. Nicolson, deceased, $110.67.
"To John A. Johnson, administrator of Maria Johnson and Sarah E. Ware, deceased, of Limestone County, $2,757.
"To William Jones, of Madison County, $277.
"To Douglass Taylor, administrator of the estates of Senia McClelland and Hunter McClelland, deceased, of Madison County, $670.
"To William P. Newman, administrator of the estate of William Powers, deceased, of Madison County, $1,530.

"ALASKA.

"To Frank Guertin, $15.89.
"To Joseph F. Travers, guardian of Michael Travers, of the Island of Japonsky, $1,250.

"ARKANSAS.

"To B. Frank Perry, administrator of Ephraim E. Cooper, deceased, of Phillips County, $6,452.
"To Edward Valencourt Deuell, in his own right, and as administrator of Ethan A. Deuell, deceased, of Pulaski County, $7,867.
"To Mary C. Slosson, administratrix of John N. Slosson, deceased, of Sebastian County, $4,638.
"To J. Menkus, administrator of the estate of Sarah Marr, deceased, of Pulaski County, $1,150.
"To James M. Green, administrator of John L. Green, deceased, of Saline County, $461.
"To J. P. Newkirk, administrator of James H. Newkirk, deceased, of Saline County, $1,178.
"To Constant P. Wilson, administrator of Mary A. Wilson, deceased, of Sebastian County, $2,010.
"To Charles S. McClard, administrator of Arthur Mayberry, deceased, of Montgomery County, $788.
"To R. A. Dunlap, administrator of Elijah Y. Toney, deceased, of Ouachita County, $2,170.
"To Daniel W. Core, administrator of Hugh Core, deceased, of Pulaski County, $1,183.
"To Nathan H. Cloyes, of Hot Springs County, $1,370.
"To Sarah Ann Vaught, Allen Vaught, Jacob Vaught, and Mitchell Vaught, of Crawford County, $1,020.
"To Henry Cooper, administrator of Samuel Cooper, deceased, of Garland County, $1,377.
"To Lucy J. Eaton, executrix of the estate of Lucy A. Caldwell, deceased, of Jefferson County, $4,250.
"To E. E. Whitfield, brother of William E. Whitfield, deceased, $160.54.
"To Frank B. Toms and Sallie T. Elliott, sole heirs of Henry C. Toms, deceased, $3,220.
"To Mary F. Pollan, administratrix of the estate of William H. Pollan, deceased, of Crittenden County, $808.
"To Lewis Cass Smith, for himself and as administrator of the estates of Elisha G. Abbott and Zareida E. Abbott, deceased, of Arkansas County, $15,110.
"To the trustees of the Cumberland Presbyterian Church, of Prairie Grove, Washington County, $800.
"To Robert Gordon, administrator of Jamison W. Rice, deceased, of Phillips County, $5,705.

"CALIFORNIA.

"To John Q. Adams, of San Francisco County, $80.82.
"To Jeremiah C. Burnett, of San Francisco County, $169.31.
"To Charles A. Clarke, of San Diego County, $553.15.
"To Henry G. Colby, of San Francisco County, $589.58.
"To Frank Courtis, of Alameda County, $202.74.
"To Henry Glass, of San Francisco County, $97.53.
"To James A. Hawke, of Solano County, $41.13.
"To Emma L. Ferrier, widow of William A. Ferrier, deceased, $727.90.
"To Louis Kempff, of San Francisco County, $707.60.

"To Richard A. Urquhart, of Santa Clara County, $116.98.
"To Moses A. Lane, of San Francisco County, $1,171.09.
"To Joseph Wilson, of San Francisco County, $776.17.
"To Thomas S. Phelps, of Alameda County, $597.54.
"To Robert A. Williams, of Monterey County, $686.90.
"To Charles A. Davis, son and next of kin of George L. Davis, deceased, $146.02.

"COLORADO.

"To William M. Nickerson, of Arapahoe County, $90.41.
"To Edward M. Stedman, of Gilpin County, $124.99.
"To Erastus S. Joslyn, of Colorado Springs, El Paso County, $1,500.

"CONNECTICUT.

"To Caroline Swan, Mary E. Pritchard, Seymour Swan, and Carrie R. Moody, sole heirs of Travers Swan, deceased, of Bridgeport, Fairfield County, $1,606.40.
"To Francis W. Dickens, $69.04.
"To Charles E. Hawkins, of Middlesex County, $46.46.
"To John Lowe, of Fairfield County, $107.39.
"To Alexander Mack, of New London County, $184.93.
"To Oscar F. Stanton, of New London County, $606.64.
"To Lawrence M. Bowers, executor of the estate of Edward C. Bowers, deceased, $843.31.
"To Henry M. Cleveland, administrator of the estate of Louis Kingsley, deceased, $40.02.
"To Annie C. Collier, widow of Thomas S. Collier, deceased, $196.72.
"To Henry T. Skelding, of New London County, $369.32.
"To Walter K. Scofield, of Fairfield County, $590.96.
"To Grace T. Arms, executrix of Frank H. Arms, deceased, $1,256.51.
"To A. S. Oberly, $198.74.

"DELAWARE.

"To William R. and Paul R. Knight, sons of James S. Knight, deceased, $1,030.52.
"To Jane Robinett, widow of David Robinett, deceased, $805.39.

"DISTRICT OF COLUMBIA.

"To Philip M. Buckey, administrator of Philip J. Buckey, deceased, $2,246.
"To Mary E. O. Dashiell, $810.
"To William A. Gordon, administrator of William D. C. Murdock, deceased, $47,424.50.
"To Anne C. Livingston, $1,691.
"To Mary S. Cheney, widow of William Cheney, deceased, $608.77.
"To Julia W. Dickenson, widow of Hallowell Dickenson, deceased, $611.76.
"To Florence A. R. Judd, executrix of the estate of Somerset Robinson, deceased, $262.36.
"To Antoinette Stewart, widow of Thomas Stewart, deceased, $456.70.
"To Vincendon L. Cottman, $162.47.
"To Walter C. Cowles, $48.22.
"To William H. Driggs, $340.82.
"To Arthur H. Fletcher, $249.86.
"To George Fouse, $508.65.
"To Samuel Gee, $976.98.
"To Edwin S. Houston, $155.33.
"To Eugene H. C. Leutze, $41.22.
"To Charles M. McCarteney, $77.80.
"To Frederick A. Miller, $443.63.
"To Francis S. Nash, $205.48.
"To Robert B. Rodney, $135.88.
"To George W. Sensner, $312.33.
"To John S. Sinclair, $58.50.
"To Edmund B. Underwood, $99.45.
"To Thomas P. Venable, $56.50.
"To Mary F. Choate, widow of Isaac T. Choate, deceased, $91.20.
"To Eliza B. Dorrance, widow of George W. Dorrance, deceased, $997.46.
"To Susanna E. Dunn, administratrix of the estate of George Dunn, deceased, $278.90.
"To Richard Wallach, son of Cuthbert P. Wallach, deceased, $427.11.
"To A. E. K. Benham, $352.72.
"To William T. Hord, $78.36.
"To Aaron K. Hughes, $1,334.93.
"To Francis M. Gunnell, $33.84.
"To Philip J. Miller, son of Philip J. Miller, deceased, $42.10.
"To Evaline V. Ferguson, widow of William J. Ferguson, $138.63.
"To William A. Cooper, $50.41.
"To Francis E. Mack, son of Eugene Mack, deceased, $281.65.
"To Joseph Smith, $57.03.
"To the Emory Methodist Episcopal Church South, of Brightwood, $4,700.
"To the Methodist Episcopal Church, Washington district, Baltimore conference, $1,325.
"To Mary J. Carpenter, administratrix of the estate of Benjamin D. Carpenter, deceased, $1,253.

"FLORIDA.

"To William H. Holden, of Orange County, $2,500.
"To James H. Bull, of Monroe County, $165.20.
"To William H. Stewart, of Volusia County, $2,058.92.
"To Emma Thomas, widow of Robert G. Thomas, deceased, $268.74.

"GEORGIA.

"To Ella Adamson, administratrix of the estate of Frederick Read, deceased, of Clayton County, $1,695.
"To Ellen Bray and Bridget Wetcher, heirs of the estate of James Jennings, deceased, of Gordon County, $316.
"To Pinkney Daniel and Josephine Berry, sole heirs of Mary Dees, deceased, of Chattooga County, $150.
"To David G. Orr, of Catoosa County, $296.
"To J. C. Sutton and F. S. Black, executors of the estate of Allen Black, deceased, of Catoosa County, $395.
"To Jacob A. Fite, of Gordon County, $811.
"To W. T. Dodd, administrator of William Shadrick, deceased, of Clayton County, $1,774.
"To J. D. Edge, administrator of Jane Edge, deceased, of Walker County, $817.
"To W. T. Dodd, administrator of Nancy Shadrick, deceased, of Clayton County, $1,169.
"To John T. Reeves, administrator of Elizabeth Johns, deceased, of Fulton County, $885.
"To Joe M. Moon, administrator of Joel P. Maxwell, deceased, of Bartow County, $343.
"To J. B. Hutcheson, administrator of Furney Hutcheson, deceased, of Clayton County, $1,227.
"To Rosanna Griffin, of Floyd County, $591.
"To William N. McConnell, of Clayton County, $3,381.
"To S. A. Rawlins and B. H. Jackson, administrators of James Jackson, deceased, of Wilkinson County, $1,325.
"To Edward Crusselle, administrator and heir at law of the estate of Thomas G. W. Crusselle, deceased, of Atlanta, $4,020.
"To Sarah J. Bonner, administratrix of Thomas Bonner, sr., deceased, of Carroll County, $1,920.
"To Thomas J. Mansfield, administrator of Patrick Mansfield, deceased, of Bartow County, $921.
"To John H. Bray, of Gordon County, $776.
"To William R. Dubose, $98.08.
"To A. L. Millican, administrator of the estate of Andrew Millican, deceased, of Chattooga County, $754.

"ILLINOIS.

"To Joseph E. Dyas, administrator of the estate of Jonathan Young, deceased, $1,278.26.
"To Nannie M. Kimberly, executrix of the estate of Lewis A. Kimberly, deceased, $1,597.47.
"To Herman Hansen, of Cook County, $131.50.
"To Charles B. T. Moore, of Macon County, $74.52.
"To Peter H. Smith, of Cook County, $142.19.
"To Martha W. Boswell, administratrix of the estate of James W. Carlin, deceased, $253.15.
"To John C. Irvine, $12.05.
"To Bertrand D. Ridgeway, executor of Lindsay Ridgeway, deceased, of Sangamon County, $1,650.
"To Helen M. Bassett, widow of F. S. Bassett, of Cook County, $85.48.
"To Charles W. Adams, $819.75.

"INDIANA.

"To Charles A. Schmitz, son of Charles F. Schmitz, deceased, $573.15.
"To Charles A. Schmitz, $406.58.
"To William Wilkins Carr, administrator of the estate of Overton Carr, deceased, $300.87.
"To Mary E. Pritchett, administratrix of James M. Pritchett, deceased, $511.66.
"To Mary Fitch, administratrix of Leroy Fitch, deceased, $36.75.
"To Nellie F. O'Kane, widow of James O'Kane, deceased, $65.75.
"To John S. Neal, of the city of Indianapolis, $2,700.

"INDIAN TERRITORY.

"To Edmund McKenna, administrator of Jackson Foster, deceased, of Choctaw Nation, near Fort Smith, Ark., $2,367.

"IOWA.

"To J. M. Bowyer, $135.67.
"To Sophia A. Wight, widow of Danforth P. Wight, deceased, $85.48.

"KENTUCKY.

"To Frederick Demmien, of Kenton County, $1,213.
"To George W. Frith, administrator of Thomas I. Frith, deceased, of Rockcastle County, $280.
"To Samuel Berry, of Nicholas County, $732.
"To John J. Saunders, administrator of Henry S. Saunders, deceased, of Jefferson County, $160.
"To James E. Hall, of Clark County, $548.
"To Arthur B. Wilson, administrator of R. H. Wilson, deceased, of Jefferson County, $375.
"To James E. Gardner, $667.12.
"To John H. Rowland, of Breckinridge County, $438.16.
"To Frank C. Cosby, $593.27.
"To John H. Rowland, $235.27.
"To Sallie H. Grundy, executrix of the estate of Samuel R. Grundy, deceased, of Washington County, $1,444.97.
"To James Garnett, trustee of the Baptist Church of Columbia, Adair County, $780.
"To Thomas Adkins, administrator of David Adkins, deceased, of Whitley County, $1,048.

"LOUISIANA.

"To J. J. Metoyer, administrator of the estate of F. Azenor Metoyer, deceased, of Natchitoches Parish, $704.
"To Matilda M. Fairex, administratrix of the estate of Daniel Fairex, deceased, of the city of New Orleans, $22,640.
"To Hannah N. Jones, widow of R. Clarendon Jones, deceased, $1,761.39.
"To Cornelius Donato, administrator of Auguste Donato, deceased, of St. Landry Parish, $12,570.
"To Thomas Peyroux, administrator of Edward Barrett, deceased, $122.30.
"To Samuel B. Patterson, of Orleans Parish, $165.
"To the Citizens' Bank of Louisiana, of the city of New Orleans, $215,820.89.

"MAINE.

"To Joseph E. Bradford and others, heirs of Joseph C. Bradford, deceased, $619.14.
"To Mary S. Craven, widow of Charles H. Craven, deceased, $745.21.
"To Nannie S. Cushman, widow of Charles H. Cushman, deceased, $400.
"To Susan Fassett, widow of Thomas O. Fassett, deceased, $436.90.
"To Nathan H. Junkins, of York County, $460.53.
"To Charles E. Tallman, of Sagadahoc County, $116.15.
"To Annie E. Deering, widow of George A. Deering, deceased, $738.90.
"To Kate W. Ingraham, daughter of Samuel Larkin, deceased, $78.20.
"To George A. Norris, $900.35.
"To Kate R. Morgan, widow of William A. Morgan, deceased, $533.24.
"To George L. Hall, executor of Elbridge D. Hall, deceased, $687.39.
"To Percy Bryant, son of Nathaniel C. Bryant, deceased, $193.60.
"To Charles E. Tallman, $561.09.

"MARYLAND.

"To Charles F. Elgin, administrator of the estate of William S. Elgin, deceased, of Washington County, $1,090.
"To Ezra Marker, surviving executor of James Marker, deceased, of Washington County, $2,309.
"To Samuel Avey and Elizabeth Avey, executors of the estate of Jacob Avey, deceased, of Washington County, $318.
"To Mahlon Hamilton, administrator de bonis non of John Hamilton, deceased, of the city of Baltimore, $11,991.

"To Charles W. Hoffman, executor of William C. Hoffman, deceased, of Frederick County, $2,845.
"To Euromus H. Hoffman, administrator of the estate of Susan Hoffman, deceased, of Washington County, $245.
"To John C. Middlekauff, administrator of John J. Middlekauff, deceased, of Washington County, $618.
"To Andrew H. Reinhart, of Frederick County, $434.
"To Lewis W. Riddlemoser and Marion F. Riddlemoser, sole heirs of Ephraim Riddlemoser, deceased, of Frederick County, $127.
"To G. Finley Smith, administrator of the estate of David Smith, deceased, of Washington County, $1,974.
"To William S. Tildon, of Harford County, $330.
"To Kirby Wade and James Snyder, executors of the estate of William Wade, deceased, of Washington County, $1,124.
"To Julia Walsh, administratrix of the estate of Murtha Walsh, deceased, of Washington County, $100.
"To Oliver Peacher, administrator of John Peacher, deceased, of Washington County, $530.
"To Eugene L. Derr, administrator of the estate of John Derr, deceased, of Frederick County, $1,119.
"To Henry Young, of Montgomery County, $1,990.
"To Christian Smith, of Washington County, $616.
"To Jennie E. Haller, administratrix of Samuel M. Haller, deceased, of the city of Cumberland, $425.
"To John W. George, administrator of John Wineow, deceased, of Allegany County, $412.
"To R. G. Johnson, administrator of Washington Stone, deceased, of Frederick County, $352.
"To Josephus E. Harley, administrator de bonis non of Otho F. Harley, deceased, of Frederick County, $654.
"To Leonora Cline, executrix, and Hugh Jacob George Cline, executor, of the estate of the late Hugh H. Cline, deceased, $376.44.
"To Sarah J. Franklin, administratrix of the estate of John S. Franklin, deceased, $124.93.
"To Mary M. Semmes, widow of Alexander A. Semmes, $219.18.
"To Ellen A. De Valin, widow of Charles E. De Valin, deceased, $346.02.
"To Howard E. Ames, $294.24.
"To Charles H. Black, of Baltimore County, $260.82.
"To James Franklin, of Baltimore County, $55.89.
"To D. W. Mullan, of Anne Arundel County, $622.47.
"To Charles J. Murphy, of Anne Arundel County, $2,172.65.
"To Joseph B. Parker, $141.92.
"To William G. Smith, of Anne Arundel County, $3,182.06.
"To John W. Stewart, of Montgomery County, $122.74.
"To Yates Stirling, of Baltimore County, $1,025.76.
"To John A. McDonald, of Baltimore County, $298.62.
"To William G. G. Willson, of Talbot County, $125.75.
"To German H. Hunt, survivor of Robert Poole, deceased, of the city of Baltimore, $40,321.03.
"To Thomas Dixon, of Frederick County, $500.
"To the trustees of the Reformed Church of Sharpsburg, Washington County, $806.
"To William A. Windsor, $91.50.
"To Allan McSherry, administrator de bonis non cum testamento annexo of Augustus H. Kilty, deceased, $437.75.
"To Edward Kershner, $682.77.
"To Safe Deposit and Trust Company of Baltimore, executor of Edward Donaldson, deceased, $2,145.04.
"To Emma L. Barry, widow of James J. Barry, deceased, $292.05.
"To T. Bascom Watkins, $206.05.
"To Worth Goldsborough, $1,129.13.
"To Robert Arthur, administrator of George Arthur, deceased, $50.96.
"To Horace Resley, of Cumberland, Allegany County, $443.
"To the trustees of the Lutheran Church of Sharpsburg, Washington County, $600.
"To the legal representatives of Peter Targarona, of the city of Baltimore, $20,000.
"To the trustees of the Methodist Episcopal Church of Brunswick, Frederick County, $585.
"To Richard P. Blackistone, of St. Mary County, $6,326.

"MASSACHUSETTS.

"To Seth M. Ackley, of Nantucket County, $55.89.
"To William A. Barry, of Suffolk County, $142.19.
"To William W. Beck, of Suffolk County, $1,380.26.
"To George E. Belknap, of Suffolk County, $139.73.
"To George A. Crawford, of Suffolk County, $34.25.
"To George T. Davis, of Franklin County, $116.95.
"To William T. Devlan, of Nantucket County, $323.83.
"To Nehemiah M. Dyer, of Middlesex County, $751.78.
"To Joseph G. Eaton, $221.37.
"To John G. Foster, of Suffolk County, $32.55.
"To Henry P. Grace, of Suffolk County, $124.11.
"To Martin E. Hall, of Middlesex County, $167.95.
"To George E. Hendee, of Suffolk County, $754.41.
"To Frank H. Holmes, of Middlesex County, $70.69.
"To Mortimer L. Johnson, $1,794.73.
"To William Jones, of Suffolk County, $487.97.
"To Phillips A. Lovering, $109.31.
"To Lewis M. Meicher, of Suffolk County, $2,541.59.
"To Charles O'Neil, $874.15.
"To Thomas Savage, of Suffolk County, $696.20.
"To Frank E. Sawyer, $105.47.
"To William H. Summers, of Suffolk County, $471.48.
"To John G. Tilden, of Suffolk County, $173.42.
"To John K. Winn, of Suffolk County, $1,485.39.
"To William C. Wise, of Berkshire County, $306.85.
"To Angeline Bibber, administratrix of the estate of Charles J. Bibber, deceased, $2,825.59.
"To Margaret Black, widow of John Black, deceased, $958.67.
"To Catherine F. King, daughter of Jeremiah Harding, deceased, $626.92.
"To Edward H. Macy, nephew of Henry G. Macy, deceased, $449.34.
"To Susie J. Poole, executrix of the estate of Francis H. Poole, deceased, $702.07.
"To Thomas Bennett, $8.89.
"To Catherine B. Burroughs, administratrix of the estate of Daniel W. Burroughs, deceased, $904.08.
"To Thomas M. Carter, administrator of the estate of Edward H. Miller, deceased, $1,010.78.
"To Isabel and Ellen Clary, sisters of Albert G. Clary, deceased, $586.24.
"To Clara H. Daniels, widow of David Daniels, deceased, $94.79.
"To Addie R. Gallagher, widow of Lawrence B. Gallagher, deceased, $228.10.
"To Charles H. Hadley, executor of the estate of David Bruce, deceased, $1,889.42.
"To Annette M. Henderson, widow of Moses K. Henderson, deceased, $134.55.
"To Elizabeth D. Marthon, administratrix of the estate of Joseph Marthon, $222.47.
"To Annie D. Rundlett, widow of Howard M. Rundlett, deceased, $196.62.
"To Francis H. Swan, of Suffolk County, $1,267.95.
"To Florence H. Turner, daughter, and William H. Davis, son, of Henry Davis, deceased, $274.25.
"To Frederick W. Crocker, of Suffolk County, $1,038.90.
"To Frank W. Nichols, of Suffolk County, $134.78.
"To Stephen P. Quackenbush, of Suffolk County, $1,953.42.
"To John A. Shearman, of Suffolk County, $109.59.
"To the Globe Works, of the city of Boston, $81,913.76.
"To Francis H. Swan, $233.84.
"To W. W. Low, son of W. W. Low, deceased, $2,366.37.
"To Henry C. Keene, of Suffolk County, $188.10.
"To Francis H. Delano, $404.38.
"To A. N. Stocker, widow of Henry T. Stocker, deceased, $328.20.
"To Alice E. Whitmarsh, daughter of Zachariah Whitmarsh, deceased, $39.55.
"To J. B. Murdock, $86.02.
"To Cromwell G. Macy, nephew of Thomas M. Gardner, $543.26.
"To Frank A. Burbeck, administrator of Christopher Jordan, deceased, $2,011.40.
"To Sarah A. Wyckof, widow of John Wyckof, deceased, $434.14.
"To William H. Rush, $212.87.
"To William F. Hodgkinson, of Suffolk County, $334.51.
"To Henry R. Baker, $298.06.
"To William I. Moore, of Suffolk County, $230.62.
"To John F. Merry, of Middlesex County, $1,269.28.
"To Susan I. Bordman, widow of Charles Bordman, deceased, $772.20.
"To William F. Low, of Middlesex County, $138.08.
"To Annette B. Wonson, administratrix of George W. Adams, deceased, $112.07.
"To Priscilla A. Nicolson, administratrix of E. I. G. Rhoades, deceased, late widow of William W. Rhoades, deceased, $660.82.
"To Sarah M. Bennett, administratrix of the estate of Thomas Bennett, deceased, of Worcester County, $917.12.
"To David H. Tribou, of Suffolk County, $960.28.
"To the Atlantic Works, of the city of Boston, $41,027.46.

"MICHIGAN.

"To Nannie H. Duvall, daughter of John Watters, deceased, $1,599.25.
"To Jane E. Read, administratrix of John H. Read, deceased, $25.50.

"MINNESOTA.

"To Henry N. Manney, $180.82.

"MISSISSIPPI.

"To E. L. Brien, administrator of John W. Taylor, deceased, of Warren County, $1,572.
"To John T. Mee, administrator of Sarah Riley (née Griffin), deceased, of Marshall County, $309.
"To George B. Harper, administrator of Carolinas Boyd, deceased, of Newton County, $684.
"To T. J. Chamberlain, of Jefferson County, $340.
"To Olivia K. Williams, administratrix of the estate of Seaborn J. Brown, deceased, of Hinds County, $830.
"To H. Taylor Garrison, administrator of John Gammel, deceased, of Tippah and Marshall counties, $395.
"To Emily C. Richmond (née Gibbons) and Samuel P. Gibbons, of Marshall County, $800.
"To C. M. Broadway, administrator of Jordan Broadway, deceased, of Marshall County, $1,234.
"To J. D. Cunningham, administrator of C. F. Cunningham, deceased, of Monroe County, $4,964.
"To the administrator of Sidney R. Smith, deceased, late of Washington County, $2,740; and to the administrator of William R. Fleming, deceased, late of Washington County, $685.
"To Mary M. Jamison, administratrix of Wiley J. Jamison, deceased, of Hinds County, $360.
"To Jesse Addington, of Lafayette County, $1,692.
"To Catherine D. O'Sullivan, administratrix of Daniel O'Sullivan, deceased, of Warren County, $943.
"To John B. Howard, administrator of Joseph H. Howard, deceased, of Marshall County, $1,327.
"To Sarah H. Nunnally, administratrix of Eldred Nunnally, deceased, of Lafayette County, $3,402.
"To G. D. Hearn, administrator of William McK. Hall, deceased, of Marshall County, $3,608.
"To Leonidas Pittman, administrator of Flora E. Pope (née Graham), deceased, of Marion County, $882.
"To W. T. Ratliff, administrator of Charles F. Norris, deceased, of Hinds County, $520.
"To R. W. Magruder, administrator of Thomas B. Magruder, deceased, of Claiborne County, $1,232.
"To Robert Watt, jr., administrator of Robert Watt, sr., deceased, of Claiborne County, $1,510.
"To Mary F. Erwin, administratrix of Charlotte Jaquess, deceased, of Claiborne County, $1,130.
"To Samuel B. Harris, of Madison County, $2,985.
"To James Keizer, administrator of James Glover, deceased, of Marshall County, $4,774.
"To Anna M. Willey, administratrix of Alfred Turner, deceased, of Yalobusha County, $450.
"To C. W. Telfair, administrator of James R. Telfair, deceased, of Tishomingo County, $360.
"To Anna J. Saunders G. B. Thornton, jr., administrator of the estate of M. Lou Thornton, deceased, and F. P. Poston, administrator of the estate of Mary Trezevant, deceased, of Marshall County, $4,012, to be divided in equal shares.
"To Bettie Brooks Metcalfe, daughter of Joseph M. Brooks, deceased, of Washington County, $2,669.
"To the Fidelity Trust Company, administrator of the estate of Lucy Brooks Bell, deceased, daughter of Joseph M. Brooks, deceased, of Washington County, $2,669.

"To E. L. Brien, administrator of the estate of Ann Lum, deceased, of the city of Vicksburg, $7,200.
"To James D. Adams, $275.33.
"To Mary S. Strube, administratrix of the estate of P. B. Sawyer, deceased, of Marshall County, $976.
"To Della Sinnott and Adine Price, of Panola County, $1,330.
"To John W. Spratley, of Warren County, $4,255.
"To E. J. Marett, administrator of William B. West, deceased, of Marshall County, $250.
"To James Kizer, administrator of the estate of R. M. Glover, deceased, of Marshall County, $1,061.
"To B. E. Gray, administrator of the estate of Mrs. S. M. Davidson, deceased, of Marshall County, $2,370.
"To Samuel Worthington, administrator of the estate of Samuel Worthington, deceased, $18,835.

"MISSOURI.

"To Henry Damm, jr., administrator of Henry Damm, sr., deceased, of Benton County, $493.
"To Julia Ann Faught, William T. Shirrod, Leander K. Shirrod, Susan G. Wright, Louisa J. Wheeler, and Robert K. Shirrod, of Dade County, $540.
"To Colly B. Holland, of Bates County, $3,075.
"To Edwin T. Hill, administrator of Leroy L. Hill, deceased, of Pettis County, $6,735.
"To the heirs and legal representatives of John W. Hancock, deceased, of Iron County, $1,160.
"To L. D. Moneymaker, administrator of Charles Drennan, deceased, of Phelps County, $510.
"To Uriel Sebree, $51.73.
"To William W. Wheeler, of the city of St. Louis, $16,087.
"To Thomas G. Johnson, of Wayne County, $200.
"To John Schuman, administrator de bonis non of the estate of August Schuman, deceased, of Bates County, $395.
"To William A. Carr, of Stone County, $1,200.
"To Charles B. Stark, assignee of Joseph C. Stark, deceased, of the city of St. Louis, $1,851.
"To the estate of Joseph Engle, deceased, of Dallas County, $232, to be paid to the person authorized by the probate court of Dallas County, Mo., under the laws of the State of Missouri, to receive the same; and so much of the act of May 27, 1902 (32 Stat. L., p. 212), as authorized the payment of $232 to the said Joseph Engle is hereby repealed.

"NEVADA.

"To Constance Louise Batione, administratrix of the estate of Dominick B. Batione, deceased, $1,167.12.
"To Edward D. Sweeney, of Carson City, Ormsby County, $11,786.65.

"NEW HAMPSHIRE.

"To Carlos G. Calkins, of Rockingham County, $151.23.
"To John H. Clark, of Hillsboro County, $366.46.
"To James M. Forsyth, of Merrimack County, $348.42.
"To Arthur C. Heffinger, of Rockingham County, $85.48.
"To Eva H. Wingate, widow of George E. Wingate, deceased, $207.94.
"To Elizabeth Baker, widow of Francis H. Baker, deceased, $134.34.
"To Harriet W. Potter, widow of Frederick E. Potter, deceased, $914.13.
"To Samuel S. Whitehouse, administrator of the estate of S. N. Whitehouse, deceased, $387.16.
"To Susan Woodman and Mary P. Woodman, executrices of Edward Woodman, deceased, $337.54.
"To Annie H. Eastman, widow of Thomas H. Eastman, deceased, $1,152.06.
"To Hamilton Hutchins, $21.37.
"To Angie D. Smith, executrix of Daniel A. Smith, deceased, $1,146.30.

"NEW JERSEY.

"To Samuel P. Comly, $63.01.
"To Frank Holler, of Ocean County, $2,618.37.
"To George W. Mentz, $28.49.
"To William Watts, of Morris County, $80.58.
"To Edwin White, of Mercer County, $98.63.
"To Ella S. Humphreys, executrix of the estate of C. F. Humphreys, deceased, $591.06.
"To Charles F. Hugg, brother, and Mary H. Hooton, sister, of Joseph Hugg, deceased, $835.10.
"To Catherine T. R. Mathews, widow of John R. Mathews, deceased, $758.64.
"To Melissa C. Setley, administratrix of the estate of Harry Setley, deceased, $1,913.06.
"To Edward M. Wood, administrator of John De Camp, deceased, $1,947.79.
"To Isabella Jauretche, Rose Jauretche, and Blanche Jauretche, heirs at law of L. C. Sartori, deceased, $173.75.
"To Eleanor Sirian, widow of George Sirian, deceased, $281.62.
"To John J. Read, of Burlington County, $287.13.
"To Adele W. Elmer, widow of Horace Elmer, deceased, $451.70.
"To Harvey E. Macconn, widow of Robert T. Macconn, deceased, $51.02.

"NEW MEXICO.

"To Solomon J. Spiegelberg, Emanuel Spiegelberg, and Levi Spiegelberg, partners under the firm name of Spiegelberg Brothers, $19,041.09.

"NEW YORK.

"To Frank Anderson, $190.69.
"To Nicholas Anderson, $35.
"To Conway H. Arnold, of New York County, $79.72.
"To Joseph G. Ayers, of Westchester County, $250.96.
"To H. John Babin, of Kings County, $248.60.
"To Edward B. Barry, $137.26.
"To Henry G. Beyer, $169.31.
"To Delavan Bloodgood, of Kings County, $910.83.
"To John J. Byrne, of Kings County, $29.59.
"To Daniel Delehanty, $714.53.
"To George R. Durand, of Erie County, $731.20.
"To Bradley A. Fiske, of New York County, $162.74.
"To William C. Gibson, of Kings County, $32.48.
"To James H. Gillis, of Delaware County, $2,369.86.
"To George Glass, of New York County, $491.50.
"To James G. Green, of New York County, $939.58.
"To William G. Hannum, of Queens County, $177.53.
"To Andrew Harman, of Kings County, $100.27.
"To Nelson T. Houston, of New York County, $687.67.
"To A. J. Kenney, of Kings County, $693.17.
"To William P. McCann, of Westchester County, $1,268.49.
"To John McGowan, of Dutchess County, $254.54.
"To Alfred T. Mahan, of New York County, $143.56.
"To Dennis H. Mahan, $490.96.
"To Charles Miller, of Nassau County, $19.66.
"To Jerome E. Morse, of Kings County, $226.85.
"To John Quevedo, of Queens County, $238.
"To Arthur B. Speyers, $43.56.
"To Henry Stewart, of Ontario County, $121.29.
"To Thomas H. Streets, of Kings County, $116.71.
"To Daniel D. V. Stuart, $694.80.
"To Zera L. Tanner, of Wyoming County, $275.21.
"To John C. Thompson, of Kings County, $299.73.
"To James E. Tolfree, of New York County, $1,866.16.
"To Richard H. Townley, of New York County, $46.57.
"To Henry M. Wells, of New York County, $693.25.
"To Truman B. White, of Kings County, $98.31.
"To Roscoe V. Wickes, of Kings County, $657.80.
"To Charles Wilson, of Kings County, $497.62.
"To George B. Abbott, administrator of the estate of Alexander McIntosh, deceased, $1,645.45.
"To Clara M. Bridge, executrix of the estate of Edward W. Bridge, deceased, $238.91.
"To E. D. Hill, executor of the estate of John C. Chavalier, deceased, $755.34.
"To Robert L. Meade, brother of Henry M. Meade, deceased, $447.60.
"To Maria W. P. Randle, daughter of Thomas Pattison, deceased, $3,268.48.
"To Henrietta L. Stevenson, widow of John H. Stevenson, deceased, $1,044.26.
"To Kate F. Timmerman, administratrix of the estate of George H. Cooper, deceased, $105.76.
"To Rosalie M. Van Duyne, daughter of Richard Van Voorhis, deceased, $251.35.
"To Catherine S. Van Hovenberg, administratrix of the estate of John Van Hovenberg, deceased, $631.24.
"To Andrew R. Wentworth, administrator of the estate of John Birdsall, deceased, $513.43.
"To H. F. Woods, executor of the estate of George W. Woods, deceased, $82.24.
"To Lawrence W. Allibone, brother of Charles O. Allibone, deceased, $139.18.
"To Lizzie M. Barnard, widow of Warren Barnard, deceased, $699.17.
"To Almira C. Bashford, widow of A. P. Bashford, deceased, $48.22.
"To Margaret A. Brush, widow of George R. Brush, deceased, $767.75.
"To Annie Freeman, widow of Charles C. Freeman, deceased, $585.20.
"To Elizabeth A. Gardner, widow of John W. Gardner, deceased, $305.75.
"To Josephine C. Haskins, sister of George S. Haskins, deceased, $305.75.
"To Edith B. Goebel, neice of Chester Hatfield, deceased, $99.09.
"To Mary L. Hawley, widow of Charles E. Hawley, deceased, $2,292.42.
"To Florence A. R. Judd, committee of Charles H. Judd, $416.39.
"To Helen F. Lasher, widow of Oren E. Lasher, $123.29.
"To Bessie C. Parker, daughter of Ralph Chandler, deceased, $3,087.67.
"To H. De B. Parsons, administrator of the estate of George B. Livingston, deceased, $387.94.
"To Harry C. Robertson, administrator of the estate of Jonos Dible, deceased, $82.64.
"To William L. Stephens, grandson of Jacob Stephens, deceased, $874.14.
"To Kate E. Lloyd and Ella M. Thompson, daughters of Egbert Thompson, deceased, $177.20.
"To Sarah Waugh, widow of Edward J. Waugh, deceased, $288.48.
"To Susan D. Yates, widow of Arthur R. Yates, deceased, $483.43.
"To William S. Dana, $680.55.
"To Frederick Elliott, $56.04.
"To William W. Williams, $547.53.
"To Annie A. Haxtun, executrix of Milton Haxtun, deceased, of New York County, $42.64.
"To Conway H. Arnold, $666.30.
"To Nelson T. Houston, $314.07.
"To George T. Douglass, of Kings County, $76.29.
"To Mary A. McCarty, widow of Stephen A. McCarty, deceased, $143.78.
"To Phoebe A. Hardy, sister of De Witt Clinton Kells, deceased, $77.81.
"To Anna L. Coghlan, administratrix of the estate of Jasper Coghlan, deceased, $735.31.
"To Charles Martin, of New York County, $623.54.
"To Emma M. Clark, administratrix of Ambrose J. Clark, and Wallace S. Clark, administrator, of Schenectady County, $459.65.
"To John A. B. Smith, $475.60.
"To Walter McLean, $18.08.
"To Herbert M. Griffiths, $422.27.
"To Josephine Q. Carpenter and Anna L. Q. Hayes, daughters of John N. Quackenbush, deceased, $168.68.
"To Alex G. Brinckerhoff, administrator of Isaac Brinckerhoff, deceased, $325.38.
"To Francis E. Hunt and Alice M. Hunt, heirs at law of George P. Hunt, deceased, $85.64.
"To Hannah Cooper, widow of James M. Cooper, deceased, $541.80.
"To John E. Roller, $400.28.
"To Marion L. Thompson, widow of August F. Thompson, deceased, $136.80.
"To Peter O'Conner, $153.46.
"To Elizabeth D. Marthon, administratrix of Joseph Marthon, deceased, $1,322.74.
"To Arthur Burtis, $1,435.86.
"To Fidelia S. Prindle, widow (remarried) of George L. Mead, deceased, $281.06.
"To Charles Miller, of Nassau County, $17.76.
"To Andrew Dunlap, $557.80.
"To William B. Mann, $183.49.
"To John H. Cahoone and Charles G. Cahoone, heirs at law of Benjamin J. Cahoone, deceased, $1,140.76.
"To John Dennett, of New York County, $234.24.
"To Mary F. Coons, administratrix of John West, deceased, of Kings County, $915.10.
"To the Allaire Works, of the city of New York, $50,277.67, payment

to be made to Ephraim Miller, president, and no part thereof to any other person.

"To Edward J. Gallagher, administrator of the estate of Charles Gallagher, deceased, of the city of New York, $9,876.39.

"NORTH CAROLINA.

"To Nancy C. Bell (née Hill), executrix of the estate of Isaac S. Hill, deceased, of Carteret County, $1,831.

"To Duncan Darroch, administrator of Daniel Darroch, deceased, of Cumberland County, $261.

"To Thomas F. McCarthy, administrator of Henry Covert, deceased, of Craven County, $378.

"To Reuben Jones, administrator of Theophilus Weaver, deceased, of Harnett County, $550.

"To John W. Snipes, administrator of Arthur Pierce, deceased, of Johnson County, $366.

"To Benjamin L. Bryan, of Jones County, $517.

"To George R. Watkins, of Mitchell County, $1,096.19.

"To John I. Rowland, of Beaufort County, $420.

"To the Seamen's Friend Society, of Wilmington, $1,256.

"To Nelson M. Ferebee, $84.38.

"To the wardens and vestry of Saint James Parish, of the city of Wilmington, $3,113.

"OHIO.

"To Lyman Arms, of Franklin County, $218.63.

"To T. W. Benham, of Lucas County, $305.26.

"To George E. Ide, $745.04.

"To Robert E. Impey, $231.23.

"To Merrill Miller, $298.08.

"To L. D. Cabaune, executor of the estate of George Talcott, deceased, $61.26.

"To Joseph Fyffe, $835.61.

"To Alfred L. McDaniel, executor of the estate of Charles A. McDaniel, deceased, $715.62.

"To Frank R. Salter, administrator of the estate of Byron Wilson, deceased, $495.90.

"To Winslow Allderdice, $83.84.

"To Albert I. Smith, administrator of Samuel L. Wilson, deceased, $796.71.

"To J. P. Andre Mottu, administrator of John C. Burnett, deceased, $172.11.

"To Byron Wilson, $623.28.

"PENNSYLVANIA.

"To Timothy J. Murphy, administrator of Chalkley Good, deceased, late of Philadelphia County, $1,740.

"To John Q. Everson, last surviving partner of the firm of Everson, Preston & Co., of Pittsburg, Allegheny County, $927.47.

"To Mark W. Watson, last surviving partner of the firm of McCully & Co., of Pittsburg, Allegheny County, $1,680.01.

"To John C. Graff, administrator of John Graff, deceased, the last surviving partner of the firm of Graff, Bennett & Co., of Pittsburg, Allegheny County, $4,313.10.

"To J. Stuart Brown and Henry G. Brown, only surviving partners of the firm of Brown & Co., of Pittsburg, Allegheny County, $2,727.90.

"To James A. Chambers, executor of Alexander Chambers, deceased, the last surviving partners of A. & D. H. Chambers, of Pittsburg, Allegheny County, $1,293.75.

"To George A. Chalfant and Charles W. Spang, only surviving partners of the firm of Spang, Chalfant & Co., of Pittsburg, Allegheny County, $1,736.55.

"To John C. Porter, sole surviving partner of McKnight & Co., of Pittsburg, Allegheny County, $1,822.01.

"To Charles H. Zug, sole surviving partner of Zug & Painter, of Pittsburg, Allegheny County, $2,940.62.

"To Walter Chess, sole surviving partner of Chess, Smyth & Co., of Pittsburg, Allegheny County, $1,796.25.

"To Wenman A. Lewis and James S. Lewis, executors of the estate of James C. Lewis, deceased, the last surviving partner of the firm of Lewis, Dalzel & Co., of Pittsburg, Allegheny County, $1,053.79.

"To John S. Slagle and Edwin Miles, only surviving partners of the firm of Shoenberger & Co., of Pittsburg, Allegheny County, $2,585.62.

"To John Lippincott, sole surviving partner of the firm of Lippincott & Co., of Pittsburg, Allegheny County, $989.36.

"To William J. Moorhead, executor of the estate of James K. Moorhead, deceased, the last surviving partner of the firm of Livingston, Copeland & Co., of Pittsburg, Allegheny County, $1,046.37.

"To James B. Lyon, sole surviving partner of the firm of J. B. Lyon & Co., of Pittsburg, Allegheny County, $543.13.

"To James H. Mitchell, sole surviving partner of the firm of Mitchell, Herron & Co., of Pittsburg, Allegheny County, $383.

"To John L. Boyd, sole surviving partner of the firm of Jones, Boyd & Co., of Pittsburg, Allegheny County, $1,206.12.

"To Chester B. Albree, executor of the estate of Robert Albree, deceased, the last surviving partner of the firm of Fahnestock, Albree & Co., of Pittsburg, Allegheny County, $780.60.

"To William Varnum, sole surviving partner of the firm of Hailman, Rahm & Co., of Pittsburg, Allegheny County, $2,251.94.

"To D. W. C. Carroll, sole surviving partner of the firm of Carroll & Snyder, of Pittsburg, Allegheny County, $237.50.

"To Frank S. Bissell, sole surviving partner of the firm of Bissell & Co., of Pittsburg, Allegheny County, $262.90.

"To Daniel N. Bertolette, of Berks County, $125.48.

"To Thomas W. Bonsall, of Delaware County, $1,339.33.

"To James B. Butt, of Philadelphia County, $193.67.

"To Woodward Carter, of Philadelphia County, $96.44.

"To Charles E. Colahan, $503.01.

"To George W. Davis, of Philadelphia County, $618.62.

"To Thomas A. Gill, of Philadelphia County, $178.09.

"To John L. Hannum, of Philadelphia County, $44.38.

"To Robert P. Lisle, of Philadelphia County, $1,027.92.

"To Edwin Longnecker, $146.41.

"To George H. Peters, $40.

"To Abel F. Price, $145.75.

"To B. Franklin Rogers, $299.46.

"To Richard Rush, $130.41.

"To Alexander W. Russell, of Philadelphia County, $381.13.

"To Charles A. Schetky, of Philadelphia County, $2,110.89.

"To Charles M. Thomas, $560.

"To S. Stringham Willett, of Philadelphia County, $1,027.71.

"To William Winder, of Erie County, $1,069.31.

"To H. C. Adams, administrator of the estate of Henry A. Adams, deceased, $1,106.85.

"To Aglae Bache, widow of Albert D. Bache, deceased, $956.99.

"To Alice H. Baughman, widow of George E. Baughman, deceased, $201.36.

"To Ellen V. Hines, administratrix of the estate of Samuel D. Hines, deceased, $398.90.

"To Theodore Kitchen, sole surviving executor of the estate of John S. Kitchen, deceased, $92.65.

"To Elizabeth I. Lowber, widow of William Lowber, deceased, $376.88.

"To Mary E. McMaster, administratrix of the estate of James McMaster, deceased, $404.99.

"To Sarah A. McMurtrie, widow of Daniel McMurtrie, deceased, $789.47.

"To John A. Geissinger, administrator of the estate of William H. Jones, deceased, $818.63.

"To Amelia A. Grim, sister, and William Robertson, brother, of James P. Robertson, deceased, $731.72.

"To Oceana B. Irwin, widow of John Irwin, deceased, $1,728.15.

"To S. Kingston McCay, surviving executor of the estate of Reigart B. Lowry, deceased, $389.04.

"To Caroline F. McIlvaine, widow of Bloomfield McIlvaine, deceased, $37.65.

"To Frances M. McShane, granddaughter of Stephen Young, deceased, $380.27.

"To Dallas Sanders, administrator of the estate of Cary N. Sanders, deceased, $623.14.

"To Mary A. Tompkins, administratrix of the estate of William G. Tompkins, $591.23.

"To Benjamin S. Mackie, of Philadelphia County, $161.64.

"To George W. Omensetter, $150.41.

"To Joseph G. Thomas, of Erie County, $332.50.

"To Joseph A. Smith, of Philadelphia County, $1,063.01.

"To Albert C. Engard, of Philadelphia County, $633.97.

"To George A. Lyon, $421.96.

"To Joseph Smith, $60.82.

"To Theodore M. Etting, of Philadelphia County, $248.77.

"To William Little, of Allegheny County, $552.09.

"To David O. Lewis, $346.30.

"To Fidelity Trust Company, administrator of Francis G. Dallas, deceased, of Philadelphia County, $101.50.

"To Edward H. Gheen, $577.54.

"To P. J. Horwitz, $56.44.

"To Robert L. Meade, son of Richard W. Meade, deceased, $1,166.14.

"To Edward Shippen, of Philadelphia County, $630.

"To Nicholas Mager, jr., executor of the estate of Nicholas Mager, deceased, $527.05.

"To David M. Fulmer, $163.85.

"To David B. Harmony, $36.71.

"To George M. Engle, son of Frederick Engle, deceased, $1,126.84.

"To the Real Estate Title Insurance and Trust Company of Philadelphia, administrator of the estate of Charles Miller, deceased, $907.09.

"To Linnaeus Fussell, $883.31.

"To Mary Lowrie, heir and legatee of John Lowrie, deceased, $506.36.

"To George M. Book, $323.29.

"To Robert Potts, $164.92.

"To N. E. Mason, $581.92.

"To J. M. Emanuel, $461.92.

"To Cornelius Dugan, $255.34.

"To Woodward Carter, $586.86.

"To N. H. Farquhar, $1,173.26.

"To Isaac G. Moale, administrator of William N. Watmough, $844.38.

"To Nicholas Brice, brother of William H. Brice, deceased, of the city of Philadelphia, $473.49.

"To John A. Trimble, administrator of George W. Ebert, deceased, of the city of Georgetown, $1,057.50.

"PHILIPPINE ISLANDS.

"To John Corwine, of Manila, $69.86.

"RHODE ISLAND.

"To Charles W. Abbott, of Bristol County, $97.

"To Robert Robinson, of Newport County, $1,329.12.

"To Benjamin F. Tilley, $248.77.

"To Jennie H. Clarke, administratrix de bonis non of the estate of Frank Clarke, deceased, $1,200.

"To Walter N. Smith, of Newport County, $659.18.

"To Charles W. Abbott, administrator de bonis non of Joel Abbott, deceased, $779.18.

"To George R. Durand, $1,231.78.

"SOUTH CAROLINA.

"To Mariah L. Trowell, administratrix of the estate of Benjamin F. Trowell, deceased, of Beaufort County, $4,394.

"To John S. Brigman, administrator of Thomas Brigman, deceased, of Marlboro County, $615.

"To Mrs. Sallie J. Adams, administratrix of Herbert Smith, deceased, of Marlboro County, $1,826.

"To Cecil C. Neil, $162.74.

"To Arthur B. Hoff, administrator of Henry K. Hoff, deceased, $1,252.74.

"TENNESSEE.

"To Hugh P. Aikin, administrator of the estate of Hugh B. Porter, deceased, of Maury County, $1,912.

"To A. G. Cadle, administrator of Mark Cadle, deceased, of Claiborne County, $579.

"To John T. Cunnyingham, of Coffee County, $220.

"To Fredericke Eberhart, administratrix of Jacob Eberhart, deceased, of Davidson County, $1,800.

"To Eliza A. Duffield, of McNairy County, $405.

"To J. S. Ladd, administrator of the estate of Thornton G. Ladd, deceased, of Tipton County, $711.

"To Isaiah Standifer, of Claiborne County, $202.

"To R. W. Barton, of Weakley County, $219.

"To Thomas J. Cadle, administrator of Martin Cadle, deceased, of Claiborne County, $404.

"To John B. Bosley, administrator of Ailsey Bosley, deceased, of Davidson County, $4,855.

"To F. W. Dove, administrator of Christian Bashor, deceased, of Washington County, $330.

"To Louisa O. Wynne, Susan W. Wynne, and Mary M. Wynne, executrixes of Alfred R. Wynne, deceased, of Sumner County, $2,250.

"To the trustees of the Cumberland Presbyterian Church at Charlotte, Dickson County, $2,070.

"To George W. Branham, of Hamilton County, $326.

"To Henry Craft, administrator of William D. Ferguson, deceased, of Shelby County, $2,014.

"To Hermann Graef, of Perry County, $125.
"To Gertrude A. Leftwich, widow of John Leftwich, deceased, of Wayne County, $3,795.
"To Dorcas Elizabeth (otherwise Bettie) and Samuel McCammon, of Knox County, $1,420.
"To James W. Vaughan, administrator of Turner Vaughan, deceased, of Wilson County, $1,665.
"To R. A. Wood, sole heir of Eliza Wood, deceased, of Sullivan County, $100.
"To Nathan H. Whitlow, of Madison County, $2,210.
"To Joseph C. Cooper, of Gibson County, $150.
"To Lettie Cannon, administratrix of Henry Cannon, deceased, of Shelby County, $119.
"To Thomas H. Webb, executor of Emily M. Ewell, deceased, of Fayette County, $1,538.
"To J. P. Hunter and William B. Hodges, administrators of Jacob E. Hodges, deceased, of Hamblen County, $750.
"To Mary A. Priddy, administratrix of James M. Priddy, deceased, of Henderson County, $346.
"To James W. Clift, administrator of William Clift, deceased, of Hamilton County, $9,544.
"To Asa Atkins, administrator of James M. Atkins, deceased, of Dyer County, $380.
"To A. J. Williford, administrator of Lavina Williams, deceased, of Shelby County, $360.
"To Henry E. Hilliard, of Fayette County, $1,115.
"To Aaron Bullock, of Campbell County, $55.
"To A. J. Jenkins, administrator of James Russell, deceased, of Marion County, $427.
"To William H. Landrum, of Gibson County, $257.
"To Stephen Eason, of Decatur County, $115.
"To Charles R. Holmes, administrator of Nelson Cowan, deceased, of Rutherford County, $363.
"To S. E. Stephenson, administrator of Henry A. Dacus, deceased, of Tipton County, $220.
"To Eveline Hixon, of Hamilton County, $656.
"To J. J. Bryson, administrator of Joseph H. Bryson, deceased, of Cannon County, $215.
"To G. R. Lipscomb, administrator of Mary A. Branch, deceased, of Fayette County, $545.
"To C. M. McRee, administrator de bonis non of Robert C. McRee, deceased, of Hamilton County, $810.
"To D. P. Haste, administrator of William Varnor, deceased, of Gibson County, $125.
"To Sterling Beeson, Granville Beeson, Frank Dugger, Penelope Foster, and George R. Dugger, guardian of Georgie K. Dugger, heirs of and representing one-fifth interest in the estate of one William H. Stringer, deceased, of Hamilton County, $1,908.80, being the share of the above-mentioned claimants, in the following proportions: Sterling Beeson, $636.26; Granville Beeson, $636.26; Frank Dugger, $212.09; Penelope Foster, $212.09; and George R. Dugger, guardian of Georgie K. Dugger, $212.10.
"To Martha A. Carter, sole heir of Jerome C. Simmerman, deceased, of Hamilton County, $820.
"To William H. Taylor, administrator of Lewis McDaniel, deceased, of Jefferson County, $437.
"To James F. Rust, administrator of Isaac Rust, deceased, of Grundy County, $2,016.
"To the heirs of Solomon P. McKinnie, deceased, late of Hardeman County, $909, to be divided among said heirs as follows: Three hundred and three dollars to Nancy Elizabeth Hurt (née McKinnie); $303 to Solomon P. McKinnie, jr., and $303 to Needham Michael McKinnie.
"To Joseph T. Blanton, administrator of Benjamin Blanton, deceased, of Rutherford County, $1,263.
"To J. B. Brown, administrator of Mitchell Brown, deceased, of Maury County, $278.
"To T. S. Gallaway, administrator of Margaret E. Rawlings, deceased, of Fayette County, $1,015.
"To T. L. Pursley, administrator of Rosa Pursley, deceased, of Hamilton County, $200.
"To William Tillett, administrator of Andrew Bell, deceased, of Jefferson County, $125.
"To Pink Dews, of Davidson County, $1,130.
"To John N. Johnson, administrator of Benjamin Johnson, deceased, of Hardin County, $1,349.
"To E. J. Huber, administrator of the estate of Caroline Hinyard, deceased, of Hamilton County, $656.
"To Mora B. Furiss, administrator of the estate of Peter Stanton, deceased, and George W. Brown, administrator of the estate of Daniel Brown, deceased, of Columbia, Maury County, $850.
"To the trustees of the Methodist Episcopal Church South, of Saulsbury, Hardeman County, $240.
"To Argalus B. Bratton, of Franklin County, $526.
"To Joseph Tagg, of Shelby County, $603.
"To Mrs. Elizabeth W. Hays, sole heir of Mary A. Walker, deceased, of Shelby County, $3,312.
"To Susan N. Moore, administratrix of C. C. Moore, deceased, of Nashville, Davidson County, $5,770.
"To Robert M. Doyle, $46.64.
"To Hig Melton, administrator of the estate of William B. Nokes, deceased, of Cannon County, $90.
"To Elizabeth J. Taylor, administratrix of Josiah M. Stephenson, deceased, of the city of Knoxville, $2,192.
"To William M. Noe, of Sullivan County, $515.
"To Victoria Wasson, Ella Wasson, and Frank Wasson, heirs at law of Richard F. Wasson, of Rutherford County, $8,050.

"TEXAS.

"To James R. Waggener, of Travis County, $251.22.
"To Mary E. Braine, widow of Daniel L. Braine, deceased, $3,272.33.
"To Daniel Hammon, of Brown County, $1,935.
"To A. L. Patton, administrator of the estate of Henry Ruby, deceased, of Bexar County, $3,181.

"VERMONT.

"To Frank Ellery, $486.57.
"To Gilbert Morton, of Chittenden County, $398.67.
"To M. Annette Upham, administratrix of Charles C. Upham, deceased, $128.11.
"To Mary H. Woodward, widow of Edwin T. Woodward, deceased, $179.73.
"To Mae H. Tyler, widow of Hanson R. Tyler, deceased, $624.10.

"VIRGINIA.

"To A. H. Baker, administrator of the estate of John T. Gray, deceased, of Nansemond County, $737.
"To William E. Carhart, of Norfolk County, $865.
"To Levi M. Hummer, administrator of Benjamin A. Hummer, deceased, of Fairfax County, $475.
"To John, Richard, Philip, and Simon Mayer, of Dinwiddie County, $673.
"To Robert Whitacre, administrator of the estate of Agnes Randall, deceased, of Fauquier County, $385.
"To Charles R. Carder, of Rappahannock County, $140.
"To Hiram R. McCalmont, administrator of the estate of A. Lawrence Foster, deceased, of Fairfax County, $4,148.
"To John P. L. Hopkins, in his own right, and as administrator of the estate of William H. A. Hopkins, deceased, of Accomac County, $1,200.
"To William S. Wood, administrator of the estate of Bazil Grigsby, deceased, of Rappahannock County, $404.
"To Adelaide Greenlaw, of Stafford County, $129.
"To M. Ringgolia Brooke, of Stafford County, $129.
"To Julia L. Clemson, Harry L. Clemson, William B. Clemson, Edith M. Clemson, and J. Osborne Clemson, heirs of John Clemson, deceased, and Emily Cookson and May Cookson Jones, heirs of John G. Cookson, deceased, of Alexandria County, $5,865.
"To John A. Stover, administrator of Jacob A. Stover, deceased, of Augusta County, $405.
"To Ira J. Partlow, administrator of the estate of Lydia Hoff and Hannah Updike, deceased, of Rappahannock County, $711.
"To John W. Reeser, of Shenandoah County, $265.
"To the trustees of Trinity Episcopal Church, of Portsmouth, $1,000.
"To Spencer Vaughan, administrator of Asa Tucker, deceased, of Dinwiddie County, $2,515.
"To Mary C. Munt, administratrix of John H. Munt, deceased, of Prince George County, $1,175.
"To Robert R. Veitch, administrator of Septimus Brown, deceased, of Alexandria County, $1,565.
"To R. Gray Williams, administrator of Israel Cobourn, deceased, of Frederick County, $772.
"To Kilbourn H. Rowsey, of Rockbridge County, $210.
"To Silas T. Rosser, administrator of George N. Rosser, deceased, of Shenandoah County, $380.
"To N. W. Baker, administrator of Elizabeth Nicholas, deceased, of Shenandoah County, $249.
"To John R. Fauver, sole heir and legatee of Richard Anderson, deceased, of Augusta County, $380.
"To George W. Ball, administrator of Mary Ann Ball, deceased, of Lee County, $1,920.
"To John W. Barclay, administrator of Solomon Barclay, deceased, of Norfolk County, $2,760.
"To Isaac Davenport, jr., surviving partner of Edmond & Davenport, of Henrico County, $4,797.64.
"To George D. Harwood, of Henrico County, $1,300.
"To Thomas W. McCause, surviving partner of Dunlap, Moncure & Co., of Henrico County, $3,675.
"To D. T. Madigan, surviving partner of Fabian & Madigan, of Henrico County, $625.
"To Dr. Creed Thomas, of Henrico County, $1,127.50.
"To W. H. Palmer, executor of William Palmer, deceased, of Henrico County, $1,620.
"To John E. Robinson, of Henrico County, $1,620.
"To John Enders, executor of William Greanor, deceased, of Henrico County, $4,200.
"To Mary W. Bailey, executrix of Samuel M. Bailey, deceased, of Henrico County, $375.
"To Garrett F. Watson, surviving partner of Ludlam & Watson, of Henrico County, $4,972.
"To the estate of R. O. Hoskins, deceased, of Henrico County, $540.
"To Ann E. Grant, administratrix of James H. Grant, deceased, of Henrico County, $1,800.
"To Samuel P. Lathrop, agent for Eugene Carrington, administrator of George M. Carrington, deceased, of Henrico County, $1,150.
"To John Enders, of Henrico County, $1,140.
"To W. Ben Palmer, executor of George S. Palmer, of Henrico County, $351.
"To John Bowers, surviving partner of Charles D. Yale & Co., of Henrico County, $400.
"To E. M. Garnett, assignee of Joel B. Watkins, of Henrico County, $2,000.
"To W. L. Crittenden, trustee of Mount Holly Baptist Church, of Morrisville, $980.
"To James D. Sipe, administrator of Asa S. Baugher, deceased, of Rockingham County, $125.
"To Charles E. Flanary, administrator of Chadwell Brittain, deceased, of Lee County, $4,864.
"To Clifford S. Boush, $185.76.
"To Millard H. Crawford, $79.45.
"To James M. Creighton, of Norfolk County, $320.
"To Benjamin F. Day, of Rockbridge County, $444.93.
"To James Hill, of Norfolk County, $253.70.
"To Richard Inch, of Warwick County, $17.53.
"To Peter Johnson, of Norfolk County, $82.19.
"To Stephen D. Kennedy, of Fauquier County, $264.38.
"To Hugh Kühl, of Norfolk County, $769.87.
"To Luther L. Martin, $70.68.
"To Charles Aulick, administrator of the estate of Hampton Aulick, deceased, $523.84.
"To Lulu Boom, daughter of Francis Boom, deceased, $320.89.
"To Emily J. Kenney, administratrix of the estate of Edward Kenney, deceased, $435.61.
"To Emma J. Rich, administratrix of the estate of Charles E. Rich, deceased, $692.05.
"To Martha C. Keppler, administratrix of the estate of Robert Whiting, deceased, $249.03.
"To Julia T. Scott, widow of Gustavus H. Scott, deceased, $197.71.
"To Amanda Wheeler, guardian of Ruth E. Hughes, daughter of Edward Hughes, deceased, $355.07.
"To Alfred B. Carter, of Fauquier County, $4,000.
"To John McManus, of Norfolk County, $419.53.
"To John Gaskins, $562.83.
"To the trustees of Centenary Reform Church, of Winchester, Frederick County, $1,786.
"To Manville A. Austin, Emma A. Johnson, Edgar H. Pullman, and

Olive C. Kefauver, heirs of Valorous G. Austin, deceased, of Alexandria County, $1,680.

"To the trustees of the Enon Baptist Church, in Chesterfield County, $600.

"To the trustees of the Evangelical Lutheran Church of Strasburg, Shenandoah County, $1,619.

"To the trustees of Braddock Street Methodist Episcopal Church South, of Winchester, Frederick County, $2,560.

"To Margaret V. Maddux, of Loudoun County, $1,960.

"To the Catholic Church of Winchester, Frederick County, $610.

"To the trustees of the Presbyterian Church of Lewinsville, Fairfax County, $1,760.

"To C. C. Gaver, administrator of Joseph Baldwin, deceased, of Loudoun County, 455.

"To Susanna Buffington, sole heir of the estate of A. M. Buffington, deceased, of Loudoun County, $75.

"To Henry E. Butts, of Loudoun County, $25.

"To C. C. Gaver, administrator of the estate of Joseph Conard, deceased, of Loudoun County, $300.

"To C. C. Gaver, administrator of the estate of L. W. Derry, deceased, of Loudoun County, $118.

"To C. C. Gaver, executor of the estate of Philip Derry, deceased, of Loudoun County, $600.

"To C. C. Gaver, administrator of the estate of Philip Derry, deceased, of Loudoun County, $833.

"To C. C. Gaver, administrator of the estate of Philip Fry, deceased, of Loudoun County, $100.

"To C. C. Gaver, administrator of the estate of Harrison Haws, deceased, of Loudoun County, $268.

"To S. H. Love, administrator of the estate of Samuel Hough, deceased, of Loudoun County, $200.

"To C. C. Gaver, administrator of the estate of George W. Moore, deceased, of Loudoun County, $430.

"To W. O. Russell, administrator of the estate of George Neer, deceased, of Loudoun County, $200.

"To E. C. and W. C. Potts, administrators of the estate of Edwin H. Potts, deceased, of Loudoun County, $25.

"To A. H. Potts, administrator of the estate of F. M. Potts, deceased, of Loudoun County, $275.

"To Thomas W. Potts, sole heir of Jonas Potts, deceased, of Loudoun County, $155.

"To C. C. Gaver, administrator of the estate of Henry Reed, deceased, of Loudoun County, $200.

"To W. O. Russell, administrator of the estate of J. L. Russell, deceased, of Loudoun County, $75.

"To C. C. Gaver, administrator of the estate of David Shriver, deceased, of Loudoun County, $405.

"To Jane Tavenner, executrix of the estate of Richard Tavenner, deceased, of Loudoun County, $30.

"To C. C. Gaver, administrator of the estate of Levi Waters, deceased, of Loudoun County, $360.

"To Ella A. Hall, of Fairfax County, $4,238.

"To the Norfolk Seamen's Friend Society, of Norfolk, Norfolk County, $3,061.

"To Raleigh Sherman, administrator of Isaac Hollingsworth, deceased, devisee under the will of Harriet B. Hollingsworth, deceased, of Frederick County, $5,760.

"To Charles U. Gravatt, $351.22.

"To John Gaskins, of Norfolk County, $103.83.

"To Alexander W. Cassell, of Norfolk County, $382.70.

"To Marie Elizabeth Horner, widow of Frederick Horner, deceased, $35.21.

"To Nannie Glover Kaufman, widow (remarried) of William K. Mayo, deceased, $196.23.

"To Clifford J. Boush, $2.55.

"To Emily J. Kenney, administratrix of Edward Kenney, deceased, $2,766.72.

"To Henry T. Percy, $323.84.

"To George P. Lumsden, $154.52.

"To Emily A. H. Tatem, sister and administratrix of Josiah D. Pinner, deceased, $79.38.

"To Robert Whiting, $199.72.

"To E. B. Shaver, administrator of the estate of Elizabeth Hahn, deceased, of Shenandoah County, $459.

"To the trustees of the Norfolk Academy, of the city of Norfolk, $3,600.

"To George L. Watkins, Junius F. Watkins, Bettie Hamilton, Lottie E. Kidd, and Louisa J. Jones, of Greenesville County, $9,141.

"To the trustees of St. Paul's Protestant Episcopal Church, of the city of Norfolk, $3,600.

"To Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Martha Bowden Gustin, heirs of Lemuel J. Bowden, deceased, of York County, $4,845.

"WASHINGTON.

"To Philip C. Van Buskirk, of Snohomish County, $259.18.

"To Jacob Edmund Noel, of Pierce County, $204.93.

"To Ambrose B. Wyckoff, of King County, $199.45.

"WEST VIRGINIA.

"To Allen J. Moses, of Greenbrier County, $672.

"To J. G. Rogers, administrator of John Rogers, deceased, of Fayette County, $263.

"To Warwick Hutton, administrator of Samuel Morrison, deceased, of Randolph County, $1,340.

"To Thomas B. Scott, of Randolph County, $1,178.

"To Charles B. Van Metre, administrator of Thomas T. Van Metre, deceased, of Berkeley County, $438.

"To J. D. Billmyer, administrator of Margaret J. Cross, deceased, of Jefferson County, $105.

"To Patrick Crickard, administrator of Henry Currence, deceased, of Randolph County, $502.

"To Robert C. Hess, executor of John Hess, deceased, of Jefferson County, $215.

"To H. L. Snapp, administrator of Jacob H. Snapp, deceased, of Berkeley County, $270.

"To George W. Bott, administrator de bonis non cum testamento annexo of the estate of John Nicewaner, deceased, of Jefferson County, $549.

"To Melven Currence, administrator of William H. Currence, deceased, of Randolph County, $1,300.

"To Lee Crouch, administrator of Abram Crouch, deceased, of Randolph County, $4,104.

"To James H. Lemon, administrator of Newton Shumate, deceased, of Raleigh County, $481.

"To Robert M. G. Brown, of Monongalia County, $711.69.

"To William D. Staley, Ellen R. Whitson, and Robert D. Staley, sole heirs of Stephen Staley, deceased, of Jefferson County, $815.

"To the trustees of the Methodist Episcopal Church, of Harpers Ferry, Jefferson County, $3,000.

"To the trustees of the Methodist Episcopal Church South, of Guyandotte, Cabell County, $2,000.

"To the trustees of the Baptist Church, of Guyandotte, Cabell County, $2,000.

"To the trustees of the Methodist Episcopal Church, of Mill Creek, Randolph County, $800.

"To the trustees of the Methodist Episcopal Church South, of Winfield, Putnam County, $1,200.

"To the trustees of the Baptist Church, of Charlestown, Jefferson County, $1,449.

"To the trustees of Baxter Institute, of Buckhannon, Upshur County, $1,431.

"To the trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, Berkeley County, $1,145.

"WISCONSIN.

"To James K. Cogswell, $214.80.

"To Albert Mertz, $58.08.

"To Webster Doty, $89.86.

"To Florence Hayward, daughter of George W. Hayward, deceased, $317.82."

Page 30, after line 14, insert:

"MISCELLANEOUS COURT OF CLAIMS FINDINS."

Page 30, after line 14, insert: "To Mrs. Julia L. Hall, widow of Joseph T. H. Hall, deceased, of Washington, D. C., the sum of $8,664.19, without interest, in payment of the amount found due Joseph T. H. Hall by the judgment of the Court of Claims under date of June 22, 1895, under the provisions of the act of Congress approved February 13, 1895, entitled 'An act to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880,' one half of the said sum to be paid out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

Page 30, after line 14, insert: "To the legal representatives of the estate of Leo L. Johnson, deceased, late of Scott County, Ky., the sum of $37,351.49, for the net proceeds of 461 hogsheads of sugar taken by the military authorities of the United States and the proceeds covered into the Treasury, as found by the Court of Claims."

Page 30, after line 14, insert: "To the heirs at law of Sarah J. Montgomery, late of Madison Parish, State of Louisiana, the sum of $18,769.50, in full payment of the amount found due by the Court of Claims in the case of William J. Hill against the United States, No. 2548."

Page 30, after line 14, insert: "To Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased, or to his legal representatives, the sum of $14,582.04, the same to be taken and accepted as a full and final release and discharge of his claim against the United States, as found by the Court of Claims under the act approved March 12, 1863."

Page 30, after line 14, insert:

"FRENCH SPOLIATION CLAIMS.

"To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 30, 1801, under the act entitled 'An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801:' *Provided*, That in all cases where the original sufferers were adjudicated bankrupts the awards shall be made on behalf of the next of kin instead of to assignees in bankruptcy, and the awards in the cases of individual claimants shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represent the next of kin, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursement of the awards, namely:

"On the vessel sloop Cygnet, James Hunt, master, namely:

"John C. Hollister, administrator of Frederick Hunt, $813.50.

"John C. Hollister, administrator of John Hunt, $813.50.

"John C. Hollister, administrator of Jesse Hunt, $813.50.

"On the vessel brig Louisa, Benjamin Wheeler, master, namely:

"Charles R. Street, administrator of Richard Hubbell, jr., $837.90.

"Richard Hubbell, administrator of Richard Hubbell, sr., $837.90.

"Fenelon Hubbell, administrator of Benjamin Wheeler, $3,143.30.

"Louisa A. Starkweather, administratrix of R. S. Hallett, $292.50.

"Walter Bowne, administrator of Walter Bowne, $292.50.

"Leopold Mark, administrator of Louis Mark, $487.50.

"On the vessel brig Mercury, George Lee, master, namely:

"Thomas S. Rhett and Henrietta Troup, administrators of the estate of Henry Troup, deceased, $1,562.59.

"William N. Marye, administrator of the estate of Richard Gittings, deceased, $1,562.59.

"On the vessel schooner Betsy and Lucy, Joseph Crown, master, namely:

"Joseph W. Thompson, administrator of the estate of David Coffin, deceased, $3,866.

"On the vessel schooner Friendship, Samuel Moulton, master, namely:

"Edward O. Emerson, administrator of Edward Emerson, jr., $4,093.60.

"Robert Codman, administrator of William Gray, $4,020.

"On the vessel ship James and William, Nicholas Monnycott, master, namely:

"A P. Warrington, administrator of John Cowper, surviving partner of John Cowper & Co., $5,922.

"John Stewart, administrator of William P. Stewart, surviving partner of David Stewart & Sons, $6,452.50.

"Alexander Proudfit, administrator of John Proudfit, $6,452.50.

"On the vessel schooner George and Jane, Clark Elliott, master, namely:

"John C. Hollister, administrator of Russell Tomlinson, deceased, $1,180.95.

"John C. Hollister, administrator of Liberty Kimberly, deceased, $424.31.

"John C. Hollister, administrator of Samuel Hull, deceased, $117.83.
"John C. Hollister, administrator of Abijah Hull, deceased, $117.83.
"John F. Plumb, administrator of John Humphreys, deceased, $177.32.
"Seth P. Snow, administrator of Crowell Hatch, deceased, $700.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, deceased, $1,000.
"John C. Hollister, administrator of William Mansfield, deceased, $117.83.
"On the vessel brig Patty, Josiah Hempstead, master, namely:
"George G. Sill, administrator de bonis non of Justus Riley, deceased, $15,512.75.
"George G. Sill, administrator de bonis non of Josiah Hempstead, deceased, $1,567.50.
"On the vessel schooner Sally, Jacob Osgood, master, namely:
"Jeremiah Nelson, administrator of Jeremiah Nelson, $3,806.82.
"Joseph L. Wheelwright, administrator of Moses Savory, $3,806.81.
"On the vessel brig Happy Return, Ezekiel Durfey, master, namely:
"William O. Gladding, second administrator of Simeon Martin, deceased, $18,311.
"On the vessel sloop Polly, William D. Wilson, master, namely:
"Ann Elizabeth Marshall, administratrix of William Robb, $2,378.23.
"On the vessel schooner Midget, Lewis Hudgins, master, namely:
"F. G. James, administrator of Joseph Brickell, $1,180.45.
"On the vessel schooner Nymph, Thomas Corbett, master, namely:
"Gordon Gairdner, administrator of the estate of James Gairdner, surviving partner of the firm of James and Edwin Gairdner & Co., $4,819.74.
"On the vessel brig Two Sisters, William Worth, master, namely:
"Charles U. Cotting, administrator of John F. Loring, deceased, $2,193.
"Charles U. Cotting, administrator of Joshua Loring, deceased, $2,193.
"On the vessel brig Industry, William Massey, master, namely:
"Anna E. Taylor and David Stewart, administrators of Joseph Massey, $8,442.05.
"Herman Stump, administrator of John Stump, $2,015.
"On the vessel ship Rainbow, William Smith, master, namely:
"Henry E. Young, administrator of John Geyer, $12,210.
"On the vessel brig Favorite, Thomas McConnell, master, namely:
"George M. Gill, administrator of Gabriel Wood, $3,614.
"On the vessel sloop Despatch, Elias Hulen, master, namely:
"John S. Martin, administrator of John Sparhawk, deceased, $1,170.
"On the vessel sloop Lucy, George Gilbert, master, namely:
"Charles M. Clarke, administrator of Benjamin Snow, $1,873.
"Isaac R. Barbour, administrator of Samuel Woodbridge, $1,873.
"John K. Myers, administrator of Nathaniel Eaton, $6,747.45.
"On the vessel schooner Ulalia, James Clifton, master, namely:
"Sarah E. Conover, administratrix de bonis non of John Reed, deceased, surviving partner of the firm of Reed & Forde, $2,244.
"On the vessel brig Betsey, Alexander C. Atwood, master, namely:
"Samuel A. Fowle, administrator of George Makepeace, $694.28.
"H. Hollis Hunnewell, administrator of Arnold Welles, $239.10.
"William Ropes Trask, administrator of Thomas Amory, $478.20.
"William G. Perry, administrator of Nicholas Gilman, $478.20.
"John O. Shaw, administrator of Josiah Knapp, $239.10.
"H. Hollis Hunnewell, executor of John Welles, $239.10.
"H. Burr Crandall, administrator of Thomas Cushing, $159.40.
"On the vessel brigantine Nancy, John Moulton, master, namely:
"Benjamin F. Widden, administrator of Benjamin Boardman, deceased, $1,606.34.
"Henry P. Moulton, administrator of John Moulton, deceased, $757.11.
"Harry V. Moore, administrator of William Boardman, deceased, $2,546.45.
"Robert Codman, administrator of William Gray, jr., deceased, $2,800.
"Charles W. Robinson, administrator of Reuben Shapley, deceased, $300.
"William A. Hayes, second administrator of Nathaniel A. Haven, deceased, $300.
"George W. Haven, administrator of John Haven, deceased, $300.
"Francis A. Jewett, administrator of James Prince, deceased, $300.
"On the vessel schooner Polly, John Allen, master, namely:
"Samuel D. Wyman, administrator of Rugless Cunningham, deceased, $3,366.70.
"Atwood S. Foster, administrator of William Cunningham, deceased, $3,366.70.
"Henry Ingalls, administrator of William Melcher, deceased, $1,262.51.
"Thomas J. York, administrator of Nathaniel Bryant, deceased, $874.19.
"Frank Dabney, administrator of Samuel Wyllys Pomeroy, deceased, $700.
"Thomas N. Perkins, administrator of John C. Jones, deceased, $800.
"On the vessel schooner Success, Jonathan Glover, master, namely:
"John P. Glover, administrator of the estate of Jonathan Glover, jr., $433.32.
"James P. Safford, administrator of Ebenezer Safford, $473.32.
"Henry R. Wight, administrator of Henry Reed, $473.32.
"Shepard D. Gilbert, administrator of Gifford Crowninshield, $300.
"On the vessel ship Active, Samuel Whitehouse, master, namely:
"Samuel F. Coffin and Ida C. Lunt, administrators de bonis non of the estate of Samuel Coffin, deceased, $11,000.
"On the vessel schooner Sally, Robert Atkins, master, namely:
"James H. Varney, administrator of William Sproul, $1,098.
"James H. Varney, administrator of Michael Jones, $1,098.
"Arthur C. Child, administrator of John McKown, $1,098.
"Albion G. Huston, administrator of Henry Fossett, $1,098.
"James E. Young, administrator of Alexander Young, $1,098.
"On the vessel brig Dispatch, Thomas Lunt, master, namely:
"James De Normandie, administrator de bonis non of Thomas Lunt, $2,435.
"George W. Ham, administrator of the estate of William Ham, deceased, $2,435.
"Frederick P. Jones, administrator de bonis non of Martin Parry, deceased, $2,075.
"On the vessel schooner Resolution, John Crandon, master, namely:
"Isaac Brewster, administrator of Daniel Jackson, surviving partner of the firm of Daniel & Charles Jackson, $1,726.27.
"On the vessel schooner John Eason, John Cowper, master, namely:
"A. P. Warrington, administrator of John Cowper, $1,161.85.
"Benjamin M. Hartshorne and Charles N. Black, executors of Richard Hartshorne, $1,000.
"Richard Delafield, administrator of John Delafield, $500.
"On the vessel ship Glasgow, M. Alcorn, master, namely:
"Horace E. Hayden, administrator de bonis non of the estate of David H. Conyngham, surviving partner of Conyngham, Nesbitt & Co., $2,967.28.
"The city of Philadelphia, administrator de bonis non of Stephen Girard, $294.
"C. D. Vasse, administrator of Ambrose Vasse, $784.
"William D. Squires, administrator of Henry Pratt, surviving partner of the firm of Pratt & Kintzing, $784.
"Craig D. Ritchie, administrator of Joseph Summerl, surviving partner of the firm of Summerl & Brown, $490.
"Francis D. Pemberton, administrator of John Clifford, surviving partner of the firm of Thomas & John Clifford, $294.
"On the vessel sloop Friendship, Henry Brookins, master, namely:
"John King, administrator of John Peterson, $658.45.
"David C. Percy, administrator of Charles Peterson, $658.45.
"Jarvis Patten, administrator of Robert Patten, $476.22.
"Thomas N. Perkins, administrator of John C. Jones, $500.
"William S. Carter, administrator of William Smith, $800.
"Frank Dabney, administrator of Samuel W. Pomeroy, $500.
"Lucy S. Cushing, administratrix of Jacob Sheafe, $300.
"On the vessel schooner John, Edmund Lewis, master, namely:
"William L. Mauldin, administrator of John F. Kern, $1,474.
"Abby A. Lewis, administratrix of Edmund Lewis, $1,166.
"On the vessel brig Polly, Russell Doan, master, namely:
"Chauncey Buckley, administrator of Chauncey Buckley, $1,503.25.
"Charles A. Jarvis, administrator of Russell Doan, $1,503.25.
"On the vessel sloop Hope, Ezra Merrill, master, namely:
"David Stewart, administrator of George Sears, $330.
"Lemuel P. Townsend, administrator of Jacob Adams, $330.
"Ferdinand C. Latrobe, receiver of the estate of Aquilla Brown, John Sherlock, and George Grundy, $5,880.
"On the vessel brig Polly, Elisha Caswell, master, namely:
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $600.
"H. Walter Hunnewell, administrator of John Welles, $400.
"On the vessel schooner Industry, William Riddle, master, namely:
"Nathan Matthews, administrator of Daniel Sargent, $460.32.
"John W. Apthrop, administrator of Caleb Hopkins, $657.60.
"Hersey B. Goodwin, administrator of William Mackay, $263.04.
"Edward I. Browne, administrator of Israel Thorndike, $328.80.
"William S. Carter, administrator of William Smith, $657.60.
"Henry B. Cabot, administrator of D. D. Rogers, $328.80.
"David G. Haskins, jr., administrator of David Greene, $657.60.
"William G. Perry, executor of Nicholas Gilman, $986.40.
"A. P. Loring, administrator of William Bordman, $328.80.
"Alexander H. Ladd, administrator of Eliphalet Ladd, $657.60.
"James E. Tisdale, administrator of James Tisdale, $328.80.
"William P. Dexter, administrator of Samuel Dexter, $306.44.
"James S. English, administrator of Thomas English, $197.28.
"On the vessel sloop Industry, James Parsons, master, namely:
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $125.
"Seth P. Snow, administrator of Crowell Hatch, $125.
"On the vessel schooner Eagle, Thomas Gray, master, namely:
"Thomas N. Perkins, administrator of John C. Jones, $1,000.
"John H. Moriarity, administrator of James Scott, $1,000.
"Francis M. Boutwell, administrator of John McLean, $1,000.
"Seth P. Snow, administrator of Crowell Hatch, $1,000.
"Francis M. Boutwell, administrator of Benjamin Cobb, jr., $1,000.
"William P. Dexter, administrator of Samuel Dexter, jr., $500.
"Frederick O. Prince, administrator of James Prince, $500.
"Charles A. Welch, administrator of William Stackpole, $500.
"On the vessel schooner Juno, Jonathan Thompson, master, namely:
"Louisa A. Starkweather, administratrix of Richard S. Hallett, deceased, $700.
"Walter Bowne, administrator of Walter Bowne, deceased, $500.
"On the vessel brig Success, Robert Clark, master, namely:
"John J. Helm and William W. Vasse, administrators of Ambrose Vasse, $392.
"William D. Squires, administrator of Henry Pratt, surviving partner of Pratt & Kintzing, $392.
"Crawford Dawes Hening, administrator of Abijah Dawes, $294.
"George W. Guthrie, administrator of Alexander Murray, surviving partner of Miller & Murray, $392.
"Lorin Blodgett, administrator of Samuel Blodgett, $294.
"On the pilot boat Zephyr, Edward Hansford, master, namely:
"M. H. Messchert, administrator of Jacob Gerard Koch, $2,450.
"C. D. Vasse, administrator of Ambrose Vasse, $980.
"William D. Squires, administrator of Henry Pratt, $980.
"George Harrison Fisher, administrator of Jacob Ridgway, $784.
"Francis A. Lewis, administrator of John Miller, jr., $784.
"Robert W. Smith, administrator of Robert Smith, $784.
"Sara Leaming, administratrix of Thomas Murgatroyd, $980.
"Francis A. Lewis, administrator of Peter Blight, $980.
"J. Bayard Henry, administrator of Charles Ross, $490.
"J. Bayard Henry, administrator of John Simson, $490.
"Charles Frager, administrator of Mark Prager, $338.13.
"George Albert Smyth, administrator of Jacob Baker, $338.13.
"J. Bayard Henry, administrator of John Leamy, $588.
"On the vessel schooner William, Nathaniel Curtis, jr., master, namely:
"Arthur T. Lyman, administrator of Theodore Lyman, $1,000.
"Chandler Robbins, administrator of Joseph Russell, survivor of Jeffrey & Russell, $1,000.
"Thomas H. Perkins, administrator of John C. Jones, $1,000.
"James C. Davis, administrator of Cornelius Durant, $1,000.
"Robert Grant, administrator of William H. Boardman, $500.
"Arthur D. Hill, administrator of Benjamin Homer, $500.
"Francis M. Boutwell, administrator of John McLean, $500.
"D. D. Slade, administrator of Daniel Dennison Rogers, $500.
"On the vessel schooner Conrad, John Osborn, master, namely:
"David Stewart, administrator of Paul Bentalou, $1,241.17.
"Cumberland Dugan, administrator of Cumberland Dugan, $947.17.
"Nathaniel Morton, administrator of Nathaniel Morton, surviving partner of the firm of Bedford & Morton, $947.17.
"Elizabeth Montell, administratrix of Robert McKim, $947.17.
"J. Savage Williams, administrator of Samuel Williams, $473.59.
"Anthony Groverman, administrator of Anthony Groverman, surviving partner of the firm of D. Werhagen & Groverman, $947.17.
"W. Hall Harris, administrator of William Patterson, $947.17.
"David Stewart, administrator of E. C. Boislandry, $767.58.

"William H. Burne, administrator of Frederick H. Burne, surviving partner of the firm of Anspach & Burne, successors of the firm of Von Kopff & Anspach, $473.59.
"Louisa T. Carroll, administratrix of William Van Wyck, $1,241.17.
"Charles J. Bonaparte, administrator of Benjamin Williams, $947.17.
"Mary Jane and James Thurston, administrators of John Hollins, $947.17.
"David Stewart, administrator of James Clarke, $1,470.
"Robert Shriver, administrator of Isaac Causten, assignee of John Hillen, $767.58.
"Anthony Groverman, administrator of Joseph Calman, surviving partner of Joseph Calman & Co., $947.17.
"Robert Shriver, administrator of Isaac Causten, $767.58.
"On the vessel schooner Three Josephs, William West, master, namely:
"Manuel E. Griffith and Russell Thayer, administrators of Robert E. Griffith, surviving partner of the firm of Philip Nicklin & Co., $494.70.
"M. H. Messchert, administrator of Jacob Gerard Koch, $1,113.10.
"Crawford Dawes Henning, administrator of Abijah Dawes, $494.70.
"Louis C. Vanuxem, administrator of James Vanuxem, $412.25.
"Francis A. Lewis, administrator of Peter Blight, $412.25.
"J. Bayard Henry, administrator of Charles Ross and John Simpson, composing the firm of Ross & Simpson, $412.25.
"Sarah A. Leaming, administratrix of Thomas Murgatroyd, $659.60.
"D. Fitzhugh Savage, administrator of John Savage, $659.60.
"The city of Philadelphia, administrator of Stephen Girard, $494.70.
"On the vessel brig Betsey, John Choate, master, namely:
"Robert Codman, administrator of William Gray, $1,000.
"William S. Carter, administrator of William Smith, $500.
"William Ropes Trask, administrator of Thomas Amory, $500.
"John Lowell, jr., administrator of Tuthill Hubbart, $500.
"Thomas N. Perkins, administrator of John C. Jones, $500.
"William G. Perry, executor of Nicholas Gilman, $500.
"Lawrence Bond, administrator of Nathan Bond, $500.
"George G. King, administrator of James Scott, $500.
"On the vessel brig William and George, Josiah Benton, master, namely:
"Edwin C. Ward, administrator of Gad Cowles, surviving partner of the firm of Elijah Cowles & Co., $4,784.54.
"Edwin C. Ward, administrator of Chauncey Deming, surviving partner of the firm of John and Chauncey Deming, $4,617.54.
"Edwin C. Ward, administrator of Chauncey Gleason, $1,388.13.
"Florence C. Esselstyn, administratrix of Elias Cowles, $1,388.13.
"George G. Sill, administrator of Josiah Benton, $1,660.83.
"On the vessel ship Briscis, James Breath, master, namely:
"John L. Rutgers, surviving executor of the last will and testament of Nicholas G. Rutgers, survivor of the firm of Rutgers, Seaman & Ogden, deceased, $11,652.64.
"Benjamin M. Hartshorn and Charles M. Black, executors of the estate of Richard Hartshorn, surviving partner of the firm of Rhinelander, Hartshorn & Co., $2,450.
"On the vessel brigantine Betsey, Thomas McCray, master, namely:
"John W. Anderson, administrator of the estate of John Anderson, deceased, $4,726.50.
"On the vessel brig Industry, J. Lambert, master, namely:
"Richard M. Bradley, administrator of the estate of Daniel Merry, deceased, $4,986.10.
"On the vessel brig Olive Branch, Jonathan Moulton, master, namely:
"Simon Davis, administrator of Elias Hunt, deceased, $6,988.16.
"Henry T. Holmes, administrator of Zebedee Hunt, deceased, $6,988.16.
"On the vessel schooner Ardent, George Lee, master, namely:
"William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators of William Duncan, $5,403.54.
"On the vessel ship Washington, Aaron Foster, master, namely:
"Herman Stump, administrator of James Biays, $2,584.08.
"Cumberland D. Hollins, administrator of John Hollins, $9,476.94.
"Robert Gilmor, administrator of Robert Gilmor, $3,367.04.
"Robert Gilmor, administrator of William Bingham, $3,367.04.
"Thomas J. Wilson, administrator of William Wilson, surviving partner of Wilson & Maris, $2,115.49.
"Cumberland D. Hollins, administrator of William Hollins, $1,839.70.
"Susan Ludlow Warren, administratrix of Daniel Ludlow, $980.
"Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs & Channing, $980.
"Henry E. Young, administrator of William Craig, surviving partner of Henry Sadler & Co., $490.
"Lucy Franklin Read McDonnell, executrix, and so forth, of George Pollock, surviving partner of Yates & Pollock, $980.
"John L. Rutgers, surviving executor, and so forth, of Nicholas G. Rutgers, surviving partner of Benjamin Seaman & Co., $980.
"George F. Scriba, administrator of George Scriba, surviving partner of Scriba & Henderson, $490.
"Richard Delafield, administrator of John Delafield, $294.
"On the vessel brig Patriot, Richard Bishop, master, namely:
"Walter De C. Poultney, administrator of Abraham Falconer, $273.50.
"Nathaniel Morton, administrator of Nathaniel Morton, $273.50.
"Mary T. Latrobe, administratrix of Thomas Tenant, $921.14.
"On the vessel brig Pomona, Reuben Coffin, master, namely:
"Sallie M. Buchanan and Josias Pennington, administrators of Andrew Buchanan, $1,871.76.
"On the vessel schooner Tabitha, Daniel Gould, master, namely:
"David Pingree, administrator of Thomas Perkins, deceased, $922.22.
"George G. King, administrator of James Scott, deceased, $166.65.
"On the vessel ship Seymour, Paul Gould, master, namely:
"Rebecca Snowden Marshall and Charles Marshall, administrators of Jonathan Hudson, deceased, surviving partner of the firm of Holmes, Hudson & Co., $26,571.89.
"On the vessel schooner Felicity, William Story, master, namely:
"Anne T. Floyd and David Stewart, administratrix and administrator of Isaac Smith, surviving partner of the firm of Thoroughgood & Isaac Smith, $17,058.
"On the vessel brig Mehitable, William Orne, master, namely:
"Jane S. Gerrish, administratrix of Edward Toppan, deceased, $267.
"Eben F. Stone, administrator of Nathan Hoyt, deceased, $267.
"Eben F. Stone, administrator of Jonathan Coolidge, deceased, $267.
"On the vessel schooner Molly, John Millett, master, namely:
"Edmund D. Codman, administrator of William Gray, jr., $871.64.
"On the vessel schooner Polly, John Drummond, master, namely:
"John King, administrator of John Peterson, $882.11.
"Nathan Matthews, jr., administrator of Daniel Sargent, $156.85.
"Charles F. Hunt, administrator of Joseph Russell, $89.
"Francis M. Boutwell, administrator of John McLean, $89.
"Augustus P. Loring, administrator of William H. Boardman, $156.85.
"Francis M. Boutwell, administrator of Charles Sigourney, $156.85.
"A. L. Huntington, administrator of James Dunlap, $156.85.
"William Ropes Trask, administrator of Thomas Amory, $89.
"Frank Dabney, administrator of Samuel W. Pomeroy, $89.
"On the vessel brig Polly, Joseph Edes, master, namely:
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $96.
"Seth P. Snow, administrator of Crowell Hatch, $96.
"On the vessel sloop Hawk, Holden Langford, master, namely:
"James Burdick, administrator of Thomas Lloyd Halsey, deceased, $224.
"On the vessel brig Resolution, Alpheus Billings, master, namely:
"Linus J. Hayes, administrator of Alpheus Billings, deceased, $4,942.26.
"On the vessel brig Pilgrim, John Thissel, master, namely:
"Shearjashub Bourne, administrator of Shearjashub Bourne, deceased, $130.
"Stephen F. Peckham, administrator of Samuel Wardwell, deceased, $130.
"On the vessel brigantine Speedwell, James Crawford, master, namely:
"I. P. Starrett, administrator of James Crawford, $2,205.44.
"I. P. Starrett, administrator of John Spear, $2,533.45.
"I. P. Starrett, administrator of Thomas Starrett, $2,533.45.
"William G. Perry, executor of Nicholas Gilman, $400.
"On the vessel brig Maria, Edward Watts, master, namely:
"J. Hamilton Shapley, administrator of James Shapley, $454.83.
"James W. Emery, administrator of Peter Wilson, $454.83.
"Anna Lowe Grosvenor, administratrix of Joseph Lowe, $1,364.50.
"Walter L. Dane, administrator of Thomas Leigh, $1,364.50.
"On the vessel brigantine Nancy, James Brown, master, namely:
"Ellen B. Cameron, surviving administratrix of Lemuel Bishop, $5,171.91.
"On the vessel sloop Venus, Comfort Bird, master, namely:
"A. Sterling Pennington, administrator of Nicholas G. Ridgely, $619.92.
"David Stewart, administrator of Jonas Mareau, $619.92.
"On the vessel schooner Thomas, Joseph Sanford, master, namely:
"Elizabeth W. Smith, administratrix de bonis non cum testamento annexo of Josep Dean, deceased, $2,428.21.
"On the vessel schooner Olive, Nathaniel Treadwell, master, namely:
"J. Stewart Rice, administrator of the estate of Samuel Swett, deceased, $1,014.41.
"Francis A. Jewett, administrator of James Prince, deceased, $175.
"Annie A. Kemble, administratrix of Edmund Kemble, $75.
"Thomas H. Perkins, administrator of the estate of John C. Jones, $600.
"John Lowell, administrator of Tuthill Hubbart, deceased, $700.
"William C. Carter, administrator of William Smith, deceased, $1,000.
"Seth P. Snow, administrator of the estate of Crowell Hatch, deceased, $700.
"Joseph A. Titcomb, administrator of John Wells, deceased, $200.
"On the vessel brig Juno, Joseph Smith, master, namely:
"George R. Shepherd, administrator of Jesse Peck, $3,264.27.
"Harriet E. Sebor, administratrix of Jacob Sebor, $500.
"Walter Bowne, administrator of Walter Bowne, $1,000.
"On the vessel schooner Betsey and Patsey, James Curtis, master, namely:
"David Stewart, administrator of the estate of Francis Johonnet, surviving partner, for and on behalf of the firm of Francis Johonnet & Co., $6,768.22.
"On the vessel schooner Polly, Richard Lakeman, master, namely:
"Mary H. Plumer, administratrix of Samuel Newman, deceased, $337.
"Nathaniel N. Jones, administrator of Amos Pearson, $168.50.
"Edmund D. Codman, administrator of William Gray, jr., $1,290.
"On the vessel brig William, Thomas Farnham, master, namely:
"John Richards, administrator of William Foster, $9,050.38.
"On the vessel sloop Charlotte, Joseph Ingham, master, namely:
"Benjamin Hartshorne, executor of Richard Hartshorne, surviving partner of the firm of Rhinelander, Hartshorne & Co., $1,960.
"On the vessel brig William, Joseph Thompson, master, namely:
"George P. Marvin, administrator of Stephen Alling, deceased, $3,241.75.
"George P. Marvin, administrator of Joseph T. Thompson, deceased, $3,241.75.
"Charles F. Adams, administrator of Peter C. Brooks, deceased, $1,674.30.
"Thomas H. Perkins, administrator of John C. Jones, deceased, $837.14.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, deceased, $837.14.
"Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $837.14.
"Francis M. Boutwell, administrator of Benjamin Cobb, deceased, $837.14.
"Seth P. Snow, administrator of Crowell Hatch, deceased, $837.14.
"On the vessel schooner Variety, Micah Dyer, master, namely:
"Benjamin F. Delano, administrator of Samuel Delano, $5,573.
"Thomas Cushing, administrator of Marston Watson, $1,079.50.
"John W. Apthrop, administrator of Caleb Hopkins, $1,079.50.
"Charles A. Welch, administrator of William Stackpole, $539.75.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,079.50.
"John Lowell, jr., administrator of Tuthill Hubbart, $1,079.50.
"Augustus P. Loring, administrator of William Bordman, $539.75.
"William G. Perry, administrator of Nicholas Gilman, $1,079.50.
"On the vessel brig Apollo, John Ring, master, namely:
"William T. Morrill, administrator of William Sawyer, $5,217.09.
"A. M. Spear, administrator of John O. Page, $1,719.95.
"Thomas N. Perkins, administrator of John C. Jones, $600.
"On the vessel schooner Active, Samuel Pote, master, namely:
"Edward S. Merrill, administrator of Joshua Merrill, deceased, $4,533.
"On the vessel schooner Nancy, William Ward, master, namely:
"William S. Carter, administrator of William Smith, $2,523.50.
"William G. Perry, administrator of Nicholas Gilman, $598.24.
"George G. King, administrator of James Scott, $239.30
"Frank Dabney, administrator of Samuel W. Pomeroy, $906.85.
"Archibald M. Howe, administrator of Francis Greene, $398.83.
"Lucy S. Cushing, administrator of Jacob Sheafe, $215.37.
"Charles F. Adams, administrator of Peter C. Brooks, $6,317.55.

"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,234.47.
"Francis M. Boutwell, administrator of Benjamin Clark, $808.61.
"Thomas N. Perkins, administrator of John C. Jones, $370.34.
"Frederick O. Prince, administrator of James Prince, $308.61.
"William P. Dexter, administrator of Samuel Dexter, $308.61.
"H. H. Hunnewell, administrator of John Wells, $617.23.
"Robert Codman, administrator of William Gray, $617.23.
"On the vessel schooner Lucy, Matthias Rider, master, namely:
"Charles Francis Adams, administrator of Peter C. Brooks, $516.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $132.
"Seth P. Snow, administrator of Crowell Hatch, $132.
"On the vessel schooner Maria, Thomas Gardiner, master, namely:
"Charles Francis Adams, administrator of Peter C. Brooks, $1,000.
"George G. King, administrator of Crowell Hatch, $500.
"On the vessel schooner Lucy, Henry Brightman, master, namely:
"Seth P. Snow, administrator of Crowell Hatch, $1,000.
"David Greene Haskins, jr., administrator of David Greene, $1,000.
"William S. Carter, administrator of William Smith, $1,000.
"Charles F. Hunt, administrator of Joseph Russell, $1,000.
"John Lowell, jr., administrator of Tuthill Hubbart, $1,000.
"Frederick O. Prince, administrator of James Prince, $500.
"William P. Dexter, administrator of Samuel Dexter, $500.
"Francis M. Boutwell, administrator of Charles Sigourney, $500.
"Thomas N. Perkins, administrator of John C. Jones, $500.
"Francis M. Boutwell, administrator of John McLean, $700.
"Nathan Matthews, jr., administrator of Daniel Sargent, $400.
"Arthur D. Hill, administrator of Benjamin Homer, $400.
"Archibald M. Howe, administrator of Francis Greene, $500.
"Charles A. Welch, administrator of William Stackpole, $400.
"James S. English, administrator of Thomas English, $400.
"Arthur L. Huntington, administrator of James Dunlap, $500.
"Francis M. Boutwell, administrator of Benjamin Cobb, jr., $400.
"George G. King, administrator of James Scott, $500.
"Lucy S. Cushing, administratrix of Jacob Sheafe, $500.
"Charles K. Cobb, administrator of John Codman, $500.
"Charles F. Adams, administrator of Peter C. Brooks, $375.
"On the vessel schooner John, David Lufkin, master, namely:
"George G. King, administrator of Crowell Hatch, $793.65.
"Charles F. Adams, administrator of Peter C. Brooks, $2,619.05.
"Thomas N. Perkins, administrator of John C. Jones, $793.65.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $793.65.
"On the vessel schooner Redress, John Grozier, master, namely:
"George Dennie, executor of Thomas Dennie, $1,797.
"Charles F. Adams, administrator of Peter C. Brooks, $5,900.
"John Morton Clinch, administrator of Perez Morton, $500.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $800.
"Seth P. Snow, administrator of Crowell Hatch, $800.
"On the vessel brig Nathaniel, David Young, master, namely:
"Moses Howe, administrator of Moses Gale, deceased, $3,600.
"Charles F. Adams, administrator of Peter C. Brooks, deceased, $3,950.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, deceased, $475.
"Seth P. Snow, administrator of Crowell Hatch, deceased, $475.
"On the vessel schooner Nancy, Thomas Hadaway, master, namely:
"Francis M. Boutwell, administrator of Mungo Mackay, deceased, $4,288.
"Charles Francis Adams, administrator of Peter C. Brooks, $4,000.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,500.
"William Vernon, administrator of Samuel Brown, $1,500.
"Henry Parkman, administrator of John Duballet, $500.
"Francis M. Boutwell, administrator of Benjamin Cobb, $500.
"Charles A. Welch, administrator of William Stackpole, $500.
"William G. Perry, administrator of Nicholas Gilman, $1,000.
"Augustus P. Loring, administrator of William H. Boardman, $400.
"H. Burr Crandall, administrator of Thomas Cushing, $200.
"Lawrence Bond, administrator of Nathan Bond, $400.
"Thomas Cushing, administrator of Marston Watson, $1,000.
"H. H. Hunnewell, administrator of Arnold Welles, jr., $400.
"Charles K. Cobb, administrator of John Codman, $500.
"Frank Dabney, administrator of Samuel W. Pomeroy, $500.
"George G. King, administrator of Crowell Hatch, $1,000.
"On the vessel schooner Polly, John Perkins, jr., master, namely:
"Charles F. Adams, administrator of Peter C. Brooks, $577.34.
"William Vernon, administrator of Samuel Brown, $384.89.
"Albert M. Welch, administrator of Thomas Perkins, $112.14.
"Albert M. Welch, administrator of Samuel Bourne, $312.13.
"Chase B. Perkins, administrator of John Perkins, $724.39.
"Nathaniel P. Hamlin, administrator of Thomas Perkins, $240.56.
"Augustus P. Loring, administrator of William Bordman, $192.44.
"William G. Perry, administrator of Nicholas Gilman, $192.44.
"Walter Hunnewell, administrator of Arnold Welles, jr., $144.33.
"On the vessel sloop Cato, William Wyman, master, namely:
"Charles F. Adams, administrator of Peter C. Brooks, $677.50.
"George G. King, administrator of Crowell Hatch, $1,092.84.
"Thomas N. Perkins, administrator of John C. Jones, $415.34.
"George G. King, administrator of James Scott, $415.33.
"David G. Haskins, administrator of David Greene, $415.33.
"Francis M. Boutwell, administrator of Benjamin Cobb, $249.20.
"William S. Carter, administrator of William Smith, $400.
"Simeon Jaseph, administrator of Levi Lane, $879.25.
"On the vessel schooner Venus, Benjamin Hutchings, master, namely:
"Charles Francis Adams, administrator of Peter C. Brooks, $3,200.
"Frederick O. Prince, administrator of James Prince, $500.
"William P. Dexter, administrator of Samuel Dexter, $500.
"Thomas N. Perkins, administrator of John C. Jones, $1,000.
"On the vessel brig Eliza, Daniel Seymour, master, namely:
"Charles F. Adams, administrator of Peter C. Brooks, $1,500.
"George C. King, administrator of James Tisdale, $500.
"Seth P. Snow, administrator of Crowell Hatch, $500.
"On the vessel brig Leonard, Samuel C. Hills, master, namely:
"Charles F. Adams, administrator of Peter C. Brooks, $1,200.
"On the vessel schooner Washington, Henry Chichester, master, namely:
"George B. St. John and Jarvis Kellogg, administrators of James Selleck, $2,415.34.
"George B. St. John, administrator of Eliphalet Lockwood, $915.68.
"George B. St. John, administrator of William Lockwood, $2,415.34.
"Louisa Starkweather, administrator of Richard S. Hallett, $600.
"Walter Bowne, administrator of Walter Bowne, $200.
"Leopold Mark, administrator of Louis Mark, $266.66.
"On the vessel brig Orion, Frederick Hopkins, master, namely:
"Charles F. Adams, administrator of Peter C. Brooks, $6,999.39.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $956.86.
"Thomas N. Perkins, administrator of John C. Jones, $956.86.
"Chandler Robbins, administrator of Joseph Russell, survivor of the firm of Jeffry & Russell, $956.86.
"Francis M. Boutwell, administrator of Benjamin Cobb, $478.42.
"Seth P. Snow, administrator of Crowell Hatch, $574.11.
"John C. Hollister, administrator of Liberty Kimberly, $489.13.
"Maria L. Seymour, administratrix of Sheldon Curtis, $429.29.
"John F. Plumb, administrator of James Humphreys, $1,173.10.
"On the vessel brig Fly, James Merrihew, master, namely:
"John A. McCarthy, administrator of James Barr, $2,722.45.
"John A. McCarthy, administrator of James Stuart, $2,722.45.
"On the vessel schooner Lucretia, William Young, master, namely:
"Stuyvesant T. B. Jackson, administrator of Levi Cutter, deceased, $1,975.
"Mabel Sargent, administratrix of Jacob Mitchell, deceased, surviving partner of William Buxton and Jacob Mitchell, deceased, trading as Buxton & Mitchell, $2,933.32.
"Harry R. Virgin, administrator of Arthur McLellan, $300.
"John P. T. Ingraham, administrator of Joseph H. Ingraham, $200.
"On the vessel sloop Ralph, Moses Montague, master, namely:
"Herman A. Whittlesey, administrator of Aaron Gaylord, $2,884.36.
"George G. Sill, administrator of Thomas Sanford, $2,884.37.
"John S. Gary, administrator of John Smith, $2,884.37.
"On the vessel schooner Hope, Ephraim Hutchins or Abel Nutt, master, namely:
"Henry B. Reed, administrator of Andrew Frothingham, $2,762.50.
"Eliza F. Noyes, administratrix of Benjamin Frothingham, $2,762.50.
"Joseph A. Titcomb, administrator of John Wells, $200.
"Jeremiah Nelson, administrator of Jeremiah Nelson, $200.
"Francis A. Jewett, administrator of James Prince, $1,000.
"Amos Noyes, administrator of Zebedee Cook, $200.
"Amos Noyes, administrator of William Cook, $100.
"Charles F. Adams, administrator of Peter C. Brooks, $2,000.
"George G. King, administrator of Crowell Hatch, $1,000.
"On the vessel ship Tom, John Bailey, master, namely:
"James S. English, administrator of Thomas English, $4,059.
"Francis M. Boutwell, administrator of Frederick and Thomas Geyer, $2,921.75.
"William B. Atkinson, administrator of William Bartlett, $11,603.24.
"Charles F. Hunt, administrator of Joseph Russell, surviving partner, $400.
"Frederick O. Prince, administrator of James Prince, $202.89.
"Gardner Dexter, administrator of Samuel Dexter, $202.89.
"Charles Francis Adams, administrator of Peter C. Brooks, $3,754.92.
"Thomas H. Perkins, administrator of John C. Jones, $938.72.
"Thomas Cushing, administrator of Marston Watson, $1,408.10.
"Frank Dabney, administrator of Samuel W. Pomeroy, $938.72.
"William Vernon, administrator of Samuel Brown, $938.72.
"William Sohier, administrator of Nathaniel Fellowes, $1,408.10.
"Josephine Richter, administratrix of John McClintock, $119.
"George F. Chace, administrator of Stephen Chace, $119.
"Theodore W. Woodman, administrator of John Rollins, $119.
"William H. Williams, administrator of Elijah Hall, $178.50.
"Alfred L. Elwyn, administrator of John Langdon, $148.
"Woodbury Langdon, administrator of Jacob Cutter, $178.50.
"J. Hamilton Shapley, administrator of James Shapley, $119.
"Woodward Emery, administrator of Thomas Manning, $119.
"J. Hamilton Shapley, administrator of Edward Cutts, $119.
"Edward P. Jones, administrator of Martin Parry, $238.
"George W. Haven, administrator of Moses Woodward, $119.
"John C. Ropes, administrator of Thomas Amory, $966.40.
"Frank Dabney, administrator of Samuel W. Pomeroy, $930.70.
"Robert Codman, administrator of William Gray, jr., $1,431.16.
"Horace B. Sargent, jr., administrator of Daniel Sargent, $715.62.
"Lucy S. Cushing, administratrix of Jacob Sheafe, $357.78.
"John H. Moriarty, administrator of James Scott, $357.78.
"John Morton Clinch, administrator of Perez Morton, $715.62.
"Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $715.62.
"David Greene Haskins, jr., administrator of David Greene, $715.62.
"Charles K. Cobb, administrator of Stephen Codman, $357.78.
"Charles F. Hunt, administrator of Joseph Russell, surviving partner, $715.62.
"John Lowell, jr., administrator of Tuthill Hubbart, $715.62.
"Charles A. Welch, administrator of William Stackpole, $357.78.
"Charles H. Ladd, executor of Nathaniel A. Haven, $400.
"Charles H. Ladd, executor of Nathaniel A. Haven, $118.56.
"On the vessel schooner Theresa, William Williamson, master, namely:
"William W. Cronmiller and Edmund C. Scott, administrators of John Royer Champagne, $21,304.59.
"On the vessel schooner Federal George, Benjamin Tilton, master, namely:
"J. Southgate Yeaton, administrator of Marcus McCausland, $9,555.53.
"Nathaniel Morton, administrator of Nathaniel Morton, surviving partner of Bedford & Morton, $611.04.
"Mary C. Johnson, administratrix, and David Stewart, administrator, of Edward Johnson, $611.04.
"Robert Shriver, administrator of Isaac Causten, $305.52.
"David Stewart, administrator of R. C. Boislandry, $305.52.
"Cumberland Dugan, administrator of Cumberland Dugan, $611.04.
"Elizabeth Montell, administratrix of Robert McKim, $611.04.
"Anna M. Tilgham, administratrix of Joseph Forman, $305.52.
"Charles J. Bonaparte, administrator of Benjamin Williams, $611.04.
"William Donnell, administrator of John Donnell, $916.56.
"David Stewart, administrator of Henry Payson, $305.52.
"Lorman Chancellor and Robert R. Brown, administrators of William Lorman, $611.04.
"David Stewart, administrator of William McCreary, $611.04.
"David Stewart, administrator of James Clarke, $611.04.
"Robert Shriver, administrator of Isaac Causten, assignee of John Hillen, $611.04.
"David Stewart and Isabella Rutter, administrators of Thomas Rutter, $611.04.
"Elizabeth Y. Thompson, administratrix of Joseph Young, $305.52.
"Mary Jane Thurston and James Thurston, administrators of John Hollins, $611.04.
"George H. Williams, administrator of Joseph Williams, $305.52.

"Henry W. Ellicott, administrator of William McFadon, $229.14.
"James Lawson, administrator of Richard Lawson, $458.28.
"Anthony Groverman, administrator of Anthony Groverman, surviving partner of D'Werhagen & Groverman, $611.04.
"On the vessel brig Ann, Robert Lord, master, namely:
"William I. Bowditch, administrator of Stephen Higginson, $3,149.49.
"On the vessel schooner Spartan, Thomas C. Howe, master, namely:
"Mary T. Latrobe, administratrix de bonis non cum testamento annexo of the estate of Thomas Tenant, $1,685.85.
"On the vessel ship Statira, John Seaward, master, namely:
"J. Hamilton Shapley, administrator of Edward Cutts, $284.20.
"Fred P. Jones, administrator of Martin Parry, $408.53.
"George W. Haven, administrator of Moses Woodward, $213.15.
"Francis E. Langdon, administrator of Clement Storer, $355.25.
"Josephine Richter, administratrix of John McClintock, $142.10.
"John Hatch, administrator of James Drisco, $213.18.
"John Hatch, administrator of Daniel Huntress, $266.43.
"John Hatch, administrator of Abel Harris, $284.20.
"William Hall Williams, administrator of Elijah Hall, $284.20.
"Alfred L. Elwyn, administrator of John Langdon, $213.15.
"On the vessel snow Thetis, Samuel Cameron, master, namely:
"Gordon Gairdner, administrator of James Gairdner, surviving partner of the firm of James & Edwin Gairdner & Co., $5,944.11.
"On the vessel schooner Betsey and Polly, William Cottle, master, namely:
"Charles F. Adams, administrator of Peter C. Brooks, $300.
"William S. Carter, administrator of William Smith, $800.
"John V. Apthrop, administrator of Caleb Hopkins, $1,000.
"Charles A. Welsh, administrator of William Stackpole, $500.
"John Lowell, jr., administrator of Tuthill Hubbart, $400.
"William P. Perkins, executor of Thomas Perkins, $300.
"William G. Perry, executor of Nicholas Gilman, $400.
"David G. Haskins, administrator of David Greene, $1,000.
"A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,000.
"On the vessel schooner Hazard, Joseph Campbell, master, namely:
"Edward N. Dingley, administrator de bonis non cum testamento annexo of William Nickels, deceased, $1,660.20.
"William O. McCobb, administrator de bonis non cum testamento annexo of Joseph Campbell, deceased, $189.20.
"David Chamberlain, administrator of the estate of Samuel Miller, deceased, $1,660.20.
"David Chamberlain, administrator of the estate of Thomas Miller, deceased, $1,660.20.
"George B. Sawyer, administrator de bonis non of the estate of John Nickels, deceased, $1,660.20.
"On the vessel ship Betsey, Josiah Obear, master, namely:
"Charles Francis Adams, jr., administrator of Peter Chardon Brooks, $5,500.
"Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000.

"Provided, however, That any French spoliation claim appropriated for in this act shall not be paid if held by assignment or owned by any insurance company. But this shall not apply to any claim of a class heretofore paid under the act approved March 3, 1891, entitled 'An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes,' and paid under the act approved May 27, 1902, entitled 'An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.'"

Page 30, after line 14, insert: "Miscellaneous cases."

Page 30, after line 14, insert: "For direct appropriation."

Page 30, after line 14, insert: "To Jewett W. Adams, superintendent of the United States mint at Carson City, Nev., the sum of $301, to reimburse him for money paid out by him during the months of July and August, 1894, to T. R. Hofer and L. L. Elrod, for necessary services rendered by them in the mint at Carson City, Nev."

Page 30, after line 14, insert: "To Elizabeth L. W. Bailey, of Washington, D. C., administratrix of the estate of Davis W. Bailey, deceased, the sum of $10,519.20, in payment of the award made in favor of said administratrix and against said District and filed in the supreme court of the District of Columbia by J. J. Johnson, the arbitrator, to whom had been mutually submitted for arbitration by him, by the said Commissioners and the said administratrix, the case then pending and untried in said court between said administratrix as plaintiff and the District of Columbia as defendant, known and designated upon the calendar of said court as No. 24279, instituted therein for the recovery of damages by the plaintiff from the said defendant for alleged breach of contract by the said defendant for laying asphalt pavements in said District, and being the amount afterwards found and returned by the verdict of the jury upon a trial in said court involving the validity of said award and upon which verdict judgment was duly entered in said court for said sum of $10,519.20, besides costs, and which said judgment was in all things afterwards by the court of appeals of the District of Columbia affirmed, upon an appeal taken thereto by the said District, and which said judgment was afterwards reversed by the Supreme Court of the United States, upon appeal taken thereto by said District, solely upon a question of law in no way involving or affecting the merits of said judgment or said case: *Provided,* That the said sum shall be accepted as full satisfaction of all of the claims of the said estate against the United States. And one-half of said sum so awarded shall be paid out of the revenues of the said District of Columbia and one-half from the Treasury of the United States."

Page 30, after line 14, insert: "To Henry Bash, the sum of $1,260, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Port Townsend, Wash., from July 1, 1886, to October 1, 1891, being sixty-three months, at $20 per month."

Page 30, after line 14, insert: "To Emile M. Blum, the sum of $5,000, for services as commissioner-general to the International Exposition at Barcelona, Spain."

Page 30, after line 14, insert: "To the legal representatives of A. G. Boone, of Laveta, Colo., the sum of $12,291, in full satisfaction for his services and expenses as United States commissioner in negotiating the Indian treaty concluded February 18, 1861."

Page 30, after line 14, insert: "To Priscilla R. Burns, widow of the late Gen. William W. Burns, deceased, the sum of $7,987, in full payment of the balance due him for royalty on 3,195 tents used by the United States Government."

Page 30, after line 14, insert: "To the Chesapeake Bank, of Baltimore, Md., $2,396.28, the amount found to be due the said bank by the Commissioner of Internal Revenue, under the act of Congress approved February 28, 1901 (31 Stat., p. 1750), for internal-revenue taxes illegally collected.'

Page 30, after line 14, insert: "To Henry T. Clarke, the sum of $2,880, for the rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Sarpy County, Nebr., from February 9, 1890, to March 12, 1904, being for the use of buildings on said land acquired by the United States by condemnation proceedings in the suit against Henry Zurcher in accordance with a proposition made by Henry T. Clarke to the Secretary of War July 29, 1889, which said proposition was for the sale of lands to the United States in Fort Omaha, now Fort Crook, by which proposition all said buildings were retained by Henry T. Clarke: *Provided,* That the sum of $2,880 shall be accepted and received by Henry T. Clarke in full payment of all claims and demands on account of the rental of said buildings."

Page 30, after line 14, insert: "To Capt. Archibald W. Butt, quartermaster, United States Army, the sum of $480, amount stolen from the United States in Manila, P. I., by an employee of the quartermaster's department, by name José B. Luciano, the said Capt. Archibald W. Butt having fully paid said sum to the United States."

Page 30, after line 14, insert: "To Mary A. Coulson, executrix and sole legatee of Sewell Coulson, deceased, late of Sullivan, Ind., the sum of $3,950, being the amount due to him for professional services rendered as an attorney at law, the said services being the defense of sundry actions instituted and prosecuted against a military officer and men of his command in the Indiana State courts and the United States circuit court within and for the district of Indiana for acts done by them while in the discharge of their duty and in obedience to orders emanating from the authority of the United States Government during the late war."

Page 30, after line 14, insert: "To the legal representatives of George W. Curtis, deceased, late of Arizona Territory, for the benefit of said estate, the sum of $2,288.91, being the amount due said Curtis for services rendered the United States in carrying out, as bondsman, the army transportation contract of Isaac S. Randol, defaulting contractor, in contract No. 61220, for the fiscal year ending July 1, 1882."

Page 30, after line 14, insert: "To Leonard L. Deitrick, late first lieutenant, Thirty-fourth Infantry, United States Volunteers, the sum of $120, said sum having been United States funds stolen from his safe at Penaranda, Nueva Ecija, P. I., at some time between December 3, 1900, and December 24, 1900, while he was acting commissary officer; and which sum the said Leonard L. Deitrick accounted for and paid to the proper officer of the United States from his own private funds."

Page 30, after line 14, insert: "To Merril Denham, of Madison County, Ky., the sum of $68, for seventeen days' service as storekeeper in the Internal-Revenue Service, beginning January 21, 1889, under order of the collector of internal revenue of the eighth district of Kentucky."

Page 30, after line 14, insert: "To the personal representative of James H. Dennis the sum of $26,538, being the amount found by the Court of Claims to be due to him by reason of certain contracts for the improvement of the Tennessee River."

Page 30, after line 14, insert: "To the estate of James B. Eads the sum of $19,657.54, in full payment of the balance of interest due to said estate from the United States."

Page 30, after line 14, insert: "To the Eastern Railroad Company of Massachusetts the sum of $15,714.35, and to the Boston and Maine Railroad the sum of $12,246.14, which amounts the Commissioner of Internal Revenue has found and reported, under Senate resolution of April 22, 1904, to have been collected illegally from said companies as duplicate taxes on the same identical income or profits under the acts of Congress approved July 1, 1862, June 30, 1864, and July 14, 1870, and amendments thereto."

Page 30, after line 14, insert: "To Andrew Gleeson and Patrick Maloney the sum of $4,719.68, being the interest due upon a judgment rendered by the Court of Claims in cause No. 16310, Maloney and Gleeson *v.* The United States, from the 26th day of June, 1890, the day the transcript of judgment was presented to the Secretary of the Treasury for payment, until the 14th day of June, 1892, the day said judgment was paid, after the Government's appeal to the Supreme Court of the United States had been dismissed."

Page 30, after line 14, insert: "To Eleonora G. Goldsborough, widow of Surg. Charles B. Goldsborough, of the Marine-Hospital Service, the sum of $7,200, the equivalent of two years' salary at the rate of salary he was receiving by law at the time of his demise, with allowances for two years."

Page 30, after line 14, insert: "To the Good Sheperd Industrial School, of Milwaukee, Wis., the sum of $298.11, in payment and settlement for amount expended by said Good Sheperd Industrial School in the transportation of fifty-four Indian girls from Milwaukee, Wis., to Devils Lake and other points in North Dakota."

Page 30, after line 14, insert: "To the Grand Rapids and Indiana Railway Company the sum of $25,039.75, for transporting the United States mail under its present corporate name and under its former corporate name, the Grand Rapids and Indiana Railroad Company, over postal routes Nos. 24018 and 137018, during the period between July 1, 1876, and June 27, 1896, both inclusive."

Page 30, after line 14, insert: "To John W. Gummo, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, the sum of $190, being the balance of bounty due him for services rendered the Government during the late war of the rebellion."

Page 30, after line 14, insert: "To Maj. E. W. Halford, paymaster, United States Army, the sum of $165.44, for refunding money to him which he disbursed through error and without fault on his part for travel pay to enlisted men on discharge."

Page 30, after line 14, insert: "To Charles R. Hooper or his heirs the sum of $50 dollars per month for sixty months, as full compensation for loss of his left eye while employed by the United States Government in the capacity of first-class blacksmith in the forge shop in the navy-yard in the city of Washington, D. C., in the year 1894."

Page 30, after line 14, insert: "To John Wesley Hoyt, of the District of Columbia, the sum of $5,000, for the expenses actually incurred by him in the travel necessary to the preparation of his report on education in Europe and America, requested by Hon. William H. Seward, Secretary of State of the United States, and published by Congress in the year 1870."

Page 30, after line 14, insert: "To the Independent Line Steamers, of Tampa, Fla., the sum of $1,344.18, in full settlement of all claims said steamer line may have against the United States for damages to the steamer Manatee, due to a collision with the U. S. S. Hillsboro in Tampa Bay, Florida, on the night of November 18, 1901. And so much of the act of July 1, 1902 (32 Stat. L., p. 557), as authorized the pay-

ment of $624.18 to the said Independent Line Steamers is hereby repealed."

Page 30, after line 14, insert: "To Sarah E. Jenkins, of Maryland, daughter of the late Rear-Admiral Thornton A. Jenkins, United States Navy, the sum of $4,896, being the difference between the retired pay of a rear-admiral and the highest pay of that grade, from March 25, 1874, to June 30, 1877, in full compensation for the services of the late Rear-Admiral Thornton A. Jenkins, United States Navy, as commissioner and representative of the Navy Department at the Centennial Exhibition in Philadelphia, 1876."

Page 30, after line 14, insert: "To Richard King, the sum of $5,000, being compensation in full for expenses incurred and permanent injury sustained by reason of his being shot by a soldier of the United States Army while said soldier was on duty."

Page 30, after line 14, insert: "To W. J. Kountz, his heirs or legal representatives, the sum of $12,487.14, the same being the amount found due him by the Third Auditor, and approved by the Second Comptroller of the Treasury, on vouchers properly presented and on file, for services actually rendered by him in transporting troops and supplies on the Yellowstone River, under a contract dated March 12, 1878, between the said Kountz and the Quartermaster's Department of the United States Army, at St. Paul, Minn., but which was withheld by the accounting officers of the Government pending a suit by the United States to recover from said Kountz the sum of $22,845.51, from the payment of which sum he was released and discharged by act of Congress of February 19, 1895, and the order of the Secretary of War of March 24, 1897, carrying said act of Congress into effect."

Page 30, after line 14, insert: "To Jean Louis Legare, of the Dominion of Canada, the sum of $8,000, for services and money expended in bringing into the United States and procuring the surrender of Sitting Bull and his followers, under the direction of the War Department."

Page 30, after line 14, insert: "To the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d of July, 1893, at the United States torpedo station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, the sum of $15,000, of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of $5,000: Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan: *Provided*, That where the deceased left a widow and children, the widow shall receive one-half and the children shall share alike."

Page 30, after line 14, insert: "To Smith R. Mershon the sum of $192.50, for services rendered as custodian of a distillery warehouse in Lincoln County, Ky., seized by a United States revenue officer and held for seventy-seven days by said Smith R. Mershon under the orders of the said United States revenue officer."

Page 30, after line 14, insert: "To Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, the sum of $2,062.06, in full for the balance due her husband, the said Mullett, on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the navy-yard commission, under the provisions of the act of August 5, 1882, making appropriations for the naval service, said balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy and now in the possession of the widow of said Mullett."

Page 30, after line 14, insert: "To Emma Morris, widow of Frank H. Morris, late Auditor for the War Department, who lost his life on the 22d day of December, 1900, while in the discharge of his official duties in the Winder Building, the sum of $2,097.83, being the balance of the salary which would have been due said Frank H. Morris June 30, 1901."

Page 30, after line 14, insert: "To Edward H. Murrell the sum of $7,040.20, said sum to be received by the said E. H. Murrell in full satisfaction of all claims against the United States for the occupancy of his property in the city of New Orleans, La., or for collection of rents for the same, during the military occupancy of the city of New Orleans by the Federal forces during the war of 1861 to 1865, up to October 28, 1865."

Page 30, after line 14, insert: "To Nye & Schneider Co., of Fremont, Nebr., the sum of $61.13, being an unpaid balance on bill rendered for fuel furnished the United States Government by that company during the years 1893 and 1894 for the purpose of heating the post-office building at Hastings, Nebr., which said amount has remained unpaid by reason of the appropriation for such purpose having been exhausted."

Page 30, after line 14, insert: "To the Postal Telegraph-Cable Company, a corporation incorporated under the laws of the State of New York, having its principal office at No. 253 Broadway, New York City, the sum of $2,155.19, for telegraph service rendered to the Post-Office Department from July 1, 1889, to June 30, 1893."

Page 30, after line 14, insert: "To the Potomac Steamboat Company, the sum of $5,090, that being the amount paid by the said Potomac Steamboat Company under a decree of the circuit court of the United States for the eastern district of Virginia, affirmed by the Supreme Court of the United States, to the Baker Salvage Company, for services rendered to the steamer Excelsior, belonging to the said Potomac Steamboat Company, when she was sunk by the United States steam tug Fortune in Hampton Roads, Virginia, on the 4th day of December, 1882, said amount to be received by the said Potomac Steamboat Company in full satisfaction of all claims and demands against the United States in consequence of the said collision."

Page 30, after line 14, insert: "To Alvin M. Ryerson, of Auburn, Me., the sum of $300, being the amount paid by him in August, 1864, as commutation on account of draft in Skowhegan, forty-eighth subdistrict, third district of Maine."

Page 30, after line 14, insert: "To the legal devisees of James W. Schaumburg, deceased, the sum of $10,865.31, or as much thereof as may be necessary, in settlement of the amount of the pay and allowance of a first lieutenant of dragoons, from July 1, 1836, to March 24, 1845, as heretofore found to be due to him by the United States circuit court for the eastern district of Pennsylvania on the 23d day of November, 1875."

Page 30, after line 14, insert: "To A. M. Spear, $900; to Harriet S. Webster, $1,315; to F. H. Harford, $250; to Margaret E. McDonald, $400; to Nicholas Mospan, $165; to Malvina H. Merriman, $125; to James Merriman, $150; to Mary E. Parker, $300; to Mary E. Tingley, $75; to Hattie E. McCann, $19; to Harry Wood, $76, all at Fort Preble, Me.; to Mrs. Emma Tatro, $3.72, at Fort Winthrop, Mass.; to Katharine Jackman, $3, and to Elizabeth Dance, $25, both at Fort Hamilton, N. Y.; to E. M. Ferguson, $25, at Fort H. G. Wright, N. Y., in payment of claims against the Government of the United States, arising out of damages to private property by reason of mortar practice as ascertained and reported to the Secretary of War by a board of army officers constituted for that purpose."

Page 30, after line 14, insert: "To John Stewart, civil engineer, the sum of $2,000, as extra compensation for services rendered by him to the Government in connection with the Potomac Flats case."

Page 30, after line 14, insert: "To the legal representatives of G. B. Stimpson, of Pueblo, Colo., the sum of $325, due him for clerk hire and expenses while serving as postmaster at South Pueblo, Colo.

Page 30, after line 14, insert: "To Thomas C. Sweeney, of Wheeling, W. Va., the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863."

Page 30, after line 14, insert: "To H. H. Thornton and Ben D. Rochblave, the owners of the steamer Monarch, the amount of interest now due on a judgment recovered against D. G. Brent, as collector of customs at the port of Pensacola, Fla., April 29, 1901, in the United States circuit court of the northern district of Florida, for $1,113.75, said interest to be calculated from the date of rendition of judgment to date of its payment, namely, from the 29th day of April, 1901, to the 14th day of February, 1902, at the rate of 4 per cent per annum: *Provided*, That such sum shall be accepted in full satisfaction and payment of the balance due on said judgment, principal, interest, and costs."

Page 30, after line 14, insert: "To Lincoln W. Tibbetts, of Portland, Me., the sum of $15,000, in full settlement and satisfaction of his claim for losses sustained by him in bringing back to New York the cargo of the brig Tornado, consisting of 8,000 kegs of gunpowder, shipped per said brig Tornado from said port to New Orleans in December, 1860, of which said Tibbetts was master and managing owner, whereby said powder was prevented from falling into the hands of the authorities of the seceding States."

Page 30, after line 14, insert: "To Custis Parke Upshur, the sum of $787.82, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Astoria, in the State of Oregon, from July 1, 1886, to October 1, 1891, being for five years and three months, at $12.50 per month."

Page 30, after line 14, insert: "To H. W. Van Senden, administrator of the estate of W. R. Austin, deceased, and Joseph W. Kay, of the firm of W. R. Austin & Co., the sum of $35,000, proportioned as their interest may appear, for materials furnished to the Interior Department by said W. R. Austin & Co. for use in the Eleventh Census of the United States, the same to be in full for all said materials and all vested rights."

Page 30, after line 14, insert: "To Wiel & Anumdsen, owners of the Norwegian steamer Ragnar, the sum of $8,524.10, amount found due by Consul-General Goodnow, for damages arising from the collision between said steamer and the U. S. Army transport Sumner, in the Yangtze River, China, on March 18, A. D. 1902."

Page 30, after line 14, insert: "To Ramon O. Williams, late consul-general at Habana, the sum of $2,222.08, in payment of the amounts expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896; and to Joseph A. Springer, late vice-consul-general at Habana, the sum of $200.54, in payment of the amounts expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895; both amounts as shown on the records of the State Department and as recommended for payment by the State Department to the Fifty-fifth and Fifty-sixth Congresses."

Page 30, after line 14, insert: "To the persons hereinafter named, or their heirs or legal representatives, whose claims were presented to and allowed by the State board of examiners of Nevada, or tried by the Court of Claims, the several sums, respectively, set opposite their names, in full satisfaction for services rendered, moneys expended, indebtedness incurred, and supplies and necessaries furnished in repelling invasions and suppressing Indian outbreaks and hostilities within the Territorial limits of the present State of Nevada, namely:

"AMOUNTS ALLOWED BY THE STATE BOARD OF EXAMINERS OF NEVADA.

"Alexander Ash, $780.
"Erastus Bond, $380.
"Solomon L. Blackwell, $281.
"H. H. Bence, $300.
"Henry Bush, $100.
"Isaac S. Burson, $160.
"William C. Bradley, $372.
"John C. Daniels, $290.75.
"Anthony Ethier, $385.
"W. W. Eichelroth, $620.
"Greely French, $385.
"Richard Gray, $322.
"George F. Gray, $322.
"James J. Hutchinson, $175.
"Benjamin Hutchinson, $210.
"N. B. Isaman, $395.
"James Jones, $365.
"Joseph Kenville, $440.
"Charles D. Moore, $300.
"Newton C. Miller, $495.
"R. H. McDonald, $350.
"Patrick B. McCourt, $365.
"Richard Martin, $400.
"Edward Muller, $294.
"James Morgan, $9,485.
"Michael Nichter, $308.
"S. A. Nevers, $145.
"John Noyes, $250.
"Thornton A. Reed, $142.
"John Rickelton, $1,050.
"William Scott, $322.
"Volney B. Sabin, $485.
"Matthew Smith, $180.
"Matthew Shusterech, $400.
"James D. Sears and James Thompson, $600.
"Charles W. Turner, $1,170.
"Gean Von Schmittburg, $322.
"J. A. Waddell, $355.
"John D. Winters, $949."

Page 30, after line 14, insert:

"AMOUNTS ALLOWED BY COURT OF CLAIMS—(RESIDENTS OF CRIPPLE CREEK, TELLER COUNTY, COLO.).

"Daniel E. Kimball, $90.
"Daniel E. Kimball and John H. Alphin, $2,066.
"John H. Alphin, $90."

Page 30, after line 14, insert:

"CLAIMS OF ANTEBELLUM MAIL CONTRACTORS.

"(As shown in S. Doc. No. 92, 57th Cong., 2d sess.)"

Page 30, after line 14, insert: "To Henry O. Bassett, sole surviving heir of Henry Opeman Bassett, deceased, the sum of $142.59, for mail service performed as contractor on route numbered 6564, Florida, from January 1, 1861, to March 31, 1861."

Page 30, after line 14, insert: "To Lottie Bowman, widow of Thomas R. Bowman, deceased, the sum of $427.17, for mail service performed as contractor on route numbered 7841, Arkansas, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the estate of R. W. Bullock, deceased, the sum of $95.21, for mail service performed as contractor on route numbered 5726, South Carolina, from July 1, 1860, to January 31, 1861."

Page 30, after line 14, insert: "To the legal representatives of Henry Fulenwider, deceased, the sum of $10,892.86, for mail service performed as contractor on route numbered 7002, Alabama, from April 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Georgia Railroad and Banking Company, formerly the Georgia Railroad Company, the sum of $4,880.68, for mail service performed as contractor on routes numbered 6136, numbered 6143, and numbered 6144, Georgia, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the heirs of Peter Johnson, deceased, the sum of $1,859.91, for mail service performed as contractor on route numbered 8588, Texas, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Alabama and Tennessee River Railroad Company, the sum of $11, for mail service performed as contractor on route numbered 7147, Alabama, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Charlotte and South Carolina Railroad Company, the sum of $4,589.01, for mail service performed as contractor on route numbered 5673, South Carolina, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the administrator of the late D. S. Farrar, the sum of $63.52, for mail service performed as contractor on route numbered 4277, Virginia, from January 1, 1861, to March 31, 1861."

Page 30, after line 14, insert: "To the Greenville and Columbia Railroad Company, the sum of $3,273.97, for mail service performed as contractor on route numbered 5674, South Carolina, from January 1, 1861, to March 31, 1861."

Page 30, after line 14, insert: "To the Laurens Railroad Company, the sum of $375, for mail service performed as contractor on route numbered 5711, South Carolina, from January 1, 1861, to March 31, 1861."

Page 30, after line 14, insert: "To the Manassas Gap Railroad Company, the sum of $89.12, for mail service performed as contractor on route numbered 4251, Virginia, from April 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Memphis and Charleston Railroad Company, the sum of $20,947.93, for mail service performed as contractor on route numbered 7096, Alabama, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Richmond and Danville Railroad Company the sum of $15.95, for mail service performed as contractor on route No. 4183, Virginia, from April 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Richmond and York River Railroad Company the sum of $270.35, for mail service performed as contractor on route No. 4612, Virginia, from December 25, 1860, to May 31, 1861."

Page 30, after line 14, insert: "To the South Carolina Railroad Company the sum of $46.70, for mail service performed as contractor on route No. 5602, South Carolina, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To the Western North Carolina Railroad Company the sum of $122.69, for mail service performed as contractor on route No. 5176, North Carolina, from January 1, 1861, to May 31, 1861."

Page 30, after line 14, insert: "To Malinda S. Gray, widow and legal representative of Frederick P. Gray, deceased, the sum of $356.10, for mail services performed as contractor on route 10171, from Clarksburg to Paris, Tenn., from January 1 to March 31, 1861."

Page 30, after line 14, insert:

"FOR INVESTIGATION AND REPORT.

"That the Auditor for the State and other Departments be, and he is hereby, authorized to examine all claims which may be presented in proper form by the different counties in Arizona Territory, and to ascertain the amount due each of said counties on account of legal costs and expenses incurred from March 3, 1889, to June 30, 1899, in the prosecution of Indians under the act of March 2, 1885 (23 Stat. L., p. 385), for which the United States is liable under act of March 3, 1889 (25 Stat. L., p. 1004), and which have been paid by said counties; and the amounts so found shall be certified by the Secretary of the Treasury to Congress for a deficiency appropriation."

Page 30, after line 14, insert:

"FOR INVESTIGATION AND SETTLEMENT."

Page 30, after line 14, insert: "That the Secretary of War be, and he is hereby, authorized and directed to examine the claim of John Conner, sr., for payment of a sum alleged to be due for 20.1 acres of cleared land, 7.71 acres of timbered land, 500 bushels of corn, and 20 bales of cotton, said land and other property alleged to have been taken and appropriated by the United States in constructing a levee at Ashport, Lauderdale County, Tenn., in 1886 and 1887, under the supervision of the Mississippi River Commission, and allow him whatever the said land and other property are reasonably worth, not exceeding the sum of $1,279.60, the amount so allowed to be in full payment for said land and other property alleged to have been taken and appropriated: *Provided*, That none of the said amount shall be paid to the claimant until after he shall have executed and delivered to the proper officer of the Government all papers necessary to give to the United States a title in fee simple to all of the aforementioned land, but nothing in this proviso shall be held to compel claimant to pay any taxes which may have accrued against this land during its occupancy by the Government: *And provided further*, That the acceptance by the claimant of the amount so allowed shall be considered as full satisfaction of his claim. And whatever sum shall be found due on such examination shall be paid to the said John Conner, sr., and is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Page 30, after line 14, insert: "That the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to the said Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and that the amount found due by said adjustment is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated."

Page 30, after line 14, insert: "That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine and settle the claim of John Scott, late sutler Twenty-first Regiment New York Cavalry, for money alleged to be due him by certain enlisted men of the said regiment who had died in the service or who had deserted; and in the examination of said claim the accounting officers are authorized to regard the certificate of the commanding officer of the regiment now on file with the case as equivalent to an entry on the muster roll of the regiment; and a sufficient sum of money to pay the amount found due to John Scott is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay all of said claim not already settled by the United States with the men or their legal representatives."

Page 30, after line 14, insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter H. Taylor, administrator of Richard Taylor, deceased, of Norfolk, Va., the sum of $11,946.81, remaining unpaid, of the amount appropriated to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, of the firm of Gilliat & Taylor, in the act entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes:' *Provided*, That the Secretary of the Treasury is satisfied that an agreement was entered into in the year 1800 between the members of said firm of Gilliat & Taylor, by which the late Richard Taylor became, upon the dissolution of said firm, entitled to the assets of said firm. And so much of the act of June 30, 1891, as authorized the payment of the said sum of $11,946.81 to the administrator of John Gilliat, deceased, is hereby repealed."

Page 30, after line 14, insert: "That the Secretary of the Department of Commerce and Labor be, and he is hereby, authorized and directed to examine the claim of the Wales Island Packing Company, for injury to its business and property on Wales Island on account of the recent decision of the Alaska boundary tribunal, under which the possession of said island has passed from the United States to the Dominion of Canada, and allow to said company whatever sum may be found due, not exceeding $81,689.60. And such sum so found due shall be paid to the Wales Packing Company: *Provided*, That the said sum shall be accepted by the said company as full satisfaction of all of its claims against the United States arising from said injury; and the said sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Page 30, after line 14, insert: "That the Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminating tiling, frames, and supports thereof, placed by said Willbur in, on, and around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States, according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished by the direction of the Secretary of the Treasury and Senate committee, by the experts, Solomon J. Fague and Archibald Given, of date April 21, 1888, to the Senate committee, and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts, the Secretary of the Treasury shall, within thirty days from the passage of this act, appoint three competent persons, who shall be duly sworn to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminating tiling, frames, and supports thereof, placed by said Willbur in and around the New York City post-office and court-house building, beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract, so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling, or in the quantity thereof, from that which was specified in said contract; and that the Secretary of the Treasury shall, within sixty days after the making of said report, pay to said Willbur such amount as he shall find from such report to be due to him, which sum shall be taken and received by said Willbur in full and final settlement of all and every claim against the United States on said account; and such sum as may be necessary to pay the amount so found due is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Page 30, after line 14, insert: "To refund internal-revenue taxes illegally collected from owners of private dies, the following amounts, or so much as may be found due by the accounting officers of the Treasury Department, to wit:

"To American Match Company, of Cleveland, Ohio, $358.63; Dr. J. C. Ayer & Co., $8,435; Barclay & Co., $211.25; B. Bendel & Co., $584.17; William Bond, $40; B. Brandreth, $1,965; Brockot & Newton, $280; Frederick Brown, $521.71; Joseph Burnett & Co., $249.90; Byam, Carlton & Co., $28,240.75; Centaur Company, $39.58; Clark Match Company, $970; Cowles & Lech, $1,084.52; Curtiss & Brown, $24; M. Daily, $4,395; James Eaton, $4,505; P. Elchele & Co., $7,427.72; Excelsior Match Company, $398.27; B. A Fahenstock & Co., $100; Fleming Brothers, $1,300; William Gates, $23,104.81; A. J. Griggs, $1,358.75; R. P. Hall & Co., $2,050; Samuel Hart & Co., $2,861; J. E. Hethrington, $95; Hiscox & Co., $12; C. E. Hull & Co., $81.96; Thomas J. Husband, $154.70; T. T. Ives, $85.95; Dr. D. Jayne & Son, $4,321; J. S. Johnson & Co., $279.75; Johnston, Holloway & Co., $102; Kennedy & Co., $126.66; Lawrence & Cohen, $2,862; C. S. Leete, $505.91; John J. Levy, $1,153.20; C. W. Lord (Lord & Robinson), $1,328.27; Andrew S. Lowe, $51; Dr. J. H. McLean, $970; Merchants' Gargling Oil Company, $536.29; A. Messenger, $4,895; Newbauer & Co., $480; New York Consolidated Card Company, $215; Ray V. Pierce, $969.22; D. Ransom, Son & Co., $748.20; D. M. Richardson, $20,955; Richardson Match Company, $4,730.50; H. & W. Roeber, $958.91; William Rocher, $2,804; J. H. Schenck & Son, $1,284; Schmitt & Schmittdie, $2,282.09; J. E. Schwartz & Co., $90; Schwartz & Haslett, $150; A. L. Scoville & Co., $784; H. Stanton, $3,163.25; Swift & Courtney, $4,650; Herman Tappan, $5; E. R. Tyler, $45; A. Vogeler & Co., $265.50; James H. Weedon, $895; World's Dispensary Medical Association, $30.40."

Page 30, after line 14, insert:

"FOR REFERENCE TO THE COURT OF CLAIMS."

Page 30, after line 14, insert: "That the claim of the legal representatives of Eli Ayres, deceased, for the value and proceeds of certain parcels and sections of land situated in the State of Mississippi, and to which the said Eli Ayres claims to have held the legal or equitable title at the time of his death, which title as claimed was acquired and derived by him by purchase and deeds from certain Chickasaw Indians in the year 1839, the Chickasaw Indians as grantors in said deeds having derived and acquired their respective title or titles to the said parcels or sections of land by grant and treaty stipulations in accordance with the provisions contained in the treaty concluded between the United States and the Chickasaw Nation of Indians on May 24, 1834, amendatory of the treaty of October 20, 1832, and which said parcels or sections of land and the proceeds thereof, in whole or in part, it is alleged, have been, without right or title thereto, and without authority, either in law or in equity, appropriated by the United States Government and held or disposed of by said Government as its own property, or otherwise, be, and the same is hereby, referred to the Court of Claims of the United States, and jurisdiction is hereby conferred on said Court of Claims to proceed, according to the principles and rules of both law and equity, to find the facts as to the purchase of said parcels or sections of land from said Chickasaw Indians by said Ayres and as to the deeds received by him from the said Indians, and the amounts paid by said Ayres to said Indians per acre for said parcels or sections of land, and as to the title of said Ayres to the same; and also to find the facts as to the alleged appropriation by the United States Government of the said parcels or sections of land alleged to have been so purchased by said Ayres from the said Indians, and what disposition, if any, has been made of the same by the United States, whether the same has been disposed of by the United States under the public-land laws, and all the material facts in connection therewith, embracing the amount that should be paid to the legal representatives of said Eli Ayres, deceased, by reason of the loss occasioned to him, if any, by the appropriation by the Government of the said parcels or sections of lands purchased from said Indians as herein claimed; and what amount of the proceeds of the sales of said land, if any, is held by the Government in trust for the said Chickasaw Indians; and also whether any of the said parcels or sections of land are still held and not disposed of by the United States; and the court is authorized to find any other fact or facts of importance to the parties which may arise in this claim; and when the court has found the facts under the provisions of this act, it is hereby authorized and directed to report the same to Congress; and in considering the merits of the claim in the finding of the facts, affidavits of persons now dead, reports of officers of the United States Government, reports of committees of both Houses of Congress, and the several deeds from the said Chickasaw Indians conveying said parcels or sections of land to Eli Ayres, deceased, and all papers now on file with the claim in Congress or with the committees of either House relating to such claim, shall be considered by the court, and such weight given thereto as may be deemed by the court to be right and proper."

Page 30, after line 14, insert: "That jurisdiction is hereby given to the Court of Claims, notwithstanding any failure to protest and appeal, to hear and try the claims of Bates & Despard, and of Despard Brothers, and of the estate of Charles L. Perkins, liquidating partner of Perkins & Choate, and of the Illinois Steel Company as assignee, for refund of import duties paid in excess of the duties imposed by law on steel blooms imported during the years 1879, 1880, 1881, and 1882, and to render judgment, notwithstanding section 3477 of the Revised Statutes, in their favor, and in favor of the representatives of said estate, respectively, for such sums as were paid by them and by Perkins & Choate, and by the Union Iron and Steel Company, in excess of the legal duty: *Provided*, That the petitions shall be filed in said court within one year after the passage of this act."

Page 30, after line 14, insert: "That the claim of the contractor, or his legal representatives, for the construction of the light-draft monitor Etlah may be submitted by said contractor, or his legal representatives, within six months after the passage of this act, to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction, legal and equitable, to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractor for building said light-draft monitor Etlah in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further*, That such additional cost in completing the same and such changes and alterations in the plans and specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for the advance in the price of any labor or material shall be considered unless such advance could not have been avoided by the exercise of ordinary prudence and vigilance on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations when made complied with the specifications for the same as furnished by the Government: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractor than the original plans and specifications a corresponding reduction shall be made from any allowance which may be made by said court to said claimant: *And provided further*, That said claim may be submitted as aforesaid, notwithstanding any statute of limitations or proceeding heretofore instituted for the collection of said claim; and in any proceedings heretofore instituted before said court, prior to the grant by said Congress of general equitable jurisdiction to said court, any testimony that may have been taken under the rules of said court, and any findings of fact which may be based thereon, shall be duly considered by the court and given such weight and effect as the court shall deem equitable and just."

Page 30, after line 14, insert: "That the claim of Hyland C. Kirk, of Pittsburg, Pa., and others, assignees of Letters Patent No. 101,604, dated April 5, 1870 (antedated October 5, 1869), for an improvement in adhesive postal and revenue stamps, issued to Addison C. Fletcher and assigned to Hyland C. Kirk and others, for compensation for the use of said letters patent and the invention therein described by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years 1868, 1869, 1870, 1871, and 1872, be, and is hereby, referred to the Court of Claims; and said court is hereby vested with power and jurisdiction, notwithstanding the statute of limitations, to hear, determine, and adjudicate the validity of said letters patent, the title of the assignees, respectively, to the same, and the amount of compensation, if any, which should in justice and equity be made to said claimants, or any of them, respectively, for the use of said invention by the United States as aforesaid, and to render final judgment therefor; that upon the trial of the questions arising said court shall receive as competent evidence the testimony in the case of Fletcher *v.* The United States and the case of Solomons *v.* The United States heretofore pending and decided in said Court of Claims and of record therein, together with such other evidence as may be presented upon said hearing; and from the judgment of said court either party may appeal to the Supreme Court of the United States in the manner and within the time provided by statute for appeals from judgments rendered by said court."

Page 30, after line 14, insert: "That the claim of John S. Mosby for the value of 7,900 pounds, more or less, of tobacco, mentioned in an official paper dated at Rocketts Landing, Richmond, Va., July 27, 1865, signed 'W. H. D. Cochran, major, depot quartermaster,' and purporting to give a 'list of captured tobacco marked in the name of Col. J. S. Mosby, transferred to Col. J. S. Loomis, Treasury agent, June 7, 1865,' be, and the same is hereby, referred to the Court of Claims of the United States, with full jurisdiction to try and adjudicate said claim and render judgment against the United States in such sum as may be found just by said court, without the interposition in behalf of the Government of any bar arising from the existing statutes of limitations. Right of appeal to the Supreme Court of the United States is expressly reserved to the Government and to the claimant. But it is provided that any portion of such sums representing tobacco beneficially belonging to the father, sister, or other relatives of said Mosby shall be held in trust by him accordingly."

Page 30, after line 14, insert: "That the claims for the further compensation for the construction of the ironclad monitors Saugus, Cohoes, and Napa may be submitted severally by the contractors or their legal representatives within one year after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same upon the following basis: The court shall ascertain and allow the additional cost which was necessarily incurred by the contractors for building the ironclad monitors Saugus, Cohoes, and Napa in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided*, That such additional cost in completing, and such changes or alterations in the plans and specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered which could have been avoided by ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contractors and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractors by the Government over and above the original contract price for the building of said vessels shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding deduction shall be made from any allowance by said court."

Page 30, after line 14, insert: "That the claim of Priscilla J. Shipman, administratrix of the estate of John J. Shipman, deceased, late of the District of Columbia, for work done and materials furnished for the use of said District of Columbia by the deceased in his lifetime, be, and the same is hereby, referred to the Court of Claims for adjudication according to the fair and reasonable value of such work and labor and materials, the amount found due over and above any payments heretofore made in respect to said claim to be payable according to the provisions of the act of Congress approved June 16, 1880 (21 Stat. L., 284): *Provided*, That any judgment rendered under this act shall be payable in money, as other judgments against the District of Columbia are paid."

Page 30, after line 14, insert: "That jurisdiction is hereby conferred on the Court of Claims to readjudicate the case of J. E. Simpson & Co. *v.* The United States, being numbered 18028 on the docket of the said court, upon the evidence therein and such further competent evidence as may be adduced by either party within such reasonable time as the court may fix and determine, and if the said court shall find upon such readjudication that the said firm sustained damage or loss in the construction of a timber dry dock for the United States at the New York Navy-Yard, during the years 1887 to 1890, by reason of the fact that the soils underlying the site selected and provided for the said dry dock by the United States were unstable or were not as described by a profile and report furnished to the said firm by agents of the United States prior to the execution of the contract for the said dry dock between the said firm and the United States, the said court is hereby authorized and empowered to enter judgment in favor of the said firm for the amount of its damage or loss so found."

Page 30, after line 14, insert: "That the United States Court of Claims be, and is hereby, given jurisdiction to rehear and render judgment, without regard to the statute of limitations, in the claim of John L. Smithmeyer and Paul J. Pelz, for compensation for their services in preparing the plans for the building for the Library of Congress, and no prior settlement or adjudication of their claim for compensation for said services shall be a bar: *Provided, however*, That the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States; and in the absence of express contract the rate of compensation subsequently paid to the claimants for services in the construction of the Library building shall not be evidence of the value of the services of claimants in preparing such plans: *And provided further*, That the measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services, and in no event shall such compensation exceed the sum of $50,000; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce."

Page 30, after line 14, insert: "That the claims of the legal or equitable owners or claimants of the float or lighter known as "Southern Railway Lighter No. 10," and cargoes, freight, and personal effects

thereon, alleged to have been sunk, lost, or greatly damaged by collision with the United States Army transport Sumner, in the harbor of Norfolk, Va., on or about the 17th day of March, 1900, be referred to the Court of Claims, with jurisdiction and authority to hear and determine the same to judgment, with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof: *And provided further*, That no judgment shall be rendered against the Government unless it shall affirmatively appear from the evidence adduced that such collision was the result of negligence on the part of the United States or its agents."

Page 30, after line 14, insert: "For reference to court of admiralty."

Page 30, after line 14, insert: "That the claims of the owners, master, and crew of the schooner Ella M. Doughty, of Portland, Me., for damages and losses sustained by reason of collision of the United States battle ship Massachusetts with said schooner off South Shoal light-ship on or about the 27th day of June, A. D. 1901, be, and the same are hereby referred for examination and adjudication to the district court of the United States for the district of Maine; that said parties, or such of them as shall choose to join therein, may, at any time within twelve months from the final passage of this act, file in said court a petition, which thereafter may be amended at the discretion of the court in the same way that other pleadings in said court are amendable, which petition shall set forth all the material facts upon which the said parties jointly or severally rely in support of their said claims; and the court shall thereupon order such notice to be given to the United States, or to its representatives, and such further proceedings to be had as to answers or other pleadings in said case as it shall deem proper; that in regard to the trial or hearing of said cause the same rules and modes of proceedings as to evidence, mode of trial, liability for damage, and measurement of damages, and otherwise, including the right of appeal, shall apply as in other causes of admiralty between individual owners of colliding vessels, and shall also be determined upon such legal or equitable principles as shall be applicable thereto; that said claims shall not be barred by any statute of limitations; and should it on the said trial or final hearing be determined that anything is due to the said parties, the said court shall render judgment therefor against the United States for the amounts so found to be due to them jointly or severally and certify the same to the Secretary of the Treasury of the United States for payment; and the sum necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Page 30, after line 14, insert: "That the claims of the owners and officers of the brig Olive Frances, of Machiasport, Me., and others on board said brig, for damages and losses sustained by reason of collision of the U. S. gunboat Winooski with said brig, on July 30, A. D. 1866, be, and the same are hereby, referred for examination and adjudication to the district court of the United States for the district of Maine; that said parties, or such of them as shall choose to join therein, may, at any time within twelve months from the final passage of this act, file in said court a petition, which thereafter may be amended at the discretion of the court in the same way that other pleadings in said court are amendable, which petition shall set forth all the material facts upon which the said parties jointly or severally rely in support of their said claims; and the court shall thereupon order such notice to be given to the United States, or to its representatives, and such further proceedings to be had as to answers or other pleadings in said case as it shall deem proper; that in regard to the trial or hearing of said cause the same rules and modes of proceedings as to evidence, mode of trial, liability for damage, and measurement of damages, and otherwise, including the right of appeal, shall apply as in other causes of admiralty between individual owners of colliding vessels, and shall also be determined upon such legal or equitable principles as shall be applicable thereto; that said claims shall not be barred by any statute of limitations; and should it on the said trial or final hearing be determined that anything is due to the said parties, the said court shall render judgment therefor against the United States for the amounts so found to be due to them jointly or severally and certify the same to the Secretary of the Treasury of the United States for payment; and the sum necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Page 30, after line 14, insert:

"RELIEF FROM LIABILITY."

Page 30, after line 14, insert: "That the Secretary of War be, and he is hereby, authorized and directed to release Central University of the State of Kentucky, and A. R. Burnam and John Bennett, sureties, from the payment of $556.72 for small arms and ordnance stores furnished Central University of the State of Kentucky, which were lost, destroyed, or taken away without fault or negligence of Central University of the State of Kentucky, or the sureties, A. R. Burnam and John Bennett."

Page 30, after line 14, insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit James Denton, collector of internal revenue for the eighth district of Kentucky, with the sum of $57,189.77 (loss of tax-paid spirits stamps to the amount of $49,401 and stubs or coupons to the amount of 7,788.77) for stamps charged to him and lost in transit."

Page 30, after line 14, insert: "That Robert D. McAfee and John Chiatovich be, and they are hereby, released and discharged from all obligation to the United States on account of the official bond executed by them on the 14th day of February, 1890, as sureties for the late Elias B. Zabriskie, as melter and refiner of the United States mint at Carson City, Nev."

Page 30, after line 14, insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept the sum of $23,897.70 from the heirs or legal representatives of D. C. McCan and Edward Conery, sr., sureties on the bond of Andrew W. Smythe, formerly superintendent of the mint at New Orleans, La., in full settlement and compromise of all claims on the part of the United States against the estates of D. C. McCan and Edward Conery, sr., their heirs, legatees, and successors, growing out of and arising from the judgment rendered against them and in favor of the United States in the United States circuit court for the fifth circuit and eastern district of Louisiana, New Orleans division, in the cause entitled 'United States against Andrew Smythe and others,' numbered 12329 of the docket of said court; and that, upon payment of said sum, full receipt and acquittance be granted to said parties."

Page 30, after line 14, insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the accounts of Louis J. Souer, collector of internal revenue for the collection district of Louisiana, with the sum of $3,861.88, being the value of coupons of tax-paid spirits stamps forwarded by registered mail March 21, 1902, under regular instructions of the Commissioner of Internal Revenue, to the Treasury Department, which were destroyed by fire in a railway postal car near Charlottesville, Va."

Page 30, after line 14, insert: "That Brig. Gen. Wager Swayne be credited with $4,000, which sum was paid over to him by Capt. W. B. Armstrong, adjutant-quartermaster, and by said Swayne disbursed on account of the bureau of refugees, freedmen, and abandoned lands."

Page 30, after line 14, insert:

"LIMITATION.

"In case of the death of any claimant, or death or discharge of any executor or administrator of any claimant herein named, then payment of such claim as herein provided shall be made to the legal representatives: *Provided*, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated: *And provided further*, That in all cases where the original claimants were adjudicated bankrupts the payments shall be made to the next of kin instead of to assignees in bankruptcy; but these provisions shall not apply to payments in the cases of the French spoliation claims, which shall be made as heretofore prescribed in this act: *And provided further*, That wherever under this bill it is provided that a payment be made to an executor or an administrator, whether original or ancilary or de bonis non, and such executor or administrator is dead or no longer holds his office, the payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury."

The bill was reported to the Senate as amended.

Mr. WARREN. The senior Senator from Virginia [Mr. MARTIN], a member of the committee, has called my attention to the possible necessity of an amendment to come in at the end of the bill, which I will ask him to read.

Mr. MARTIN. After the word "Treasury," page 224, line 23, I move to insert the following:

And whenever under this bill it is provided that a payment shall be made to a corporation and such corporation has been merged in or consolidated with another corporation payment shall be made to the corporation with which the consolidation or merger has been made.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Virginia to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the allowance of certain claims reported by the Court of Claims, and for other purposes."

HEIRS OF JOHN C. RIVES, DECEASED.

Mr. GORMAN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3718) to quitclaim all the interest of the United States of America in and to all lands lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior to grant and convey unto the heirs and assigns of John C. Rives, deceased, of the State of Maryland, all the right, title, and interest of the United States in and to a certain lot of land lying partly in the District of Columbia and the State of Maryland, consisting of about 52 acres, more or less, as described in the will of John C. Rives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTIS PARKE UPSHUR.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the Calendar under Rule VIII.

The bill (S. 2020) for the relief of Custis Parke Upshur was announced as first in order on the Calendar.

The PRESIDING OFFICER. This bill was considered as in Committee of the Whole January 6, and read in full.

Mr. PLATT of Connecticut. Is there a report?

The PRESIDING OFFICER. There is.

Mr. PLATT of Connecticut. I wish that it might be read.

The PRESIDING OFFICER. The bill was read and considered as in Committee of the Whole January 6, and the reading of the report was not concluded at the close of the morning hour. Does the Senator from Connecticut desire to have the entire report read?

Mr. PLATT of Connecticut. I should like to have it read or to have some statement of what the bill is.

The PRESIDING OFFICER. The Secretary will read the report of the committee.

The Secretary proceeded to read the report submitted by Mr. FULTON, from the Committee on Claims, February 24, 1904.

Mr. WARREN. In view of the fact that the bill is included in the omnibus claims bill, I ask that it be passed over without prejudice.

The PRESIDING OFFICER. Such will be taken as the sense of the Senate, in the absence of objection.

REFERENCE OF REPORT OF MERCHANT MARINE COMMISSION.

Mr. GALLINGER. Mr. President, some days ago I submitted in behalf of the Merchant Marine Commission a report which was ordered printed, but it was not referred. This morning the views of the minority were presented and referred to the Committee on Commerce, and I now ask to have the report which I submitted some days ago formally referred to the Committee on Commerce.

The PRESIDING OFFICER. The report, which has been heretofore ordered printed, will be referred to the Committee on Commerce.

NATIONAL PARKS IN CALIFORNIA.

The bill (S. 3376) to authorize the Secretary of the Interior to acquire for the Government, by exchanges of public lands, the ownership of the private lands within certain public parks in the State of California, was considered as in Committee of the Whole. Wherever, and to the extent that the lands within the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, in the State of California, are held in private ownership, the Secretary of the Interior is authorized, in his discretion, to exchange therefor public lands of like area and value which are vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes.

The bill was reported to the Senate without amendment, ordered to engrossed for a third reading, read the third time, and passed.

LANDS FOR WANDERING INDIANS IN MONTANA.

The bill (S. 2705) for the relief of wandering American-born Indians of Rockyboy's band, Montana, was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, with the consent of the Indians of the Joco (Flathead) Reservation in the State of Montana, to be obtained in the usual manner, to set aside a tract of land in compact form within the boundaries of said reservation, sufficient in area to give not to exceed 40 acres each of arable land to such members, including men, women, and children, of the migratory band of Indians now roaming in said State, and known as Rockyboy's band, as shall, upon investigation, be satisfactorily shown to have been born in the United States and who may desire to settle permanently upon said reservation; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $8,800, or so much thereof as may be necessary, to pay the Indians of the Flathead Reservation at the rate of $2 per acre for the lands relinquished and set apart for said migratory Indians; and a further sum of $10,000, to be expended in assisting said Indians in making homes for themselves on said reservation; in all, $18,800, to be immediately available.

Mr. TELLER. Who reported the bill?

The PRESIDING OFFICER. The bill was reported by the Senator from Nevada [Mr. STEWART], from the Committee on Indian Affairs, without amendment.

Mr. TELLER. Is there a written report?

The PRESIDING OFFICER. There is.

Mr. TELLER. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. STEWART, from the Committee on Indian Affairs, February 26, 1904.

Mr. TELLER. The chairman of the committee has explained the bill to me and I understand what it is. I withdraw my request for the reading of the report.

Mr. PLATT of Connecticut. There is only one thing to be said relating to the passage of this bill. It establishes a precedent for the Government to buy lands for Indians who are wandering or who are not already on lands, for the purpose of settling them on the lands. It is the commencement of what may prove to be a very large and expensive policy.

Mr. TELLER. I have no doubt about it.

The bill was reported without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. The senior Senator from Alabama [Mr. MORGAN], pursuant to notice, is entitled to the floor.

Mr. MORGAN rose.

Mr. STEWART. I should like to give notice that when the Senator from Alabama gets through I shall make some remarks on the pending bill.

Mr. MORGAN. Mr. President, in the consideration of this measure, which in its final effect is not a bill, but a concurrent resolution of the two Houses of Congress, since its real vital force is the creation of two States by compact with four Territories, the Senate is performing, conjointly with the House, the highest, most independent, and most discretionary function that is confided by the Constitution to any branch of the Government.

It is the highest function of the Government under the Constitution of the United States, because it is creative of new States that are invested with the sovereignty that is intrusted to a body of our people for all the purposes of local self-government and will forever stand more nearly related to their personal rights, duties, and obligations, and are more their protector, ruler, judge, and servant than any other power in the Republic. It is the most independent branch of the Government, because no Department can direct or control or reverse or repeal its final decree, or place any limits upon its discretionary right to admit or to refuse to admit States into the Union.

In the exercise of this discretion the two Houses are not expressly confined by the Constitution to any method of procedure or to specific requirements as to the conditions upon which statehood may be granted to the people who apply for it. But no Senator or Representative is ever relieved from the obligation to support the Constitution in every official act he may perform.

The powers we are now employing in the consideration of this measure are closely analogous to that of making treaties, but are intrusted to different agencies, and the agreements with the people must be ratified by them, through their local governments, before the Houses can accept them. The powers conferred upon the Houses is to admit States, not masses of unorganized people, into the Union, and with their consent, which does not admit of any form of compulsion or duress; and the admission necessarily presupposes an application for admission on the part of the people.

Every Member of Congress must determine for himself whether the admission of a new State is in harmony with the purposes of government that are defined in the Constitution, and whether the people who are to constitute the State and exercise their sovereign powers in its control are the sovereign people who established the Republic and ordained the Constitution. In my judgment this is still the leading and indispensable condition for conferring statehood upon any body of people.

No change in the Constitution has been made by amendment that makes this condition any less obligatory and imperative than it was when the Constitution was ordained, and I can not vote to confer the sovereign rights and powers of statehood upon any race of people who were not admitted as participants in the establishment of the statehood of the original thirteen States and of the Republic of the United States of America.

THE GREAT DECREE OF THE PEOPLE.

The nationality that the sovereign people of the United States established for a new nation and as a distinct people separate from all other peoples and nations was established and defined by their own decree in the preamble to the Constitution of the United States in the following words:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The people of the United States date their legal existence as a separate, free, and sovereign people from that decree, which crystalized into the fundamental and paramount law of the Republic all that had been learned by the experiences of the Revolutionary war and all the better traditions of our race. They then assumed to themselves, in this formal decree, all the rights, powers, and obligations of sovereignty and independence and took their place among the nations of the earth as a united Republic composed of sovereign people whose rightful powers of self-government no other people had ever asserted or assumed, and of sovereign States whose foundations are immovable and perpetual.

Thus there came forth, in its first appearance in human government, a nation and a dynasty of the sovereign people of sovereign States united in a Republic. This great aggregate, as well as every unit of the grand sum of the people of the

United States, comprised a body politic composed of people and States that assumed to be dynastic, and asserted for themselves supreme and perpetual lordship and dominion as a race of rulers and law givers in the several States and in the United States. They decreed that these people, in the exercise of these powers, should rule in pursuance of law and that laws should be provided to define and regulate the electorate and to provide for the selection of officers to conduct the Government. These elections perpetuate this sovereign dominion and are, therefore, the vital force as well as the regulating power of the Republic.

THE ELECTORATE.

It was not intended that every inhabitant of the States that formed the Union, and of the Territories, should be a factor, elector, or participant in the exercise of the sovereign powers of the people of the United States. To prohibit such a pretension, it was declared in this great decree of "the people of the United States" that the Constitution was ordained "in order to secure * * * the blessings of liberty to ourselves and our posterity."

In the establishment of the plan of the Republic, which is more important than any single provision that was adopted to execute it, it was not intended to leave the plan or its purposes within the reach of the power to amend the Constitution, but that these should remain inviolable, like the suffrage of the States in the Senate. Certain purposes are named, to accomlish which the Government of the Republic was ordained, and a certain class of people named, who are set apart to execute the sovereign power of conducting the Government of the people and by the people. Among these purposes none was more indispensable than the description or definition of the race of people upon whom the sovereignty was devolved and to whom it should be transmitted by laws through all coming generations. This great fact was settled in the preamble to the Constitution, and no room was left for the change of that decree by amendment of the Constitution. If it is changed by legislative enactment, such a law is an arbitrary usurpation. If it is changed by amendment of the Constitution, such an amendment revolutionizes the declared purposes and the plan of the Government of the Republic. When the people see the wrong that is done them in their sovereign and racial rights they will never cease work until they revoke such amendments by the exercise of their sovereign power through elections. But when this sovereign power is invaded by laws or constitutional amendments that deprave the electorate and force the States to share their sovereignty in the rightful powers of government with alien and inferior races who had no part in establishing the States or the Union, a wrong is done that so exasperates the people that they also are infected with an arbitrary and dangerous spirit of disobedience to law. I am not willing to encourage such degeneracy by my vote in the Senate, and this is the necessary effect of the provisions of this bill, and no change has been made in the Constitution that alters or abrogates the racial decree of the preamble of the Constitution. No race of people, who were excluded from classification, as "the people of the United States" have been admitted to the electorate by any amendment of the Constitution.

THE MEN WHO ORDAINED THE PLAN.

The men who established the plan of our republican Government and ordained the Constitution to carry it into effect were as wise as any who have succeeded them, or as any who had lived before them. The people they represented were not excelled by any in their virtues, their experiences, their intelligence, their self-reliance, and their appreciation of the blessings of liberty and independence.

They knew what they were doing; the magnitude of the task they undertook; the necessity for precision in declaring their will, so that nothing should be loosely stated or left in doubt as to what they intended.

No instrument was ever formed for the organization of goverment, in all its parts, that was more perfectly original and unprecedented; or that more completely provided for the formation of a union of sovereign states; or for the preservation of the rights of a sovereign people; or to prevent the intrusion of other people into their sovereignty; or for the proper distribution of the powers and functions of Government into official hands; or for the preservation of a sovereign electorate against debasement by alien and inferior races. It is perfect in all these provisions.

The plan of the republic and its purposes, as they are stated and fixed in the preamble to the Constitution, is a limitation, by agreement, embodied in a perpetual and irrevocable ordinance, fixing the scope and character of the provisions of the Constitution to be ordained by the convention, and the entire body of these laws was carefully adjusted to that plan.

The self-defining statement that "we, the people of the United States, do ordain this Constitution" referred to other inhabitants of the States and Territories who, at that time, were racially distinguished from the people of the United States. They were the negro race, who were then held in slavery, and were so recognized, in terms, by the Constitution, and Indian tribes, organized in separate but independent tribal governments; and Indians in the States who were not taxed.

THE RACIAL DESIGNATION OF THE SOVEREIGN PEOPLE.

That protection was not left to the capricious and dangerous control of ambitious, or altruistic, or facile, or corrupt politicians, who might find their advantage in the enactment of laws for the extension of the electoral power of the people, so as to include the lower classes and races of mankind. It was based upon the only safe and sure ground left to them, by limiting the right to exercise these sovereign powers to "ourselves and our posterity." The racial plan of exclusion was adopted because it was necessary to confine these powers to the white race.

If all the people who inhabited this country had been of the white race the words "ourselves and our posterity" would not have been inserted in the preamble to the Constitution. There were great numbers of obnoxious and revengeful tories in the country when the Constitution was formed, but it was the true conception of statesmanship that the line of exclusion from the governing power should not be drawn with reference to political differences, however bitter they might be, for time would heal them; but the differences of blood between the white race and the inferior races would create unceasing discord in the government, as is now, unfortunately, the case.

If Indians in tribes, or Indians not taxed, and their following of runaway negroes and their posterity, and Mexicans, such as are marshaled as sovereign electors in this bill, had appeared by their delegates in the convention that ordained the Constitution of the United States, claiming that they were a rightful part of the sovereign people of the United States, and that they and their posterity should be included in the sovereign electorate, their expulsion from that body would have been summary and indignant. Unless the preamble to the Constitution has been abrogated, these races are still excluded from the rightful exercise of the sovereign powers of "the people of the United States."

The delegates who ordained the Constitution of the United States and their constituents came from former colonies, recognized as independent States in Jay's treaty, that were governed by white men, who, almost without exception, had experienced all the hardships of the war of the Revolution.

In molding the results of their great achievements into a form of government that was without precedent and is without fault they considered, with the most careful deliberation, every danger to be avoided in the future and every right that should be secured to the people of the States and the Federal Government. They gave to their posterity the wisest and best plan of government that has ever been devised or that will ever be projected, and secured its sovereignty in their hands by a decree that is its strongest bond of perpetual union.

If there remains an element of disintegration in our Government it is the expansion of statehood, so as to admit the inferior races into the exercise of the sovereignty that belongs to the white race, and the conferring upon them, by acts of Congress, equal powers in the electorate, through which alone that sovereignty can be exercised.

We have already enough inhabitants in our insular possessions to form twenty States, each of 500,000 population, nearly all of whom are of inferior races. Who dares even to contemplate this transfer of the sovereign powers of the Government of the United States into their hands?

If we add to this dangerous problem the change of our laws of naturalization, whereby every race of men can acquire citizenship of the United States and of the States in which they may reside under the fourteenth amendment, and then protect them, as is attempted to be done in this bill, against being denied the right to vote by laws that discriminate against them on account of race, color, or previous condition of servitude, we will find that in less than twenty-five years a very large control of the sovereign voting power of the States west of the Mississippi River will have passed into the hands of Chinese and Japanese; and the Gulf and South Atlantic States will be overwhelmed with naturalized negro voters from the Caribbean and other islands and coasts, and from Africa.

Every step that has been taken and every effort that has been made to degrade or destroy the sovereignty of the white race that was secured to them by the recognition of their racial blood and its flow in the hearts of their posterity has resulted from the coveting of power to control the Government by ambitious men or by sections of States that have been moved through

jealousy or greed, or through a mistaken sentiment of philanthropy to assail and destroy the property and the political rights of the people of other States that are expressly guaranteed to them in the Constitution.

THE STATES, AS WELL AS CONGRESS, HAVE BEEN IN CONSTANT WARFARE AGAINST THE ORIGINAL SOVEREIGN RIGHTS OF THE ELECTORATE.

It is not to decry or to lament over the terrible results that have followed these historic events that I would now claim the indulgence of the Senate, but to point out the character of the legislative measures that Congress and many of the States have employed in promoting the invasion of the sovereign rights of "the people of the United States"—the white people—to which I have referred.

Citizenship of the United States and of the States has been made the legislative highway for the people of other races and of other nations to enter upon and enjoy the rights, powers, and privileges that are reserved in the Constitution to the people of the United States.

Citizenship of a State or of the United States does not admit aliens, whether by race or place of birth, to participation in the governing power that belongs to the people of the United States as they are defined by race in the preamble to the Constitution. That definition did not relate to the fact of citizenship as a qualification for admission to the enjoyment of these reserved and exclusive rights and powers of sovereignty. The delegates in the convention that ordained the Constitution, and of every State convention that ratified it, and their constituency in all these assemblies, were white people, and the delegates to the Confederate Congress, which had governed the country for eleven years, were white people.

If they were intended to confer the right to vote upon negroes, subject to these qualifications, they would thereby prohibit the States from authorizing the negro women, or male negroes under 21 years of age, or any negroes who are not citizens of the United States to vote. The right would be exclusive of all negroes not described in these amendments. They were only intended to control the action of the States in respect of a certain designated class of negroes. The right to vote, as recognized in these amendments, depends upon other qualifications in addition to citizenship. Citizenship, standing alone, does not confer upon negroes any right to vote.

The two rights, or privileges, of citizenship and voting are entirely separate and distinct until they are expressly connected by some law of a State, and this is the ruling of our Supreme Court.

In the Slaughterhouse Cases (16 Wall., 36) it was held by this court that the first clause of the fourteenth article was primarily intended to confer citizenship on the negro race, and, secondly, to give definitions of citizenship of the United States, and citizenship of the States, and it recognized the difference between citizenship of a State and citizenship of the United States by those definitions; that the privileges and immunities of citizens of the States embrace generally those fundamental civil rights for the security and establishment of which organized society was instituted, and which remain, with certain exceptions mentioned in the Federal Constitution, under the care of the State governments, while the privileges and immunities of citizens of the United States are those which arise out of the nature and essential character of the National Government, the provisions of its Constitution, or its laws and treaties made in pursuance thereof, and that it is the latter which are placed under the protection of Congress by the second clause of the fourteenth amendment.

I quote from an opinion of Chief Justice Fuller.

NATURALIZATION.

After having settled and established the plan and purposes of the Republic in the preamble to the Constitution, and after defining the sovereign constituency of the people of the United States as the inheritance of the white race, the convention took up the question of the citizenship of persons—not of races—who would come here and find welcome in this favored land.

They did not touch the right to vote, except to recognize it as a matter that was subject to the exclusive jurisdicion of the States.

In providing for the election of President and Vice-President and of members of the two Houses of Congress, it was left exclusively to the States to decide the qualification of voters, and these are the only elective officers that participate in the Government of the United States.

When the convention proceeded to provide for conferring the right of nationality upon aliens no reference was had to the privileges and powers that attend the naturalization of such persons. All that matter was left to be decided in accordance with law, as incidents of naturalization. These incidents are strictly personal to the naturalized and adopted citizen, as contradistinguished from political rights. Naturalization conferred no rights except such as belong to allegiance in its simplest form and the corresponding duties and obligations.

Because an alien is, by adoption, admitted to the enjoyment of the rights of citizenship, it does not follow that such adoption entitles him to vote in the government of the country.

One of the most radical and far-reaching dangers of this measure is its effect in transforming the lowest of the wretched classes who inhabit these proposed States into citizens of Arizona and Oklahoma by the action of Congress.

This transformation by the single act of qualifying them as voters at the elections required by this bill is settled law under the decisions of the Supreme Court, from which I will read extracts, as follows:

As remarked by Mr. Chief Justice Waite in Minor *v.* Happersett (21 Wall., 162, 167), "Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted became ipso facto a citizen—a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were."

"Admission on an equal footing with the original States, in all respects whatever, involves equality of constitutional right and power, which can not thereafterwards be controlled, and it also involves the adoption as citizens of the United States of those whom Congress makes members of the political community, and who are recognized as such in the formation of the new State with the consent of Congress."

I am not discussing the question whether any Indians should be admitted to the sovereign powers that belong to the white race in the States. That matter should be left to the disposal of the States after they are admitted into the Union.

My contention is that the white race in the Territories are alone entitled to participate in creating the organic law for States to be admitted into the Union. I adopt as my guide in this contention the following clear statement of the law, by Mr. Justice Mathews, in Marshall *v.* Ramsay (114, U. S.):

The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom the Constitution was ordained, and to whom by its terms all power not conferred by it on the Government of the United States was expressly reserved.

But I am discussing a matter that is settled by our Supreme Court and is so thoroughly understood that I would apologize for referring to it if this bill did not make the right to vote for delegates to the Constitutional Convention, on the ratification of State constitutions, and in the election of Senators and Representatives in Congress, to result from citizenship of the United States, conferred by act of Congress upon alien persons, and upon tribes of alien people.

Civilization forced upon savages by powder and shot and education of illiterates by compulsion are bound to fail; and the power to control in the affairs of government, given to those who do not comprehend the principles of government, is suicidal.

Efforts to lift races of people who have never made a voluntary approach toward light and knowledge, by compulsion, into full equality with the races that lead the marvelous procession that is bearing the banner of the highest civilization to the zenith of human endeavor, not only fail, but they create impediments to their successful work that weaken, if they do not destroy the progress of the true forces of this grand movement toward the accomplishment of the divine purpose of the redemption of the depraved, the vicious, and the ignorant.

This great and noble work belongs to the citizenship of the Republic upon whom was developed, in the beginning, the sovereign ruling powers of government. It can not be truthfully asserted that the convention of 1789 intended, or even contemplated, that the power of naturalizing aliens, which was surrendered by the States to the exclusive control of Congress, would be used to confer the sovereign powers of government upon the negro race, then under the yoke of bondage, which was fastened upon them by the express provisions of the Constitution; or upon the Indian tribes that were provided for as autonomous but dependent nations; or upon Indians untaxed, who were denied any place, even as inhabitants of the country, in our scheme of government; or upon any race of men who were alien in blood, to the people of the United States.

WE ACQUIRED DOMINION OVER THE INDIAN TRIBES AS SUBJECTS.

On the contrary, all the great nations of Europe, as well as the people of the United States, at that time, regarded Indian tribes as subject nations whose sovereignty yielded to that of the white race from the moment that the eye of the discoverer saw the mouth of a great river on whose banks they had their homes. That was the law in Europe and of the United States, on which is founded the white man's sovereiguty over every inch of the Western Hemisphere.

This discoverer landed and raised a flag, after having insulted the Deity with a prayer, and, in the name of his sovereign, he usurped the title of the land, back from the sea to the entire watershed of the river, and he thus established the dominion of his sovereign over all people who were its inhabitants.

This was not naturalization, it was arbitrary conquest, and these inhabitants became subjects, not citizens.

We took over from Great Britain, France, Spain, Mexico, and Russia these subject Indian tribes, at different intervals in history, without any change in their political relations except a change of allegiance, which more resembles the allegiance of a dog to a new master than it answers to the change of alienage to citizenship by the voluntary act of these Indian tribes.

Recently we have been disbanding these tribes by compelling them to surrender their tribal dominion over their reservations, and are just beginning to confer upon Indians who accept separate locations of lands in lieu of their tribal rights the mockery of a citizenship of the United States, in name merely, without any participation in the sovereign powers of government.

I do not deny the power of Congress to change the legal classification of these Indians from subjects to citizens, their allegiance to the United States having been established by birth and our right to govern them having been thus acquired by their nativity and by our dominion over their native country. All of these consequences come from the laws of nations and are firmly established, but "without the consent of the governed."

I do deny that the power given to Congress exclusively in the Constitution to "establish an uniform rule of naturalization" has any reference to the Indians who are natives of the country that is within the sovereign dominion of the United States. Whatever "an uniform rule of naturalization" may mean it does not apply to persons who are not aliens by birth, nor has Congress ever so construed it. On the contrary, whenever an Indian has received the legal status of citizen, it has been through a special statutory provision that changed his character, as the subject of a foreign country or of an Indian tribe, to that of citizen of the United States.

The rule of naturalization provided in the Constitution has no relation to citizenship thus created. Neither does that rule apply to negroes born in the United States or elsewhere, or to negroes imported as slaves from a foreign country.

Indians and negroes born in this country, whether in States or Territories, are necessarily excepted out of the operation of "an uniform rule of naturalization" which Congress can adopt, by the other provisions of the Constitution that place them upon an exceptional and peculiar basis respecting all their rights, personal as well as political, that is totally irreconcilable with their acquiring the full sovereign citizenship of the people of the United States.

As to "Indians not taxed," they are excluded from the basis of apportionment as human waifs who are not entitled even to be counted as inhabitants, and this obliteration as factors in government is solemnly repeated in the fourteenth amendment and in the laws of New Mexico, Arizona, and Oklahoma.

The negro is lifted up by all these laws from the same or a lower state of civil capacities, imposed upon that race by many express provisions of the Constitution of the United States, by the force of some statute, and has citizenship forced upon him by special provisions of law, without reference to the uniform rule of naturalization which Congress had power to establish under the Constitution. By taxing Indians they are made citizens and are permitted to vote, with the result, as matter of fact, that they refuse to vote for fear of being taxed.

This bill clearly and, no doubt, purposely places it in the power of the legislatures of New Mexico and Arizona to make a voter of every wild "blanket Indian," and to throw his weight in the scale to carry the election in any direction the politicians may choose. Tax these Indians a penny and then buy their votes with a dime, or a drink of whisky, would be an easy task for the practical politician of these times. This wise opening for corruption is only one of several provisions of this bill that will be used in the work of creating two States for admission into the Union.

This peculiar citizenship that we have been conferring upon Indians and negroes in the Territories has no relation to the fourteenth and fifteenth amendments, which do not extend to the Territories, so as to protect negroes there in the right to vote, and they do not extend to Indians anywhere.

In this peculiar situation the question arises, Can Congress confer upon Indians and negroes in the Territories those sovereign rights that belong to the people of the United States to control and participate in the Government of the United States and of States in the Union that are the vital powers of the Republic and the heritage of the white race? I need not discuss the question whether Congress can add to the number of these sovereign Americans by so adopting, as citizens, the alien people of other nations and races under "an uniform rule of naturalization." We are not proceeding under that rule, as to Indians and negroes, and have never done so.

I will, however, take occasion to say that, in my judgment, the "uniform rule of naturalization" provided in the Constitution was never intended to apply to the inferior races of mankind. It was made subject to the broader and higher rule, in the preamble to the Constitution, which ordained, consecrated, and set apart the sovereignty of the Republic to the service of the white race and their posterity. That is the ruling race and has been since the dark ages; and it is not unjust to any American white man, or dangerous to the general welfare, that persons of that race who are aliens only in allegiance should be permitted to participate in the sovereign powers of the States and the Republic. But no one can exaggerate the danger, difficulty, and distress that must be created by extending these sovereign powers to inferior races by giving them the ballot.

In conformity with the spirit and principles of the Constitution, headed by the great decree of our fathers, which so profoundly expresses their will as to the preservation and perpetuation of the liberties transmitted to their posterity, Congress should select the white race to prepare these Territories for statehood. All the laws that obtain there, and all the great progress that has been made there, are the fruit of the genius of the white race and of their intrepid courage and industry. No average equal number of people in any of the States are in any way superior to them, or have done more to develop and support the prosperity of the country, or to protect its interests and honor in peace and in war, and they should continue to rule in the States when they are admitted into the Union.

What sovereign rights it may be wise and just to confer upon Indians, the original owners and rulers of the country, who are thereby entitled to special consideration, should be done by compact with the tribes under the requirements of our laws of naturalization, made uniform as to all Indians. Under such laws their conduct and disposition toward the Government and its laws would be ascertained by examination and proof as to each applicant for these rights.

But the true constitutional plan for conferring upon Indians the right to vote is to leave that power to the States, as it was left to them in the Constitution when it was ordained.

LIBERAL REWARDS FOR CONSOLIDATION.

The picture that is so vividly presented in this bill, showing the work of political gamesters, who are disregarding all sound principles of government and all worthy precedents in order to gain some sectional, political, or personal advantage, is really abhorrent to the conservative sentiment of the people of the United States.

After Congress is asked in this bill to consolidate these four Territories by its legislative act, without consulting the will of their inhabitants, who are made qualified voters for all other purposes, and thereby to repeal all the laws of the United States that have built up and sustained their local governments and their civil autonomy; then, in order to force this consolidation upon an unwilling people, enormous sums of money are voted from the Treasury of the United States, and vast areas of land from the public domain are offered to these new States to induce the inhabitants to elect delegates and form a constitution that is virtually prepared for them in advance of this bill.

That constitution, if it is ratified, carries with it the question of consolidation and all other questions, and settles them forever against all subsequent disputes, and all effort of other States and of any Department of the Government to undo what is thus to be finally accomplished by the admission of these States into the Union will be in vain.

That rewards should be offered in this bill of extraordinary magnitude to secure such extraordinary results is a warning to the country that a course so arbitrary and so encouraging to the spirit of absolutism in Congress will lead on until the Union will become a patchwork of States, largely controlled by Mexicans, Indians, negroes, Chinese, Malays, and the white race, forced into political equality through the debasement of the sovereign powers of government into the worst form of communism. On this occasion opportunity is presented to Congress, without reference to questions that influence national politics, to act so as to put a final stop to this movement.

CITIZENSHIP AND VOTING ARE SEPARATE, AND ARE CREATED BY DIFFERENT JURISDICTIONS.

The armies that won our independence were white men. They were all represented in these conventions by white men, some of whom had never been naturalized as citizens, but they and their posterity were included in that grand body of people who were designated as "the people of the United States."

Admission to citizenship does not introduce any person of a colored or inferior race into the "posterity" of the people who established the Republic of the United States, nor does it confer upon them the right to participate in the exercise of the sovereignty of its government.

The United States has no voters who can participate, in vir-

tue of the authority of Congress, in any election in any State, and citizenship of the United States does not create or confer the right to vote. Until that right is conferred by State law it can not be exercised within a State. Citizenship, whether of a State or of the United States, is not required by the constitutions or laws of several of the States as a qualification for voting. An application for citizenship, founded on the declaration of the intent to become a citizen, is sufficient, in several of those States, to entitle an alien to the privilege of voting. In such a case citizenship can not be confounded with a right to vote.

Citizenship, sex, age, and residence are made qualifications for voting in all, or nearly all, the States as to all classes of people. In the fourteenth and fifteenth amendments to the Constitution all of these qualifications are made essential to "the right to vote." If they do not exist, there is no right to vote, on the part of the negroes which those amendments are intended to protect.

Sex, age, and residence are as essentially qualifications that entitle negroes to the protection of the fifteenth amendment, and for the punishment of States, under the fourteenth amendment, for excluding persons from voting, as race, color, or previous condition of servitude. These amendments do not attempt to confer upon negroes the right to vote.

They both concede to the States the exclusive right to create the right to vote, and when it exists these amendments provide for its protection. In the fifteenth amendment the method of protection provided in the fourteenth amendment is abrogated.

THE DESERT IS FORBIDDEN TO "BLOSSOM AS THE ROSE."

The situation in the region that not many years ago was called the "Great American Desert," and is now rapidly developing into a splendid country of great and varied resources of local and national wealth and power, demands better treatment than is given to it in the bill before the Senate.

The people of the United States are anxiously looking to the Senate for impartial, broad, and thorough consideration of this bill. They respond with thanks to the junior Senator from California for the clear and statesmanlike presentation of this great subject in his speech of Friday last on this bill.

The history of this legislation, as stated by that Senator [Mr. BARD], is a startling proof of a purpose to exercise arbitrary and absolute power in Congress to force a measure upon a people who have no representation in either House that is empowered to move an amendment or to vote on any question He has established the fact that this measure is not only against their protest, but against their petition and their expressions of abhorrence at the treatment that is threatened to be inflicted upon them by act of Congress.

That such a measure should be forced upon such a people without a reading in one of the Houses of Congress, and passed under a rule that prescribed a time limit of three hours for debate, and cut off all right to offer any amendments not specified in the rule, is a warning to the Senate that careful deliberation and freedom of speech is required in this body. That Senator has not failed in his high duty to point out the weight and the danger of this method of treatment. He has also presented the facts from official records and other undeniable proofs, and from the laws enacted by Congress creating compacts with the people of these four Territories or clothing them with vested rights that are morally inviolable.

He has established the fact that this measure will dishearten the brave people whose labors have made "the desert to blossom as a rose," and that they must suffer heavy losses under the provisions of this bill. What have these people done, that they should be made to suffer such distress?

In these statements he has established, beyond denial, the injustice of this measure of compulsory statehood, which is sought to be forced upon them under conditions which make it a penal condemnation, rather than the noblest and grandest recognition of sovereignty that can be bestowed by a free people upon a sister State.

I am relieved by the clear and comprehensive statement of the Senator from any necessity of adding other facts to justify my opposition to this bill, and will discuss it upon the solid basis of fact and law he has established.

In the discussion of this measure it is due to its importance that the extraordinary provisions of the bill should be carefully examined, because there is drawn into it, without any necessity, many vital questions that affect the present and future rights of all the States and all the people of the United States and the powers of Congress and the President in dealing with them.

It must be intended by those who support this measure to establish precedents by its enactment that will stand to control the future policy of the Government for all time, which are not necessarily involved in the question of statehood for either of the four areas of the Territories of New Mexico, Arizona, Oklahoma, and the Indian Territory. In the consolidation of these large areas into two States there is manifest injustice to all the States west of the Mississippi River as to their representation in the Senate.

In the provisions of this bill, and especially in its consolidation requirements, there are open, flagrant, and undisguised breaches of public faith, pledged in the laws and treaties under which the boundaries of those Territories have been defined and the civil and political rights of the inhabitants have been guaranteed, and there is an unjust and cruel invasion of the rights of person and property of many thousands of worthy people who have exposed their lives to danger, have suffered the hardships of frontier life, have expended their labor and taxed their industry, their skill, their property, both under tax laws and by private contributions, in organizing those Territories into civil governments.

An enumeration of the personal wrongs inflicted upon these people by the consolidation features of this bill would make a chapter in American history that no man could contemplate without just indignation, unless it is such a man as may have surrendered his sense of justice to the demands of cold political intrigue or of reckless ambition.

INJUSTICE TO THE STATES.

I will not undertake to enumerate those wrongs. They will be the burden of the complaint of many thousands of deceived and injured people that will be heard in this Chamber for many years to come. If we are indifferent to their wrongs, we may find a more influential reason for considering the national injustice of this measure in its distribution of the powers of government between the States as they are represented in the Senate, which is the body in which all the political powers of the United States are ultimately centered. An evident purpose of this bill is to deprive a vast and rich area of the public domain west of the Mississippi River of its rightful representation in the Senate by giving it only four Senators, when it is now entitled to eight, under the pledge of the Territorial laws and because of all that has been done and expended in obedience to them, and it will soon be entitled to more in consequence of the great population it will have.

In the aggregate it has a population of 1,163,312 by the latest census reports, which has been increased largely by immigration since that date, 1900. Each separate Territory in this area has a larger population now than four-fifths of the States had when they were admitted to statehood, and with our new plan of irrigation and the enormous mineral deposits there, and with the improvements in mining, and with the vast and valuable forests on these areas their future population must increase rapidly and to very large numbers. It is much the largest area of public lands left in the United States to be taken up by that class of white people whose fathers laid the foundations of the Republic in the revolutionary struggles of 1776. They have been the pioneers of all the other Southern and Western States, and they must either leave this continent in a few years or find homes in the great areas west of the Mississippi River. If Congress is willing that they should establish such homes, let it be done, as it was with their fathers, by giving them statehood that is worthy of their race, and not a mongrel sovereignty that will be equally controlled by people of every race who are there or may congregate in that country.

The motive for the consolidation of Territories by act of Congress and against the wishes of the people of Arizona and New Mexico, who have built up those Territories into civilization and progress of a very high order, is not to advance the interest and welfare of those people, but to subordinate them to the legislative power, in the Senate, of the smaller States in the Northwest.

This is an old controversy that has been persistently waged whenever a Southern State east or west of the Mississippi River has sought admission into the Union.

It has changed character, however. In the beginning the apportionment of power in the Senate was based upon existing organization, established as British colonies, without reference to area.

In this act established governments are dissolved and areas are consolidated that are all too large for a just apportionment of the Senate, and will soon be the homes of great numbers of people.

The purpose of retaining in the New England States their relative supremacy in the Senate which, in the beginning, was consolidated in a small territorial area, not one-fourth of the original thirteen States, but had a representation in that body equal to all the other original States, has never ceased to con-

trol their policy in the admission of new States into the Union. It is the chief support in the Senate to-day of the proposition in this bill to dismantle three organized Territories, really designed and intended by Congress and the people of those Territories to be admitted as separate States and so declared in the Territorial act of Arizona, and to construct two States out of their established limits. Nothing in the sacredness of a pledge of the Government to its own people seems to influence this close corporation to yield these advantages in the Senate.

Not content with its needless and destructive work of the spoliation of these Territorial governments, this bill reaches out to the unorganized Indian Territory and consolidates it with Oklahoma in order that it shall never, by any possibility, have the right of separate statehood.

The people of the Indian Territory need the civil organization and training of Territorial government to qualify them for statehood. No area of the United States ever stood in greater need of this preparation. It is an extraordinary situation in the Indian Territory that requires time, Government supervision, and careful adjustment to prevent and suppress evils that only slumber there and are ready for violent outbreak. This comes from the nature of the situation there and not from any unusual disposition of the Indians or the white men to do wrong or injustice to anybody.

I need not refer to the laws of Congress that for many years have been directed to the purpose of excluding white men from the great reservations now included in the Indian Territory.

They failed of their purpose, chiefly through the inducements offered by Indians to white settlers. The Indians owned the lands, forests, and mines of this splendid, fertile area, and white men were, in the main, hired by the Indians to open and cultivate the country, either as laborers or yearly tenants, and they have gone into that country with their families until they outnumber the Indians nearly three to one.

It is not conjecture, it is a lesson of history that must repeat itself, that these Indians will be ridden down and exterminated by the power of the white people if they are forced into statehood before they have had the time and experience to enable them to mature a plan of State government that will shelter them. This bill confesses the danger of the situation in the proviso to the first section, in which it is attempted to keep them under the control of the United States as Indians, while they are, as citizens of Oklahoma, subject to the laws of that State. This dangerous and unheard-of situation is created by this measure for no purpose that can be reasonably conjectured except to prevent this splendid area of country from ever being justly represented in the Senate of the United States as a State.

THE EQUILIBRIUM OF POWER IN THE SENATE.

The controversy as to the equilibrium, or balance of power, in the Senate began in the convention that ordained the Constitution. It was settled by giving equal suffrage to the States in the Senate and by prohibiting any amendment to that provision. Congress was given the power to admit new States without any requirement as to area or population.

When new States from the South applied for statehood New England began a determined opposition on the ground, chiefly, that three-fifths of the negro population were counted in the apportionment of representation in the House. Their full numbers including Indians, were counted, and they had no ground for complaint except that the negroes were slaves. This pressure was maintained with an aggressive force that caused some of the New England States to threaten to secede from the Union because of the admission of new States into the Union.

When the Louisiana purchase was made the opposition to the admission of States west of the Mississippi became furious in New England, and was kept up during a period reaching from the admission of Louisiana to that of Kansas and Nebraska. It was ostensibly based upon opposition to slavery, but its real basis was the alleged disturbance of the balance of power in the Senate that had given almost incalculable advantage to the New England States.

In 1811, in a speech on the erection of Louisiana into a State, Mr. Josiah Quincy laid down the New England policy that has never changed, and is now the force that sustains the unjust and destructive provisions of this measure. He said:

> The policy of Jefferson was not, therefore, adopted from fear of a rejection of the proposition for the admission of Louisiana by the States, but he and the slave States foresaw that, by seizing the opportunity which they then had, and assuming at once that the Constitution gave Congress authority to multiply States in foreign territories, they would put an end forever to the necessity of applying to the States for such power in future. They foresaw that the Territories thus conjoined would open the opportunity and power of multiplying slave States, for which their climate was adapted, and thus effecting additional weight and ultimate predominancy to the slave power in the Union. To this end the assumption was made, and the subsequent history of the Union is but one tissue of evidence of its nature and consequences.

This New England policy is more authentically stated in a resolution of the Hartford Convention, on the 14th of January, 1814, as follows:

> Second. No new State shall be admitted into the Union by Congress in virtue of the power granted by the Constitution without the concurrence of two-thirds of both Houses.

This was proposed as one of the amendments to the Constitution, that would make them content to remain in the Union.

The report of the committee on this topic is as follows:

> The next amendment relates to the admission of new States into the Union.
>
> This amendment is deemed to be highly important, and, in fact, indispensable. In proposing it it is not intended to recognize the right of Congress to admit new States without the original limits of the United States, nor is any idea entertained of disturbing the tranquillity of any State already admitted into the Union. The object is merely to restrain the constitutional power of Congress in admitting new States. At the adoption of the Constitution a certain balance of power among the original parties was considered to exist, and there was at that time and yet is among those parties a strong affinity between their great and general interests. By the admission of these States that balance has been materially affected, and unless the practice be modified must ultimately be destroyed. The Southern States will first avail themselves of their new confederates to govern the East, and finally the Western States, multiplied in number and augmented in population, will control the interests of the whole. Thus for the sake of present power the Southern States will be common sufferers with the East in the loss of permanent advantages. None of the old States can find an interest in creating prematurely an overwhelming influence which may hereafter discern (as it has heretofore) benefits to be derived to them by wars and commercial restrictions.

It will be noted that slavery is not mentioned in this part of the report or in the resolution. The only subject discussed was a certain "balance of power among the original parties—the thirteen States." Slavery was never the real ground of the antagonism of New England to the South. The true reason is stated in the resolution of the Hartford convention I have just read. It was the apprehension that the uncontrollable flood of population rushing into the Territories of the South and West would bring new States into the Union to disturb the advantages in the Senate conceded to those States to induce them to come into the Union. It is not credible, nor is it believed, that a community of slave owners and slave traders, who had made great profit in the mercantile features of African and Indian slave trade, all of a sudden repented of their sins, and, in their new zeal for higher national morality, brought forth as fruits meet for repentance the obstructions and persecutions they have visited upon the South. Their old Adam of speculation in slavery did not die so sudden a death. He took to negro politics as a substitute for the money he had made out of negro merchandizing.

It will never be forgotten by Senators from the South, at least, that when the negroes were emancipated the New England States dropped their objections to counting three-fifths of the negro slaves in the basis of representation and voted for the fourteenth amendment, which requires the count of all the inhabitants of a State in the apportionment except Indians not taxed.

New England then became satisfied that she could vote the negroes in the choice of Senators by direct but irresistible methods, and she saw that what she might lose in the number of Senators was compensated by political control over the negro vote in the South, and she contentedly balanced her "equilibrium" account.

The Northwestern Territories marched into the Union—six of them—in less than nine months, with Dakota divided into two States, the South assisting in the grand procession. New England was ominously silent while the people were rejoicing.

This heavy disturbance of the balance of power was felt deeply by New England in the Senate and in the electoral college. The Northwest has often been recalcitrant, and New England has resolved that, to prevent any dangerous loss of power, if the Southwest should ever become likewise disobedient, her power in the Senate should be confined to four Senators, when she is entitled to eight. If the Southwest is weak in the Senate, or rebellious, these, against New England policy, could do little harm.

These historical statements of indisputable facts account for the ingeniously shapen provisions of this bill, which, like a skeleton key, are designed to unlock the barriers to the rape of this great area of splendid country west of the Mississippi.

The area included in the two proposed States is 306,395 square miles. One of these proposed States has an area of 236,395 square miles, composed of the Territories of Arizona and New Mexico. The other has an area of 70,000 square miles, composed of the areas of Oklahoma and the Indian Territory, the larger area being more than three times as great as that of the smaller one. Texas has an area of 274,356 square miles, but provision is made in her act of admission for the creation of five States within that area. Eight of the States of the Union have a smaller area than that of the Indian Territory.

The six New England States, with twelve Senators, are smaller in area than New Mexico or Arizona, and are smaller than fourteen other States that have two Senators each. This concentration of power in the Senate in so small an area is dangerous to the general welfare, although its people and its Senators may be at the maximum of intelligence and patriotism. Exclusive power is always dangerous to safe and good government.

The proportion of representation in the Senate and the consequent power, on the basis of area, is even greater than six to one in favor of each of the New England States as against each of these fourteen States. On the basis of population the advantage of the six New England States is not proportionately so great, but it is great enough to show that on either basis it is very unequal and unjust.

The nineteen States west of the Mississippi, each with an area larger than the six New England States, have resources of wealth that will at an early day give to them a population per square mile that will at least equal that of New England. Their great seaports and commercial marts, such as St. Paul, Seattle, San Francisco, Portland, San Diego, Galveston, St. Louis, and New Orleans, are already in possession of a commerce that is greater and far more important than that of any of the marts of trade in New England.

This disparity in representation in the Senate was, in the beginning, the result of a compromise and concession, without which the Union could not have been formed. Now that this reason does not exist, remedy for that unequal arrangement of representation is a question of self-defense and self-preservation on the part of the larger States in the Union and the States yet to be admitted.

There ought to be powerful reasons to justify such discrimination, but there are none in this period or in this case, except a purpose to deprive this immense and rich area of its rightful representation in the Senate, so as to add to the power of the smaller States east of the Mississippi.

THE TERRITORIES SHOULD HAVE PROTECTION INSTEAD OF DESTRUCTION AND NEEDLESS RECONSTRUCTION.

In opposition to this gerrymander of the Union every reason is arrayed that requires the observance of legislative and treaty pledges, legislative and judicial practices and precedent, and the faith of both the great political parties of the country.

Three of these Territories are fully equipped with civil governments. Two of them—Arizona and New Mexico—have been long established and conducted by the people under laws enacted by their legislatures and under the laws of the United States, and the fourth—the Indian Territory—has been exercising local self-government for fifty or sixty years on a broader and more liberal basis of independence than any Territorial government of the United States, in compliance with the express stipulations of treaties, several times repeated, and under acts of Congress that have specially confirmed and executed those stipulations; all of which this bill destroys. These organized Territories are entitled to their autonomy, so carefully provided by the laws of Congress and have been so long conducted on the highest plane of civil government and in the advance lines of progress without friction, delinquency, or complaint.

What reason can be stated for disturbing this arrangement, created by law and now carefully adjusted by the people during many years of toil and expense to their necessities and convenience, and for tearing these four prospective States from the foundations established for them by the Government on which their people were invited to build and become qualified for admission into the Union on an equal footing with the other States?

No fact or reason of public policy has been stated that in the least excuses or justifies a breach of public faith toward the States that assisted in the enactment of the laws that established these Territorial governments, as the basis of States to be admitted into the Union with the boundaries prescribed to them, and have voted taxes upon the people, in vast sums, to support these infant States, and have given immense grants of lands to their public institutions. These things were done by the Representatives of all the States in Congress, with the common and unquestioned understanding that these Territories were each entitled to statehood when the character and numbers of its population should justify admission into the Union.

The public faith, thus pledged, accepted, and acted upon by the people of all the States, can not be violated, arbitrarily, in the absence of reasons that are of overwhelming necessity, without disturbing the confidence of the people in the honor of the Government to a degree that is distressing and dangerous.

The work in which Congress is engaged, on this bill, is intended to complete the statehood of our continental possessions, except Alaska. Whether it will ever extend to our insular possessions is unknown to living man. Alaska will be a State of the Union or it will go to the Dominion of Canada. Unlike the Philippines, it has not the requisites for supporting its independence.

In closing this work of a century and completing the grand assemblage of sovereign States in the American Union, our people would fondly welcome the spirit of justice and fair dealing with these Territories that would bring the happiness of perfect reconciliation between different sections of the Union. Instead of that blessing strife prevails, and denunciations of injustice, wrong, and breach of faith are loud and angry throughout that region, and dissatisfaction is intense in Congress, as the mutilated Territories are threatened to be deprived of their legal and rightful autonomy, and are being forced into the Union under conditions against which the majority of the inhabitants indignantly protest.

A DANGEROUS PRECEDENT.

We may in the future be compelled to consult the precedent we are establishing, and it is well that we should carefully consider our work.

Admitting, to its broadest extent, the legislative power of Congress over the disposal of the Territories and over their government by the direct action of Congress, or through subordinate territorial or military local governments, and the right of Congress to provide for their nurture into a fit condition for statehood by means of civil powers granted to the people there for such purposes, and admitting the power of Congress to provide, by legislation, the procedure that shall regulate the election of Delegates and the conduct of conventions in framing their constitutions, and admitting the right and power to make the observance of all such laws prerequisites to their admission to statehood, and also admitting the power of Congress to waive or dispense with any conditions precedent to their admission; admitting, in other words, the legislative power of Congress to provide all the machinery for this great and final act of conferring sovereign statehood upon the inhabitants of a Territory, still other things remain to be ascertained and other things are to be done to create a State that is in all respects upon an equal footing with the original States that ordained the Union and established the Republic.

To establish the equal footing of the proposed States with the original thirteeen States the inhabitants of the Territory included in the limits which are to constitute the State must be "people of the United States" in the same sense as were the inhabitants of the States that ordained the Constitution, and not a heterogeneous mass of human beings of all races and nationalities and all conditions of intelligence who may be permitted to participate, as voters and the holders of office, in the ordination of a constitution for the new State and in such State after it is admitted into the Union.

If the Philippines, or Alaska, or Hawaii, or Porto Rico, should ever be admitted as States in the Union, we shall find cause to consider the high requirements of the equality of the States with great care and as a matter that is paramount to the lower question of universal suffrage.

THERE MUST BE UNCONSTRAINED LIBERTY OF ACTION IN ADOPTING A CONSTITUTION.

The convention, constituted and assembled to prepare a State for admission into the Union, must be free to adopt a constitution by the uncontrolled will of the majority of its delegates. Every such convention being a constituent body can only derive its just powers from the consent of the people represented, and must not be coerced by act of Congress to embody the will of other peoples, States, or constituencies in the constitution of the State, as is done in this bill.

The Constitution of the United States requires that all the States shall have governments that are republican in form, and they must be in harmony with its provisions; and Congress has no right to enact, as a condition precedent to its admission into the Union, that a State shall incorporate into its constitution certain provisions and principles that are not required by the Constitution of the United States, and that no other State in the Union has adopted, or can be compelled by act of Congress to adopt, as is required in this bill.

This is a most powerful and dangerous form of coercion, and it places these States under the absolute dominion of Congress after they are admitted into the Union. In support of this statement I will cite the language of section 21, subdivision 1, of this bill:

> And said convention shall povide by ordinance irrevocable without the consent of the people of the United States and the people of the State: First, * * * the sale, barter, or giving of intoxicating liquors to Indians is forever prohibited."

Thus making a discrimination as to personal rights between Indians and white people, negroes, Mexicans, and all other people, all of whom as voters or delegates may equally participate in ordaining the State constitution, the amendment of which is prohibited in this respect without the consent of Congress.

If such a provision of organic law is forced upon the convention as an irrevocable ordinance, it should not discriminate against any class of people represented in the convention by their votes.

It may be sound public policy. If it is, it should be enforced against white men, negroes, and Mexicans and should be enforced in Arizona as well as in Oklahoma.

In the same section is this strange provision:

> The Constitution shall be republican in form and make no distinction in civil or political rights on account of race or color except as to Indians not taxed.

Why they—Indians untaxed—should be discriminated against in this provision, and why protection should be given to Indians whom the State may choose to tax, and to negroes, Mexicans, Malays, Chinese, or Japanese is not easy to be understood. In the fifth subdivision of section 21 there is a mangling of the Fifteenth amendment of the Constitution in the case of office holders, as follows: The convention shall provide by ordinance—

> That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

There are other provisions of this bill that illustrate this effort to induce Congress to shape the fundamental laws of these States in advance to suit its own will and to compel them to ordain changes, even in the language of the Constitution of the United States, to suit the purposes of Congress.

THE VOTING POWER.

There are three voting stages provided for in this bill, namely, the election of delegates to conventions to adopt constitutions, the ratifications of constitutions, and the voting for the offices which they establish; and the qualifications of voters differ, as between each of the proposed States, in the election of the delegates and in other elections. They differ as to the right to vote in those States when the voters come to ratify the constitution, and also when they elect State officers. Why these differences and discriminations should have been made in the bill is left to its authors to explain. It has a queer and unsatisfactory appearance. It looks like an effort to secure the consolidation of these great areas by varying the qualifications of voters in each of the four to suit local conditions favorable to success.

The right of suffrage for the choice of delegates is given by section 2 of the bill to "all male persons over the age of 21 years who are citizens of the United States or who are members of any tribe or nation." This applies to the Indian Territory and to Oklahoma. It does not include Indians, Mexicans, or negroes unless they have become citizens of the United States or are members of an Indian tribe.

In construing this puzzle the judges of election must have great perplexity in Oklahoma and the Indian Territory. This perplexity is greatly increased by the provisions of section 20 of the act with reference to the proposed State of Arizona, which provides that all qualified voters of Arizona and New Mexico are authorized to vote for and choose delegates to form a convention, and the election in those Territories shall be conducted as now provided by law in each of said Territories, respectively.

This is entirely different from the qualifications of voters and the method of conducting the election of delegates to a convention at Guthrie, Okla. The persons qualified to vote for delegates to the convention in Arizona under the laws, respectively, of Arizona and New Mexico, derive that right to vote from sources of authority that differ widely, so that a different voting constituency in each Territory is to choose delegates to make a constitution *for one consolidated State;* and in the constitution of that State Arizona is permitted by this act to exclude certain Indians from voting, under the provisions that the constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, *except as to Indians not taxed.* There are Indians in Arizona, who are citizens by a fiction of allegiance to the United States, under the Dawes Act, who may not be taxed. If they were inhabitants of the Indian Territory they could vote as members of a tribe, although they have taken lands in severalty; but, being in Arizona or New Mexico, they can not vote because Arizona does not tax them.

These contradictory provisions as to the Indians, in different parts of this measure, bear painful testimony to the fact that this bill is a piece of political work adapted to securing votes for its ratification by appealing to the interests and prejudices of the influential Indians in the proposed State of Oklahoma and the influential white men and Mexicans who are to be included in the State of Arizona.

THE DECLARATION OF INDEPENDENCE.

But there is another provision that is applied to both of these constitutions, which requires that they "shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence." This is the first effort to incorporate the Declaration of Independence as a part of the supreme law of the land by act of Congress. It is evidently intended to set up that great declaration as a rule by which the constitutions of the States admitted into the Union by this act and of the United States are to be construed. It is a bridge to enable those who are to execute the laws of those States to pass over any difficulties growing out of race questions in the country where Indians, Mexicans, negroes, white people, and people of other races compose the body politic and constitute the State.

The fourteenth amendment to the Constitution of the United States declares that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State where they reside."

The Declaration of Independence declares that "all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." These principles are required to be violated in the constitution of Arizona by the exclusion of untaxed Indians from the right to demand the protection of their personal, civil, or political rights. The constitution of Arizona must expressly permit such violation as is provided in this bill. Here either the fourteenth and fifteenth amendments or the principles of the Declaration of Independence, or both, are set aside by this bill.

This is simply Congressional absolutism. It compels a State to adopt a constitution for which there is no warrant in the Constitution of the United States as a condition of its admission into the Union.

If all persons born in the territorial limits of the United States are citizens by birth, untaxed Indians are citizens. Or if, by a forced construction, the fourteenth and fifteenth amendments apply only to negroes, the principles of the Declaration of Independence, that include "all men," would give the protection of the Constitution of the United States to untaxed Indians in Arizona, who are denied all political recognition by the terms of the fourteenth amendment, and Arizona is expressly exempted from the duty of giving them protection by the provisions of this bill.

If the fourteenth and fifteenth amendments apply to male negroes only who are 21 years of age and were born in a State of the Union or were naturalized in such State, this forced adoption of the principles of the Declaration of Independence is a desperate effort to clothe Indians and negroes in the Territories with some fashion of citizenship for this special occasion, so that they could vote, as citizens of the United States, for delegates to constitutional conventions and for the constitutions they may adopt. What other use can be made of the Declaration of Independence as part of the constitutions of these proposed States is a puzzle that is difficult to understand. It is a confusion of the vital principles of constitutional government that would wreck the Constitution of the United States if they were injected into that great body of fundamental laws.

AN EXPEDIENT TO BRIDGE OVER DIFFICULTIES.

The framers of this bill evidently found negroes, Indians, Mexicans, and Chinese standing in the way of their effort to incorporate "all men" into the body politic—that is, to receive and rightfully exercise the sovereignty of the people of the States in virtue of this act; and they sought to remove the obstruction by engrafting into the constitution of the proposed States the principle that "all men are created equal," and that all men born in the Territories of the United States are citizens of the United States.

The fourteenth amendment fails to solve this problem, for it applies exclusively to persons who are born or are naturalized in a State of the Union, and not to such as are born in a Territory of the United States. [redacted] the penalties and prohibition in that amendment, if they are not abolished by the fifteenth amendment, apply exclusively to States and in favor of persons residing in States.

This is fully demonstrated by the provision of the fourteenth amendment, which imposes the penalty upon States, *that their representation in Congress* may be reduced if they deny to male citizens of the State who are 21 years of age the right to vote.

The Territories have no Representative in Congress; they are only Delegates, and the fourteenth amendment to the Constitution can not apply to them.

In that amendment, "Indians not taxed" are excluded from the numbers that entitle a State to representation in Congress.

In the Constitution prepared by this bill for the people of the new State of Arizona, Indians not taxed are denied the civil and political rights secured to other Indians in Oklahoma; which includes the right to vote. Indians belonging to a tribe are given the right to vote in Oklahoma without being taxed. In one State it is taxation, while in the other it is tribal relation that gives the right to vote.

In the endeavor to bring all these classes into such a citizenship of the United States as would constitute them the repositories of the sovereign power upon which statehood is founded, and upon which the sovereignty of the United States is based, the authors of this bill contrived the new expedient to which I have referred, of adopting the principles of the Declaration of Independence as a part of the constitution of Arizona and Oklahoma, thereby giving the rights and privileges, in all things pertaining to government, equally to "all men." In every aspect this is the most determined step in the exercise of absolute power that Congress has ever attempted. To accomplish a purpose of maintaining the supremacy in the Senate of the States east of the Mississippi River, it not only makes the constitution of Oklahoma and Arizona broader than those of all other States, and broader than that of the United States, but it confers citizenship of these two States upon "all men," under the academic statements of just theories of government, stated as principles in the Declaration of Independence, that were not adopted in the Constitution of the United States.

In a pretentious appeal to those principles as being the true expression of fraternity, equality, and liberty, they thrust aside and disregard the regulation, definition, and limitation of those principles, so carefully made in the Constitution of the United States, which discriminate between Indian tribes and negroes as inferior and subject people and distinguish them from the white men who, as sovereign people, created the Government of the United States, in providing for their personal and political status.

Taking this measure as a precedent, there is no class of human beings upon whom Congress can not confer the citizenship of the United States, or of the States, or that Congress can not declare fit to organize States and provide constitutions for their government; or that Congress can not empower to put into these constitutions any provision that is repugnant to the Constitution of the United States and at war with the Constitution of the United States.

The right of Congress to admit States into the Union is not an unlimited discretion. It is a power to be exercised so as to secure justice and promote the general welfare, not of "all men," but of "ourselves and our posterity."

The House of Representatives, in the bill sent to the Senate, did not even except from this grant of the principles of the Declaration of Independence to these new States, or as part of their State constitutions, the right to "establish government," and "the right of the people to alter or abolish it and to institute a new government."

These are leading principles of the Declaration of Independence and were adopted in the resolutions of the Hartford convention, and by some Southern States in their secession conventions.

There is no error so common or misleading as that of the supposed adoption of "the principles of the Declaration of Independence" in the Constitution of the United States as a part of the organic law. This bill forces these principles, en masse and without definition or restriction, into these new State constitutions for some inconceivable purpose; unless the purpose is, as I have stated it, to supply the want of application of the fourteenth and fifteenth amendments to negroes born in the Indian Territory who were never inhabitants of a State, or to arm an Indian proletariate with the power to vote to suit the convenience of the exploiters of this scheme of injustice. To do this, however, Congress would be forced to enlarge the letter and the purpose of those amendments. These amendments would not serve the purpose, and the Declaration of Independence was resorted to in order to supply the deficiency.

The reconstruction plan of creating constitutions for States by act of Congress, which was done in the case of Alabama, after the people of that State had refused to ratify a constitution by a vote in the form required by the act of Congress, is again adopted in this bill. In this measure Congress prescribes the condition in advance, that the constitutions of these States, or irrevocable ordinances, shall contain the provision as to the Declaration of Independence, without which those States can not be admitted into the Union.

This mixed, variegated, and incongruous mass of people are empowered by Congress to vote on the constitution of two States, and the President is empowered to determine whether those instruments conform to the act and to the Constitution of the United States and, without taking the opinion of Congress as to that vital matter, to admit those States into the Union by proclamation.

We are preparing to submit the creation of the constitutions of sovereign States to herds of people who can have no real conception of the work they are invited to aid Congress to perform, and whose only qualification for such work is the fact that Congress empowers them to vote.

VIOLATION OF ESTABLISHED PUBLIC POLICY.

Established public policy of the United States, carrying with it every honorable pledge that language and conduct could express, is openly violated by the provisions of this bill. The Indians in the Indian Territory are allowed to vote not directly on the question of consolidation with Oklahoma, but on questions of electing delegates to a convention to ratify a constitution for the State of Oklahoma, to be adopted by delegates to a convention to be held at Guthrie, Okla., in which Oklahoma is to have sixty delegates and the Indian Territory is to have fifty delegates, thus placing it in the power of Oklahoma to dictate the constitution to be voted upon and, having a larger voting population, to ratify it even against the solid vote of the people of the Indian Territory.

The consolidation is completed in the passage of this bill without reference to the will of the people or to their votes in any of these Territories and in disregard of our pledges and of the injury and injustice that must be done to many thousands of people.

If this bill is enacted as a law and its complete execution is prevented by any event, the consolidation of the several Territories remains, and their governments are thereby destroyed. If the President should refuse to issue his proclamation declaring that these States are admitted into the Union for any reason, such as frauds in the election, or if the election board should refuse to certify that elections had been held in either of the Territories in accordance with the act of Congress, the act would not be thereby repealed and would stand as to the consolidation.

The animus of the bill is that its enactment will compel the consolidation of these areas into two States without regard to existing laws and treaties and against the will of the people who are the rightful occupants of these Territories. The bill enacts this compulsion in direct antagonism to the will of those people, and this being a part of the plan for creating constitutions for two States out of four Territories the consolidation by act of Congress is coercion, by statute, in forming their constitutions.

Much has been said, through many years, to guard our people against the dangers of absolutism in Congress, and it becomes more and more apparent that enough can not be said to properly warn the people. Absolutism is the one enemy of the Republic that is unceasing in its efforts to destroy it, and, so far as I am concerned, I will not cease to resist its encroachments.

No human being who is an inhabitant of the United States or of the Territories belonging to them can be so poor or insignificant as to be deprived of his personal rights by the hand of absolute power or otherwise than by due course of law. If he is a citizen of the United States he has a pledge in the Constitution that restrains the powers of those who rule over him, or if he is not a citizen he has the sanction of their oaths that they will obey the Constitution and support it in his protection.

If Congress can enact laws that are unjust to bind people who have no representation, it is only the less excusable if such laws are enacted. I concede that Congress can enact such laws and, when they establish political conditions such as statehood, no lawful power exists to nullify them; but that fact only intensifies the appeal for forbearance toward people who have no representation in Congress.

VIOLATION OF COMPACTS.

In every admission of a State into the Union there are compacts between the Government of the United States and the people who constitute the State. In this bill there are several compacts of great importance expressly provided for. In our treaties with Mexico and France respecting these Territories agreements are made, in respect of statehood, in favor of the people. These can not be abandoned by us without a breach of faith. In the measures we have enacted in pursuance of these pledges the people acquire rights that we are bound to respect. If there is no power to enforce them, the moral obligation is only the stronger.

The Senator from California [Mr. BARD] is strictly correct in urging that the pledge of separate statehood given to Arizona in the law giving her a Territorial government is a compact with those people. It was made in pursuance of our treaties with Mexico, as a step in their execution. But, in any case where such a grant of civil autonomy is made to any of our people, and they have accepted and acted upon it, and refuse to consent to its abrogation, it is a compact that they

have the right to claim. It lacks no element of a compact between States, except that one of the parties to the agreement is not a State in the Union. If it is a Territory, Congress can not set up its incapacity to enter into such a compact for the benefit of its people, because it has created that capacity by its own act.

THE POWER TO ADMIT STATES IS NOT LEGISLATIVE POWER.

Whatever absolute power Congress may have to admit a State into the Union, or to reject it, that power is not, in any sense, the legislative power conferred upon Congress by the Constitution. The language of this special grant of power is, "New States may be admitted by the Congress into the Union." (Art. IV, sec. 3.)

Whatever provision Congress, as a Legislature, may have the right to make in the preparation of a people for statehood, that is not the power by or under which the State is admitted into the Union. The final act, decision, judgment, decree, or pronouncement that is requisite for the admission of a State into the Union is the exclusive act of the two Houses of Congress, in which the President has no constitutional right to participate.

If this act admits these States into the Union now or in the future without any further action of Congress, it would not be affected by the President's veto or by his approval. If he should disapprove the bill because he objects to the provisions made for carrying it into execution, they would still stand as regulations made by Congress; and if Congress should admit the States notwithstanding his objections, neither the President nor the Supreme Court could prevent either House of Congress from admitting its representatives to seats in their respective Chambers. He has no power to disapprove this act or any legislative provision it contains, if the effect of the act is to admit these States into the Union without any further action of the two Houses of Congress.

A final judge, in the person of the President, is provided for in this act to determine whether a State or two States have complied with its provisions and are entitled to admission into the Union, and that they, or one of them, are actually admitted, when the Constitution provides that Congress alone can admit a State. This is a power of judgment and determination to give final and conclusive effect to the most important fact that concerns the union of the States, and it can not be delegated.

It is, in fact, equivalent to an expansion of the Constitution by enlarging the area of the Union, which necessarily depends upon a compact that must be based upon invitation of Congress to the people or upon the request made to Congress by the people of the proposed States. It must be an act of admission by mutual agreement, and not a compulsory act that forces the people into the Union without their consent. It is a compact that can only be made between Congress and the people of the proposed States.

In the exercise of this great and delicate power the judicial, executive, and legislative functions of the Government and all its political powers are exerted by the two Houses of Congress in the final act of admitting a State into the Union. There may be necessary preliminary preparation for the final decision by act of Congress as a legislative body.

The judicial and executive departments may have duties to perform in furtherance of the great final purpose of the act, but neither of these departments can make or prevent or control the final and conclusive action of Congress in admitting a State into the Union. The act of admission must be final when Congress has made it, leaving no contingency to be passed upon and decided by any other department of the Government, and leaving nothing to be done after the declaration that the State is admitted to make the admittance final and conclusive. A Territory can not be admitted as a State entitled to admission into the Union and be still held in abeyance in any of its powers, as is provided in this bill, until the President has examined and approved its right. If it is an act of legislation simply, it can be repealed while it is in abeyance. If it is an act that creates a State into the Union, it can not be repealed, nor can the President veto it.

Congress, as a legislative body, is now engaged in preparatory work, qualifying those areas for admission as States, and can not now make any enactment of law that will be conclusive to bind this or a future Congress as the final judge of the fact of the admission of either of these States into the Union by relegating the decision of the fact of admission to the President. A final act of admission can not be repealed by this or any subsequent Congress.

Congress can not bind the President to issue his proclamation, after a future date, declaring these States admitted into the Union as the result of his judgment upon the facts; and he has no constitutional power to issue a proclamation, the effect of which is to admit a State into the Union. Congress must judge as to the preparation and qualifications of a Territory for statehood, and its fitness is an open question, to the last moment, until Congress has closed it by a final act of admission. The President is not mentioned in the Constitution as having any right to participate in the act of admitting a State into the Union, or in a declaration of war, or in submitting amendments to the Constitution to the votes of the States, or in calling a convention on the application of the legislatures for two-thirds of the States, for proposing amendments. In the separate exercise of these powers the Houses of Congress are the exclusive representatives of the sovereignty of the people and of the States. These powers stand apart from the power to enact laws, and are as clearly and as widely distinguished from them, as is the power to originate and determine upon the impeachment of officers of the United States. They stand apart from and are as independent of any interference from the President as is a judgment of acquittal, or conviction, of an officer who is impeached by order of the House of Representatives.

This bill ignores these great provisions of the Constitution and tramples them under foot.

The Supreme Court has no jurisdiction to pass upon the validity of such acts, because they are political and can not involve suits, cases, or controversies between parties litigant, nor can it control or supervise the action of Congress or its officers by mandamus, injunction, prohibition, or any form of judicial writ in the performance of such acts.

Placed in this attitude of supreme sovereignty, as to the admission of States into the Union, the States and the people and the Government of the United States have but one positive restraint or check upon this power of Congress, which is that Senators and Representatives are bound by oath to support the Constitution of the United States.

When the Constitution intrusts such broad and final discretion to Congress, in a matter so vital to the people, in their sacred personal rights and the rights of their respective States, all the limitations upon the power of Congress, whether expressed or implied, should be given recognition by the Houses of Congress, and applied with full force and vigor; otherwise, the power to admit States into the Union would be absolute, and absolutism is abhorrent to the Constitution and to every just conception of our liberties.

No one has the right or power to participate in the act of admission of States into the Union except the immediate representatives, in Congress, of the States and the people, and they are restrained only by their oaths of office.

ALL THE PEOPLE OF THE STATES ARE CONCERNED DIRECTLY IN THE CREATION OF A NEW STATE.

No representative of a Territory or district can participate in the great creative act of the admission of a State, nor can the legislative, or executive, or judicial departments of the Government take part in it. The President can not veto the act of admission of a State into the Union, nor is his consent necessary to its final and complete effect.

The reason for committing this function exclusively to Congress is that it is the only direct representative of the States and of the people and the protector of their rights, which, not being enumerated in the Constitution, are confided to their natural protectors, who have and will exercise a broad discretion in defining them. They include all the rights of government that are not delegated to the Government of the United States or to a department thereof. It is on this basis that the strict construction of laws and constitutional amendments that narrow the reserved rights of the people is rested, and it is for this reason that the power of admitting new States into the Union is confided to the discretion and to the exclusive action of the direct representatives of the people and of the States.

The admission of a State into the Union is intended for the benefit of all of the people of the United States, rather than for the benefit of the inhabitants of an area or territory that is included in the limits of such a State. It is the upbuilding and completion of the great American family of States and demands the most careful scrutiny of the people who are to constitute the new State and of every condition that affects the State already admitted.

The white people of the far distant States, as well as those near by the area that is proposed to be admitted, have the right to object to the admission of a State into the Union whose inhabitants, or a controlling part of them, converted into citizens by a law of Congress, are Chinese, Japanese, Mexicans, Indians, or negroes, and are given large powers to control the State and to send their representatives into the House of Representatives and the Senate. Whether the objection is racial, or moral, or political, or constitutional, Congress, if it has the power to overrule them, should never exercise it arbitrarily, and should never, for any cause, fail or refuse to give it careful and unbiased consideration.

I respectfully and most earnestly insist that the Senate, disregarding precedent, if there is any settled precedent to the contrary, should not take its final action admitting Oklahoma or Arizona as a State, until every preliminary fact that is requisite to statehood has been established and made of record by their conventions; so that our action will be justified by the record, and so that the Senate and House of Representatives, voting on the facts so established, shall admit or refuse to admit Oklahoma or Arizona into the Union without leaving any part of these grave constitutional questions to be settled by the President. If we are in haste with this serious work, so that we must find some one to whom we must delegate the power to pass the final decree that will admit Oklahoma and Arizona into the Union, or refuse to admit them, it would be better to delegate to the Chief Justice or a judge of the Supreme Court the power to make such decree. They have no less constitutional connection with the exercise of this power than the President possesses, and they have far less temptation than he has for making a decision to meet political exigencies.

THE RIGHTS RESERVED TO THE PEOPLE REQUIRE PROTECTION.

I insist that Congress, in deciding upon the admission of these proposed States, will observe and protect the States and the people of the United States in their rights reserved in the preamble of the Constitution, and those also that are not therein expressly declared or defined, but are stored away in the hearts of the people, as the true legatees of the great liberties won by their progenitors in the struggle for independence. These rights descend upon succeeding generations, for the nurture of these liberties, as silently and as certainly as the milk that nourishes their children is provided, in purity and in unfailing supply, from the breasts of their mothers.

The people of the United States do not forget these reserved rights that are peculiar to them and were never guaranteed to any other people before they ordained the Constitution of the United States; they do not undervalue them, nor do they unduly magnify their importance. Indeed, they could not, for they are the rights of people who are sovereign, which are reserved to support, sustain, and protect that sovereignty. They are rights that can not be assailed without injustice and offense to the sovereignty of the United States. It is safer for the Government to openly assail or abuse the rights of the people, expressed in the Constitution, than it is to neglect or refuse to protect those personal and individual and social and family rights that belong to those upon whom the sovereignty of the United States is conferred and are reserved to them in the Constitution.

I will now state the relative proportion of area, population, and representation in the Senate of the States, as they are set forth in the Census reports of 1900. They are as follows:

First class (less than 10,000 square miles).

State.	Population.	Area.
		Sq. miles.
Delaware	184,375	2,050
Connecticut	908,420	4,990
Massachusetts	2,805,346	8,315
New Hampshire	411,588	9,305
New Jersey	1,883,669	7,815
Rhode Island	428,556	1,250
Vermont	343,641	9,565
Total	6,965,955	43,290

Seven States, with fourteen Senators.

Second class (over 10,000 and under 25,000 square miles).

West Virginia	958,800	24,780
Maryland	1,188,044	12,210
Total	2,146,844	36,990

Two States, with four Senators.

Third class (over 25,000 and under 50,000 square miles).

Indiana	2,516,462	36,350
Kentucky	2,147,174	40,400
Louisiana	1,445,382	48,720
Maine	694,466	33,040
Mississippi	1,551,270	46,810
New York	7,268,894	49,170
Ohio	4,157,545	41,060
South Carolina	1,340,316	30,570
Pennsylvania	6,302,115	45,215
Tennessee	2,020,616	42,050
Virginia	1,854,184	42,450
Total	30,298,424	455,835

Eleven States, with twenty-two Senators.

Fourth class (over 50,000 and under 100,000 square miles).

State.	Population.	Area.
Missouri	3,106,665	69,415
Alabama	1,828,697	52,250
Arkansas	1,311,564	53,850
Florida	528,542	58,680
Georgia	2,216,331	58,980
Illinois	4,821,550	56,650
Michigan	2,420,982	58,915
Minnesota	427,338	83,365
North Carolina	1,893,810	52,250
Wisconsin	2,069,042	56,040
North Dakota	319,146	70,795
South Dakota	401,570	77,650
Washington	518,103	69,180
Wyoming	92,531	97,890
Idaho	161,772	84,800
Oregon	413,336	96,030
Utah	276,749	84,970
Iowa	2,231,853	56,025
Kansas	1,470,495	82,080
Nebraska	1,066,300	77,510
Total	27,586,376	1,397,316

Twenty States, with forty Senators.

Fifth class (over 100,000 square miles).

California	1,485,053	158,360
Colorado	539,700	103,925
Nevada	42,335	100,700
Texas	3,048,710	265,780
Montana	243,329	146,080
Total	5,359,127	774,845

Five States, with ten Senators.

I will also insert in my remarks, without reading it, a table taken from the census of 1900, showing the areas and population of all the States and Territories, except Alaska and the insular possessions:

United States.	East of Mississippi River.			West of Mississippi River.		
	Total population.	Indians.	Area.	Total population.	Indians.	Area.
Alabama	1,828,697	177	52,250			
Arizona				122,931	26,480	113,020
Arkansas				1,311,564	66	53,850
California				1,485,053	15,377	158,360
Colorado				539,700	1,437	103,925
Connecticut	908,420	153	4,990			
Delaware	184,735	9	2,050			
District of Columbia	278,718	22	70			
Florida	528,542	358	58,680			
Georgia	2,216,331	19	58,980			
Idaho				161,772	4,226	84,800
Illinois	4,821,550	16	56,650			
Indiana	2,516,462	243	36,350			
Indian Territory				392,060	52,500	31,400
Iowa				2,231,853	382	56,025
Kansas				1,470,495	2,130	82,080
Kentucky	2,147,174	102	40,400			
Louisiana	445,382	40	48,720	936,243	553	
Maine	694,466	708	33,040			
Maryland	1,188,044	3	12,210			
Massachusetts	2,805,346	587	8,315			
Michigan	2,420,982	6,354	58,915			
Minnesota	437,338	3,389	83,365	1,314,056	5,843	
Mississippi	1,551,270	2,203	46,810			
Missouri				3,106,665	130	69,415
Montana				243,329	11,343	146,080
Nebraska				1,066,300	3,322	77,510
Nevada				42,335	5,216	100,700
New Hampshire	411,588	22	9,305			
New Jersey	1,883,669	63	7,815			
New Mexico				195,310	13,144	122,580
New York	7,268,894	5,257	49,170			
North Carolina	1,893,810	5,687	52,250			
North Dakota				319,146	6,968	70,795
Ohio	4,157,545	42	41,060			
Oklahoma				398,331	11,945	39,030
Oregon				413,336	4,951	96,030
Pennsylvania	6,302,115	1,639	45,215			
Rhode Island	428,556	35	1,250			
South Carolina	1,340,316	121	30,570			
South Dakota				401,570	20,225	77,650
Tennessee	2,020,616	108	42,050			
Texas				3,048,710	470	265,780
Utah				276,749	2,623	84,970
Vermont	343,641	5	9,565			
Virginia	1,854,184	354	42,450			
Washington				518,103	10,039	69,180
West Virginia	958,800	12	24,780			
Wisconsin	2,069,042	8,372	56,040			
Wyoming				92,531	1,686	97,890
Total	55,906,233	36,140	1,013,315	20,088,342	201,056	2,011,070

No thoughtful man can reflect on the injustice that has been done to the country west of the Mississippi in the apportionment of representation in the Senate by giving enormous areas to the

States in that part of the Union, without understanding that at some time it will be corrected, even at the expense of serious civil commotion.

This Government is too great and its principles are too nicely adjusted to the promotion of the general welfare to admit injustice and wrong toward any of the States as a settled policy to disturb its tranquillity.

There is no apportionment of representation in the Senate except by the areas included in the State limits, and it is in this arrangement that injustice has been done to that part of the Union west of the Mississippi. The bill before the Senate proposes to aggravate this unjust discrimination to a degree that excites the angry and determined resentment of the people immediately concerned in opposing it, and is manifestly unjust.

Many of the strongest and best men among them already look to future events, such as a general convention to revise the Constitution of the United States to have a readjustment of the representation in the Senate, while others are looking to coercive measures.

All these expectations are vain; as the tree has fallen, so will it lie.

Yet the futility of such hopes is not now realized by all of them, and some take the chances as to the future in order to have peace. Some of them disregard everything except to follow their leaders and support them in the massacre of their rightful statehood as separate States by a consolidation that is fatal to their rightful representation in the Senate.

The question is, Will Congress continue this injustice by yielding to the demand of party politics, or will we refuse to do this additional injustice to the West and adhere to the wise and just arrangement that was intended to be permanent in assigning limits and boundaries in acts of Congress to these embryotic States? No matter how we may perform this high duty, history will record that none was ever greater in its demands upon the wisdom, impartiality, and moral courage of Congress.

Mr. President, I thank you and the Senate for hearing me so patiently, when I have been scarcely able to go through with this discussion.

Mr. BEVERIDGE. If no other Senator desires to speak on the pending bill at this particular moment, I call the attention of the junior Senator from Alabama [Mr. PETTUS] to the fact that his colleague has concluded.

Mr. PETTUS. Mr. President, I have a statement to make to the Senate, but after a conference with the chairman of the Committee on Claims in reference to the matter I will postpone the statement.

Mr. BEVERIDGE. Very good.

Mr. STEWART. I present an amendment which I give notice I will offer at the proper time, and I ask to have it printed. I will defer my remarks until the bill is called up tomorrow, as there would not be time to conclude this evening.

The PRESIDING OFFICER (Mr. NELSON in the chair). The amendment will be received and printed.

Mr. PLATT of Connecticut. Mr. President, if it be agreeable to the Senator from Indiana [Mr. BEVERIDGE], I should like to move an executive session at this time.

Mr. BEVERIDGE. Mr. President, it is so agreeable that I was about to suggest the very same thing myself.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until Tuesday, January 10, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 9, 1905.

CONSUL.

Howard D. Van Sant, of New Jersey, to be consul of the United States at Guelph, Ontario, Canada, vice Charles N. Daly, resigned.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California. (Reappointment.)

DISTRICT JUDGE.

John E. McCall, of Tennessee, to be United States district judge for the western district of Tennessee, vice Eli S. Hammond, deceased.

COINER.

Harry Tarbell, of Colorado, to be coiner of the mint of the United States at Denver, Colo. Office created by act of Congress approved March 18, 1904.

MELTER AND REFINER.

Hubert D. Coleman, jr., of Louisiana, to be melter and refiner of the mint of the United States at New Orleans, La., to succeed H. Dudley Coleman, removed.

DEPUTY AUDITOR FOR POST-OFFICE DEPARTMENT.

William J. Anderson, of North Dakota, to be deputy auditor for the Post-Office Department, in place of Harrison Allen, deceased.

REGISTER OF LAND OFFICE.

Frederick C. Perkins, of Colorado, to be register of the land office at Durango, Colo., his term having expired February 15, 1903. (Reappointment.)

RECEIVER OF PUBLIC MONEY.

Daniel L. Sheets, of Colorado, to be receiver of public moneys at Durango, Colo., his term having expired February 8, 1902. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Edward C. Kalbfus to be a lieutenant in the Navy from the 18th day of December, 1904, vice Lieut. Charles M. McCormick, promoted.

Lieut. Philip Andrews to be a lieutenant-commander in the Navy from the 1st day of January, 1905, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Naval Constructor William J. Baxter to be a naval constructor in the Navy with the rank of captain from the 21st day of May, 1904, vice Naval Constructor John F. Hanscom, retired.

Naval Constructor Elliot Snow to be a naval constructor in the Navy with the rank of commander from the 21st day of May, 1904, vice Naval Constructor William J. Baxter, promoted.

Asst. Paymaster William C. Fite to be a passed assistant paymaster in the Navy, from the 16th day of August, 1904, vice Paymaster Thomas DeF. Harris, promoted.

Passed assistant paymasters to be passed assistant paymasters in the Navy with the rank of lieutenant from the 24th day of August, 1904.

John F. Hatch.
Frederick G. Pyne.
Frederick B. Colby.
Edward E. Goodhue.
William R. Bowne.
Rishworth Nicholson.

Howard H. Alkire, a citizen of Ohio, to be an assistant paymaster in the Navy, from the 30th day of November, 1904, to fill a vacancy existing in that grade on that date.

John N. Jordan, a citizen of the State of Maine, to be an assistant paymaster in the Navy, from the 6th day of January, 1905, to fill a vacancy existing in that grade on that date.

TO BE PLACED ON RETIRED LIST.

Col. William L. Alexander, assistant commissary-general, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

With the rank of brigadier-general from April 23, 1904.

Col. Charles S. Stewart, retired, died July 22, 1904.
Col. Charles M. Terrell, retired, died November 22, 1904.

With rank of lieutenant-colonel from April 23, 1904.

Maj. William Austine, retired, died September 4, 1904.

With the rank of lieutenant-colonel from April 23, 1904.

Capt. Leonard Hay, retired, died November 12, 1904.
Capt. Thomas E. Merritt, retired, died August 26, 1904.

With the rank of captain from April 23, 1904.

First Lieut. Henry R. Williams, retired, died October 16, 1904.

POSTMASTERS.

ARIZONA.

L. D. Redfield to be postmaster at Benson, in the county of Cochise and Territory of Arizona. Office became Presidential January 1, 1905.

CALIFORNIA.

William Collins to be postmaster at Mojave, in the county of Kern and State of California. Office became Presidential January 1, 1905.

COLORADO.

Nimrod S. Walpole to be postmaster at Pueblo, in the county of Pueblo and State of Colorado, in place of John H. Mitchell. Incumbent's commission expired May 28, 1904.

FLORIDA.

Peter P. Cobb to be postmaster at Fort Pierce, in the county of Brevard and State of Florida. Office became Presidential January 1, 1905.

Charles C. Peck to be postmaster at Brooksville, in the county of Hernando and State of Florida. Office became Presidential January 1, 1905.

William C. Cole to be postmaster at Lawrenceville, in the county of Gwinnett and State of Georgia. Office became Presidential January 1, 1905.

Mary L. Darden to be postmaster at Hogansville, in the county of Troup and State of Georgia. Office became Presidential January 1, 1905.

Mary P. Dixon to be postmaster at Westpoint, in the county of Troup and State of Georgia, in place of Mary P. Dixon. Incumbent's commission expires January 21, 1905.

Andrew D. McComb to be postmaster at Buena Vista, in the county of Marion and State of Georgia. Office became Presidential January 1, 1905.

David B. Rigdon to be postmaster at Statesboro, in the county of Bulloch and State of Georgia, in place of David B. Rigdon. Incumbent's commission expires January 11, 1905.

Clarence W. Withoft to be postmaster at Fort Valley, in the county of Houston and State of Georgia, in place of Wallace Peddicord. Incumbent's commission expired April 12, 1904.

ILLINOIS.

Eva J. Harrison to be postmaster at Johnston City, in the county of Williamson and State of Illinois. Office became Presidential January 1, 1905.

Holly C. Marchildson to be postmaster at Thebes, in the county of Alexander and State of Illinois. Office became Presidential January 1, 1905.

George M. Thompson to be postmaster at Bement, in the county of Piatt and State of Illinois, in place of Horace Haldeman. Incumbent's commission expired December 20, 1904.

INDIANA.

John M. Atkins to be postmaster at Jasonville, in the county of Greene and State of Indiana. Office became Presidential January 1, 1905.

INDIAN TERRITORY.

John P. Bradbury to be postmaster at Wetumka, in District 13, Ind. T. Office became Presidential January 1, 1905.

William T. Brooks to be postmaster at Broken Arrow, in District 7, Ind. T. Office became Presidential January 1, 1905.

IOWA.

Albert R. Kullmer to be postmaster at Dysart, in the county of Tama and State of Iowa, in place of Albert R. Kullmer. Incumbent's commission expires January 16, 1905.

MISSISSIPPI.

Henry L. Rhodes to be postmaster at Ackerman, in the county of Choctaw and State of Mississippi. Office became Presidential January 1, 1905.

NEVADA.

Herbert Badt to be postmaster at Wells, in the county of Elko and State of Nevada. Office became Presidential July 1, 1904.

NEW JERSEY.

Joshua L. Allen to be postmaster at Pennington, in the county of Mercer and State of New Jersey. Office became Presidential January 1, 1905.

Farley F. Holcombe to be postmaster at Hopewell, in the county of Mercer and State of New Jersey. Office became Presidential October 1, 1904.

Shepherd S. Hudson to be postmaster at Mays Landing, in the county of Atlantic and State of New Jersey, in place of Lewis E. Jeffries. Incumbent's commission expired December 19, 1903.

NEW YORK.

George Bouse to be postmaster at Bay Side, in the county of Queens and State of New York. Office became Presidential October 1, 1904.

Frederic J. Merriman to be postmaster at Madrid, in the county of St. Lawrence and State of New York. Office became Presidential January 1, 1905.

NORTH DAKOTA.

Peter C. Burfening to be postmaster at Kulm, in the county of Lamoure and State of North Dakota. Office became Presidential January 1, 1905.

OHIO.

Louis G. Bidwell to be postmaster at Kinsman, in the county of Trumbull and State of Ohio. Office became Presidential January 1, 1905.

William Cline to be postmaster at Arcanum, in the county of Darke and State of Ohio, in place of Clinton F. Parks, deceased.

Ford H. Laning to be postmaster at Norwalk, in the county of Huron and State of Ohio, in place of Ford Lanning, to correct name.

Charles D. Wightman to be postmaster at Medina, in the county of Medina and State of Ohio, in place of Albert Munson. Incumbent's commission expired January 28, 1903.

PENNSYLVANIA.

William N. Boyles to be postmaster at Juniata, in the county of Blair and State of Pennsylvania. Office became Presidential January 1, 1905.

Sallie P. Gillingham to be postmaster at Langhorne, in the county of Bucks and State of Pennsylvania. Office became Presidential July 1, 1904.

Sarah M. Lowell to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania. Office became Presidential January 1, 1905.

Thomas Pickrell to be postmaster at Oldforge, in the county of Lackawanna and State of Pennsylvania. Office became Presidential January 1, 1905.

Leanus Schreiner to be postmaster at Tower City, in the county of Schuylkill and State of Pennsylvania. Office became Presidential January 1, 1905.

Fred M. Williams to be postmaster at Nicholson, in the county of Wyoming and State of Pennsylvania. Office became Presidential January 1, 1905.

SOUTH CAROLINA.

John E. McLure to be postmaster at Bishopville, in the county of Lee and State of South Carolina, in place of J. R. McClue, to correct name.

UTAH.

Clifford I. Goff to be postmaster at West Jordan, in the county of Salt Lake and State of Utah. Office became Presidential January 1, 1905.

Charles A. Guiwits to be postmaster at Price, in the county of Carbon and State of Utah. Office became Presidential July 1, 1904.

WISCONSIN.

Frank J. Salter to be postmaster at Prentice, in the county of Price and State of Wisconsin. Office became Presidential January 1, 1905.

WYOMING.

Newton H. Brown to be postmaster at Lander, in the county of Fremont and State of Wyoming, in place of Frank S. Smith, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 9, 1905.

GOVERNOR OF ALASKA.

John G. Brady, of Alaska, to be governor of Alaska.

CONSULS.

Samuel S. Knabenshue, of Ohio, to be consul of the United States at Belfast, Ireland.

George Horton, of Illinois, to be consul of the United States at Athens, Greece.

COMMISSIONER OF THE INTERIOR OF PORTO RICO.

John Stuart Elliot, of Porto Rico, to be commissioner of the interior of Porto Rico.

MEMBERS OF EXECUTIVE COUNCIL OF PORTO RICO.

Rafael Del Valle, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years.

Luis Sanchez Morales, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years.

APPOINTMENTS IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Eugene H. Mullan, of Maryland, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Wade Hampton Frost, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

UNITED STATES ATTORNEY.

Melvin O. Adams, of Massachusetts, to be United States attorney for the district of Massachusetts.

MARSHAL.

J. E. B. Stuart, of Virginia, to be United States marshal for the eastern district of Virginia.

DISTRICT JUDGE.

Arthur L. Sanborn, of Wisconsin, to be United States district judge for the western district of Wisconsin.

APPOINTMENT IN THE NAVY.

Judson L. Taylor, a citizen of Texas, to be an assistant surgeon in the Navy, from the 17th day of December, 1904.

PROMOTIONS IN THE NAVY.

Rear-Admiral George A. Converse, United States Navy, to be Chief of the Bureau of Navigation in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Capt. Newton E. Mason, United States Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Commander Samuel W. B. Diehl, United States Navy, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for a term of four years.

Lieut. (Junior Grade) David C. Hanrahan to be a lieutenant in the Navy, from the 1st day of July, 1904.

Lieut. Commander Theodore F. Burgdorff to be a commander in the Navy, from the 30th day of September, 1904.

Lieut. George W. Kline to be a lieutenant-commander in the Navy, from the 13th day of September, 1904.

Lieut. Commander Templin M. Potts to be a commander in the Navy, from the 8th day of November, 1904.

Lieut. Charles M. McCormick to be a lieutenant-commander in the Navy, from the 18th day of December, 1904.

Capt. Joseph E. Craig to be a rear-admiral in the Navy, from the 28th day of December, 1904.

Lieuts. William W. Gilmer, Robert E. Coontz, William H. G. Bullard, and Harold K. Hines to be lieutenant-commanders in the Navy, from the 1st day of January, 1905, to fill vacancies created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) William S. Miller to be a lieutenant in the Navy, from the 1st day of January, 1905.

Lieut. (Junior Grade) Cyrus W. Cole to be a lieutenant in the Navy from the 1st day of January, 1905.

Lieut. (Junior Grade) Lloyd S. Shapley to be a lieutenant in the Navy from the 1st day of January, 1905.

Lieut. (Junior Grade) William R. Sayles, jr., to be a lieutenant in the Navy from the 1st day of January, 1905.

Lieut. (Junior Grade) John W. Greenslade to be a lieutenant in the Navy from the 1st day of January, 1905.

Lieuts. (Junior Grade) Charles E. Courtney and James H. Tomb to be lieutenants in the Navy from the 1st day of January, 1905, to fill vacancies created in that grade by the act of Congress approved March 3, 1903.

To be ensigns in the Navy from the 2d day of May, 1904, to fill vacancies existing in that grade on that date.

Henry G. S. Wallace.
Horace S. Klyce.
Frank W. Sterling.
Emory S. Land.
Franklin W. Osburn, jr.
Gilford Darst.
Roe R. Adams.
Semmes Read.
Edwin G. Kintner.
Harry A. Baldridge.
William L. Pryor.
James Reed, jr.
George J. Meyers.
James P. Murdock.
Edward J. Marquart.
Andrew A. Peterson.
Leroy Brooks, jr.
Donald C. Bingham.
Robert Wallace, jr.
Ralph M. Griswold.
William W. Smith.
Francis S. Whitten.
Thomas L. Ozburn.
Lewis B. Porterfield.
Walter G. Diman.
Frank C. Martin.
Ralph P. Craft.
Adolphus Staton.
David A. Weaver.
Neil E. Nichols.
James A. Campbell, jr.
Otto C. Dowling.
Julius C. Townsend.
Wilson Brown, jr.
Robert Henderson.
William T. Conn, jr.
John H. Blackburn.
Frank B. Freyer.
Roscoe C. Davis.
Earl P. Finney.
William D. Puleston.
Charles S. Kerrick.
George P. Brown.
James O. Richardson.
Harold D. Childs.
Gilbert J. Rowcliff.
James P. Lannon.
Richard Wainwright, jr.
Charles W. Early.
Edward C. S. Parker.
Joseph O. Fisher.
Carlos Bean.
Oscar F. Cooper.
Kirby B. Crittenden.
Merritt S. Corning.
William J. Moses.

PROFESSOR OF MATHEMATICS IN THE NAVY.

Lieut. Commander Harry McL. P. Huse to be a professor of mathematics in the Navy, with the rank of commander, to rank next after Professor of Mathematics Aaron N. Skinner, and to be an extra number in the corps of professor of mathematics in accordance with the provisions of an act of Congress approved April 27, 1904.

PROMOTIONS IN THE MARINE CORPS.

Lieut. Col. Charles H. Lauchheimer, assistant adjutant and inspector of the Marine Corps, to be adjutant and inspector of the Marine Corps, with the rank of colonel, from the 15th day of December, 1904.

Capt. Albert S. McLemore, United States Marine Corps, to be assistant adjutant and inspector in the Marine Corps, with the rank of major, from the 15th day of December, 1904.

POSTMASTERS.

CALIFORNIA.

Horace E. Allatt to be postmaster at Imperial, in the county of San Diego and State of California.

William Bradford to be postmaster at Hemet, in the county of Riverside and State of California.

Edmund L. Brown to be postmaster at Fernando, in the county of Los Angeles and State of California.

William S. Collins to be postmaster at Loyalton, in the county of Sierra and State of California.

Samuel G. Watts to be postmaster at East Auburn, in the county of Placer and State of California.

CONNECTICUT.

Judson D. Foote to be postmaster at Montowese, in the county of New Haven and State of Connecticut.

William E. Gates to be postmaster at Glastonbury, in the county of Hartford and State of Connecticut.

Tudor Gowdy to be postmaster at Thompsonville, in the county of Hartford and State of Connecticut.

ILLINOIS.

Samuel S. Irwin to be postmaster at Rankin, in the county of Vermilion and State of Illinois.

Jennie M. De Roo to be postmaster at Fort Sheridan, in the county of Lake and State of Illinois.

William M. McDonald to be postmaster at Chandlerville, in the county of Cass and State of Illinois.

Leander W. Niles to be postmaster at Bethany, in the county of Moultrie and State of Illinois.

Darius B. Reid to be postmaster at Georgetown, in the county of Vermilion and State of Illinois.

INDIANA.

Caleb W. Barker to be postmaster at Francesville, in the county of Pulaski and State of Indiana.

Charles D. Davidson to be postmaster at Whiting, in the county of Lake and State of Indiana.

Isaac F. Lawshe to be postmaster at Swayzee, in the county of Grant and State of Indiana.

Charles McGaughey to be postmaster at Roachdale, in the county of Putnam and State of Indiana.

John W. Morrow to be postmaster at Hebron, in the county of Porter and State of Indiana.

James M. Ranstead to be postmaster at Bremen, in the county of Marshal and State of Indiana.

John P. Russell to be postmaster at Kewanna, in the county of Fulton and State of Indiana.

INDIAN TERRITORY.

Robert A. Diggs to be postmaster at Lindsay, in district 17, Ind. T.

Rena Winnett to be postmaster at Krebs, district 15, Indian Territory.

IOWA.

Bert C. Ellsworth to be postmaster at Kanawha, in the county of Hancock and State of Iowa.

N. C. Kotchell to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

James Schroeder to be postmaster at Guttenberg, in the county of Clayton and State of Iowa.

Eugene Stiles to be postmaster at Sidney, in the county of Fremont and State of Iowa.

Edgar O. Winter to be posmaster at Redfield, in the county of Dallas and State of Iowa.

KANSAS.

Frank W. Elliott to be postmaster at Edna, in the county of Labette and State of Kansas.

James R. Hillhouse to be postmaster at Delphos, in the county of Ottawa and State of Kansas.

William A. Hillhouse to be postmaster at Glasco, in the county of Cloud and State of Kansas.

Floyd E. Richmond to be postmaster at Logan, in the county of Phillips and State of Kansas.

Charles C. Wilson to be postmaster at Scandia, in the county of Republic and State of Kansas.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky.

MASSACHUSETTS.

Wilbur F. Whitney to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts.

MICHIGAN.

Carl M. Lund to be postmaster at Harrisville, in the county of Alcona and State of Michigan.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, in the county of Hennepin and State of Minnesota.

Theodore G. Fasteen to be postmaster at Scanlon, in the county of Carlton and State of Minnesota.

M. Miller Severns to be postmaster at West Concord, in the county of Dodge and State of Minnesota.

NEBRASKA.

John G. Gannon to be postmaster at Pender, in the county of Thurston and State of Nebraska.

NEW JERSEY.

Reuben Abel to be postmaster at Bernardsville, in the county of Somerset and State of New Jersey.

Samuel Gordon to be postmaster at South River, in the county of Middlesex and State of New Jersey.

William H. Kuhlthau to be postmaster at Milltown, in the county of Middlesex and State of New Jersey.

NEW YORK.

John Borup to be postmaster at Tuckahoe, in the county of Westchester and State of New York.

Isaac Decker to be postmaster at Williamson, in the county of Wayne and State of New York.

Fred A. Green to be postmaster at Copenhagen, in the county of Lewis and State of New York.

Christopher B. Morgan to be postmaster at Aurora, in the county of Cayuga and State of New York.

George J. Skinner to be postmaster at Camden, in the county of Oneida and State of New York.

Hattie A. Walker to be postmaster at Bergen, in the county of Genesee and State of New York.

NORTH DAKOTA.

Philip K. Eastman to be postmaster at Wilton, in the county of McLean and State of North Dakota.

Charles H. Lee to be postmaster at Walhalla, in the county of Pembina and State of North Dakota.

OKLAHOMA.

George S. Bailey to be postmaster at Snyder, in the county of Kiowa and Territory of Oklahoma.

William T. Barrett to be postmaster at Carmen, in the county of Woods and Territory of Oklahoma.

Frank H. McCormick to be postmaster at Clinton, in the county of Custer and Territory of Oklahoma.

William Thomas to be postmaster at Thomas, in the county of Custer and Territory of Oklahoma.

OREGON.

John F. Reisacher to be postmaster at Condon, in the county of Gilliam and State of Oregon.

PENNSYLVANIA.

Coleman Smith to be postmaster at Coudersport, in the county of Potter and State of Pennsylvania.

VIRGINIA.

Harry Fulwiler to be postmaster at Buchanan, in the county of Botetourt and State of Virginia.

WEST VIRGINIA.

Benjamin O. Holland to be postmaster at Logan, in the county of Logan and State of West Virginia.

Nathan C. McNeil to be postmaster at Marlinton, in the county of Pocahontas and State of West Virginia.

WISCONSIN.

F. J. Buell to be postmaster at Burlington, in the county of Racine and State of Wisconsin.

John G. Burman to be postmaster at Amery, in the county of Polk and State of Wisconsin.

George M. Carnachan to be postmaster at Bruce, in the county of Gates and State of Wisconsin.

Charles F. Fine to be postmaster at Hillsboro, in the county of Vernon and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 9, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, January 6, was read and approved.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BENTON was given leave to withdraw from the files of the House without leaving copies, papers in the case of H. R. 14794, Fifty-eighth Congress, second session, to pay heirs of John Sevier, sr., for certain lands taken by the United States.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MORRELL obtained leave of absence indefinitely, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its Reading Clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2269. An act for the relief of Capt. Archibald W. Butt, quartermaster, United States Army.

S. 4260. An act for the relief of Thomas C. Sweeney;

S. 3828. An act to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States;

S. 4161. An act providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio;

S. 4378. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions;

S. 2749. An act for the relief of Henry Bash;

S. 181. An act to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims;

S. 1586. An act for the relief of J. M. Bloom;

S. 6368. An act providing for the interment in the District of Columbia of the remains of Rose Dillon Seager;

S. 3313. An act to amend section 1706 of the Revised Statutes;

S. 4838. An act to increase the efficiency of the medical department of the United States Army;

S. 5166. An act to increase the efficiency of the Ordnance Department;

S. 5972. An act permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn.;

S. 5359. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896;

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River;

S. 6003. An act to provide for the construction of a lighthouse and buoy tender for the inspector of the Third lighthouse district; and

S. 6019. An act to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 91.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, including therein the statement of the case, the opinion of the court in Paul *v.* Virginia (8 Wall., p. 168), and the statement of the case, the opinion of the court, and the dissenting opinion in United States *v.* E. C. Knight Company (158 U. S., p. 1).

Senate concurrent resolution 84.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the leter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 1513. An act for the relief of the estate of George W. Saulpaw.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River, near the town of Fulton, in the said county and State.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 90.

Resolved by the Senate (the House of Representatives concurring): That there be printed and bound in cloth 6,000 copies of the report on the development of the American merchant marine and American commerce and of the testimony taken in connection therewith, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Merchant Marine Commission, of which latter 100 copies shall be bound in half morocco.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2269. An act for the relief of Capt. Archibald W. Butt, quartermaster, United States Army—to the Committee on Claims.

S. 4260. An act for the relief of Thomas C. Sweeney—to the Committee on War Claims.

S. 3828. An act to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States—to the Committee on Military Affairs.

S. 4161. An act providing for the expenditure of money hitherto appropriated for improvement and maintenance of Ashtabula Harbor, Ohio—to the Committee on Rivers and Harbors.

S. 2749. An act for the relief of Henry Bash—to the Committee on Claims.

S. 181. An act to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims—to the Committee on Ways and Means.

S. 4838. An act to increase the efficiency of the medical department of the United States Army—to the Committee on Military Affairs.

S. 1586. An act for the relief of J. M. Bloom—to the Committee on Claims.

S. 5166. An act to increase the efficiency of the Ordnance Department—to the Committee on Military Affairs.

S. 3313. An act to amend section 1706 of the Revised Statutes—to the Committee on Foreign Affairs.

S. 6019. An act to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River—to the Committee on Interstate and Foreign Commerce.

S. 6003. An act to provide for the construction of a light-house and buoy tender for the inspector of the third light-house district—to the Committee on Interstate and Foreign Commerce.

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

S. 5359. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896—to the Committee on the District of Columbia.

S. 5972. An act permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn.—to the Committee on Interstate and Foreign Commerce.

S. 4378. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions—to the Committee on Military Affairs.

Senate concurrent resolution 91.

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of the Department of Commerce and Labor, 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, including therein the statement of the case and the opinion of the court in Paul *v.* Virginia (8 Wall., p. 168), and the statement of the case, the opinion of the court, and the dissenting opinion in United States *v.* E. C. Knight Company (158 U. S., p. 1)—

to the Committee on Printing.

Senate concurrent resolution 84:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted, in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses—

to the Committee on Election of President, Vice-President, and Representatives in Congress.

REPRINT OF A BILL.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 5815 and the report thereon, the same having been exhausted.

The SPEAKER. The gentleman from Kansas asks for the reprint of the bill H. R. 5815 and the report thereon. Is there objection? [After a pause.] The Chair hears none.

PENSION APPROPRIATION BILL.

Mr. VAN VOORHIS, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 17330) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes.

Mr. UNDERWOOD. Mr. Speaker, I reserve all points of order on the bill, and I also present the views of the minority and ask that they be printed with the report.

The SPEAKER. The gentleman from Alabama reserves all points of order and presents the views of the minority.

The bill was read the first and second time, and, with the report and the views of the minority, was referred to the Committee of the Whole House on the state of the Union, and ordered printed.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SAMUEL W. SMITH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

AMERICAN RAILWAY APPLIANCE EXHIBITION.

Mr. SAMUEL W. SMITH. Mr. Chairman, I call up the joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

The resolution is as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the general committee of arrangements of the American Railway Appliance Exhibition, to be given in connection with the meeting of the International Railway Congress, for the use of such portion of the public reservation fronting on the south side of B street, between Fourteenth street and the Sixteenth street roadway northwest, being a part of the unimproved portion of the Monument grounds, in the city of Washington, which, in his opinion, will inflict no serious or permanent injuries upon said reservation, to continue from March 20 to May 25, 1905, inclusive: *Provided, however*, That all stands, platforms, or other temporary structures that may be erected on the space aforesaid shall be under the supervision of said general committee of arrangements and in accordance with plans to be approved by the officer in charge of public buildings and grounds.

SEC. 2. That the Commissioners of the District of Columbia be, and are hereby, authorized to permit said general committee of arrangements for the American Railway Appliance Exhibition to convey to such reservation, through suitable conductors, wherever necessary, and in the nearest practicable connection with the present supply thereof gas, steam, and electricity for power, heat, and light necessary for such exhibition: *Provided*, That said conductors shall not be used for the conducting of steam or electric current after May 15, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before May 25, 1905: *Provided further*, That the work of conveying such conductors to the reservation and removing of said conductors shall be in accordance with plans to be approved by and under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, and that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the conveying, operation, or removal of the said temporary conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia be, and are hereby, authorized to permit said general committee of arrangements to temporarily occupy parts of streets with tracks and switches for the accommodation of the exhibitors attending said exhibition: *Provided*, That such temporary occupation shall not exceed the period of sixty days, and shall be subject to conditions prescribed by said Commissioners.

SEC. 4. That the Commissioners of the District of Columbia be, and are hereby, authorized to permit the Western Union Telegraph Company, the Postal Telegraph Company, and the Chesapeake and Potomac Telephone Company to extend overhead wires to said reservation and to such points thereon as shall be deemed necessary and convenient by said general committee of arrangements, the said wires to be taken down within ten days after the conclusion of the meeting of the International Railway Congress on the 14th day of May, 1905.

SEC. 5. That said general committee of arrangements, prior to the issuance of the permits hereinbefore authorized, shall make such necessary deposits with the collector of taxes, District of Columbia, as may be required by the Commissioners of the District of Columbia, to guarantee the removal of any of the appurtenances placed in public space and the restoration of public works disturbed by such occupation, and said general committee shall also by proper bond, approved by said Commissioners, save the District of Columbia harmless from any claim for damages arising in any manner from their occupation of public space under this act.

Mr. SAMUEL W. SMITH. Mr. Chairman, the International Railway Congress will meet in this city in the month of May following. At that meeting there are expected to be something like 500 delegates from abroad. They are high officials of the leading railroads of those countries. Under the rules governing that body the meeting must be held in the capital city of the nation where the congress is held. In view of that fact, and in view of this meeting, the American Railway Appliance Association desires to give an exhibition at that time, and this resolution is for the purpose of enabling them to have a portion of the Government reservation near the Monument. The matter has been submitted to the Secretary of War, to the Commissioners of the District of Columbia, to the gentleman in charge of public buildings and grounds, and has met with their favorable recommendation. The exhibition will take place some time in the month of May, but these gentlemen desire to use the grounds from the 20th of March until the 25th of May. It will take some time to prepare the grounds. The resolution also provides for a bond to be given by this association whereby there will be no injury whatever to the grounds. I may say in addition that these are grounds which are usually given for playground purposes and that it will in no way affect the trees or plants. I see no way whereby any injury could come to the grounds by passing this resolution. They ask for no appropriation, and there will be no admission charged to this exhibition.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WARNOCK having taken the chair as Speaker pro tempore sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

AMERICAN RAILWAY APPLIANCE EXHIBITION.

The committee resumed its session.

Mr. SIBLEY. Mr. Chairman, this matter has been before the House on two previous occasions, and because of the lack of a quorum, or a refusal for unanimous consent, it has been delayed to the present moment. I think that 99 out of every 100 Members of this House, on both sides of the Chamber, who have given attention to the subject and have sought to investigate what the resolution provides, is in favor of it. I do not believe that there is a gentleman on either side of this Chamber who, recognizing the stimulus that will be given to our great manufacturing industries scattered over twenty-nine different States of this Federal Union who will be represented as exhibitors—I do not think that a gentleman on either side of the Chamber who is anxious that our skilled mechanics may have the widest opportunity to send the products of their skill and their industry to the markets in the remotest part of the globe—I do not believe a gentleman who glories in the marvelous advancement of our American railways, if he has investigated, even hastily, the provisions of this bill, will be opposed to it, unless it be my good and genial friend from Illinois, who has been through one struggle to free the parks of his city from squatter sovereignty. [Laughter.]

In this instance, however, Mr. Chairman, it is proposed that these people, at their own expense, under a bond of ample sum, shall erect at their own proper cost these buildings for this exposition, and within a very short period—I think thirty days—shall, at their own proper expense, remove the same absolutely and leave everything in as perfect shape as it was before. I judge that our friend, the gentleman from Illinois [Mr. MANN], is not opposed to this, except that he thinks it may establish a precedent. I believe he is as much interested in all that goes to add to our dignity and our glory as a manufacturing nation as any of his colleagues. I think he is second to none of them in patriotism. But there is an idea which prevails in his mind because of conditions that existed in his city many years ago, and that had run unchecked for a quarter or a half a century, and because he was instrumental in curing that abuse, that the same conditions may grow out of this.

I want to assure him that these are not squatters who are asking this. These are the representative people from all over the Federal Union, from twenty-nine different States, who propose to come here to the nation's capital and exhibit the progress we have made as a great industrial people. Why, for my own part, Mr. Chairman, I would like to see this national capital have a permanent exposition. Since I have been a member of this body I have voted for an exposition at Chicago, one at St. Louis, one at Atlanta, one at Nashville, one at Omaha, and I do not know but that I also voted for one at Buffalo and one at Charleston. I shall, however, never vote for another. If we must ever again have another exposition, I wish to see that exposition located here at the nation's capital, and I wish to see it permanent in its character. I would vote once more for an appropriation for an exhibit to be permanent in its character, to show at all times to the visitors to this capital city the greatness of our progress. I would have it here that the representatives of the nations of the earth coming here may seee what our markets afford, because this is the one great municipality which belongs to me, though I live in a remote section of the country, living far away from city life; it is the one city in the Federal Union that is mine and yours and that belongs to my constitutents and yours wherever they may be.

Over in Philadelphia private enterprise has given what they call a "manufacturers' exhibit," showing the products and the materials of the markets of the world and the form and shape and fashion into which the different nations make them; and this is done that it may act as a stimulus to the American people to meet the demands of that market, and to be prepared to export the same. For that reason I should desire that we might have a permanent exposition, even if we had to give a portion of our public ground. Now, some gentlemen object. My good friend from Illinois [Mr. MANN] objects, and he says there are other sections of the city where this exposition might be held. That may be true, but we want some place that is convenient and easily approached from all directions, where heavy machinery, where locomotives and cars and all that go to exemplify the latest development in railway appliances may be transported easily and cheaply; but more than that, where the public may easily and readily find access thereto.

Mr. MADDOX. Mr. Chairman, I would like to ask the gentleman a question along that very line. Why can not some other place be found, instead of giving the public park, which would be just as suitable for this exposition?

Mr. SIBLEY. Mr. Chairman, I want to say that the committee went to all the other supposedly available places, and this

seemed to be the only one that met all the requirements—easy of access both in getting the machinery in and out, easy of access for the public who desire to attend. I understand there is to be no charge for admission. This is not a money-making scheme. It is merely to exhibit here at the nation's capital an exemplification of what we have accomplished as a manufacturing people along the line of railway appliances, that the people who come here from every nation on the globe where there is a railway may see, for every such country will have a representative here in Washington at that time. I think, Mr. Chairman, with the explanation and the additional knowledge on the part of the House of what this bill seeks to do, that there will be no more opposition.

Mr. BARTLETT. Mr. Chairman, as I understand this, it does not entail any expense on the part of the Government at all.

Mr. SIBLEY. Oh, not a penny. Nor will there be any expense on the part of the public who come to witness the exposition.

Mr. MADDOX. Mr. Chairman, will the gentleman guarantee that Buffalo Bill will not come along with his show?

Mr. SIBLEY. Mr. Chairman, I learned soon after I entered public life not to guarantee any man's good faith but my own, and sometimes it is a hard job to keep that good. [Laughter.]

I trust, Mr. Chairman, that inasmuch as the time is very short these gentlemen may be given the opportunity to erect their buildings and bring their exhibits here, and that there may be no further delay. I am confident that there is no one who has studied the provisions of the measure who can find any objection unless it be that to which I have already referred, which lies in the mind of the gentleman from Illinois [Mr. MANN] because of some unpleasant experiences which he has had in the past in his municipality.

Mr. MANN. Mr. Chairman, it is very often distasteful for one to perform that which he believes to be his public duty. On this particular occasion it is especially distasteful to me to oppose the passage of the resolution which is pending, because there is no city in the country which will have or which would have so many exhibits at this exhibition as the city which I in part represent on this floor. I would like to be able to yield to the wishes of the people in my own city. I knew, from the inception of the movement, what the wishes of the manufacturers in that city were, and my knowledge has been reenforced by a petition which I have just received, which I send to the Clerk's desk to be read in my time.

The Clerk read as follows:

CHICAGO, *January 3, 1905.*

HON. JAMES R. MANN, *Washington, D. C.*

DEAR SIR: The undersigned manufacturers of and dealers in railway equipment and supplies, doing business in Chicago, would hereby express their regret at your announced determination to defeat, if possible, the adoption of House joint resolution No. 160, granting the temporary occupancy of a portion of the unimproved part of the Monument grounds, in Washington, D. C., for an exhibition of American railway devices in connection with the International Railway Congress, a measure in which we, in common with all manufacturers of railway appliances throughout the United States, are deeply interested. We believe that in your attitude toward the said resolution you are opposing interests of a great industry, with many branches in the city of Chicago, which seeks by this resolution to widen the market for American railway appliances.

Mr. MANN. The Clerk may omit reading the signatures. There are several hundred names signed to that petition, which was secured and forwarded to me through the aid of the editor of the Railway Age, the representative paper of the railroads of the country. That is what is denominated "building a fire in the rear and endeavoring to execute a flank movement."

Mr. Chairman, the gentlemen whose names are signed to that petition are men of high character. They have a right to respectfully—as they have in this case—appeal to any Member of this House or to the House itself; but they would think but little of me if they believed that I would simply follow their expressed wish, expressed for their financial benefit, rather than follow the deliberate judgment which I formed from my knowledge of the circumstances of this case, and while I pay most respectful attention to their wishes I have not been able to change my judgment that the passage of this resolution would be a most serious detriment to this country in the hereafter if not in the present. What is it that is proposed to be done, Mr. Chairman? I hold in my hand the circular letter which has been received probably by nearly all Members of this House from the American Railway Appliance Exhibition, purporting to give a map of the ground which is sought use of by the resolution, and I beg to ask the distinguished gentleman from Michigan [Mr. SAMUEL W. SMITH] whether the portion of ground sought to be used is correctly represented in red on the map, as purports to be the case.

Mr. SAMUEL W. SMITH. I think so.

Mr. MANN. The distinguished gentleman from Michigan and the distinguished gentleman from Pennsylvania a moment ago said that there was nothing upon these grounds, and yet, Mr. Chairman, upon these grounds represented on that plat and covered by this resolution are trees more than fifty years of age, which, under the terms of this resolution, might be dug up, I suppose, to be replaced, as my genial friend from Pennsylvania suggests, within thirty days' time. I was struck the other day, in reading a report of one of the old inaugural balls held in Washington, by the reported fact that the people obtained authority to use a piece of public ground or park in this city upon which they located their building for the inaugural ball, and that the profits from the ball were to be divided between two charitable institutions in this city. That was the beginning of the use of public property for inaugural balls. At that time they were willing to construct their own building and devote the profits to charity, but in course of time in that case, as will happen in this case, they are no longer willing to construct their own building and the profits they want to divide among themselves.

We will shortly vote the use of the Pension building for the inaugural ball. There is not a single Member in this House who believes that that building ought to be used for that purpose, and yet because of the force of circumstances giving precedent to that site we are sure to give the use of that building for that purpose. If we give to this exhibition the use of these grounds lying right in the shadow of the Monument to Washington, right in front of the White House grounds, if we give to this exhibition the use of those grounds for that purpose, by what warrant do we refuse to give the use of the same grounds or other public grounds to the next exposition which is desired to be held in this city?

This exhibition may be in a sense an educational one, and I have no doubt it is. Behind it doubtless is a laudable ambition, but I protest against making a precedent for turning over to the use of private parties for any purpose the use of the public parks and public grounds of the city of Washington, and particularly the use of the Washington Monument lot. They might as well hold this exposition in the White House lot, a much better place, and where they have a much better excuse for using those grounds than for using these. The use of the grounds there would interfere with the pleasure of but few. Here is a proposition to devote the grounds that have been kept partly for purposes of beauty and partly for purposes of play to the uses of a private exposition. The gentleman from Michigan [Mr. SAMUEL W. SMITH], who will possibly succeed in the passage of this resolution—although when it was last debated the gentleman who proposed it was defeated—will stay in this House long enough to rue the day when he set this precedent to turn over the public parks in the city of Washington for exhibition purposes, because every international congress which may be here in the future will desire the use of some of the public grounds.

Mr. STEPHENS of Texas. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. I would ask you if it is not a fact that you have voted heretofore for expositions—the one at St. Louis, the one at Portland, Oreg., and probably the one at Buffalo, N. Y.—and if you have not been voting money of the United States constantly for years for these various expositions?

Mr. MANN. Mr. Chairman, I am very frank to answer that question. When I came into Congress the Congress had appropriated $5,000,000 for an exposition at Chicago, and my sense of decency and fairness brought me here unable to protest against voting money for any exposition after the amount which my city had received. The gentleman from Texas [Mr. STEPHENS] knows exactly what the effect is of such propositions. I stand here now ready and willing to put aside all sense of public justice and vote money to most any exposition, because I feel, on account of the fact that my own city has been the recipient of such favors, I have no right to protest against it. Here is another proposition—a new one—and against the precedent that it will form I desire to protest.

Mr. MADDOX. Will the gentleman allow me to make a suggestion?

Mr. MANN. Certainly.

Mr. MADDOX. Does this exposition depend upon having this identical piece of property?

Mr. MANN. Certainly not. Washington is a very circumscribed city. It is not as big as some wards in Chicago in my district. There is plenty of grounds upon which this exposition can be held without seeking out the Washington Monument lot.

Mr. STEPHENS of Texas. Will the gentleman please indicate where that ground which is stated as being available is located?

Mr. MANN. I can indicate by pointing a finger around in this direction and making a circle. There is no place here that is very far away. This exhibition is in aid of railways. The railways run into town, and the railways are only too anxious to carry the people on special trains free of charge from any place in this town to any exposition grounds which may be selected.

Mr. STEPHENS of Texas. Is it not a fact that this is the first time that you have had an opportunity to vote for an exhibition that cost the Government nothing, and that you are going to vote against it? Is not that a fact?

Mr. MANN. That is not a fact.

Mr. STEPHENS of Texas. I understood you to state that you have been voting all along for these expositions—voting the money of the Government for these shows.

Mr. MANN. Wherever there is an expenditure of money for the exhibitions I vote for it.

Mr. STEPHENS of Texas. There is no expenditure of money here, and is that the reason why you are voting against it?

Mr. MANN. It is not the first one——

Mr. STEPHENS of Texas. Is it not a fact that if we added $10,000 to this you would vote for it, and otherwise you would not? You mean that if this bill contained an appropriation you would vote for it so as to be consistent?

Mr. MANN. Oh, Mr. Chairman, I can very easily differentiate so that even the gentleman will be able to make a differentiation, which it seems impossible for him to do easily. I am under no obligation to the city of Washington so far as the exposition was concerned, because the city of Washington had no Representative to vote any money to my city of Chicago.

Mr. STEPHENS of Texas. Will the gentleman permit me again? Supposing that we should strike out the city of Washington and put in Chicago, would the gentleman then vote for it?

Mr. MANN. The gentleman asks if I would vote for it if it was the city of Chicago instead of Washington. The people of Chicago would do as they always do in such cases whenever application is made for the use of their public parks. I might say to the gentleman that there are plenty of these people from abroad who come to Chicago and endeavor to obtain the use of the parks and they are refused, although Chicago has a much larger park area in proportion, at least, than the city of Washington.

Mr. SAMUEL W. SMITH. The gentleman from Illinois says that application is made to the city authorities in Chicago for such use of its public parks. Have not the Commissioners of the District approved it by unanimous consent? They made a favorable recommendation.

Mr. MANN. I understand that the Commissioners of the District of Columbia, yielding to the same pressure that has been brought to bear upon me, yielding to the pressure that has been brought to bear upon the various Members of this House—legitimately; I have no complaint of it—have yielded and joined in the request for that which they know, in my judgment, ought not to be done. And then it is for the House to pass upon this question.

Mr. STEPHENS of Texas. Will the gentleman yield to me for another question?

Mr. MANN. I yield to the gentleman always.

Mr. STEPHENS of Texas. Is it not a fact that the city of Washington has no park except in connection with the parks of the United States, and the city of Washington furnishes half of the expense of keeping up these parks? And that being so, I would ask the gentleman if they should not be permitted to use these parks when their use is not only a question of being used for the city of Washington, but for the entire United States?

Mr. MANN. It would take me some time, Mr. Chairman, to point out all the objections to the suggestion of the gentleman, but a large share of what he contends is not the fact.

Mr. CHARLES B. LANDIS. Will the gentleman tell us where this exposition is to be held if not on Government property?

Mr. MANN. It can be held on private property.

Mr. CHARLES B. LANDIS. Where?

Mr. MANN. I am not now determining that question; I could select many places.

Mr. CHARLES B. LANDIS. I would like the gentleman to specify one place in the District of Columbia suited for this exposition and where it should be held.

Mr. MANN. Oh, very well; the gentleman wishes me to select a particular place for the purpose of jumping upon that place. The gentleman knows perfectly well that there are plenty of places—thousands of them—in the District of Columbia amply large enough for the purpose of this exhibition.

Mr. CHARLES B. LANDIS. I do not know a single place in the District of Columbia that is accessible and suited for this exposition that is not controlled by the Government.

Mr. MANN. Now, Mr. Chairman, just one other suggestion in this connection. In this very circular letter which was issued is shown the purported location of the new Agricultural building—right across Fourteenth street from the site of this proposed exhibition.

I have no doubt that the gentleman who got up this circular believed that that statement was true when it was put in the map. It was proposed to locate the Agricultural building in this park, just as he has stated, on Fourteenth street, but on account of the protest that went out from the people who believe in a proper city and proper parks in the city, such objection was made that the parks ought not to be used for the location of the Agricultural building that even a public building of the Government was moved. So that so far as that point of the map is concerned, in that respect it is false—not designedly false, but false, because the people objected to the use of the park, restricting the use of the park even for the purpose of putting up the Agricultural building there.

Mr. McCLEARY of Minnesota. Is not the Agricultural building to be erected on the park?

Mr. MANN. It is not to be erected in the park.

Mr. McCLEARY of Minnesota. In the Mall?

Mr. MANN. The Agricultural building is to be erected south of where the Agricultural building is now.

Mr. McCLEARY of Minnesota. That would still be in the park.

Mr. MANN. That is not in a park. That might have originally been a part of the park, but it is not within a park. There is no park there now, and has not been a park there since my friend came to Washington, and the gentleman is aware of that. I reserve the balance of my time.

Mr. McCALL. Mr. Chairman, I should like to inquire of the gentleman from Michigan if this resolution involves the destruction of any trees?

Mr. SAMUEL W. SMITH. Not as I understand it. I understand it does not destroy any trees or any shrubs. That is the information I have received.

Mr. CURTIS. And the ground is to be restored to its present condition?

Mr. SAMUEL W. SMITH. Yes; the resolution expressly provides that it shall be so restored, and a bond given.

Mr. MANN. The gentleman is aware that there is quite a number of trees and a great many shrubs on this ground?

Mr. SAMUEL W. SMITH. Not on this particular piece of ground, as I understand it.

Mr. MANN. On the particular piece contained in the plat and covered by the resolution, trees some of which are over 50 years of age.

Mr. SAMUEL W. SMITH. It is where they play baseball and football, and where two years ago the Secretary of War allowed the Grand Army of the Republic to have their tents and pavilions, and where fireworks are displayed on holidays and public occasions.

Mr. MANN. Of course I do not know whether trees or shrubs will be destroyed. No one can tell that; but the plat of ground covered by the resolution to be used by this exposition does contain large numbers of shrubs and a number of trees, some of them large trees.

Mr. LIVINGSTON. I want to suggest that I am informed and understand that there is not a tree or a shrub on the ground where this exposition is to be held.

Mr. SAMUEL W. SMITH. That is my information.

Mr. CHARLES B. LANDIS. Neither is there any grass.

Mr. BUTLER of Pennsylvania. May I ask the gentleman having the bill in charge a question?

Mr. SAMUEL W. SMITH. Yes, sir.

Mr. BUTLER of Pennsylvania. Is the report from the committee having this bill in charge a unanimous report?

Mr. SAMUEL W. SMITH. Yes; I so understand it.

I move that the resolution be laid aside with a favorable recommendation.

Mr. WILLIAMS of Mississippi. Mr. Chairman, before the question is taken on that motion I want to say that in view of the past course of the Congress of the United States I do not exactly understand the opposition to the pending measure. I have been one of a woeful minority, numbering about 40, I believe, who have stood in this House now nearly twelve years, voting against a certain course of legislation which has been exceedingly popular in many quarters of this country. Congress has hitherto taken the position that it had the right to contribute money out of the Treasury to carry on fairs and expositions in the States, where Congress has no peculiar territorial jurisdiction. Gentlemen have voted here for sums of money all the

way from $50,000 to $5,000,000 for exhibitions in all parts of the country, from Buffalo and Philadelphia to Chicago and St. Louis, to carry on fairs and expositions within the territorial jurisdiction of the States, and all that; and now to-day when the question is before the House to permit the use of an unused part of the public parkage in this city, to carry on an exposition of the most highly useful character, and not asking one dollar from the public treasury, all at once I find the legislative conscience stung to quickness of apprehension at this "great evil" which is about to take place.

If this bill were accompanied by a proposition to appropriate $30,000 or more, it would meet with less objection. It seems to me that the forty of us who have been standing here contending that the Federal Government had no right to carry on fairs and exhibitions might be heard in opposition to this bill with some degree of consistency; but, even as for us, I do not think we could be heard logically, because we have put our opposition to the other projects upon two grounds: First, the appropriation of money out of the Treasury, and that objection does not lie in this case; secondly, upon the ground that Congress was going into the States to do these things, and that does not apply here. In the District of Columbia Congress is a State legislature for all practical purposes, and has every power which a State legislature has within a State; that is to say, all the powers that the Constitution of the United States does not take away from every legislative body whatsoever.

It seems to me, Mr. Chairman, that the object of this exposition of railway appliances, and especially railway safety appliances, is of the highest importance, both to the citizens and to the railroads. The railroads ought to be made acquainted with all of the patent appliances that provide for the safety of human life. Last year we lost more lives in the United States by careless, incompetent, or some other sort of railway management than would be expended in a small war, more than were expended in the Spanish-American war. It is important that the people should see these appliances, that the railroads themselves should become intimately acquainted with them. I for my part do not see how, in view of past legislation, of this Congress especially, this bill can now be opposed.

Mr. SAMUEL W. SMITH. Mr. Chairman, I now yield to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Chairman, if the House will bear with me a moment. I so frequently agree with the distinguished gentleman from Illinois [Mr. MANN] that it pains me somewhat to disagree with him on any occasion. [Laughter.] I know that he will agree with me in saying that had his constituents known him as well as we do they would never have attempted to change his views or opinions by building a fire in the rear, or anywhere else for that matter. [Laughter.]

I, like the gentleman from Illinois, have tried also at times to pose as the guardian of the public parks of Washington, but with very poor success. It does seem to me, however, that if there ever was an occasion where we could yield slightly in this respect that this is the occasion. Here is a great exposition in this particular line, to be visited by some four or five hundred delegates from foregn countries, most of them government officials, men in charge of the great railway transportation systems of the world, and if there is any one place above all others that Americans surpass it is in the manufacture of railway appliances. Here is an opportunity to encourage American trade without a tax upon any American citizen.

Now, Mr. Chairman, we do not propose to give them any land. I think the gentleman from Illinois is mistaken in saying that it destroys any trees. There may be a few shrubs, but there is very little good sod even on the ground. You will remember it, it is the part of the Monument lot that lies just south of B street. It is only used once in a while for a playground for a baseball game, or something of that sort. Now, there is not another piece of ground within 2 or 3 miles that can be used for that purpose except some Government reservation. The ground used for this purpose must be near a railway track, where the appliances can be moved off onto the lot. It seems to me the bill is surrounded with every restriction, and it seems to me that it is eminently just and fair that they should have the use of this ground.

Mr. STEPHENS of Texas. Does not the gentleman think that it would tend greatly to lessen the number of railway accidents in this country?

Mr. COWHERD. I think a display before the country of successful appliances for preventing accidents, such as the block system, for instance, would awaken public interest and hasten their adoption by the railroads.

Mr. MANN. Mr. Chairman, I desire to yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Chairman, I think the House does not understand the question exactly as it has been discussed here this morning. I do not understand that the gentleman from Illinois [Mr. MANN] is opposed to the exposition. I certainly am not. If this exhibition depended on these particular grounds, then the argument that has been advanced here this morning would be in order. My friend from Missouri [Mr. COWHERD] says you can not find another spot of ground within 2 or 3 miles of this.

Mr. COWHERD. Except it be a Government reservation such as this is.

Mr. MADDOX. I say to the gentleman now that he can find all the ground he wants for this exhibition just across the river in Virginia. These railroads will get it as far as this is concerned if necessary. They will find it. There is no trouble about that. There is no doubt but that this is a very convenient place for them. It is not a question of voting money; it is a question of selecting a place upon which an exhibition shall take place. If the exhibition depended on this ground and it could be held nowhere else, that would be another matter.

Mr. SIBLEY. Will the gentleman yield for a question?

Mr. MADDOX. Certainly.

Mr. SIBLEY. The gentleman would not hold that we have a right to legislate this exhibition into the State of Virginia?

Mr. MADDOX. No; but as far as we are concerned, we are not obliged to legislate on the proposition at all. These gentlemen can find the land, and the gentleman from Pennsylvania knows it. Whenever a railroad wants anything they can get it in this country, as they are going to get this resolution. [Laughter.] You are going to turn it over to them. As I made the suggestion to the gentleman when he was on the floor, if Buffalo Bill had influence enough, he would have a show on this ground before this year is out. [Laughter.] It is not a question of the holding of the exposition. You are not obliged to have this place. You can select some other place if you want, and if you want you can decline to have anything to do with it, and they will find a place somewhere else.

I do not think that these parks ought to be used for this purpose. I do not think that we ought to set such a precedent. As the gentleman from Illinois has remarked, we have seen what precedents will lead to in this House. Some say that there are trees to be dug up and some grass to be removed. How are these gentlemen going to restore them as they were before? It will take years for a tree to grow.

Mr. CHARLES B. LANDIS. But suppose they do not exist?

Mr. MADDOX. Then they will not have to be replaced.

Mr. CHARLES B. LANDIS. Suppose there are no trees, suppose there are no shrubs, suppose there is no sod to be removed?

Mr. MANN. Well, suppose there is not any place there at all? [Laughter.]

Mr. MADDOX. Yes.

Mr. MANN. We are not obliged to suppose things that are not true, even if the gentleman from Indiana [Mr. CHARLES K. LANDIS] supposes them.

Mr. CHARLES B. LANDIS. I want to say to the gentleman from Illinois [Mr. MANN] that he is supposing a condition that does not exist. He is fighting a man of straw in this instance.

Mr. MADDOX. Mr. Chairman, I want to say that my information, so far as the ground is concerned, as to what is on it, I derive from the gentleman from Illinois [Mr. MANN]; and I say if his statement is true that these gentlemen can not replace these things within years. If there are trees there that have to be due up and turf removed, it will take some time to replace them; and I repeat again that the question of the exhibition does not depend upon this particular ground. It is simply a question of selection. We are all in favor of the exhibition, but I know and you know and every man in this House knows that if we decline to act to-day it will not be twenty-four hours until the railroad will find some other place upon which to place the exposition.

Mr. MANN. Mr. Chairman, the gentleman from Indiana [Mr. CHARLES B. LANDIS], who probably never has looked at this ground except from a distance—or if he has I am perfectly willing to give way to him while he describes it—says that my statement was untrue about the trees and shrubs being on the ground. The gentleman from Indiana ought to know that I would not have made a statement of that sort unless I knew whether it was true or not. I walked over this ground on Saturday from one end to the other, and I think probably that the gentleman will accept my word when I tell him that I know what is on the ground and that my information is not hearsay, like his.

Mr. CHARLES B. LANDIS. Mr. Chairman, if the gentleman will pardon me, I will state that my information is not hearsay. The gentleman from Minnesota [Mr. MCCLEARY] and the gen-

tleman from Michigan [Mr. SAMUEL W. SMITH] assure me that no tree or shrub is to be disturbed by these buildings; that there is no sod down there that is going to be injured.

Mr. MANN. The gentleman from Indiana [Mr. CHARLES B. LANDIS] has as acute a mind as there is in this assembly. I did not say whether the trees or shrubs would be injured by the buildings or not. I say that we confer the power to injure the trees and shrubs. We turn over the lots containing them. No one knows—the gentleman from Michigan [Mr. SAMUEL W. SMITH] does not know, the gentleman from Minnesota [Mr. MCCLEARY] does not know—what will be done. They are not the ones who pass upon the question when they have conferred the authority to use the ground where the trees are. Their jurisdiction has ceased then.

Mr. SAMUEL W. SMITH. Does not the gentleman think that the chairman of the Committee on Public Buildings and Grounds will see that there is no injury done?

Mr. MANN. I do not think about that. I know that the chairman of the Committee on Public Buildings and Grounds has nothing to do with this when you pass this resolution. When this resolution is passed, giving authority to use these grounds, there is not one of this assembly who has another word to say on the subject.

Mr. CHARLES B. LANDIS. Has the gentleman read the resolution?

Mr. MANN. I have.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CAMPBELL. Will the gentleman from Illinois read from line 2 to line 7 on the second page of the resolution?

Mr. MANN. I will be very glad to have the gentleman read it. I have not a copy of the bill before me.

Mr. CAMPBELL. I will read:

Provided, however, That all stands, platforms, or other temporary structures that may be erected on the space aforesaid shall be under the supervision of said general committee of arrangements and in accordance with plans to be approved by the officer in charge of public buildings and grounds.

Mr. MANN. I understand what is in the resolution, but the House gives the authority to use the grounds absolutely without any restriction so far as the House is concerned, and I do not know, and the gentleman from Kansas [Mr. CAMPBELL] does not know, what portion of the grounds may be used under that resolution. There is no restriction in the resolution on the amount of the grounds to be used. If the people who propose to put up this exhibition knew what portion of the grounds they were to use, why did not they present to this House a plat cutting out the grounds that have shrubs and trees upon them; and I say to the gentleman from Kansas [Mr. CAMPBELL] that it is not a possibility to use those grounds as proposed here without taking up a portion of the trees and shrubs on them.

Mr. SAMUEL W. SMITH. Does the gentleman desire any more time?

Mr. MANN. No.

Mr. SAMUEL W. SMITH. Mr. Chairman, I renew the motion.

The CHAIRMAN. The question is on laying aside the resolution with a favorable recommendation.

The question was taken, and the motion was agreed to.

INAUGURAL CEREMONIES, MARCH 4, 1905.

Mr. SAMUEL W. SMITH. Mr. Chairman, I will call up Senate joint resolution No. 84, authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc., which I will send to the desk.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized to grant a permit to the committee on inaugural ceremonies for the use of the Pension building in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, subject to such restrictions and regulations as the said Secretary may prescribe in respect of the period and manner of such use.

SEC. 2. That the Secretary of War is hereby authorized to grant permits to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon, and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the superintendent of public buildings and grounds, and the Superintendent of the United States Capitol Building and Grounds.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1905, to stretch suitable overhead conductors, with sufficient supports wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided,* That the said conductors shall not be used for the conveying of electrical currents after March 7, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1905: *Provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further,* That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further,* That for the purpose of this joint resolution the construction of additional underground conduits is specifically prohibited.

SEC. 4. That $15,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1905, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100, in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for temporary public-comfort stations during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service, such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided,* That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1905, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided,* That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1905.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of the streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1905: *Provided,* That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners: *Provided further,* That no temporary tracks shall be laid upon or over any of the parks of the city.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to dispense with the first reading of the resolution.

The CHAIRMAN. It is moved by the gentleman from Michigan that the first reading of the resolution be dispensed with.

The question was taken; and the motion was agreed to.

Mr. SAMUEL W. SMITH. Mr. Chairman, I do not desire to take any time except to say that the committee will ask that the Senate joint resolution be passed fixing the place for holding the inaugural ball in the Pension Office.

Mr. MCCALL. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. SAMUEL W. SMITH. Yes, sir.

Mr. MCCALL. I would like to inquire of the gentleman from Michigan what provision is made in the resolution to provide for safety from fire? I would like to say, in connection with that, that I was at the inaugural ball four years ago, and there was a great quantity of cloth, bunting, and other combustible material, and it seemed to me if a fire had broken out there, with all those thousands of people from all parts of the country, that the Iroquois fire at Chicago would have been but a slight circumstance compared with it. Since that fire almost every common council in the United States, almost all the city governments of the United States, have been making stringent provisions in regard to theaters, requiring curtains made of asbestos and similar precautions, and it seems to me that Congress should not pass a bill permitting the ball to be held under circumstances where a dangerous fire might occur. I have not read the reso-

lutions, but I think there should be stringent provisions upon that point.

Mr. SAMUEL W. SMITH. Well, it is under such regulations as the Secretary of the Interior may prescribe, and I will say that the committee that is to be in charge, which appeared before the District Committee, said every precaution would be taken to obviate any danger of fire. I desire to say further that during the preparation for the inaugural ball four years ago there were three slight fires, scarcely worth mentioning, and which I understand did not last but a moment. Every precaution is taken.

Mr. McCALL. The discussion I had seen about the matter related mainly to safety of records and safety of property, but it seems to me that a fire very disastrous to life might occur there.

Mr. SAMUEL W. SMITH. If I may interrupt the gentleman, I understand further the committee have said they do not intend to make use of cloth, but only such decorations as are fireproof.

Mr. McCALL. Then they would be of a very different character from what they were four years ago.

Mr. SAMUEL W. SMITH. That is the intention.

Mr. McCALL. It seems to me as a matter of prudence there should not be a resolution passed by Congress deferring this matter entirely to the discretion of an executive officer. It seems to me there should be some definite provision that extraordinary safeguards should be provided against fire which might result in the destruction of life. I think it should be in the resolution.

Mr. SAMUEL W. SMITH. Well, we are assured, as I said, by the committee that all precautions will be taken. Every precaution which was taken four years ago will be taken, and more, this time.

Mr. McCALL. I understand the Secretary of the Interior, speaking with reference to the safety of the records, took his position because of the nearness to fire four years ago, and he opposed the use of the building because of fires that occurred, and that might have been very disastrous to the records there.

Mr. SAMUEL W. SMITH. If I may interrupt the gentleman, I will say it is not intended to use but two floors of the building. The records will be on the upper floor or in the basement.

Mr. McCALL. It seems to me as a matter of good legislation, Mr. Chairman, that some of these safeguards should be put in the legislative act, and that Congress should not be put in the position of legislating on a matter of this character, giving it over entirely to the discretion of an executive officer. I have not read the resolution, but I could prepare an amendment. I have no doubt the Committee on the District of Columbia could very quickly prepare an amendment that would exactly cover the point I suggested.

Mr. CHARLES B. LANDIS. Mr. Chairman, did I understand the gentleman——

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. SAMUEL W. SMITH. Yes, sir.

Mr. CHARLES B. LANDIS. Did I understand the gentleman to say that four years ago there were four incipient fires?

Mr. SAMUEL W. SMITH. No, sir; I said three.

Mr. CHARLES B. LANDIS. There were three fires discovered in the Pension building?

Mr. SAMUEL W. SMITH. Yes, sir.

Mr. CHARLES B. LANDIS. During the period the building was taken over for this inaugural ball?

Mr. SAMUEL W. SMITH. That is as I understand it; yes, sir. They were extinguished, I understand, in a moment or two.

Mr. CHARLES B. LANDIS. But suppose they had not been extinguished. Do I understand the gentleman to say that the Secretary of the Interior objects to the use of this building because of the probable loss of records and life in case there should be a fire?

Mr. SAMUEL W. SMITH. Perhaps I had better refer the gentleman to the Secretary's letter, which is in the report.

Mr. McCALL. What is the substance of it?

Mr. CHARLES B. LANDIS. Did I understand the gentleman to say that the records will all be put on the third floor in order that they may not be burned in case of fire on the second or third floors?

Mr. SAMUEL W. SMITH. The records will be placed in the basement or some safe place.

Mr. CHARLES B. LANDIS. But if a fire takes place, it is to be presumed it will go down.

Mr. CAMPBELL. If I may be permitted to answer the gentleman from Indiana [Mr. CHARLES B. LANDIS], he stated to the committee that there are fire and water proof vaults in the basement of that building of sufficient size to accommodate the records.

Mr. McCALL. How about the people who will attend the ball? Can you put them in fireproof vaults? [Laughter.] It seems to me that we are hardly looking at the important part of this question. I would like to inquire of the gentleman from Michigan [Mr. SAMUEL W. SMITH] if he does not think that some amendment covering the point I have made ought to be placed in the bill?

Mr. SAMUEL W. SMITH. I am frank to say, after the statement of the gentleman who appeared before the committee and because there are so many firemen placed there, constantly in charge, that there is no need for the amendment referred to, but if the gentleman from Massachusetts [Mr. McCALL] will prepare an amendment I would be glad to insert it.

Mr. McCALL. I will be glad to vote for the gentleman's bill, but I think it would be a vicious piece of legislation to pass it in the form in which it now is. The Committee on the District of Columbia could prepare an amendment better than I could, but if the gentleman will temporarily withdraw the bill, I will attempt something in the form of an amendment.

Mr. SAMUEL W. SMITH. I think perhaps there is going to be further discussion on this bill. Can not the gentleman prepare it in the meantime?

Mr. McCALL. If there is to be a discussion, I will endeavor to prepare it.

Mr. MANN. I wish to ask the gentleman whether the resolution will contain the provisions authorizing the Commissioners to make the cab fare for that night $20?

Mr. SAMUEL W. SMITH. I think so; according to your understanding.

Mr. MANN. There is no doubt as to what the bill says, if it has not been changed.

Mr. SAMUEL W. SMITH. The bill provides that the Commissioners shall make the regulations.

Mr. MANN. And fix the rate of fare?

Mr. SAMUEL W. SMITH. Yes, sir.

Mr. MANN. And permit them to change the present or existing rate?

Mr. SAMUEL W. SMITH. It is within their hands to do so.

Mr. MANN. Permitting them to make such charge as they please?

Mr. SAMUEL W. SMITH. Yes, sir.

Mr. MANN. They can make it as high as they wish to?

Mr. COWHERD. If the gentleman will permit me, the Chairman remembers that the District Commissioners have already stated that all they intended to do, and all they wish this authorization for, was to publish the rate along with the advertisement publishing the regulations which they shall make, and that the rate that would be published would be the present existing rate. They publish an advertisement under this authorization which we give them to make certain regulations, which shall have the force of law. They advertise them, issue cards, and publish them in the papers, so that the people may obtain the information. They desire that regulation as to rates so that they may publish the rates in the advertisement and the public may know what they are. They intend to use the existing rates.

Mr. SAMUEL W. SMITH. I will point out——

Mr. COWHERD. Just a moment or two.

Mr. MANN. If the gentleman will pardon me, does he mean to inform the House that they can not advertise the existing rates unless we give them authority?

Mr. COWHERD. No; the gentleman does not seem to understand. They make certain regulations under the provisions of this bill that the bill says shall have the force of law during the time of the inauguration; and they want to publish the existing rate as part of the regulations. Now, they do not make the existing rate, and it is a question whether they would have the right to include it as a part of the regulations herein provided for and publish it in the advertisement unless they are given this authorization. When they are given the authorization they can publish it, and that is what it was intended for.

I just want to say a word upon the general proposition of the use of the Pension building. Personally, I am opposed to the use of the Pension building for the inauguration ball, or for any such purpose. The report of the Secretary of the Interior suggests that the cost to the Government is only about $30,000. I think that could well be doubled and probably tripled before we reach what will be the actual cost of the use of the Pension building for this purpose. I did not vote against this in committee, and I do not think I shall vote against it on the floor. As my friend here [Mr. FITZGERALD] has suggested, we have no responsibility on this proposition. We have had a referendum and the people have decided the Republicans shall have control of the inaugural ceremonies, and it seems to me it is up to the

gentlemen on that side of the House to decide how they shall conduct this inaugural ceremony, and what part of the Government property they will use.

But what I do want to say on this occasion is that this but further illustrates the misfortune of paternalism in government. Here is this great city of Washington, with 300,000 inhabitants, and possibly having more wealth per capita than any other city of the Union, and still they can not have the smallest kind of a public affair without calling on Congress and asking it to help them. Now, there is hardly another city in the United States approaching this in importance that has not a convention hall, or some such sort of building, for just such purposes. Yet here is a city that has the greatest civic demonstration known to the country, occurring every four years—and of course they know it is coming—and yet they make no provision for it. They have probably more great conventions held in the city of Washington than in any other city in the United States, and yet there is not a building of any kind within its limits where a convention can be held outside of the ordinary theater.

There is not another city in the country with half its wealth that would not twenty years ago by voluntary subscription have raised the money and built a hall suitable for such purposes; yet year after year, although the inaugural ceremonies and convention bring to the business men of Washington enormous profits, they come to Congress and ask that one of the Government buildings may be turned over to them for a private function, admission to which can be obtained only by purchasing tickets. [Applause.] I want to say that four years ago, as you all remember, this proposition came before Congress. We granted the Pension Office for the ball, and likewise the right to use certain other property, with the provision that they were to repair any injury that was done, and notwithstanding the guarantee they refused to make the repairs where an injury was done. In a letter they said they were not personally responsible, and therefore they declined to make the repairs. Then Congress served notice upon the city of Washington as strongly as it could possibly, by a law which passed the House and the Senate and was signed by the President, in which it said you shall not again have any Government building for use in these inaugural ceremonies.

Yet here we have them, four years afterwards, coming smiling again to us with the same old proposition, demanding the same old favor, and saying we will take care of it the next time. I have thought that for myself I would like to put the facts before the House, yet I think it is hardly the thing for this side of the House to raise any particular protest as to the manner or place of this inaugural ball or any part of the ceremonies. It seems to me the question is up to the gentlemen on that side of the Chamber. But I do believe it is a good time to suggest that this city should erect a building by the voluntary contributions of its citizens, suited for the purpose of holding such ceremonies and for the great conventions that want to come here.

Mr. McCALL. Will the gentleman permit me to ask him a question?

Mr. COWHERD. Certainly.

Mr. McCALL. Does not the gentleman think that this House ought not to be a party to having this public function held in a fire trap? Does the gentleman consider that he has not any responsibility in reference to that proposition?

Mr. COWHERD. I do not agree with the gentleman that this would be a fire trap.

Mr. McCALL. Did the gentleman go to the ball four years ago?

Mr. COWHERD. Yes.

Mr. McCALL. Does not the gentleman remember that there was a great deal of combustible cloth and other material there?

Mr. COWHERD. Yes; but the inaugural committee have guaranteed to this committee that there will be no cloth used in the decorations this year.

Mr. McCALL. Does not the gentleman think that as a matter of legislation Congress should make some provision against that in this act?

Mr. COWHERD. I certainly have no objection to it, though after the guaranties given to us by the gentlemen in charge of the matter we hardly thought it necessary to put the provision in a temporary bill of this kind. As far as the building is concerned, there is probably no building in the country that is more nearly fireproof than that. There is practically no woodwork in it; it is constructed almost entirely of brick.

Mr. McCALL. Are not all these theaters that burn with great loss of life fireproof buildings? Did not the gentleman understand that the Iroquois Theater in Chicago, where there was such terrible loss of life, was fireproof?

Mr. COWHERD. Of course there is no such thing as a fireproof building.

Mr. McCALL. I mean in the same sense in which this is a fireproof building.

Mr. COWHERD. But, as the gentleman knows, the Pension building, with all its supports and all its interior walls built out of brick, is as nearly a fireproof building probably as there is in the country. Of course you can get enough combustible material inside of it to have a fire, and if you get your fire hot enough you can destroy the building.

Mr. McCALL. I do not think the danger would come from the building burning.

Mr. Chairman, if the gentleman from Michigan will yield to me for a moment——

Mr. SAMUEL W. SMITH. How much time does the gentleman desire?

Mr. McCALL. Only three or four minutes.

Mr. SAMUEL W. SMITH. I yield to the gentleman four minutes.

The CHAIRMAN. The gentleman is recognized for four minutes.

Mr. McCALL. I do not find any provision in the bill which even refers the question of providing safeguards against fire to the discretion of the Secretary of the Interior. Four years ago there were at one time in that building the President of the United States, the Vice-President of the United States, probably a majority of the Cabinet, and a great many members of both Houses of Congress; and while I think it should sufficiently appeal to this House that the lives of American citizens should not be exposed to fire and that therefore rigid precautions should be taken, yet there is this further consideration that if there had been a fire at that time, with loss of life, the succession to the Presidency might have been destroyed and the Government for the time being paralyzed. As I said, I do not find any provision in the bill with reference to safeguards against fire, and I think the District Committee should prepare an amendment specifically providing for that point. Therefore, at the proper time, I shall ask that this bill be recommitted to the Committee on the District of Columbia with instructions that they make provision for this point that I have raised.

Mr. BAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAKER. I have listened to the discussion that has been going on here, and I have heard, I suppose, 25 per cent of it. It seems to me that all the discussion is directed to the Pension building. In this bill, a copy of which I have before me, the use of the Library of Congress is called for. As the bill was not read before this discussion commenced, I do not know whether we are asked to vote in favor of the Library of Congress or in favor of the Pension Office.

Mr. SAMUEL W. SMITH. I will say to the gentleman that the resolution will be read in a few moments.

Mr. BAKER. It seems to me it would have been better to have it read in the beginning, so that gentleman could have understood the discussion.

The CHAIRMAN. The Chair will say to the gentleman from New York that the bill will be read by sections under the five-minute rule.

Mr. BAKER. Mr. Chairman, is this general discussion?

The CHAIRMAN. General debate.

Mr. BAKER. I am afraid I am in the condition of a certain gentleman from Alabama, a former Member, who once inquired on the floor of this House "Where am I at, Mr. Speaker?" I should like to know the status of this discussion. Is this bill being considered under general debate, is it being read by sections, or how? There has been so much confusion I have been unable to find out.

The CHAIRMAN. The Chair will state to the gentleman that it is being considered under the order of general debate. The reading of the bill has not been begun.

Mr. BAKER. Is there any limit on the time?

The CHAIRMAN. No limit has been fixed to the general debate. As far as the gentleman is concerned, he is entitled to one hour.

Mr. BAKER. Mr. Chairman, I do not care for more than a few minutes. As I said, because of the noise it has been impossible for me to follow his discussion; but I am opposed to the use of any Government building for a social function. I am particularly opposed to the use of the Pension building, because it seems to me a travesty on legislation that this House, which devotes two days in each month to the consideration of pension claims, should deliberately vote that all the business connected with the Pension Office shall be suspended during the week or ten days or two weeks involved in the preparation and

the cleaning up of the Pension building before and after this inaugural ball.

It seems to me that is a preposterous proposition to come from the Republican side of the House, which makes particular claim to being the soldiers' friend. Every soldier who has a claim in the Pension Bureau must necessarily have that claim delayed and deferred by this action. That of itself would seem to be reason enough why this function should not be held in the Pension building.

But, Mr. Chairman, I am opposed to this whole procedure. As I have said once before on this floor, I am opposed to mixing up official duties and social functions. The matter of a ball has nothing at all to do with the Government of the United States. It is a purely social matter; it is a private affair that Mr. Roosevelt may engage in or not as he pleases, but it is not our business to have anything officially to do with social functions. Therefore I am opposed not only to the use of the Pension building, but to the use of any public building for that purpose.

Referring to the remarks of the gentleman from Missouri [Mr. COWHERD], this is the same old story you get all the time. The moment you begin to deal out "pap" you accustom people to come asking for favors and privileges, and they will continue to come all the time. This city of Washington—the District of Columbia—is levying upon the people of the United States to the extent of 50 per cent of its municipal expenditures, and then they are not satisfied. Why, the women on the east side of New York that are sewing their fingers off making shirts for 36 cents a dozen, these women have to pay a part of the expense of this great city of Washington, the land values of which are enormously increased every year by our public expenditures for Federal purposes, and this entirely regardless of the money that we contribute to municipal expenditures. Why, this is the one city in the United States that can afford never to have a penny of money contributed to it, because the Government is constantly expending millions of dollars in the erection of public buildings, and the erection of these buildings adds enormously to the land values, which, instead of being taxed into the public Treasury, go into the pockets of a few land speculators, among whom are some gentlemen at the other end of the Capitol and probably some in this House.

Now, gentlemen, this inaugural committee came to you four years ago and said: "Give us the use of a public building now and we will have a convention hall erected before the next inauguration." The guaranty of these people who are constantly tapping the public till is not worth a penny. No one would take it is a commercial transaction for one moment. Their guaranty has proved valueless—they have taken no such step, they have erected no hall. Twelve years ago it was demonstrated that there was more than $400,000,000 of land values here, and that land was increasing in value at the rate of $42,000,000 a year. There has, therefore, probably been added to the land values of the city of Washington within the past twelve years, since the time of the Tom L. Johnson report, at least $500,000,000. So that, based upon that investigation, which was a most exhaustive one, at the head of which was the present mayor of Cleveland, Tom L. Johnson, then a Member of this House, there are approximately $900,000,000 of land values, created in a large part by the erection of these Government buildings and by Government expenditures. And yet with this enormous communal fund available for municipal purposes, what do the people and the local papers say? They say that Washington is too poor to pay for needed public improvements, although the rental value of the land values amounts to not less than three times the total outlays for municipal purposes—both the half paid by the District and the half which the people of the whole country contributes. The people of this city who live in Washington are paying less taxes in proportion to the value of property here than is paid in any other city in the country. And yet they have the effrontery to come before the committee and the House as beggars and say: "Give us more; give us more; give us more."

This is a city in which the people are denied the right of self-government. This is the ideal city, according to the privileged classes; the city whose government is distinctly paternalistic and therefore should commend itself to the gentleman at the other end of Pennsylvania avenue, and to Wilhelm II, his great counterpart in Germany. This is a city whose form of government ought to commend itself to the Czar of Russia. Here is where autocracy rules, and the beneficiaries of that autocracy are not the great mass of the people of Washington, but those who own the land values which you are making valuable all the time by your constant expenditures of public money. And not one word does anybody here ever raise against that. How many are interested in the speculation I know not, but I at least am going to protest against this perennial, continuous robbery of the great mass of the people by indirect taxation in order to make fortunes for those who are speculating in the land of the city of Washington. I protest against the whole proceeding.

Mr. GAINES of Tennessee. Mr. Chairman, as an original proposition I would not support this resolution. I think we can have our President inaugurated without having an inaugural ball, but the fact is there is no place in the city of Washington where an inaugural ball such as we should have can be held except at the Pension building. As an original proposition I would not vote for it, but I shall not by my vote, nor my influence, stop having this affair at this time at the Pension Bureau. Before any opposition arose to this it was generally understood that the governors throughout the United States and their respective staffs, the militia, and a great many distinguished men would be invited or were already invited to come here to attend these inaugural ceremonies, a part of which is this inaugural ball. Now, regardless of party, we represent those people.

What are the wishes of the respective governors and of their staffs and of the militia and of the citizens who are to thus partake in the inauguration of our President? I did not vote for Mr. Roosevelt for President and I never intend to vote for him. That is not the question, however. The question is, inasmuch as we have already sent out invitations—and when I say we I mean the inaugural committee in charge—or have indirectly invited our governors and their political families and our distinguished citizens—and, if you please, their wives and daughters, God bless them, for we have a right to have them, and you would not have any ball if you did not have the wives and daughters here—are we going to shut the door of hospitality in the face of these distinguished people, and simply because it may endanger the files or the pension rolls that we have in days gone by kept safely? There has been no trouble. We will have no fire. Fires have been and can be avoided. No one has been killed or hurt. No one has been held up and no trouble has come of it. It is true that it is a bad policy, and I will agree with my friend, the gentleman from New York [Mr. BAKER]——

Mr. BAKER. Then, why don't you vote against it?

Mr. GAINES of Tennessee. Because it will be inhospitable as the matter stands.

Mr. BAKER. Oh, be consistent.

Mr. GAINES of Tennessee. And I never saw the time in my life when I would be willfully discourteous to a woman or a governor or any other person in this country to whom I ought to be courteous. That is why.

Mr. BAKER. But the gentleman is not responsible to them.

Mr. GAINES of Tennessee. No; and neither is the gentleman from New York.

I may not go to this affair, the chances are that I will not, but I do not want it said that we are all at once to have a spasm of economy and be discourteous to the President of the United States. Although he is a Republican, we can be courteous to him. I know I want to be. And are we, all at once, to say that he shall not have what Mr. Cleveland and his successors had. Now, Mr. Cleveland is a New York man, and he is the first man that ever had an inaugural ball in the Pension Bureau. He and his friends set the example. Personally, I believe in doing like Jefferson did—getting on a horse and going before the Chief Justice of the Supreme Court and taking the oath of office and then going back and going to work. But, Mr. Chairman, the common law of "inauguration" has always been, except in the case of the great Democrat, to have an "inaugural ball." Now, there is not a hall in the city, I am informed, there is not a hotel in the city, I am informed, where the ball may be held. I have made some inquiries. It is true I have not been here; I have been sick, as everyone knows. I have been inquiring, however, because I want to be fair and just, I want to be propitious, and I do not want us to have a spasm of economy and in doing so be discourteous to our President, our governors, their staffs, and their wives and their daughters and invited guests. [Applause.]

But let us serve notice, and I now serve notice, Mr. Chairman, that I shall never again vote for an inaugural ball to be in the Pension Bureau; never again as long as I live, and I hope to be in Congress as long as I live. [Laughter and applause.]

Mr. BAKER. Will the gentleman yield?

Mr. GAINES of Tennessee. I will, but——

Mr. BAKER. You say you serve notice upon these people?

Mr. GAINES of Tennessee. I do, and you, too, because you will be back in Congress. I hope you will come back, BAKER, because you are a good fellow.

Mr. BAKER. I am obliged to my friend, although that's a debatable question. But I want to ask the gentleman this question.

Mr. GAINES of Tennessee. I want five minutes more, Mr. Chairman.

Several MEMBERS. You have an hour.

Mr. GAINES of Tennessee. I do not want all that.

Mr. BAKER. I want to ask the gentleman a question. The gentleman said he serves notice upon these people that he will be opposed to the inaugural ball being held in a public building four years from now.

Mr. GAINES of Tennessee. I do now.

Mr. BAKER. Important as is that notice from my friend from Tennessee, surely the gentleman does not consider that notice as important as the official notice from this House which was served upon these people four years ago in regard to the holding of this ball in a public building.

Mr. GAINES of Tennessee. No; they did not do any such thing.

Mr. BAKER. If they refuse to take notice, a notice of the House, what probability is there that they are going to take the notice now served by my distinguished friend from Tennessee? [Laughter and applause.]

Mr. GAINES of Tennessee. Wait a minute. My friend from New York is great on statistics, but I am afraid he is poor on law. The law does not say we shall not have this inaugural ball in the Pension Bureau. It says in effect that we can use any public building if Congress says so. Now, I say it will be discourteous to the whole nation, it will be discourteous when the matter has gone as far as it has, after committees have been formed, after they have labored hard—and I do not know a single committeeman, not one—after they have invited the governors, as I say, after we have invited the 80,000,000 of people who are expected here, thus to shut the door in their faces. It is like inviting a man into your house to partake of your hospitality and as soon as he rings the doorbell you open the door and then shut it in his face.

I say it would look to me like a small thing for a great legislative body, for a great Congress of a great people to be thus inhospitable and thus discourteous; but, Mr. Chairman, I will serve notice now that, regardless whether we shall have an inaugural ball four years from now or not, or whether the President inaugurated is a Democrat or Republican—I hope it will be a Democrat, and if it is, I propose to go right up to the White House and tell him he may have his inaugural ball somewhere else than at the public expense, and I shall insist, as I do now——

Mr. DINSMORE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Arkansas?

Mr. GAINES of Tennessee. Let me finish my proposition—of course I will yield to the gentleman from Arkansas.

Mr. DINSMORE. I would like to ask the gentleman if Convention Hall would be adequate to the requirements, and whether it would be a suitable place to hold an inaugural ball? It certainly is large enough.

Mr. GAINES of Tennessee. I really do not know.

Mr. DINSMORE. I never heard anybody mention it, and of course if it is possible to have it somewhere else——

Mr. GAINES of Tennessee. My observation is—and I am speaking upon the assumption that everything stated here is a fact, that nobody is supposed to be misleading anybody here—I understand that there is no other place in all Washington where this ball can be held except at this particular place, and that is why, I say, have it there.

Mr. DINSMORE. I most decidedly prefer to have it, if it is to be held, at the Pension building rather than in the Capitol or in the Library, but it would be desirable to have it elsewhere if a building could be obtained adequate to the purposes.

Mr. GAINES of Tennessee. I would say to my friend that I have been informed since he has made his inquiry that the Convention Hall is situated over a butcher's shop.

Mr. DINSMORE. They might move the butcher's shop out.

Mr. GAINES of Tennessee. Surely we do not want to have the inaugural ball there, and I know my friend would not for a moment be there if that was the case. So, with the lights before us——

Mr. SIMS. I understand the gentleman to say that Mr. Cleveland had a ball in the Pension Office?

Mr. GAINES of Tennessee. My information is that the first time the inaugural ball was held in the Pension Office was when Mr. Cleveland was first inaugurated.

Mr. SIMS. Mr. Cleveland did not have a ball anywhere. Mr. Roosevelt does not propose to hold a ball anywhere. This is a ball of the inaugural committee with which to raise money to defray expenses, and is not a Government function.

Mr. GAINES of Tennessee. My friend is too broad and liberal minded to higgle over a technicality. The Government does not vote for that ball to be held, but the people of Washington are going to have it, and the people of the United States are going to have it, and everybody will have a chance to be there—I hope they will be there—although I now have no intention of attending it.

But the fact is, Mr. Chairman, that an inaugural ball was held there when Mr. Cleveland took the oath of office, and I want to say, furthermore, that I went to an inaugural ball there about four years ago, where I saw the lamented McKinley and his lovely wife, and everybody was paying respect to them because they were there. If there had not been an inaugural ball, the President and his wife would not have been there. It was given to see them there and they were there. And surely we do not want to have an inaugural ball in a place where it should not be, where the President and his wife and his daughters, and the Cabinet and their friends, and the American people are coming to celebrate the inauguration of the President of the United States.

I do not wish to shut the gates now in the face of this matter, for it has gone too far, and to do so would appear discourteous. And I put it on another ground, which is a subordinate one. I am a Southern man. I do not wish to appear petulant and narrow-minded about the President, because he is a Republican and defeated my friend Judge Parker for President. No man shall righteously accuse me of being narrow and little. Then, Mr. Chairman, there is another reason. The President is trying to do right; thank the Lord for that! The President is trying to give teeth to our Interstate Commerce Commission that will haul up before the bar of justice the railroads that have been robbing the American people, and, by the eternal! I am with the President, and do not care how long the teeth will be which we put in the law.

Again, Mr. Chairman, the President seems to be trying to unhorse the infernal trusts that are robbing the people of the United States by starting out his dogs of war, even if he has done so after the election, and I wish to take his hand the first time I get a chance and shake it, because of this action. I understand he called up a few of the knowing Republicans—he might have called up a few more if he had let me pick them out—last Saturday and asked them if it was not right to tear down the robber tariff that is robbing and destroying the people, their liberties, and their rights. I am with him on that. I am with him on all the things, Mr. Chairman, which I think are right. If he stands for these things I will stand with him.

I confess I falter when you ask me to shut the door of hospitality in the face of the President and appear discourteous to him, discourteous to his family, discourteous to his Cabinet, and discourteous to 80,000,000 people who want to see him inaugurated like we have inaugurated many of his predecessors.

Mr. SIMS. Will my colleague permit me to ask him another question?

Mr. GAINES of Tennessee. Certainly.

Mr. SIMS. Does the gentleman think it will have any effect on the policy of the Administration with regard to trusts whether this ball is held in one building or another?

Mr. GAINES of Tennessee. I want to show how happy we are that he is getting after these outlaws; that he is trying to execute the law; and I hope he will do it. I do not care whether he is a Democrat or Republican. I am a little bit mad at him that he did not put some Democrats and Republicans, too, connected with the merger cases in the penitentiary. I want him to put them in so thick that their heads will stick out through the front door and their hoofs through the back windows. I want to see the law enforced and the people of this country put on top by overcoming the trusts that are strangling the commercial arteries of this fair land. Above all things I am an American, and that is another reason why I want to be hospitable to the President, and for this additional reason I shall vote for this resolution.

Mr. SAMUEL W. SMITH. I ask for the reading of the joint resolution.

The Clerk read as follows:

Senate joint resolution No. 84.

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, subject to such restrictions and regulations as the said Secretary may prescribe in respect of the period and manner of such use.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "the," strike out the words "Secretary of the Interior is" and insert in lieu thereof "Librarian of Congress and the Superintendent of the Library Building and Grounds;" in line 6, after the words "use of the," strike out "Pension building" and in-

sert "building for the Library of Congress;" in line 11 strike out the word "Secretary" and insert "Librarian and superintendent."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken; and the amendments recommended by the committee were rejected.

Mr. SAMUEL W. SMITH. I send up an amendment.

The Clerk read as follows:

Page 1, line 12, add, after the word "use," the words "including all necessary safeguards against fire and for the extinguishing of fire."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. SAMUEL W. SMITH. In this connection, Mr. Chairman, I send a letter from General Wilson to the Clerk's desk and ask to have it read.

The letter was read, as follows:

INAUGURAL COMMITTEE,
Washington, January 7, 1905.

HON. EDWARD DE V. MORRELL, M. C.,
1701 K street, Washington, D. C.

MY DEAR SIR: Referring to the joint resolution now before Congress, granting the use of the Pension building, parks, etc., to the inaugural committee, I desire to say to you that should Congress, in its wisdom, conclude to act favorably upon this resolution, it is our purpose, so far as the Pension building is concerned, to ask "the minimum of use" consistent with the grandeur of the occasion, and to see that it receives "the maximum of protection and safety," so far as persons, property, and records are concerned.

Yours, very cordially, JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army, Retired,
Chairman Inaugural Committee.

The Clerk read as follows:

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc., belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 28th day of February, and they shall be returned by him by the 10th day of March, 1905: *Provided further*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1905, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use.

Mr. SAMUEL W. SMITH. Mr. Chairman, on page 5, line 24, I move to strike out the word "eighth" and insert the word "fourth." The committee say that they desire these days during which to secure the flags.

The Clerk read as follows:

Page 5, line 24, strike out the word "eighth" and insert the word "fourth," so as to read "twenty-fourth day of February."

The question was taken; and the amendment was agreed to.

Mr. SAMUEL W. SMITH. I send to the Clerk's desk an amendment which is satisfactory to the gentleman from Mississippi [Mr. WILLIAMS], and I hope it will be satisfactory to the committee.

The Clerk read as follows:

Page 6, line 17, after the word "use" insert: "*And provided further*, that the said inaugural committee shall give bond, with security satisfactory to the Secretary of War, to do the same."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension Building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1905.

The amendment recommended by the committee was read, as follows:

In lines 21 and 22 strike out "Pension building" and insert "building for the Library of Congress."

The question was taken, and the amendment was rejected.

The reading of the bill by sections was resumed and concluded.

Mr. SAMUEL W. SMITH. I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SAMUEL W. SMITH. Division.

Mr. BARTLETT. Mr. Chairman, I desire to find out what we are voting upon.

The CHAIRMAN. The question is on laying Senate Joint Resolution 84 aside with a favorable recommendation, and a division has been called for.

The committee divided; and there were—ayes 54, noes 30.

Mr. BAKER. I raise the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York raises the point of no quorum. The Chair will count. [After counting the committee.] One hundred and twenty-four Members, a quorum present. The ayes have it, and the joint resolution will be laid aside to be reported to the House with a favorable recommendation.

Mr. SAMUEL W. SMITH. I move that House joint resolution 160, granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exposition, be reported to the House with the recommendation that it lie upon the table. Action upon this resolution is not necessary, in view of the fact that the similar Senate resolution has been ordered reported favorably.

The CHAIRMAN. The gentleman moves that House joint resolution 160 be reported with the recommendation that it lie on the table.

The motion was agreed to.

And then, on motion of Mr. SAMUEL W. SMITH, the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate resolution 79 without amendment and Senate resolution 84 with amendments, and had directed him to report the same to the House with the recommendation that they do pass; and had directed him to report House joint resolution 160 with the recommendation that it lie on the table.

The SPEAKER. The Clerk will report the first resolution.

RAILWAY APPLIANCE EXHIBITION.

The first business reported from the Committee of the Whole House on the state of the Union was the joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

Mr. SAMUEL W. SMITH. I move the previous question on the joint resolution to its passage.

The previous question was ordered.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

INAUGURAL CEREMONIES.

The next business reported from the Committee of the Whole House on the state of the Union was the joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc., with amendments.

Mr. SAMUEL W. SMITH. Mr. Speaker, I move the previous question on that resolution.

Mr. CHARLES B. LANDIS. Mr. Speaker, I should like to have five minutes.

Mr. SAMUEL W. SMITH. I withdraw the request and yield to the gentleman from Indiana for three minutes.

Mr. CHARLES B. LANDIS. Mr. Speaker, I have asked the gentleman from Michigan to yield me five minutes in order that I might have read by the Clerk an extract from a letter from the Secretary of the Interior bearing on the question of the use of the Pension building for the inaugural ball. I desire to state in this connection that I promised some member of the District Committee that I would vote to allow the Pension building for this purpose. I did not know at that time what a risk we were taking, that there was an even chance of this action resulting in the utter and absolute destruction of all the records in that building. I ask the Clerk to read this extract.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The element of danger from fire and loss of papers attendant upon such occupancy of the building is one which can not be lightly passed over when it is considered that the loss of papers and evidence in pending claims, which can not be duplicated, would be irreparable and work great injury upon many deserving claimants, doubtless preventing favorable action by the Bureau on their claims and necessitating the petitioning of Congress for relief. Aside from the large mass of records and papers in the various divisions of the office in everyday use in the work of this great Bureau it should be borne in mind that there are stored in the upper portion of the building the papers in

1,650,400 adjudicated pension claims, and on the floor of the court there are 369 file cases, in four sections, containing 450,000 pending applications and abandoned files. All this material is of inflammable character.

As a matter of information, it may be stated that as a result of the occupancy of this building at the last inauguration in 1901, to say nothing of the incidental damage to the building and the furniture by reason of such use, the loss of time of the employees of that Bureau, I am credibly informed, aggregated in value $30,000.

It may also be stated that during that period three fires occurred in the building, as follows:

March 2, 1901, at 9.30 a. m., on the first landing of the northern stairway, caused by a leakage from a gasoline torch.

March 3, 1901, at 1.40 p. m., caused by the ignition of a lot of straw at the back of the musicians' stand.

March 3, 1901, at 7.12 p. m., in the second balcony, caused by the breaking of an electric-light globe, the hot glass falling on the decorations and igniting them.

These fires were extinguished without doing any great amount of damage, but they show the possibility of similar fires occurring in the future if the building is used for the same purpose.

The Commissioner of Pensions in submitting a report on March 21, 1901, as to the result of the use of the Pension Office building for the inaugural ball stated, among other things, that "as little loss of time as practicable took place, and I am under many obligations to the employees of the Bureau for their general supervision and care of the property and papers, but I desire to say to you now that this building should never again be used for the purpose of the inaugural ball."

In view of the circumstances recited above, I do not deem it expedient to express any opinion as to the propriety of the passage of the resolution above mentioned, believing that the question presented is one which should be settled in such manner as Congress in its wisdom deems best.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Mr. CHARLES B. LANDIS. Now, Mr. Speaker, I desire to add only this——

Mr. GAINES of Tennessee. What is the date of that letter?

Mr. CHARLES B. LANDIS. December 12, 1904. I have only this to add, that with that warning I can not see my way clear to vote for the use of the Pension building for the inaugural ball. There were three fires in that building in three days. This is a warning upon which this House can not turn its back. I do not know that what is called an inaugural ball is at all necessary. If it is, let it be held in some other building. Were it held in the Congressional Library and that building destroyed, the books could be restored and the records there duplicated. The records in that Pension building could never be duplicated. If burned, they would be lost forever. This House can not afford to take the chance after this solemn warning from the Secretary of the Interior. Not only do we risk the destruction of that building, with all the records in it, which could not be replaced, and whose loss would visit hardship and woe upon millions of people, upon soldiers and their widows and orphan children, but the lives of 15,000 people who will crowd that building would be jeopardized. The burning of that building, which was threatened three times in three days four years ago, would result in a calamity compared with which the Iroquois Theater fire in Chicago would be as nothing. When the time comes, Mr. Speaker, I propose to call for the yeas and nays on this question.

Mr. GAINES of Tennessee. Will my friend allow me to interrupt him one moment?

Mr. CHARLES B. LANDIS. Yes.

Mr. GAINES of Tennessee. Not a single one of those fires occurred on the night of the inaugural ball.

Mr. CHARLES B. LANDIS. No.

Mr. GAINES of Tennessee. How did they manage the lights and other things on the night of the inaugural ball when they did not set anything on fire?

Mr. CHARLES B. LANDIS. I do not know.

Mr. GAINES of Tennessee. Can they not manage equally as well again?

Mr. CHARLES B. LANDIS. Why, fires are accidents, and you can not tell when they will occur.

Mr. GAINES of Tennessee. The gentleman speaks about the danger of 15,000 people being burned. No fire occurred on the night of the inaugural ball, which shows that they knew better how to manage it on that night than they did on the 1st, 2d, and 3d of March, when the fires did occur.

Mr. CHARLES B. LANDIS. I think those are questions that answer themselves.

Mr. BAKER. Will the gentleman yield?

Mr. SAMUEL W. SMITH. Yes.

Mr. BAKER. It must be perfectly obvious that as the building did not burn down before it will not burn down now. [Laughter.]

Mr. GAINES of Tennessee. It shows that they know better how to manage the thing on the night of the 4th than they did on the 1st, 2d, and 3d. If they had known as well how to manage it on the 1st, 2d, and 3d as they did on the night of the 4th there would have been no fire.

Mr. CHARLES B. LANDIS. I presume the same line of reasoning would lead to the conclusion that the Iroquois Theater managers knew how to manage the building night after night before, but on that particular afternoon it burned they did not know how to manage it.

Mr. GAINES of Tennessee. As a matter of fact they did not have any fire there to show them how to use common sense before. [Laughter.]

Mr. SAMUEL W. SMITH. Mr. Speaker, I now renew my motion for the previous question on the joint resolution and amendment.

The question was taken; and on a division (demanded by Mr. BAKER) there were—ayes 74, noes 23.

So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate joint resolution.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Indiana asks for the yeas and nays.

Mr. CHARLES B. LANDIS. I will withdraw that demand, but I desire to give notice that I shall ask for the yeas and nays on the passage of the resolution.

The question was then taken; and there were—ayes 72, noes 51.

So the joint resolution was read a third time.

The SPEAKER. The question now is on the passage of the Senate joint resolution.

Mr. SAMUEL W. SMITH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 90, answered "present" 10, not voting 148, as follows:

YEAS—137.

Adams, Pa.	Esch	Jackson, Ohio	Ransdell, La.
Adams, Wis.	Evans	Jenkins	Richardson, Ala.
Aiken	Fitzgerald	Jones, Wash.	Rodenberg
Allen	Fordney.	Kennedy	Scarborough
Bassett	Foss	Ketcham	Sherley
Bede	Foster, Vt.	Kline	Sherman
Birdsall	Gaines, Tenn.	Kluttz	Shiras
Brooks	Garber.	Knapp	Small
Broussard	Gardner, Mich.	Knowland	Smith, Ill.
Brown, Pa.	Gilbert	Kyle	Smith, Samuel W.
Brown, Wis.	Gillet, N. Y.	Lacey	Smith, N. Y.
Brownlow	Gillett, Cal.	Lamb	Smith, Pa.
Brundidge	Gillett, Mass.	Lever	Southall
Buckman	Glass	Lewis	Southard
Burkett	Goldfogle	Lindsay	Sperry
Burleson	Graff	Livingston	Steenerson
Butler, Pa.	Griffith	Longworth	Stevens, Minn.
Byrd	Griggs	Loud	Sulloway
Campbell	Grosvenor	Lovering	Talbott
Capron	Gudger	Lucking	Thomas, N. C.
Conner	Hamilton	McCarthy	Thomas, Ohio
Cooper, Wis.	Haskins	McCleary, Minn.	Tirrell
Crumpacker	Haugen	McLachlan	Townsend
Currier	Hedge	McLain	Van Duzer
Curtis	Henry, Conn.	Macon	Van Voorhis
Cushman	Hepburn	Maddox	Warner
Darragh	Hill, Conn.	Maynard	Warnock
Davis, Minn.	Hinshaw	Miers, Ind.	Webber
Dickerman	Hitt	Miller	Weems
Dinsmore	Hogg	Mudd	Wiley, N. J.
Douglas	Holliday	Needham	Williams, Miss.
Draper	Huff	Otjen	Wynn
Dresser	Humphreys, Miss.	Patterson, Pa.	
Driscoll	Hunt	Porter	
Dwight	Hunter	Powers, Mass.	

NAYS—90.

Ames	Gregg	Murdock	Shober
Baker	Hamlin	Norris	Shull
Bartlett	Harrison	Padgett	Sims
Bates	Henry, Tex.	Page	Slayden
Beall, Tex.	Hermann	Palmer	Smith, Iowa
Benton	Hopkins	Patterson, N. C.	Smith, Tex.
Bonynge	Johnson	Perkins	Snapp
Boutell	Jones, Va.	Pinckney	Snook
Bowie	Kehoe	Pou	Spalding
Breazeale	Kinkaid	Powers, Me.	Stafford
Cassingham	Kitchin, Wm. W.	Prince	Stephens, Tex.
Clark	Knopf	Randell, Tex.	Tawney
Clayton	Lamar, Mo.	Reeder	Underwood
Cousins	Landis, Chas. B.	Reid	Vandiver
Cromer	Landis, Frederick	Rhea	Volstead
Dalzell	Lester	Rider	Weisse
De Armond	Little	Roberts	Williams, Ill.
Field	Lloyd	Robinson, Ark.	Woodyard
Fuller	Lorimer	Robinson, Ind.	Young
Gibson	McCall	Rucker	Zenor
Gillespie	Mann	Ryan	The Speaker
Goebel.	Marshall	Shackleford	
Granger	Moon, Tenn.	Sheppard	

ANSWERED "PRESENT"—10.

Adamson	Dixon	McAndrews	Wanger
Cowherd	Gooch	Smith, Ky.	
Daniels	Hay	Taylor	

NOT VOTING—148.

Acheson	Davis, Fla.	James	Richardson, Tenn.
Alexander	Dayton	Keliher	Rixey
Babcock	Deemer	Kitchin, Claude	Robb
Badger	Denny	Lafean	Robertson, La.
Bankhead	Dougherty	Lamar, Fla.	Ruppert
Bartholdt	Dovener	Lawrence	Russell
Beidler	Dunwell	Legare	Scott
Bell, Cal.	Emerich	Lilley	Scudder
Penny	Finley	Lind	Sibley
Bingham	Fitzpatrick	Littauer	Slemp
Bishop	Flack	Littlefield	Smith, Wm. Alden
Bowers	Flood	Livernash	Southwick
Bowersock	Foster, Ill.	Loudenslager	Sparkman
Bradley	Fowler	McCreary, Pa.	Spight
Brandegee	French	McDermott	Stanley
Brantley	Gaines, W. Va.	McMorran	Sterling
Brick	Gardner, Mass.	McNary	Sullivan, Mass.
Burgess	Gardner, N. J.	Mahon	Sullivan, N. Y.
Burke	Garner	Marsh	Sulzer
Burleigh	Goulden	Martin	Swanson
Burnett	Greene	Meyer, La.	Tate
Burton	Hardwick	Minor	Thayer
Butler, Mo.	Hearst	Mondell	Thomas, Iowa
Calderhead	Heflin	Moon, Pa.	Trimble
Caldwell	Hemenway	Morgan	Vreeland
Candler	Hildebrant	Morrell	Wachter
Cassel	Hill, Miss.	Nevin	Wade
Castor	Hitchcock	Olmsted	Wadsworth
Cochran, Mo.	Houston	Otis	Wallace
Cockran, N. Y.	Howard	Overstreet	Watson
Connell	Howell, N. J.	Parker	Webb
Cooper, Pa.	Howell, Utah	Patterson, Tenn.	Wiley, Ala.
Cooper, Tex.	Hughes, N. J.	Payne	Williamson
Croft	Hughes, W. Va.	Pearre	Wilson, Ill.
Crowley	Hull	Pierce	Wilson, N. Y.
Davey, La.	Humphrey, Wash.	Pujo	Wood
Davidson	Jackson, Md.	Rainey	Wright

The SPEAKER. Mr. Clerk, call my name.

The Clerk called the name of the Speaker and he answered "No."

So the joint resolution was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. DEEMER with Mr. DENNY.

Mr. BURKE with Mr. COOPER of Texas.

Mr. GREENE with Mr. MCNARY.

Mr. HILDEBRANT with Mr. HITCHCOCK.

Mr. HOWELL of New Jersey with Mr. GARNER.

Mr. HOWELL of Utah with Mr. HEFLIN.

Mr. HUGHES of West Virginia with Mr. HEARST.

Mr. HUMPHREY of Washington with Mr. HUGHES of New Jersey.

Mr. LAFEAN with Mr. KELIHER.

Mr. LAWRENCE with Mr. CLAUDE KITCHIN.

Mr. SIBLEY with Mr. MCDERMOTT.

Mr. LITTLEFIELD with Mr. LAMAR of Florida.

Mr. MCCREARY of Pennsylvania with Mr. LIND.

Mr. MCMORRAN with Mr. PATTERSON of Tennessee.

Mr. MARSH with Mr. PUJO.

Mr. MARTIN with Mr. RAINEY.

Mr. MINOR with Mr. RIXEY.

Mr. MONDELL with Mr. ROBB.

Mr. MORGAN with Mr. SCUDDER.

Mr. NEVIN with Mr. SPARKMAN.

Mr. PEARRE with Mr. SPIGHT.

Mr. SLEMP with Mr. STANLEY.

Mr. VREELAND with Mr. SULLIVAN of New York.

Mr. WILLIAMSON with Mr. THAYER.

Mr. WRIGHT with Mr. TRIMBLE.

Mr. DIXON with Mr. WADE.

Mr. OTIS with Mr. WEBB.

Mr. DUNWELL with Mr. WILEY of Alabama.

Mr. GARDNER of New Jersey with Mr. FOSTER of Illinois.

Mr. GARDNER of Massachusetts with Mr. FLOOD.

Mr. FRENCH with Mr. FITZPATRICK.

Mr. FOWLER with Mr. FINLEY.

Mr. FLACK with Mr. EMERICH.

Mr. CALDERHEAD with Mr. CROWLEY.

Mr. COOPER of Pennsylvania with Mr. DAVEY of Louisiana.

Mr. DAVIDSON with Mr. DAVIS of Florida.

Mr. SCOTT with Mr. BOWERS.

Mr. OLMSTED with Mr. RUPPERT.

Mr. BARTHOLDT with Mr. DOUGHERTY.

Mr. LOUDENSLAGER with Mr. HILL of Mississippi.

Mr. WOOD with Mr. WALLACE.

Mr. ALEXANDER with Mr. CROFT.

Mr. MORRELL with Mr. RUSSELL.

Mr. DOVENER with Mr. BANKHEAD.

Mr. GAINES of West Virginia with Mr. HARDWICK.

Mr. BRADLEY with Mr. GOULDEN.

Mr. WM. ALDEN SMITH with Mr. CANDLER.

Mr. STERLING with Mr. JAMES.

Mr. BURTON with Mr. BURGESS.

Mr. HEMENWAY with Mr. TAYLOR.

Mr. OVERSTREET with Mr. BELL of California.

Mr. BRANDEGEE with Mr. CALDWELL.

Mr. BINGHAM with Mr. RICHARDSON of Tennessee.

Mr. HULL with Mr. HAY.

Mr. MAHON with Mr. HOUSTON.

Mr. PAYNE with Mr. ROBERTSON of Louisiana.

Mr. WATSON with Mr. WILSON of New York.

Mr. ACHESON with Mr. BADGER.

Mr. BISHOP with Mr. BENNY.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. BRICK with Mr. COCHRAN of Missouri.

Mr. LITTAUER with Mr. COCKRAN of New York.

For the vote:

Mr. SOUTHWICK with Mr. LIVERNASH.

Until further notice:

Mr. BROWNLOW with Mr. PIERCE.

Mr. THOMAS of Iowa with Mr. SMITH of Kentucky.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. WILSON of Illinois with Mr. LEGARE.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. BEIDLER with Mr. HOWARD.

Mr. CASSEL with Mr. GOOCH.

Mr. BABCOCK with Mr. SULLIVAN of Massachusetts.

Mr. WADSWORTH with Mr. SWANSON.

Mr. WACHTER with Mr. SULZER.

Mr. CASTOR with Mr. TATE.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. DAYTON with Mr. MEYER of Louisiana.

The result of the vote was announced as above recorded.

By unanimous consent, House resolution 160 was laid on the table.

EAST WASHINGTON TRACTION RAILWAY COMPANY.

Mr. SAMUEL W. SMITH. Mr. Speaker, I call up the bill (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the name of the East Washington Heights Traction Railroad Company is hereby changed to the East Washington Heights Railway Company.

Mr. SAMUEL W. SMITH. Mr. Speaker, the only change made is simply taking out the word "traction." I call for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

THIRTEEN-AND-A-HALF STREET.

Mr. SAMUEL W. SMITH. Mr. Speaker, I call up the bill (H. R. 15477) to change the name of Thirteen-and-a-half street to Linworth place, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the minor street passing through squares Nos. 263 to 270, inclusive, lying between B street and Maryland avenue, and Thirteenth and Fourteenth streets SW., in the District of Columbia, and known as "Thirteen-and-a-half street," shall hereafter be known and designated as "Linworth place."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

PERMANENT SYSTEM OF HIGHWAYS, DISTRICT OF COLUMBIA.

Mr. SAMUEL W. SMITH. Mr. Speaker, I call up the bill (H. R. 16460) to authorize certain changes in the permanent system of highways, District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying north of the Sheriff road and east of the right of way of the Alexandria branch of the Baltimore and Ohio Railroad Company and extending to the District line, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act, approved June 28, 1898; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of the District of Columbia.

The Clerk read the following amendment:

In line 6, page 1, strike out the word "east" and insert in lieu thereof the word "southeast."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

AUTHORIZING UNION TRUST AND STORAGE COMPANY TO CHANGE ITS NAME.

Mr. SAMUEL W. SMITH. Mr. Speaker, I desire to call up the bill H. R. 16582.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name.

Be it enacted, etc., That the Union Trust and Storage Company, of the District of Columbia, a body corporate, duly incorporated under an act approved October 1, 1890, and entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," be, and is hereby, authorized to change its name to The Union Trust Company of the District of Columbia, the said change of name to be complete and effectual when said corporation shall have filed with the recorder of deeds of the District of Columbia an amended certificate of incorporation setting forth the change in name hereby authorized, and shall also have filed a copy of said amended certificate of incorporation with the Comptroller of the Currency of the United States.

SEC. 2. That Congress may at any time amend, alter, or repeal this act.

Mr. SAMUEL W. SMITH. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

COLLECTION AND DISPOSAL OF GARBAGE, ASHES, ETC.

Mr. SAMUEL W. SMITH. Mr. Speaker, I desire to call up the bill H. R. 16802.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 16802) to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, etc.

Be it enacted, etc., That the Commissioners of the District of Columbia may, on and after the passage of this act, enter into a contract or contracts with the lowest and best bidder for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, in accordance with contract specifications, for a period or periods not to extend beyond June 30, 1910. Said Commissioners shall definitely fix the collection districts in the city of Washington and District of Columbia, and stipulate in said contract specifications the number of collections to be made, whether daily, semiweekly, or triweekly in said districts, so that efficient collections may be enforced, and to require that all bidders shall stipulate in their proposals the increased compensation they will require if semiweekly collections are required to be made triweekly or triweekly collections are to be made daily in any of said districts or portions of such districts, and the reduction in compensation said bidders will concede if daily collections are changed to triweekly or triweekly collections are changed to semiweekly in any of said districts or portions of such districts: *Provided*, That all garbage collected under the provisions of this act shall be disposed of through a reduction or consumption process in such manner as to entail no damage or claim against the District of Columbia for such disposal, and subject to the sanitary inspection and approval of the Commissioners. All contracts shall expressly provide that no garbage or other vegetable or animal matter shall be dumped into the Potomac River or any other waters, fed to animals, or exposed to the elements upon lands within the District of Columbia: *Provided further*, That said Commissioners are hereby authorized to make all regulations necessary for the collection and disposal of garbage, miscellaneous refuse, ashes, dead animals, and night soil, and to annex to such regulations such penalties as may in the judgment of said Commissioners be necessary to secure the enforcement thereof.

The amendments were read, as follows:

Page 1, line 5, insert after the word "contract" the words "with the lowest and best bidder."

Page 2, line 17, insert after the word "lands" the words "within the District of Columbia."

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask for a vote.

The SPEAKER. The Chair will ask the gentleman whether this bill entails a charge upon the Federal Treasury in whole or in part that is not now imposed upon it?

Mr. SAMUEL W. SMITH. I do not think, Mr. Speaker, it does. I understand it is similar in its provisions to a bill which was passed five years ago—almost word for word, as I am informed by the Commissioners.

Mr. DALZELL. Why is it asked to be passed now? Will it expire by limitation?

Mr. SAMUEL W. SMITH. They desire this bill passed at this time so the Appropriations Committee can incorporate in their bill the amount that will be bid if this bill becomes a law.

Mr. DALZELL. This simply preserves existing conditions?

Mr. SAMUEL W. SMITH. As I understand it.

The SPEAKER. The object of the question of the Chair was to ascertain whether the proposed legislation entails a charge upon the District where none now exists by law; if so, it ought to be considered in the Committee of the Whole.

Mr. SAMUEL W. SMITH. I think it imposes a charge, but nothing new, Mr. Speaker.

Mr. DALZELL. Does it impose a charge on the Federal Treasury or on the District treasury?

Mr. SAMUEL W. SMITH. Half and half.

Mr. FITZGERALD. Mr. Speaker, will the gentleman explain the law under which the garbage and ashes in the District of Columbia are disposed of now?

Mr. SAMUEL W. SMITH. They are let by contract. The garbage contract is let at $51,500 a year, with a reduction of 50 cents per ton after they have removed 20,000 tons.

Mr. FITZGERALD. How long was the present contract made?

Mr. SAMUEL W. SMITH. Five years; and the Commissioners say they can make a much better contract where they have opportunity for a five-year contract than they can under the law where they simply let the contract for one year.

Mr. FITZGERALD. Has the District Committee considered the question of the District disposing of garbage and ashes and night soil itself, afterwards disposing of the results of the incineration of these things?

Mr. SAMUEL W. SMITH. I do not think I understand the gentleman's question. If you will repeat that again, please.

Mr. FITZGERALD. In many cities of the United States the municipalities themselves have their own plants for incinerating the garbage, night soil, and ashes, and the result of the incineration is a product which is of commercial value, and these municipalities instead of paying to have the refuse of the city disposed of are able to get an income from this refuse. My question is, Has the District Committee considered the propriety of the city of Washington disposing of its refuse themselves?

Mr. SAMUEL W. SMITH. No, sir; I will say it has not been brought to the consideration of the District Committee. Under the present plan they let the contract and the garbage goes to a reduction plant down the river some 5 or 6 miles. I am informed there is a cremation plant at Philadelphia that desires to locate here and also bid upon this new contract, but it has not been brought to the attention of the committee as you suggest.

Mr. FITZGERALD. Well, I would suppose that members of the committee themselves would have suggested this plan of disposing of the city refuse.

Mr. SAMUEL W. SMITH. Well, that would entail the building of a plant, of course.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

On motion of Mr. SAMUEL W. SMITH, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

MEMORIAL OF TEACHERS OF WASHINGTON.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent to present a memorial from the teachers of Washington, showing the necessity for an increase of salaries in the District of Columbia, and I ask to have the same printed and referred to the Committee on the District of Columbia.

Mr. MANN. I object to that, Mr. Speaker. I presented to the House a few days ago a petition in reference to compulsory education in the District of Columbia, of considerable length, and I asked at that time the leader on this side of the House, the gentleman from New York [Mr. PAYNE], whether it would be proper to ask unanimous consent to have that printed, and he replied to me that it would be proper to ask it, but that he always objected to those requests. Then, in view of his absence and to preserve his record——

Mr. SAMUEL W. SMITH. He did not authorize you to do it?

Mr. MANN. As I could not get mine printed, I object to this.

ROSE DILLON SEAGER.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to take from the Speaker's table the following Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager.

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the interment in the District of Columbia of the remains of the late Rose Dillon Seager, formerly a resident of the District of Columbia and a citizen of the United States, who died at Panama January 2, 1905.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like to have some explanation of that.

Mr. SIMS. Mr. Speaker, I would say to the gentleman from Mississippi [Mr. WILLIAMS] that under the law a person who dies with a contagious disease can not be brought in and interred in the District of Columbia. This lady died at Panama of yellow fever, and in order that she may be buried in the District of Columbia it requires this act.

Mr. WILLIAMS of Mississippi. How long ago did she die?

Mr. SIMS. Some time ago. Her remains will arrive at New York on Wednesday, and it requires expeditious action. We have often taken action of this kind before in similar cases.

Mr. WILLIAMS of Mississippi. Did she die of yellow fever longer than four months ago?

Mr. SIMS. I do not know how long it has been.

Mr. SMITH of Kentucky. If the law is to be suspended in this case, why not in all cases?

Mr. SIMS. This is the plan we have always pursued. Her body will come here in an hermetically sealed coffin, I understand, and there will be absolutely no danger.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER IN MARION COUNTY.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16570.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill H. R. 16570, which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902.

Be it enacted, etc., That an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, be, and the same is hereby, revived and declared to be in full force and effect, and that section 7 of said act is hereby amended so as to read as follows:

"SEC. 7. That this act shall be null and void unless the bridge herein authorized shall be commenced within one year and completed within three years from the 1st day of January, 1905."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

BEEF TRUST.

Mr. JENKINS. Mr. Speaker, I desire to submit a privileged report from the Committee on the Judiciary. I am directed by the Committee on the Judiciary to report back to the House resolution No. 403, with the recommendation that the same do lie upon the table.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Whereas by act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it is provided as follows:

"SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal."

And by section 6 of same act:

"SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

Therefore be it

Resolved, That the Attorney-General be, and he is hereby, requested to report to this House whether he has ascertained that the so-called "beef trust" is in restraint of trade; and if so, what steps he has taken under the provisions of section 6, aforesaid, to cause a forfeiture of the property "in course of transportation from one State to another" of those constituting the so-called "beef trust."

Mr. JENKINS. I move that the resolution do lie upon the table.

Mr. BAKER. I rise for the purpose of asking the chairman of the Committee on the Judiciary whether he will yield me sufficient time to discuss this motion.

Mr. JENKINS. It is not a debatable matter.

The SPEAKER. The gentleman from New York [Mr. BAKER] is not in order.

Mr. BAKER. I ask unanimous consent.

The SPEAKER. The motion to lay upon the table is not debatable, and the gentleman from Wisconsin [Mr. JENKINS] has refused to yield.

Mr. BAKER. I ask unanimous consent that I be given ten minutes.

The SPEAKER. Refusal to yield is equivalent to an objection, as the gentleman knows.

The question is on the motion of the gentleman from Wisconsin, that the resolution lie on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BAKER. Division. You might just as well have given me ten minutes. It will take more time.

The House divided; and there were—ayes 87, noes 57.

Mr. BAKER. Tellers.

The SPEAKER. The gentleman from New York demands tellers. Those in favor of the demand for tellers will rise and be counted. [After counting.] Twenty-six gentlemen have risen in support of the demand—not a sufficient number, and tellers are refused.

Mr. BAKER. I make the point of no quorum.

[Cries of "Too late."]

The SPEAKER. The Chair thinks not. The Chair will count. [After counting.] Two hundred and thirty-nine gentlemen present—a quorum. The ayes have it; the motion prevails, and the resolution is laid on the table.

SMOKE NUISANCE IN THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I desire to submit a privileged report from the Committee on the Judiciary. I am directed by the Committee on the Judiciary to report back House resolution 407 with the recommendation that the same do lie on the table.

Mr. BAKER. Mr. Speaker——

The SPEAKER. One moment. The gentleman from Wisconsin, by direction of the Committee on the Judiciary, reports from that committee the following resolution, with the recommendation that it lie on the table. The Clerk will report the resolution.

The Clerk read as follows:

Resolution No. 407.

Whereas the Secretary to the President, in a letter to the Commissioners of the District of Columbia, states that "the President has again taken up with his Cabinet the smoke nuisance," and inquires "if it is not possible to proceed criminally against the managers of this company"—the Washington Electric Company—and says: "It would seem to be wise to go to the very limit of the law and arrest the head of the company, again and again, at the shortest possible intervals;" and

Whereas the stoppage of the present robbery of the people by the beef, coal, and steel trusts, the Standard Oil Company, and similar conspiracies in restraint of trade is a matter of transcendent importance compared with the abatement of a smoke nuisance, even if adjacent to the White House: Therefore be is

Resolved, That this House respectfully asks the President whether he has taken up with his Cabinet the criminal nature of the aforesaid combinations, and also whether he has instructed his Attorney-General "to go to the very limit of the law, and to arrest the heads of these companies, again and again, at the shortest possible intervals," to the end that permanent relief may be obtained for the people from the exactions of these combinations, their conduct also constituting "a flagrant defiance of law."

Mr. JENKINS. Mr. Speaker, I move that the resolution do lie on the table.

Mr. BAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BAKER. For the purpose of asking whether the chairman of the Committee on the Judiciary considers this matter important enough for him to concede me five minutes.

Mr. JENKINS. I have no time to yield, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BAKER. Division, Mr. Speaker.

The House divided; and there were—ayes 154, noes 74; so the resolution was laid on the table.

REBATE TO COLORADO FUEL AND IRON COMPANY.

Mr. JENKINS. Mr. Speaker, I am directed by the Committee on the Judiciary to report back to the House resolution 408, with the recommendation that the same do lie on the table.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution No. 408.

Whereas the traffic manager of the Atchison, Topeka and Santa Fe Railroad Company gave evidence, on December 29, before the Interstate Commerce Commission, showing that the said railroad did, on and after August 19, 1902, grant a secret rebate to the Colorado Fuel and Iron Company, which amounted to more than $1 a ton less than the published rate; said rebate, according to the Chicago Inter Ocean, amounting to the enormous sum of fully $400,000; and

Whereas the head of the traffic department of the said Atchison, Topeka and Santa Fe Railroad, during the time this secret rebate was allowed, was the present Secretary of the Navy, Hon. Paul Morton, who is reported as defending the granting of said rebate, saying,

"That what Mr. Biddle (the traffic manager) did, was exactly right:" Therefore be it

Resolved, That the Attorney-General be, and he is hereby, requested to inform this House whether the act of Mr. Paul Morton, as vice-president and head of the traffic department of the Atchison, Topeka and Santa Fe Railroad Company, in allowing the said rebate to the Colorado Fuel and Iron Company, is not in flagrant violation of law, and what steps, if any, have been taken to prosecute him criminally for his said act.

Mr. JENKINS. Mr. Speaker, I move that the resolution do lie on the table.

The SPEAKER. The gentleman from Wisconsin moves that the resolution do lie on the table.

Mr. WILLIAMS of Mississippi. Mr. Speaker, upon this question, for the purpose of saving time, I think we better have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 98, answered "present" 12, not voting 156, as follows:

YEAS—118.

Adams, Pa.	Driscoll	Kinkaid	Sibley
Allen	Dwight	Knapp	Smith, Ill.
Ames	Esch	Knopf	Smith, Iowa
Bates	Evans	Kyle	Smith, N. Y.
Bede	Foss	Lacey	Smith, Pa.
Birdsall	Foster, Vt.	Landis, Frederick	Snapp
Bishop	Fuller	Lawrence	Southard
Bonynge	Gardner, Mich.	Lilley	Southwick
Boutell	Gibson	Lorimer	Sperry
Brooks	Gillett, Cal.	Loud	Stafford
Brown, Pa.	Gillett, Mass.	McCall	Stevens, Minn.
Brown, Wis.	Goebel	McCarthy	Sulloway
Buckman	Graff	McCleary, Minn.	Tawney
Burke	Grosvenor	McLachlan	Thomas, Ohio
Burkett	Hamilton	Mann	Tirrell
Butler, Pa.	Haskins	Marshall	Townsend
Capron	Hedge	Morgan	Van Voorhis
Conner	Henry, Conn.	Needham	Volstead
Cousins	Hepburn	Norris	Vreeland
Cromer	Hermann	Otjen	Wachter
Crumpacker	Hill, Conn.	Overstreet	Wadsworth
Currier	Hinshaw	Palmer	Warner
Curtis	Hitt	Patterson, Pa.	Warnock
Cushman	Hogg	Porter	Webber
Dalzell	Holliday	Powers, Me.	Weems
Daniels	Hull	Prince	Wiley, N. J.
Davis, Minn.	Hunter	Reeder	Woodyard
Dixon	Jenkins	Scott	Young
Draper	Jones, Wash.	Sherman	
Dresser	Ketcham	Shiras	

NAYS—98.

Aiken	Gilbert	Lewis	Ryan
Baker	Gillespie	Lind	Shackleford
Bankhead	Glass	Lindsay	Sheppard
Bartlett	Goldfogle	Littlefield	Shober
Bassett	Granger	Livingston	Shull
Beall, Tex.	Gregg	Lloyd	Sims
Bell, Cal.	Griffith	Lucking	Slayden
Benton	Griggs	Macon	Small
Bowers	Gudger	Maddox	Smith, Tex.
Bowie	Hamlin	Miers, Ind.	Snook
Brundidge	Harrison	Moon, Tenn.	Southall
Burleson	Henry, Tex.	Padgett	Stephens, Tex.
Byrd	Hopkins	Page	Sullivan, Mass.
Cassingham	Humphreys, Miss.	Pierce	Talbott
Clark	Hunt	Pinckney	Thomas, N. C.
Cowherd	Johnson	Pou	Underwood
De Armond	Jones, Va.	Randell, Tex.	Vandiver
Denny	Kehoe	Ransdell, La.	Wade
Dickerman	Kitchin, Claude	Reid	Weisse
Field	Kitchin, Wm. W.	Rhea	Williams, Ill.
Finley	Kline	Richardson, Ala.	Williams, Miss.
Fitzgerald	Kluttz	Rider	Wynn
Gaines, Tenn.	Lamar, Fla.	Robinson, Ark.	Zenor
Garber	Lamb	Robinson, Ind.	
Garner	Lever	Rucker	

ANSWERED "PRESENT"—12.

Beidler	Gaines, W. Va.	Landis, Chas. B.	Sherley
Burgess	Gooch	Legare	Smith, Ky.
Dayton	Hardwick	Longworth	Wanger

NOT VOTING—156.

Acheson	Castor	Fowler	Kelliher
Adams, Wis.	Clayton	French	Kennedy
Adamson	Cochran, Mo.	Gardner, Mass.	Knowland
Alexander	Cockran, N. Y.	Gardner, N. J.	Lafean
Babcock	Connell	Gillet, N. Y.	Lamar, Mo.
Badger	Cooper, Pa.	Goulden	Lester
Bartholdt	Cooper, Tex.	Greene	Littauer
Benny	Cooper, Wis.	Haugen	Littlefield
Bingham	Croft	Hay	Livernash
Bowersock	Crowley	Hearst	Loudenslager
Bradley	Darragh	Heflin	Lovering
Brandegee	Davey, La.	Hemenway	McAndrews
Brantley	Davidson	Hildebrant	McCreary, Pa.
Breazeale	Davis, Fla.	Hill, Miss.	McDermott
Brick	Deemer	Hitchcock	McLain
Broussard	Dinsmore	Houston	McMorran
Brownlow	Dougherty	Howard	McNary
Burleigh	Douglas	Howell, N. J.	Mahon
Burnett	Dovener	Howell, Utah	Marsh
Burton	Dunwell	Huff	Martin
Butler, Mo.	Emerich	Hughes, N. J.	Maynard
Calderhead	Fitzpatrick	Hughes, W. Va.	Meyer, La.
Caldwell	Flack	Humphrey, Wash.	Miller
Campbell	Flood	Jackson, Md.	Minor
Candler	Fordney	Jackson, Ohio	Mondell
Cassel	Foster, Ill.	James	Moon, Pa.
Morrell	Pujo	Smith, Samuel W.	Thayer
Mudd	Rainey	Smith, Wm. Alden	Thomas, Iowa
Murdock	Richardson, Tenn.	Spalding	Trimble
Nevin	Rixey	Sparkman	Van Duzer
Olmsted	Robb	Splight	Wallace
Otis	Roberts	Stanley	Watson
Parker	Robertson, La.	Steenerson	Webb
Patterson, N. C.	Rodenberg	Sterling	Wiley, Ala.
Patterson, Tenn.	Ruppert	Sullivan, N. Y.	Williamson
Payne	Russell	Sulzer	Wilson, Ill.
Pearre	Scarborough	Swanson	Wilson, N. Y.
Perkins	Scudder	Tate	Wood
Powers, Mass.	Slemp	Taylor	Wright

So the resolution was ordered to lie on the table.

The Clerk announced the following additional pairs:

For the session:

Mr. CHARLES B. LANDIS with Mr. TATE.

For balance of day:

Mr. GILLET of New York with Mr. MCANDREWS.

Mr. KENNEDY with Mr. DINSMORE.

Mr. CAMPBELL with Mr. LAMAR of Missouri.

Mr. COOPER of Wisconsin with Mr. SULZER.

Mr. CASTOR with Mr. MCLAIN.

Mr. BABCOCK with Mr. SWANSON.

Mr. LONGWORTH with Mr. SHERLEY.

Mr. ADAMS of Wisconsin with Mr. LESTER.

Mr. MUDD with Mr. LIVERNASH.

Mr. ROBERTS with Mr. SCARBOROUGH.

On this vote:

Mr. POWERS of Massachusetts with Mr. CLAYTON.

Mr. SAMUEL W. SMITH with Mr. VAN DUZER.

Mr. RODENBERG with Mr. BROUSSARD.

Mr. LOVERING with Mr. MAYNARD.

Mr. MURDOCK with Mr. PATTERSON of North Carolina.

Mr. DAYTON. Mr. Speaker, I voted "aye" on this roll-call, but I am paired with the gentleman from Louisiana [Mr. MEYER]. Therefore I desire to withdraw my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DAYTON, and he answered "present."

The result of the vote was announced as above recorded.

REBATE TO ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY.

Mr. JENKINS. Mr. Speaker, I am directed by the Committee on the Judiciary to report back House resolution No. 409, with the recommendation that the same do lie upon the table.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the creation of "trusts" is chiefly due to combinations of capital having obtained lower freight rates than those granted to competing companies or individuals, this practice constituting, in the words of an eminent jurist, Judge William J. Gaynor, "the greatest crime of our day and generation;" and

Whereas the President, in his message of December 6 to this House, declares "It is necessary to put a complete stop to all rebates;" and

Whereas the traffic manager of the Atchison, Topeka and Santa Fe Railroad Company gave evidence on December 29, before the Interstate Commerce Commission, showing that the said railroad did, on and after August 19, 1902, grant a secret rebate to the Colorado Fuel and Iron Company, which amounted to more than $1 a ton less than the published rate, said rebate, according to the Chicago Inter Ocean, amounting to the enormous sum of $400,000; and

Whereas it is claimed that the effect of this rebate to the Colorado Fuel and Iron Company was to bankrupt certain competitors; and

Whereas the head of the traffic department of the said Atchison, Topeka and Santa Fe Railroad, during the time this secret rebate was allowed, was the present Secretary of the Navy, Hon. Paul Morton, who is reported as having defended the granting of said rebate, saying "that what Mr. Biddle (the traffic manager) did was exactly right:" Therefore

Resolved, That this House respectfully asks the President whether it is in harmony with his message of December 6 and also conducive to the public interests to retain Mr. Morton as Secretary of the Navy.

Resolved, That as the Secretary to the President in a recent letter to the District Commissioners stated that the President had "again taken up with his Cabinet" the matter of a smoke nuisance, urging that the head of the offending company "be arrested again and again at the shortest possible intervals," this House expresses the opinion that nothing would so surely restore public confidence in the administration of law as the arrest and prosecution of both the Secretary of the Navy and the traffic manager of the Atchison, Topeka and Santa Fe Railroad Company for what constitutes "a barefaced disregard of law" in having granted to the Colorado Fuel and Iron Company the aforesaid secret rebate.

Mr. JENKINS. Mr. Speaker, I move that the resolution do lie on the table.

The question being taken on the motion of Mr. Jenkins, on a division demanded by Mr. Williams of Mississippi, there were—ayes 131, noes 102.

Accordingly, the resolution was ordered to lie on the table.

Mr. JENKINS. Mr. Speaker, I move to reconsider the several votes by which these various resolutions have been laid on the table, and I move that that motion do lie on the table.

The latter motion was agreed to.

VIEWS OF MINORITY OF MERCHANT-MARINE COMMISSION.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent, in the absence of my colleague [Mr. SPIGHT] to

file the views of the minority of the Merchant-Marine Commission, and to have the same printed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GINNING OF COTTON.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the House resolution 415, being a resolution of inquiry. The report of the committee accompanies the resolution.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to direct the Director of the Census to furnish to the House at once for its consideration the following information, to wit:

First. The amount of cotton reported to be ginned in each of the counties of the United States to the respective dates of his reports during the present cotton season.

Second. The amount of cotton ginned by each ginnery in the following counties, giving in each case the file number of each ginnery and its location in the county, to wit: Williamson County and Ellis County, in Texas; Yazoo County and Hinds County, in Mississippi; Bibb County and Washington County, in Georgia; Barbour County and Dallas County, in Alabama; Lonoke County and Phillips County, in Arkansas; Mecklenburg County and Robeson County, in North Carolina; Orangeburg County and Marlboro County, in South Carolina; Shelby County and Madison County, in Tennessee; Greer County and Payne County, in Oklahoma; Jefferson County and Jackson County, in Florida; Caddo Parish and Rapides Parish, in Louisiana; district No. 21 of the Chickasaw Nation, and district No. 6 of the Cherokee Nation, in the Indian Territory.

COMMITTEE ON THE CENSUS,
January 9, 1905.

We, the undersigned members of the Committee on the Census, agree to a favorable report on House resolution No. 415, and further agree that its author, Mr. WILLIAMS of Mississippi, may call up same when the opportunity presents itself.

E. D. CRUMPACKER, *Chairman.*
JAMES KENNEDY.
F. M. GRIFFITH.
G. B. PATTERSON.
A. S. BURLESON.
JOB T. ROBINSON.
JAMES HAY.

The SPEAKER. As the Chair understands it, the gentleman from Mississippi asks unanimous consent to discharge the Committee on the Census from the further consideration of the resolution which has just been reported and for the consideration of the same in the House.

Mr. WILLIAMS of Mississippi. I do this by authority of the Committee on the Census, which submits a unanimous report.

The SPEAKER. The Chair understands that, in point of fact, the formal report has not been made from the Committee on the Census, although there is a paper on the Clerk's desk signed by a majority of the members of that committee. The Chair supposes that the proper form would be to ask unanimous consent that the Committee on the Census be discharged from the further consideration of the resolution, as the formal report has not been made, and that the same be considered in the House. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

LUIS BOGRÁN H.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to submit the following Senate joint resolution 24, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Senate joint resolution 24.—Authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Luis Bográn H., of Honduras.

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Luis Bográn H., of Honduras, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Luis Bográn H. the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. HULL. Mr. Speaker, I will explain that this resolution is asked for by the Government of Honduras, and it is then forwarded to the Secretary of State. It is in the usual form, and a courtesy that we have been extending to the sister republics whenever asked for. It entails no expense on the Government of the United States.

The SPEAKER. Is there objection to the present consideration?

Mr. SMITH of Kentucky. I would like to ask the gentleman from Iowa how often this courtesy has been extended to the sister nations?

Mr. HULL. I can not answer that; but almost always there have been one or two of these students in the Military Academy.

Mr. SMITH of Kentucky. Where does the young gentleman come from?

Mr. HULL. Honduras.

Mr. MADDOX. Does the gentleman from Iowa think it is a good policy?

Mr. HULL. I think it is, and it costs the Government nothing.

Mr. MADDOX. Some gentlemen tell us that Admiral Togo was a student at Annapolis, and you know that he has been doing some bad work lately and he may turn on us some time. [Laughter.]

Mr. HULL. That is a mistake; he was not at Annapolis.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The resolution was read a third time, and passed.

FRUTOS TOMAS PLAZA.

Mr. HULL. Mr. Speaker, I submit Senate joint resolution No. 78, authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Frutos Tomas Plaza, of Ecuador.

The Clerk read the resolution, as follows:

Senate joint resolution 78.—Authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Frutos Tomás Plaza, of Ecudor.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Frutos Tomás Plaza, of Ecuador, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Plaza shall agree to comply fully with all regulations for the police and discipline of the United States Military Academy and shall be studious and give his utmost efforts to accomplish the courses in the various departments of instruction: *Provided further*, That in the case of the said Plaza the provisions of sections 1320 and 1321 of the Revised Statutes of the United States shall be suspended.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the two resolutions were agreed to was laid on the table.

BRIDGE OVER THE OUACHITA RIVER.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15810) to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River.

The Clerk read the bill at length, with an amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. RANSDELL of Lousiana, a motion to reconsider the last vote was laid on the table.

INAUGURAL CEREMONIES MARCH 4, 1905.

The SPEAKER laid before the House Senate concurrent resolution No. 85.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

Ordered, That Mr. SPOONER, Mr. ALDRICH, and Mr. BACON be the committee on the part of the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

MEDICAL CORPS OF THE ARMY.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I have in a former message stated to the Congress my belief that our Army need not be large, but that it should in every part be brought to the highest point of efficiency. The Secretary of War has called to my attention the fact that the act approved February 2, 1901, which accomplished so much to promote this result, failed to meet the needs of one staff department in which all of our people are peculiarly interested, and of which they have a right to demand a high degree of excellence. I refer to the Medical Department. Not only does a competent medical service by safeguarding the health

of the Army contribute greatly to its power, but it gives to the families of the nation a guaranty that their fathers, brothers, and sons who are wounded in battle or sicken in the camp shall have not only skilled medical aid, but also that prompt and well-ordered attention to all their wants which can come only by an adequate and trained personnel.

I am satisfied that the Medical Corps is much too small for the needs of the present Army, and therefore very much too small for its successful expansion in time of war to meet the needs of an enlarged Army and in addition to furnish the volunteer service a certain number of officers trained in medical administration. A bill, which in the opinion of the Secretary of War—of the late Secretary of War—and of the General Staff of the Army supplies these deficiencies, was introduced at the last session of Congress and is now before you. I am also advised that it meets the cordial approval of the medical profession of the country. It provides an organization which, when compared with that of other nations, does not seem to err on the side of excessive liberality, but which is believed to be sufficient. I earnestly recommend its passage by the present Congress. If the Medical Department is left as it is, no amount of wisdom or efficiency in its administration would prevent a complete breakdown in the event of a serious war.

I transmit herewith a memorandum which has been prepared for me by the Surgeon-General of the Army, and also the remarks of the former and of the present Secretary of War with reference to this bill.

It is reported to me that the Ordnance Corps is in a position of disadvantage; that its personnel is inadequate to the performance of the duties with which it is charged, and that under existing conditions it is unable to recruit its numbers with officers of the class necessary for the conduct of its very technical work. It is unnecessary for me to lay stress upon the desirability of having the design and manufacture of the material with which we are to fight in competent and sufficient hands, as there is no difference of opinion as to the intention of all concerned to have provided a proper supply of weapons, munitions, engines of war, equal in conception and construction to any in the world, and superior in any respects in which by skill and attention we may be able to compass such superiority.

The greatly increased utilization of the exact sciences in ordnance construction requires a larger personnel for their application, and the process of its selection should be severely and continuously discriminating, under conditions offering stimulus sufficient to cause officers of proper capacity, of whom it appears there are plenty, to wish to subject themselves to it. A bill embodying the necessary provisions, and involving no radical departure from existing methods, has been prepared by the War Department; I think it should be passed.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 9, 1905.*

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Agriculture, and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year ended June 30, 1904, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 9, 1905.*

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. NORRIS to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 7468, for an increase of pension of Joseph A. Dudgeon, no adverse report having been made thereon.

To Mr. MAYNARD, to withdraw from the files of the House, without leaving copies, the papers in the case of James Mount and Sarah Ellen Mount, no adverse report having been made thereon.

CONSTRUCTION AND MAINTENANCE OF ROADS, ETC., IN ALASKA.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3728) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the bill of which the Clerk will read the title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I think we would like to hear something about the bill. Does this carry an appropriation?

Mr. CUSHMAN. Mr. Speaker, this bill at present before us for consideration is S. 3728, which bill was heretofore passed by the Senate at its last session on March 10, 1904. Practically all that now remains to secure this just and needed legislation is for this House to pass this bill—for it is sure, I think, to receive the Executive sanction.

In the first place, this is a bill that relates exclusively to Alaska. It does not affect any other locality or touch upon any other subject. And the only moneys or revenues that this bill seeks to appropriate or dispose of are moneys and revenues derived from Alaska.

In the second place, this bill only relates and refers to three subjects: The subject of schools in Alaska, the care of the insane in Alaska, and the subject of road building in Alaska.

I think it well early in my remarks to state in very concise form just what this present bill provides.

Under existing law 50 per cent of all the license money collected in Alaska outside of incorporated towns is used for school purposes outside of incorporated towns, and the remaining 50 per cent is paid into the United States Treasury.

This bill proposes to change that situation and provides that the people outside of incorporated towns shall have the entire amount of license fees, 100 per cent, paid outside of incorporated towns, and that this 100 per cent shall be used by them for the following purposes and in the following proportion: Twenty-five per cent to be used for public school purposes outside the towns, 5 per cent to be used in taking care of the insane in Alaska, and 70 per cent for building roads outside the towns. Now, that in substance is just what this bill provides. Under existing law the people of Alaska outside the incorporated towns only get 50 per cent of the license fees they pay, and all of this 50 per cent they use for school purposes outside the towns. This bill will give them 100 per cent of the license moneys instead of 50 per cent, and that 100 per cent they will use for the three purposes I have mentioned, and it will be divided as I have indicated. While this bill is somewhat lengthy in its provisions, I have in these few words stated the exact substance of the bill. The remainder of the bill simply provides the machinery for carrying out these provisions.

Mr. MADDOX. Then it reduces the educational fund by 25 per cent?

Mr. CUSHMAN. The educational fund by the provisions of this bill is reduced from 50 per cent to 25 per cent. However, from the examination I have made of this subject and the figures I have prepared, I believe that the amount which this bill provides will be ample for their present needs.

Mr. MADDOX. Are they satisfied with what this bill provides?

Mr. CUSHMAN. Well, I am hardly authorized to say that they are, as I have not, of course, had any opportunity to consult the people of Alaska generally. I have had to do the best I could on this subject. But I may assure the gentleman that I would be the last person in the world to intentionally inflict any bill on the people of Alaska if I did not think its provisions were proper and for their benefit.

Mr. GILLETT of Massachusetts. Where does that 50 per cent go now?

Mr. CUSHMAN. Into the United States Treasury.

It is also proper for me to remark that this bill is now in almost the same form in which it passed the Senate. The changes which the House Committee on Territories have proposed to make in this bill are small and unimportant and are set forth in House Report No. 2235, which accompanies this bill. A few of these changes proposed were designed to either correct small errors or to make the meaning of the bill more definite. Such of the changes as are important I will discuss as I proceed with my remarks. As this bill relates to three different subjects, I can best call attention to these slight changes in direct connection with the subjects to which they refer.

Perhaps this bill will be better understood if I first recite briefly the conditions in Alaska at present, and then the changes this bill provides. It is proper to remark at the outset that there are no counties established in Alaska. About the only divisions in Alaska are the incorporated towns; so that, in speaking of Alaska, the common method of reference is to speak of the incorporated towns as forming one portion of Alaska, and the territory outside of the incorporated towns forms all the rest.

Under the present law the incorporated towns in Alaska are adequately provided for; they are given all the money collected within the municipality to be used for school and municipal purposes. There are, I believe, at present ten incorporated towns in Alaska, as follows: Juneau, Skagway, Douglas, Wrangell, Ketchikan, Treadwell, Valdez, Eagle, Nome, and Fairbanks.

I have made this preliminary statement in order that my meaning would be entirely clear when I say that this present bill has only to do with the revenue collected outside of incorporated towns, and to be used only for schools and roads outside of the incorporated towns, and also the care of such insane persons as may be found anywhere in Alaska. Now, under present conditions in Alaska the people outside the incorporated towns pay a large amount of money in licenses and occupation taxes, and yet there is no method prescribed by law under which they can care for insane people or build roads, except by private subscription.

The last bill which Congress passed in relation to Alaska was at the last session, and it provides, in substance (act of March 2, 1903, section 4), that 50 per cent of all license money collected outside of incorporated towns shall be covered into the United States Treasury and set aside for expenditure by the Secretary of the Interior for school purposes outside of incorporated towns. Now, it is my judgment that this provision of the law as it now stands makes adequate provision for the schools outside of the towns. In fact I believe it gives them more revenue for this purpose than they need at present. The purpose of this bill is, first, to give to the people of Alaska all of the money they pay in for license fees, and to provide that it shall be used for the three purposes that I have mentioned. It is proper for me to emphasize this point: That under the present law the schools in Alaska outside the incorporated towns get 50 per cent of this fund, whereas, if this bill shall become a law, they will only get 25 per cent of the fund. But I believe that for the present, at least, this 25 per cent will be sufficient.

In order that you may get some idea of the practical effect of this bill, if it shall become a law, I will state that at the close of the fiscal year ending July 1, 1904, the records of the Treasury Department show that the people outside the incorporated towns in Alaska had paid into the Treasury during that year the sum of $249,771.85, or, in round numbers, a quarter of a million of dollars.

Now, if this sum were to be divided according to the provisions of this bill the result would be as follows: $249,771.85, 25 per cent of this amount for schools, $62,442.96; 5 per cent of this amount for care of insane, $12,448.59; 70 per cent of this amount for road building, $174,840.30. Total, $249,771.85.

I read these figures so that Members may have some idea of the amounts which will be available for these several purposes in the various funds into which it is proposed to divide this license money.

The following letter from the United States Treasury Department contains a statement of the license fees collected in Alaska from the year 1900 to 1904, inclusive, and shows the disposition of the same. This letter also contains a statement of the different acts passed by Congress in relation to the disposition of license fees collected in Alaska. The letter reads as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 16, 1904.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

SIR: In reply to your verbal inquiries as to the amount of license fees collected in Alaska during the years 1900 to 1904, inclusive, I have the honor to advise you as follows:

Statement of license fees collected in Alaska, showing the disposition made thereof, as reported by the Auditor for the State and other Departments from accounts in his office.

COLLECTIONS.

Fiscal year.	Inside incorporated towns.	Outside incorporated towns.	Total.
1900		$158,880.94	$158,880.94
1901	$13,562.76	247,136.91	260,699.67
1902	140,352.83	158,060.33	298,413.16
1903	128,223.04	104,643.02	232,866.06
1904	141,652.57	249,771.85	391,424.42
Total	423,791.20	918,493.05	1,342,284.25

DISPOSITION.

Fiscal year.	Deposited in United States Treasury.	Paid to town treasurers.	Disbursed for court expenses.	Total.
1900	$158,880.94			$158,880.94
1901	145,609.33	$1,793.31	$56,838.94	204,241.58
1902	95,805.61	43,962.60	122,547.13	262,315.34
1903	73,398.98	67,860.01	92,431.18	233,690.17
1904	168,975.43	140,260.07	97,500.16	406,735.66
Total	642,670.29	253,875.99	369,317.41	1,265,863.69

NOTE.—The difference between the total collections and the total shown to be disposed of is represented by balances in the hands of the clerks, United States courts.

Under the act of March 3, 1899, section 463 (30 Stat., p. 1338, Alaska Code), all moneys received from licenses are directed to be covered into the Treasury.

The act of June 6, 1900, section 10 (31 Stat., p. 325, amended code), provides that all moneys received by the clerks of court shall be paid out on order of the court, the balance, if any, to be covered into the Treasury.

Under the act of March 3, 1901 (31 Stat., p. 1438), 50 per cent of license money collected inside incorporated towns shall be paid over by the clerk of court to the treasurer of the corporation for school purposes; or if not wholly needed therefor then for municipal purposes. This leaves 50 per cent to be covered into the Treasury.

Also, 50 per cent of license money collected outside of incorporated towns and covered into the Treasury shall be set aside to be expended by the Secretary of the Interior for school purposes outside of incorporated towns. Under this clause one-half of what was covered into the Treasury is applied for schools as the law directs.

The act of March 2, 1903, section 4 (32 Stat., p. 946), provides:

1. All license money collected inside incorporated towns shall be paid to the treasurer of the corporation to be used for municipal and school purposes; but not more than 50 per cent nor less than 25 per cent shall be used for school purposes.

2. Fifty per cent of all license money collected outside of incorporated towns shall be covered into the Treasury and set aside for expenditure by the Secretary of the Interior for school purposes outside of incorporated towns.

The act of April 28, 1904, section 7 (33 Stat., p. 533), provides that all license money collected within the limits of incorporated towns shall be paid over to the treasurer of the town to be used for school and municipal purposes within the town.

Respectfully, L. M. SHAW, *Secretary.*

SCHOOLS IN ALASKA.

I will insert in the RECORD, with the permission of the House, a letter which I have recently received from the Commissioner of Education, which gives a general statement of the white and native schools now existing in Alaska, and also states the places where new schools should be established, and gives much general information on the entire subject of schools in Alaska.

This letter is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, D. C., December 17, 1904.

Hon. FRANCIS W. CUSHMAN,
House of Representatives, Washington, D. C.

SIR: In response to your verbal request of Thursday, the 15th, I forward you herewith a statement of the number of the native population of Alaska, outside of incorporated towns, actually in school or in process of being provided for the present year, also the points at which schools should be provided for native children the following year, and the same statistics for white children outside of the incorporated towns.

The native schools in Alaska under the charge of this office number 35, with 43 teachers and an enrollment of 2,117 children; the white schools number 12, with 16 teachers and an enrollment of 506 children, as shown in the following tables.

The native schools are distributed as follows:

(1) On the Arctic coast between Bering Sea and Point Barrow, 700 miles north by the coast line to the northernmost point of Alaska, there are 5 schools, with 6 teachers and 266 pupils.

(2) In the Bering Sea region there are 6 schools, with 10 teachers and an aggregate of 456 pupils.

In the Yukon Valley there are 4 schools with 5 teachers and an aggregate of 220 pupils.

In southwest Alaska there are 3 schools with 5 teachers and an aggregate of 76 pupils.

In southeast Alaska, including the coast of the northern Pacific from Kodiak Island to the southernmost point in Alaska, there are 17 schools with 17 teachers and an aggregate of 1,099 pupils enrolled.

This gives a total of 35 schools for natives, with 43 teachers and 2,117 pupils enrolled.

WHITE SCHOOLS.

The white schools are located as follows:

One at Rampart, in the central part of the Yukon Valley at the mouth of the Tanana, with 60 pupils and 1 teacher.

In southwest Alaska, 2 schools, 3 teachers, and an aggregate of 112 pupils enrolled.

At and near Kodiak Island, 2 schools, 3 teachers, and 118 pupils enrolled.

In southeast Alaska 7 schools, 9 teachers, with an aggregate of 216 pupils enrolled.

NEW BUILDINGS IN PROCESS OF ERECTION.

Seven new buildings are in process of erection on the Arctic coast north of Bering Strait, and the Secretary of the Interior has approved the plans and set apart money for the building of 21 buildings, of which 1 is on the Arctic coast, 4 in the Yukon Valley, 3 in the Kuskokwim Valley (to the south of the Yukon), 1 in the Nushegak Valley south of the Kuskokwim, 1 on Cook Inlet, 11 in southeast Alaska. Three of these are to provide for villages of natives containing the following number of pupils: Of these new buildings the ones at Point Hope, on the Arctic (150 children), at Eagle, in the Yukon Valley (55 children), Ougavik, Kuskokwim Valley (50 children), Hadley, in southeast Alaska (25 children), contain an aggregate of 285 children for which provision is being made to provide schools, but schools not yet opened.

VILLAGES FOR WHICH SCHOOLS HAVE LONG BEEN NEEDED FOR WHICH NO PROVISION HAS BEEN MADE ON ACCOUNT OF LACK OF FUNDS.

In addition to the 2,117 natives already provided for and the 285 children for which provision is being made, there are 3,490 native children living in 47 villages, of which 18 villages are in northern Alaska, with an aggregate of 1,402 children, and 29 villages in southern Alaska, with an aggregate of 2,088 children.

The aggregate number includes the 2,117 natives already enrolled in native schools; 506 already enrolled in white schools outside of incorporated towns; 286 children for which provision is being made in the present year, and 3,490 for which no steps have been taken to provide schools, the total of these items being 6,399.

There are few white children in Alaska outside of incorporated towns, excepting in the list of white schools already established and mentioned above, but there should be white schools established at Council City (40), at Candle City (10), at Golovin (15), at Eagle City (20), at York (15), at Solomon (18), with a total of 118 white children, and very likely a scattering population of 100 or more in the neighborhood of mines in addition to these 118. It is believed at this office that the white children in southeast Alaska are provided for by the schools already established.

I append some tables giving the details of the statistics above summarized.

All of which is respectfully submitted.

W. T. HARRIS, *Commissioner.*

Native and white schools in Alaska.

Location of schools.	Number of teachers.	Enrollment of schools.
NATIVE SCHOOLS.		
Arctic:		
Barrow, on the Arctic coast	1	61
Bettles, north of Arctic Circle, on Koyukuk River	2	a30
Deering, Kotzebue Sound, Arctic Ocean	1	a30
Kotzebue, Arctic Ocean	1	130
Wainwright, Arctic Ocean	1	a15
Gambell, St. Lawrence Island, Bering Sea	1	56
Golovin, Golovin Bay, northeast of St. Michael	1	61
St. Michael, northern Bering Sea	1	55
Teller, Port Clarence, east of Bering Strait	1	20
Unalakleet, Norton Sound, Bering Sea	4	134
Wales, Bering Strait	2	121
Yukon:		
Koserefsky, lower Yukon Valley	2	110
Nulato, Yukon River	1	a45
Russian Mission, lower Yukon Valley	1	a50
Fort Yukon, upper Yukon Valley	1	a15
Southwest Alaska:		
Bethel Kuskokwim River	3	90
Quinhagak, Kuskokwim River	1	23
Carmel, Bristol Bay	1	23
Southeast Alaska:		
Afognak, near Kodiak Island	1	78
Haines	1	53
Hoonah	1	100
Jackson	1	53
Kake	1	95
Kasaan	1	39
Kenai (Kenai Peninsula, Cooks Inlet)	1	a20
Killisnoo	1	100
Klawak	1	58
Klinkuan	1	38
Klukwan	1	45
Saxman	1	55
Seldovia (Cooks Inlet)	1	a20
Sitka	1	110
Shakan	1	a75
Yakutat	1	120
Copper Center (on Copper River, north of Valdez)	1	40
Total	43	2,117
WHITE SCHOOLS.		
Rampart, central Yukon Valley	1	a60
Southwestern Alaska:		
Unalaska, Aleutian Islands	2	90
Unga, Shumagin Islands, east of Unalaska	1	22
Southern Alaska:		
Kodiak, Kodiak Island	2	75
Wood Island, near Kodiak Island	1	43
Southeastern Alaska:		
Haines, southeastern Alaska	1	21
Chignik, south side of Alaska Peninsula	1	a30
Ellamar, Prince William Sound	1	15
Hope, head of Cook Inlet	1	a25
Petersburg	1	21
Sitka	3	69
Seward, Resurrection Bay, Kenai Peninsula	1	a35
Total	16	506
SUMMARY.		
35 native schools in Alaska	43	2,117
12 white schools in Alaska	16	506
47 schools in Alaska	59	2,623

a Number estimated.

Places in Alaska where schools should be established, together with school population of the same, census of 1900.

NORTHERN ALASKA.

Alton	30	Peavey	20
Atka	40	Tanana	80
Anvik	85	Nushagak	160
Circle	100	Togiak	20
Kangernak	72	Siparnak	75
Kesuna	104	Silitmute	110
Kinak	135	Coldfoot	15
Naparegarak	90	Fort Hamlin	17
Nome	140		
Oldborehki	100	18 towns, northern Alaska.	1,402

SOUTHERN ALASKA.

Akiachak	83	Metlakatla	232
Apollo	20	Naknek	97
Belkofski	73	Nuchek	72
Chenega	70	Orca	20
Dyea	56	Shouing	118
Eyak	100	Skagway	100
Igagik	102	Sumdum	20
Juneau	115	Sunrise	40
Karluk	48	Tatilek	45
Kasilof	74	Tyonok	53
Katmai	23	Uganik	79
Ketchikan	80	Ugashik	77
Kanakanak	73	Wrangell	60
Kogiung	47		
Kwinak	54	29 towns, Southern Alaska.	2,088
Loring	57		

Forty-seven towns in Alaska where schools should be established, with an estimated school population of 3,490.

New schoolhouses in course of erection in Alaska.

Point Barrow, Arctic coast	$2,000
Wainwright, Arctic coast	2,000
Point Hope, Arctic coast	2,000
Copper Center, north of Valdez	2,000
Wales, Bering Strait	2,000
St. Michael, Bering Sea	2,000
Kotzebue, Arctic coast	2,000

New school buildings authorized in Alaska by the Secretary of the Interior, May 26, 1904.

[Plans and specifications for these buildings have been prepared and advertisements for bids for their erection will be inserted in the newspapers early in January, for $60,000 has been set apart by the Secretary from the Alaska school fund.]

Deering, on the Arctic coast	$3,000
Ikogmut, Yukon Valley	3,000
Nulato, Yukon Valley	3,000
Fort Yukon, Yukon Valley	3,000
Eagle, Yukon Valley	3,000
Ougavik, Kuskokwim Valley	3,000
Bethel, Kuskokwim Valley	3,000
Quinhagak, Kuskokwim Valley	3,000
Carmel, Nushagak Valley	3,000
Kenai, Cook Inlet	3,000
Klukwan, southeast Alaska	3,000
Killisnoo, southeast Alaska	3,000
Douglas, southeast Alaska	3,000
Kaake, southeast Alaska	3,000
Klinquan, southeast Alaska	3,000
Hadley, southeast Alaska	3,000
Jackson, southeast Alaska	1,500
Klawack, southeast Alaska	1,500
Shakan, southeast Alaska	1,500
Sitka, southeast Alaska	1,500
Haines, southeast Alaska	1,500

SCHOOLS.

Previous to the year 1884 no public provision of any kind had ever been made for the education of the children of Alaska. Previous to this date the only schools in Alaska were missionary schools maintained by the Russian Orthodox Church and by the Presbyterian Church of the United States. A very few of each of these missionary schools of both classes are yet in existence in Alaska.

By act of May 17, 1884, Congress passed an act (vol. 23, U. S. Stat. L., p. 24, et seq.) known as the "Organic act of Alaska." This act provided for the organization of a government in Alaska, placed the temporary seat of government at Sitka, provided for the appointment of a governor, a United States district judge for Alaska, and also for the appointment of four resident United States commissioners therein, and extended the general laws of Oregon then in force over said Territory of Alaska.

Section 13 of said act of May 17, 1884, made the first provision for public schools in Alaska ever made by law, and that section reads as follows:

SEC. 13. That the Secretary of the Interior shall made needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

In the spring of 1885 the foregoing section was put into effect by the Secretary of the Interior. From the year of 1885 up to June 30, 1901, the schools in Alaska, outside the incorporated towns, were conducted under the authority granted by that section of law, and during this period an annual appropriation was made by Congress each year (except the year ending June 30, 1886) for the maintenance of schools in Alaska.

The United States Bureau of Education in 1885 organized the Alaska division thereof, and the Secretary of the Interior appointed Sheldon Jackson as United States general agent of education in Alaska, having general supervision of the schools therein.

The acts of Congress—act of March 3, 1901 (31 U. S. Stat. L., p. 438), and the act of March 2, 1903 (sec. 4, 32 U. S. Stat. L., p. 946)—made provision for the use of a certain portion of the license fees collected in Alaska for the support of schools therein, and for this reason Congress has made no direct appropriation for the support of the public schools in Alaska since June 30, 1901.

Before I leave the discussion of that portion of this bill which relates to the schools in Alaska, I deem it my duty to call to the attention of the House in this connection one important fact.

Under the present law giving this 50 per cent of the license money to the schools outside of the incorporated towns, this 50 per cent is expended by the Secretary of the Interior for the education of all children in Alaska, both native and white.

If this bill shall become a law in its present form the 25 per cent of the annual license fund which is set apart for school purposes will be devoted exclusively to the education of the white children in Alaska and children of mixed blood who lead a civilized life. This will leave native children of Alaska—the Eskimos and Indians—to be educated under the supervision of

the Secretary of the Interior and with money appropriated each year from the United States Treasury.

Now, it is proper to remark that this is the same way the Indian children in all other parts of the United States are educated. Therefore, this bill makes no violent departure from the method which this nation has always pursued in educating the Indian.

But I have in mind some peculiar conditions which exist in Alaska. I can conceive that in some localities in which a school is hereafter established for white children that there may be a few native children in that locality. There may not be enough native children to warrant the establishment of an Indian school for them, and in that event they might grow up in ignorance within sight of a white schoolhouse the door of which was closed to them by law. It seems to me there should be some proviso in this bill which would adequately take care of a situation of that kind. If I had my way in this matter, I would insert in this bill, at the end of section 7, the following proviso:

Provided, That Indian and Eskimo or native children living in the vicinity of schools established under and by virtue of this act shall also be admitted to the schools for white children in those localities where no school for Indian, Eskimo, or native children is convenient of access.

However, I am anxious to secure the passage of this bill, and at this late hour in the day I do not wish to invite the extended discussion which this proposition might lead to. If experience shall prove the wisdom of my suggestion, this bill can be thus amended in the future.

You will understand that the passage of this bill does not mean that the education of the native children in Alaska will be abandoned, but that their education in the future will be directly under the supervision of the Secretary of the Interior, just the same as the education of all other Indian or native children in the United States.

GOVERNOR MADE SUPERINTENDENT OF INSTRUCTION.

It is proper to call attention to the fact that there is a provision in this bill which makes the governor of Alaska ex officio superintendent of public instruction of Alaska.

The wisdom of this is manifest. Under the present condition in Alaska there is no head to the educational system of Alaska, as far as the incorporated towns are concerned. In the incorporated towns the school board may engage who they choose for teachers, with or without a certificate, pay out whatever amount of money they may see fit for various school purposes, but make no report to any educational officer.

If this bill shall become a law, the governor is constituted superintendent of public instruction, and as such will prescribe rules and regulations for the qualifications and examinations of teachers in Alaska, and each school board in Alaska will be required to report to him regarding the number of pupils attending school, the amount of money expended for various school purposes, and, in short, to report on all school matters to him. In my work upon this bill I have had difficulty in obtaining full information regarding schools in Alaska, because there has been no person named by law to whom it is made the duty of school officers to report. I think this is a wise provision, because it places the governor at the head of the educational work in Alaska, and as all reports are to be filed with him in the future it will be easy to secure information on the schools in Alaska by referring to his reports.

ROADS IN ALASKA.

Under existing law the incorporated towns in Alaska have the power to improve their streets, and a portion of the money in the municipal treasury of each town can be used for this purpose.

But in all the vast territory in Alaska lying outside the incorporated towns there is practically no fund provided out of which they may construct roads. In the fiscal year of 1904 the people of Alaska outside of incorporated towns paid into the United States Treasury in license fees the enormous sum of $249,771.85. One-half of this was returned to them for school purposes, and the other half of it the United States Government—I was going to say "stole," but I guess "retained" is a more elegant word. Think for a moment what an enormous aid to these people in helping them to build roads one-half of the above mentioned sum would have been! This bill which we are now discussing provides that 70 per cent of all license fees paid by the people outside of incorporated towns shall be used for building roads in Alaska.

It is proper to state in connection with the subject of roads in Alaska that at the last session of Congress we passed an act (act of April 27, 1904) providing for the creation of road districts in Alaska, and the appointment of a road overseer for each district. You will notice that this former act provided the legal machinery with which roads might be constructed in Alaska, but it did not provide any funds for the construction of roads. When I say that no funds were provided, I mean practically none. It is true that that same act provided that each able-bodied person in each road district between the ages of 18 and 50 should in each year perform two days' work on the roads or pay $8 as the equivalent of two days' work.

When you pause to consider the vast extent of that mighty Territory, the sparse population of it, and, last of all, its very rugged character, you can readily understand that this meager provision for raising funds under this former act is of practically no account. This former act was not intended primarily to raise funds, but to provide for the organization of road districts. But this act is intended to furnish at least a portion of the money for building the roads within these road districts.

I recall in this House last winter we had up on this floor for discussion in connection, I believe, with the military appropriation bill two proposals in relation to roads in Alaska. We desired to have that bill contain two items of appropriation, one for building a military road from Valdes, on the coast of Alaska, to the interior at or near Eagle City, on the Yukon. The other was for building a military trail from the Yukon River to Coldfoot, Alaska. Both of these propositions were at that time defeated because Members did not apparently feel justified in voting Government money for building that road and trail.

This bill which we are now considering in effect only asks your permission to let the people of Alaska spend a part of their own money for road building in Alaska. This feature of the bill certainly ought to appeal to those Members who a year ago opposed the other propositions which I have just mentioned.

THE INSANE OF ALASKA.

I come now to that portion of this bill which relates to the care of the insane in Alaska. Prior to the passage of the act of Congress of June 6, 1900, there had been no provision of any kind made by law for the care of this most unfortunate and helpless class. Under the provisions of that act—and later under the provisions of the amendatory act of April 28, 1904—the Secretary of the Interior has publicly advertised for bids for the care of the insane of Alaska.

Since the passage of the act of June 6, 1900, the insane of Alaska, which have numbered about forty-five have been taken care of at the State Insane Asylum of Oregon, and later at a private sanitarium company near Portland, Oreg.

I will, with the consent of the House, insert with my remarks at this point two letters on the subject of the insane of Alaska, being letters from the Secretary of the Interior, one of them being written to me a few days ago and the other being a letter written by him nearly a year ago to the chairman of the House Committee on Territories.

These letters are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 4, 1905.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

SIR: Your letter of the 30th ultimo has been received, stating that you propose introducing a bill for action in the House of Representatives, which, among other things, provides for the creation of a fund for taking care of the insane people of Alaska, and requesting to be furnished with a statement regarding the number of insane in that district, the cost of caring for them past and present, and where they are cared for now.

In response thereto I have the honor to advise you that the act of June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes" (31 Stats., 222), contains the first provision for the care and treatment of the Alaskan insane to an unlimited number. In the fall of 1900, pursuant to such act, advertisements were inserted in several papers inviting proposals for the care and treatment of such insane for the term of one year. A proposal from the Oregon State Insane Asylum, of Salem, Oreg.—the only bidder—was received, offering to care for such insane at the rate of $20 per month per capita. This offer was accepted and a contract was accordingly entered into for such purpose for the term of one year from January 16, 1901. This arrangement was continued, after due advertisement—the Oregon State Insane Asylum being the only bidder—until the fall of 1903, when they declined to enter into any further contract or to submit any bid.

A bid was received, however, from the Sanitarium Company, of Mount Tabor, near Portland, Oreg., a private institution, in which the question of some profit necessarily entered, offering to care for such insane at the rate of $40 per month per capita. This bid was rejected and new advertisements issued, when the only bid again received was from the Sanitarium Company, at the rate of $30 per month per capita, which was accepted. A contract was accordingly entered into, commencing January 16, 1904, for the care and treatment of the Alaskan insane for the term of one year.

On April 28, 1904, the existing law was amended by an act requiring the Secretary of the Interior in the month of November, 1904, and from time to time thereafter, as in his judgment may be deemed advisable, to advertise for and receive bids for the care and custody of persons legally adjudged insane from the district of Alaska, and thereafter in behalf of the United States to contract for one or more years, as may be deemed best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in said district of Alaska. Pursuant to such provision, in November,

1904, advertisements were authorized to be inserted in the principal papers of the Pacific coast and copies of the same mailed directly from this office to all the known insane asylums and sanitariums west of the Rocky Mountains.

Two bids were accordingly received for this service, and after due and careful consideration of the same it was decided to award the contract to the Sanitarium Company for the term of five years, terminable by the President after the expiration of the first year on six months' notice in writing, at the rate of $29 per month per capita, as it was found to be the lowest, and, under all the circumstances, the most responsible and reasonable. A contract for this purpose has been prepared and executed and a bond in the penal sum of $5,000 for the faithful performance of the conditions of the same furnished by the contractor.

It appears that the present contractor on January 16, 1904, received from the Oregon State Insane Asylum forty-three patients, and during the year thirteen other patients were admitted. Of this number four were discharged as cured, two died, and one escaped. It will thus be seen that for an average number of forty-nine patients cared for it will cost the Government during the present contract year the sum of $17,640 for the care and medical treatment of such patients.

In regard to accompanying Senate bill No. 3728 (58th Cong., 2d sess.), entitled "To provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the District of Alaska, and for other purposes," I have to state that an adverse report was made on March 23, 1904, to the House of Representatives chairman of the Committee on Territories, as to the merits of House bill No. 10435, containing the same title and being nearly identical in language.

I inclose herewith a copy of such adverse report for your information.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, March 23, 1904.

Hon. EDWARD L. HAMILTON,
Chairman Committee on Territories, House of Representatives.

SIR: Your letter has been received, inclosing for such suggestions as the Department may desire to submit regarding the same, House bill 10435, "To provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes."

In response thereto I have the honor to transmit herewith a report upon the bill submitted, at my instance, by the governor of Alaska, setting forth his views especially as to the advisability of the enactment of the legislation contemplated in this measure. Among other things he states that—

"If Congress is assured of the necessity and righteousness of the proposed measures let an estimation be made of the probable amount of the "Alaska fund" for next year, then one-fourth of that sum, or so much thereof as may be needed for schools, can be made positive in the law, and if the "Alaska fund" falls short of the estimate the deficiency is to be made up from any unexpended balance in the United States Treasury. The same rule to apply to roads and to the care of the insane. Anything short of this will, I believe, be unwise and disappointing. If the "Alaska fund" should exceed the estimated amount it will be a matter for congratulation, and if not we here in Alaska will not be left to suffer by reason of inadequacy and uncertainty."

Inasmuch as the practicability of carrying into effect the majority of the provisions of this bill is predicated upon the assumption that revenues from licenses, etc., in Alaska will be fully sufficient, the suggestions of the governor are deserving of most serious consideration.

As a matter of information, it may be stated that the Department paid the Oregon State Insane Asylum, under its contract which expired on the 16th of January, 1904, for the care and maintenance of 43 insane persons from Alaska, at the rate of $240 per annum per capita, the sum of $10,320. It not being practicable for said institution to care for the insane during the current year, a contract was let, after due advertisement, to the lowest bidder, the Sanitarium Company, of Portland, Oreg., for the care of the insane of Alaska during the present year, and there are now being paid for under that contract 43 patients at the rate of $360 per capita per annum, aggregating for that number of patients an expenditure of $15,480, or an increase over the previous year of $5,160. Should the patients increase in number during the year, as there is every likelihood, considering the experience of the Department during the past year, there will be necessarily an increase in the total amount paid for care and maintenance. Whether or no this amount would come within the 5 per cent of the license fees proposed to be set aside for care and maintenance of the insane in the bill under consideration I am not prepared to state at this time.

I also transmit herewith copies of letters from the Commisioner of Indian Affairs and the Commissioner of Education, respectively, in regard to the advisability of the amendment of section 7 of the bill. This section is as follows:

"SEC. 7. That the schools specified and provided for in this act shall be devoted to the education of white children and children of mixed blood who lead a civilized life. The education of the Eskimos and Indians in the district of Alaska shall remain under the direction and control of the Secretary of the Interior, to be exercised through the Commissioner of Indian Affairs, and schools for and among the Eskimos and Indians of Alaska shall be on the same footing and be provided for in the same manner as Indian schools in the States and Territories of the United States, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the States or Territories aforesaid."

It will be observed that the Commissioner of Indian Affairs expresses a willingness to take charge of the education of the Alaskan natives. In my judgment, however, this work should not be added to the very onerous duties now devolving upon him under existing law, and, as suggested by the Commissioner of Education, and in whose views I concur, it would be better in every way to permit the education of the Eskimos and Indians of Alaska to remain as it is at present, under the supervision of the Bureau of Education. To that end, therefore, I have the honor to suggest that the following be substituted in lieu of section 7 of the bill:

"SEC. 7. That the schools specified and provided for in this act shall be devoted to the education of white children and children of mixed blood who lead a civilized life. The education of the Eskimos and Indians in the district of Alaska shall remain under the direction and control of the Secretary of the Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the States or Territories of the United States."

Should the foregoing paragraph be incorporated in the bill and it become a law, it would be necessary to submit an estimate of the amount that will be required for the education of the Eskimos and Indians in Alaska for consideration in connection with the sundry civil bill.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

From a perusal of this last letter it would appear that the Secretary of the Interior is not very favorable to that particular portion of this bill which relates to the care of the insane.

However, it is proper to explain that this bill which we are now considering was drawn by Senator NELSON, of Minnesota, after he and a party of Senators visited Alaska and thoroughly considered this and many other matters. The bill has not only been heretofore passed by the Senate, but it is evident that the House Committee on Territories had before them this adverse report of the Secretary of the Interior, but in spite of that fact they have reported this bill favorably by a unanimous vote.

It seems to me that the objections of the Secretary of the Interior to the passage of this bill are not objections made by him because this bill is bad or vicious. He merely says that he is not sure that a bill in this form will provide all the funds necessary to care for the insane of Alaska.

Well, if we find under practical trial that it does not we can amend the bill and provide for a greater per cent, say 20 per cent instead of 10 per cent of this license fund shall be devoted to the care of the insane.

Having reviewed this bill briefly, Mr. Speaker, if there are no further questions to be asked, I would request a vote upon the bill.

The SPEAKER. This bill seems to be on the Union Calendar.

Mr. CUSHMAN. Yes.

The SPEAKER. Then the Chair misunderstood the gentleman's request.

Mr. CUSHMAN. Mr. Speaker, if there are no further questions which anyone desires to ask, I will ask for a vote.

The SPEAKER. The question of unanimous consent covers consideration in the House—that is, to discharge the Committee of the Whole House on the state of the Union, and to consider the bill in the House.

Mr. CUSHMAN. I understood that unanimous consent had been granted. I beg the Chair's pardon.

The SPEAKER. The Chair is not clear that it was put in that way. If the gentleman desires to modify his request, the Chair will put it in that way; otherwise the gentleman must move to go into the Committee of the Whole.

Mr. CUSHMAN. Then, Mr. Speaker, I shall modify the request to that extent.

The SPEAKER. The gentleman from Washington asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill, the title of which has been reported, and to consider the same in the House, as in the Committee of the Whole, under the five-minute rule. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all moneys derived from and collected for liquor licenses, occupation, or trade licenses outside of the incorporated towns in the district of Alaska shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the "Alaska fund," and to be wholly devoted to the purposes hereinafter stated in the district of Alaska. One-fourth of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said district; 5 per cent of said fund shall be devoted to the care and maintenance of insane persons in said district, or so much of said 5 per cent as may be needed; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said district.

SEC. 2. That there shall be a board of road commissioners in said district, to be composed of an engineer officer of the United States Army to be detailed and appointed by the Secretary of War, and two other officers of that part of the army stationed in said district and to be designated by the Secretary of War. The said engineer officer shall, during the term of his said detail and appointment, abide in said district. The said board shall have the power, and it shall be their duty, upon their own motion or upon petition, to locate, lay out, construct, and maintain wagon roads and pack trails from any point on the navigable waters of said district to any town, mining, or other industrial camp or settlement, or between any such town, camps, or settlements therein, if in their judgment such roads or trails are needed and will be of permanent value for the development of the district; but no such road or trail shall be constructed to any town, camp, or settlement which is wholly transitory or of no substantial value or importance for mining, trade, agricultural, or manufacturing purposes. The said board shall prepare maps, plans, and specifications of every road or trail they may locate and lay out, and whenever more than $5,000 in the aggregate shall have to be expended on the construction of any road or trail, contract for the work shall be let by them to the lowest responsible bidder, upon sealed bids, after due notice, under rules and regulations to be prescribed by the Secretary of War. The

board may reject any bid if they deem the same unreasonably high or if they find that there is a combination among bidders.

In case no responsible and reasonable bid can be secured, then the work may be carried on with material and men procured and hired by the board. The engineer officer of the board shall in all cases supervise the work of construction and see that the same is properly performed. As soon as any road or trail laid out by the board has been constructed and completed they shall examine the same and make a full and detailed report of the work done on the same to the Secretary of War, and in such report they shall state whether the road or trail has been completed conformable to the maps, plans, and specifications of the same. It shall be the duty of said board, as far as practicable, to keep in proper repair all roads and trails constructed under their supervision, and the same rules as to the manner in which the work of repair shall be done, whether by contract or otherwise, shall govern as in the case of the original construction of the road or trail. The cost and expenses of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury out of the road and trail portion of said "Alaska fund" upon vouchers approved and certified by said board. The Secretary of the Treasury shall, at the end of each month, send by mail to each of the members of said board a statement of the amount available of said "Alaska fund" for the construction and repair of roads and trails, and no greater liability for construction or repair shall at any time be incurred by said board than the money available therefor at that time in said fund. The members of said board shall, in addition to their salaries, be entitled to receive their actual traveling expenses paid or incurred by them in the performance of their duties as members of the board.

SEC. 3. That the governor of the district of Alaska shall be ex officio superintendent of public instruction in said district, and as such shall have supervision and direction of the public schools in said district and shall prescribe rules and regulations for the examination and qualification of teachers, and shall make an annual report of the condition of the schools in the district to the Secretary of the Interior.

SEC. 4. That the common council of the incorporated towns in said district shall have the power, and it shall be their duty, in their respective towns to establish school districts, to provide the same with suitable schoolhouses, and to maintain public schools therein and to provide the necessary funds for the schools; but such schools when established shall be under the supervision and control of a school board of three members, consisting of a director, a treasurer, and a clerk, to be elected annually by the vote of all adults who are citizens of the United States or who have declared their intention to become such and who are residents of the school district. The members of said board shall hold their office for the term of one year, and until their successors are elected and qualified, and they shall each, before entering upon the duties of their office, take an oath in writing to honestly and faithfully discharge the duties of their trust. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters. All money available for school purposes, except for the construction and equipment of schoolhouses and the acquisition of sites for the same, shall be expended under the direction of said board, and the treasurer of said board shall be the custodian of said money, and he shall, before entering upon the duties of his office, give his bond, with sufficient sureties, to the school district, in such sum as the common council may direct, and subject to its approval, but not less than twice the amount that may come into his hands as treasurer, conditioned that he will honestly and faithfully disburse and account for all money that may come into his hands as such treasurer. The said board shall have the power to hire and employ the necessary teachers, to provide for heating and lighting the schoolhouse, and in general to do and perform everything necessary for the due maintenance of a proper school.

SEC. 5. That the clerk of the district court shall have the power, and it shall be his duty, in the division to which he is appointed and in which he resides, upon petition as hereinafter specified, to establish by order in writing a school district at any camp, village, or settlement outside of the limits of any incorporated town, but such school district shall not embrace more than 40 square miles of territory nor contain less than 12 resident white children between the ages of 6 and 18 years. The said petition shall specify as near as may be the location and boundary of the proposed school district, the number of people, the number of families, and the number of children between the ages of 6 and 18 years resident therein, and such other material facts as tend to show the necessity for the establishment of the school district. Said petition shall be signed by not less than 12 persons of adult age who are citizens of the United States or have declared their intention to become such and who reside within the boundaries of the proposed school district. If the clerk of the court is satisfied that it is necessary and proper to grant such petition, he shall make an order in writing establishing the school district prayed for, describing the same and defining its boundaries, and he shall also in said order appoint three of the petitioners to supervise and give notice of the first election, and shall specify the time and place of the same. The original order shall remain on file in the records of the court, and a copy of the same shall be posted at three public places in the school district at least ten days before the election, and such posting shall be deemed a sufficient notice of such election.

All persons qualified to sign said petition shall be qualified to vote at said election. The qualified voters of said school district shall at said election choose by a plurality vote a school board of three members, consisting of a clerk, a treasurer, and a director, who shall, before entering upon the duties of their trust, each take an oath in writing to honorably and faithfully discharge the duties of their office. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters. The treasurer shall be the custodian of the moneys of the school district, and he shall, before entering upon the duties of his office, give his bond to the school district, with sufficient sureties, to be approved by the clerk of the court, and in such sum as he may direct, but not less than twice the amount of money that may come into his hands as treasurer, conditioned that he, the treasurer, will honestly and faithfully disburse and account for all the money that may come into his hands by virtue of his office. Said board shall have the power to build or rent the necessary schoolhouse or schoolroom, to equip the same with the necessary furniture and fixtures, to provide fuel and light, to hire and employ teachers, and in general to do and perform everything that may be necessary for the maintenance of a public school. The members of said board shall hold office for the term of one year and until their successors are elected and qualified. An annual election shall be held each year, after the first election, for the election of members of said board. As soon as the members of said school board have been elected and qualified, they shall send to the clerk of the court and file in his office a certificate of their election under the hand and seal of the judges or supervisors of election, their oaths of office, and the bond of the treasurer, and the clerk of the court shall file said papers and carefully keep them as a part of the files and records of his office, and he shall at once send to the governor of the district of Alaska a certified copy of said papers, together with a certified copy of the order establishing the school district, and the governor shall duly file and preserve the same.

The board, as soon as they have complied with the requirements aforesaid, shall immediately report in writing to the governor the number of children in their school district between the ages of 6 and 18 years that intend to attend a public school, and the wages per month for which a teacher can be obtained; and after a school has been opened and maintained they shall, at the end of each school term, report to the governor in writing the length of the term, the wages paid the teacher, the total number of pupils in attendance, and the daily average of such attendance at such term. The governor shall assign and set apart to each school district established and organized under the provisions of this section, a sum not less than $300 nor more than $1,000, in proportion to the number of pupils in the district, for the construction and equipment of a schoolhouse, which sum shall be paid by the Secretary of the Treasury to the treasurer of the school district upon the order and voucher of the governor out of that portion of the said Alaska fund set apart for the establishment and maintenance of public schools. The residue of said portion of said fund, or so much thereof as may be necessary, shall by the governor be apportioned among the several school districts established under the provisions of this section in amounts sufficient for each district to pay the wages of a teacher, together with the expense of fuel and light, for three months' school in each year. And the amounts so apportioned to each school district shall be paid to the treasurer of the district by the Secretary of the Treasury upon the order and voucher of the governor out of the said portion of said fund.

SEC. 6. That the clerks of school districts in the incorporated towns shall, at the end of each school term, report to the governor in writing the length of the term, the wages paid the teacher, the number of pupils in attendance, and the average daily attendance during the term. In case there is any surplus in the portion of the Alaska fund set apart for the establishment and maintenance of public schools after complying with the provisions of the last preceding section, such surplus shall by the governor be distributed among all the school districts in the district of Alaska in which there has been not less than three months' school during the preceding year, in proportion to the number of pupils in attendance at school, and the sums so distributed shall, upon the order and voucher of the governor, be paid by the Secretary of the Treasury to the treasurer of each school district out of the said surplus: *Provided, however,* That the governor may employ a clerk, at a salary of not more than $1,000 per annum, to aid him in the performance of the duties in this act prescribed.

SEC. 7. That the schools specified and provided for in this act shall be devoted to the education of white children and children of mixed blood who lead a civilized life. The education of the Eskimos and Indians in the district of Alaska shall remain under the direction and control of the Secretary of the Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the States or Territories of the United States.

SEC. 8. That commissioners appointed by the judges of the district court in the district of Alaska, pursuant to existing laws, shall, as ex officio probate judges and in the exercise of their probate jurisdiction, have the power, and it shall be their duty, in their respective districts, to commit, by warrant under their hands and seals, all persons adjudged insane in their districts to the asylum or sanitarium provided for the care and keeping of the insane of the district of Alaska. No person shall be adjudged insane or committed as such, except upon and pursuant to the following proceedings, to wit: Whenever complaint in writing is made by any adult person to a commissioner that there is an insane person at large in the commissioner's district, the commissioner shall at once cause such insane person to be taken into custody and to be brought before him, and he shall then immediately summon and impanel a jury of six male adults, residents of the district, to inquire, try, and determine whether the person so complained of is really insane. The members of said jury shall, before entering upon the discharge of their duty, each take an oath to diligently inquire, justly try, and a true verdict render, touching the mental condition of the person charged with being insane. Before entering upon such trial the commissioner shall appoint some suitable person to appear for and represent in the proceeding the person complained of as insane. And in case there is a physician or surgeon in the vicinity who can be procured, the commissioner shall cause such surgeon or physician to examine the person alleged to be insane, and after such examination to testify under oath before the jury in respect to the mental condition of said person.

The commissioner shall preside at said hearing and trial. All witnesses that may be offered shall be heard and shall be permitted to testify under oath in said matter, and after having heard all the evidence the said jury shall retire to agree upon a verdict, and if the jury unanimously, by their verdict in writing, find that the said person so charged with being insane as aforesaid is really and truly insane and that he ought to be committed to the asylum or sanitarium aforesaid, and the commissioner approves such finding, he shall enter a judgment adjudging the said person to be insane and adjudging that he be at once conveyed to and thereafter properly and safely kept in the said asylum or sanitarium until duly discharged therefrom by law. The commissioner shall thereupon, under his hand and seal, issue his warrant, with a copy of said judgment attached, for the commitment of said insane person to the asylum or sanitarium aforesaid, which warrant shall be delivered to the marshal of the division in which said proceedings are had, and shall direct said marshal to safely keep and deliver said insane person to said asylum or sanitarium, and the said marshal, for the service of process in connection with and the guarding and transportation of the insane, shall be compensated from the same source and in the same manner as in the case of prisoners convicted of crime. The commissioner, the jurymen, and the witnesses in said proceeding shall be entitled to the same compensation and mileage as in civil actions. And all the compensation, mileage, fees, and all other

expenses and outlays incident to said proceedings shall be audited and allowed by the district judge of the division in which said proceedings are pending and had, and when so audited and allowed shall be paid by the clerk of the court in such division as the incidental expenses of the court are by him paid and from the same fund.

SEC. 9. That all acts and parts of acts inconsistent with this act are, to the extent of such inconsistency, hereby repealed.

The Clerk read the following committee amendments:

In line 9, page 5, after the word "board," insert the words "first elected."

In line 10, page 5, strike out the word "year," and insert in lieu thereof the words "two and three years respectively."

In line 10, page 5, strike out the word "office" and insert the word "offices."

Also in line 10, page 5, after the word "qualified," insert the following: "and one member of such board shall be elected each year thereafter and shall hold his office for a period of three years and until his successor is elected and qualified."

In line 20, page 6, strike out the word "twelve" and insert the word "twenty."

In line 21, page 6, strike out the word "eighteen" and insert the word "twenty."

In line 24, page 6, strike out the word "eighteen" and insert the word "twenty."

In line 9, page 9, strike out the word "eighteen" and insert the word "twenty."

In line 7, page 10, strike out the word "three" and insert the word "five."

In line 16, page 10, beginning with the words "in case," strike out the remainder of the section.

The committee amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. Without objection, the request of the gentleman from Washington is granted.

ENROLLED BILL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6498. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 4 o'clock and 23 minutes) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a report of the Director of the Geological Survey on the questions involved in the use of the waters of the lower Colorado River for irrigation—to the Committee on Irrigation of Arid Lands, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting a request as to the removal of the quarantine station at San Diego, Cal.—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of leases granted by him during the calendar year 1904—to the Committee on Ways and Means, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Daniel Mans against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas R. Hill against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joe Moon, administrator of estate of Elijah Pinson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Octavia P. Brooks against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hezekiah T. Embrey, administrator of estate of Robert Embrey, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Superintendent of Library Building and Grounds, transmitting preliminary plans and estimates of cost of central power station for existing and projected Government buildings on the Mall and in the vicinity of the White House—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the House joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton, reported the same with amendment, accompanied by a report (No. 3414); which said joint resolution and report were referred to the House Calendar.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16987) to provide for holding terms of United States courts at Greenville, Miss., reported the same with amendment, accompanied by a report (No. 3415); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15286) legalizing a certain ordinance of the city of Purcell, Ind. T., reported the same with amendment, accompanied by a report (No. 3416); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16992) to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi, reported the same without amendment, accompanied by a report (No. 3417); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16282) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River, reported the same with amendment, accompanied by a report (No. 3418); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak., reported the same with amendment, accompanied by a report (No. 3419); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15578) to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts, reported the same with amendment, accompanied by a report (No. 3420); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9410) granting a pension to Rosa Miller, reported the same without amendment, accompanied by a report (No. 3231); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16303) granting an increase of pension to Joseph W. Tyler, re-

ported the same with amendment, accompanied by a report (No. 3232); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7378) granting an increase of pension to Israel Purdy, reported the same with amendment, accompanied by a report (No. 3233); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7607) granting a pension to Rev. Joel W. Nye, reported the same with amendment, accompanied by a report (No. 3234); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8077) granting an increase of pension to John McFarlane, reported the same with amendment, accompanied by a report (No. 3235); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9140) granting an increase of pension to James L. Capp, reported the same with amendment, accompanied by a report (No. 3236); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16390) granting an increase of pension to Mortimer C. Briggs, reported the same without amendment, accompanied by a report (No. 3237); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16598) granting an increase of pension to John Bryan, reported the same without amendment, accompanied by a report (No. 3238); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16499) granting an increase of pension to Green Yeiser, reported the same with amendment, accompanied by a report (No. 3239); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16683) granting a pension to Jesse Peters, reported the same with amendment, accompanied by a report (No. 3240); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15669) granting an increase of pension to Matthew C. Danforth, reported the same with amendment, accompanied by a report (No. 3241); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15946) granting an increase of pension to Oliver Marcus Bump, reported the same with amendment, accompanied by a report (No. 3242); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16481) granting an increase of pension to F. M. Halbritter, reported the same with amendment, accompanied by a report (No. 3243); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16503) granting a pension to Dillion Asher, reported the same with amendment, accompanied by a report (No. 3244); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2781) granting a pension to Altamira M. Parsons, reported the same with amendment, accompanied by a report (No. 3245); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13887), granting an increase of pension to Jacob Steffes, reported the same with amendment, accompanied by a report (No. 3246); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14140) granting an increase of pension to William Y. Clinton, reported the same without amendment, accompanied by a report (No. 3247); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16385) granting an increase of pension to Edwin Vincent, reported the same without amendment, accompanied by a report (No. 3248); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14485) granting a pension to Charlotte M. Wylie, reported the same with amendment, accompanied by a report (No. 3249); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15004) granting an increase of pension to William N. Meacham, reported the same with amendment, accompanied by a report (No. 3250); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12601) granting an increase of pension to Francis M. Prill, reported the same with amendment, accompanied by a report (No. 3251); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3799) granting a pension to Emma Cortright, reported the same with amendment, accompanied by a report (No. 3252); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5123) granting a pension to Maria Olmsted Eldred, reported the same with amendment, accompanied by a report (No. 3253); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4595) granting an increase of pension to Charles D. Fortney, reported the same with amendment, accompanied by a report (No. 3254); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7350) granting an increase of pension to John C. Besier, reported the same with amendment, accompanied by a report (No. 3255); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16502) granting a pension to Henry Rader, reported the same with amendment, accompanied by a report (No. 3256); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16525) granting an increase of pension to Henry A. Glenn, reported the same with amendment, accompanied by a report (No. 3257); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16715) granting a pension to Helen Calvert, reported the same without amendment, accompanied by a report (No. 3258); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15637) granting an increase of pension to William A. Smith, reported the same with amendment, accompanied by a report (No. 3259); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16526) granting an increase of pension to John H. Caton, reported the same with amendment, accompanied by a report (No. 3260); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15733) granting an increase of pension to Peter Horth, reported the same without amendment, accompanied by a report (No. 3261); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16392) granting an increase of pension to John W. Tusing, reported the same with amendment, accompanied by a report (No. 3262); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16455) granting a pension to Howard P. Ketcham, reported the same with amendment, accompanied by a report (No. 3263); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 16426) granting an increase of pension to Alexander Jones, reported the same with amendment, accompanied by a report (No. 3264); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15741) granting an increase of pension to John S. Duncan, reported the same with amendment, accompanied by a report (No. 3265); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16077) granting an increase of pension to Andrew J. Clark, reported the same without amendment, accompanied by a report (No. 3266); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16896) granting an increase of pension to Thomas Reynolds, reported the same with amendment, accompanied by a report (No. 3267); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16226) granting an increase of pension to William W. Smith, reported the same without amendment, accompanied by a report (No. 3268); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16386) granting a pension to Bryan Dunbar, reported the same with amendment, accompanied by a report (No. 3269); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16480) granting an increase of pension to Preston Glover, reported the same without amendment, accompanied by a report (No. 3270); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16813) granting an increase of pension to Laura A. Hinkley, reported the same with amendment, accompanied by a report (No. 3271); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16141) granting an increase of pension to John Parks, reported the same with amendment, accompanied by a report (No. 3272); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16424) granting an increase of pension to Charles M. Fay, reported the same with amendment, accompanied by a report (No. 3273); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referrred the bill of the House (H. R. 16894) granting an increase of pension to Jeremiah Conner, reported the same with amendment, accompanied by a report (No. 3274); which said bill and report were referred to the Private Calendar.

SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15887) granting an increase of pension to George F. Ludwig, reported the same with amendment, accompanied by a report (No. 3275); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16704) granting an increase of pension to Michael Lewis, reported the same with amendment, accompanied by a report (No. 3276); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15941) granting an increase of pension to Israel V. Hoag, reported the same with amendment, accompanied by a report (No. 3277); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15888) granting an increase of pension to James E. Andrews, reported the same without amendment, accompanied by a report (No. 3278); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15645) granting an increase of pension to Samuel B. Clark, reported the same without amendment, accompanied by a report (No. 3279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16506) granting a pension to Samuel B. Gray, reported the same with amendment, accompanied by a report (No. 3280); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16544) granting an increase of pension to Varner G. Root, reported the same without amendment, accompanied by a report (No. 3281); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16108) granting an increase of pension to A. S. Ray, reported the same with amendment, accompanied by a report (No. 3282); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16173) granting an increase of pension to Allen Riggs, reported the same with amendment, accompanied by a report (No. 3283); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16962) granting an increase of pension to James J. Creigh, reported the same with amendment, accompanied by a report (No. 3284); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16483) granting an increase of pension to James H. Silcott, reported the same with amendment, accompanied by a report (No. 3285); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1541) granting an increase of pension to Commodore P. Hall, reported the same without amendment, accompanied by a report (No. 3286); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1539) granting an increase of pension to Edward Shiflett, reported the same without amendment, accompanied by a report (No. 3287); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1413) granting a pension to Louisa D. Miller, reported the same without amendment, accompanied by a report (No. 3288); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 784) granting an increase of pension to Beverly Waugh, reported the same without amendment, accompanied by a report (No. 3289); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 776) granting an increase of pension to Calvin H. Morris, reported the same without amendment, accompanied by a report (No. 3290); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred bill of the Senate (S. 5297) granting an increase of pension to Jerry L. Gray, reported the same without amendment, accompanied by a report (No. 3291); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5206) granting an increase of pension to Lucy Jane Ball, reported the same without amendment, accompanied by a report (No. 3292); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5190) granting an increase of pension to William Berry, reported the same without amendment, accompanied by a report (No. 3293); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5120) granting an increase of pension to William H. Chamberlin, reported the same without amendment, accompanied by a report (No. 3294); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4986) granting an increase of pension to Philo S. Bartow, reported the same without amendment, accompanied by a report (No. 3295); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4766) granting an increase of pension to Frederick Clark, reported the same without amendment, accompanied by a report (No. 3296); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 5735) granting an increase of pension to Washington Lenhart, reported the same without amendment, accompanied by a report (No. 3297); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5736) granting an increase of pension to Charles E. Gilbert, reported the same without amendment, accompanied by a report (No. 3298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5738) granting an increase of pension to Enoch Russell, reported the same without amendment, accompanied by a report (No. 3299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5737) granting an increase of pension to John W. See, reported the same without amendment, accompanied by a report (No. 3300); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5740) granting an increase of pension to Clemon Clooten, reported the same without amendment, accompanied by a report (No. 3301); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 316) granting an increase of pension to Elmore Y. Chase, reported the same without amendment, accompanied by a report (No. 3302); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5811) granting an increase of pension to Franklin Waller, reported the same without amendment, accompanied by a report (No. 3303); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5810) granting an increase of pension to Joseph Reber, reported the same without amendment, accompanied by a report (No. 3304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5807) granting an increase of pension to Sarah J. F. Robinson, reported the same without amendment, accompanied by a report (No. 3305); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5739) granting an increase of pension to Adolphe Bessie, reported the same with amendment, accompanied by a report (No. 3306); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5716) granting an increase of pension to Dotha J. Whipple, reported the same without amendment, accompanied by a report (No. 3307); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 424) granting a pension to George W. Lehman, reported the same without amendment, accompanied by a report (No. 3308); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5508) granting a pension to Abraham B. Miller, reported the same without amendment, accompanied by a report (No. 3309); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3906) granting an increase of pension to James H. Venier, reported the same without amendment, accompanied by a report (No. 3310); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5589) granting an increase of pension to Mary E. Burrell, reported the same without amendment, accompanied by a report (No. 3311); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5741) granting an increase of pension to Stephen Welch, reported the same without amendment, accompanied by a report (No. 3312); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5745) granting an increase of pension to Mary M. Mitchell, reported the same without amendment, accompanied by a report (No. 3313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5744) granting an increase of pension to Joseph A. Rhodes, reported the same without amendment, accompanied by a report (No. 3314); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5558) granting an increase of pension to Susan C. Schroeder, reported the same without amendment, accompanied by a report (No. 3315); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4070) granting an increase of pension to Andrew Fellentreter, reported the same without amendment, accompanied by a report (No. 3316); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2286) granting an increase of pension to James Thompson, reported the same without amendment, accompanied by a report (No. 3317); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2238) granting an increase of pension to William Strawn, reported the same without amendment, accompanied by a report (No. 3318); which said bill and report were referred to the private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1810) granting an increase of pension to George W. Thomas, reported the same without amendment, accompanied by a report (No. 3319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 552) granting an increase of pension to Ira K. Eaton, reported the same without amendment, accompanied by a report (No. 3320); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5531) granting an increase of pension to Catherine Jones, reported the same without amendment, accompanied by a report (No. 3321); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5476) granting an increase of pension to Joel F. Howe, reported the same without amendment, accompanied by a report (No. 3322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5379) granting an increase of pension to Bird Solomon, reported the same with amendment, accompanied by a report (No. 3323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5427) granting an increase of pension to Ruhema C. Horsman, reported the same without amendment, accompanied by a report (No. 3324); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4395) granting an increase of pension to Thomas H. Walker, reported the same without amendment, accompanied by a report (No. 3325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4151) granting an increase of pension to Thomas J. Spencer, reported the same without amendment, accompanied by a report (No. 3326); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3001) granting an increase of pension to Adrianna Lowell, reported the same without amendment, accompanied by a report (No. 3327); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2581) granting an increase of pension to Myron D. Hill, reported the same without amendment, accompanied by a report (S. 3328); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5535) granting an increase of pension to Alexander McConneha, reported the same without amendment, accompanied by a report (No. 3329); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5532) granting an increase of pension to Edwin A. Knight, reported the same without amendment, accompanied by a report (No. 3330); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 567) granting an increase of pension to William Cody, reported the same without amendment, accompanied by a report (No. 3331); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 566) granting an increase of pension to William H. Hart, reported the same without amendment, accompanied by a report (No. 3332); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5428) granting an increase of pension to Joseph J. Hedrick, reported the same without amendment, accompanied by a report (No. 3333); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5346) granting an increase of pension to Amon A. Webster, reported the same without amendment, accompanied by a report (No. 3334); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5450) granting an increase of pension to George R. Lingenfelter, reported the same without amendment, accompanied by a report (No. 3335); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3076) granting a pension to Arthur W. Post, reported the same without amendment, accompanied by a report (No. 3336); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2972) granting an increase of pension to Thomas Boyle, reported the same without amendment, accompanied by a report (No. 3337); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2848) granting an increase of pension to William H. Lewis, reported the same without amendment, accompanied by a report (No. 3338); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3482) granting an increase of pension to Alfred H. Le Fevre, reported the same without amendment, accompanied by a report (No. 3339); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4808) granting an increase of pension to John Worley, reported the same without amendment, accompanied by a report (No. 3340); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5271) granting an increase of pension to Paul Diebitsch, reported the same without amendment, accompanied by a report (No. 3341); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5378) granting an increase of pension to John H. Ash, reported the same without amendment, accompanied by a report (No. 3342); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5530) granting a pension to William R. Cahoon, reported the same without amendment, accompanied by a report (No. 3343); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5781) granting an increase of pension to John A. Steele, reported the same without amendment, accompanied by a report (No. 3344); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3774) granting an increase of pension to John C. Felton, reported the same without amendment, accompanied by a report (No. 3345); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2287) granting an increase of pension to Samuel J. Brainard, reported the same without amendment, accompanied by a report (No. 3346); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2518) granting an increase of pension to Clarinda A. Spear, reported the same without amendment, accompanied by a report (No. 3347); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3100) granting an increase of pension to Howard Wiley, reported the same without amendment, accompanied by a report (No. 3348); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3232) granting an increase of pension to William O. Gould, reported the same without amendment, accompanied by a report (No. 3349); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3286) granting an increase of pension to Charles D. Creed, reported the same without amendment, accompanied by a report (No. 3350); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3356) granting an increase of pension to Rebecca A. Teter, reported the same without amendment, accompanied by a report (No. 3351); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3357) granting an increase of pension to Welcom B. French, reported the same without amendment, accompanied by a report (No. 3352); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4477) granting an increase of pension to John C. Craven, reported the same without amendment, accompanied by a report (No. 3353); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4103) granting an increase of pension to John W. Roullett, reported the same without amendment, accompanied by a report (No. 3354); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4038) granting an increase of pension to George E. Yingling, reported the same without amendment, accompanied by a report (No. 3355); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3239) granting an increase of pension to George W. D. Buchanan, reported the same without amendment, accompanied by a report (No. 3356); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5734) granting an increase of pension to George H. Woodbury, reported the same without amendment, accompanied by a report (No. 3357); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5859) granting an increase of pension to Henry Breslin, reported the same without amendment, accompanied by a report (No. 3358); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5339) granting an increase of pension to Sidney B. Hamilton, reported the same without amendment, accompanied by a report (No. 3359); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5733) granting an increase of pension to Monroe W. Wright, reported the same without amendment, accompanied by a report (No. 3360); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5501) granting an increase of pension to Sarah A. Rowe, reported the same without amendment, accompanied by a report (No. 3361); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4221) granting an increase of pension to Henry C. Stroman, reported the same without amendment, accompanied by a report (No. 3362); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4199) granting a pension to William

Rufus Kelly, reported the same without amendment, accompanied by a report (No. 3363); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4002) granting an increase of pension to Susan E. Armitage, reported the same without amendment accompanied by a report (No. 3364); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5345) granting an increase of pension to Thomas Coughlin, reported the same without amendment, accompanied by a report (No. 3365); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5358) granting an increase of pension to Thomas Taylor, reported the same without amendment, accompanied by a report (No. 3366); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5445) granting an increase of pension to Caroline L. Guild, reported the same without amendment, accompanied by a report (No. 3367); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5512) granting an increase of pension to John W. Carleton, reported the same without amendment, accompanied by a report (No. 3368); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5514) granting an increase of pension to Samuel S. Lamson, reported the same without amendment, accompanied by a report (No. 3369); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 801) granting an increase of pension to Samuel L. D. Goodale, reported the same without amendment, accompanied by a report (No. 3370); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 850) granting an increase of pension to Henry V. Sims, reported the same without amendment, accompanied by a report (No. 3371); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1981) granting an increase of pension to Elizabeth V. Reynolds, reported the same without amendment, accompanied by a report (No. 3372); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2009) granting a pension to Richard Dunn, reported the same without amendment, accompanied by a report (No 3373); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2117) granting an increase of pension to Philip L. Hiteshew, reported the same without amendment, accompanied by a report (No. 3374); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2310) granting an increase of pension to William Dar, reported the same without amendment, accompanied by a report (No. 3375); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2492), granting an increase of pension to George G. Tuttle, reported the same without amendment, accompanied by a report (No. 3376); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2493), granting an increase of pension to Alfred Tichurst, reported the same without amendment, accompanied by a report (No. 3377); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1208), granting an increase of pension to Samuel G. Magruder, reported the same without amendment, accompanied by a report (No. 3378); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2890) granting an increase of pension to Andrew C. Kemper, reported the same without amendment, accompanied by a report (No. 3379); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5857) granting an increase of pension to James Bryson, reported the same without amendment, accompanied by a report (No. 3380); which said bill and report were referred to the Private Canendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4408) granting an increase of pension to Robert N. Button, reported the same without amendment, accompanied by a report (No. 3381); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5129) granting an increase of pension to Thompson Martin, reported the same without amendment, accompanied by a report (No. 3382); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5214) granting an increase of pension to William P. Renfro, reported the same without amendment, accompanied by a report (No. 3383); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4393) granting an increase of pension to Cora A. Baker, reported the same without an amendment, accompanied by a report (No. 3384); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5858) granting an increase of pension to John Hubbard, reported the same without amendment, accompanied by a report (No. 3385); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 844) granting an increase of pension to Mary L. Duff, reported the same without amendment, accompanied by a report (No. 3386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2333) granting a pension to Benjamin F. Hall, reported the same without amendment, accompanied by a report (No. 3387); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2339) granting an increase of pension to Carolina Apfel, reported the same without amendment, accompanied by a report (No. 3388); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5713) granting an increase of pension to Robert Crowther, reported the same without amendment, accompanied by a report (No. 3389); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4767) granting an increase of pension to Henry Snidemiller, reported the same without amendment, accompanied by a report (No. 3390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2915) granting a pension to Mary Williamson, reported the same without amendment, accompanied by a report (No. 3391); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2945) granting an increase of pension to Sallie M. Nuzum, reported the same without amendment, accompanied by a report (No. 3392); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5742) granting an increase of pension to Nickles Dockendorf, reported the same without amendment, accompanied by a report (No. 3393); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5743) granting an increase of pension to James Riordan, reported the same without amendment, accompanied by a report (No. 3394); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1830) granting an increase of pension to Sarah E. Austin, reported the same without amendment, accompanied by a report (No. 3395); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2212) granting an increase of pension to Charles N. Wood, reported the same without amendment, accompanied by a report (No. 3396); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2231) granting an increase of pension to Bessie M. Dickinson, reported the same without amendment, accompanied by a report (No. 3397); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5715) granting an increase of pension to Benjamin Bickford, reported the same without amendment, accompanied by a report (No. 3398); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5714) granting an increase of pension to John McKenne, reported the same without amendment, accompanied by a report (No. 3399); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2274) granting an increase of pension to Joseph J. Carson, reported the same without amendment, accompanied by a report (No. 3400); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2574) granting an increase of pension to Nelson Purcell, reported the same without amendment, accompanied by a report (No. 3401); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 377) granting an increase of pension to Ezra W. Cartwright, reported the same without amendment, accompanied by a report (No. 3402); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 554) granting an increase of pension to Thomas P. Farley, reported the same without amendment, accompanied by a report (No. 3403); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1996) granting an increase of pension to William R. Williams, reported the same without amendment, accompanied by a report (No. 3404); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2096) granting an increase of pension to John W. Millett, reported the same without amendment, accompanied by a report (No. 3405); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3624) granting an increase of pension to Peter D. Moore, reported the same without amendment, accompanied by a report (No. 3406); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4273) granting an increase of pension to Frazie A. Campbell, reported the same without amendment, accompanied by a report (No. 3407); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4382) granting an increase of pension to John B. Harvey, reported the same without amendment, accompanied by a report (No. 3408); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4383) granting an increase of pension to Mary E. Penn, reported the same without amendment, accompanied by a report (No. 3409); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3390) granting a pension to Emily E. Cram, reported the same without amendment, accompanied by a report (No. 3410); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3522) granting an increase of pension to Samuel J. Denison, reported the same without amendment, accompanied by a report (No. 3411); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3755) granting an increase of pension to William H. Covert, reported the same without amendment, accompanied by a report (No. 3412); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7847) for the relief of F. P. Brower—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 14113)) granting a pension to Ida R. Borrell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15914) granting an increase of pension to David A. Carpenter—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17060) granting an increase of pension to Daniel H. Hastings—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17239) for the relief of Annie White—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 17274) granting a pension to Louis A. Lavalley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16703) granting an increase of pension to Jennie L. Overton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VAN VOORHIS, from the Committee on Appropriations: A bill (H. R. 17330) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes—to the Union Calendar.

By Mr. BEDE: A bill (H. R. 17331) relating to a dam across Rainy River—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: A bill (H. R. 17332) to establish a lighthouse, and so forth, at Midway Islands—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 17333) to authorize the construction of a bridge across Red River at Shreveport, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 17334) providing for the holding of Federal court at Kearney, Nebr.—to the Committee on the Judiciary.

By Mr. DWIGHT: A bill (H. R. 17335) to incorporate the American Medical Association—to the Committee on the Judiciary.

By Mr. DICKERMAN: A bill (H. R. 17336) to provide for the purchase of a site and the erection of a public building thereon at Melton, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. BYRD: A bill (H. R. 17337) to increase the pensions of the surviving widows of the soldiers of the Mexican war—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 17338) to amend section 3738 of the Revised Statutes of the United States—to the Committee on Labor.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 17339) appropriating $50,000 to enlarge the public building at Jackson, Miss., so as to meet the necessities of the public business—to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 17340) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Palestine Tex., and for other purposes—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: A bill (H. R. 17341) imposing a tax on certain transactions in grain, provisions, cotton, stocks, bonds, and other securities, and for other purposes—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: A bill (H. R. 17342) to complete the improvements and repairs upon the Government building at Montgomery, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH: A bill (H. R. 17343) to establish a railroad storage yard for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 17344) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable

it to relocate parts of its railroad therein, and for other purposes"—to the Committee on the District of Columbia.

By Mr. GILLETT of California: A bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve—to the Committee on the Public Lands.

Also, a bill (H. R. 17346) for the construction of a light-house tender for use on the coast of California—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A bill (H. R. 17347) amending "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes," approved April 28, 1904, as far as the same authorizes the acquisition by the Secretary of the Treasury of the properties known as the Peabody and Gunton properties, immediately adjacent to the custom-house building in the city of Baltimore and State of Maryland, at a cost not to exceed $90,000—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17348) for the establishment of a light-house on or near Southwest bar shoals, off the south end of Pooles Island, in Chesapeake Bay, Maryland—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLET of New York: A bill (H. R. 17349) to provide for the purchase of a site and the erection of a public building thereon at Hornellsville, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. RUCKER: A bill (H. R. 17350) declaring Grand River to be not a navigable stream—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON: A bill (H. R. 17351) to amend the homestead laws as to certain unappropriated and unreserved lands in Montana—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 17352) to regulate process and proceedings in the courts of the United States—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 17353) to make Gloucester, Mass., a port to which merchandise may be imported without appraisement—to the Committee on Ways and Means.

By Mr. MAYNARD: A bill (H. R. 17433) relating to the salaries of the President and Vice-President of the United States, and for paying the President a salary after his retirement from office—to the Committee on Appropriations.

By Mr. WILLIAMS of Illinois: A joint resolution (H. J. Res. 191) for the survey of Ohio River at Metropolis, Ill.—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 192) for the survey of Ohio River at Elizabethtown, Ill.—to the Committee on Rivers and Harbors.

By Mr. MANN: A concurrent resolution (H. C. Res. 71) providing for the printing of 24,000 copies of the report of the Commissioner of Corporations from the organization of the Bureau to June 30, 1904—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 17354) for the relief of the estate of John W. Gregory, deceased—to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 17355) granting an increase of pension to Joshua S. Ditto—to the Committee on Pensions.

Also, a bill (H. R. 17356) granting an increase of pension to Thomas H. Tallant—to the Committee on Pensions.

Also (by request), a bill (H. R. 17357) to remove the charge of desertion from the military record of Wakeland Heryford—to the Committee on Military Affairs.

By Mr. BELL of California: A bill (H. R. 17358) to pay the heirs of D. F. Lansing the sum of $15,000, for services rendered and supplies furnished to the Bool Dam Indians of California—to the Committee on Indian Affairs.

Also, a bill (H. R. 17359) granting a pension to William McElroy—to the Committee on Invalid Pensions.

By Mr. BRADLEY (by request): A bill (H. R. 17360) for the relief of John Brawley—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 17361) granting a pension to Samuel H. Renfro—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 17362) granting a pension to Nancy Bedford—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 17363) granting an increase of pension to Elias M. Koher—to the Committee on Pensions.

Also, a bill (H. R. 17364) granting an increase of pension to David T. Hall—to the Committee on Pensions.

Also, a bill (H. R. 17365) granting an increase of pension to Elizabeth A. Glover—to the Committee on Pensions.

Also, a bill (H. R. 17366) granting an increase of pension to Alexander Fitzgerald—to the Committee on Pensions.

Also, a bill (H. R. 17367) granting a pension to Henry A. Showalter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17368) granting an increase of pension to Julius A. Mahurin—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 17369) granting an increase of pension to Harvey B. Utley—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 17370) granting an increase of pension to C. S. M. Hooton—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 17371) granting a pension to Charles Wesley Hall—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 17372) granting an increase of pension to Gilbert F. Capron—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 17373) to correct the military record of Brig. Gen. William Hull—to the Committee on Military Affairs.

Also, a bill (H. R. 17374) granting an increase of pension to Georgia A. Harlow—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 17375) for the relief of L. D. Gasteiger—to the Committe on Military Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 17376) granting an increase of pension to Lee W. Putnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17377) granting an increase of pension to Mark S. Clay—to the Committee on Invalid Pensions.

By Mr. DICKERMAN: A bill (H. R. 17378) granting an increase of pension to Ephriam Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17379) granting an increase of pension to J. P. McCleary—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 17380) granting a pension to Joseph M. Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17381) granting an increase of pension to Henry D. Lively—to the Committee on Pensions.

Also, a bill (H. R. 17382) granting a pension to Bertie M. McVey—to the Committee on Pensions.

Also, a bill (H. R. 17383) granting a pension to Cora J. Hall—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 17384) for the relief of Jeremiah Lower—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 17385) granting an increase of pension to William R. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17386) granting an increase of pension to John T. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17387) granting an increase of pension to Alferd M. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17388) for the relief of the legal representatives of John Harding, deceased—to the Committee on War Claims.

By Mr. GILLETT of California: A bill (H. R. 17389) to authorize the President of the United States to appoint Harlow L. Street captain and commissary in the Army—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 17390) granting an increase of pension to Samuel Sunderland—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 17391) for the relief of Van Goolsberry—to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 17392) granting an increase of pension to Arthur Haire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17393) for the relief of the heirs at law of Robert D. McCombs, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17394) granting a pension to J. B. Hoyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17395) granting a pension to Robert Byrd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17396) granting a pension to Benjamin W. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17397) granting a pension to Robert Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17398) granting a pension to Elijah P. Hensley—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 17399) granting an increase of pension to David B. Wood—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 17400) granting an increase of pension to William D. Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17401) granting a pension to Rosalia A. Partridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17402) granting a pension to Thomas G. Wilcox—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 17403) granting an increase of pension to Horace Winslow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17404) for the relief of Louis A. Kumm—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 17405) for the relief of Joseph Leggett—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 17406) granting an increase of pension to Eliza Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17407) granting an increase of pension to Samuel F. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17408) granting an increase of pension to Charley Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17409) granting an increase of pension to H. G. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17410) extending the provisions of the act of June 27, 1890, to Company B, of Three Forks Battalion, Kentucky State Troops—to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 17411) granting an increase of pension to Abel Grovenor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17412) granting an increase of pension to Lorinda Herr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17413) granting an increase of pension to Mary E. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17414) for the relief of Howell P. Myton—to the Committee on Indian Affairs.

Also, a bill (H. R. 17415) granting a pension to William J. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17416) authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 17417) for the relief of J. H. Copenhaven, administrator of Bayliss G. Farley, deceased—to the Committee on War Claims.

By Mr. HUNT: A bill (H. R. 17418) granting an increase of pension to Margaret J. Valentine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17419) for the relief of John Schenk—to the Committee on Military Affairs.

Also, a bill (H. R. 17420) granting a pension to James Murray—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 17421) granting a pension to Jesse M. Noblitt—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 17422) granting an increase of pension to John Calkins—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 17423) granting a pension to Nancy M. Blackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17424) granting a pension to William Breeding—to the Committee on Pensions.

Also, a bill (H. R. 17425) granting a pension to Mrs. Christian Kloeppel—to the Committee on Pensions.

By Mr. LEGARE: A bill (H. R. 17426) for the relief of the legal heirs of Raphael L. David, deceased—to the Committee on War Claims.

By Mr. LESTER: A bill (H. R. 17427) for the relief of the heirs of Caroline E. Long—to the Committee on War Claims.

By Mr. LITTLE: A bill (H. R. 17428) for the relief of the legal representatives of the estate of Melvina A. Carter—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 17429) to remove the restrictions on the alienation of the lands of certain adult allottees of the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

By Mr. MARSHALL: A bill (H. R. 17430) granting a pension to Edwin R. Kennedy—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 17431) granting an increase of pension to Margaret Curry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17432) granting an increase of pension to Peter Miller—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 17434) granting an increase of pension to Samuel H. Draper—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17435) for the relief of D. J. Rogers—to the Committee on War Claims.

By Mr. PAGE: A bill (H. R. 17436) granting an increase of pension to J. C. S. Twitchell—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 17437) granting an increase of pension to A. H. Glassmire—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17438) for the relief of the heirs of the estate of Melissa Gathright, deceased, of Colbert County, Ala.—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 17439) granting a pension to Hannah A. Sawyer—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 17440) for the relief of William M. West—to the Committee on War Claims.

Also, a bill (H. R. 17441) for the relief of J. F. Steel—to the Committee on War Claims.

Also, a bill (H. R. 17442) ceding strip or parcel of land to city of Hot Springs, Ark., for use as a public street—to the Committee on the Public Lands.

By Mr. ROBINSON of Indiana: A bill (H. R. 17443) granting an increase of pension to Oscar Hinkley—to the Committee on Invalid Pensions.

By Mr. SHULL: A bill (H. R. 17444) granting a pension to Michael Kresge—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 17445) granting an increase of pension to Thomas E. Farrar—to the Committee on Pensions.

Also, a bill (H. R. 17446) granting an increase of pension to Benjamin F. Highsmith—to the Committee on Pensions.

Also, a bill (H. R. 17447) granting an increase of pension to Joseph Baetz—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 17448) granting a pension to Greenwood Griffin—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 17449) for the relief of the estate of R. C. Hazelip—to the Committee on Claims.

Also, a bill (H. R. 17450) granting a pension to Alfred L. Hudson—to the Committee on Pensions.

Also, a bill (H. R. 17451) granting an increase of pension to John Willett—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 17452) granting an increase of pension to Franklin Savage—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17453) granting an increase of pension to Abel D. Chase—to the Committee on Pensions.

Also, a bill (H. R. 17454) granting an increase of pension to Alexander Sinclair—to the Committee on Pensions.

Also, a bill (H. R. 17455) granting an increase of pension to James T. Brown—to the Committee on Pensions.

Also, a bill (H. R. 17456) granting an increase of pension to James C. Rucker—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 17457) granting an increase of pension to William F. Worley—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17458) for the relief of Harry S. Sample—to the Committee on War Claims.

Also, a bill (H. R. 17459) for the relief of Harry S. Sample—to the Committee on War Claims.

By Mr. VANDIVER: A bill (H. R. 17460) for the relief of Isaac Stover—to the Committee on War Claims.

By Mr. WACHTER: A bill (H. R. 17461) granting an increase of pension to Albert M. Butts, alias Albert J. Stewart—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 17462) granting a pension to Mollie M. Carroll—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17463) granting an increase of pension to William Ramage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17464) granting an increase of pension to Nancy J. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17465) granting an increase of pension to Wendle Poor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17466) granting a pension to G. W. Rush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17467) granting an increase of pension to David Gibney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17468) granting an increase of pension to Abraham Stine—to the Committee on Pensions.

Also, a bill (H. R. 17469) to remove the charge of desertion from the military record of George Wilhite—to the Committee on Military Affairs.

Also, a bill (H. R. 17470) granting an increase of pension to John B. Standerfer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 17471) for the relief of the estate of R. H. Hoffman—to the Committee on War Claims.

By Mr. ZENOR: A bill (H. R. 17472) to correct the military record of Noah Rickard—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Washington Camp, No. 549, Patriotic Order Sons of America, of Blandburg, Pa., for certain restrictions of immigration—to the Committee on Immgiration and Naturalization.

Also, memorial of Adam Hiller, of Victoria, Tex., praying for compensation for the destruction of a grove of pecan trees by United States soldiers—to the Committee on War Claims.

By Mr. ADAMS of Pennsylvania: Papers to accompany bill H. R. 11681, for relief of James H. V. Voldo, alias James H. Venier—to the Committee on Invalid Pensions.

Also, resolution of the Philadelphia Board of Trade, in favor of free alcohol for use in the arts—to the Committee on Ways and Means.

By Mr. BALL: Petition of J. S. Ditto, of Arlington, Tex., asking for pension on account of service in Mexican war—to the Committee on Pensions.

Also, petition of Thomas H. Tallant, for pension on account of service in the Mexican war—to the Committee on Pensions.

By Mr. BASSETT: Petition of the Merchants' Association of New York, in favor of regulating towing in the harbor of New York—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, in favor of abolition or material reduction of duties on Philippine products coming into this country—to the Committee on Ways and Means.

By Mr. BOUTELL: Petition in favor of use of grounds in Washington for Railway Appliance Exhibition—to the Committee on the District of Columbia.

By Mr. BRADLEY: Petition for the relief of John Brawley—to the Committee on Pensions.

By Mr. CAMPBELL: Petition of Samuel H. Renfer, for increase of pension on account of service in Mexican war—to the Committee on Pensions.

By Mr. CAPRON: Protest of the New England Tobacco Growers' Association, against further reduction of the tariff on Philippine products—to the Committee on Ways and Means.

Also, petition of the New England Shoe and Leather Association, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CASSINGHAM: Papers to accompany claim for the relief of Jeremiah Lower—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Franklin Wise (H. R. 6828)—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: Petition of Henry A. Showalter in support of claim for pension—to the Committee on Invalid Pensions.

Also, petition of Elizabeth A. Glover for increase of pension—to the Committee on Pensions.

Also, petition of A. Fitzgerald for increase of pension—to the Committee on Pensions.

Also, petition of Elias M. Koher, of Otto, Tex., for increase of pension on account of service in the Mexican war—to the Committee on Pensions.

Also, petition of David T. Hall, of Wilson County, Tex., for increase of pension on account of service in the Mexican war—to the Committee on Pensions.

By Mr. CROMER: Petition of Goodrich Brothers, asking for the enactment of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Additional papers filed in connection with bill H. R. 11810, for a public building at Red Wing, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: Petition of L. D. Gasteiger, for an extra month's pay as sergeant of late Company I, Fifth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. DE ARMOND: Papers to accompany claim of Lee W. Putnam for pension—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of Mrs. Amelia S. Quinton, president of the National Indian Association et al., relating to certain promises of the Government made to the Five Civilized Tribes of Indian Territory—to the Committee on Indian Affairs.

By Mr. DOVENER: Papers to accompany bill H. R. 16076, for the relief of the estate of Lucinda Muse Thomas—to the Committee on Claims.

By Mr. DRAPER: Resolution of Colorado beet sugar manufacturers, against reduction of duty on sugar coming from Philippines—to the Committee on Ways and Means.

Also, petition of Carriage Builders' National Association, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, in favor of regulating towing in the harbor of New York—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, in favor of reducing the Philippine tariff—to the Committee on Ways and Means.

Also, petition of citizens of Cambridge, N. Y., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. DWIGHT: Petition of citizens of Binghamton, N. Y., in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition praying legislation placing the domestic tax paid on alcohol on an equal footing with foreign duty-paid alcohol in manufacturing articles for export—to the Committee on Ways and Means.

By Mr. ESCH: Papers to accompany bill H. R. 8352, for relief of John Salsbury, Company A, First Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

Also, resolution of the Merchants' Association of New York, in favor of enlarging powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of Milwaukee, in favor of free alcohol in the arts—to the Committee on Ways and Means.

Also, papers to accompany bill H. R. 9737—to the Committee on Pensions.

Also, petition of citizens of Trempealeau County, Wis., in favor of prohibition of the liquor traffic in the proposed new States—to the Committee on the Territories.

By Mr. FITZGERALD: Resolution of the Carriage Builders' Association, favoring legislation to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Merchants' Association of New York, in favor of legislation to regulate towing in the harbor of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Forest City Creamery Company, of Rockford, Ill., and George T. Rofer, in favor of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Illinois Lumber Dealers' Association, concerning interstate freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Carriage Builders' National Association, in favor of legislation giving increased powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. C. S. Bacon, for the American Medical Association, in favor of the army medical bill—to the Committee on Military Affairs.

Also, petition of H. T. Newcomb and others, in opposition to the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GUDGER: Memorial in behalf of Arthur Haire—to the Committee on Pensions.

By Mr. HAMILTON: Resolution of Cigar Makers' Union No. 457, Benton Harbor, Mich., opposing bill to reduce tariff on cigars and tobacco from the Philippine Islands—to the Committee on Ways and Means.

Also, petition of members of Twelve Corners Grange, of Berrien County, Mich., opposing repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of citizens of Allegan, Mich., in support of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Pottawatomie Grange, No. 722, of Berrien

County, Mich., opposing repeal of the Grout bill—to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bill H. R. 17276, for the relief of David J. Shy et al.—to the Committee on War Claims.

Also, petition of P. W. Ball and 370 others, to grant a pension to David B. Wood, Company B, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HEARST: Petition of business men and citizens of Kimmundy, Ill., and citizens of Jacksonville, Ill., urging passage of bill H. R. 13778, known as the "Hearst interstate-commerce bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of the Young People's Society of Christian Endeavor of the First Church of Christ of New Britain, Conn., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, grounds, and ships—to the Committee on Alcoholic Liquor Traffic.

By Mr. HINSHAW: Resolution of the Nebraska State board of health, in favor of the pure-food and pure-drug bill—to the Committee on the Judiciary.

By Mr. HITT: Petition of the Royal Mantel and Furniture Company, of Rockford, Ill., and the Forest City Creamery, of Rockford, Ill., praying for remedial legislation in the matter of interstate freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Papers to accompany the claim of Capt. Abel Grovenor for increase of pension—to the Committee on Invalid Pensions.

Also, petition of Sisters of the Women's National Relief Society, in favor of striking out the word "sex" in the statehood bill—to the Committee on the Territories.

By Mr. HUNT: Petition of Stone Cutters' Union, against substituting granite for Ohio sandstone in the construction of the Federal building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, petition of St. Louis Manufacturers' Association, indorsing the position of the Administration as regards antitrust legislation—to the Committee on the Judiciary.

Also, petition relating to interstate and foreign commerce, as embodied in the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEGARE: Petition of heirs of Raphael L. David, late of Charleston, S. C., praying that their claim for property taken by and for the United States Army during the war for the suppression of the rebellion, be referred to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. LESTER: Papers to accompany claim of heirs of Caroline E. Long, deceased—to the Committee on War Claims.

By Mr. LINDSAY: Resolution of the Colorado beet-sugar manufacturers, protesting against any legislation reducing the present duty on either raw or refined sugar imported into the United States from any other country—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of Arkansas Furniture Company et al., in favor of the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of citizens of South Dakota relating to the homestead act of 1904—to the Committee on the Public Lands.

Also, petition of the citizens of Butte County, S. Dak., relating to new homestead legislation—to the Committee on the Public Lands.

Also, petition of manufacturers of wheat flour, in favor of the Lovering bill—to the Committee on Ways and Means.

By Mr. McNARY: Petition of C. W. Hurtz, Alexander McLoud, and Freeman H. Davis, citizens of Massachusetts, for improvement of Point Judith—to the Committee on Rivers and Harbors.

By Mr. MIERS of Indiana: Papers to accompany bill H. R. 15939, to increase the pension of Luke V. Semple—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany claim of D. J. Rodgers, of Sequatchie County, Tenn.—to the Committee on War Claims.

By Mr. PADGETT: Papers to accompany bill H. R. 16694, granting an increase of pension to Joseph Beiser—to the Committee on Invalid Pensions.

By Mr. PORTER: Resolutions of Colorado beet-sugar manufacturers, against reduction of Philippine duties—to the Committee on Ways and Means.

Also, petition of the Pennsylvania Anti-Saloon League, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 12104, for relief of Lagrange College, Alabama—to the Committee on War Claims.

Also, papers to accompany bill for the relief of the heirs of Melissa Gathright, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: Petition of Mary K. Roane, to accompany bill H. R. 16239—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: Affidavit of Oscar Hinkley, to accompany bill for pension—to the Committee on Invalid Pensions.

By Mr. RYAN: Resolution of the Merchants' Association of New York, recommending legislation for the abolition or reduction of tariff on Philippine products coming into the United States—to the Committee on Ways and Means.

Also, petition of the Interstate Commerce Law Convention, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Papers to accompany bill H. R. 16529, for the relief of J. V. McDaniel—to the Committee on War Claims.

Also, papers to accompany bill H. R. 15359, for the relief of C. W. Reid and Sam Daube—to the Committee on Claims.

Also, papers to accompany bill H. R. 16766, for the relief of F. P. Brown—to the Committee on Claims.

By Mr. SHIRAS: Petition of citizens of Allegheny County, Pa., protesting against the reduction of the tariff on tobacco—to the Committee on Ways and Means.

By Mr. SHULL: Resolution of the Merchants and Manufacturers' Association of Pittsburg, Pa., relative to pneumatic tubes for transmission of mails in the cities of Pittsburg and Allegheny, Pa.—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Pennsylvania Dairy Union, relative to bill H. R. 8678—to the Committee on Agriculture.

Also, papers to accompany claim of Michael Kresge—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Papers to accompany bill for the relief of B. F. Highsmith, Mexican war—to the Committee on Pensions.

Also, petition of Thomas J. Farrar, Mexican war, for increase of pension—to the Committee on Pensions.

Also, papers to accompany claim for relief of Joseph Baetz—to the Committee on Pensions.

By Mr. SMITH of Michigan: Memorial to Congress from the Washington teachers, showing the necessity for increased salaries in the District of Columbia—to the Committee on Appropriations.

By Mr. SOUTHARD: Resolution of the Carriage Builders' National Association, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: Papers to accompany claim for the relief of the estate of R. C. Hazelip—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: Petition of heirs of Max Mayers, deceased, late of Duplin County, N. C., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. TOWNSEND: Petition of C. A. Slayton and 36 others, of Tecumseh, Mich., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Flatrock, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of A. E. Croman, of Jackson, Mich., for maintenance of the Grout bill—to the Committee on Agriculture.

Also, petition of Leighton & Holden, of Jackson, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. C. Colvin & Son, of Medina, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of H. H. Driggs et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: Petition to accompany bill for relief of Henry S. Samples—to the Committee on Pensions.

By Mr. VANDIVER: Papers to accompany bill for the relief of Isaac Stover—to the Committee on War Claims.

Also, papers to accompany bill H. R. 16341, for the relief of the estate of S. E. Stalcup—to the Committee on War Claims.

By Mr. WILEY of Alabama: Resolution of citizens of Brundidge, Ala., in favor of ratification of all peace treaties among the nations—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Papers to accompany claim of Nancy J. Nelson—to the Committee on Pensions.

Also, papers to accompany claim for relief of William Ramage—to the Committee on Invalid Pensions.

Also, petition of L. D. Leach et al., of Goldengate, Ill., in favor of bill H. R. 13378—to the Committee on Interstate and Foreign Commerce.

Also, petition of Albert H. Nobell, of Metropolis, Ill., for increase of pension—to the Committee on Pensions.

Also, papers concerning relief of Mary A. Getting—to the Committee on Invalid Pensions.

Also, papers relative to relief of John Willoughby, Simpton, Ill.—to the Committee on Invalid Pensions.

Also, papers accompanying bill for increase of pension for John Lemley, of Rockport, Ill.—to the Committee on Invalid Pensions.

Also, papers accompanying bill for increase of pension for Marshall M. Angleton—to the Committee on Invalid Pensions.

Also, papers accompanying bill for relief of W. L. Snyder—to the Committee on Pensions.

Also, papers to accompany bill for relief of James J. Sim—to the Committee on Invalid Pensions.

Also, papers to accompany bill increasing pension of William E. Taylor—to the Committee on Invalid Pensions.

Also, papers to accompany special bill for increase of pension of Frederick Shinaman—to the Committee on Invalid Pensions.

Also, papers to accompany bill for increase pension of James M. Jones—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Abraham Stine—to the Committee on Invalid Pensions.

By Mr. ZENOR: Papers to accompany bill H. R. 9478, for relief of Austin P. Hemphill—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 10, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Albert F. Tucker, Edward M. Tucker, Mary O. Garrison, and Ada A. Case *v.* The United States; which, with the accompanying paper, were referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of the electors for President and Vice-President from the States of Florida and Minnesota; which, with the accompanying papers, were ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 24) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Luis Bográn H., of Honduras; and

A joint resolution (S. R. 78) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Frutos Thomás Plaza, of Ecuador.

The message also announced that the House had passed with amendments the following bill and joint resolution; in which it requested the concurrence of the Senate:

An act (S. 3728) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes; and

A joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

An act (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company;

An act (H. R. 15477) to change the name of Thirteenth-and-a-half street to Linworth place;

An act (H. R. 15810) to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River;

An act (H. R. 16450) to authorize certain changes in the permanent system of highways, District of Columbia;

An act (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902;

An act (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name; and

An act (H. R. 16802) to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, etc.

The message also announced that the House had passed the concurrent resolution of the Senate providing for the appointment of a joint committee of the two Houses to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition of the New England Sabbath Protective League, praying for the enactment of legislation to prohibit banking in the registry and money-order divisions of post-offices throughout the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Newark, N. Y.; St. Louis, Mo.; Atlanta, Ga.; Albion, Mich.; Alexander, N. Y.; Marietta, Ohio; Melvin, Mich.; Stanwood, Mich.; Wichita, Kans.; Cambridge Springs, Pa.; Mt. Vernon, Ill.; Jonesboro, Ark.; Casco, Wis.; Auburn, Ind., and Lansing, Mich., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. BATE presented a petition of the Chamber of Commerce of Memphis, Tenn., and a petition of the Bar and Library Association of Memphis, Tenn., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. DILLINGHAM presented a petition of the Congregational Christian Endeavor Society of West Brattleboro, Vt., praying for the establishment of an international congress of arbitration; which was referred to the Committee on Foreign Relations.

He also presented petitions of the congregation of the First Baptist Church of Chester, of the congregation of the Methodist Episcopal Church of Sheldon, of the congregation of the Methodist Episcopal Church of Morrisville, of the Woman's Club of St. Johnsbury, and of sundry citizens of Chester Depot, all in the State of Vermont, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of the Indian Territory, remonstrating against the annexation of that Territory to the Territory of Oklahoma; which was ordered to lie on the table.

He also presented the petition of Peter Story and 72 other citizens of Eucha, Ind. T., and the petition of C. Henderson and 75 other citizens of Canadian, Ind. T., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. CLAPP presented the petition of George D. Haggard and sundry other citizens of Minneapolis, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Oriental Subdivision, No. 369, Brotherhood of Locomotive Engineers, of St. Paul, Minn., praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Reuben L. Wagner, of East Chain Lakes; of C. C. Wahner, of East Chain Lakes; of Stanley B. Roberts, of Minneapolis; of Brooks Hitchings, of Lanesboro; of Walter N. Conley, of Minneapolis; of Edward H. Moore, of St. Paul; of the congregation of the Plymouth Church of Minneapolis, and of the Presbyterian Ministers' Association of Minneapolis, all in the State of Minnesota, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Maine Prairie, Minn., and a petition of sundry citizens of Moorhead, Minn., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Minneapolis

and Monticello, of the Common Council of Duluth, and of the Commercial Club, of Duluth, all in the State of Minnesota, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. GAMBLE presented a memorial of the Bar Association of Arizona, remonstrating against the admission of the Territories of Arizona and New Mexico into the Union as one State; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 288, Cigar Makers' International Union, of Brookings, S. Dak., remontrating against the proposed reduction of tariff duties on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on Finance.

Mr. GALLINGER presented memorials of sundry citizens of Conewango Valley, Rome, Oxford, Norwich, Lakeville, Canandaigua, and Livonia, all in the State of New York; of sundry citizens of Castilla, N. Mex.: Independence and Wichita, Kans.; Manzanares, Colo.; Denver, Colo.; Allandale, Canton, and Duquoin, in the State of Illinois, and of sundry citizens of Clarinda and Dubuque, in the State of Iowa, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PLATT of New York presented a petition of the Woman's Christian Temperance Union of Patchogue, N. Y., and a petition of the congregation of the Methodist Episcopal Church of Orwell, N. Y., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Hamilton, of the Woman's Christian Temperance Union of Sherwood; of the Woman's Christian Temperance Union of Reed Corners, of the congregation of the Baptist Church of Reed Corners, and of the Scipio Quarterly Meeting of Friends' Church of Poplar Ridge, all in the State of New York, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

He also presented petitions of the congregation of the Puffer Methodist Episcopal Church, of Morrisville; of the congregation of the Methodist Episcopal Church of Waitsfield, and of sundry citizens of Lyndon, all in the State of Vermont, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Merchants' Association of New York City, N. Y., praying for the enactment of legislation providing for a reduction of the tariff on products imported from the Philippine Islands; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Association of New York City, N. Y., praying for the enactment of legislation to regulate the towing of vessels in the harbor of New York; which was referred to the Committee on Commerce.

He also presented a petition of the congregations of the Presbyterian, United Presbyterian, Methodist Episcopal, St. Patrick's Catholic, and Congregational churches, of Cambridge, N. Y., and a petition of the congregation of the Reformed Church of Brooklyn, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a memorial of Cigar Makers' Local Union No. 311, American Federation of Labor, of Auburn, N. Y., and the memorial of John Scherer, of New York City, N. Y., remonstrating against any reduction of the tariff on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on Finance.

Mr. PENROSE presented a petition of the Oakland Board of Trade, of Pittsburg, Pa., praying for the enactment of legislation providing for the improvement of the Monongahela and Ohio rivers, and for a channel of not less than nine feet in depth from Pittsburg to the junction from the Ohio to the Mississippi; which was referred to the Committee on Commerce.

He also presented petitions of Washington Camp, No. 549, of Blandburg; of sundry citizens of Tremont; of Local Union No. 247, Patriotic Order Sons of America, of Landingville; and of sundry citizens of Crystal Springs and Hazen, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. DEPEW presented a petition of the Board of Marine Underwriters of New York City, N. Y., praying for the enactment of legislation providing for the regulation of the towing of vessels in the Harbor of New York; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of New York City, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., and a petition of the Board of Directors of the Merchants' Association of New York, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. HANSBROUGH presented a petition of sundry citizens of Grafton, Fargo, Velva, Grand Forks, Carrington, Wheatland, Hensel, and Hannah, all in the State of North Dakota, praying for the enactment of legislation to amend the laws relating to patents on medicinal substances; which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Walsh County, N. Dak., remonstrating against the repeal of the duty on wheat imported from Canada; which was referred to the Committee on Finance.

Mr. DANIEL presented the petitions of H. S. Lacy and sundry other citizens of Portsmouth, Va.; of John N. Webb and sundry other citizens of Portsmouth, Va.; of Anna Bengeson and sundry other citizens of Norfolk, Va.; of Clara Louise Whiddel and sundry other citizens of Norfolk, Va., and of N. T. Pendleton and sundry other citizens of Norfolk, Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah.

Mr. DANIEL. Mr. President, I wish to say just a word concerning these petitions. They concern the right of a Senator in this body to a seat—that is, the junior Senator from Utah, about whom there is a contention now prevailing before the Committee on Privileges and Elections. There is nothing known to the Senate which makes it appropriate for any Senator to form or pass any opinion upon that subject, and I am unable to understand how any of the people have been able themselves to pass upon the subject without a knowledge of what may be the testimony in the case. I have consented to present the petitions simply from my view that the people have a right to send them here, though I do not recognize any propriety in their being sent here.

The PRESIDING OFFICER. The petitions will be referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4897) granting an increase of pension to Reuben Allred; and

A bill (S. 4121) granting an increase of pension to James D. Beasley.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 5568) granting an increase of pension to Flora B. Bonham, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5939) granting an increase of pension to George W. Hall;

A bill (S. 5868) granting an increase of pension to Mary C. Buck;

A bill (S. 5938) granting an increase of pension to Owen A. Willey;

A bill (S. 5940) granting an increase of pension to Jason R. C. Hoyt;

A bill (S. 5757) granting an increase of pension to William A. Luther;

A bill (S. 5712) granting an increase of pension to Sally Dickinson;

A bill (S. 6321) granting a pension to Hattie F. Davis;

A bill (S. 6092) granting an increase of pension to Elijah W. Gordon;

A bill (S. 6091) granting an increase of pension to William Welch; and

A bill (S. 184) granting an increase of pension to John Bartlett.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted a report thereon:

A bill (S. 355) granting a pension to Sarah Jane Simonds;

A bill (S. 4239) granting an increase of pension to William H. McCann;

A bill (S. 6130) granting an increase of pension to Charles L. Harmon;

A bill (S. 5426) granting a pension to Henry O. Kent;

A bill (S. 5961) granting an increase of pension to Warren P. Tenney;

A bill (S. 5958) granting an increase of pension Mary J. Bartlett;

A bill (S. 5842) granting an increase of pension to Thomas G. Parish;

A bill (S. 6004) granting an increase of pension to James Hulme; and

A bill (S. 5841) granting an increase of pension to Nelson P. Smith.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 6094) granting an increase of pension to Ephraim W. Harrington, reported it with amendments, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 5975) granting an increase of pension to Lucy Lytton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5678) granting a pension to Margaret McKee Pentland; and

A bill (S. 6116) granting an increase of pension to Francis M. Sams.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5947) granting an increase of pension to Florence O. Whitman;

A bill (S. 1420) granting an increase of pension to Gustavus S. Young;

A bill (S. 4888) granting an increase of pension to Pierpont H. B. Moulton;

A bill (S. 2707) granting an increase of pension to James M. Clemens; and

A bill (S. 4075) granting an increase of pension to Charles M. Shepherd.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5509) granting an increase of pension to Susie G. Seabury; and

A bill (S. 4760) granting an increase of pension to Ezekiel Riggs.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (S. 5527) granting an increase of pension to John A. Kingman, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 5727) granting an increase of pension to Jesse Woodruff, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5995) granting an increase of pension to Emma A. Porch, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6194) granting an increase of pension to William S. Moorhouse;

A bill (S. 5856) granting an increase of pension to William V. Morrison;

A bill (S. 2572) granting an increase of pension to Thomas J. Lucas;

A bill (S. 5540) granting an increase of pension to Jerome Bradley;

A bill (S. 141) granting an increase of pension to James W. Kinkead;

A bill (S. 5943) granting an increase of pension to Jared Prindle;

A bill (S. 2074) granting an increase of pension to James A. Harper;

A bill (S. 5698) granting an increase of pension to Martin Schubert; and

A bill (S. 1794) granting an increase of pension to Joseph C. Walkinshaw.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6192) granting an increase of pension to James McGinnis;

A bill (S. 6195) granting an increase of pension to Frederick Feigley;

A bill (S. 6085) granting an increase of pension to Leonard Delamater;

A bill (S. 6191) granting an increase of pension to Charles R. Van Norman;

A bill (S. 6196) granting an increase of pension to William C. Dickinson;

A bill (S. 4159) granting an increase of pension to George W. Gray;

A bill (S. 3939) granting an increase of pension to James Miller; and

A bill (S. 4691) granting an increase of pension to Leonard L. Lancaster.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6193) granting an increase of pension to Jacob O. White;

A bill (S. 5670) granting an increase of pension to James William Stickley;

A bill (S. 5953) granting an increase of pension to Charles P. Thurston;

A bill (S. 5451) granting an increase of pension to George W. Benedict;

A bill (S. 5941) granting an increase of pension to Alma Yohum;

A bill (S. 3635) granting a pension to John M. Godown;

A bill (S. 4135) granting an increase of pension to Jane Francis; and

A bill (S. 2419) granting an increase of pension to Jane M. Black.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5550) granting an increase of pension to Martin Mack;

A bill (S. 825) granting an increase of pension to Jesse Collins;

A bill (S. 830) granting an increase of pension to Thomas H. Muchmore; and

A bill (S. 69) granting an increase of pension to Frances C. Brown.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 104) granting an increase of pension to Abner Taylor;

A bill (S. 5432) granting an increase of pension to Elias Stilwell;

A bill (S. 3074) granting an increase of pension to Isaac Davisson;

A bill (S. 826) granting an increase of pension to John C. Bertolette; and

A bill (S. 5802) granting an increase of pension to Luther M. Bartlow.

Mr. McCUMBER (for Mr. FOSTER of Washington), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5812) granting an increase of pension to William T. Graham;

A bill (S. 5808) granting an increase of pension to William Steele; and

A bill (S. 6268) granting an increase of pension to Adria M. S. Moale.

Mr. McCUMBER (for Mr. FOSTER of Washington), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5892) granting an increase of pension to James McAuliff;

A bill (S. 5809) granting an increase of pension to Cyrus Wetherell; and

A bill (S. 5815) granting an increase of pension to James McKim.

Mr. McCUMBER (for Mr. FOSTER of Washington), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6074) granting an increase of pension to William Smith; and

A bill (S. 6152) granting an increase of pension to Annie E. Wilson.

Mr. McCUMBER (for Mr. CARMACK), from the Committee

on Pensions, to whom was referred the bill (S. 5766) granting an increase of pension to Andrew S. Graham, reported it with an amendment, and submitted a report thereon.

He also (for Mr. CARMACK), from the same committee, to whom was referred the bill (S. 4823) granting an increase of pension to Mary Martin, reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5209) for the relief of Edward H. Ozmun; and

A bill (S. 5337) for the relief of Jacob Lyon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6261) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian, reported it without amendment, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5341) granting a pension to Jennie Petteys;

A bill (H. R. 14774) granting an increase of pension to Albert S. Graham;

A bill (H. R. 14879) granting an increase of pension to Benjamin Dillingham;

A bill (H. R. 14875) granting an increase of pension to Seeley Earnest;

A bill (H. R. 15207) granting an increase of pension to Amos Jones;

A bill (H. R. 15634) granting a pension to Harriet A. Orr;

A bill (H. R. 15473) granting an increase of pension to James W. Capron;

A bill (H. R. 8996) granting an increase of pension to Diah Lovejoy;

A bill (H. R. 15387) granting an increase of pension to William Hall; and

A bill (H. R. 13064) granting an increase of pension to John K. Tyler.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, to report it with sundry amendments, and I submit a brief report. I wish to state that I shall desire to call up the bill for consideration at the first opportunity.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 6424) to amend the code of law for the District of Columbia, and providing for the appointment of probation officers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLATT of New York introduced a bill (S. 6425) to amend section 4472 of the Revised Statutes, so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6426) to correct the military record of Brig. Gen. William Hull; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 6427) to correct the military record of Jonathan Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6428) for the relief of the legal representatives of George Chorpenning, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6429) for the relief of the States of New York, Pennsylvania, and Delaware for expenditures made during the war of 1812 to 1815 with Great Britain; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6430) granting a pension to Eliza H. Whittier (with accompanying papers);

A bill (S. 6431) granting a pension to Jesse Peters (with accompanying papers);

A bill (S. 6432) granting an increase of pension to James Campbell;

A bill (S. 6433) granting an increase of pension to George H. Brusstar (with accompanying papers); and

A bill (S. 6434) granting an increase of pension to Richard H. Lee (with accompanying papers).

Mr. PENROSE introduced a bill (S. 6435) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 6436) to amend section 4045 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 6437) to increase the efficiency of the United States Navy by building cruisers and torpedo boats after the design of Richard B. Painton; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6438) granting a pension to Cyrell Boutiette;

A bill (S. 6439) granting an increase of pension to Thomas Conroy;

A bill (S. 6440) granting an increase of pension to John F. Wallace;

A bill (S. 6441) granting an increase of pension to John Sebry;

A bill (S. 6442) granting an increase of pension to William Southwick;

A bill (S. 6443) granting an increase of pension to Terence J. Tully;

A bill (S. 6444) granting an increase of pension to Melkert H. Burton;

A bill (by request) (S. 6445) granting an increase of pension to Lizzie A. Holden; and

A bill (S. 6446) granting an increase of pension to John McGowan.

Mr. LODGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6447) granting an increase of pension to Mary A. Foster;

A bill (S. 6448) granting an increase of pension to Dexter E. W. Stone (with an accompanying paper); and

A bill (S. 6449) granting a pension to Ellen J. Tuttle (with an accompanying paper).

Mr. GAMBLE introduced a bill (S. 6450) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced a bill (S. 6451) to provide an American register for the steam lighter *Pioneer;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6452) for the relief of Isaiah Heylin McDonald; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 6453) granting an increase of pension to Nathaniel C. Sawyer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6454) for the relief of the estate of George N. Dyson, deceased;

A bill (S. 6455) for the relief of the estate of Francois Dormenon, deceased;

A bill (S. 6456) for the relief of the estate of Hiram Anderson, deceased;

A bill (S. 6457) for the relief of the estate of William Burgess, deceased;

A bill (S. 6458) for the relief of G. S. Cheves;

A bill (S. 6459) for the relief of the heirs of Julia M. Clark, deceased;

A bill (S. 6460) for the relief of the estate of C. E. Booty, deceased;

A bill (S. 6461) for the relief of the estate of Isaac Bloom, deceased;

A bill (S. 6462) for the relief of Arvillien Broussard;

A bill (S. 6463) for the relief of the estate of Jean Crouchet, deceased;

A bill (S. 6464) for the relief of John Baptiste Cheppert; and

A bill (S. 6465) for the relief of Sylvester Chevalier.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6466) granting an increase of pension to John W. Kennedy;

A bill (S. 6467) granting an increase of pension to Jonathan Story; and

A bill (S. 6468) granting an increase of pension to William C. Montgomery.

Mr. KEAN introduced a bill (S. 6469) granting an increase of pension to Antonia T. E. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6470) for the relief of James Downs; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANKENY (for Mr. FOSTER of Washington) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6471) granting an increase of pension to Frances H. Scott;

A bill (S. 6472) granting an increase of pension to Samuel Hice; and

A bill (S. 6473) granting an increase of pension to John A. J. Taylor.

Mr. ANKENY introduced a bill (S. 6474) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 6475) granting an increase of pension to Isaac Slater; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 6476) granting an increase of pension to Gertrude L. Tallman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6477) granting an increase of pension to Alice S. Shepard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6478) for the relief of Mrs. Louise E. O'Connor, executrix of the estate of Mrs. Mary O'Connor, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN (by request) introduced a bill (S. 6479) to give the United States Marine Corps the same pay as the Ordnance and Engineer Corps of the United States Army receive; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6480) granting an increase of pension to Charles W. Paige;

A bill (S. 6481) granting an increase of pension to Francis E. Stevens; and

A bill (S. 6482) granting an increase of pension to George L. Wakefield.

Mr. McCOMAS introduced a bill (S. 6483) for the relief of Elias E. Barnes; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6484) granting an increase of pension to Ellen Scott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6485) granting a pension to Margaret S. Sturges; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6486) for the relief of Samuel J. Brown and Susan F. Brown; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DANIEL (by request) introduced a bill (S. 6487) for the relief of the heirs of the late Wilmoth Links; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 6488) to authorize the restoration of the name of Charles B. Kerney, late a captain, Porto Rico Provisional Regiment of Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Charles B. Kerney, praying for restoration to the rolls of the Army. I move that the bill and accompanying petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. FRYE introduced a bill (S. 6489) to amend section 9 of the act of August 2, 1882, concerning lists of passengers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PERKINS introduced a bill (S. 6490) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GAMBLE submitted an amendment proposing to appropriate $30,000 to increase the capacity of Hope School at Springfield, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO STATEHOOD BILL.

Mr. DUBOIS. I submt sundry amendments to the pending statehood bill, House bill 14749. The amendments are similar, and I ask that one of them may be read.

The PRESIDING OFFICER. One of the proposed amendments will be read.

The Secretary read as follows:

Page 6, after line 17, insert:

"Sixth. Congress reserves to itself the right to legislate on the subject of polygamy and polygamous cohabitation within said State; but the legislature of the State shall have the right to enact legislation in respect thereof which shall be effective unless and until Congress shall legislate in respect thereto."

The PRESIDING OFFICER. The proposed amendments will be printed and lie on the table.

REGULATION AND SUPERVISION OF INSURANCE.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 16274) providing for the regulation and supervision of insurance; which was ordered to lie on the table and be printed.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. DILLINGHAM submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

PUBLIC BUILDING AT RAWLINS, WYO.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 144) to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, court, and other Government offices in the city of Rawlins and State of Wyoming, the cost of site and building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BONDS OF POSTMASTERS, POST-OFFICE CLERKS, ETC.

Mr. KEAN. Let the Calendar be proceeded with.

Mr. ALLISON. Yes, let us have the regular order.

The PRESIDING OFFICER. The regular order is the consideration of the Calendar under Rule VIII.

The bill (S. 3379) to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department" was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that whenever any of the sureties of postmasters, clerks, or other persons in the postal service, employed in the Post-Office Department or elsewhere, notify the Postmaster-General of the desire to be released from their suretyship, or when the Postmaster-General deems a new bond necessary or expedient, he may require said person to execute such new bond with surety. When accepted by the Postmaster-General the new bond shall be as valid as the bond already given by such person; and the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which

may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative. The Postmaster-General may authorize the cancellation of bonds of post-office clerks upon recommendation of the postmaster that bonds are no longer necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN INDIAN TERRITORY.

The bill (S. 2051) to authorize the purchase of lands in the Indian Territory under certain conditions was announced as next in order.

Mr. LODGE. That bill was reported adversely.

Mr. KEAN. There is an adverse report in that case.

The PRESIDING OFFICER. The bill having been reported adversely from the Committee on Indian Affairs, it will be indefinitely postponed, unless objection be made. Such will be taken as the order of the Senate in the absence of objection. It is so ordered.

MUTUAL INVESTMENT FIRE INSURANCE COMPANY.

The bill (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia was considered as in Committee of the Whole.

The Secretary read the bill.

Mr. ALLISON. I observe that no power of amendment or repeal is provided for in the bill. I move to add as an additional section the following:

SEC. —. That the right to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DELEGATE FROM ALASKA.

The bill (S. 3339) providing for the election of a Delegate to the House of Representatives from the district of Alaska was announced as next in order.

Mr. PLATT of Connecticut. Mr. President, we can not dispose of that bill under the five-minute rule. Let it go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

LEGAL REPRESENTATIVES OF WARREN MITCHELL.

The bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased, was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice.

RAMON O. WILLIAMS AND JOSEPH A. SPRINGER.

The bill (S. 747) for the relief of Ramon O. Williams and Joseph A. Springer was announced as next in order.

Mr. WARREN. Mr. President, I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 2052) for the relief of Ramon O. Williams and Joseph A. Springer, to report it favorably. I wish this House bill to be substituted for the Senate bill which has been announced as in order before the Senate.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the bill which has just been reported by him may be substituted for the Senate bill just reached on the Calendar.

Mr. WARREN. To take the place of the Senate bill now on the Calendar.

The PRESIDING OFFICER. So the Chair understands. Is there objection to the present consideration of the bill just reported by the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. Is it necessary to put into a bill the history of the case?

Mr. WARREN. I do not consider it necessary, but as this is a House measure, I thought it better to report it as it had passed the House.

Mr. PLATT of Connecticut. I am not going to make a formal objection to the bill on that account or to offer a formal amendment, but it is a very bad practice in the passage of bills to include the history of the case, giving the reasons for the passage,

Mr. WARREN. I agree with the Senator.

Mr. GALLINGER. That ought to be in the report of the committee.

Mr. PLATT of Connecticut. Of course, it is entirely proper to be in the report accompanying the bill, but I really think we ought not to engage in this method of passing legislation.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. PLATT of Connecticut. I will inquire of the Senator from Wyoming if he thinks it would imperil the passage of the bill in case we should strike out the clause to which I have referred? Would there not be a concurrence by the House without any particular difficulty?

Mr. COCKRELL. There would be no trouble at all about the other House agreeing to such an amendment as that.

Mr. WARREN. I shall not resist an amendment of that kind. I wish to say, however, that I assume the Committee on Claims of the other House finds itself in very much the same difficulty that the Committee on Claims of the Senate does, that unless a bill contains on its face substantially its history it very seldom gets far enough along before the Senate to be read, a report being almost never read until a bill is called up for final disposition; but I do think the practice of passing bills in that history form is bad. Of course I will accept an amendment such as the Senator proposes.

Mr. PLATT of Connecticut. I will move an amendment, after the word "cents," in line 15, to strike out to and including the word "Congress," at the end of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

Mr. FORAKER. Before that is done I should like to inquire whether there is a report accompanying this bill which will show what the claim is made for? If not, it ought to appear in the bill.

Mr. WARREN. Oh, yes; that is all set out fully in the report.

Mr. FORAKER. I thought, perhaps, the facts might not be stated in the report, and therefore they ought to appear somewhere.

Mr. WARREN. The facts appear in the report.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut [Mr. PLATT] will be stated.

The SECRETARY. After the word "cents," in line 15, page 1, it is proposed to strike out:

Both amounts as shown on the records of the State Department and as recommended for payment by the State Department to the Fifty-fifth and Fifty-sixth Congresses, and reported to the House and passed by the Senate in the Fifty-seventh Congress.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ramon O. Williams, late consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896, $2,222.08; and to Joseph A. Springer, late vice-consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895, $200.54.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Senate bill 747 on the same subject will be indefinitely postponed in the absence of objection.

INAUGURAL CEREMONIES.

Mr. GALLINGER. Mr. President, there is a joint resolution from the House of Representatives on the table containing some amendments, which I should like to have laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc., which were, on page 1, line 10, after "use," to insert: "including all necessary safeguards against fire and for the extinguishing of fire;" on page 5, line 23, to strike out "twenty-eighth" and insert "twenty-fourth;" and on page 6, line 16, after "use," to insert: "*And provided further*, That the said inaugural committee shall give bond, with security satisfactory to the Secretary of War, to do the same."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. Mr. President, Senate bill 3410 was called up the other day, read, and laid aside without prejudice. I ask unanimous consent that it may be now considered.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

Mr. FULTON. That is the fur-seal bill, which was before the Senate the other day, when I made an explanation of its provisions. I do not care to take up further the time of the Senate in discussing the bill, unless Senators may desire to ask questions regarding it.

Mr. LODGE. The bill has already been read, Mr. President?

The PRESIDING OFFICER. The Chair is advised that the bill has heretofore been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Foreign Relations with amendments.

Mr. PLATT of Connecticut. Mr. President, I suppose this bill will pass, as Congress is exceedingly liberal when an equitable claim is presented, and especially when it has the support of so distinguished a gentleman as Mr. Dickinson, who was, I believe, a member of the tribunal.

Mr. FULTON. No; he was of counsel.

Mr. PLATT of Connecticut. Of counsel of the tribunal I should have said.

But I can not see why the bill should pass, Mr. President. It is put only upon the ground, as I remember the report, that the captains of these vessels assisted the counsel of the United States in furnishing evidence to cut down the claims of owners of foreign vessels for damages against the United States. To what extent that was done of course I have no maens of knowing, except from the statement of Mr. Dickinson, but the parties whom we are now proposing to compensate for the seizure of their vessels were American citizens; they had no right to be upon the sea at all except by charter from the United States, and at the time they went into this pelagic sealing business it was against the law and against the orders of our Government. We had declared Bering Sea to be a closed sea. I think that ought to bind people who are operating United States vessels. Afterwards, to be sure, the tribunal at Paris declared that our action in that respect was unjustifiable and that Bering Sea was not a closed sea—that we could not so declare it; but I think our own shipowners and captains ought to have obeyed the Government of the United States. If they took the chances to disobey the Government, we ought not now to come in and recompense them for the seizure of their vessels. They violated the laws, the rules, and the regulations of the United States in going there for that pelagic sealing in Bering Sea. While we might, under the circumstances, be compelled to pay to the owners of foreign vessels damages for the seizure of their vessels, I do not think we ought to pay such damages to our own shipowners.

Mr. FULTON. If the Senator will allow me——

Mr. PLATT of Connecticut. I merely want to say that while the bill will probably pass, I can not see any foundation for it, certainly in law, and it is admitted in the report that these vessel owners have no legal claim to compensation, and certainly in equity I can see none.

Mr. FULTON. I want to ask the Senator this question: Is it not a fact that the United States Government presented a claim to Russia for indemnification of the American sealers who were apprehended by the Russians, and exacted payment from Russia for the vessels that she had seized in what she claimed to be her half of Bering Sea?

Mr. PLATT of Connecticut. I am not informed as to that; but I presume it is a fact, and if the Senator states it as such I would not question it.

Mr. FULTON. It is a fact. I have simply mentioned it as seeming to me to indicate that after the award of the arbitrators at Paris denying the right to this Government to arrest vessels in Bering Sea beyond the 3-mile limit, if the United States exacted payment from Russia, we ought to be willing to make compensation in this case.

Mr. LODGE. Mr. President, this bill was reported by the Senator from Alabama [Mr. MORGAN], who is strongly in favor of it. It was reported unanimously from the Committee on Foreign Relations, who gave the matter very careful consideration. Our Government undertook to establish a claim covering certain waters and to prohibit pelagic sealing therein, a claim in which Russia sympathized with us, she making a similar claim. In pursuance of that claim we seized certain vessels of different nations, and Russia did the same. By agreement and treaty the question of our right so to do was referred to an international tribunal. That tribunal decided that we had no right to make such laws in regard to those waters. Under that decision we made compensation for the British ships which were seized, and Russia made compensation for the ships of the United States as well as for the British ships which she had seized.

Now, our people who violated our law as it stood at that time stand exactly on the same ground to us as the British seamen, so far as this is concerned, because the international tribunal decided that we had no right to pass any such law. We agreed to the tribunal and we accepted the decision.

The vessel masters and the vessel owners whom it is proposed to relieve here were called as witnesses. At great personal risk they appeared before the tribunal at Vancouver; they furnished testimony which could be procured in no other way, and owing to that testimony the claim against the United States was cut down nearly $800,000—nearly twice as much as is now claimed for these seamen and vessel owners.

It seems to me, Mr. President, that if ever there was a just claim against the Government it is the claim of these men. It has been held by an international tribunal that we had no right to pass that law, and we have recognized that by paying damages to the vessel owners of other nations whose vessels we seized and also by exacting it from other nations. If we do that to others. I think it would be in the highest degree unjust to say to these men, who have been of such service to the United States: "You shall not receive any payment because you happen to have been seized by United States cruisers. If you had been seized by Russian cruisers, you would have been paid back your damages." The position of Russia was just as unlawful as our own.

This claim has been carefully examined by the Foreign Relations Committee. We heard Mr. Dickinson at length, we examined all the papers, and the report, which was made by the Senator from Alabama, was unanimous. I have never seen a case in which it seemed to me it would be more unjust, more inequitable, than to refuse to make payment to these men. It does not affect the merits of the case or their right to their claim that they rendered a great service to the United States; but, as a matter of fact, they did render that service. They rendered it at great personal risk, and saved the United States a great deal more money than it is now proposed to pay them under the provisions of this bill.

Mr. FORAKER. Mr. President, I was a member of the subcommittee which examined this bill, and I want to submit just one observation in answer to the point made by the Senator from Connecticut [Mr. PLATT], that from the reading of the report it appears to him that if this bill should be passed this relief would be granted solely on the ground that these proposed beneficiaries assisted the United States with their testimony. That is a mistake. The Senator has not read the report correctly. The ground upon which this relief is to be granted is that they did not violate any law of the United States by fishing in Bering Sea at the places where they were respectively seized. They were fishing beyond the 3-mile limit in the open sea, a sea that we then wrongfully claimed was a closed one. Therefore, they were not violating any law of the United States except only in a technical sense, for there was no law of the United States validly in operation beyond the 3-mile limit. The ground of the relief, therefore, is that they were seized unlawfully; that they had a right to be where they were, just as the vessels of other nations had a right to be there, and that their seizure was unlawful, just as

the seizure of the vessels of other nations was unlawful. The United States having committed a wrong in making a wrongful seizure, in depriving them of their property, it is the duty of the United States, morally and also legally, if we are to recognize and make reparation for a wrong when we have committed it, to grant the relief that this measure provides, which is not an appropriation of money to recompense them to the amount of a named sum, but simply referring the case to the court of the ninth circuit to take jurisdiction, to hear the petition, to sit in judgment, determine the controversy, and adjudicate the claims, which will then be paid after there has been just compensation arrived at.

Mr. McCOMAS. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. McCOMAS. The Senator takes as the ground of his support of this bill the illegality of the seizure of seal-fishing ships upon the high seas, which were claimed to be violating the law of the United States, which law, as afterwards decided by a competent tribunal, was held not to extend to the seas wherein they operated.

The first section of this bill says that these vessels "were rightfully registered under the laws of the United States," but the relief is to be given to them, as stated in the bill, "as being engaged in unlawful fur sealing, by ships' officers or agents of the United States." I submit if these men were entitled to relief because they violated no law of the United States, it seems unsound to say that they are to be compensated as persons who have been engaged in unlawful fur sealing.

While the question has been submitted to a tribunal, whose award has been made, it does seem to me singular that a bill should be passed by Congress to indemnify people upon alleged equities, which recites that they are to be indemnified for having been engaged in unlawful fur sealing. That is not a proper statement of any equity which exists, but is a reflection upon the equity to be urged in their behalf.

Mr. FORAKER. The Senator does not construe as I do the language to which he refers. The language to which he refers is a mere recital of the fact that these vessels were duly registered and that they were seized on the ground that they were unlawfully sealing at that particular place of seizure—not that they were unlawfully sealing, for it has turned out that they were not. That is the very ground.

Mr. PLATT of Connecticut. Were they not unlawfully fishing there at the time when they were seized, because they were violating the municipal law of the United States as it then stood?

Mr. FORAKER. As it then stood, if it had been a valid law, certainly; but as it was afterwards decided that it was an invalid law, and, if it was an invalid law, it was invalid from the beginning—it was never law rightfully enacted or rightfully enforced, except as to the 3-mile limit.

The resolution is as the Senator from Maryland suggests, but he does not interpret the language as I do, for that is a mere recitation of fact. Those vessels were seized upon the theory that they were at the time engaged in unlawful pelagic sealing.

That would have been strictly true if that law had been a valid law; but, not being a valid law, they had a right to take the risk of fishing there, just as everybody else had a right to take it, and just as the vessels of other nations did. We have recognized that we were wrong in undertaking to apply our law over the whole of that sea, at any place beyond the 3-mile limit, and that it is our duty to compensate those who were wrongfully seized, because they were not violating our law, and if it is our duty to compensate the British or Russian shipowners because we unlawfully seized their vessels, it is our duty certainly to do justice to our own.

Mr. PLATT of Connecticut. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. PLATT of Connecticut. How far is this principle going to carry us? Suppose Congress passes a law that a certain act engaged in by a citizen of the United States shall be unlawful, and he shall be imprisoned for committing that act, or there is a penalty for the commission of certain acts; suppose that Congress passes a criminal law, or a civil law, if you please, putting the citizen under a penalty for violation of that law, and he goes forward and violates it and the case goes to the Supreme Court and the Supreme Court finds the law to be unconstitutional; that we could not pass such a law. Are we then to go forward and pay him an indemnity for all he has suffered in the way of imprisonment, false imprisonment, if you please, or improper imprisonment, under a law which was afterwards declared to be unconstitutional? Are we going to do that, and if not, where are we going to stop?

Mr. FULTON. Will the Senator allow me to ask him this, in the way of an answer: Not indemnify him in the way of compensation for false imprisonment probably, but suppose the law to which the Senator referred was a law imposing certain taxes and the Government, pursuant to that law, had collected the taxes; had taken the property of the citizen for the tax and sold it, and diverted the money into the Treasury, and the Supreme Court had subsequently held the law to be unconstitutional, would we not repay the citizen?

Mr. PLATT of Connecticut. That is an entirely different case, Mr. President. This is a law which at the time these ships were sealing forbade their sealing in those waters. It was a prohibition of the United States against that very act. My point is that while foreigners were not obliged to recognize or submit to or obey the laws of the United States, if our own citizens, who had no right to sail a vessel except by permission of the United States, went there they took the chances.

Mr. FORAKER. They took their chances.

Mr. LODGE. Does not the Senator know that if our claim had been valid, then the British and Russian ships or the ships of any other nation would have been violating our laws and liable to seizure?

Mr. PLATT of Connecticut. It is entirely different whether they were foreigners or our own people.

Mr. LODGE. But their act would have been unlawful. We had put out a claim under this law to certain waters. It was a contested claim at the time. We knew when we passed the law that we were attempting to extend it and make a closed sea where it was contended by other nations we had no right to attempt to make a closed sea. It applied in the same way to foreign vessels. If a foreign vessel comes within the 3-mile limit and violates the municipal regulations of the United States, she is just as liable as is a vessel of the United States; but if a foreign vessel comes within a region that we claim and violates a law, and then it appears that we had no right to extend the law over that region, of course we are liable for her seizure, and I do not see why we are not liable to our own people in the same way.

Mr. DOLLIVER. Mr. President, I have had my attention called during my service in Congress to a good many queer claims against the Treasury of the United States. I remember some time ago that a claim was presented by one of the States of the Union one of the items of which consisted of "damages to public roads by hauling the artillery of the United States over them during the civil war." But I believe for the first time in the history of the Government a claim is made here for damages accruing to people in the exercise of their option to violate the laws of the United States.

Mr. LODGE. They did not violate the law of the United States. That is the precise point.

Mr. DOLLIVER. I undertake to say that they did violate a law of the United States making it an offense to be guilty of pelagic sealing in Bering Sea.

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. FULTON. Will the Senator contend that Congress would have enacted that law had it supposed it would apply only to citizens of the United States?

Mr. DOLLIVER. I have no reason to doubt that they would have enacted it. It is certainly true they did enact a law, and it is certainly true, whatever an international tribunal may have decided in respect to the character of the Bering Sea, that it was within the jurisdiction and power of the United States to prevent registered vessels of its own and citizens of its own from becoming mixed up in the crime of pelagic sealing in Bering Sea.

I remember very distinctly the controversy which Mr. Blaine had with the British Government in respect to this; and our Government took the position, fortified in a thousand ways, that whatever might be the technical law of nations, this was a gross offense against civilization. He put it upon the ground that it was against good international morals. I do not care what decision was made in respect to the rights of Englishmen or Russians to violate that law, there has never been any decision made that the United States had not a perfect right to forbid its own citizens and its own vessels—registered tonnage of its own merchant marine—from engaging in that traffic.

Now, they engaged in it. I undertake to say that seldom in the history of the world has a more shocking brutality been perpetrated than was perpetrated by these pirates of Bering Sea during those long years.

But this international tribunal decides that the law was not binding upon England, and we very properly pay; it was not binding upon Russia, and we very properly pay; but it will

be an evil hour for our Government when we undertake to reimburse people for damages which they suffered in violating our own laws, which are binding upon them and upon their vessels, whatever may be the judgment of international tribunals upon the subject.

Mr. FULTON. Mr. President, I submit it will be an evil hour for our Government when we forget to be just; when we exact that of other nations which we refuse to accord our own people. We put in a claim against Russia demanding that she should pay our citizens for the vessels she seized in that portion of Bering Sea over which she claimed jurisdiction, and over which, at the time we enacted this statute, we conceded she had jurisdiction, and we compelled her to compensate those citizens of ours whose vessels she seized. We have paid the British vessel owners for the vessels we seized. The only ones who have not been paid are our own citizens, whose vessels this Government seized.

The Senator from Iowa talks about the law that was violated. There is just the difficulty. There was no law. We thought there was a law, but it was not a law.

Mr. DOLLIVER. When was it determined not to be a law?

Mr. FULTON. It was determined by the Paris Commission, the only constituted authority to determine whether it was internationally a law or not.

Mr. DOLLIVER. They certainly had a right to determine whether it was the law internationally——

Mr. FULTON. Yes.

Mr. DOLLIVER. But when did the Paris tribunal determine that we had not the right to exercise that jurisdiction over our own people and our own vessels?

Mr. FULTON. That was not the question. But the Senator knows as well as I do that had not Congress supposed it could exclude all people from that sea it never would have attempted to have enacted this legislation.

Mr. LODGE. And never did.

Mr. FULTON. No; and never did, as the Senator from Massachusetts says. Our people saw people from Russia, the subjects of England and other nations going into those waters, enriching themselves by taking seals. Does the Senator expect that our people, believing as they did, that this law was really inoperative, would allow their ships to rot at the wharves while the owners of foreign vessels were reaping a rich harvest near our shores?

Mr. DOLLIVER. If the Senator will permit me, did these vessel owners have any doubt of the right of the United States to control their actions and the action of their vessels.

Mr. FULTON. Certainly they did.

Mr. LODGE. It was contested from the beginning.

Mr. DOLLIVER. It was contested by foreign nations; but I never heard of a contest on the ground of the lack of right on the part of our Government to govern the ships of its own citizens.

Mr. LODGE. The Congress never attempted to prevent pelagic sealing by Americans alone.

Mr. FULTON. Never. The idea was to prevent it by anyone. If we could not prevent all, there was no reason or argument for attempting to prevent any.

Just a word further, and I shall say no more on this bill. As shown by the report of the counsel who represented the American Government before the international commission appointed to adjudicate the amount due each of these British ship owners, when he went to Vancouver he found claims amounting to $1,289,000 filed. He had no testimony, he could secure no testimony, with which to reduce those claims, and he was utterly helpless, or he would have been, had it not been for the fact that when he appealed to the American sealers they came forward and furnished the testimony to show the actual value of the vessels that the Britishers were claiming pay for, enabling him thereby to reduce the British claims from $1,289,000 to $467,000.

One man went so far as to do this: A British partner of his (he being an American citizen) presented a claim to the Commission for the entire value of the ship they jointly owned, which was registered in the name of the Britisher. The American owner went before the Commission and testified that he owned one-half, and thereby lost the opportunity of securing the pay which he might have received if he had allowed the Britisher to receive the whole amount and then divide with him.

Mr. PLATT of Connecticut. May I ask the Senator from Oregon a question?

Mr. FULTON. Certainly.

Mr. PLATT of Connecticut. Is it not a fact that the claims which were presented by British citizens involved a very large amount for what were called "consequential damages"—that is, for having lost the opportunity to pursue their business and to kill a larger number of seals, and that the reduction of those claims from twelve hundred thousand dollars to the amount to which they were reduced was largely because that claim was disallowed?

Mr. FULTON. That may be. I do not undertake to say. I only refer to the report made by Mr. Dickinson, which the Senator himself has read doubtless, and he gives the entire credit for the reduction of the British claims to the American sealers, the owners of American craft.

Mr. FORAKER. He was our representative before that Commission?

Mr. FULTON. He was our representative before that Commission. I say it would be a sorry day for this nation were it to be guilty of so gross ingratitude and injustice as to refuse to pay our own citizens for their losses, it having recognized the claims of citizens of other nations.

The PRESIDING OFFICER. The amendments proposed by the Committee on Foreign Relations will be stated.

The first mendment proposed by the Committee on Foreign Relations was, in section 1, page 2, line 3, after the word "That," to strike out "in addition to the jurisdiction conferred by law upon;" in line 4, after the word "circuit," to strike out "said court;" and in line 5, after the word "have," to strike out out "and possess;" so as to make the clause read:

Be it enacted, etc., That the circuit court of the United States for the ninth circuit, shall have jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 8, after the word "claims," to strike out "of" and insert "against the United States by the;" in line 10, after the word "named," to insert "that were rightfully;" in line 11, after the words "United States," to strike out "against the United States arising out" and insert "on account;" in line 15, before the word "sealing," to strike out "engaged in" and insert "as being engaged in unlawful fur," and in line 16, before the word "Pacific," to insert "North;" so as to make the clause read:

First. All claims against the United States by the owners, charterers, masters, officers, and members of crews of vessels hereinafter named, that were rightfully registered under the laws of the United States, on account of the seizure of vessels and their cargoes, or the interference with the voyages of the vessels named in the list set forth in section 12 of this act as being engaged in unlawful fur sealing, by ships' officers or agents of the United States in the North Pacific Ocean and Bering Sea prior to the 6th day of April, 1894.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 20, after the word "because," to strike out "of the American citizenship of;" and in the same line, after the word "claimants," to insert "were citizens of the United States;" so as to make the clause read:

Second. All claims of citizens of the United States against the United States whose claims were rejected because the claimants were citizens of the United States by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, arising out of the seizure of vessels and their cargoes or the interference with the voyages of vessels engaged in sealing by officers or agents of the United States in the Pacific Ocean or Bering Sea prior to the 6th day of April, 1894.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 11, after the word "attorney," to insert "in fact;" in line 16, before the word "subsequent," to strike out "Anna" and insert "Annie;" and in the same line, after the word "the," to strike out "date last aforesaid" and insert "6th day of April, 1894;" so as to make the section read:

SEC. 2. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language the material facts upon which said claims are based, verified by the affidavit of the claimant, his agent, administrator, or attorney in fact: *Provided*, That all claims shall be presented to said court within two years after this act takes effect or shall thereafter forever be barred: *And provided*, That the claims for seizure and damages suffered, if any, in the cases of three schooners, to wit, the Bowhead, Winchester, and Kate and Annie, subsequent to the 6th day of April, 1894, may be inquired into and finally adjudicated in the manner provided in this act.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 21, after the word "section," to insert "in which the United States shall be named and proceeded against as the party defendant;" so as to make the section read:

SEC. 3. That the claimant shall cause a copy of his petition, filed under the preceding section, in which the United States shall be named and proceeded against as the party defendant, to be served upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 3, after the word "or," to insert "by."

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 7, after the words "Bering Sea," to strike out—

, and may grant to claimants hereunder the measure of relief granted to subjects of Great Britain under the decision of the international commission appointed under the convention between the United States and Great Britain, concluded February 8, 1896, if in the opinion of the court the same is just.

The PRESIDING OFFICER. There is an amendment to section 6, not offered by the committee, which will be stated.

The SECRETARY. In section 6, line 17, page 5, after the word "court," it is proposed to strike out the word "as" and insert "in so far as the same may be material."

Mr. PLATT of Connecticut. How will it read then?

The Secretary read as follows:

SEC. 6. That in considering the merits of claims presented to the court hereunder any evidence, affidavits, reports of officers, and such other papers as are now on file in the Departments of the Government of the United States shall be considered by the court in so far as the same may be material competent evidence.

Mr. PLATT of Connecticut. I do not think that cures the defect in this section. How will it read?

The PRESIDING OFFICER. The Secretary will again read the clause referred to.

Mr. PLATT of Connecticut. How will line 17 read?

The Secretary read as follows:

Considered by the court in so far as the same may be material competent evidence.

Mr. FORAKER. "Material and competent." That is the amendment I offered, I believe; that is, the court is to have the benefit of whatever is material and competent that may be on file in the State Department. It perhaps would have a right to that anyhow, or the parties would have a right to offer it.

Mr. FULTON. Does the Senator think "competent" ought to be used in that amendment? It seems to me "material" would be sufficient. The bill says it may be admitted and considered. That renders it competent.

Mr. FORAKER. That is the objection which the Senator from Wisconsin made to that provision.

Mr. PLATT of Connecticut. I do not see how inserting the word "material" answers the objection he made.

Mr. FORAKER. "Material and competent."

Mr. PLATT of Connecticut. Of course I wash my hands of this bill, but I do not know why ordinary papers, according to this unlimited clause "such other papers as are now on file," should be made competent evidence in this case—papers not sworn to—not taken with reference to it; but wherever they can find in the State Department and the other Departments any letters referring in any way to this matter, they are to constitute evidence for this court. That is just what it does, whether or not you put in the words "if the court considers it material."

Mr. LODGE. I think the amendment was not perfected as the Senator from Wisconsin intended. Commencing in line 16 with the words "United States" it should read "which shall be considered by the court as material and competent evidence."

Mr. DOLLIVER. Mr. President, this seems to be a bill to authorize the payment of damages arising out of the confiscation and destruction of certain ships. Am I correct about that? If so, I can not imagine what peculiar questions that presents which would require this court to rummage the archives of the State Department for scraps of paper and ancient affidavits to support it. This bill raises a claim at best unusual, and at worst very questionable, and it looks to me as if it ought to stand upon the ordinary law of evidence. I should like to know what issue is involved in this that would suffer by being required to submit to the usual course of testimony in United States courts.

Mr. FORAKER. The Senator from Alabama can answer the question better than I can, but it is my impression that this provision was put in the bill for the benefit of the Government, there being a great many documents on file in the State Department which it was thought would be beneficial to the Government if the Government might be authorized in this way to use them. But I do not know that there is any objection to striking out the whole section. There certainly is not on my part, and, if the Senator from Alabama will concur in it, I will move to strike it all out.

Mr. MORGAN. Mr. President, this bill was drawn, I suppose, by Mr. Dickinson, and was examined, and I offered it, thinking at the time I did not approve of all its provisions. It went before the committee, and the Senator from Ohio and I were put on a subcommittee to consider it. We remodeled the bill quite considerably, and the section which is now up for consideration I thought was put in to enable the court to do what had been done or was asserted to have been done by the commission before whom Mr. Dickinson appeared as the attorney of the United States. They referred to all manner of papers, chiefly not for the purpose of settling the validity and justice of the demand itself, but the question of damages. The Senator from Ohio and I, in considering this matter, concluded that there were some parts of that section which might be necessary for the Government of the United States on the question of damages. The court might wish to refer to the correspondence on file in regard to the matter with a view to the ascertainment of damages. And so we changed Mr. Dickinson's proposition, as it stood in the other direction, and put it, as we thought, in favor of the Government.

However, I have no objection to the section going out, because I suppose the court will, after all, take a somewhat broad and equitable view of this question in respect to damages and everything of that sort. The damages that were allowed by the commission, which sat in Victoria I believe, I thought was extremely excessive. The fact is the pressure in Victoria was almost irresistible and amounted to coercion, and the truth is that if it had not been for the presence of these sealers and their taking the side of the Government of the United States, we should have been mulcted in many thousands if not hundreds of thousands of dollars in damages from which they saved us. Their conduct, as represented by Mr. Dickinson, was not only very worthy but very patriotic. Well, I will say no more about that. But I have no objection to the section going out if my colleague on the committee thinks it best.

Mr. FORAKER. I think there is no objection to its going out.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment offered by the committee.

Mr. PLATT of Connecticut. I understand it is proposed now to strike out this section?

Mr. FORAKER. Yes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to strike out section 6 of the bill.

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, in section 7, page 6, line 1, after the word "interest," to strike out "may" and insert "is subject to;" so as to make the section read:

SEC. 7. That in the trial of any suit brought under the provisions of this act no person shall be excluded as a witness because he is a party to or interested in such suit, and any claimant or party in interest is subject to be examined as a witness on the part of the Government.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, we come now to another very remarkable feature of this bill—the authority to compute interest on these damages from the time of the seizure until the time when an appropriation is made. I venture to say that we have not passed any bill for the payment of interest on a claim against the United States, unless that claim was founded on a contract which bound the United States to pay interest, since I have been a member of the Senate. I move to strike out——

Mr. COCKRELL. All from line 8 down to line 14, on page 6.

Mr. PLATT of Connecticut. All from line 8 down to line 14.

Mr. FORAKER. Mr. President, I desire to say in answer to that that the committee, when they reported this bill, were well aware of the rule that the Senator from Connecticut has referred to. We understood that interest is not usually allowed except where there is a contract obligation underlying the claim; but at the same time the Congress is not estopped on that account from doing justice. Therefore we put into this bill an amendment not broadly allowing interest, but allowing the court to allow interest to be computed and added to any claim "if in the opinion of the court such allowance is necessary to do complete justice to the claimant." There are some exceptional cases which led us to think the allowance of interest would be necessary to do justice, and we felt that it was perfectly safe to leave it to the circuit court where the case is to be tried.

Mr. COCKRELL. I wish to ask a question of the Senator from Ohio.

Mr. FORAKER. Very well.

Mr. COCKRELL. Upon that simple statement—a correct statement—that the Senator made would not every man whose property was taken during the war for the use and benefit of the Army have an equal right to come in and claim interest? I do not think there would be any question about it. I think this is the most dangerous thing that has been put in any bill for a long time, because you admit the principle of it, and Congress will be flooded with bills for the payment of interest. We had the question here on a contract. A bill was reported

from the Committee on Post-Offices and Post-Roads, where they undertook to allow interest on a claim for some $4,000. The man had a contract and the matter was reported favorably by the Committee on Post-Offices and Post-Roads. After a thorough discussion of that question and the principle involved in it, the Senate decided by almost a two-thirds majority that we would not pay the interest upon it. I think this would be an exceedingly dangerous precedent. I hope the amendment of the Senator from Connecticut will be agreed to.

Mr. FORAKER. It is entirely immaterial to me; I have no interest in the matter one way or the other. The only object the committee had in view was to do justice to these people. If there be objection to that provision, so far as I am personally concerned, I have no objection to its going out. But I should like to know the opinion on that point of my colleague from Alabama, who was on the subcommittee with me in the consideration of this measure.

Mr. MCCOMAS. Before the Senator takes his seat, as I understand the principle stated by the Senator from Missouri in respect to judgments by the Court of Claims and the law on contracts, interest has been allowed upon certain conditions by Congress.

Mr. PLATT of Connecticut. That is provided for by statute.

Mr. MCCOMAS. Yes; by statute. In respect to contracts it has been often refused, but in respect to wrongs or torts I respectfully suggest there can be found no case in which Congress has allowed it. In the case of a wrong, where the allegation is that there was a law of the United States intended to prevent the act that was done, and that by some right the parties should be compensated, the compensation did not include interest. I suggest to the Senator from Ohio and the Senator from Alabama that all from the word "upon," page 6, line 8, to the end of section 8 be stricken out.

Mr. FORAKER. I have already said that I have no objection to that. The committee understood very well what is the rule in regard to this matter. We are not unmindful of that. If my colleague from Alabama does not object, that part of the section may be stricken out.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Connecticut will be considered as agreed to, and all of section 8, after the word "thereon," in line 8, is stricken out.

Mr. COCKRELL. Down to the end of the section, in line 14.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The SECRETARY. In section 8, line 4, page 6, after the word "filed," strike out the words "in each case;" after the words "setting forth," at the end of line 4, insert the words "in each case;" and in line 7, after the word "upon," strike out "all" and insert "the;" so as to make the section read:

SEC. 8. That it shall be the duty of the court to cause a written opinion to be filed, setting forth, in each case, the specific findings by the court of the facts therein, and the damages to be awarded, and the conclusions of the court upon the questions of law involved in the case, and to render judgment thereon.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 15, after the word "make," to strike out "all necessary" and insert "any special;" and in line 17, after the word "and," to strike out "shall provide" and insert "for the hearing of such petitions may prescribe;" so as to make the section read:

SEC. 9. That the said court shall make any special rules of practice not inconsistent with the provisions of this act, and for the hearing of such petitions may prescribe the method of taking testimony by deposition or otherwise in such cases.

The amendment was agreed to.

The next amendment was, in section 10, page 6, line 21, after the word "have," to strike out "the same rights" and insert "such right;" in line 22, after the word "as," to strike out "are or may be reserved" and insert "is provided for;" in line 24, after the word "the," to insert "same;" in line 25, after the word "limitations," to strike out "therein contained;" and on page 7, line 2, after the word "the," to strike out "terms of the;" so as to make the section read:

SEC. 10. That the claimants or the United States shall have such right of appeal or to a writ of error as is provided for in the statutes of the United States, in other cases, to the United States court of appeals of said circuit, and upon the same conditions and limitations. The mode of procedure in claiming and perfecting an appeal in cases hereunder shall be in accordance with the statutes and rules of practice governing appeals from the circuit court of the United States to such court of appeals: *Provided*, That no appeal or writ of error shall be allowed after six months from the final judgment or decree.

The amendment was agreed to.

The next amendment was, in section 11, page 7, line 8, after the word "judgment," to strike out "or decree;" in line 11, before the word "in," to insert "against the United States;" and in line 12, after the word "Congress," to strike out "in the proper appropriation bills;" so as to make the section read:

SEC. 11. That the Attorney-General shall report to Congress the suits under this act in which final judgment has been rendered against the United States, giving the date and amount of each, and a statement of the costs taxed against the United States in each case, for the payment of which claims and costs appropriation shall be made by Congress.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the amendments proposed by the Committee on Foreign Relations.

Mr. PLATT of Connecticut. Mr. President, I do not know that I care to trouble the bill with amendments, but here is another very remarkable provision in the bill. I do not remember to have seen a bill passed referring a case to the Court of Claims or giving a court jurisdiction to try a case in which we provided in advance "giving the date and amount of each, and a statement of the costs taxed against the United States in each case, for the payment of which claims and costs appropriation shall be made by Congress." That is entirely unusual. There seems to be——

The PRESIDING OFFICER. Will the Senator kindly state the number of the section and the page and line?

Mr. PLATT of Connecticut. It is section 11. I think we might well leave this case to the ordinary methods of dealing with judgments of the court and suppose that Congress would make the appropriation. But the bill seems to have been drawn to get this money any way, no matter what the circumstances may be. I do not know why it is necessary to give all this unusual consideration to the people who have been engaged in the most nefarious thing that this country has seen or knows of in the last twenty years in business on the high seas.

Mr. FORAKER. Mr. President, it may be unusual for that provision to occur in the bill, but it certainly is not remarkable. The bill was drawn by some one who was favorable to the proposition that these people should be compensated to such an extent as the court hearing their claims might adjudge them to be entitled to compensation. Whoever drew the bill (I do not know who drew it; perhaps Mr. Dickinson, for he was counsel for the Government and very much intereseted in this matter) put that clause in there. It did not occur to me, as it probably did not occur to the Senator from Alabama, that there was anything unusual. Certainly it did not occur to either of us that it was remarkable that we should provide for the adjudication of claims and then for the payment of them. But if that is remarkable, if that gives the Senator any trouble, I have no objection to its going out. If the practice be as he has stated, and it is usual not so to provide in a bill authorizing the adjudication of a claim in court, let it be stricken out.

I wish to say, Mr. President, in answer to the criticisms which seem to be made in such bad temper that there is no ground for them that I know of. I knew nothing about these claims until they were brought before the Senate in the usual way and the bill providing for their adjudication was referred to the committee of which I have the honor to be a member, when I was called upon as a member of the subcommittee, together with the Senator from Alabama [Mr. MORGAN], to consider the bill. We took it up, as the Senator from Massachusetts said a while ago, and gave the fullest consideration to it. The whole matter was gone into as to the merits of these claims and as to the equity and justice of something being done by the United States, and that committee were of one mind on the subject. It was the unanimous report that something should be done and that that should be done—for it seemed to be the most feasible thing to do under all the circumstances—which this bill provides shall be done. We could not sit as a court and determine how much each man was entitled to receive, if he was entitled to anything, but we proposed to refer it to a court. We gave the circuit court of the ninth circuit, which sits at the place where the people live and where the witnesses can be called before the court, jurisdiction to hear and determine in the ordinary way in which judicial proceedings are conducted the claims of these people.

Now, we have had that and that only in view, and yet we are met here with all kinds of suggestions—that this is a remarkable measure, an extraordinary measure, an unprecedented measure—and we are told that these men were engaged in a reprehensible business and that they were engaged in a violation of law. In large measure there is truth in that. But we are not considering that question now. They had a right to be doing what they were doing at the place where they were doing in the Bering Sea to the extent our statute had a right to be applied, but our statute had no right to be applied by anybody beyond the 3-mile limit. A court by which we are bound has so found and so held, and we have accepted that finding. The

only question now is, having done justice to everybody else—to the British owners, to the Russian owners—whether we are going to deny justice to our own citizens who happened to be engaged in the same business.

This was a controverted proposition. Congress legislated. They took the risk, of course, of that law being valid, and it turned out that they had the right on their side. The Government that passed the statute exceeded its power. It had no right to prohibit pelagic sealing beyond the 3-mile limit. Therefore these men violated no statute of the Untied States except only one which by its terms, but not lawfully and validly, applied to the people where they were seized and where the property was taken from them.

Now, the Senator has asked in the course of this debate whether we are to establish the principle that men have a right to take upon themselves the risk of violating the law, and when deprived of their property wrongfully, as it afterwards turned out, the Government is obliged to compensate them. That is not a new thing. I take it that in every State of the Union, as well as by the Government, the practice has been that when wrongfully, because unlawfully, we seize and take from a citizen his property we compensate him. Certainly we do it to be honest and want to do justice, and that is what I take it the United States Government wants to do and should do under all circumstances.

The statute was passed in good faith, of course, and I sympathize with all that has been said against pelagic sealing. I think it has been brutal; I think it has been without justification; and ever since I have been a member of the Senate I have been striving to bring about some kind of legislation that will break up the present practice, for it is still indulged in and indulged in to an extent that threatens the last of the herds of fur-bearing seals in Bering Sea. Something must be done and something is soon to be done, I verily believe, to break up the present practice.

Mr. President, that has no place here. When that comes up I will be found quite as energetic as the Senator from Connecticut in trying to break it up and in condemning that which has been done. The record will show that I have been active. I have made several reports on this subject. I happen to be chairman of the subcommittee of the Committee on Foreign Relations at this time having some remedy for that bad practice under consideration, and we are moving along the line of relief.

When that question comes up we will discuss it. But the question now is whether or not these men, who, as it turned out, did not violate a statute of the United States that had any application to them at the place where they were engaged and where they were seized, shall be compensated by the Government that wrongfully took away from them their property.

Senators say we had control of it and we had a right to prohibit it. The case is not different, Mr. President (and this shows the utter absurdity of that suggestion), from what it would be if the Congress of the United States should to-day pass a statute prohibiting deep-sea fishing beyond the 3-mile limit off the banks of Newfoundland.

Mr. PLATT of Connecticut. Can it do it?

Mr. FORAKER. No; it can not do any such thing. It can undertake to do it; but if it undertook to do it unlawfully, enacting a provision of that kind, and if it be held to be unlawful, as I think it would be, then if we were to seize their ships because they were violating an unlawful and invalid statute we would be liable to make compensation, if we wanted to be just.

Mr. PLATT of Connecticut. I wish to ask the Senator this question: Can we not prescribe what our vessels may do on the high seas?

Mr. FORAKER. Certainly.

Mr. PLATT of Connecticut. And that they may not engage either in deep-sea fishing or pelagic sealing? Can we not do that if we will, and bind those vessels by law not to do it?

Mr. LODGE. That is what we did.

Mr. PLATT of Connecticut. And punish them if they do it?

Mr. FORAKER. Certainly we have the power to do that if we see fit, but until we exercise the power here, prescribing the conditions, we have not any right to do it. I am taking the case as it stands to-day. If we are to-day without any enactment as to the taking by a vessel registered, and if we were to broadly prohibit it, it would be invalid.

Mr. LODGE. If the Senator from Ohio will allow me, we never forbade pelagic sealing.

Mr. FORAKER. Never.

Mr. LODGE. We said that it shall not be carried on within certain waters to which we lay claim, but we never forbade pelagic sealing elsewhere.

Mr. PLATT of Connecticut. But the point I wish to make is this: Concerning vessels of the United States, have we not a right to say that they shall not fish off the coast of Maine, outside the 3-mile limit? No matter whether it is a closed sea or an open sea, have we not a right to put a restriction upon those vessels? We put it upon our vessels in providing that they should not fish in Bering Sea. Now, this tribunal says we could not do that; that it was not a closed sea; that we could not close that sea, and we could not treat it as a closed sea. But as to our own vessels, could we not say that they should not fish there?

Mr. LODGE. We have a right to say they shall not engage in deep-sea fishing anywhere, but we can not say that a man shall not engage in deep-sea fishing in waters we lay claim to and which do not belong to us, and that he may fish everywhere else.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business, which is House bill 14749.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. The Chair asks the Senator from Nevada to kindly suspend for a moment while he lays before the Senate a bill returned from the House of Representatives with amendments.

Mr. STEWART. Certainly.

NATIONAL INCORPORATION OF RAILROADS.

Mr. NEWLANDS. Mr. President, I desire to give notice that to-morrow at 1 o'clock I shall ask unanimous consent for leave to present some remarks regarding the joint resolution introduced by me on the 4th day of January, being the joint resolution (S. R. 86) creating a commission to frame a national incorporation act for railroads engaged in interstate commerce.

ROADS, SCHOOLS, ETC., IN ALASKA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3728) providing for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes.

The amendments were, on page 5, line 9, after "board," insert "first elected;" on page 5, line 9, strike out "office" and insert "offices;" on page 5, line 10, strike out "one year" and insert "two and three years, respectively;" on page 5, line 10, after "qualified," insert "and one member of such board shall be elected each year thereafter and shall hold his office for a period of three years and until his successor is elected and qualified;" on page 6, line 16, strike out "twelve" and insert "twenty;" on page 6, line 17, strike out "eighteen" and insert "twenty;" on page 6, line 20, strike out "eighteen" and insert "twenty;" on page 9, line 5, strike out "eighteen" and insert "twenty;" on page 10, line 3, strike out "three" and insert "five;" on page 10, line 12, strike out all after "term" down to and including "prescribed" line 25.

Mr. NELSON. I move that the amendments be concurred in.

Mr. BEVERIDGE. What is the business before the Senate?

The PRESIDING OFFICER. A Senate bill returned from the House of Representatives with amendments.

Mr. NELSON. I trust the Senator will yield, that the amendments may be concurred in.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate concur in the amendments made by the House of Representatives.

Mr. BEVERIDGE. Does it have place at this time by right?

The PRESIDING OFFICER. The Chair, under the rule, has a right to place such matters before the Senate at any time. The question is on the motion of the Senator from Minnesota to concur in the amendments.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

An act (S. 1352) for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb;

An act (S. 1501) for the relief of James F. McIndoe;

An act (S. 1753) for the relief of Pay Clerk Charles Blake, United States Navy;

An act (S. 3199) for the relief of A. M. Short;

An act (S. 5088) to aid the Western Alaska Construction Company;

An act (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager;

An act (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina;

An act (H. R. 15317) to build a bridge across the Ouachita River, Arkansas; and

A joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railroad Appliance Exhibition.

BOUNDARY LINE BETWEEN COLORADO AND NEW MEXICO AND OKLAHOMA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, a communication from the Secretary of the Interior relative to the reestablishment of the boundary line between the State of Colorado and the Territories of New Mexico and Oklahoma, surveyed under authority of the act of Congress of July 1, 1902. (32 Stat., 552, 574.)

THEODORE ROOSEVELT.

WHITE HOUSE, *January 10, 1905.*

FORT SHERMAN MILITARY RESERVATION.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers and maps, referred to the Committee on Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior relative to the reservation of certain lands in the abandoned Fort Sherman Military Reservation, in view of the contemplated use of such lands in connection with irrigation works to be constructed under the act of June 17, 1902 (32 Stat., 388).

The matter is presented for the consideration of the Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 10, 1905.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

An act (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company;

An act (H. R. 15477) to change the name of Thirteen-and-a-half street to Linworth place;

An act (H. R. 16450) to authorize certain changes in the permanent system of highways, District of Columbia;

An act (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name; and

An act (H. R. 16802) to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, etc.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

An act (H. R. 15810) to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River; and

An act (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. STEWART. Mr. President, the bill under consideration for the admission of Oklahoma to include the Indian Territory concerns the Five Civilized Tribes and their property. Fortunately the whole subject of the management of the property of those Indians is still under the jurisdiction of the United States. Nothing has been done which removes the Indians of the Five Tribes or their lands from the jurisdiction of the United States, and consequently it becomes the duty of the United States in dealing with them to see that the Indians are protected.

I have drawn an amendment which I propose to discuss, and I now offer it and ask to have it read.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Nevada offers an amendment and asks that it be read. It will be read.

Mr. BEVERIDGE. Can not the Senator postpone offering his amendment?

Mr. STEWART. I wish to offer the amendment now. It will come in after the provisions relating to Oklahoma. It comes in on the twentieth page, I think.

Mr. NELSON. I suggest to the Senator that the bill is not now being read by sections for amendment, and that this is not a proper time to offer his amendment.

Mr. BEVERIDGE. That is the reason why I suggested to the Senator that perhaps he might postpone it at this juncture.

Mr. CULLOM. To be voted on later?

Mr. BEVERIDGE. To be voted on later.

Mr. STEWART. The bill is in Committee of the Whole and open to amendment. I think under the rule the amendment is in order.

The PRESIDING OFFICER. The Senator can have the amendment read.

Mr. BEVERIDGE. There is no objection to the amendment being read. I would have suggested to the Senator that it be read if he had not suggested it himself; but, like the Senator from Minnesota, I do not understand that now is the time to offer the amendment.

Mr. STEWART. The bill is in Committee of the Whole and open to amendment, and an amendment can be offered at any time under the rule. But it is immaterial. I will offer the amendment now, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That there shall be in the Department of the Interior a superintendent of Indian Territory affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual salary of $15,000, and shall be stationed in the Indian Territory. And there shall be, in the Department of Justice, an attorney for Indian Territory affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual salary of $10,000, who shall act as the legal adviser of the superintendent, and who shall perform such other services as may be required by the superintendent, and shall be stationed in the Indian Territory during his term of office; and the Secretary of the Interior shall appoint, on the recommendation of the superintendent, such officers and assistants as may be necessary to aid the superintendent in the conduct and management of the affairs under his jurisdiction, and the said Secretary shall fix the compensation of such officers and assistants and prescribe bonds to be given by such of them as ought in his opinion to be required to give bonds.

That said superintendent shall have jurisdiction of all matters and shall perform all duties vested in, conferred upon, and to be performed by the Commission to the Five Civilized Tribes under existing laws in the Indian Territory. And said superintendent shall investigate, or cause to be investigated, all leases and contracts relating to allotted lands in the Indian Territory, and, if in his opinion the needs of justice require it, he shall institute proceedings in the proper United States court to set the same aside, and such proceedings shall have precedence over all other civil business, and the court shall render judgment setting aside such contracts or leases in all cases where there was fraud, undue influence, or inadequate consideration, which judgment shall be final. And it shall be the duty of the superintendent to execute such judgment by putting the original allottee in immediate possession of his allotment. And said superintendent and such officers as he may designate shall also have jurisdiction of the estates of all deceased Indians and freedmen and of all minor and insane Indians, and such other Indians and freedmen in the Indian Territory as are incompetent to manage their own affairs. And the said superintendent shall have power to remove any person appointed under the provisions of this act. He shall also have power to remove any executor or administrator of the estate of any deceased Indian or freedman, and also to remove any guardian of a minor or other Indian or freedman incompetent to manage his own affairs, and to revoke any power of attorney granted by such executor, administrator, or guardian. He shall also investigate all proceedings under which the estate of any deceased Indian or freedman has been sold, disposed of, or incumbered in any way whatsoever and report the result of his investigation to the Attorney-General of the United States, who is hereby authorized to take such proceedings as he may deem necessary in that behalf. In all matters under the jurisdiction of the superintendent his decision shall be final. That no Federal, State, Territorial, or other court shall have jurisdiction to interfere in any manner whatever with the acts, proceedings, or decisions of the superintendent, or of any officer or person acting by his authority under this act by any writ, process, order, or proceedings of any nature.

That the superintendent of Indian Territory affairs may adopt the existing recording districts with such modifications as he may deem proper, and such person shall be recorder in each of such districts as the superintendent may designate and in the sale of allotted lands the recorder in each district shall be register. The receiver shall be such officer as may be designated by the superintendent. Both the register and receiver shall give such bonds for the faithful discharge of their duties as may be prescribed by the Secretary of the Interior. It shall be the duty of the superintendent to appraise the allotted lands in the several recording districts according to their reasonable value and notify, from time to time, the register and receiver in the several recording districts of such appraisements.

That the reservation of homesteads to the extent of 40 acres of land to each Indian and freedman allottee in the Indian Territory shall remain forever a permanent home for such Indian or freedman, and shall not be sold, leased, or incumbered in any way whatever.

All allotted Indian and freedman lands, excluding homesteads, in the Indian Territory shall be subject to sale under the provisions of this act, and not otherwise.

That any bona fide settler, who is a citizen of the United States, or who has declared his intention to become such, may become a purchaser of the lands allotted to any Indian or freedman, not exceeding 160 acres, at not less than its appraised value, and pay for the same in five annual installments, with interest at the rate of 6 per cent per annum on the deferred payments, but shall not be allowed to pay for such land otherwise or in a longer or shorter period. Such purchaser shall present to the register an application of the allottee, if an adult, or an application of a guardian in his behalf, if a minor or an incompetent person, for the sale of his or her allotted lands, except the homestead, and shall pay to the receiver of the district the first annual installment, which shall thereupon be paid to the Indian or his guardian; whereupon such purchaser shall receive from the register a certificate of entry, a duplicate of which shall be transmitted to

the Secretary of the Interior. The said purchaser shall within thirty days thereafter enter upon the land and reside thereon continuously for five years, build thereon a house costing at least $150, put under cultivation not less than 20 acres, and pay to the receiver the remaining four installments. If any purchaser shall fail or refuse to make payment of any installment of the purchase money for thirty days after it shall have become due, or shall fail to make settlement and establish residence upon the land for a period of three months from the date of the contract of sale, or shall remove from and abandon said land for a period of three months, such contract shall thereby terminate, and the superintendent of Indian Territory affairs is hereby given authority and jurisdiction in any such case to summarily eject from the land such defaulting purchaser and put the Indian allottee or his guardian in possession thereof, in which event the allottee shall take the land free from any lien or liability for any taxes which may have been assessed against the same, or for any other obligation whatever: *Provided, however,* That in case of the death of the applicant before he has completed the payments, residence, and improvements required, his heirs or legal representatives may be substituted in his place as purchasers. After full compliance with the provisions of this act, the purchaser may make proof to the register and receiver of his payment, residence, and improvement, as hereinbefore required, under such regulations as the Secretary of the Interior may prescribe. The register and receiver shall report the facts to the Secretary of the Interior, together with their conclusions; and if in the opinion of the Secretary of the Interior, the purchaser has complied with the statute, a patent conveying full title shall be issued to such purchaser by the Secretary of the Interior in pursuance of the application of the Indian or freedman, or of the guardian of such Indian or freedman. All moneys received by the several receivers, except the first payment, shall be paid to the superintendent, who shall pay the same over to the Indians whose lands have been taken, under such regulations as the Secretary of the Interior may prescribe.

That no sale, agreement, or understanding, express or implied, made by any Indian or freedman concerning the incumbrance or future disposition of his allotted land shall have any binding force or effect, nor shall any such agreement or understanding be offered in evidence in any court for any purpose whatever; that no lease or sale of Indian or freedman lands in the Indian Territory shall be made by any Indian or freedman, or his guardian, except as in this act provided; and all laws authorizing the sale or removal of the restrictions upon the alienation of lands of allottees of any of the Five Civilized Tribes, and all laws inconsistent with any of the provisions of this act, are hereby repealed.

That all laws of the State of Arkansas, and all other laws, rules, and regulations affecting the estates of deceased Indians or freedmen, or providing for the appointment of guardians for minor Indians or freedmen or of Indians and freedmen incompetent to manage their own affairs, now in force in the Indian Territory are hereby repealed, and all matters connected therewith shall be under the jurisdiction of the superintendent of Indian Territory affairs and the officers designated by him, and all proceedings with regard thereto shall be conducted by said superintendent under such regulations as the Attorney-General may prescribe.

Mr. STEWART. Mr. President, the bill under consideration for the admission of Oklahoma, to include the Indian Territory, concerns the Five Civilized Tribes and their property. Fortunately the whole subject of the management of the property of those Indians is still under the jurisdiction of the United States. Nothing has been done which removes the Indians of the Five Tribes or their lands from the jurisdiction of the United States, and consequently it becomes the duty of the United States in dealing with them to see that the Indians are protected.

I have drawn an amendment which I propose to discuss, and I now offer it and ask to have it read.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Nevada offers an amendment and asks that it be read. It will be read.

The SECRETARY. It is proposed to insert the following:

That there shall be in the Department of the Interior a superintendent of Indian Territory affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual salary of $15,000, and shall be stationed in the Indian Territory. And there shall be in the Department of Justice, an attorney for Indian Territory affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual salary of $10,000, who shall act as the legal adviser of the superintendent, and who shall perform such other services as may be required by the superintendent, and shall be stationed in the Indian Territory during his term of office; and the Secretary of the Interior shall appoint, on the recommendation of the superintendent, such officers and assistants as may be necessary to aid the superintendent in the conduct and management of the affairs under his jurisdiction, and the said Secretary shall fix the compensation of such officers and assistants and prescribe bonds to be given by such of them as ought in his opinion to be required to give bonds.

That said superintendent shall have jurisdiction of all matters and shall perform all duties vested in, conferred upon, and to be performed by the Commission to the Five Civilized Tribes under existing laws in the Indian Territory. And said superintendent shall investigate, or cause to be investigated, all leases and contracts relating to allotted lands in the Indian Territory, and, if in his opinion the needs of justice require it, he shall institute proceedings in the proper United States court to set the same aside, and such proceedings shall have precedence over all other civil business, and the court shall render judgment setting aside such contracts or leases in all cases where there was fraud, undue influence, or inadequate consideration, which judgment shall be final. And it shall be the duty of the superintendent to execute such judgment by putting the original allottee in immediate possession of his allotment. And said superintendent and such officers as he may designate shall also have jurisdiction of the estates of all deceased Indians and freedmen and of all minor and insane Indians, and such other Indians and freedmen in the Indian Territory as are incompetent to manage their own affairs. And the said superintendent shall have power to remove any person appointed under the provisions of this act. He shall also have power to remove any executor or administrator of the estate of any deceased Indian or freedman, and also to remove any guardian of a minor or other Indian or freedman incompetent to manage his own affairs, and to revoke any power of attorney granted by such executor, administrator, or guardian. He shall also investigate all proceedings under which the estate of any deceased Indian or freedman has been sold, disposed of, or incumbered in any way whatsoever and report the result of his investigation to the Attorney-General of the United States, who is hereby authorized to take such proceedings as he may deem necessary in that behalf. In all matters under the jurisdiction of the superintendent his decision shall be final. That no Federal, State, Territorial, or other court shall have jurisdiction to interfere in any manner whatever with the acts, proceedings, or decisions of the superintendent, or of any officer or person acting by his authority under this act by any writ, process, order, or proceedings of any nature.

That the superintendent of Indian Territory affairs may adopt the existing recording districts with such modifications as he may deem proper, and such person shall be recorder in each of such districts as the superintendent may designate, and in the sale of allotted lands the recorder in each district shall be register. The receiver shall be such officer as may be designated by the superintendent. Both the register and receiver shall give such bonds for the faithful discharge of their duties as may be prescribed by the Secretary of the Interior. It shall be the duty of the superintendent to appraise the allotted lands in the several recording districts according to their reasonable value and notify, from time to time, the register and receiver in the several recording districts of such appraisements.

That the reservation of homesteads to the extent of 40 acres of land to each Indian and freedman allottee in the Indian Territory shall remain forever a permanent home for such Indian or freedman, and shall not be sold, leased, or incumbered in any way whatever.

All allotted Indian and freedman lands, excluding homesteads, in the Indian Territory shall be subject to sale under the provisions of this act, and not otherwise.

That any bona fide settler, who is a citizen of the United States, or who has declared his intention to become such, may become a purchaser of the lands allotted to any Indian or freedman, not exceeding 160 acres, at not less than its appraised value, and pay for the same in five annual installments, with interest at the rate of 6 per cent per annum on the deferred payments, but shall not be allowed to pay for such land otherwise or in a longer or shorter period. Such purchaser shall present to the register an application of the allottee, if an adult, or an application of a guardian in his behalf, if a minor or an incompetent person, for the sale of his or her allotted lands, except the homestead, and shall pay to the receiver of the district the first annual installment, which shall thereupon be paid to the Indian or his guardian; whereupon such purchaser shall receive from the register a certificate of entry, a duplicate of which shall be transmitted to the Secretary of the Interior. The said purchaser shall within thirty days thereafter enter upon the land and reside thereon continuously for five years, build thereon a house costing at least $150, put under cultivation not less than 20 acres, and pay to the receiver the remaining four installments. If any purchaser shall fail or refuse to make payment of any installment of the purchase money for thirty days after it shall have become due, or shall fail to make settlement and establish residence upon the land for a period of three months from the date of the contract of sale, or shall remove from and abandon said land for a period of three months, such contract shall thereby terminate, and the superintendent of Indian Territory affairs is hereby given authority and jurisdiction in any such case to summarily eject from the land such defaulting purchaser and put the Indian allottee or his guardian in possession thereof, in which event the allottee shall take the land free from any lien or liability for any taxes which may have been assessed against the same, or for any other obligation whatever: *Provided, however,* That in case of the death of the applicant before he has completed the payments, residence, and improvements required, his heirs or legal representatives may be substituted in his place as purchasers. After full compliance with the provisions of this act the purchaser may make proof to the register and receiver of his payment, residence, and improvement, as hereinbefore required, under such regulations as the Secretary of the Interior may prescribe. The register and receiver shall report the facts to the Secretary of the Interior, together with their conclusions; and if in the opinion of the Secretary of the Interior the purchaser has complied with the statute a patent conveying full title shall be issued to such purchaser by the Secretary of the Interior in pursuance of the application of the Indian or freedman, or of the guardian of such Indian or freedman. All moneys received by the several receivers, except the first payment, shall be paid to the superintendent, who shall pay the same over to the Indians whose lands have been taken, under such regulations as the Secretary of the Interior may prescribe.

That no sale, agreement, or understanding, express or implied, made by any Indian or freedman concerning the incumbrance or future disposition of his allotted land shall have any binding force or effect, nor shall any such agreement or understanding be offered in evidence in any court for any purpose whatever; that no lease or sale of Indian or freedman lands in the Indian Territory shall be made by any Indian or freedman, or his guardian, except as in this act provided; and all laws authorizing the sale or removal of the restrictions upon the alienation of lands of allottees of any of the Five Civilized Tribes, and all laws inconsistent with any of the provisions of this act, are hereby repealed.

That all laws of the State of Arkansas, and all other laws, rules, and regulations affecting the estates of deceased Indians or freedmen, or providing for the appointment of guardians for minor Indians or freedmen or of Indians and freedmen incompetent to manage their own affairs, now in force in the Indian Territory are hereby repealed, and all matters connected therewith shall be under the jurisdiction of the superintendent of Indian Territory affairs and the officers designated by him, and all proceedings with regard thereto shall be conducted by said superintendent under such regulations as the Attorney-General may prescribe.

Mr. STEWART. Mr. President, since the last session of Congress I have been studying conditions in the Indian Territory. I visited that Territory last fall and found a condition of things requiring radical changes. The amendment I have offered is intended to remedy glaring evils which need prompt action.

Before proceeding to a discussion of the amendment I will state that my views are in accord with those of the Secretary of the Interior and his subordinates, with whom I have had frequent consultations. I have just received from the Secretary of the Interior a letter transmitting a draft of a bill which is analogous to and in harmony with the amendment I have offered. The letter of the Secretary shows the conclusion

to which the Interior Department has arrived, and I will ask that the letter be read and following it the proposed bill by the Secretary of the Interior be printed in the RECORD.

Mr. BEVERIDGE (to Mr. STEWART). Why not make a statement of the substance of the bill prepared by the Secretary of the Interior?

Mr. STEWART. The bill proposed by the Secretary of the Interior is substantially the same as the amendment I have offered. There is very little difference. We have discussed the matter often and I requested him to prepare a bill embodying his views, which he has done.

Mr. BEVERIDGE. Does the bill prepared by the Secretary of the Interior cover the same points embraced in the Senator's amendment?

Mr. STEWART. I have provided for some things not contained in the bill of the Secretary of the Interior. The differences between my amendment and the bill of the Secretary of the Interior were suggested to me by members of the Committee on Indian Affairs, where the matter has been under discussion.

Mr. CULLOM. The Senator's purpose is that his amendment shall come in as an addition to the bill as it now stands before the Senate?

Mr. STEWART. Yes. I now ask to have read the letter of the Secretary of the Interior transmitting the bill he has prepared. I shall not ask that the bill be read, for, as I have said, is is somewhat similar to mine; but I shall ask that the proposed bill may be printed in the RECORD following the letter.

The PRESIDING OFFICER. The Senator from Nevada asks that the proposed bill may be printed immediately following the letter of the Secretary of the Interior. It will be so ordered in the absence of objection. The Secretary will read the letter referred to.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1905.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: I have the honor to submit herewith, for the consideration of your committee, the draft of a bill "To create in the Department of the Interior a superintendent of Indian affairs, to define his duties, and for other purposes," and recommend that the same be enacted into law.

I invite your attention particularly to the discussion of the subjects covered by this bill on pages 58–61, inclusive, in my last annual report.

After referring to the efforts of the Department to secure protection for the Indians against the abuses prevalent in the Indian Territory in connection with the leasing of their lands, I stated:

"While it may not be possible to undo the injury already inflicted upon the wards of the nation on account of the lack of authority to carefully supervise their contracts in the leasing of their lands for grazing and agricultural purposes, yet I am fully persuaded that proper legislation should be enacted to protect them in the future. This legislation should include all of the Five Civilized Tribes, and throw around the Indian suitable safeguard against improvident rental contracts in the future."

And, after explaining the status of their lands, I called attention to the fact that of those already sold all but about 15 per cent had passed into the hands of speculators, and I expressed the opinion that:

"In my judgment, legislation should also be enacted authorizing the sale of lands by Indian allottees of the Five Civilized Tribes under regulations to be approved by the Secretary of the Interior, such sales to be made only to actual settlers, who should be required to occupy and improve the lands for five years before receiving deeds conveying full title to the lands. Provision should also be made permitting payments, under official supervision, for said lands in five annual payments, and in case of failure to pay any deferred payment, the land should revert to the vendor. I am satisfied that the Indian will receive a larger sum for his land, besides will be greatly benefited by having an actual settler in close proximity to the residue of his land. Such legislation will tend to prevent the accumulation of large tracts of land for speculative purposes only and permit the purchase of the lands by persons desirous of making homes for themselves upon the Indian lands."

The existence of the Dawes Commission terminates at the end of this fiscal year. The unfinished work of the Commission will be considerable, due in some measure to delays occasioned by litigation, some of which is still pending. Add to this the practical management of the sale and leasing of the surplus lands of, approximately, 90,000 allottees, the collection of purchase money installments and rentals, the care and supervision of the disbursement of their funds, the control and adjustment of the estates of deceased minor and insane Indians (which, if left to the courts, will be largely wasted in official and attorney fees), the supervision of their educational and industrial interests, and some idea may be formed of the magnitude and importance of the duties that will devolve upon the local administration of Indian Territory affairs for an indefinite period. It is believed that the most satisfactory results will be attained by placing such administration in charge of a single official, possessing a high order of the qualifications best adapted to the character of the great service to be performed and invested with adequate power to cope with the unusual conditions of the situation.

Under existing laws allottees may lease their lands for agricultural purposes for five years, without supervision. These leasing transactions have generally been characterized by such foul dealings as to conspicuously illustrate the utter incompetency of the great mass of these Indians to manage their property interests. Fraud and all sorts of imposition have become the rule in these matters and fair dealing the exception until the situation has become offensive to the public sense of the Government's obligation to these ignorant and helpless people.

In the near future, under the present system, the great body of their lands—all except the small homesteads reserved—will be subject to sale without any restrictions whatever. If this policy is not changed the lands will be largely taken by speculators, and these Indians will be speedily stripped of their comfortable and sufficient heritage to become a charge indefinitely upon the revenues of the Government.

It is difficult to contemplate the present condition of these Indians relative to their property interests and the dangers which so imminently threaten them without at the same time becoming imbued with a keen sense of the mandatory nature of our duty in the premises and the urgency for prompt and appropriate remedial provision.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

The draft of the bill prepared by the Secretary of the Interior is as follows:

A bill to create in the Department of the Interior a superintendent of Indian Territory Affairs, to define his duties, and for other purposes.

Be it enacted, etc., That there shall be in the Department of the Interior a superintendent of Indian Territory affairs who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual salary of $8,000; and there shall also be appointed by the President, by and with the advice and consent of the Senate, an attorney for the Indian Territory, at an annual salary of $5,000, who shall perform such services as may be required by the superintendent or the Secretary of the Interior.

SEC. 2. Said superintendent shall have jurisdiction of all matters and shall perform all duties vested in, conferred upon, and to be performed by the Commission to the Five Civilized Tribes and the Indian agent at the Union Agency, by or under existing laws, and generally shall have jurisdiction of all matters relating to the property interests of the Five Civilized Tribes, or of individual members thereof, and to adjudicate all contests and controversies in regard to them, subject to the right of appeal on questions of law to the Secretary of the Interior.

SEC. 3. All grazing and agricultural leases heretofore made by allottees of any of the Five Civilized Tribes shall be recorded in the office of the superintendent of Indian Territory affairs, or in such land offices as are hereinafter authorized, within sixty days after the passage of this act, and any lease not so recorded shall be absolutely void and of no effect. All such leases hereafter made shall be void unless approved by the Secretary of the Interior and filed in the proper office of record within ninety days after such approval. Jurisdiction and authority are hereby given the superintendent to investigate such lease heretofore or hereafter made by any allottee of any of the Five Civilized Tribes upon not less than ten days' notice to the lessee, and if he shall find that any such lease was procured to be made through fraud, material misrepresentation, or for an inadequate consideration, he shall vacate and cancel the same, and upon such cancellation he may eject the lessee, or anybody in possession under his lease, and put the lessor, or his legal representative, in possession of the premises: *Provided*, That allotments of Choctaw and Chickasaw freedmen shall be taken and held as homesteads. Any person taking possession of land under a lease made in violation of this section or of any other provision of law or declared by any law to be illegal or void or shall present for record any such illegal or void lease shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding $200 and shall also be liable to the owner of said land for damages to be recovered in civil proceedings.

SEC. 4. Such superintendent shall have exclusive original jurisdiction of the estates of all deceased Indians, and of all minor and insane Indians and freedmen in the Indian Territory, and shall have authority to sell, lease, or otherwise dispose of the same as shall be directed by the Secretary of the Interior.

Such superintendent is also hereby given authority and jurisdiction to sell, in accordance with the regulations to be prescribed by the Secretary of the Interior, all lands of the allottees of any of the Five Civilized Tribes upon request of such allottee, if an adult, or without such request if the allottee be a minor, except their homesteads.

Such sales shall be made to actual settlers only who shall be citizens of the United States or shall have declared their intention to become such, 10 per cent of the consideration to be paid in cash at the time of the delivery of the contract of sale and the balance in ten equal semi-annual installments, the deferred payments to bear 6 per cent interest. The contract of sale shall be executed by the vendor or his legal representative to the purchaser or his legal representative at the time of sale, and a deed shall be executed and delivered on full payment of the purchase money. All payments upon such sales shall be made to the superintendent or such other officer as the Secretary of the Interior may designate, but if any such payment shall be otherwise made it shall be treated as an unlawful and void payment. After any sale shall have been made and contract therefor executed the land covered thereby shall be subject to local taxation, but any such tax as a lien upon the property shall be subordinate to the claim of the vendor for the unpaid purchase money, which shall be and remain a first lien. Any such contract of sale shall not be assignable except with the express consent and approval of the Secretary of the Interior, and all the obligations assumed by and resting upon the original purchaser shall be performed by his assignee, who must have the qualifications prescribed for a purchaser. If any purchaser or his assignee shall fail or refuse to make payment of any installment of the purchase money for thirty days after it shall become due, or shall fail to make settlement and establish residence upon the land for a period of three months from the date of the contract of sale, or shall remove from and abandon said land for a period of three months, such contract shall thereby terminate and all payment made thereon shall be forfeited to the vendor, and the superintendent is hereby given authority and jurisdiction in any such case to summarily eject from the land such defaulting purchaser or assignee and to put the Indian allottee or his representative in possession thereof, in which event the allottee shall take the land free from any lien or liability for any taxes which may have been assessed against the same, or for any other obligation whatever.

No lands of the allottees of any of the Five Civilized Tribes shall hereafter be leased, sold, or otherwise disposed of, except in accordance with these provisions.

SEC. 5. The superintendent may, with the approval of the Secretary of the Interior, establish such land districts and land offices in the Indian Territory as he may deem necessary for the convenient transaction of the business; and any such lands, except homesteads, may be sold, as aforesaid, at any time after a duly executed deed therefor has been approved by the Secretary of the Interior, recorded and delivered to the allottee, and such deeds shall be so delivered without unnecessary delay, any law or agreement to the contrary notwithstanding; and if any person authorized to execute deeds to such allottees shall refuse or

fail to do so, the Secretary of the Interior may designate an official of the Department of the Interior to execute such deeds, which shall have the effect to convey full title.

SEC. 6. That no Federal, State, Territorial, or other court shall have jurisdiction to interfere in any manner whatever with the acts, proceedings, or decisions of the superintendent or of any person acting by his authority, by any writ, process, order, or proceedings of any nature.

SEC. 7. The superintendent of Indian Territory affairs shall give bond in such sum and with such surety or sureties as may be prescribed by the Secretary of the Interior for the faithful performance of his duties and for the safe-keeping of and faithful accounting for all money coming into his hands by virtue of his office, and shall perform his duties under the supervision and direction of the Secretary of the Interior, who is hereby authorized to make and enforce all such rules and regulations as he may deem necessary in the premises.

SEC. 8. All laws authorizing the removal of the restrictions upon the alienation of lands of allottees of any of the Five Civilized Tribes and all laws or parts of laws inconsistent with any of the provisions of this act are hereby repealed.

Mr. STEWART. The letter of the Secretary of the Interior points out in a general way the unsatisfactory condition of affairs in Indian Territory. I propose later on to elaborate somewhat the statements made by the Secretary from my own personal observation. I first call the attention of the Senate to

THE POWER TO DEAL WITH THE SUBJECT.

Senators will find that power fully sustained in the Lone Wolf case, where the character of the title of the Indians is dealt with. A patent to a tribe gives no individual property, for when the tribe is dissolved the patent falls because there is no longer any grantee.

Treaties with Indian tribes and patents issued in pursuance thereof do not deprive the United States of the power to dissolve the tribal relations and distribute the land held in common. Such is the effect of the decision of the Supreme Court of the United States in the Lone Wolf case. In that case the court said:

> The appellants base their right to relief on the proposition that by the effect of the article just quoted the confederated tribes of Kiowa, Comanche, and Apache were vested with an interest in the lands held in common within the reservation, which interest could not be divested by Congress in any other mode than that specified in the said twelfth article, and that as a result of the said stipulation the interest of the Indians in the common lands fell within the protection of the fifth amendment to the Constitution of the United States, and such interest, indirectly at least, came under the control of the judicial branch of the Government. We are unable to yield our assent to this view.
>
> The contention, in effect, ignores the status of the contracting Indians and the relation of dependency they bore and continue to bear toward the Government of the United States. To uphold the claim would be to adjudge that the indirect operation of the treaty was to materially limit and qualify the controlling authority of Congress in respect to the care and protection of the Indians, and to deprive Congress, in a possible emergency, when the necessity might be urgent for a partition and disposal of the tribal lands, of all power to act if the assent of the Indians could not be obtained. (Compilation of Laws and Treaties Relating to Indian Affairs (Kappler), 2d edition, vol. 1, p. 1058.)

Again in the same case the court said:

> In view of the legislative power possessed by Congress over treaties with the Indians and Indian tribal property we may not specially consider the contentions pressed upon our notice that the signing by the Indians of the agreement of October 6, 1892, was obtained by fraudulent misrepresentations and concealment; that the requisite three-fourths of adult male Indians had not signed, as required by the twelfth article of the treaty of 1867, and that the treaty as signed had been amended by Congress without submitting such amendments to the action of the Indians, since all these matters, in any event, were solely within the domain of the legislative authority, and its action is conclusive upon the courts.

The court very properly declined to consider whether the statute under which the land was disposed of in the Lone Wolf case was in violation of a treaty or not, because the power of Congress could not be limited or controlled by any treaty arrangement with the Indians.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. STEWART. Yes.

Mr. NELSON. I want to say to the Senator that, in addition to the Lone Wolf case, there are three other cases in the same line sustaining the same view.

Mr. STEWART. I have no doubt of it. A moment's reflection would satisfy anyone that that is so, because a treaty made with the Indians is no more sacred than any other treaty. It could be repealed by a law, and a deed made to a tribe which had ceased to exist of course would be ineffectual.

The amendment which I propose, however, is

NOT IN VIOLATION OF ANY INDIAN TREATY,

Each of the Five Civilized Tribes has entered into treaty stipulations for the segregation and allotment of their land, and also for the termination of their tribal relations on the 4th day of March, 1906. The greater part of the land has been allotted by the Dawes Commission, but no patents have been issued to individual Indians. The issuance of patents is deferred until the allotments are completed. After such completion of allotments the chiefs or governors of the various tribes are to issue patents. It is provided that within five years after the issuance of patents the Indians may sell their land, with the exception of a homestead of 40 acres, which is reserved to the Indian for twenty-one years.

Mr. NELSON. Mr. President, will the Senator from Nevada yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. STEWART. Yes.

Mr. NELSON. I desire to call the Senator's attention to the fact that by a paragraph inserted in the last Indian appropriation act that provision has been modified and changed.

Mr. STEWART. I understand that. It was radically modified, though it was a great mistake to do so. I am going to deal with that. It was in part my fault that the modification was made. I had not then seen the country and did not know the facts. It is a very pernicious provision.

Mr. NELSON. I also want to say, in this connection, that the bill as it came from the House in section 13 had a provision practically removing all obstacles to alienation, which the committee have recommended be stricken out.

Mr. STEWART. The committee has recommended that the provision be stricken out, but the recommendation of the committee is not worth much, unless we have something more.

Mr. NELSON. We have the legislation that was given us last year by Congress in the Indian appropriation act.

Mr. STEWART. That legislation was ill advised. I propose to state the present conditions and to show that something is necessary to be done. I agree with the Secretary of the Interior and with others who have given the matter some attention, and if the Senator will listen to me a little while he will see the necessity for such legislation as I propose.

The Secretary in his letter to me says:

> In the near future, under the present system, the great body of their lands—all except the small homesteads reserved—will be subject to sale without any restrictions whatever. If this policy is not changed the lands will be largely taken by speculators, and these Indians will be speedily stripped of their comfortable and sufficient heritage to become a charge indefinitely upon the revenues of the Government.

The Secretary suggested the propriety and necessity for a strong man, well equipped in every way, to take charge of the business in Indian Territory. It is a difficult task and requires as good talent as there is in the country. A commission is too cumbrous for effective work. The Commission to the Five Civilized Tribes consists of five members, although there are only three now in office.

Mr. BEVERIDGE. The Senator's amendment proposes to have a superintendent take the place of the Commission?

Mr. STEWART. Yes; with jurisdiction over many matters over which the Commission has no control.

Mr. BEVERIDGE. And it is proposed to give this superintendent judicial powers?

Mr. STEWART. It is.

Mr. BEVERIDGE. Are those same powers given to the same officer and is the same officer provided for in the Secretary's bill?

Mr. STEWART. Yes. I go a little further than the Secretary. I provide how the subordinates of the superintendent shall be appointed.

Mr. BEVERIDGE. But in respect to the superintendent himself and his general duties and powers your amendment is the same as the provision in the Secretary's bill?

Mr. STEWART. Under the bill proposed by the Secretary the superintendent has exclusive power in some cases, whereas by my amendment he is required to use the power of the courts and some matters are to be referred by him to the Attorney-General. These modifications of the Secretary's plan were introduced in my amendment after discussion in the Committee on Indian Affairs, where it was suggested by several members of the committee that conferring certain powers upon the superintendent might be construed as a denial of due process of law in certain cases. The Secretary proposes a salary of only $8,000 a year for the superintendent. My amendment proposes $15,000. In my opinion it will be very difficult to find

A PERSON COMPETENT TO DISCHARGE THE DUTIES

of superintendent for a less sum than $15,000. It may be said that it is more than Cabinet officers receive, but he will have more to do than any Cabinet officer and is to reside in the Territory without the conveniences furnished at the capital of the nation. By the Secretary's bill the attorney is to receive $5,000. I propose $10,000 because the questions with regard to which he must give advice are new, difficult, and important and the highest talent is required. By the Secretary's bill the attorney is placed in the Department of the Interior; I propose to have him appointed in the Department of Justice, which seems to me will be more in accordance with the orderly transaction of business.

Mr. BEVERIDGE. You put the whole of your amendment, so far as this provision is concerned, into one sentence, by saying that the attorney is practically the legal arm of the superintendent?

Mr. STEWART. Yes.

Mr. BEVERIDGE. That is the whole of it?

Mr. STEWART. Yes. The Constitution authorizes the appointment of officers to be made by the President, by the heads of Departments, and by the courts. It is therefore competent to lodge the appointment of subordinate officers, whether their duties be administrative, judicial, or ministerial, in the Secretary of the Interior. I would have been glad to have named every officer and prescribed his duties, but was unable to determine what officers would be necessary to discharge all the duties under the jurisdiction conferred upon the superintendent.

The language of the amendment providing for the appointment by the Secretary of the Interior of these subordinate officers is as follows:

And the Secretary of the Interior shall appoint, on the recommendation of the superintendent, such officers and assistants as may be necessary to aid the superintendent in the conduct and management of the affairs under his jurisdiction, and the said Secretary shall fix the compensation of such officers and assistants and prescribe bonds to be given by such of them as ought in his opinion to be required to give bonds.

There will be persons who will occupy the position of probate judges, to wind up estates, and some of them will necessarily have some judicial functions in that line.

That said superintendent shall have jurisdiction of all matters and shall perform all duties vested in, conferred upon, and to be performed by the Commission to the Five Civilized Tribes under existing laws in the Indian Territory.

The jurisdiction at present exercised by the Commission to the Five Civilized Tribes is conferred, among other matters, upon the superintendent.

It will require one man's whole time to supervise allotments. The Commission to the Five Civilized Tribes will go out of office on the 30th of June next and the Commission will then be dissolved, but their work will not then be completed—the allotments will not have been made, besides there is a vast number of contested cases. It is asserted that in nearly every case where an Indian is fortunate enough to have good land allotted to him some speculator

INDUCES SOME OTHER INDIAN TO FILE A CONTEST.

It will take much labor and patience to settle these contests in a reasonable time. By far the larger part of the choice land in Indian Territory is already leased to speculators who are engaged in the business of obtaining leases from Indians to sublet for profit. These leases ought to be investigated and where fraudulent should be set aside. The following is the provision of my amendment on that subject:

And said superintendent shall investigate, or cause to be investigated, all leases and contracts relating to allotted lands in the Indian Territory, and, if in his opinion the needs of justice require it, he shall institute proceedings in the proper United States court to set the same aside, and such proceedings shall have precedence over all other civil business, and the court shall render judgment setting aside such contracts or leases in all cases where there was fraud, undue influence, or inadequate consideration, which judgment shall be final.

This jurisdiction is conferred by the bill of the Secretary of the Interior upon the superintendent without requiring him to go into court.

THAT MAY RAISE SERIOUS QUESTIONS OF PERSONAL RIGHTS.

Contracts have been entered into, and under them there may be vested rights. Where questions of the rights of property arise a judicial determination of some kind is necessary. It is true the superintendent might, and probably will, exercise powers judicial or quasi judicial, but I have preferred to strip the bill of every questionable power that might be conferred upon him.

The amendment also confers upon the superintendent and the officers under him important probate jurisdiction, as follows:

And said superintendent and such officers as he may designate shall also have jurisdiction of the estates of all deceased Indians and freedmen and of all minor and insane Indians, and such other Indians and freedmen in the Indian Territory as are incompetent to manage their own affairs.

Under the Arkansas law, which is repealed in express terms by my amendment, it is claimed that a title derived through the court by proceedings under that law becomes an absolute title, and that the Government has no further control over it. Besides, jurisdiction is taken under that law of all minor Indians, no matter how competent their parents may be, for the purpose of securing their allotments. The speculators want to secure the allotments of the minor Indians so as to get leases on their allotments, and, unfortunately, they have organized a large number of trust companies that are striving to be guardians of minor Indians in order to get control of their property and take it away from them.

The superintendent is given power to remove executors, administrators, and guardians, and take full charge of minors and the estates of deceased Indians. The language of the amendment is:

And the said superintendent shall have power to remove any person appointed under the provisions of this act. He shall also have power to remove any executor or administrator of the estate of any deceased Indian or freedman, and also to remove any guardian of a minor or other Indian or freedman incompetent to manage his own affairs, and to revoke any power of attorney granted by such executor, administrator, or guardian.

It is alleged that these administrators and guardians are in the habit of issuing powers of attorney to trust companies and others to manage the estates of minors for the manifest object of controlling the property of their wards, and it is suggested that many of the officers and corporations intrusted with these delicate duties engage in the business for personal gain.

IT IS PROPOSED TO HAVE COMPETENT PERSONS

appointed in the place of the unfaithful, who shall be responsible to the superintendent and whose official acts shall be under the latter's inspection.

The suggestion that the titles to the lands of deceased Indians and also of minor children have been alienated under pretended forms of law to third parties, should certainly be investigated, and my amendment provides in that respect as follows:

He shall also investigate all proceedings under which the estate of any deceased Indian or freedman has been sold, disposed of, or incumbered in any way whatsoever and report the result of his investigation to the Attorney-General of the United States, who is hereby authorized to take such proceedings as he may deem necessary in that behalf.

If they have sold out the estates by their sham administration under the provision of the Arkansas law, which is intended for white people, it is made the duty of the superintendent to investigate that and to report to the Attorney-General for such proceedings as may be necessary.

In all matters under the jurisdiction of the superintendent his decision shall be final.

We have not placed anything under his jurisdiction except where it ought to be final, because where there is any question about it we have provided in this amendment for referring it to the court or some other authority. Consequently to avoid vexatious litigation the amendment provides:

That no Federal, State, Territorial, or other court shall have jurisdiction to interfere in any manner whatever with the acts, proceedings, or decisions of the superintendent, or of any officer or person acting by his authority under this act by any writ, process, order, or proceedings of any nature.

The swarm of attorneys there would make an effort to enjoin everything, and although they would not have any right to do it, it would be a year or two before the matter was disposed of. We do not want it tangled up by the efforts of speculators. Consequently we make it clear that the court shall not have jurisdiction.

Mr. DILLINGHAM. Will the Senator allow me a question?

Mr. STEWART. Certainly.

Mr. DILLINGHAM. It would appear from the Senator's statement and from the reading of the amendment that courts of probate are abolished and the superintendent will exercise all of the duties of the court of probate.

Mr. STEWART. So far as I am concerned, I am very anxious to abolish the Arkansas court of probate in as far as it relates to the Indians.

Mr. DILLINGHAM. And then, that the findings of the superintendent shall be final on questions of fact?

Mr. STEWART. Yes.

Mr. DILLINGHAM. And that he shall not be interfered with by injunction?

Mr. STEWART. Certainly not.

Mr. DILLINGHAM. I was not sure that I understood the provision of the section.

Mr. STEWART. That was the intention, because, as I will show later on, the superintendent must have a clear field or he can not do anything effective.

I wish now to state what I found in the Indian Territory. I found a number of men, though not a very large number, engaged in the occupation of dealing and trading in Indians.

It will be seen by the Secretary's letter, and also by the statutes to which I have referred, that the Indians have a right to lease their lands for five years. The Indian trader, the man who trades in Indians, collects thirty or forty helpless Indians and trades them.

There was great pressure to bring the Mississippi Choctaws to that country. I never understood why it was until I visited the Territory. The lands are all leased, or there are pretended leases of all the good agricultural land in the Territory. There is not much authority for them, but the cattlemen got possession

of the lands long ago, and they have handed them down and held possession.

A MAN WILL TAKE THIRTY OR FORTY INDIANS

to a person in possession of 30,000 or 40,000 acres of land, or any given quantity of land, and he will propose to sell the Indians to him. If they can agree upon a bargain, the Indians are taken upon and shown the land, and they are told "you take this for your allotment." The Indians like the land and agree to it. The speculator takes the Indians to the land office and has the land allotted to them. The Indians, without such aid, can not get on those lands; not that any officer is particularly responsible for it, but because the speculators will not allow it. The Indians can not pick out allotments. That is absurd. The man who wants to lease will take them there. Then he will take a lease from them for five years for a nominal sum.

That was called to my attention at Tishomingo. I was talking to some Indians there and was telling them of the importance of adopting civilized ways and educating their children, etc., and they asked me some questions. One Indian, a very good looking man, got up and said

THE COURTS HAD TAKEN HIS CHILDREN AWAY FROM HIM,

that they had taken away their property, that they had appointed a guardian, while he was perfectly competent to take care of them, and he wanted to know under what law it had been done. I told him I was not familiar with it; that it must be under some law of Arkansas, or it was an act of usurpation; that I did not understand it. He thought it was very hard.

While this colloquy was going on, a man by the name of Cobb, who had formerly been in the Indian service, a very bright man apparently, said he wanted to ask a question. I said "Very well." He asked me some irrelevant question to which he did not expect an answer. Then he said that in the last nine months he had acquired 120,000 acres of land by leases from the Indians, and he would like to see the Secretary of the Interior or Congress get it away from him in nine years. I simply replied that I was sorry for the Territory if that business was going on.

That evening under my window, after I had gone to bed, a difficulty occurred among several men. They were abusing Cobb for having told. "Now," they said, "you will get us all into trouble," and it resulted in a fight. It was so dark I could hardly see how the fight came out, but they were complaining of Cobb for having told about his leases. I afterwards ascertained that leasing in large quantities was pretty general.

You can readily see

THE ADVANTAGE THE MAN IN POSSESSION WOULD HAVE.

In five years, if leasing goes on, and in some cases in less than five years, the Indians will have a right to sell. When the Indian comes to collect his rent, which is a small sum, probably thirty to fifty dollars for land that would rent for a thousand, the lessees always have him sign another lease. The Indians are in the habit—I do not know that they always do it—of signing another lease for five years. The Indian will sign the lease and get his money. They will finally get the Indian to sign a deed in the same way, and if this thing stands as it does, all this land will fall into the hands of a very few men and be leased out by them.

Good settlers do not like to go into a country and take leases under such circumstances. They do not like to live in a community where nobody owns his land, which is bound to be the result in the Indian Territory if nothing is done to stop leasing.

THIS LEASING SYSTEM IS A MOST TERRIBLE ONE.

I do not believe in it at all. I do not think the Indians ever should have leased their lands. This amendment provides that they shall make no more leases and shall only sell in the mode provided in the amendment. They are allowed to sell their land. They are not required to sell it, however. They may sell it or they may keep what is allotted to them.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER (Mr. HOPKINS in the chair). Does the Senator from Nevada yield to the Senator from Georgia?

Mr. STEWART. Certainly.

Mr. CLAY. If the Senator will permit me, he is chairman of the Committee on Indian Affairs, I understand——

Mr. STEWART. Yes.

Mr. CLAY. And is thoroughly familiar with all the different treaties we have with the Indians.

Mr. STEWART. Not with all of them, but with some of them.

Mr. CLAY. I have been reading the House minority report in regard to the union of Oklahoma and Indian Territory, and I find this language used by the minority:

The United States, in order to induce the Five Civilized Indian Tribes to sell their lands east of the Mississippi River and remove to the land now embracing the Indian Territory, entered into a number of treaties with the Five Civilized Tribes, in which the United States bound themselves with great formality, and upon a formal vote of the Senate of the United States, with the approval of the President, contracting that they would not at any future time establish over the Indians of Indian Territory any State or Territorial government without their consent, as follows:

"CHEROKEES.

"ART. 5. The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory." (Revised Indian Treaties, p. 69.)

Similar treaties with the other four tribes were also made.

I have been unable to find any treaties that abrogate these treaties, and I am unable to find any law which would abrogate them by implication. I should like to know what the Senator's view is in regard to whether those treaties have been abrogated.

Mr. STEWART. Yes; they have been abrogated.

Mr. NELSON. If the Senator from Nevada will allow me, I desire to state to the Senator from Georgia that these old treaties to which the House committee refer have been practically abrogated by subsequent treaties and negotiations made with the Indians under the so-called "Curtis Act" of 1898. That act and the treaties which were entered into under it and the subsequent act ratifying those treaties have practically repealed and taken the place of those old treaties to which he refers.

Mr. CLAY. I would ask the Senator——

Mr. NELSON. The Senator will allow me?

Mr. CLAY. Certainly.

Mr. NELSON. The Senator will find a history of this matter and of these treaties, as well as the decisions of the court bearing upon it, in the remarks I made two years ago, on pages 22, 24, and 25, where I have gone in great detail into this matter.

Mr. STEWART. The result is understood thoroughly. The Indians agreed to the allotment of their lands. The treaties were made with them by the Dawes Commission, and there have been subsequent treaties made, and they have all agreed that the tribal relation shall be dissolved on the 4th of March, 1906.

Mr. CLAY. Then the Senator thinks that the simple fact that the Indians have agreed to have their lands allotted and the tribal relations dissolved would abrogate the treaty providing that their territory should not be formed into a State hereafter without their consent?

Mr. STEWART. Absolutely, because they are individuals and no longer in tribal relation.

Mr. CLAY. I think it is exceedingly doubtful.

Mr. STEWART. The United States has a right to legislate for all white and Indian individuals in the United States. Congress further has the right, according to my view of the it has the power to do it. It is the duty of the United States to take care of the Indians, because they have agreed that their tribal relations shall be dissolved, and Congress must provide some government for them. It has become a duty to do so since the Indians have agreed to the dissolution of their tribal relation.

Mr. BEVERIDGE. In other words, the treaty was between this Government and the tribes.

Mr. STEWART. Yes.

Mr. BEVERIDGE. The existence of this entity, called "the tribes," was a matter among its members. These members agreed to the dissolution of the tribal relation, and the entity with which the treaty was made went out of existence. Does not the Senator from Georgia see that any agreement made with an entity which itself went out of existence of its own volition of course ceases by that very act? Otherwise before anything could ever be done in the history of the world that involved these Indians who ceased to be a tribe and became individuals, you would have to get the consent of each individual one of them, which of course is unthinkable.

Mr. STEWART. They have done that in some cases by vote.

Mr. BEVERIDGE. But not in the case the Senator referred to.

Mr. STEWART. No.

Mr. CLAY. These lands have not yet been allotted. The allotment will not be completed before 1906.

Mr. BEVERIDGE. My remarks were not directed to that phase of it, but to that phase of the Senator's question which forms its second part, which was that treaties inhibited the joining of their lands into any State government without their consent.

Mr. CLAY. Yes.

Mr. BEVERIDGE. The Senator from Nevada answered that by saying the tribal relations had been abolished, and then I asked the Senator if it did not become perfectly apparent to him that it abolished any agreement of that kind.

Mr. CLAY. It might do it by implication.

Mr. BEVERIDGE. Absolutely.

Mr. CLAY. That act has not been carried out. The allotment will not be completed until 1906.

Mr. BEVERIDGE. The Senator asked two questions. The one involved land, and the other involved the consent of the tribes to incorporating their territory into a State. That is the second portion, and it is to that portion of the Senator's question that I am addressing this interruption.

Mr. CLAY. I understand the Senator to say, then, that there is no direct legislation or treaty abrogating the treaties to which I have referred. You simply take into consideration the Curtis Act, which provides for the allotment of these lands, and then when they are alloted, you say by implication the Indians become citizens——

Mr. BEVERIDGE. No.

Mr. CLAY. And that they consent that their tribal relations shall be dissolved, and by implication the treaties are abrogated?

Mr. STEWART. They have consented by these treaties to become individuals the same as you and I.

Mr. BEVERIDGE. Certainly.

Mr. STEWART. They have voted to become individuals, and now it becomes the duty of the United States to provide a government for them.

Mr. BEVERIDGE. Before that they were not individuals. Before that they were portions of an entity called a tribe, with which entity this Government made the treaty. As to whether that entity should continue of course was a question for its members. Its members ceased to be a tribe, and became individuals of their own volition. Is that a correct statement?

Mr. STEWART. That is a correct statement, and that is the fact. Before this law takes effect the tribes will all be out of existence. The State is not to be admitted until after the tribal relation is dissolved under the law.

Mr. BEVERIDGE. Exactly; and in the original bill that fact was taken into consideration and a date was fixed far enough ahead——

Mr. CLAY. You mean that the statehood bill will not take effect until 1906?

Mr. BEVERIDGE. Not at all.

Mr. STEWART. Here is

THE VITAL PART OF THIS AMENDMENT.

Under existing laws it is impossible for settlers to acquire land in the Territory. There is no basis for homes, and there are no homes on the farming lands. If you go to the Indian Territory you will see on these leased lands a little hut, where there is a tenant. No interest is taken in the country, whereas such a country as that should be dotted with homes of industrious, enterprising citizens, with schools and everything, and it would be if they could get the land. But it is in the hands now of these lessees, and they sublease it. There was a provision in the last Indian appropriation act to which the Senator from Minnesota has alluded allowing the lands to be sold under certain regulations by the Secretary of the Interior, but the purchaser had to obtain the consent of this man and that man and be supervised by the agent, etc., and before the purchaser could get to the land it would be covered by four or five leases and he would have lawsuits on his hands. They cited me to half a dozen farmers from the Middle West who tried to get land under the existing law and who returned home without investing. No land can be acquired under the present law. You will have to wipe out the general leasing system before you can do anything there.

I read again from the amendment to show how we propose to allow honest settlers to acquire land in the Indian Territory:

That the superintendent of Indian Territory affairs may adopt the existing recording districts with such modifications as he may deem proper, and such person shall be recorder in each of such districts as the superintendent may designate, and in the sale of allotted lands the recorder in each district shall be register. The receiver shall be such officer as may be designated by the superintendent. Both the register and receiver shall give such bonds for the faithful discharge of their duties as may be prescribed by the Secretary of the Interior. It shall be the duty of the superintendent—

Here are some of the safeguards that I do not find in the bill prepared by the Secretary—

It shall be the duty of the superintendent to appraise the allotted lands in the several recording districts according to their reasonable value, and notify, from time to time, the register and receiver in the several recording districts of such appraisements.

That is a basis for the sale. If they did not have that, they might get an Indian drunk and get the land for a trifle.

That the reservation of homesteads to the extent of 40 acres of land to each Indian and freedman allottee in the Indian Territory shall remain forever a permanent home for such Indian or freedman, and shall not be sold, leased, or encumbered in any way whatever.

Now, under existing law the homestead is reserved for twenty-one years, but the average Indian will be no better off at the end of twenty-one years than he is now, and if there is any desire to let the Indian dispose of it before that time it can be done by future legislation.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. STEWART. Certainly.

Mr. NELSON. I desire to call his attention to this proviso in the first section of the pending bill, and I desire also to call the attention of the Senator from Georgia to it:

Provided, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished)——

Mr. STEWART. I wish the Senator would refrain until I state what is the plan of the amendment and explain it a little. I want to go back now to the sale of lands.

Mr. NELSON. I was simply desiring to call the attention of the Senator to the fact that all rights with respect to controlling and administering the Indians are reserved.

Mr. STEWART. In your bill?

Mr. NELSON. In the bill.

Mr. STEWART. Yes, and they ought to be.

Mr. KEAN. They are.

Mr. STEWART. They are and they ought to be, but if you do not take any action and your bill is passed and five years elapse

THE INDIAN WILL HAVE NO RIGHTS TO BE PROTECTED.

Their rights will all be gone by that time. I am explaining that there will then be nothing belonging to the Indians. It will all be leased and then there will be deeds taken and the Indians will have nothing. They will have no rights remaining to be protected. I want to preserve some of their rights.

The amendment differs from the existing law insomuch as it declares that the homestead shall not be sold at all. The Indians ought to have homes reserved for them. It may be that in the future, if they become competent to manage their own affairs, other legislation will be had allowing them to sell or to dispose of their lands the same as other people.

We provide that the Indians may sell their surplus lands if they desire to do so. The amendment reads:

All allotted Indian and freedman lands, excluding homesteads, in the Indian Territory shall be subject to sale under the provisions of this act, and not otherwise.

That any bona fide settler, who is a citizen of the United States, or who has declared his intention to become such, may become a purchaser of the lands allotted to any Indian or freedman, not exceeding 160 acres, at not less than its appraised value, and pay for the same in five annual installments, with interest at the rate of 6 per cent per annum on the deferred payments, but shall not be allowed to pay for such land otherwise or in a longer or shorter period.

Now, in the first place, the Indian can make his own bargain, but he can not sell the land for less than the appraised value. That will protect the Indian from the speculator, from everybody, even from the settler. The settler makes a bargain with the Indian. If the Indian can get him to pay more than the appraised value, very well. The settler must first contract with the Indian. It is then provided that—

Such purchaser shall present to the register an application of the allottee, if an adult, or an application of a guardian in his behalf, if a minor or an incompetent person, for the sale of his or her allotted lands, except the homestead, and shall pay to the receiver of the district the first annual installment, which shall thereupon be paid to the Indian or his guardian.

He has to deal with the Indian. We are not taking the land away from the Indian against his consent at all. He makes his own contract. He can not sell for less than the appraised value, however. That is for his protection.

Whereupon such purchaser shall receive from the register a certificate of entry, a duplicate of which shall be transmitted to the Secretary of the Interior. The said purchaser shall within thirty days thereafter enter upon the land and reside thereon continuously for five years, build thereon a house costing at least $150, put under cultivation not less than 20 acres, and pay to the receiver the remaining four installments.

Then the settler proves this up as they do in any land case, and it comes here and a patent is issued.

Then the amendment goes on to provide that the settler must stay on the land, which takes it out of the hands of speculators.

If any purchaser shall fail or refuse to make payment of any installment of the purchase money for thirty days after it shall have become due, or shall fail to make settlement and establish residence upon the land for a period of three months from the date of the contract of sale, or shall remove from and abandon said land for a period of three months, such contract shall thereby terminate, and the superintendent of Indian Territory affairs is hereby given authority and jurisdiction in any such case to summarily eject from the land such defaulting purchaser and put the Indian allottee or his guardian in possession thereof, in which event the allottee shall take the land free from any lien or liability for any taxes which may have been assessed against the same, or for any other obligation whatever.

So that speculators, the class of men who do not intend to make the land their home and who have now practically the whole country under lease, can not get any land under this arrangement.

Provided, however, That in case of the death of the applicant before he has completed the payments, residence, and improvements required his heirs or legal representatives may be substituted in his place as purchasers. After full compliance with the provisions of this act the purchaser may make proof to the register and receiver of his payment, residence, and improvement, as hereinbefore required, under such regulations as the Secretary of the Interior may prescribe. The register and receiver shall report the facts to the Secretary of the Interior,

together with their conclusions; and if, in the opinion of the Secretary of the Interior, the purchaser has complied with the statute, a patent conveying full title shall be issued to such purchaser by the Secretary of the Interior in pursuance of the application of the Indian or freedman, or of the guardian of such Indian or freedman. All moneys received by the several receivers, except the first payment, shall be paid to the superintendent, who shall pay the same over to the Indians whose lands have been taken, under such regulations as the Secretary of the Interior may prescribe.

It may be that some supervision should be had over the Indians. An Indian may be intemperate or incompetent, and the money ought to be given to him in small amounts,

SO THAT HE WILL NOT WASTE IT.

That keeps control over it, exercising a jurisdiction for the preservation of the rights of the Indian.

Now, here is another provision to meet existing conditions there:

That no sale, agreement, or understanding, express or implied, made by any Indian or freedman concerning the incumbrance or future disposition of his allotted land shall have any binding force or effect, nor shall any such agreement or understanding be offered in evidence in any court for any purpose whatever.

That refers to making agreements with the Indians. The lessees have the Indians all tied up. The agreements are not binding now, but I am told the Indians believe they are all tied up. Most of the leases are in writing. The Indians may feel bound by them. People take advantage of the Indian and get his property in that way.

The amendment proceeds:

That no lease or sale of Indian or freedman lands in the Indian Territory shall be made by any Indian or freedman, or his guardian, except as in this act provided; and all laws authorizing the sale or removal of the restrictions upon the alienation of lands of allottees of any of the Five Civilized Tribes, and all laws inconsistent with any of the provisions of this act, are hereby repealed.

Now, in the last Indian appropriation bill we removed the restrictions to sell. While in the Territory I saw that speculators were taking advantage of the Indian. Leasing is very bad. It helped the Cobbs to get their hundreds of thousands of acres without consideration. They get possession of the land and when the Indian is free so that he can sell they will make him believe that the deed is a mere receipt for money, and pay him a few dollars and take his land.

Now, here is a matter to which I call the attention of the Senator from Vermont [Mr. DILLINGHAM]:

That all laws of the State of Arkansas, and all other laws, rules, and regulations affecting the estates of deceased Indians or freedmen, or providing for the appointment of guardians for minor Indians or freedmen or of Indians and freedmen incompetent to manage their own affairs, now in force in the Indian Territory are hereby repealed, and all matters connected therewith shall be under the jurisdiction of the superintendent of Indian Territory affairs and the officers designated by him, and all proceedings with regard thereto shall be conducted by said superintendent under such regulations as the Attorney-General may prescribe.

The Attorney-General will have to provide a code which will be fitted to the settlement of those estates and as to the guardians of the children. He can do it. The laws that are ordinarily applicable to white people are not applicable to the Indian.

The Attorney-General will consider that matter, and being familiar with matters of probate he can make rules and regulations which can be executed by the officers who will be appointed under this bill, and we can

STOP THE SCANDAL OF THE TRUST COMPANIES

which become guardians for children with a view of getting their property and giving it to somebody else. The trust company gets an appointment by the court of a guardian for a whole lot of Indian children. They get control of the land allotted to the children, then they lease it, and Cobb gets possession, and Cobb holds it for the next five years, and the guardian will probably make a deed to Cobb or some other interested party at the expiration of the five years. This is the way they expect to get very rich.

I do not believe it is safe to pass this bill unless it has a provision in it for the protection of the Indians. If you will provide so that white men can get in there and make homes you will have people enough in that Territory, for it is, I think,

THE LOVELIEST SECTION OF COUNTRY

that has ever been seen by mortal man. In resources it surpasses any other part of the United States. It abounds in oil, asphalt, coal, and iron. It is the finest fruit land imaginable. It is equal to the best of California and abounds in fruits of all description. It produces cotton, and everything that is produced in the Temperate Zone. The finest cotton I ever saw grows there. I was told by experts in raising cotton that there is no other place in the United States where such fine cotton grows. On the Arkansas bottoms I saw five or six hundred acres, or a thousand acres perhaps, of potatoes in one place. They raise two crops a year. They were as fine potatoes as can be raised in Colorado or anywhere else, and they come into the markets almost as early as Bermuda potatoes.

The men who have possession of that land rent it out for as high as $10 an acre a year. There is a great deal of land rented as high as $10 a year, but that

LAND IS NOT IN THE POSSESSION OF THE INDIANS.

The towns are looking very well, but there are no country homes. Country homes and schoolhouses are unknown and always will be unknown until you can afford a chance for settlers to get there.

What I plead for is that we shall open the land to settlers under conditions that will protect the Indians and banish from the Territory the hordes of speculators who will practically make it uninhabitable for honest men. Honest men will not settle in such a country. The miserable people who will rent land from speculators will live in squalor. Make it possible for settlers to acquire land and make homes and it will be the paradise of the United States. There is nothing like it elsewhere. Oklahoma and the Indian Territory in twenty years will be

A RIVAL OF IOWA, ILLINOIS,

or any of the great States in population and wealth. That is bound to be the case if you can get the land in the hands of the actual settlers.

What makes those States in the West great is because the people own the land on which they live. Under your preemption and homestead laws they were sold to settlers; they could not be sold to anybody else; and although they have been often subverted and frauds have been committed, still the main purpose of those laws has been carried out. If you go through the great Mississippi Valley and the West and observe the prosperous homes everywhere you can appreciate the result of people owning their own land.

But no country on earth where there was a tenant system had any such exhibition of comfort and wealth and homes. A republican government can not exist on rented land. It is not in the nature of things. If Cob could acquire 120,000 acres of that rich land and keep it and did not squander it, he would be a multimillionaire; he would be a nabob; he would be too much of a man to be controlled by the ordinary laws and regulations of our communities in the West. We do not want any such arrangement as that, and there is no provision in the pending bill for any other. In five years all this land will go into the hands of those speculators, and

THE INDIANS WILL HAVE NOTHING.

I have seen enough to be satisfied that the Indians will lose their lands, and will become a charge, as the Secretary of the Interior says, upon the Government. They will be worse than that. With the consciousness of having been robbed of their territory, they will be bad criminals. They are vigorous Indians, and they have some of the best ideas of civilization, and if you take the land away from them and provide no homes for them, the bad Indian never will be civilized.

It is said the Indians will get more for the land by leasing it than by selling it. They get only a paltry sum by leasing the land, which they spend for whisky or something else, and they live in idleness. If you let the white settlers have the land and let each Indian have 40 acres with a white man on each side cultivating it, he will have this example before his eyes. Many of the Indians, I believe, under those circumstances would become civilized. I have seen them in Nevada, where the United States Government gave them nothing, and they would have a nice little farm to work and become civilized. If they had been excluded from the whites they would have done nothing.

THE ONLY WAY YOU CAN CIVILIZE THE INDIANS

is to bring them in contact with the whites and surround them with all the appliances and advantages of civilization. There is no reason why many of them should not become civilized under those circumstances. But as long as you put them on reservations, keep them to themselves, and let them lease their land and live on lease money, they will make no progress whatever. The only way to help the Indians to progress is to give them small homesteads where they will have a place to go, and not congregate in cities. They would then have a home to go to and would not have to be put in jail. If they should loaf about the towns the magistrates would say, 'If you are caught around here any more I will put you in jail." They will have a home to go to, and pretty soon they will get in the habit of going home and making a living.

I believe in regard to all our Indian reservations there ought to be a like provision incorporated, allowing the Indians to sell all their land except their homesteads to actual settlers and let actual settlers occupy the reservations. Nobody ever knew a tribe of Indians to become civilized on a reservation. It is only those who live off of a reservation and mingle with the whites who become civilized. When they are on a reservation and we allow the reservation land to be leased they do not live on it.

This system ought to be changed, and I hope that those having charge of the Statehood bill will consider this amendment carefully, and if they agree with me that it is proper in its provisions that they will let it go on the bill. If they will do that, in five years from now the Indian Territory will be

ONE OF THE MOST PROSPEROUS PLACES

in the United States, for I tell you, when the young men from Ohio, Illinois, Indiana, Iowa, Missouri, Kansas, and Nebraska go there and see those lands they will take 80 or 160 acres and pay a large price for it. If a man has to pay $10 or $20 an acre, he can easily pay for it in five years by his own labor. He can easily pay for it if he does not take too much land, because the products are such—the cotton, potatoes, and everything they raise is so plentiful and prolific—that it is readily done in that climate.

Mr. TELLER. Under the bill, if we pass it, what will the people who take the Indian land pay for it?

Mr. STEWART. They will pay whatever the Indian asks, providing they do not pay less than the appraised value. It provides that the land shall be appraised so that they can not buy it for less than the appraised value.

Mr. TELLER. I ask the Senator what would be the effect under the bill reported from the committee, not under his amendment.

Mr. STEWART. Oh, the committee simply leaves the matter open.

Mr. BEVERIDGE. The land is to be appraised, under the provisions of the bill, as the legislature may prescribe.

Mr. TELLER. That is, a legislature composed of white men?

Mr. BEVERIDGE. It may be or it may not be.

Mr. TELLER. Oh, it must be.

Mr. BEVERIDGE. Not altogether.

Mr. STEWART. There is no use of appraising it unless, after it is appraised, there is some mode by which a settler can get in.

Mr. BEVERIDGE. Under the Senator's amendment there could be no question about it.

Mr. STEWART. There could be no question about it. The settler could get it appraised and it would be much better for the Indians to have neighbors who were civilized and harmless. It is a mistake to suppose that people in the West are hostile to the Indians. They are friendly to the Indians and want to help them.

WHEREVER THE INDIANS COME IN CONTACT WITH THE WHITES

they are treated in the most friendly manner, and they are given employment whenever they desire it and when willing to work. In my State nearly all the Indians work with the whites, some of them on farms, some of them work for themselves, others cut wood, assort ore, and herd stock. They receive contracts and they are treated with great consideration by the whites. So it will be everywhere; when you throw responsibility upon the Indians and treat them with confidence you will see them developing very rapidly.

I was up in Victoria, British Columbia, some years ago and I was astonished at the progress the Indians made there. I found them taking contracts, driving carts, some of them in stores as porters and all that, and mixing with the whole community. The same tribe are now on our side and they have not mixed with the whites.

Mr. TELLER. What tribe is that?

Mr. STEWART. I have forgotten the name. It is the tribe you will find at Seattle and roundabouts. It is one of those northwestern tribes. I recollect that the same tribe came down on our side, where the Indians were doing nothing and living on a reservation, and were supported. Nothing makes an Indian or anyone so worthless as to feed him without work.

Mr. BEVERIDGE. Nothing makes him nothing.

Mr. STEWART. Nothing makes him nothing.

CIVILIZATION COMES FROM WANT.

Hunger is the first thought. The savage had been in the habit of supplying himself in his crude way. He took the skins of animals and made clothing, and some of them even made fine blankets. They supplied their wants when they had the whole country to roam over. But it became their fate to have a different condition of living. White men came and enjoyed the land, and their hunting grounds were occupied. The only way for them to live was in common. It is idle to talk about having hunting grounds for the Indians again in this country. That can not be. They can not live in that way. They must now live as tillers of the soil live. They must live as white men live. They must live as men in civilized life, and they must supply their wants by labor, as other men do. If you give them an example, as would be the case under this amendment, and show them how they can supply their wants, and not feed them, there would be bona fide settlers cultivating the soil, and you would see beautiful homes and cottages all around, and the Indian would have the example of thrift and civilization. He would want things which belong to a civilized community, because white men had them. They are very imitative. They want to do as white men do; and if they see white men have houses next to them and all about in the country, they will want them. The white men will help them build houses. There will be no conflict whatever.

IF YOU WILL GIVE THE INDIANS A CHANCE

and protect them in their right, let them sell land to white men and be given full consideration, so as not to cheat them; let them live on their homesteads that they can not sell; give them that opportunity and they will become good citizens. I believe there are elements in that country, from what I saw there, for a higher civilization of the Indian than we have ever seen on the American continent. See what the Indians are doing south of us! Eight-tenths of all the people south of the United States—in Mexico and South America—are Indians, and they are pursuing the same avocations that white men follow. They were treated differently from the beginning, but it disproves the notion that Indians will not become civilized when the opportunity exists. There they were not fed.

I think that the system of feeding Indians in this country has been all wrong. The system which has grown up under the name of benevolence has been a great crime, and has done more to exterminate the Indian than all the Indian wars we have had on the continent.

I REFER TO THE SYSTEM OF FEEDING THEM,

of nursing them, or giving them something they did not earn. If we had gone forth in that country in the West and established farms and told them "Come here and build houses and use all the appliances of civilization; if you can not make a living by hunting come here and work, and we will pay you," and if we had thrown responsibility upon them I believe eight or ten million Indians would have been in the United States to-day who would have been good citizens. It is a mistake to say that they can not be developed into good citizens. They can. They are bright. You see in the Indian Territory those who have had opportunities, who formerly owned slaves. That civilized them, because they had to stay there and attend to the slaves, and you see the effect upon them to-day.

I said here in the Senate some thirty years ago that force, that

SLAVERY WAS AT THE BOTTOM OF ALL CIVILIZATION.

This is what happens in barbarous countries. When one man gets stronger than his neighbors and gets a piece of land and goes to work cultivating it, he has got to stay there and make the slaves work. That civilizes him and them. So it goes along until they get to a point where they know something of the rights of man. Savages must be educated in the beginning like children; but if you feed them in idleness they will be good for nothing. If you would put the people in this city on a reservation with soldiers so that they could not get off for two generations, what would they be good for? What would the descendants of your Senators and your President and your Cabinet officers and the Supreme Court be in two or three generations if they were all put on a reservation in the District of Columbia and fed? Would they not be a miserable lot? If civilization can not stand it, if white civilization can be destroyed by this kind of treatment, how much more so will savages be degraded and kept down by isolation and feeding?

Indians will not be civilized by rubbing up against each other—by associating with each other. They must be brought into contact with civilization. No Indians will be civilized by feeding them. They must have the motive to get something to eat. That will make them put forth exertion and they will learn to labor.

Now, I believe that if the amendment I propose can be adopted the Indian Territory will be the best place in the United States in which to live, and I believe that under this provision of homesteading

THE VERY BEST YOUNG MEN YOU HAVE WILL GO THERE.

They do not need to have much money to go there. A man with a couple of hundred dollars can buy a nice farm and pay for it easily. Men will rush there as they rushed to Oklahoma when the Cherokee strip was opened. There will be just such a rush repeated if you give people a chance to go to the Territory and get homes. There are many young men in the United States who want a place to make homes and raise families. You see that every time there is opportunity given. Let this opportunity be given and we will have a good State in the one to be formed out of Oklahoma and Indian Territory.

Mr. BEVERIDGE. Mr. President, I do not know whether there is any Senator who desires to speak to-day on the bill. If there is no Senator who desires to proceed at this very moment I ask that the bill may be read for action on the committee amendments.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The Secretary will state the amendments of the committee in their order.

Mr. TELLER. I do not know that I care to object to that course. I desire to address myself on the same phase of the bill as the Senator from Nevada [Mr. STEWART], as well as on other portions of the bill. Since last Saturday I have not been well enough to do it. I thought yesterday that I might be able to go on to-day.

I do not object to the reading of the amendments. I do not know what the amendments are. I have one that I want to debate somewhat myself before we vote on it.

Mr. BEVERIDGE. Certainly. What is proposed is merely the reading of the committee amendments as in regular course.

The PRESIDING OFFICER. The Secretary will state the first committee amendment.

The SECRETARY. In section 2, page 2, line 17, after the word "and," strike out "ten" and insert "nine;" in the same line, after the word "number," strike out "sixty" and insert "fifty-five;" and in line 19, after the word "and," strike out "fifty" and insert "fifty-four;" so as to read:

That all male persons over the age of 21 years, who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be 109 in number, 55 of whom shall be elected by the people of the Territory of Oklahoma and 54 by the people of Indian Territory.

The amendment was agreed to.

Mr. NELSON. I call the attention of the chairman of the committee to the fact that there ought to be another amendment in line 22 to correspond with the others. "Sixty" ought to be stricken out and "fifty-five" inserted.

Mr. BEVERIDGE. That is correct. It is very clearly a verbal omission. In line 22, page 2, section 2, after the word "into," I move to strike out "sixty" and to insert in lieu "fifty-five."

The amendment was agreed to.

Mr. NELSON. I also call attention to line 2, page 3, where the word "fifty" should be "fifty-four."

Mr. BEVERIDGE. That is the same thing. Let the word "fifty" be stricken out and the word "fifty-four" inserted.

The SECRETARY. On page 3, after the word "into," strike out "fifty" and insert "fifty-four."

The PRESIDING OFFICER. Without objection, the amendment will be adopted. The next amendment of the Committee on Territories will be stated.

The SECRETARY. In section 2, page 4, line 8, after the word "by," strike out "a majority vote of" so as to make the clause read:

That the capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to A. D. 1910, but the location of said capital may, after said year, be permanently fixed by the electors of said State voting at an election to be provided for by the legislature.

The amendment was agreed to.

The next amendment was, in section 3, on page 5, line 6, after the word "prohibited," to insert:

Provided, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State, be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

The amendment was agreed to.

The next amendment was, on page 6, line 13, after the word "servitude," to strike out—

or on account of any other conditions or qualifications, save and except on account of illiteracy, minority, sex, conviction of felony, mental condition, or residence: *Provided, however*, That any such restrictions shall be made uniform and applicable alike to all citizens.

So as to make the clause read:

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

The amendment was agreed to.

Mr. GORMAN. I suggest to the Senator in charge of the bill that owing to the absence of the Senator from Tennessee [Mr. BATE], who takes a great interest in this matter and who has left the Chamber temporarily, not expecting these amendments to come up, that they be passed over.

Mr. BATE entered the Chamber.

Mr. BEVERIDGE. The Senator from Tennessee is now present.

Mr. GORMAN. I will state to the Senator from Tennessee that I refer to the amendment which has just been stated.

Mr. BEVERIDGE. I will let the amendment go over if the Senator desires.

Mr. BATE. Let us reconsider that particular amendment.

Mr. BEVERIDGE. I am willing that it shall be reconsidered if there is not going to be any discussion on it.

Mr. BATE. There is not going to be just now.

Mr. GORMAN. I suggest to the Senator from Indiana, in view of a conference which we have had about this matter, that the amendment which was just adopted be reconsidered for the moment, so that it may come up in regular order as the Senator from Tennessee suggests.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which the amendment just adopted was agreed to?

Mr. BATE. The amendment adopted on page 5.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GORMAN. I ask now that the amendment may go over.

Mr. BEVERIDGE. As the Senator from Tennessee [Mr. BATE] is here, and the Senator from Maryland asks that this amendment go over, let the remainder of the bill be read for amendment.

Mr. GORMAN. Let amendments which are not contested be considered as the bill is being read.

Mr. BEVERIDGE. Very good. I do not agree, of course, that unobjected amendments shall not be now considered. We will take them up as we come to them; perhaps I may want a vote on some of them; but let the amendments be read and those upon which there is no controversy we can act upon.

Mr. BATE. I have no objection to acting upon any amendment about which there is no controversy.

Mr. BEVERIDGE. I may want a vote on some of the amendments. I do not want to bind myself. That is all.

Mr. NEWLANDS. I wish to say that I have some amendments which I desire to offer.

Mr. BEVERIDGE. Certainly; but the Senator does not understand that what is being done now is that the bill is being read for committee amendments. Of course, the Senator's amendments can be put in at any time, as can the amendments of any other Senator. This does not preclude any Senator offering an amendment at any time either in the Senate or in Committee of the Whole.

The PRESIDING OFFICER. The next committee amendment will be stated.

The SECRETARY. In section 6, on page 9, line 7, after the words "east of," it is proposed to strike out the words "the ninety-seventh meridian of west longitude."

Mr. BEVERIDGE. The amendment on page 6, I understand, was agreed to.

Mr. BATE. I ask, then, that that amendment be read.

Mr. BEVERIDGE. I refer to the amendment on page 6, striking out all after the word "servitude," in line 13, down to the end of line 17. Let it be read again for the information of the Senator from Tennessee, although it has been agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment referred to.

The SECRETARY. In section 3, on page 6, line 13, after the word "servitude," strike out—

or on account of any other conditions or qualifications, save and except on account of illiteracy, minority, sex, conviction of felony, mental condition, or residence: *Provided, however*, That any such restrictions shall be made uniform and applicable alike to all citizens.

Mr. GORMAN. Now let the clause be read as proposed to be amended.

Mr. BEVERIDGE. There is no objection to that.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

The PRESIDING OFFICER. That amendment has already been adopted. The next amendment will be stated.

The next amendment of the Committee on Territories was, in section 6, on page 9, line 7, after the words "east of," to strike out "the ninety-seventh meridian of west longitude" and insert "the range line between ranges 2 and 3 east of the Indian meridian;" so as to make the clause read:

That district No. 4 shall comprise all that territory now constituting the Choctaw Nation and that part of the Chickasaw Nation lying east of the range line between ranges 2 and 3 east of the Indian meridian.

The amendment was agreed to.

The next amendment was, on page 9, line 13, after the words "west of," to strike out "the ninety-seventh meridian of west longitude" and insert "the range line between ranges 2 and 3 east of the Indian meridian;" so as to make the clause read:

That district No. 5 shall comprise the counties of Greer, Roger Mills, Kiowa, Washita, Comanche, Cleveland, and Pottawatomie, and that part of the territory comprising the Chickasaw Nation lying west of the range lines between ranges 2 and 3, east of the Indian meridian.

The amendment was agreed to.

The next amendment was, in section 8, on page 11, line 21, after the word "Oklahoma," to insert "the University Preparatory School;" in line 23, after the word "College," to insert "and the Colored Agricultural Normal University;" and in line 24, after the word "State," to strike out "one-third to each;" so as to read:

SEC. 8. That section 13 in the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, reserved by the President of the United States by proclamation issued August 19, 1893, opening to settlement the said lands, and by any act or acts of Congress since said date, and section 13 in all other lands which may be opened to settlement in the Territory of Oklahoma, and all lands heretofore settled in lieu thereof, is hereby reserved and granted to said State for the use and benefit of the University of Oklahoma, the University Preparatory School, the normal schools, and the Agricultural and Mechanical College, and the Colored Agricultural Normal University of said State, the same to be disposed of as the legislature of said State may prescribe.

Mr. BATE. What is the reason for the amendment from line 21 to line 24?

Mr. BEVERIDGE. Those amendments are made necessary by reason of the fact of those schools having been left out by inadvertence. They are educational institutions of the Territory, I will state to the Senator. They are elsewhere in the bill, but were by inadvertence left out here, and therefore they are now inserted.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 9, page 12, line 18, after the word "sold," to insert "at public sale in 160-acre tracts or less."

Mr. NELSON. The Senator from Kansas [Mr. LONG] has an amendment to offer to that provision, and so I suggest that it be passed over, as he is not now in the Chamber.

Mr. BEVERIDGE. That is agreeable.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Territories was, in section 9, page 12, line 21, after the word "prescribe," to strike out "preference right to purchase being given to the lessee at the time of such sale."

Mr. BEVERIDGE. That may also be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, in section 10, page 13, line 6, before the word "sold" where it occurs the first time, to strike out "when" and insert "if;" in the same line, after the word "sold" where it occurs the second time, to insert "at public sale in 160-acre tracts or less."

Mr. NELSON. For the same reason as in the other case, I ask that that amendment may be passed over.

Mr. BEVERIDGE. No; but that the amendment immediately following, in lines 9 and 10, be passed over. The amendment of the Senator from Kansas, I understand, refers to lines 9 and 10, on page 13, and lines 21 and 22, on page 12. They may be passed over.

The PRESIDING OFFICER. Without objection, the amendment which has been stated will be adopted, and the amendment in lines 9 and 10, on page 13, section 10, will be passed over.

Mr. BEVERIDGE. The amendments in lines 6 and 7 are adopted, and the amendment in lines 9 and 10 is passed over until the Senator from Kansas gets here.

The PRESIDING OFFICER. The Chair so understands.

The next amendment of the Committee on Territories was, in section 12, page 14, line 14, after the word "State," to insert "from public lands of the United States within said State."

Mr. BATE. To what has that amendment relation?

Mr. BEVERIDGE. Merely this: As the bill came from the House it read "the following grant of land is hereby made to said State." So that they might take lands in the new States, or, if there were not enough lands there available, then any other public lands anywhere in the United States. This limits them to "public lands of the United States within said State."

Mr. BATE. Well, I object to that.

Mr. BEVERIDGE. Does the Senator object to that?

Mr. BATE. I do. Let it be passed over.

Mr. BEVERIDGE. May I ask the Senator why he objects to that amendment? If the Senator objects to it I shall probably ask for a vote on it.

Mr. BATE. Not now, I hope.

Mr. BEVERIDGE. I do not know why I should not. That is surely a plain matter. We do not want to give a grant of land for educational or any other purposes to the proposed State from the public lands belonging to the United States outside of the State.

Mr. BATE. I infer the Senator does not want to insist upon propositions being acted upon at this time which are contested, when he says he only wants to perfect the bill.

Mr. BEVERIDGE. That is true, but what is the objection to this?

Mr. BATE. I think if there is any objection to any of these amendments they ought to be passed over. That is the usual course.

Mr. BEVERIDGE. Certainly. But will not the Senator state the objection to this amendment? It is purely a formal matter, confining the selection to lands within the State.

Mr. BATE. This amendment might lead to a debate which would probably last for some time.

Mr. BEVERIDGE. I can not imagine how it can lead to debate.

Mr. BATE. I think we had better pass over such amendments as there may be objection to.

Mr. BEVERIDGE. I am willing to let them be passed over in deference to the wishes of the Senator from Tennessee, although I wish to state that this particular amendment, of all the amendments in this bill, is one which I should think there would be no possible objection to from any source, for the reason that it confines the grant of public lands to the lands belonging to the United States within the State, whereas if these words are not put in the lands might be taken from any public land of the United States in any portion of the Republic. However, the amendment may be passed over if the Senator so desires.

Mr. BATE. I prefer that it should go over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Territories was, on page 14, section 12, line 19, before the word "hundred," to strike out "two" and insert "one;" so as to read:

For the benefit of the Agricultural and Mechanical College, 150,000 acres.

The amendment was agreed to.

The next amendment was, in the same section, page 14, line 22, after the word "hundred," to strike out "and fifty;" so as to read:

For the benefit of normal schools, 300,000 acres.

The amendment was agreed to.

Mr. BEVERIDGE. I ask unanimous consent for the reconsideration of the vote by which the last two amendments have been agreed to, for the reason that the Senator from Kansas has an amendment which he wishes to offer at this point. I should like that amendment passed over for the present.

The PRESIDING OFFICER. Without objection, the vote by which the last two amendments were agreed to will be reconsidered.

Mr. BEVERIDGE. And that the last two amendments which have been stated on lines 19 and 22, on page 14, section 12, may be passed over for the present.

The PRESIDING OFFICER. That order will be made.

The next amendment of the Committee on Territories was, to strike out section 13, as follows:

SEC. 13. That any restrictions upon the alienation of allotted lands in Oklahoma and the Indian Territory, except so far as such restrictions apply to the homestead of the allottees and to the full-blood Indians, shall cease upon the admission of such State into the Union; but nothing in this act shal be so construed as to affect the rights of allottees under any existing treaties or agreements relating to the taxation of allotted lands.

The amendment was agreed to.

Mr. NELSON. In section 14, on page 15, line 13, after the word "held," I move to insert the words "one term;" and in the same line, after the name "Muscogee," to insert "and one term at Ardmore, alternately, each year."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 14, page 15, line 13, after the word "held," it is proposed to insert "one term;" and in the same line, after the name "Muscogee," to insert "and one term at Ardmore, alternately, each year;" so as to read:

The circuit and district courts for the eastern district shall be held one term at Muscogee and one term at Ardmore, alternately, each year.

Mr. BEVERIDGE. I accept that amendment, Mr. President.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 14, page 15, line 14, after the word "held," to insert "one term;" in the same line, after the name "Guthrie," to in-

sert "and one term at Oklahoma City, alternately, each year;" and in line 21, after the word "keep," to strike out "their offices in the cities where the court is held" and insert "his office at Muscogee and Guthrie, respectively, for the time being;" so as to read:

And the circuit and district courts for the western district shall be held one term at Guthrie and one term at Oklahoma City, alternately, each year, for the time being. And the said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. There shall be appointed a clerk for each of said districts, who shall keep his office at Muscogee and Guthrie, respectively, for the time being.

The amendment was agreed to.

The next amendment was, in section 16, page 17, line 18, after the word "Territories," to strike out "of" and insert "or;" so as to read:

And that from all judgments and decrees of the supreme courts of said Territories or the United States courts for said Territories in any case arising within the limits of said State prior to admission the parties to such judgments or decrees shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals for the eighth circuit as they shall have had by law prior to the admission of said State into the Union.

The amendment was agreed to.

The next amendment was, in section 18, page 19, line 14, after the word "and," to strike out "shall" and insert "may;" in line 15, before the word "Indian," to strike out "and Kaw;" in the same line, after the word "Indian," to strike out "reservations" and insert "reservation;" at the beginning of line 16, to insert "or constitute the same a separate county;" and in line 17, after the word "county," to strike out "seats" and insert "seat;" so as to read:

That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and five Representatives to Congress, and may attach the Osage Indian Reservation to counties contiguous or constitute the same a separate county and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said counties.

The amendment was agreed to.

The next amendment was, in section 20, page 20, line 24, after the word "delegates," to strike out "seventy" and insert "seventy-six;" and on page 21, line 1, after the word "and," to strike out "forty" and insert "forty-four;" so as to read:

The aforesaid convention shall consist of 110 delegates, 66 of which delegates shall be elected to said convention by the people of the Territory of New Mexico and 44 by the people of the Territory of Arizona.

The amendment was agreed to.

The next amendment was, in section 21, page 25, line 13, after the word "servitude" to strike out:

Or on account of any other conditions or qualifications save and except on account of illiteracy, minority, sex, conviction of felony, mental condition, or residence: *Provided, however,* That any such restrictions shall be made uniform and applicable alike to all citizens

And insert:

and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

So as to read:

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

Mr. BATE. I suggest that that amendment be passed over. I do not know that I have any objection to it, but there may be some objection on the part of other Senators who are not now present.

The PRESIDING OFFICER. The amendment, at the request of the Senator from Tennessee, will be passed over.

Mr. BEVERIDGE. What was the request of the Senator?

Mr. BATE. That the amendment just stated be passed over.

Mr. BEVERIDGE. What portion of it?

Mr. BATE. The portion just read, on page 25.

Mr. BEVERIDGE. The portion in italics or the portion stricken out?

Mr. BATE. The portion stricken out. Let it be passed over.

Mr. BEVERIDGE. I will say to the Senator that the portion stricken out is the same provision that we struck out in that part of the bill concerning Oklahoma and the Indian Territory—the provision in regard to sex, and so forth.

Mr. BATE. I understand that.

Mr. BEVERIDGE. And the Senator certainly agrees to that, as he agreed to it in the other case.

Mr. BATE. The ability to read and write the English language is sufficient. I have no objection to the amendment personally.

Mr. BEVERIDGE. I do not think anybody else has any objection to it. I hope the Senator will not insist on his objection.

Mr. BATE. Very well.

Mr. BEVERIDGE. I am sure there is no objection to it.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 21, page 26, line 2, after the word "by," to strike out "a majority vote of;" so as to read:

Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to A. D. 1910, but the location of said capital may, after said year, be permanently fixed by the electors of said State, voting at an election to be provided for by the legislature.

The amendment was agreed to.

The next amendment was, in section 22, page 26, line 18, after the word "any," to strike out "three" and insert "four;" so as to read:

The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe, who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same.

The amendment was agreed to.

The next amendment was, in section 29, page 30, line 23, after the word "purposes," to strike out "shall be" and insert "may be appraised and;" and in line 25, after the word "the," to strike out "interest of" and insert "income from;" so as to read:

SEC. 29. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools.

The amendment was agreed to.

The next amendment was, in section 30, page 31, line 19, after the word "land," to insert "from public lands of the United States within said State;" so as to read:

That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit: etc.

The amendment was agreed to.

Mr. NELSON. In section 30, on page 31, at the beginning of line 24, I move to strike out "deaf, dumb, and blind asylums," and insert in lieu thereof "schools for the deaf and the blind." That is the technical name.

Mr. BEVERIDGE. The Senator proposes to give the technical name to the schools?

Mr. NELSON. The amendment came before the committee, and was agreed to.

Mr. BEVERIDGE. Yes; and it is accepted.

Mr. NELSON. It inserts in the bill the correct name of the institutions.

The PRESIDING OFFICER. The Chair would ask the Senator from Minnesota whether the word "school" in his amendment should be singular or plural?

Mr. NELSON. I think it should be in the plural—"schools."

Mr. BEVERIDGE. I beg pardon; I did not hear the suggestion of the Chair, as my attention was diverted for a moment.

The PRESIDING OFFICER. The Chair asked the Senator from Minnesota whether the amendment which he proposed should read "school" or "schools," and the Senator from Minnesota says it should be "schools"—the plural.

Mr. ALLISON. There is no reference to the word "dumb" in the Senator's amendment. He seems to have left that out.

Mr. BEVERIDGE. I understand that the Senator's amendment gives the technical name of the existing institutions, and that the intent of the amendment of the Senator from Minnesota is, instead of using the general language used in the House bill, to insert the actual technical name of the existing schools for which this appropriation is intended.

Mr. BATE. It seems to me it is better that we use the language at present in the bill, because that is the general expression, and no doubt it exactly describes the institutions. I do not care about it, however.

Mr. BEVERIDGE. If there is no objection, so far as I can, speaking for the committee, I accept the amendment. It is a specific appropriation to these schools, and I see no objection to the technical name being used.

Mr. BATE. I do not object to it, but I suggest that the language of the House bill is better.

Mr. BEVERIDGE. I understand the Senator from Minne-

sota to say that the language proposed in his amendment is the technical name of the institutions for which this land is to be granted.

Mr. NELSON. If the chairman of the committee will allow me, the amendment is offered for the purpose of correcting the name of the schools.

Mr. BEVERIDGE. I so understand.

Mr. BATE. I can not hear the Senator at this distance. What is the Senator's amendment?

Mr. NELSON. It is in line 24, on page 31. The bill proposes to give 200,000 acres of land for "deaf, dumb, and blind asylums." That is not the correct name. We were informed by people from the Territory that the correct name is "schools for the deaf and blind." I offered the amendment in order to give the institutions their proper name. That is all.

Mr. BEVERIDGE. The amendment is accepted.

Mr. BATE. Very well.

"* * * a rose
By any other name would smell as sweet."

Mr. BEVERIDGE. That is exactly the whole case, and especially if it is the correct name it would smell as sweet.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The SECRETARY. In section 32, after line 20, it is proposed to insert:

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000,000 for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid, but said State shall be allowed——

Mr. BEVERIDGE. Mr. President, my attention was diverted for a moment. I should like to know what the Secretary is reading.

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota [Mr. NELSON] was adopted, and the Secretary is reading the next amendment proposed by the committee.

Mr. BEVERIDGE. From what place in the bill is the Secretary reading?

The PRESIDING OFFICER. The amendment on page 32, after line 20.

Mr. BATE. In the amendment offered by the Senator from Minnesota [Mr. NELSON], which was just agreed to, it seems that the word "dumb" is entirely left out. In the amendment he proposes the provision will apply only to the deaf and blind schools, and the dumb will be left out. I think we ought to retain the original language, for by the amendment of the Senator from Minnesota the dumb are not provided for at all. The technical name for the institutions, as I understand, is "the deaf and blind schools," but I am sure Senators do not want to leave the dumb out.

Mr. BEVERIDGE. Of course if that would be the effect of the amendment it should not be agreed to, but I understand from the Senator from Minnesota that the object of his amendment is to give the specific and, if you might use the term, the "technical" name of the existing schools, instead of using vague phraseology descriptive of those schools. Here is an appropriation of land to definite institutions. My understanding is that it is the purpose of the Senator from Minnesota in his amendment to designate those existing institutions by name, instead of leaving it to descriptive language. It is upon that understanding that the amendment has been accepted.

Mr. BATE. I would not object, except that it does not provide for the dumb at all.

Mr. BEVERIDGE. I believe that the dumb go to these schools. You might call them "agency schools."

Mr. BATE. That may be so, but it seems to me the word "dumb" ought to be in there to do justice to those unfortunates.

Mr. BEVERIDGE. They did not use the word "dumb" in naming the schools.

Mr. NELSON. As the word used was "schools"—in the plural—I think there is no harm in inserting the word "dumb," as the Senator from Tennessee [Mr. BATE] suggests.

Mr. BEVERIDGE. I think if you are going to use descriptive language, instead of the actual name, then you had better leave it in descriptive language. If you attempt to use the specific name for an existing institution, then you must use the correct language. If you attempt to use the correct name and then put in some descriptive language, too, you accomplish neither the purpose of correct descriptive language nor do you give the correct name to the schools. It should be left as it was in the House bill or else it should be changed according to the first amendment of the Senator from Minnesota. The mongrel suggestion of using the name and then putting in descriptive language defeats both purposes. I do not think it is a matter of very great importance in either event, but let the descriptive language stand as in the House bill or else let the amendment of the Senator from Minnesota stand, which correctly, as I understand it, names the schools.

Mr. BATE. I think the language of the House bill very likely covers the case, and so I suggest to the Senator from Minnesota that he withdraw his amendment, unless he is very tenacious about it, and let the original language stand.

Mr. BEVERIDGE. I have no objection whatever, but let us do one of the two.

Mr. NELSON. I would suggest, Mr. President, if the Senator from Tennessee [Mr. BATE] will allow me, that we let the amendment stand, so that when the bill goes into conference we may correct it if there is any error. I think it is well to make the amendment, and I think there is no harm in putting in the word "dumb." If we agree to an amendment to that paragraph of the bill, when it goes into conference we can correct it.

Mr. BEVERIDGE. Very well.

Mr. BATE. Then let the Senator from Minnesota move to reconsider so as to put in the word "dumb."

Mr. BEVERIDGE. No; the Senator from Minnesota [Mr. NELSON] incorporates in his amendment the word the Senator from Tennessee [Mr. BATE] suggests; and because we can take care of the matter perfectly well in conference I agree to it.

Mr. BATE. I do not know about the bill ever getting to a conference committee.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The next amendment of the Committee on Territories was, in section 31, after line 20, on page 32, to insert:

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000,000 for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid, but said State shall be allowed interest thereon at the rate of 3 per cent per annum, which shall be paid to said State for the use and benefit of its public schools. Said appropriation of $5,000,000 shall be held inviolate and invested by said State, in trust, for the use and benefit of said schools, and the interest thereon shall be paid quarterly and used exclusively in the support and maintenance of said schools.

Mr. BATE. Let this amendment go over.

Mr. BEVERIDGE. Does the Senator object to it?

Mr. BATE. Yes, sir.

Mr. BEVERIDGE. It may be passed over on the objection of the Senator from Tennessee.

The PRESIDING OFFICER. The amendment will be passed over. The Secretary will state the next amendment.

Mr. GORMAN. Before it is passed over, I should like to ask the Senator in charge of this bill whether that is not an extraordinary provision? I refer to the matter from line 4, on page 33, to the word "schools," in line 6, which provides that until the State shall have made provision for public schools and designated a public officer to receive this money, the Government of the United States shall pay——

Mr. BEVERIDGE. I do not see where the Senator is reading.

Mr. GORMAN. On page 33, beginning, in line 4, with the words:

But said State shall be allowed interest thereon—

That is, on the $5,000,000—

at the rate of 3 per cent per annum, which shall be paid to said State for the use and benefit of its public schools.

That is, to pay the State interest at 3 per cent prior to the time when they may make provision for receiving the money. What reason is there for this provision?

Mr. BEVERIDGE. The reason is the exigency for schools.

Mr. GORMAN. How is that?

Mr. BEVERIDGE. The exigencies for their schools. That is the reason—the necessity for some money to run the existing schools and establish new ones. In fact, the reason for this whole provision is the inadequacy of the land grants there for educational purposes, on account of the fact that the land is of no value comparatively, and the income from it is practically nothing. That is the basis of this whole thing as well as of this provision. However, the amendment goes over at the suggestion of the Senator from Tennessee.

Mr. BATE. Yes, I suggested that course.

Mr. GORMAN. Not being very familiar with it, I merely wanted to ascertain what reason there could be for the provision.

Mr. BEVERIDGE. That is the reason.

Mr. GORMAN. I understand there may be and is strong reason why the Government should appropriate five millions in money in aid of public schools in this State, to be paid, beginning with the operation of the machinery of the State, by the designation of an officer to receive it. But I see no reason whatever why, if the State shall delay one year or two years in making provision for its public schools, that the Government should bind itself to pay 3 per cent interest upon a donation. It seems to me that that is extraordinary, and I doubt very much whether any such provision is to be found in any other statute. If in the judgment of the committee and of Senators who have examined this question, $5,000,000 is not sufficient to aid the State in maintaining the public schools, then you can increase the amount, probably wisely; but to permit a State to take advantage of a provision of law and delay the organization of its schools and the appointment of an officer to receive the money, and because of that delay the Government shall pay 3 per cent interest, seems to me an extraordinary provision.

Mr. BEVERIDGE. The Senator will clearly see that that is on the assumption that the State is going to delay purposely the time when it shall get control of the fund, and not only delay it, but delay it for an unworthy motive. Of course we can not attribute to the State any such action or motive.

Mr. GORMAN. No——

Mr. BEVERIDGE. However——

Mr. GORMAN. But the incentive would be very much greater to the State to organize its schools if we were to strike out the provision in regard to the interest. Then they would provide the machinery and designate the officer at the earliest possible moment. It seems to me a bad move for the Government to bind itself to pay interest upon a donation. You may increase the donation if you desire it.

Mr. BEVERIDGE. It may be a question as to which method is the wiser—whether we shall increase the appropriation or whether we shall make the provision that is proposed here. It is a question which we can discuss either now or at any other time. In the opinion of the committee this is the wiser method.

Mr. GORMAN. It may not be in order at this time, but for the purpose of giving notice, I move to amend the pending amendment by striking out all of lines 4 and 5 down to the word "schools," in line 6, on page 33.

Mr. BEVERIDGE. Is it the purpose of the Senator——

Mr. GORMAN. My purpose is merely to have the amendment pending. And in line 9, after the word "schools," I move to strike out all down to the end of the section.

Mr. BATE. What page is that—33 or 35?

Mr. GORMAN. Thirty-three.

Mr. BEVERIDGE. Is it in line 6, after "schools," to strike out down to the end of the section?

Mr. GORMAN. No, sir; strike out the words beginning in line 4—

> But said State shall be allowed interest thereon at the rate of 3 per cent per annum, which shall be paid to said State for the use and benefit of its public schools.

Mr. BEVERIDGE. Yes.

Mr. GORMAN. Then in line 9 strike out:

> And the interest thereon shall be paid quarterly and used exclusively in the support and maintenance of said schools.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the last amendment is an entirely different thing. The Senator is not confounding that provision for an income with the payment of interest?

Mr. GORMAN. I am not.

Mr. BEVERIDGE. Very well.

Mr. GORMAN. I read it hastily. I intend to strike out the provision for the payment of interest upon the donation of $5,000,000. The amendment would then make a donation of $5,000,000, to be paid whenever the State shall have perfected its school machinery.

Mr. TELLER. If there is any community in the world that needs an immediate school fund and an immediate school system it is the country down there. It is said there are a hundred thousand people in the Indian section of that country who have been for years absolutely without any school facilities. If that is true, Mr. President, we ought not to pay any interest on this money, because we ought to hold the money where it would be an inducement to those people to commence their system immediately.

Mr. BEVERIDGE. This all goes over, on the objection of the Senator from Tennessee.

Mr. TELLER. I did not know that. I do not care to debate it now, then.

Mr. BEVERIDGE. I thought the Senator was not aware of that fact.

Mr. TELLER. No; I was not.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the Committee on Territories was, on page 38, line 16, before the word "thousand," to insert the words "and fifty;" so as to read:

> SEC. 37. That the sum of $150,000, or so much thereof as may be necessary, etc.

The amendment was agreed to.

The next amendment was, on page 39, line 7, before the word "thousand," to insert "and fifty;" so as to read:

> *Provided*, That any expense incurred in excess of said sum of $150,000 shall not be paid by said State."

The amendment was agreed to.

Mr. BEVERIDGE. The Senator from Ohio has a suggestion to make.

Mr. FORAKER. Mr. President, I was unavoidably absent from the Chamber when the amendment in line 8, on page 4, was acted upon. I would ask leave that it be reconsidered.

Mr. BEVERIDGE. That is agreeable.

The PRESIDING OFFICER. Unanimous consent is asked for the reconsideration of the vote by which the amendment mentioned by the Senator from Ohio was agreed to. Is there objection? The Chair hears none.

Mr. FORAKER. I object to the amendment.

Mr. BEVERIDGE. The Senator asks that the vote by which it was agreed to be reconsidered, so that it may be considered hereafter with the other contested amendments?

Mr. FORAKER. Yes.

Mr. BEVERIDGE. There is no objection to that. The Senator from Kansas [Mr. LONG] has an amendment to offer.

Mr. LONG. On page 12, section 9, I suggest to the Senator from Indiana the restoration of the words stricken out by the committee in lines 21 and 22, with the insertion after the word "purchase" of the words "at the highest bid."

Mr. BEVERIDGE. The amendment suggested by the Senator from Kansas is accepted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GORMAN. Let it be read, so that we may know what it is.

Mr. BEVERIDGE. Read the language as it will read if amended.

The SECRETARY. The committee amendment was, on page 12, lines 21 and 22, to strike out the following words:

> Preference right to purchase being given to the lessee at the time of such sale.

It is proposed to reinstate those words and to insert after the word "purchase" the words "at the highest bid."

Mr. LONG. Read the amendment as it will read if agreed to.

The SECRETARY. So that if adopted the clause will read:

> Under such rules and regulations as the legislature of the said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale.

Mr. BEVERIDGE. That is very good.

The PRESIDING OFFICER. In the absence of objection, the amendment is agreed to.

Mr. LONG. On page 13, lines 9 and 10, there should be the restoration of similar words, with the insertion of the words "at the highest bid" after the word "purchase."

Mr. BEVERIDGE. That is precisely the same amendment.

Mr. LONG. Precisely the same.

Mr. BEVERIDGE. It is accepted, Mr. President.

Mr. FORAKER. Are those the only two places where the phrase appears?

Mr. BEVERIDGE. Yes.

Mr. BERRY. I should like to ask where, if it is going to the highest bidder, there is any preference given to the lessee?

Mr. BEVERIDGE. It is only in case there are two bids which are equal, in which event the lessee shall have the preference.

Mr. BERRY. It does not say that.

Mr. BEVERIDGE. That is its operation.

Mr. BERRY. The original proposition was to give the lessee the preference, which I think is right, and the proper thing to do. Now you go and qualify it and say that it shall go to the highest bidder. I can not see any preference to the lessee in that.

Mr. BEVERIDGE. If you merely reinsert the words stricken out, without putting in the amendment of the Senator from Kansas, it becomes meaningless in view of the language which the committee inserted and to which, of course, the Senator will agree, which occurs in lines 18 and 19, where the committee inserted "at public sale."

Mr. BERRY. But the House bill did not provide for any public sale.

Mr. BEVERIDGE. No; it did not, and the committee thought there ought to be a public sale, and the House did not provide for a sale of 160 acres or less and the Senate committee thought there ought to be 160 acres or less. The reasons for it are so obvious on the face of the bill that I am sure the Senator——

Mr. BERRY. It seems to me it simply deprives the lessee of any preference whatever to say that it shall be at public sale and then to the highest bidder. You may as well strike out all reference to the lessee.

Mr. BEVERIDGE. We did strike it out, and the Senator from Kansas points out that in the case of two or three bids being equal the lessee should have, as he ought to have, the prior right of purchase.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Indiana whether there is any provision in this bill guarding against the concentration of lands in large tracts and single ownership in the operation of these sales?

Mr. BEVERIDGE. Yes, sir; precisely in the language of the committee amendment which we have just adopted.

Mr. NEWLANDS. I understand the only provision is that the lands shall be sold at public sale in 160-acre tracts?

Mr. BEVERIDGE. That is right—or less.

Mr. NEWLANDS. What is to prevent one man from purchasing a number of 160-acre tracts and then concentrating the ownership in a single hand?

Mr. BEVERIDGE. Nothing in the world except a desire not to part from his money needlessly. There are a large number of lessees on this land, and a man wanting to buy fifty or a hundred thousand acres of that land would have to bid thirty or forty or fifty dollars an acre against the lessees who are on the land, and of course it would not be done; whereas, on the contrary, if the lessee has two quarter sections, he may buy those. That is the reason why we did not confine it to a hundred and sixty acres. It would be a manifest injustice to a farmer there who wanted 320 acres, and had already leased it, and was living on it, to take away half of his farm from him. So the sheer operation of common sense itself prevents under this bill, the land being occupied by farmers as lessees, the danger of which the Senator speaks and which was before the committee.

Mr. NEWLANDS. Are we to understand that all these lands are now under lease?

Mr. BEVERIDGE. No; not all of them.

Mr. NEWLANDS. Can the Senator state what proportion are?

Mr. BEVERIDGE. No; I can not state the proportion. Nobody can state the proportion without very careful scrutiny. Some portion of it in Beaver County, no doubt, is not under lease.

Mr. NEWLANDS. How many acres in all are involved in this provision?

Mr. BEVERIDGE. I can not say. I have stated the conditions. I can not give the Senator the figures.

Mr. STEWART. I should like to inquire whether there is any provision with respect to public lands where an irrigation system is contemplated, so as not to interfere with it?

Mr. BEVERIDGE. No irrigation is used in Oklahoma.

Mr. STEWART. This applies to Oklahoma?

Mr. BEVERIDGE. Yes, sir.

Mr. NEWLANDS. It does not seem to me that this section is sufficiently guarded against land monopoly. We find that throughout the West, practically the arid West, where it is often desirable to concentrate lands in large holdings for stock-raising purposes, efforts are made to monopolize land through the United States land laws, sometimes through the evasion of the laws, and sometimes through the laxity of the laws themselves.

Now, to my own State, Nevada, Congress granted 2,000,000 acres for school purposes. At the time the grant was made the land was regarded as almost worthless. The State was a mining State. Almost everybody in the State was in a fever of speculation regarding the mines, and whilst there were a few who were engaged in agriculture, they were engaged in it in almost a speculative way—in the cultivation of soil in the valleys near the mining camps, the mining camps affording a splendid market for their products. So there was little attention paid to the methods devised for selling the school lands.

The State passed a law for their sale. The State wished to realize a sum for a school fund, and it fixed the price of lands at $1.25 an acre and provided for their purchase at 20 per cent cash and the rest in deferred payments at 6 per cent. In this way a very handsome fund was secured for the schools and the university of that State.

But as the State gradually developed from a mining State into an agricultural and an industrial State, as its development became more proportionate and harmonious, we awoke to the fact that without criminal intent upon the part of anybody, either upon the part of the legislature of the State or upon the part of the men who purchased under those laws, the lands of that State had been quite extensively concentrated in single ownership at a time when they were considered almost valueless. And these lands were located on the banks of rivers—the four great rivers of that State, rivers which have their source in the mountains and flow down through the desert into great lakes or sink in the desert.

Now, these lands were acquired for stock-raising purposes, and stock raising in that region involved the utilization of very large areas of land—large areas of hay land along the rivers, or along the river bottoms, which in themselves constitute the base of more extended operations in the desert lands, where there are, during the winter particularly, various grasses that grow which nourish animals.

The result is that on some of these rivers for long distances the entire river bank has been controlled in this way, and it is almost impossible to commence any project of magnitude for the irrigation of desert lands, because the ownership of these lands, lands which had been public, concentrated in these cattle owners, constitute a contsant obstacle to such development. We find that this condition now presents an obstacle on the Humboldt River in that State, a river three or four hundred miles long, stretching from the eastern part of the State to the western part of the State, and sinking in Humboldt Lake.

There, in a length, I think, of about a hundred miles, there are a few proprietors—many of them nonresidents of the State—who conduct these lands as great cattle ranches, on which they raise and store hay for the purpose of feeding the cattle during the period of storm or during the period when it is impossible to range on the desert, and they employ but few men to look after the cattle. In that way extensive areas of land along the river have been locked up, and the State has not received the equal and harmonious and proportionate development it should have.

Now, here is a case where, without any intention upon the part either of Congress or of the local legislature or of the people themselves, this very unfortunate condition of things has been evolved, and it does seem to me that in the creation of a new State we should see that stringent provisions regarding the sale of these lands are made in the interest of the actual home seeker—the man who goes out there to make a home and who wishes to get only enough land to support a family.

The ability to support a family should be the test of the grant, the test of the number of acres that are to go to a single purchaser, and no purchaser should be permitted to acquire more land than is necessary to support a family. The quantity of land may vary. In our humid region it has been thought that 160 acres of land is sufficient to support a family. In the arid region, without irrigation, 160 acres can not support a family. It may be necessary to get a thousand, two thousand, three thousand acres, and even larger tracts. But under irrigation, particularly in this southern country of New Mexico and Arizona, 20 acres will support a family. In other cases 40 acres will support a family, according to the nature of the intensified production of the valley in which these locations are made, the production varying according to the richness of the soil or the warmth of the climate.

Now, it does seem to me that in framing this bill we ought to take notice of the scientific evolution of that entire region, with a view to protecting it absolutely against land monopoly. We have not as yet realized in this country the evils of land monopoly, simply because we have only 80,000,000 people in this country, and we have a country capable of supporting four or five hundred million people. We have been very improvident in the grants of our lands. We have been very improvident as to the limitations imposed upon entry, and the result to-day is we find in that region, through the operation of the United States land laws, as high as a million acres in the possession of a single firm.

Now, Congress did not contemplate that. The legislatures of the various States in acting upon school grants and swamp-land grants did not contemplate that. Yet that is the result, and unless we provide against this thing now we may expect in the future the most serious social disturbance. We all know that has been the cause of the agitation in Ireland against England's supremacy. The population grew so that the soil was scarcely able to support it, and certainly the land was not sufficient to

pay both the landlord and the lessee, and the result has been a continuous agitation in that country, lasting for many years and resulting in violence and revolutions, all over the question whether these large holdings of land should be divided up and a system of peasant proprietorship substituted for it.

We all know that in France prior to the great French Revolution the concentration of land was such that one-third of the land of France was in the hands of the nobility, one-third in the hands of the church, and only one-third in the hands of the common people, and their taxes were so adjusted that the entire burden was imposed upon the poorer third in the hands of the common people. It was this abuse which led to that bloody revolution, through which alone a peasant proprietorship was evolved, which has cured almost all the economic ills of that country and has secured the development of a large and prosperous population. In the Philippine Islands we had similar difficulties.

Mr. LONG. Will the Senator yield to me for a moment?

Mr. NEWLANDS. Certainly.

Mr. LONG. The Senator is perfectly familiar with the conditions which exist in relation to the lands in Nevada. I should like to know if he is familiar with the conditions affecting the lands described in sections 9 and 10 of the bill as they exist in Oklahoma?

Mr. NEWLANDS. No; I am not. That was the reason why I put my questions to the chairman of the committee.

Mr. LONG. Those lands are in the main already occupied. They are leased by the Territory. They are occupied by farmers. They are in different portions of the Territory of Oklahoma. They are not vacant lands, as a rule. They are leased in 160-acre tracts. The dangers the Senator feels are imminent in Nevada and in the other places to which he refers certainly do not exist in Oklahoma. In other words, the amendment of the committee providing that the lands shall be sold at public sale in 160-acre tracts or less would certainly protect the State of Oklahoma in securing as large a return as is possible for the lands. The lands being occupied, does not the Senator think it is right and just that the occupants of the land should have the preference right to purchase at the time of the sale?

Mr. NEWLANDS. I will answer yes, provided they are not allowed to purchase too much. I would not object to the purchase by any occupant of 160 acres, but I should object to the purchase of a thousand acres.

Mr. LONG. Except in the western portion of the Territory of Oklahoma, where the tracts are somewhat larger, in practically the entire Territory the lessees hold but 160 acres.

Mr. BEVERIDGE. In all except Beaver County.

Mr. NEWLANDS. But there is nothing to prevent a lessee upon a tract of 160 acres from bidding at this auction for 1, 2, 3, 4, 5, 6, 10 other 160-acre tracts, and if he bids highest there is nothing to prevent him from acquiring all of them.

Mr. BEVERIDGE. If the Senator will pardon me, does he not see that if the man bids he would have to bid against his neighboring lessees?

Mr. NEWLANDS. Yes.

Mr. BEVERIDGE. Of course, in the enactment of all human legislation we have got to take into consideration that the people have the same ordinary sense we are endowed with here.

Mr. NEWLANDS. He has to bid against his neighboring lessees, certainly.

Mr. LONG. And has only a preference right.

Mr. NEWLANDS. He may outbid them. I should regard it as a misfortune if the school fund got a higher price as the result of this policy of concentrating the land. From the economic standpoint the State would be more injured by the concentration of the land than it would be benefited by an increase in the money received from sales.

Now, the Senator states that most of these lands are under lease. He does not state how large a proportion of them are under lease. The chairman of the committee was unable to state it. We do not know whether one-half or one-fourth or three-fourths are under lease. All that we know is that there is a large area of public land there which is to be turned over to this State for school purposes. Whilst we want, of course, to aid the schools, and whilst we want to give a handsome fund for educational purposes, we do not desire, in order to accomplish one good object, to accomplish a greater evil in the economic development of that State.

Mr. BEVERIDGE. If the Senator will permit me, what does the Senator suggest?

Mr. NEWLANDS. I shall have to take time to consider that. I will state that in the framing of the irrigation law we were very solicitous regarding this subject, and we not only insisted in that law that no tract greater than 160 acres could be acquired by any single settler, but we also provided that he must live upon the land or in its immediate vicinity. We provided in every case for the home seeker, and absolutely insured home seeking and home building under that law.

Mr. LONG. Will the Senator yield to me for a moment?

Mr. NEWLANDS. Certainly.

Mr. LONG. Would the Senator provide that only the occupant on the land should have the right to purchase it in these sections?

Mr. NEWLANDS. No; I would insist, however, that every man who purchased under this law should purchase for the purpose of making a home there, and for no other purpose.

Mr. BEVERIDGE. Mr. President, if the Senator will permit me, I shall not interrupt him again.

Mr. NEWLANDS. Certainly.

Mr. BEVERIDGE. I asked the Senator what he would suggest and he said that he would have to take time, although I believe the Senator did not suggest anything when the committee had this measure under considerable and lengthy discussion.

But I call the Senator's attention to the fact that not only is it provided, which the House did not do, that these sales shall be public sales and in 160-acre tracts or less, but that consequent upon that, as I suggested to the Senator a moment ago, any person wanting to have ten, twenty, or thirty thousand acres would have to pay an enormous price for the land, because he would have to bid against the lessees; but, in addition to all those safeguards, all this must be done under such rules and regulations as the legislature of the State may prescribe. Does not the Senator think that this is safeguarded about as completely as the Federal Government should do it, and that we ought to leave the legislature of the State some latitude in fixing the additional safeguards?

Mr. NEWLANDS. My observation and experience are that the legislation of new States is not sufficiently guarded regarding the public domain that is turned over to them. They are improvident simply because they have a large domain and a small population; and they look more to the benefit of the existing population than to the benefit of the incoming population of the future.

Now, we hold these lands in trust, not for the people of these Territories, but we hold the lands in trust for the whole people of the United States, for the unborn million; and just as we would administer it carefully if we maintained the possession and ownership of this public domain we ought to guard the legislation which turns it over to an infant State in such a way as to secure beneficent results in the future.

Mr. LONG. Does not the Senator think that the legislature of Oklahoma is as well qualified to deal with this question as Congress?

Mr. NEWLANDS. I should say not. I should trust more to the great experience in these matters of a body like this than to the judgment of a body brought suddenly into existence, without traditions, without training, without experience.

I attach great value to the experience that is secured in the Congress of the United States by members of the Senate and Members of the House in the debate of all measures relating to the public lands of the country. It is true that our eastern brethren and our brethren from the Middle States are not so familiar with these questions as the people of the West. But they are gradually becoming more familiar every day, and they are beginning to realize that a certain duty devolves upon them of watching this trust carefully and watching its administration with vigilance in order to guard against the evils of concentration and of land monopoly in the future.

I have already given some instances of the evils of land monopoly. We have simply been through recently an experience in the Philippine Islands, 7,000 miles away. We find that the source of the dissatisfaction of the Filipinos with the Government of Spain was the fact that through lax administration large areas of land had been suffered to go into the ownership and control of the church. The revolution against Spain was not so much against cruelty and oppression as it was against an existing land monopoly; and those very men, loyal sons of the church, were ready to take up arms against the Spanish Government and the church upon that issue.

In the Philippine Islands we have been obliged to remedy that. How? By buying back the lands from the church at a cost of $7,000,000, and we are now instituting there a system of peasant proprietorship as the best method of doing away with the dissatisfaction of the people with their administration of government.

And so it has been in South America and in Central America. The Catholic Church there acquired control of vast areas of land, and that was the cause in a large degree of the dissatisfaction with Spanish rule; and the revolutions there were the revolutions of loyal sons of the church against an economic sys-

tem that was upheld by the Spanish Government. These bloody revolutions finally resulted in the liberty of the people, and what did they do? They took by violence the lands from the church and turned them over to the whole people.

Now, we are apt to minimize these questions and these difficulties simply because, as I said before, we have a vast area of land and we have a small population. And yet we are beginning now in certain Commonwealths in the West to find the evils of the concentration of the ownership of land. They exist in Nevada; they exist in other States in that region, and they constitute a bar to the progress and the development of those States.

I was referring a moment ago to the national irrigation act, in which we guarded at every step against land monopoly. We provided that the land irrigated should be entered in tracts of not less than 40 nor more than 160 acres, the unit of entry to be fixed according to the judgment of the Secretary of the Interior and determined by the capacity of a given number of acres to support a family. Not only that, but we held that the settlers must be home seekers and must reside upon the land for five years before they could obtain title. We did away with the commutation clause of the land laws which exists with reference to other lands and by which a man who has entered a homestead with the understanding that he will live upon the homestead for five years before he gets title can get summary title at the end of fourteen months by the payment of a dollar and a quarter an acre. And why did we do that? Because we found that the men who were desirous of obtaining the control of large areas of land were making use of the homestead act, through their retainers and employees and others, to secure title at the end of a year and a half by the operation of the commutation clause. So solicitous were we to prevent even that limited form of concentration that in the act itself we did away with the commutation clause so far as the land affected by the irrigaion law was concerned.

Not only that, but we went further, and we took measures to break up the existing concentration of land in that entire region. How? You say these rights were vested, the title of the land secured absolutely beyond the control of the Government of the United States. We did it in this way: We provided that in the storage of water and in this great work of conducting the water out by high-line ditches, so that it could be brought within the reach of the land belonging to the settlers, the Government could supply water to existing settlements, the purpose of the act being not so much to secure the reclamation and sale of Government lands as to aid as a matter of public policy in the development of the West itself. We realized that existing communities starving for water ought to have their needs supplied first, if necessary. But how did we limit that? Did we provide that the landowners, owning from a thousand to ten thousand and fifteen thousand acres of land, should obtain water from the Government by paying the stipulated price and thus secure water rights and perpetuate their monopoly? Oh, no; we provided that the landowner could get water for only 160 acres under that act.

That was apparently hard upon many landowners who had acquired large ranches in that region in entire good faith; and yet, as a matter of fact, it was no hardship, for the completion of the project and the bringing of this water within the reach of these large areas of land in single ownership gave additional value to the land itself—a value which it had not before—and made it available for settlement. So that a landowner could divide his tract up into 160-acre farms, sell them in good faith to actual settlers, and each settler could secure from the Government a water right for 160 acres; and thus we not only guarded against land monopoly in the future, but we passed a measure which will tend to the gradual amelioration of the existing conditions of land monopoly.

Mr. HEYBURN. Will the Senator from Nevada permit me to state a figure or two in connection with the line of his argument?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. I find from the census of 1900 that in Nevada the average size of the farms is 1,174.7 acres, while in Oklahoma the average size of the farms is only 251.5 acres; that in Nevada only 8 per cent of the total area of the State is taken up, while in Oklahoma 22.2 per cent is taken up.

Mr. NEWLANDS. I dare say the statistics the Senator gives are correct. It is accounted for by the fact that Oklahoma is largely a humid State and Nevada is an arid State, where the soil can only be cultivated by irrigation, and that means the expenditure of large sums of money in reclamation works.

Mr. BEVERIDGE. I ask that the statehood bill, together with the amendments as made in the Senate, be reprinted.

The PRESIDING OFFICER. The Senator from Indiana asks for a reprint of the statehood bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. GORMAN. Let us adjourn.

Mr. BEVERIDGE. The Senator from New Jersey [Mr. KEAN], I believe, wishes to have an executive session.

Mr. KEAN. I should like to move an executive session.

Mr. GORMAN. It is 5 o'clock.

Mr. KEAN. It will take only a minute. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 11, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 10, 1905.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David E. Thompson, of Nebraska, now envoy extraordinary and minister plenipotentiary at that place to be ambassador extraordinary and plenipotentiary of the United States to Brazil, to fill an original vacancy.

AUDITOR OF THE ISLAND OF PORTO RICO.

Thomas W. Hynes, of New York, to be auditor of the island of Porto Rico, to succeed Erastus S. Rockwell, now serving under a temporary commission issued during the recess of the Senate, who has resigned to take effect on the appointment of his successor.

COLLECTOR OF INTERNAL REVENUE.

Ernest Coldwell, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee, to succeed John E. McCall, nominated to be United States district judge for the western district of Tennessee.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 10, 1905.

CONSUL.

Harold L. Lyon, of Minnesota, to be consul of the United States at Chungking, China.

UNITED STATES ATTORNEY.

Henry M. Hoyt, of California, to be United States attorney for the district of Alaska, and assign him to division No. 2.

ASSOCIATE JUSTICE OF SUPREME COURT OF NEW MEXICO.

Ira A. Abbott, of Massachusetts, to be associate justice of the supreme court of the Territory of New Mexico.

MARSHALS.

Clinton D. MacDougal, of New York, to be United States marshal for the northern district of New York.

John B. Robinson, of Pennsylvania, to be United States marshal for the eastern district of Pennsylvania.

DISTRICT JUDGE.

Robert W. Tayler, of Ohio, to be United States district judge for the northern district of Ohio.

POSTMASTERS.

COLORADO.

Nimrod S. Walpole to be postmaster at Pueblo, in the county of Pueblo and State of Colorado.

FLORIDA.

George J. Arnow to be postmaster at Gainesville, in the county of Alachua and State of Florida.

GEORGIA.

Clark Grier to be postmaster at Dublin, in the county of Laurens and State of Georgia, in place of Clark Grier.

MARYLAND.

William Hall Harris to be postmaster at Baltimore, in the county of Baltimore and State of Maryland.

NORTH DAKOTA.

Maggie Fox to be postmaster at Michigan, in the county of Nelson and State of North Dakota.

PENNSYLVANIA.

Mary J. Russell to be postmaster at Vilas, in the county of Lycoming and State of Pennsylvania.

Charles S. Shindel to be postmaster at Tamaqua, in the county of Schuylkill and State of Pennsylvania.

SOUTH CAROLINA.

Joseph H. Abbey to be postmaster at St. George, in the county of Dorchester and State of South Carolina.

Frank C. Cain to be postmaster at St. Matthews, in the county of Orangeburg and State of South Carolina.

James G. Harper to be postmaster at Seneca, in the county of Oconee and State of South Carolina.

TENNESSEE.

William E. Byers to be postmaster at Tracy City, in the county of Grundy and State of Tennessee.

William T. Smythe to be postmaster at Mountain City, in the county of Johnson and State of Tennessee.

TEXAS.

Theophilus F. Berner to be postmaster at Henrietta, in the county of Clay and State of Texas.

Joshua Cooke, jr., to be postmaster at Longview, in the county of Gregg and State of Texas.

Kittie L. Edwards to be postmaster at Smithfield, in the county of Bastrop and State of Texas.

Jerra L. Hickson to be postmaster at Gainesville, in the county of Cooke and State of Texas.

Henry Liem to be postmaster at Center, in the county of Shelby and State of Texas.

Adelia C. Pruitt to be postmaster at Lindale, in the county of Smith and State of Texas.

Charles Real to be postmaster at Kerrville, in the county of Kerr and State of Texas.

Andrew J. Reeder to be postmaster at Granger, in the county of Williamson and State of Texas.

L. E. Robbins to be postmaster at Quanah, in the county of Hardeman and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 10, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ARMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from New York reserves all points of order upon the bill.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from New York reserves all points of order.

INDIAN CONTRACT SCHOOLS.

Mr. SHERMAN. Mr. Speaker, I desire to present a privileged report on a resolution of inquiry.

The SPEAKER. The gentleman from New York presents the following report, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of the Interior is hereby directed to inform the House of Representatives whether or not any funds of the United States, or the principal or interest of any Indian trust funds or other moneys of any Indian tribe, are being expended or have been authorized to be expended for support of any Indian contract schools other than Government schools; and if any of said funds are being so expended, or the expenditure authorized by his Department, to state for what purpose authorized, the amount thereof, the authority for making such expenditure, and whether or not the consent of the Indians interested has been first secured therefor, covering the period since January 1, 1903.

Mr. SHERMAN. Let the report be read.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred House resolution 394, being a resolution of inquiry, beg leave to report same back amended by striking out, in line 3 thereof, the words "funds of the United States or" and inserting in lieu thereof the word "of;" and as thus amended recommend that the resolution do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 965. An act for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett;

S. 3718. An act to quitclaim all the interest of the United States of America in and to all lands lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased;

S. 2705. An act for the relief of the wandering American-born Indians of Rocky Boy's band, Montana;

S. 3376. An act to authorize the Secretary of the Interior to acquire for the Government, by exchanges of public lands, the ownership of the private lands within certain public parks in the State of Califorina.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 9548. An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act."

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 2871. An act to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia;

H. R. 2052. An act for the relief of Ramon O. Williams and Jospeh A. Springer;

S. 144. An act to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming; and

S. 3379. An act to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department."

SENATE CONCURRENT RESOLUTION AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution and Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3718. An act to quitclaim all the interest of the United States of America in and to all lands lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased—to the Committee on the District of Columbia.

S. 965. An act for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett—to the Committee on Claims.

S. 3376. An act to authorize the Secretary of the Interior to acquire for the Government, by exchanges of public lands, the ownership of the private lands within certain public parks in the State of California—to the Committee on Public Lands.

Senate concurrent resolution 90:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the Report on the Development of the Merchant Marine and American Commerce, and of the testimony taken in connection therewith, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Merchant Marine Commission, of which latter 100 copies shall be bound in half morocco—to the Committee on Printing.

S. 144. An act to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 3379. An act to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department"—to the Committee on Public Buildings and Grounds.

S. 2705. An act for the relief of the wandering American-born Indians of Rockyboy's band, Montana—to the Committee on Indian Affairs.

Also the following House bill with Senate amendments:

H. R. 9548. An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act"—to the Committee on War Claims.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 1352. An act for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb;

S. 5088. An act to aid the Western Alaska Construction Company;

S. 3199. An act for the relief of A. M. Short;

S. 1753. An act for the relief of Pay Clerk Charles Blake, United States Navy;

S. 6368. An act providing for the interment in the District of Columbia of the remains of Rose Dillen Seager;

S. 1501. An act for the relief of James F. McIndoe;

S. R. 84. Joint resolution authorizing the granting of permits to committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.; and

S. R. 79. Joint resolution granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15317. An act to build a bridge across the Ouachita River, Ark.; and

H. R. 2510. An act for the construction of a steam revenue cutter adapted to service in the waters of Albermarle and Pamlico sounds, N. C.

CURRENCY BILL.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill (H. R. 4831) to improve currency conditions, and pending that motion, I would like to ask the gentleman in charge [Mr. BARTLETT] if we can not come to an agreement to vote at 4 o'clock on the bill; that the previous question be considered as ordered, and that we take a vote at 4 o'clock. I ask that for the convenience and information of Members on both sides of the House who would like to be present and vote on the bill.

Mr. BARTLETT. Mr. Speaker, replying to the gentleman from Connecticut, to the suggestion and request, as I understand it, only the first section of the bill has been considered.

Mr. HILL of Connecticut. Certainly.

Mr. BARTLETT. And the amendment offered by the gentleman from Mississippi, and the gentleman from New Jersey——

Mr. HILL of Connecticut. I would like to come to a vote on those amendments now, both the amendment of the gentleman from Mississippi and the amendment of the gentleman from New Jersey.

Mr. BARTLETT. Probably some one else may desire to be heard on that, I do not know. Some of us have not been heard at all on this bill.

Mr. HILL of Connecticut. There will be four hours.

Mr BARTLETT. I do not desire to make an agreement now. I am not in a position to make it, I will say to the gentleman from Connecticut.

Mr. HILL of Connecticut. I understand the gentleman is in charge of the bill on that side by unanimous consent——

Mr. BARTLETT. I was at one time and am now as I understand it, but the gentleman understands the various phases this bill has assumed, very extraordinary in some particulars, which resulted in the gentleman from Mississippi, as he ought to have done, taking charge of it at one time.

Mr. HILL of Connecticut. Mr. Speaker, I am entirely willing to accept the statement of the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. I will say to the gentleman that we desire a vote on this amendment, and I have another amendment to offer to another section, and when that section is reached I will do so.

Mr. HILL of Connecticut. I am satisfied to go ahead with the understanding that we will press the bill to a conclusion at 4 o'clock, if possible, without any agreement to that effect.

Mr. BARTLETT. Before the House resolves itself into the Committee of the Whole, I desire to ask the House to give me permission to extend any remarks I may make to the Committee of the Whole in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Connecticut. Why not make it general? I make a request in general for all members on this bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, for reasons given by me at the last session, I will object to that and all similar requests.

The SPEAKER. The question is on the motion of the gentleman from Connecticut [Mr. HILL]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions, with Mr. DALZELL in the chair.

Mr. HILL of Connecticut. I was going to ask for a vote on the pending amendment.

The CHAIRMAN. Debate on the pending amendment was long since exhausted. The question now is on the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

[Mr. BARTLETT addressed the committee. See Appendix.]

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last three words. It seems to me, Mr. Chairman, that the amendment of the gentleman from Mississippi [Mr. WILLIAMS] ought to be defeated, and that the amendment offered by the gentleman from New Jersey [Mr. FOWLER] ought to be adopted. I want to state briefly why I think this course ought to be pursued. For a period of many years the practice has been growing up in several States of collecting interest upon State and municipal deposits, until that system is now quite generally established. I see no reason why it should not in some form be applied to the deposits made by the Government of the United States. It is conceded here that it is impossible to so adjust the revenues that they shall each day equal expenditures, and consequently we must at times have either a deficit or a surplus. If we have a surplus, it must be deposited or withdrawn from circulation, to the detriment of the business of the country. If it is to be deposited, why should the Government of the United States not derive some reasonable compensation for the use of its money as other depositors do? I am opposed to the amendment offered by the gentleman from Mississippi, first, because it seeks to obtain interest with the existing system of bond-secured loans, a thing I believe to be impossible.

I think it has been demonstrated on this floor that under the system of bond security required there is no such a margin of profit in handling Government deposits as that interest can be obtained upon them under existing conditions. There is one thing that has not been mentioned: He who takes a deposit under existing law takes it under the peril of a declining bond market. These 2 per cent bonds at one time were at one dollar and ten, and to-day they are at one dollar four and a half. We have a falling amount of Government deposits resulting in the withdrawal of bonds that are being thrown upon the market, and consequently a falling in the price of the bonds.

Some of the gentleman in our region who have taken these deposits have had them in part soon withdrawn, and have been compelled to sell their bonds upon the then market at such a substantial loss over the price paid as to more than wipe out the profits of the enterprise. Therefore an attempt to get interest on a bond-secured loan, in my judgment, would be futile. There is not enough of profit in it even if the bonds remain stationary, but with a falling amount of Government deposits and a consequent falling of bonds, the loss upon the bonds will more than offset any profit under existing law. I am opposed, in any event, to the principle of competitive bids for this money. This is the money of all the people of the United States, and every part and section of the United States is entitled to obtain it upon the same rates of interest. It is highly improper, in my judgment, for the Government of the United States to loan the money that belongs to all the people at one rate to the people of the South and of the West and at another and a different rate to the people of the East. Yet that will be the direct result of competition for this money in the way of bids.

(The time of Mr. SMITH of Iowa having expired, by unanimous consent, at the request of Mr. FOWLER, his time was extended until he could conclude his remarks.)

Mr. COCKRAN of New York. Mr. Chairman, would the gentleman allow me to ask him a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. COCKRAN of New York. How would competitive bidding between the banks operate to fix one rate of interest in one part of the country and a different rate in another?

Mr. SMITH of Iowa. I will answer that as best I can, Mr. Chairman.

Mr. COCKRAN of New York. It is very important, the gentleman will see.

Mr. SMITH of Iowa. It is somewhat difficult, perhaps, in view of the conflicting opinions upon the two sides of this House, but if, as claimed by that side of this Chamber, this money is more valuable in the West and the South, where interest rates are higher than they are in the East, then the direct effect would

be to produce a higher bid in the West and South than in the East, and a higher rate of interest.

Mr. BOWIE. Would they not get it all, then?

Mr. SMITH of Iowa. If they could absorb it all perhaps they would, if their security was sufficient. Otherwise the balance would be awarded to those sections where the rate of interest was lower. If I should answer the question from the standpoint of the gentleman from Connecticut [Mr. HILL], then I should say that the bidding would probably be higher in the East than in the West and South, but both sides agree that this money is not of equal value in all parts of the country for loaning purposes, and therefore the bids would of necessity vary as to rates of interest.

Mr. COCKRAN of New York. I hope the gentleman will allow me to disassociate myself with that statement right now.

Mr. SMITH of Iowa. I am attempting to answer the gentleman's question from the standpoint of the various gentlemen upon this floor.

Mr. COCKRAN of New York. I am sure the gentleman will allow me to say, merely to prevent confusion of thought in his own mind, when he states all are agreed on a certain proposition, it is eminently proper that I should state that I do not agree to it.

Mr. SMITH of Iowa. Mr. Chairman, I humbly beg the gentleman's pardon if I have misinterpreted his attitude on this question. I have understood the gentlemen on the other side to be practically a unit on the proposition that this money was more profitable in the places where the rate of interest was higher than in the places where the rate of interest was lower. If I am mistaken in supposing the gentleman to be in accordance with that theory, I beg his pardon.

Mr. COCKRAN of New York. I knew the gentleman need only be assured of that to clear the matter up.

Mr. SMITH of Iowa. Now, let us see whether or not this bond-secured loan system is a desirable system. First, let us see what would be the measure of safety in the system prescribed by the so-called "Fowler amendment." That amendment provides that no more thn 25 per cent of the capital stock of any bank shall be deposited under this system in that bank. It is, indeed, a small and inferior bank that does not have as much of deposits and surplus as it has of capital stock.

Take the small form of bank, that inferior form of bank so far as this character of security is concerned, and the deposit of 25 per cent of the capital stock would be 12½ per cent of its assets. Futile indeed is a system of national examination of banks if a bank examiner can not discover that the capital is even measurably impaired before the assets have been squandered in excess of 87½ per cent of their total. Yet under this system proposed of making these loans a lien upon the assets of the bank the Government could sustain no loss even in this small bank until after this 87½ per cent of its assets have been lost, and with an ordinary bank, where the deposits far exceed the capital, a still larger percentage of the assets must be squandered before there would be any measure of doubt as to the Government collecting its deposits in full. Oh, but gentlemen say, it will impair the rights of the depositor. How can it materially impair the rights of the depositor? The Government today has the bank take its best collateral in excess of the amount the Government loans, and it has the bank put it in the Government Treasury, and takes a lien upon it and pays its claim in full out of the assets of the bank before the depositor can get a 5-cent piece. In what material way would the depositor be worse off with a lien upon the body of the assets than he is when the Government takes from the coffers of the bank its assets in excess of the amount of the Government loan—takes them into its own custody and holds them to secure the Government loan? So it seems to me that we may find that if the Fowler amendment, so-called, is adopted the depositors will not be injured and the Government would be secured and then the banks, freed from paying enormous premiums upon bonds, can well afford to pay a reasonable interest to the Government. What interest ought that to be? It ought to be the interest that the New York banks, where the rates of interest are low, pay to their depositors, their correspondents throughout the West and South, upon daily balances.

If the New York banks can afford to pay 2 per cent on the deposits of western banks from day to day, then they can, when freed from these premiums upon bonds and the like, afford to pay the same interest upon the deposits of the Government of the United States. It is not safe to say they could or would pay more to the Government than they are paying upon western and southern deposits now. If, then, that is the utmost we can reasonably expect to get from the banks where the rate of interest is the lowest, then that is all that ought to be paid by the people of the South and West, where the rates of interest may chance to be higher for this common money of all the people. We would not only obtain abundant security without injuring the depositor and obtain a considerable revenue in the form of interest, but we would accomplish other objects, in my judgment, greatly to be desired. No man will claim that a 2 per cent bond of the United States ought to be worth as an investment more than par, and no man will claim that such a bond would be worth more than par but for the fact that it is made an essential of national-bank circulation and national-bank depositories. As soon as this amendment went into effect this great body of 2 per cent bonds now held as security for Government loans would be released. The result would probably be, in the first instance, a still further decline in price, but the immediate effect also would be to swell the national-bank circulation of the United States. No bank would continue to hold these bonds thus released as a mere investment without utilizing them in some way, and so you would find a prompt expansion of the national-bank circulation. If they were not all absorbed in that way some decline would necessarily remain in their price. Nor would that, in my judgment, be a calamity, because this Government, when it has surplus revenues, is in the habit of buying its outstanding bonds. For the honor of the country we want our bonds at par, but when we have surplus revenues it is against our interest, when we want to buy bonds, to have them abnormally forced above par by providing by law that they shall be the only security for circulation and for loans from the Government.

We have forced these bonds up in the market as against ourselves until there has been nothing to be gained in the last few years by buying them in the open market. So that this measure would secure the depositors as well as they are secured now, would secure the Government of the United States as well as it is secured now, and pay a handsome revenue to the Government of the United States, would increase the circulating medium of the United States, and if the Government wanted to buy its obligations would enable it to buy them cheaper upon the market than it is now able to do. In view of these suggestions it seems to me that this is a beneficent measure, and that it ought to be enacted into law. [Applause.]

Mr. PADGETT. Mr. Chairman, I will address myself for a few moments to the first section of the pending bill. Discussion heretofore has been consumed almost entirely with reference to the amendment. I desire to say that I am in sympathy with and propose to favor the amendment asking for interest upon the deposits, but I desire to call attention for a few moments to the merits of the original proposition.

Under the existing law the deposit of customs duties can not be made in the banks, but must be forwarded from all points where collected for deposit in the Treasury of the United States, thereby withdrawing that money from circulation and depriving the business and the industries of the country of the use of that money. Now, I say as a proposition it is far better for the country that the money should be in the banks without interest than to be in the Treasury without interest. It does not bear interest when it is in the Treasury, neither will it bear interest now if it should be deposited under existing law in the banks; but when in the banks it would be in the channels of trade and commerce and therefore useful to business.

I desire also to call attention to another practice. I desire to ask your attention for a moment to a section in the report of the Secretary of the Treasury for 1902. I read from page 67:

> At present the purchase of outstanding Government bonds for the credit of the sinking fund affords the only method of returning surplus public revenues to the channels of trade after they have been once covered into the Treasury. The Department is authorized to deposit current internal-revenue and other receipts, except customs, with national banks upon satisfactory security, but this method affords very tardy relief in case of monetary stringency. On the other hand, the purchase of bonds invites a contraction of national-bank circulation for the purpose of disposing of the bonds pledged for its security at the advanced price which usually prevails whenever the Government becomes a purchaser. Thus the object sought to be attained is counteracted. If authority were granted to make deposits without security after special examination, and at such rates of interest that the Secretary of the Treasury might determine, quite an element of elasticity would be provided whenever a surplus of revenue existed. By advancing or lowering the rate of interest an equilibrium could be maintained throughout the country, and the interest charge would more than cover any loss.
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> But if it should be deemed unwise to permit the loaning of public funds without specific security, it certainly would be well to authorize deposits direct from the Treasury and, as now, upon satisfactory security. If such authority had existed during the last few months the something more than $20,000,000 which was paid to the owners of Government bonds would have been deposited in a large number of reserve cities throughout the country, and the relief afforded would have been equally permanent and more widely appreciated.

I desire also to call your attention to some specific facts on

this question, in the purchase of bonds for the sinking fund. I read from page 23 of the same report, as follows:

The amount of interest-bearing debt outstanding July 1, 1901, was $987,141,040. On that date the Government was still purchasing United States bonds for the sinking fund, and such purchases were continued with slight intermissions until March 15, 1902. The total amount purchased and charged to the sinking fund for the fiscal year 1902 was $56,071,730, and the disbursement was $70,410,941.33.

I also read from the report of the Secretary of the Treasury for 1901.

It soon became apparent, however, that there would be an excessive accumulation of public funds in the Treasury, and on October 31 the announcement was made that purchases would be resumed upon the basis of 1.726 interest return for the three classes of short-term bonds, and upon a basis of 1.906 for the 4 per cent bonds, loan of 1925. This latter basis represented, approximately, the market value of those bonds. The amount purchased from October 31 to November 15, inclusive, was $6,995,950 and the disbursement therefor was $8,802,478.67. The total amount of bonds purchased and charged to the sinking fund of 1902 from July 1 to November 15, inclusive, was $33,114,420, and the amount disbursed was $41,982,986.39.

Thus it will be seen——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HILL of Connecticut. I ask that the gentleman be granted five minutes more.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] asks that the time of the gentleman from Tennessee [Mr. PADGETT] be extended for five minutes. Is there objection? The Chair hears none.

Mr. PADGETT. Thus it will be seen that in the purchase for the account of the sinking fund in order to get the money out of the Treasury back into circulation to meet the business needs of the country the Government paid $14,339,211.33 premium on $56,000,000 of bonds purchased.

I say that such a system is an outrage. It is unfair to the taxpayers of the country. It ought not to be perpetuated. This first section of the bill proposes to remedy that defect. The necessity for its continuance has long since passed. This enactment was put in force during the civil war, when specie payment was not in force, when we had but little metallic money in the country, and in order to get gold this provision of law was made requiring customs duties to be paid in gold and the identical money sent to the Treasury.

But now specie payments have been resumed. Gold is the basis of all circulation. All the money is determined by the gold value, and no longer do we actually pay in gold, but in any money. Why should the Government transport the money collected in Charleston, or Savannah, or in any part of Texas, or any other part of the United States, and send that identical money by express and pay the cost of transportation to place it in the Treasury at Washington or in some subtreasury at the great cost of express charges, and thereby take it out of the channels of trade and of business?

Now, I say this is a plain business proposition. It has no politics in it; there is no more politics in this proposition than in the proposition of the farmer carrying a load of wheat to market and selling it to the best advantage. It is the plain business proposition of sending money to the Government and sending it to the Treasury without paying these enormous claims in order to get the money out of the Treasury back into the channels of commerce and the use and service of the people. You might take the other reports of the Secretary of the Treasury, and you will find that from time to time when we have a stringency, in order to get the money out of the Treasury back into business channels the Government has resorted to the purchase of bonds at an enormous premium; and you will find that while it has been in force we have paid more than $62,000,000 on account of premiums when purchasing bonds for the sinking fund. Let us no longer submit to it, but adopt this plain, simple business proposition of depositing the money in the banks upon business principles and drawing upon it as we do with our internal-revenue collections.

Mr. WILLIAMS of Mississippi. Will the gentleman from Tennessee submit to an interruption?

Mr. PADGETT. Yes, sir.

Mr. WILLIAMS of Mississippi. The gentleman from Tennessee says that this is a plain business proposition, as I understand.

Mr. PADGETT. Yes, sir.

Mr. WILLIAMS of Mississippi. Suppose the gentleman from Tennessee had a certain amount of surplus funds, and had deposited half of those, by error, by mistake, or for some other reason, without interest. Would he consider it a business proposition to urge that as a reason for loaning the other half without interest?

Mr. PADGETT. I would not; but, upon the contrary, I stated that I was in favor of the gentleman's proposition for interest.

Mr. WILLIAMS of Mississippi. Yes. Now, then, the gentleman is a member of the Committee on Banking and Currency?

Mr. PADGETT. Yes, sir.

Mr. WILLIAMS of Mississippi. And the gentleman voted for this bill with this first clause in it, without my amendment, and without any amendment like it, and brought it in here, lending the other half of the revenues of the Government of the United States to the national banks without any interest. Was any motion made in the committee? Now, I am not asking any of the committee secrets; I am not asking how gentlemen voted. But was there a motion made in the committee to amend this first clause so that the Government could obtain interest upon this fund?

Mr. PADGETT. I do not recall that there was any motion made.

Mr. FOWLER. Was not the gentleman from Tennessee aware of the fact that if any interest were imposed that would drive the money from the country entirely and locate it entirely in the centers?

Mr. PADGETT. That is a debatable question, and a very serious question; but, independent of that question, I want to say plainly and emphatically that if the Government does not get interest upon the money while it is in the Treasury and does not get interest on the money while in the national banks it is better to have it in the banks, in the channels of trade and commerce, serving the people, than it is to have it locked up in the Treasury, withdrawn from the channels of trade, and to all intents and purposes canceled and dead money. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Debate upon this proposition has been exhausted.

Mr. COCKRAN of New York rose.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed until he has finished his remarks.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the gentleman from New York may proceed until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. COCKRAN of New York. Mr. Chairman, this debate has taken so wide a course, and so many collateral and highly interesting subjects have been discussed, that it may be of service to the House if we can get back to the consideration of the amendment submitted by the gentleman from Mississippi [Mr. WILLIAMS] and the amendment to that amendment submitted by the gentleman from New Jersey [Mr. FOWLER].

During the debate last week the gentleman from Connecticut [Mr. HILL] introduced an extraordinary chart, which I have asked the attendants to restore to its place of prominence in order that I may point out a few of its peculiar characteristics.

I have often said, Mr. Chairman, and I think the experience of the House will justify me, that if I were to mention the most demoralizing influence in the world it would not be wine that befuddles, or woman that misleads, or dice that impoverish, but a lead pencil. Give an enterprising gentleman a lead pencil and a sheet of paper sufficiently large and it is not easy to measure the confusion of thought that he can produce. [Laughter.]

Now, this particular chart has worked such intellectual havoc in many directions as to make it necessary that I should, if possible, define just what it is that the House is discussing. The gentleman from Connecticut [Mr. HILL] has introduced a measure providing that funds of the United States, the proceeds of customs collections, instead of being kept idle in the vaults of the Treasury shall be deposited in the banks of the country, so as to permit their circulation in the ordinary channels of trade. Now, that is a meritorious measure—a measure so mertorious that I should support it under any conditions. The gentleman from Mississippi [Mr. WILLIAMS] offered an amendment which I think is in the highest degree desirable and which, if it be not absolutely essential to the working of the measure, is absolutely essential to its honest working, to its upright working, to its fair working, to its just working, and therefore to its most meritorious working. It is that the disposition of these deposits shall not be controlled by the discretion or caprice or possibly the favoritism of some future Secretary of the Treasury, but shall be regulated by the operations of trade themselves, ascertained through the banks themselves.

Now, this proposal, which it seems to me is so plainly and obviously meritorious that no sensible or clear or just or honest objection can be made to it, the gentleman from Connecticut [Mr. HILL] opposes, and he seeks to meet it not with arguments intelligible to the ordinary mind, but with this extraordinary

and mystifying chart. It is a peculiar feature of nearly all misleading economic productions that they generally start from some point very close to the soundest truth.

There was a very extraordinary publication which played an important part in the political campaigns of this country some eight or ten years ago. Gentlemen on the other side and I dissented strongly from its authority. It was known as Coin's Financial School. Now, Mr. Chairman, if we concede one original assumption in that remarkable production, its argument was unanswerable. It proceeded on the assumption that price and value are identical terms, and if that were conceded the argument of Mr. Harvey was absolutely unanswerable. Of course, those of us who dissented from it believed that while prices might be controlled by legislation, values were beyond the power of any government to affect by its laws. We regarded prices as the expression of values, just as we regard linear measures as the expression of distances. We knew that the legislature might to-morrow change the length of the yard. It might, for instance, provide that instead of 36 inches the yard should hereafter consist of 18 inches. And if such legislation had been accomplished, why, whenever a man wanted a suit of clothes he must order twice as many yards as he would order now, but he would not use any more cloth. He would use precisely the same quantity of material, because his outlines would remain the same and his necessities would not be disturbed.

And so with values. We believe that while the legislature might easily change the character of its coinage, and by reducing the number of gold grains in the dollar might require us to give twice as much for everything we need as we give now, yet when we came to exchange our commodities, the commodities we produce for the commodities we need, we would have to give just as much as we do now and our conditions would not be in any way changed.

Now, you will perceive, Mr. Chairman, that once you grant the proposition that prices and values are interchangeable terms, it is the easiest thing in the world to argue that the legislature can increase values. The power to increase values involves, of course, the power to bestow the increase on somebody, and if the legislature can make everybody rich, nothing is simpler than to show that it should proceed to make us all as rich as possible, without delay.

In the chart of the gentleman from Connecticut [Mr. HILL] we find an argument, or a conception, or a production, not quite so ambitious, but quite as intricate and quite as fallacious. My friend from Connecticut [Mr. HILL], in order to resist the perfectly simple, honest proposal of the gentleman from Mississippi [Mr. WILLIAMS]—a proposal which between individuals would be so obviously proper that nobobdy would dispute it—proceeds to give us a chart in which we are told that there are three mysterious zones in which capital seems to experience different emotions, obey different laws, exercise different functions, and to reap different rewards. I do not know precisely how capital of the same degree or nature or quantity as other capital could be kept in a 2 per cent region when there is a 10 per cent region hungering for its advent.

How does that 10 per cent region maintain the rampart which guards its integrity and exclude competition? How is the 6 per cent capital prevented from obtaining access to the richer and more fruitful 10 per cent field? Does the 2 per cent New York capital fear getting cold feet up in Minnesota, or sunstroke in Florida, or chills and fever on the banks of the Missouri, or, perhaps, bad temper in Colorado? [Laughter and applause.]

Now, as a matter of fact, Mr. Chairman, this general belief—I do not know of any error more widespread—that capital can be separated and segregated; that capital held in New York can be treated as different from capital held in Philadelphia or in Minnesota, is wholly erroneous. There is no such difference. There is no 10 per cent or 2 per cent belt in this country. This whole conception of banking is a vicious conception which has been denounced thousands of times from the other side as the very essence of Populistic extravagance, and yet it is now asserted by the mouths of gentlemen who claim to be the special representatives of sound money. There is no distinction between capital in New York and capital in New Orleans. Capital is the one element of human civilization that has neither prejudice of race, nor country, nor creed, nor climate. It is always in active competition, but it is competing for opportunities to serve the community. Laborers compete for employment, but it will take 10, or 15, or 20 per cent difference in wages to move a man very far. Thirty per cent would hardly move a man from Chicago to New York, because it costs the laborer a great deal to travel; he has ties of family, ties of association, which operate to restrict his movements, but capital is bound to no place by a single tie. For one-eighth of 1 per cent, for the cost of a postage stamp, you can send twenty millions, fifty millions, one hundred millions from New York to San Francisco, and, for the cost of a telegram, you can send it in the twinkling of an eye. How, then, does the gentleman from Connecticut reach these extraordinary and misleading figures? I will tell you. He takes time loans in Minnesota with one character of security and compares those with call loans in New York upon much higher security and on such conditions that the bank can recall it at a moment's notice.

There is not a loan made in New York on call that could not be duplicated by a similar loan in Minneapolis or Wisconsin, or in the Northwest or the Southwest upon the same conditions and upon a like security. What is the function of a national bank? What is the function of any bank? Why, Mr. Chairman, it is an agency, by which the funds of the whole country are made available to every part of it. The funds of New York are just as available in Mississippi, in Minnesota, in Kansas, or in Colorado as they are in Williams street, around the corner from the New York Stock Exchange. Let there be a demand for capital upon call security, and it makes no difference what part of the country that demand comes from. So far from fearing the national banks, so far from distrusting their officers, so far from feeling distrustful of the operation of the banks anywhere, I regard that form of mercantile association as a high development of human civilization, a manifestation of the strong human tendency to offer the aid everywhere of the utmost limit of human ingenuity and human resources anywhere. [Applause.]

Now, Mr. Chairman, I am delighted to see that the gentleman from Connecticut [Mr. HILL] applauds that sentiment, for it is largely at variance with this table that he brought here and which separates capital into three hostile camps, all apparently kept from preying upon each other by some form of rampart or intrenchment. [Laughter.]

Let me explain why it is that he was able to summon a witness from the bystanders to say that in Minnesota banks have exacted 10 per cent interest on certain loans. The fallacy of the assumption is that all the funds of banks in Minnesota are loaned at 10 per cent and all the funds of banks in New York loaned at 2 per cent. Such a statement is in direct violation of the facts. Funds are loaned in banks everywhere on practically the same conditions. No bank could loan all its funds at 10 per cent. Every national bank and every bank must first of all keep a portion of its funds literally in cash, ready to pay over the counter on the demand of its depositors. The amount of that cash reserve the bank estimates for itself, according to the daily average of its demands. Next, a portion of its funds is kept in practically liquid form—that is, on call loans, drawing but a small rate of interest—so that in the event of sudden demand they can be available almost immediately to meet the exigencies of a sudden occasion. Country banks, where call loans are unknown, keep this portion of their funds on deposit in New York, where they draw interest, but at a low rate, and being always available on draft they are practically call loans.

Next, there are loans for a short time, for thirty days, which, maturing in a brief space, are in case of urgent demand easily converted into cash. Next, there are loans at sixty days, which are harder to dispose of and which are, therefore, a more remote reserve. Then, there are loans of ninety days, which are the limit for commercial paper. This in a city bank would be the last citadel of its resources. Each of these time loans draws a higher rate of interest in proportion to the length of time it runs. When the gentleman speaks of a 2 per cent loan, he is talking simply of loans that are made from day to day—one portion of bank investments—and compares them with time loans, an entirely different feature of banking operation. At the very same time in New York that the call-loan rate is 2 per cent, time loans command 4 and 5 per cent, yet even what are known as "time loans" in New York are not in any way analogous to those 10 per cent loans in Minnesota of which he speaks and between which he undertakes to draw a comparison. "Time loans," so called, in New York mean loans not upon the personal security of a man, but loans against a deposit of securities exactly like call loans, except that each loan has a given time to run, and the lender has always the right, in the event of a contraction in the value of securities, to demand that additional margin be supplied. To find in New York anything analogous to this 10 per cent Minnesota loan of which the gentleman speaks, you must take loans on commercial paper, on which the rate is seldom below 6, 7, or 8 per cent. Nearly all commercial paper sells with a discount, which, taken in connection with the rate of interest, makes such loans yield 6, 7, 8, and as much as 10 per cent. I am not speaking now of a few houses, like the house of H. B. Claflin & Co., whose paper has a special value, but the average commercial paper offered to banks commands rates

ranging all the way from 6 to 10 and even 11 per cent. These particular loans made in Minnesota, to which the gentleman from Connecticut [Mr. HILL] refers, are loans made against farming enterprises. These are loans, I am informed, which run for about four months. The long period they have to run operates to make them extremely undesirable.

The fact that the farmer has no commercial rating, and therefore that his note can not be offered in the public market place like a piece of commercial paper, also militates against its value; and because it is a long-time note, issued from a source which has no particular commercial rating, it necessarily commands a very high rate of interest, whether discounted in New York or Minnesota. Some of that bank's loans, of which the gentlemen speak, were of this character, and quite naturally they are at the rate of 10 per cent. But to pretend that all the funds of any bank are loaned at that rate, to pretend that you can take the place where some such loans are made, as a fixed zone where rates are different from what they are in New York, is to misrepresent or to totally misunderstand the operation of banking.

Now, Mr. Chairman, when we consider that wherever you deposit these funds they are almost certain to find their way to New York in any event; that whether you place them with a bank in one State or another; they are almost sure to form part of the reserve which that bank places on deposit with its New York correspondent; this attempt to dam up the flow of this particular stream of our currency is ridiculous and preposterous. To urge, as it has been urged by the gentlemen on the other side, that in banking it is necessary to treat the different sections of this country as being governed by irreconcilably hostile conditions and interests is to do violence, not merely to the facts, but, in my judgment, to the obligations of patriotism.

We have no hostile sections of this country in any respect. Their interests are all identical. Every bank throughout this country is interested in the rate of money in New York. By that will be governed the rate of interest upon its own deposits and its own facilities to oblige its own customers. Attempts to treat them as being on separate planes, belonging to separate countries, tied up in separate zones, governed by separate interests, exposed to separate risks, are attempts to inflame hostilities that it should be the objects of patriotism, of enlightenment, and of civilization to stamp out as delusions of a darker age.

I would have been quite prepared for some of the speeches from the other side if they had been delivered by Kansas populists. The gentleman from Indiana [Mr. HEMENWAY], who is about to proceed to the other House by the unanimous suffrages of his party, delivered an address here before the recess in which he declared that I stood on this floor representing the banks in New York in a scheme to oppress and plunder, or at least invade the rights and privileges of banks elsewhere.

I am not here to plead in defense of my own morals. Perhaps if the banks in New York could find it to their profit to have an assault made upon the other banks of the country I might be capable of leading it. If denial of such an imputation be necessary, it would be useless and I shan't detain the committee with it. But gentlemen who profess your financial faith ought to know that its very corner stone is that hostility between sections of this country can spring only from delusions as to the conditions that govern commerce; that every bank throughout the whole country is intimately and profoundly interested in the condition of every other bank; that a system which would try to strike down prosperity in any corner of this land would promptly be reflected in falling prices and clouding prospects everywhere—in New York first of all. Sir, the point of the amendment offered by the gentleman from Mississippi goes far beyond a provision to obtain for the Government the revenues to which it is entitled. That amounts to a substantial sum, but this country is so rich that the mere effect upon is revenues may be treated as of comparatively slight significance.

The important feature of it is the justice that underlies it. Sir, you can not violate justice in one particular and hope that your violation is the only one that will be perpetrated. There is nothing about injustice so remarkable as its fecundity. Every deed of wrong will breed a thousand imitators. The gentleman from Mississippi, in words prophetic, warns you that attempts to favor certain national banks would result in forming a precedent that hereafter may be quoted by a misguided though perhaps well-meaning men to the confusion and disorder of commerce and of government. He reminded you of the general opposition that arose from both sides of this House, and indeed from the whole country, when the Ocala platform was adopted and farmers of the South and West demanded that they should be given loans from the Treasury at 2 per cent in amounts, I believe, to be fixed by themselves. Well, that was a ridiculous demand, a ridiculous suggestion which the common sense of both parties opposed and rejected. But as between loaning the money of the Treasury to farmers at 2 per cent and loaning it to the banks for nothing I ask you to take your choice on the score of morality. These banks want nothing but justice. To that they are entitled to the last degree. There is but one injury you can do them, and that is attempting to give them any special favor. The Government can not extend a special favor without perpetrating an injustice. Injustice works injury in all directions. It works injury to its victim, but it works a far deadlier injury to its beneficiary. The natural operations of these banks are in the highest degree helpful to the body politic. Do not place an imputation upon all their healthful operations by giving them funds for nothing, at least without asking them in competition among themselves if they are ready to pay for them.

Now, disposing of the table or chart of the gentleman from Connecticut with the brief statement that it "might be interesting, if true," let us proceed to consider the amendment of the gentleman from New Jersey, which has some merit and to which, I think, there are some objections. The gentleman from New Jersey concedes the right of the Government to demand interest from banks of deposit, but he coupled the concession with two conditions. First, he claims that the security now exacted from national banks should be remitted, and next he fixes the rate of interest to be paid by them arbitrarily at 2 per cent. So far as the feature of his amendment remitting security is concerned I am inclined to think it is meritorious. In fact, I have no doubt about it. What is the actual condition governing all deposits of public money? The Government, by its own officers, undertakes to maintain a continual supervision of the conditions of the national banks.

If that scrutiny is worth anything, security is needless. The only possible ground for exacting security is that examinations are unreliable. When you exact security you discredit the efficiency of your examination. If a bank is not sound enough to be trusted with its money, the Government should close it. It has no right to let a bank open to be a trap for me or for you when it will not trust that bank itself with its own funds without special security. [Applause.] So far from exacting security, I would not even give the Government a first lien on the assets of a bank for its deposits, for the Government is the only depositor that has the power absolutely to protect itself. All other depositors must trust to the fidelity with which the Government discharges its obligations. And yet, under this system, we are compelled to rely on the Government for information about where it is safe to place our funds, to trust the fullness and completeness of Government examination, and, if our trust is betrayed and the banks turn out to be rotten, we are compelled to make good to the Government from our assets the losses which result from its own incompetency or depravity. [Applause.]

Mr. LACEY. The gentleman, I believe, has unlimited time?

Mr. COCKRAN of New York. Yes, sir.

Mr. LACEY. I would like to suggest a concrete situation right in this connection, which occurred in my own district. Last July an examination of a bank with $100,000 capital was made. It was passed and it was all satisfactory. In August following, less than six weeks, the bank failed, and it turned out that $184,000 of notes of the bank that had been passed by the inspector not only had been forged, but they had been carried as assets for years and years and the bank directors had been deceived, every inspector had been deceived, and the entire loss of capital occurred. An assessment of 100 cents on the dollar was made on the stockholders, still leaving a large amount unpaid. Now, that is a risk that would be assumed by the proposition made by the gentleman from New Jersey [Mr. FOWLER].

Mr. COCKRAN of New York. And that is the risk which I would place upon the shoulders that are responsible for it. What kind of an examination was that which approved and passed notes that six weeks afterwards were found to be forged? What is the object of an examination except to distinguish between forged documents and genuine ones? If the Government had discharged its function of examination efficiently, neither the Government nor the depositors could have suffered any loss.

Mr. LACEY. A careful examination was made.

Mr. COCKRAN of New York. Careful?

Mr. LACEY. Yes, sir; a careful examination.

Mr. COCKRAN of New York. Careful! Why, Mr. Chairman, that simply turns upon different conceptions of what we consider is meant by the expression "careful."

Mr. LACEY. The gentleman would not have suspected any one of those notes of being forged. The directors did not sus-

pect, and they were stockholders. The directors were ruined by the failure of the bank. Those notes were carried from year to year, renewed every three months, dividends were struck upon the forged notes, and nothing but the death of a trusted cashier brought to light the fearful mistake which had been made. Had he lived, the bank would still be continuing. I only suggest this as one of the dangers of taking our chances upon mere assets in the control of somebody other than the Government. [Applause.]

Mr. COCKRAN of New York. I would like to ask the gentleman from Iowa [Mr. LACEY] how old those notes were?

Mr. LACEY. The notes had been renewed every three months, or such a matter, and some of them had been running for eleven years.

Mr. COCKRAN of New York. Now, Mr. Chairman, I ask no stronger statement than that. That those notes could have been carried along eleven years in a bank is of itself absolutely incomprehensible to any sane man. The fact that the examiner seeing these same notes renewed again and again for eleven months, much less eleven years, did not deem himself put upon inquiry to ascertain whether they were genuine or whether they were forged, is the most complete confession of inefficiency, aye, of criminal carelessness, which I have heard made by an apologist of this Administration upon the floor of this House or anywhere else. [Applause.]

Mr LACEY. I beg the gentleman's pardon. This had gone through several Administrations. They had been inspected by one bank examiner after another, and the paper was three and six months' notes.

Mr. COCKRAN of New York. I accept all that the gentleman has said as gospel.

Mr. LACEY. It is as simple as the Chadwick matter after it is all over.

Mr. COCKRAN of New York. I do not know what the conditions in Iowa are. I do not know whether the gentleman wants us to understand the conditions which he describes are those under which he would consider a bank properly managed or not. If these are the conditions that he considers satisfactory for the safety and investment of bank moneys, I venture to assure him he will have requests for loans far beyond his wildest expectation. [Applause].

Mr. LACEY. How can you thoroughly protect the Government where you have got to base it wholly on the skill of the bank examiner, who may be deceived, and the officials also be ruined while they are being deceived?

Mr. COCKRAN of New York. Mr. Chairman, when I spoke before, what I said was necessarily speculative. It has now received the most signal confirmation. The case which the gentleman points out is as palpable and clear a case of criminal neglect as it is possible to conceive.

Neither the Government nor the depositor could have lost a penny if the examination of that bank had been reasonably diligent, and, for my part, instead of giving the Government special security in such a case, instead of giving it a first lien on the assets—ahead of the victims who had been duped and misled by its false assertions—I would make it come in last. But I would hold the officer responsible for these examinations and for the appointment of examiners, and his bondsmen answerable and liable for every dollar that might be imperiled by the failure of such institutions.

But, Mr. Chairman, the gentleman from New Jersey evidently intends to make the right of the Treasury to ask these banks for interest on deposit depend entirely on whether they are required to give security or not. Now, I ask him why should not these banks be allowed to say for themselves whether they can pay interest or not under any circumstances. Why does the gentleman from New Jersey and the gentleman from Iowa assume that the banks can not pay interest if they are compelled to continue to give security?

Mr. FOWLER. It is not a question of assumption at all. It is a matter of absolute demonstration, and I will now give you the statistics showing it. Therefore all the speech——

Mr. COCKRAN of New York. Mr. Chairman, I hate to interrupt the gentleman and to dam up the tide of information which he proposes to turn on, but I must respectfully submit that he can not give statistics as to whether the banks will bid for this money or not until the banks have had a chance to act for themselves in the matter.

Mr. FOWLER. Will the gentleman allow me to answer his question?

The CHAIRMAN Does the gentleman from New York yield?

Mr. COCKRAN of New York. Yes; I yield to anything that will promote the fullness of discussion. [Laughter.]

Mr. FOWLER. I have before me a statement prepared by the Department on June 30, 1899, which gives the following information with regard to the rate on loans in different parts of the United States: The city of Boston had an average rate of 4 per cent on all of its loans; the city of New York had an average rate of 4.6 per cent; the State of Mississippi had an average rate of 8.5 on all loans made in all national banks in the State of Mississippi; the Territory of Oklahoma had an average rate on all loans made in Oklahoma of 10.7 per cent, and what are known as the Western States had an average rate of 8.5, which was double the rate in the New England States.

Mr. COCKRAN of New York. Now, do you mean on similar loans?

Mr. FOWLER. Just a minute.

Mr. COCKRAN of New York. Oh, I hope you will not ask me to wait a minute for that information; I am eager for it.

Mr. FOWLER. If you will allow me, I will say that you can not have similar loans unless you have similar conditions.

Mr. COCKRAN of New York. That is just it.

Mr. FOWLER. This same money that is going into New York and in the eastern cities, but most largely to New York, is not necessarily commercial money, but largely the investment funds of the world, and when these investment funds appear in the commercial market it naturally lowers the commercial rate.

Now, there have been men in parts of the United States who have borrowed money upon Government bonds and paid 2 per cent a month upon them. I know that, because I did it myself once in Kansas. I think that completely answers the gentleman.

Mr. COCKRAN of New York. Does the gentleman mean to tell me now that if he brings Government bonds to a bank in New Orleans and asks for a call loan, the rate of interest charged would be very different from the rate in New York?

Mr. FOWLER. Most assuredly. I doubt whether there was a call loan made below 5 per cent in New Orleans, and the average rate in New York is 1.

Mr. COCKRAN of New York. I say, upon the same security.

Mr. FOWLER. Upon the same security, call loans on Government bonds.

Mr. COCKRAN of New York. Let us see, Mr. Chairman, what the gentleman would have us believe. The bank in New Orleans has a balance with a correspondent in New York. If the rate on call loans in New York be 2 per cent, the New Orleans bank can loan to this applicant upon Government bonds at 2¼ per cent, borrow the same amount in New York at 2 per cent, and make one-quarter of 1 per cent upon the transaction. And yet the gentleman from New Jersey [Mr. FOWLER] would have us believe that the bank, from some motive or other, would recoil from making that profit, without any risk to itself or without any use of its own funds. Now, that may be. The gentleman may have a conception of banking which clothes the banker with a different morality and a different mentality from the rest of us, but I do not share that view.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman will permit me to interrupt him——

Mr. COCKRAN of New York. Yes; certainly.

Mr. WILLIAMS of Mississippi. I quite agree with the gentleman from New York that the chief trouble with the present arrangement is the favoritism, or possibility of favoritism, growing out of leaving this entire matter within the discretion of a Government official. Now, in that connection I would like to ask him if this reflection has not presented itself to his mind in connection with the amendment of the gentleman from New Jersey [Mr. FOWLER], namely, that that favoritism, or possibility of favoritism, will not at all be done away with for this reason: There is no part of this country where the banks would not clamor to be Government depositories at 2 per cent if they were not required to give any security. Therefore the number of banks asking to become depositories would be so great that it would far surpass the supply of money to be loaned, and the Secretary of the Treasury would then be reduced again to the necessity of selecting in his own arbitrary discretion the depositories at 2 per cent, just as he now selects them at no per cent.

Mr. COCKRAN of New York. Undoubtedly, Mr. Chairman, there can be no question about the correctness of that position. I can not for the life of me understand, notwithstanding the lucid explanation which the gentleman from New Jersey [Mr. FOWLER] has undertaken to give, how any person can say here that the banks can not pay this or can not pay that rate of interest, when the amendment of the gentleman from Mississippi [Mr. WILLIAMS] simply invites them to say for themselves at first hand whether they can or not. I will admit that the gentleman from New Jersey is the most profound, and respectable, and imposing, and majestic authority on this question in this House or in all the political world, but surely——

Mr. FOWLER. If your judgment was worth anything I would thank you. [Laughter on the Republican side.]

Mr. COCKRAN of New York. I have not expressed that as my judgment, Mr. Chairman; I have only advanced it for the purpose of argument, and I see already it has made the argument ridiculous. [Laughter on the Democratic side.] Nowhere has the tribute to the gentleman been so enthusiastically vociferous as in his own immediate neighborhood. But I repeat, Mr. Chairman, I am willing to assume, for the sake of argument, that the gentleman from New Jersey is the most imposing, the most respectable authority on this subject in all the political world; but surely he is not a better authority than all the banks themselves acting together in a competition for their mutual interest. The gentleman from Mississippi [Mr. WILLIAMS] does not undertake to say whether or not 2 per cent is the correct amount, whether it is the amount that at all times ought to be exacted. Perhaps it is. Perhaps the gentleman from New Jersey is infallible on this question. Notwithstanding the laughter with which that last suggestion was received, I say it is within the bounds of human belief that he is infallible, but if he is the amendment of the gentleman from Mississippi [Mr. WILLIAMS], if it go into operation, will make that infallibility all the clearer. Perhaps it will turn out that 2 per cent is the amount that should be fixed; but the gentleman from Mississippi [Mr. WILLIAMS] simply demands that the banks themselves shall fix that amount, and that it shall not be fixed arbitrarily here by the gentleman from New Jersey and the majority of this House.

If 2 per cent is the amount the banks can pay, the banks will say so; if 3 per cent be the amount, the banks will say so. There may come a time when 2 per cent would be excessive. In that case the amendment of the gentleman from Mississippi allows the banks, by their own action, to fix the rate at 1½ per cent.

Mr. Chairman, in the last analysis the distinction between the amendment of the gentleman from Mississippi and the amendment of the gentleman from New Jersey is this: The gentleman from Mississippi prescribes the rule of exact justice for this transaction. He holds the Government impartial between all these banks, allowing them by their own acts to determine in what amount and in what direction these funds should be distributed. The gentleman from New Jersey, doubtless inspired by the best of motives—here, I notice, his side does not laugh, but that both sides of the Chamber are serious—inspired, I will say, by the best motives, proposes to substitute for the natural operations of trade the resources of his own wisdom. [Laughter.] These are vast, I have no doubt—I still want to guard myself from derisive laughter—but not so vast as the resources of the national banks themselves in determining what they can pay for the use of these funds.

I appeal once more to both sides of the House and beg them in the interest of commerce, of sound money, of the banks themselves, to assume on this question the position of impartial justice; to heed the words of warning spoken by the gentleman from Connecticut [Mr. HILL] on Thursday last, although it seems to me he strangly misapprehends now their true application. He sounded a warning against the power of the Treasury to deposit vast funds in one part of this country and another. I reecho that warning. I appeal to both sides of the House to make it, if not impossible, at least as innocuous as possible, by compelling the Secretary of the Treasury to exercise this power not according to his own judgment, caprice, or favor, but according to the operations of trade, ascertained through competition of its most effective agencies held under rules to be fixed by him.

It was suggested by the gentleman from New Jersey [Mr. FOWLER] in a question by the gentleman from Mississippi [Mr. WILLIAMS] last week that a change of vast deposits at stated intervals might work serious disturbance in the financial world. Sir, I remember that in the course of that very colloquy at one time the gentleman from New Jersey said that the total amount of these deposits would be infinitesimal as affecting the general volume of exchange and banking operations, and in the next minute said it would be so great that it would seriously disturb all trade.

There is no possibility of anything disturbing the channel of trade that can be foreseen. Any operation of finance that is prescribed by law that is equal, that is timely and certain, can never find trade unprepared or unadjusted. Let the commerce of this country know that these funds will be distributed every three months, or six months, or at any time the Secretary of the Treasury may prescribe, and the trade of the country will adjust itself to that distribution with unfailing regularity. Nay, more. The rate which the market can pay will be fixed long before the bidding occurs and will be known to all men. Rates of interest are not fixed by banks arbitrarily, although here again the gentlemen on the other side seem to affright themselves with some extraordinary misconceptions of what banks must be. They seem to think these beneficent and essentially pacific institutions are monsters that prey on the community when they have a chance, and, when the community is exhausted, turn their furies upon each other.

Sir, banks will not conspire against the welfare of the country. Banks will not compete to the injury of each other. They will compete for their mutual benefit and they will operate for the public good. They will compete for opportunities to serve the people, if you do not equip them with power to plunder the people. It is fair to assume that where power to profit by plunder—that is to say, by favor—is given it will be used. If you allow certain banks to use these public funds without interest, I ask why don't you allow me, why don't you allow others, to have the benefit of public funds without interest? We can use them at a profit and we can give security, as the banks do now. You would not listen to such a proposal, and your refusal does you credit. But you do propose to give the banks these funds without conditions. That is a wrong. It is giving the bank something to which it is not entitled. Let a bank or any other human institution have a chance to profit by the spoliation of its neighbor and that chance is very likely to be improved. Nay, more, it can not fail to be improved. Banks are competitors. Under wholesome conditions—that is to say, with Government impartial between them—this competition must always be beneficial to the public. If, however, some banks get favors from the Treasury, other banks will be equally eager to seek the same favors.

No bank can stand by and allow other banks to get special favors without striving to share them. To remain supine while competitors are reaping advantages would be disloyal on the part of the directors. You are here creating what? Not a fountain of industry to which all banks must contribute by their very operation; not an avenue of service which all banks can pursue alike, each seeking the goal where its activities can take the form of the largest stimulus and encouragement to production. No. You are establishing a fountain of favor. You propose that the Secretary of the Treasury shall say to this bank and that bank and the other, You shall have funds, funds to use, funds to profit by, without returning any corresponding benefit to the Treasury. It is not the amount the bank will make nor the amount the Treasury will lose against which I protest. In my present condition I should not take the floor upon that question. I should not have thought it worth the time of the House that I have consumed. But I protest against any special favor to banks as I would protest against the slightest injustice to them. Nay, I protest against this attempt to do them favors as the very gravest injustice that could be done to them. I protest against it as one who made the fight for sound money with gentlemen on the other side, holding their views on this precise question, of the function which banks discharge, the duties they owe the public, and the protection to which they are entitled, always upholding them because I believe they were built on justice.

Do not now discredit the cause which is triumphant by using its phrases and professions while perpetrating an act of favoritism, which is an act of injustice balefully and malevolently fruitful because bound to become the parent of a sinister and numerous brood.

Sir, there is but one law which should govern banking and all other operations of both commerce and government. That is the law of equal and exact justice. You have here large funds to deposit. There is but one way to decide where they should go and that is to ascertain what banks will pay the most for the use of them. That will indicate where the funds themselves are most needed in commerce. You have no other guide which you can afford to follow. Forsake that and you are at once driven to consult the whim or caprice or some other emotion in the breast of the Secretary of the Treasury. You raise him to a power which no man can safely exercise in a democracy—aye, or under any other form of government. The amendment of the gentleman from Mississippi [Mr. WILLIAMS] points you to exact and equal justice. It points you to sound banking, to sound morality.

I appeal to everyone who believes that equity and sound morals should govern in all matters financial and matters political to support this amendment now and launch this substantial reform in the method of treating public funds, not under a cloud of favoritism and wrong, but under the bright sunshine of perfect justice to every element of the community. [Prolonged applause.]

Mr. LILLEY. Mr. Chairman, the gentleman from New York I understood to say liked certain features of the bill and cer-

tain features of the amendment of the gentleman from Mississippi [Mr. WILLIAMS]. I would like to ask the gentleman from New York if he does not think an amendment could be offered including the best features of both propositions which would be preferable to either of them now?

Mr. COCKRAN of New York. I think, Mr. Chairman, that the suggestion of the gentleman is one that I always like to follow, and if I could think of any improvement to the amendment of the gentleman from Mississippi I would gladly welcome it; but it seems to me that amendment expresses the exact justice of this situation. If the gentleman can suggest any amendment to the amendment of the gentleman from Mississippi which would improve it, I should be glad to accept it.

Mr. LILLEY. The doing away with the bond security.

Mr. COCKRAN of New York. The amendment of the gentleman from Mississippi does not touch that. I have already said that from my point of view for the Government to exact security from banks of deposit is to discredit its own examination of them, and that, far from giving the Government special security or a first lien on assets, I would make it come in last, and hold the officer charged with the responsibility of examination responsible by himself and his bondsmen for every dollar of loss.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to address the House for a few moments.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to address the House. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. There was so much confusion about me I could not hear the request made by the gentleman from New Jersey.

Mr. FOWLER. The request was that I be allowed a few minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to address the House without limiting any specific time.

Mr. WILLIAMS of Misssissippi. Mr. Chairman, the gentleman from New Jersey had that permission once before. It seems to me that to have permission for unlimited time twice under the five-minute debate is——

Mr. FOWLER. I shall not speak over three or four minutes.

Mr. WILLIAMS of Mississippi. I ask, then, that the gentleman may have ten minutes. Is that sufficient?

Mr. FOWLER. Yes.

Mr. WILLIAMS of Mississippi. I thought the request was for unlimited time.

Mr. FOWLER. Mr. Chairman, we are not dealing with idealism nor with sentiment nor phosphorescence. We are dealing with facts ascertainable and ascertained, and when the gentleman attempts to address this House for an hour upon an assumption which he claims was false, but literally verified by the facts which I have just presented to the House, it seems quite unnecessary that much if any reply should be made to him. I simply want to call the attention of the House to the fact that in the various sections of this country the rates of interest are different and they are controlled by the peculiar conditions existing in the various parts of the United States; and I will venture to say now, without any very definite knowledge of any particular case, that now in portions of the United States men are paying 2 per cent a month on loans. What kind of loans? Probably cattle loans, where they are feeding cattle and where the security is absolutely good and as good for the money advanced as Government bonds, but the conditions in that community control rates of interest in that locality.

Mr. COCKRAN of New York. Will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from New Jersey yield?

Mr. FOWLER. I think not. When I get through with my remarks I will answer any question you may ask me.

Mr. COCKRAN of New York. I just had a short one at that point.

Mr. FOWLER. Well, put it in pickle until I get through.

Now, I want to say a word with regard to the incident alluded to by Mr. LACEY, and about bank examinations incidentally. Mr. LACEY gave to this House an instance that was marvelous in the length of time that the forgeries were carried on. The gentleman from New York criticised the examiners because they did not know that these notes were forged. Why, if you assume that a bank examiner can tell in a minute whether a note is forged or not you have got to assume something they never will do.

The directors of the bank ought to inquire, the examining committee that examines, or should examine, the discounts of the bank every three or six months ought to know whether the notes are forged; but no bank examiner traveling over this country can go into a bank and say whether or not the notes of that bank are forged. Now, what bearing does this incident cited by the gentleman from Iowa have upon this question? It has absolutely no more bearing upon the question before this House than a suicide would have upon the principle of life insurance—simply a horrible exception. It is extraordinary, it is not the usual, it is not the average, and that is what business is based upon. It is the average experience that should control us and not some astounding and astonishing exception. Now I want to come to one other point referred to by the gentleman from New York, and that is with regard to the rate of interest. I have stated that the highest bid made for money does not indicate necessarily where it is most needed.

The average rate of money in a particular town in the West may be 8 or 10 per cent and a bank in that locality may bid 3 or 4 per cent for it, and yet there may not be the need of money in that locality there is in some other locality at a given time where money may loan for 4 or 5 per cent. It indicates nothing except this: It reflects the average local rate and nothing more unless the bid should be the result of a panic in the locality, when men might bid almost any price for deposits. Now, what is the basis of this 2 per cent rate? It was fixed at 2 per cent by the committee two years ago because throughout the length and breadth of the land in the reserve cities the bankers were paying to their customers, to their large depositors who were giving them an average balance of $5,000, $10,000, or $20,000, 2 per cent, and I will venture to say that to-day the average rate on these large balances throughout the United States is approximating 2 per cent.

Now, should it be put up for auction? Should the Secretary of the Treasury offer the money to the bankers because, forsooth, they want it in this locality or that locality, at one price here and another price there? Not at all. If you put it up at auction, how often are you going to do so? Is it to be put up at the end of every week or at the end of every month or only once a year? All of you gentlemen, coming from different parts of the United States, realize that at various times of the year money is more active than at other times. You see that if the Secretary of the Treasury of the United States should offer to the country five, ten, fifteen, fifty, one hundred, or one hundred and fifty millions of dollars at any time it might all of it go to New York, in case of panic, at the rate of 365 per cent a year, for money has loaned there at the rate of 1 per cent a day. It would necessarily become a disturbing factor, and it would be unbusinesslike and unjust to do so.

Now, the effect of the amendment which I offered was to give to the several banks of this country, not a large sum of money, but to any one bank an amount not exceeding 25 per cent of the paid-up and unimpaired capital. What would the result be in distributing $100,000,000? We have about $800,000,000 of banking capital, and therefore, if you deposit 25 per cent of the amount of the paid-up capital of the banks, it would secure, as a matter of fact, a wide distribution of capital throughout the length and breadth of the United States. It gives to the banker out in Iowa, out in Oklahoma, his deposit at 2 per cent, the effect of which would be gradually to lower the 10 per cent that the people are paying there, which would not result if the man in Oklahoma had paid 5 or 6 per cent for the Government deposit.

What is the duty of the Government in such a case? It is, so far as possible, by the use of these public funds, to secure a fixity of conditions throughout the length and breadth of the land, and disturb them as little as possible, instead of doing just the reverse.

Now, as to the question of favoritism. There can be no law, in my judgment, that would result in more equal justice than a law operating alike throughout the length and breadth of this country, precisely as the amendment that I have introduced. It would send the money, not to New York City alone, but to every part of the country on equal terms. If the amount is one hundred millions, as it is now, I doubt whether any section of the country would be without some Government deposits. Therefore, gentlemen, what are you going to do upon these amendments? It seems to me——

Mr. BOWIE. Will the gentleman allow me to ask him a question right there on the question of favoritism? Would the gentleman object to an amendment to his amendment, reading as follows:

Provided, That all moneys so deposited shall be equitably distributed between the banks in the several States of this Union.

That proposition is left out. Now, under the present dis-

tribution one city of Arkansas has $100,000 and the city of New York has $40,000,000. That is not an equitable distribution so far as the country is concerned.

Mr. FOWLER. My own judgment is that the Secretary of the Treasury should be allowed to deposit this money as he chooses, for this reason—that if the Secretary had placed any given or permitted quota in New York City already he would be unable to increase it, even in case of panic, although an additional deposit would save us, not in New York alone, from a panic, but the whole country; for let no man in this House think that you can have a panic in New York City without the whole country suffering more or less. If money is put in New York City in a time of general stress, it will do more good than if put anywhere else, because that is the very heart of our financial system, and the banks in this country which are keeping an account there can appeal to their New York correspondents for assistance, and invariably obtain it if the banks have just claims and are entitled to aid. Of course this would be true, in a measure, of all financial centers like Boston, Philadelphia, Chicago, St. Louis, New Orleans, and San Francisco.

Mr. HILL of Connecticut. Mr. Chairman, I ask for a vote on the amendments.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. HILL of Connecticut. Division, Mr. Chairman. [After a pause.] To save time, I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers.

The committee divided; and the tellers reported—ayes 114, noes 90; so the amendment was agreed to.

Mr. HILL of Connecticut. I now call for a vote on the second amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

Mr. THAYER. I would like just a word. Mr. Chairman, there seems to be a great variety of opinion in the House as to the feasibility of passing this amendment, on the ground that the banks, as some say, will not be willing to accept this money and pay 2 per cent interest. It is claimed by others that there will be a great desire on the part of the banks to take this money and there will not be enough to go round. It is all left now, if this amendment of the gentleman should carry, to the Secretary of the Treasury and wholly in his discretion. I was very much impressed by what the gentleman from Mississippi said when he said if this bill went into operation there would be a demand for this money from all over the country, and there would be so many demands for the money that the Secretary would be in the same condition that he is now, in that he would choose this bank in this city and that bank in another place and in this way the money would not be equitably distributed through all the States.

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me, I said that in reference to the amendment of the gentleman from New Jersey.

Mr. THAYER. Certainly. I am speaking relative to his amendment.

Mr. WILLIAMS of Mississippi. Which fixes the rate of interest.

Mr. THAYER. I was greatly impressed by what the gentleman from Mississippi said. Now I have got an inkling in my own mind in some way if this bill goes into effect that the most of the money will go to New York, Chicago, and Boston, and I would suggest to the chairman of the committee as to the feasibility or propriety of having an amendment to this amendment, so that this money should be placed in the different banks in the different States pro rata, either to the amount of business or the population in each State of the entire country outside of the Philippine Islands, or proportionate to the amount of bank stock in the several national banks. It seems to me, despite what I have heard here by those opposed to the banks paying any interest, that it is going to be a good thing for the banks, and if they are going to demand this money and pay this interest, which I think they ought to pay, when they are relieved of putting up security in the purchase of bonds, that every State in this land should have its share of this money, provided it demanded it and is willing to pay the stipulated interest, and that the money should not go to a few preferred banks. And the way to secure this disposition of the money is to provide for it in the bill, not leave it to the discretion of the Secretary of the Treasury or anyone else.

Mr. HILL of Connecticut. Mr. Chairman, a number of requests have been made that the amendment offered by the gentleman from New Jersey be again reported. If there is no objection, I think it would be fair it should be done before it is voted upon.

The amendment was again reported, as follows:

Strike out all after the enacting clause in section 1 and substitute in place thereof the following:

"SECTION 1. That in addition to the provisions of section 5153 of the Revised Statutes, concerning the designation of public depositories and the deposit of public moneys therein, the Secretary of the Treasury may also deposit in such designated depositories any public money received from whatever source, including receipts from customs, without requiring security by the deposit of United States bonds and otherwise, as provided in said section, but no such deposit shall in any case exceed 25 per cent of the paid-up and unimpaired capital of any such depository. National banking associations having on deposit public money in accordance with the provisions of this act shall pay to the United States for the use thereof interest at the rate of 2 per cent per annum, payable semiannually on the 1st days of January and July of each year. The United States shall have a paramount lien on the assets of banks in which public moneys are deposited in accordance with the provisions of this act for the repayment of the same on demand of the Treasurer of the United States."

Mr. HILL of Connecticut. As I understand, that strikes out the section as now amended by the gentleman from Mississippi and proposes to insert in lieu of that section the amendment as just read.

Mr. WILLIAMS of Mississippi. Mr. Chairman, has discussion upon this amendment been exhausted?

The CHAIRMAN. It has not.

Mr. WILLIAMS of Mississippi. Then I desire to be heard a moment upon it.

Mr. HILL of Connecticut. I supposed the amendments had been offered here two or three days ago and that they were pending together.

The CHAIRMAN. The amendment was simply read for information and was not pending until after the disposition of the amendment of the gentleman from Mississippi.

Mr. HILL of Connecticut. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. Not more than five minutes.

Mr. HILL of Connecticut. Then I ask that debate on both amendments close in ten minutes.

Mr. WILLIAMS of Mississippi. I do not care.

Now, Mr. Chairman, I want to say this to the House: We have just passed an amendment offered the other day by me. Now, the amendment offered by the gentleman from New Jersey is absolutely useless unless gentlemen prefer that amendment to the one which we have just passed.

It is an amendment with the effect of a substitute. In other words, if the amendment of the gentleman from New Jersey [Mr. FOWLER] should pass, it would wipe out the amendment which the House has just this moment adopted.

Now, I want to tell the House the two salient objections, or rather to emphasize again the two salient objections to the amendment of the gentleman from New Jersey. In the first place, it fixes the rate of interest arbitrarily, not leaving it to be fixed by the demands of trade in its slack times and in its tight times, as it ought to be fixed. It undertakes to interfere with ordinary trade relations, instead of leaving them automatically to work out their own results.

The next objection to it is that it will not remove in the slightest degree the chief fault of the present system, to wit, the fault of its favoritism, or possibility of favoritism, if gentlemen would prefer me to put it that way. It will leave the money of the country to be deposited in the banks and virtually to be let out at a rate of interest so small, especially when you consider that no extra security is to be given by the borrowers at all, that every national bank in the country will want to take all it can of the public deposits. The consequence will be that we will have the very system which we now have. As not all of the banks can possibly be depositories under this amendment, and as all of them will be begging to be depositories, we are carried back to the point where we stand to-day. The Department must, in its arbitrary discretion, with a possibility of favoritism by no means to be overlooked, a favoritism which has been exercised in the past, in some cases at any rate, select out of the number of those who are clamoring to be depositories those who are chosen by it to be depositories, without any legal prescription of the manner in which the choosing shall be done and without any Department regulation, even, of the manner in which it shall be done.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. MANN. Why does not the gentleman now propose an amendment to the amendment proposed by the gentleman from New Jersey—I take it that it is subject to amendment at this stage—providing that the money shall be loaned upon bids in-

stead of at 2 per cent, leaving the amendment providing that it shall be loaned without the usual security now required?

Mr. WILLIAMS of Mississippi. The reason I do not do that is because I think it unnecessary. The House has just passed an amendment which does the very identical thing.

Mr. MANN. If the gentleman will permit me, I voted for his amendment——

Mr. WILLIAMS of Mississippi. Yes.

Mr. MANN. But I do not believe that it would prevail again as against the amendment of the gentleman from New Jersey, because your amendment provides that the present security shall be required, which practically shuts out the banks from the South and West. The amendment of the gentleman from New Jersey, as perfected by your amendment, would take the money away from the cities and put it into the South and West.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, that remark leads me to the next point that I intended to come to. The next objection to the amendment of the gentleman from New Jersey is this: It makes the Government of the United States a depositor, just like all other depositors, and then, instead of leaving the Government of the United States to run an equal chance with all other depositors, it gives it a first lien upon all the assets of the banks for the payment of its special deposits.

In other words, it does not increase the assets of the banks by the deposit of any security whatsoever. It increases the assets only by the amount deposited. It increases the liabilities of the bank by the amount deposited, and in case the bank should fail the Government would come in absolutely secure in its deposits because of the first lien on bank assets given, thereby impairing the security of the other depositors of the bank upon the other assets of the bank. That is my answer to the gentleman from Illinois.

Now, if somebody will offer an amendment, or if I get the opportunity I would not mind offering it, that the present security required, which consists of Government bonds, shall be changed so that any public securities adjudged to be absolutely good in the opinion of the Secretary of the Treasury may be deposited, I shall have no objection to that. I refer to State or municipal or public securities, not private corporation securities of any description. But my objection to the proposition of the gentleman from New Jersey is that it does impair the security of the other depositors, and therefore weakens the safety of the banking system.

[Here the hammer fell.]

Mr. HILL of Connecticut. Mr. Chairman, I desire to state that I would like to secure a vote on the amendment offered by the gentleman from New Jersey; but I understand that the gentleman from Alabama [Mr. BOWIE] has an amendment to the amendment which he wishes to offer. I have no objection, but I wish to give notice to all Members that if the opportunity is afforded I shall ask a separate vote on this amendment, whatever it may be, when it comes into the House.

Personally I am opposed to interest in any form. I am in favor of maintaining the existing conditions, but I am glad to see these expressions of views.

Mr. BOWIE. Mr. Chairman, I offer as an amendment to the amendment of the gentleman from New Jersey the following:

Provided, That all moneys so deposited shall be equitably distributed between the banks in the several States of this Union.

Mr. FOWLER. Mr. Chairman, I accept that amendment.

Mr. SHERLEY. I would like to know, Mr. Chairman, whether the amendment offered by the gentleman from New Jersey is subject to division. There are, I believe, in this House a great many Members who desire to retain the competitive feature of bidding for these deposits and who also desire to do away with the security now required by law. If we may be permitted to vote on these distinct features offered by the gentleman from New Jersey, we desire to do so.

Mr. WILLIAMS of Mississippi. Do I understand the gentleman from New Jersey to accept the amendment offered by the gentleman from Alabama [Mr. BOWIE]?

Mr. FOWLER. Yes.

Mr. BARTLETT. That is not in his power; it is for the House to determine.

The CHAIRMAN. The amendment has not been yet reported by the Clerk. The Clerk will report the amendment to the amendment offered by the gentleman from Alabama to the amendment of the gentleman from New Jersey.

The Clerk read as follows:

Amend the amendment by adding:
"*Provided*, That all moneys so deposited shall be equitably distributed among the several banks of the several States of the Union."

Mr. SHERLEY. Mr. Chairman, I should like to have an answer to the parliamentary inquiry I proposed.

The CHAIRMAN. The Clerk will read Rule XVI.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would like to ask the author of the amendment whether he intends that the amendment shall apply to private banks as well as national banks. He says "these several banks."

The CHAIRMAN. Rule XVI provides that "a motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert."

This is a motion to strike out and insert, and under the rule it is not divisible.

Mr. HILL of Connecticut. Mr. Chairman, after the amendment has been acted upon, is it not subject to a further amendment? If the insertion is made as the gentleman suggests, is it not subject to further amendment?

Mr. COCKRAN of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COCKRAN of New York. What is the status of this amendment?

The CHAIRMAN. In answer to the gentleman from Connecticut, the amendment to perfect the section ought to be made before there is any further amendment.

Mr. COCKRAN of New York. Is the amendment of the gentleman from Alabama now before the committee?

The CHAIRMAN. The amendment by the gentleman from Alabama to the amendment of the gentleman from New Jersey is before the committee.

Mr. COCKRAN of New York. I understand the Chair to say that it is in order?

The CHAIRMAN. It is in order.

Mr. THAYER. Mr. Chairman, I am in entire accord with what I understand to be the purpose of this last amendment, but it seems to me that it amounts to nothing; at least, it does not go far enough to suit me; it is that this money shall be equitably distributed. We presume, before beginning, that the Secretary of the Treasury would distribute this equitably, but there is an idea lurking about that perhaps some banks are more favored than others. I think that the way to legislate is to legislate in clear terms. Let it be, in effect, that these depositaries shall be in each State proportionate to the inhabitants of the State throughout the entire country or proportionate to the national-bank stock in each State, if the demand is made for the money, and then we shall know where we are. Simply to put in an amendment that it shall be equitably distributed, when we presume before beginning that it shall be equitably done, will amount to nothing. Let us provide that each State shall have the liberty and privilege of taking this money proportionate to the bank stock, the business, or population of the State, and then each State, if it wants the money, can have it.

Mr. COCKRAN of New York. May I ask the gentleman a question?

Mr. THAYER. Certainly.

Mr. COCKRAN of New York. Does the gentleman think that it will go to any other place than where trade requires it?

Mr. THAYER. I do not know whether it will go where trade requires it or not.

Mr. COCKRAN of New York. Would the banks demand it for any other purpose than the purpose of profit?

Mr. THAYER. I suppose not.

Mr. COCKRAN of New York. A profit to be obtained otherwise than through trade?

Mr. THAYER. That is a sort of logical question I am not now discussing. I am not going into that. I refer to the statement of the gentleman from Mississippi [Mr. WILLIAMS]. He says that these banks all over this country, if they can get this money at 2 per cent and loan it at 4 per cent, will be anxious to get the money, and I for one want that privilege to be given to every bank throughout the country on an equal footing, whether it is away out at some crossroads in the country or in Wall street, and I should like to have this bill contain a provision that would make it imperative upon the Secretary of the Treasury to give the money to the Western and the Southern States just as much as to New York, pro rata to the demands of the people.

Mr. COCKRAN of New York. Oh, I have no objection to that.

Mr. BARTLETT. Mr. Chairman, it is well in the conclusion of this debate that we undertake to find out the exact position of the bill before we vote upon the propositions now pending. The Committee of the Whole by its vote a few moments ago decided that it would adopt and did adopt the proposition offered to this bill by the gentleman from Mississippi [Mr. WILLIAMS], which was that the money should be deposited in those banks, under the rules and regulations now prescribed by law, who will pay the highest rates of interest. Now, the

proposition of the gentleman from New Jersey [Mr. FOWLER] is that this money shall be deposited in the banks without any security, as now provided by law, changing that section of the Revised Statutes, which would change the security, the kind of security that is required by the statute, into a security upon all the assets of the bank, the deposits not to exceed one-fourth of the unimpaired capital of the bank, the Government to have a first lien upon all assets of the bank for its security.

Now, I desire to suggest that under the law as it now exists all the stockholders of a national bank are personally liable to the extent of their stock for all the debts of the bank. The bank, if it should happen to fail—and the records show that a number of them do fail—would be called on to pay first the deposit of the Government. If the assets of the bank did not amount to enough to pay the deposits in the bank the stockholders would be first called upon to pay them and the depositors would be deferred to the Government, and the stockholders would be mulcted in the full amount of their stock if the assets of the bank did not pay the debts. Now, I do not agree with the gentleman from New York [Mr. COCKRAN] in his statement that the Government of the United States ought to be put behind all the other creditors of the bank because the Government has it in its power to ascertain the conditions of the bank and ought not to permit it to fail.

In my town the oldest national bank failed and closed its doors on the 16th of May last. The bank examiner examined the bank on the 14th of May and passed it. The 14th of May happened to be on a Saturday. He had hardly got out of town before, on the 16th day of May, which was Monday, he was overtaken by a telegram sent him to come back, stating that the bank had closed its doors. Now, I know that examiner, and I know him to be an honest and faithful man. He does not live in my part of the country, but lives somewhere in Illinois. He had undertaken to do his duty, and he had passed the bank. The assets of the bank appeared, upon their face and upon examination, to be all intact. I hope this amendment will not pass. If the banks desire to have the deposits of the Government's money, to borrow it—for that is what the deposit by the Government amounts to, a lending to the banks—let the national banks secure the Government, as now provided by law, by the deposit of Government bonds or such other security as the Secretary of the Treasury may require.

Mr. HILL of Connecticut. Mr. Chairman, to save time, I shall ask for tellers on the amendment in the first place.

Mr. BOWIE. Is it necessary to have tellers on the amendment to the amendment?

Mr. HILL of Connecticut. Oh, that is accepted.

Mr. BARTLETT. Oh, no, Mr. Chairman, I do not understand that it is in the power of any gentleman to accept an amendment.

Mr. FOWLER. I accept it and make it a part of my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama to the amendment offered by the gentleman from New Jersey.

Mr. HITCHCOCK. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HITCHCOCK. What effect will the adoption of this amendment have on the amendment already adopted?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman can answer that for himself.

Mr. SCOTT. Mr. Chairman, I rise for a parliamentary inquiry. I understood the gentleman from New Jersey to accept the amendment of the gentleman from Alabama. Now, if he accepts it, does he not thereby make it part of his amendment, and must it not therefore stand with his amendment?

The CHAIRMAN. The gentleman from New Jersey can not act for the Committee of the Whole; they must pass upon the question. The question is on agreeing to the amendment offered by the gentleman from Alabama to the amendment offered by the gentleman from New Jersey.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BARTLETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 138, noes 14.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from New Jersey as amended.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Chairman.

Mr. HILL of Connecticut. Mr. Chairman, I call for tellers. Let us have tellers.

Mr. WILLIAMS of Mississippi. Well, let us have tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New Jersey, Mr. FOWLER, and the gentleman from Mississippi, Mr. WILLIAMS, will take their places as tellers.

The committee again divided; and the tellers reported—ayes 101, noes 125.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits the deposit of more than $3,000,000 of lawful money during any calendar month for the purpose of withdrawing circulating notes is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

Mr. HILL of Connecticut. Mr. Chairman, I offer an amendment.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Connecticut has been recognized.

Mr. HILL of Connecticut. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Connecticut offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 2 and insert in lieu thereof the following:

"SEC. 2. That section 9 of an act entitled 'An act to enable national banking associations to extend their corporate existence, and for other purposes,' approved July 12, 1882, and amended by the act of March 14, 1900, be, and hereby is, amended to read as follows:

"SEC. 9. That any national banking association now organized or hereafter organized desiring to withdraw its circulation notes upon a deposit of lawful money with the Treasurer of the United States as provided in section 4 of the act of June 20, 1874, or as provided in this act, is authorized to deposit lawful money and withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than $3,000,000 of lawful money shall be deposited during any calendar month for this purpose, or such greater amount as the Secretary of the Treasury may from time to time prescribe: *And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof."

Mr. HILL of Connecticut. Mr. Chairman, just one word of explanation——

Mr. WILLIAMS of Mississippi. Before the gentleman proceeds, I think the Clerk read "not more than $3,000,000 to be deposited." It was intended "not more than $3,000,000 to be withdrawn," of course. The Clerk read the amendment "not more than $3,000,000 to be deposited."

Mr. HILL of Connecticut. No; that is right. Lawful money to be deposited by the banks to withdraw their bills.

Now, Mr. Chairman and gentlemen, the committee reported in favor of removing the limit of $3,000,000 a month on the withdrawal by the banks of national-bank note circulation. The gentleman from Georgia will pardon me for reading from his report. He says, "I would be willing to vote for a proposition to increase the limit from $3,000,000 to $6,000,000 per month, but I deem it unwise and not in the interest of anyone except the national banking associations to repeal the limit altogether." The Secretary of the Treasury has prepared and given to me an amendment, or a proposition which I will submit as an amendment, which I think will meet the views of all parties both of the minority and majority of the committee.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman to state the difference between his amendment and the present law?

Mr. HILL of Connecticut. I will. The present law limits the withdrawal to within $3,000,000 a month.

Mr. BARTLETT. Not more than.

Mr. HILL of Connecticut. Not more than. This is the last limitation existing upon the national-bank note circulation. The report of the committee was in favor of striking off the limit and giving to the national-bank note circulation all flexibility that could be secured from a bond-secured currency. Now, in order to meet the wishes of even those who think that that might be unwise I have offered this substitute, and it differs from the present law only in the words which I will read: "Or such greater amount as the Secretary of the Treasury may from time to time prescribe." In other words, the $3,000,000 limit remains, and it is within the power of the Secretary of the Treasury to enlarge that amount from time to time if circumstances justify it. Now, just one word, and I will be very brief.

This limit of $3,000,000 was in force when we had one hundred and twenty millions in circulation. It is in force now, when we have $470,000,000 of circulation. I think the question is whether you will leave it where it is or whether you will make some variation according to the amount of the circulation. If our circulation should increase to a thousand millions, you see that

the simple effect of leaving it as it is would be to tie it up tighter and tighter all the time. Now, the gentleman from Georgia [Mr. BARTLETT] objects, as other gentlemen object, that it ought not to be left in the power of the banks to withdraw at will. The amendment does not leave it with the banks, but does leave it with the Treasury Department to absolutely control the situation, and I think any gentleman would concede that there should be either a percentage of withdrawal or a removal of the limit.

Mr. WILLIAMS of Mississippi. Would the gentleman from Connecticut [Mr. HILL] object to adding to his amendment, after that part of it which says "within the discretion of the Secretary of the Treasury," substantially these words:

Not to exceed $7,000,000 in any one month.

My reason for putting it at seven is that, according to my calculation, roughly, seven bears the same relationship to the amount of the outstanding note circulation to-day that three did at the time the law was originally enacted.

Mr. HILL of Connecticut. I would not object at all to 3 per cent, but you are legislating for the next ten years, and the circulation may be a thousand millions at that time.

Mr. WILLIAMS of Mississippi. What is the percentage of seven millions now?

Mr. HILL of Connecticut. Three per cent is about the same proportion.

Mr. WILLIAMS of Mississippi. Then the gentleman would not object to saying:

Not to exceed 3 per cent in any one month.

Mr. HILL of Connecticut. I would not object to that. It simply says to the Secretary, then, you shall not exceed 3 per cent. He can refuse to allow any more.

Mr. WILLIAMS of Mississippi. My object is this, if the gentleman from Connecticut [Mr. HILL] will pardon me for just one moment. This system has worked very well, as far as that feature is concerned, thus far, except the circulation has increased so much the percentage bears a smaller relationship. I would like to keep that same relationship. Whatever the percentage is that will make about seven millions now, I would like the gentleman to accept an amendment covering the same, making it 3 per cent.

Mr. BARTLETT. Two per cent on four hundred and fifty-five million dollars.

Mr. WILLIAMS of Mississippi. I do not know whether the gentleman from Georgia [Mr. BARTLETT] will agree with me or not, but if he would agree with me to accept "not to exceed 2 per cent in any one month" I would be very glad to settle this point right here.

Mr. HILL of Connecticut. Well, if we were legislating for but one——

Mr. WILLIAMS of Mississippi. But 2 per cent will expand.

Mr. HILL of Connecticut. The circulation is bound to expand.

Mr. WILLIAMS of Mississippi. When you say not to exceed 2 per cent it will expand with the circulation, the same not to exceed 2 per cent of the amount of the notes outstanding.

Mr. BARTLETT. I move to amend the amendment of the gentleman from Connecticut [Mr. HILL] with these words:

Not to exceed 2 per cent in any one month of the notes then outstanding.

I hope this will give, Mr. Chairman, the right to retire over $8,000,000 if the circulation remains as it now is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 2 insert:

"Not to exceed 2 per cent in any one month of the notes then outstanding."

Mr. HILL of Connecticut. I accept the amendment.

The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT] to the amendment offered by the gentleman from Connecticut [Mr. HILL].

The amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. HILL] as amended.

The amendment as amended was agreed to.

Mr. HILL of Connecticut. Mr. Chairman, I ask unanimous consent that the third section may be passed over temporarily, and that we may take up 4 and 6, which necessarily must be acted upon together.

Mr. BARTLETT. I have no objection to that.

Mr. HILL of Connecticut. I will call it up again in a few moments. I ask that sections 5 and 6 may be read together and acted upon together.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 5. That section 6 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be, and is hereby, amended by striking out the word "twenty" in the first clause of said section and inserting in lieu thereof the word "ten," so that said first clause of said section shall read as follows:

"That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States, in sums of not less than $10, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose."

SEC. 6. That section 12 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be, and is hereby, amended by striking out from the second proviso in said section the following words: "except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5," so that said proviso of said section shall read as follows: "*And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law."

The Clerk read as follows:

SEC. 4. That section 6 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be, and is hereby, amended by striking out the word "twenty" in the first clause of said section and inserting in lieu thereof the word "ten," so that said first clause of said section shall read as follows:

"That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States, in sums of not less than $10, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose."

Mr. FOWLER. Mr. Chairman, I would like to offer an amendment to that section. On page 3, line 14, strike out the word "ten" and insert the word "five."

The Clerk read as follows:

SEC. 5. That section 12 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for oher purposes," be, and is hereby, amended by sriking out from the second proviso in said section the following words: "except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5," so that said proviso of said section shall read as follows: "*And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law."

Mr. HILL of Connecticut. Mr. Chairman, the gentleman from New Jersey offers an amendment to section 5 of the original bill.

The Clerk read as follows:

On page 3, line 14, strike out the word "ten" and insert the word "five."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WILLIAMS of Mississippi. I do not think, Mr. Chairman, the House understands that amendment.

Mr. HILL of Connecticut. I will try to explain the situation as it is now. The law to-day limits the national banks in issuing notes to one-third of their circulation in five-dollar denominations, but the law authorizes silver certificates in denominations of not less than $10, so that there is a great difficulty in getting a supply of small bills throughout the country. The demand for the issuance of the five-dollar bills has compelled the Treasury Department to hold a large part of the silver certificates in the denomination of $5, so that they can not be cut up into ones and twos. The Treasury Department is being appealed to, as shown in their last report, for the issuance of ones and twos in silver certificates. Here is what the Treasurer says. It is very brief:

No rule can be set up by theory of the proper ratio of the several denominations to each other. The needs of business must be recognized and obeyed. Those needs clamor vociferously for small bills as instruments of local trade. The appeal is not confined to any particular district. It comes from the cotton and sugar regions, as well as from the States which produce wheat and corn, cattle and swine. Cities and towns where the pay rolls for factories and furnaces are largo assert the same urgency.

Congress has within its power to add to the volume of small denominations without inflating the currency. First, gold certificates may be authorized for $5 and $10—

That is this proposition. The proposition which the committee reported was $10. The gentleman from New Jersey has offered an amendment making it $5—

instead of restricting the issue, as now, to $20 and above—

As the second clause might raise a question as to the retirement of the greenbacks it was left out of the bill—

second, for the United States notes such certificates may be substituted to the amount of $50,000,000 at once by the application of that sum

from the reserve, and a like sum may wisely be used annually from the inflow of gold; third, the national banks may be permitted to issue any part of their circulation in $5 notes by the repeal of the provision allowing only one-third of their respective totals in that denomination.

Under such modifications enough $5 notes could be issued for the requirements of the present and the immediate future. Relief on that line would permit a larger share of silver certificates to serve as $1 and $2, with such amount in $5 as experience might prove to be desirable.

Doubtless if the matter were sent to a referendum the popular majority would pronounce for an adequate supply of small bills. Possibly Congress can devise some wiser and more efficient method to stop complaint and friction in the business community. Surely the existing difficulties are not without remedy.

That is all these two sections cover, giving the national banks the privilege of having these $5 denominations, the $5 and $10 gold certificates, enabling the Treasury to cut up the present tens and twenties of silver certificates into ones and twos. It is purely an administrative measure, and I do not think anyone can object to it.

Mr. WILLIAMS of Mississippi. I do not think there is any objection over here.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That every national banking association having United States bonds on deposit to secure its circulating notes shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of its notes in circulation, and such taxes shall be in lieu of all existing taxes on circulating notes of national banking associations.

The amendment recommended by the committee was read, as follows:

Strike out all of the section.

Mr. HILL of Connecticut. Mr. Chairman, before striking out the section, or acting on the committee amendment, I would like to make a statement. I offer an amendment for the purpose of perfecting the section. The section as originally drawn provided for an equal taxation against circulating notes issued against any United States bonds. The committee did not think that that was wise, and that by putting in the 3 and 4 per cent bonds at one-half of 1 per cent, at the same rate as the twos, it might interfere with the refunding of these bonds. Now, then, it becomes necessary, if we are to float the Panama bonds at 2 per cent at par, that the tax should be one-half instead of 1 per cent. The Secretary therefore desires that it should cover all the bonds except the existing threes and fours. He does want to bring in the Panama Canal bonds on the same basis as the present 2 percents, so that all which have the same rate of interest will carry the same rate of taxation on circulation.

This is all this amendment does, and I offer this amendment to the section. I shall then ask that the motion of the committee to strike out be voted down. That is all there is to it. There is no other change. I ask that the amendment be reported, Mr. Chairman. I think everybody will agree to it.

Mr. WILLIAMS of Mississippi. Do I understand that this merely makes the Panama bonds bear the same rate of taxation as the other twos?

Mr. HILL of Connecticut. Precisely the same, and if the parity bond provided for in the gold-standard act should ever be issued it would subject them to the same tax. None ever have been issued, and probably none ever will be.

Mr. WILLIAMS of Mississippi. And it makes no change as to the threes and fours?

Mr. HILL of Connecticut. None at all. The gentleman will see that it excepts everything else.

The CHAIRMAN. The gentleman moves to strike out section 7 and insert the amendment which the Clerk has reported.

Mr. HILL of Connecticut. Mr. Chairman, the amendment has not been reported.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

That every national banking association having United States bonds on deposit to secure its circulating notes shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of its notes in circulation, and such taxes shall be in lieu of all existing taxes on circulating notes of national banking associations: *Provided*, That the provisions of this section shall not apply to circulating notes secured by bonds issued under the following titles, or any reissue of such bonds bearing the same rates of interest:

Loan of 1908–1918, authorized under act approved June 13, 1898, and bearing interest at the rate of 3 per cent per annum.

Refunding certificates, authorized under act approved February 26, 1879, and bearing interest at the rate of 4 per cent per annum.

Loan of 1925, authorized under act approved January 14, 1875, and bearing interest at the rate of 4 per cent per annum.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman from Connecticut a question. The Committee on Banking and Currency reported to the House that section 7 should be stricken out of the bill. That is the committee amendment. Now, my understanding of the reading of the amendment offered by the gentleman from Connecticut [Mr. HILL] was to restore that section in its entirety, with a proviso with reference to the Panama bonds.

Mr. HILL of Connecticut. With a proviso with reference to the existing bonds that are outstanding, excepting them from the provisions of the act and allowing the Panama bonds to come in. That is all that it does. It is in accord with the views of the committee, if they are willing that the Panama bonds should be subject to one-half of 1 per cent taxation.

Mr. WILLIAMS of Mississippi. Are all other 2 per cent bonds subject to a half of 1 per cent tax?

Mr. HILL of Connecticut. Yes; all of them.

Mr. BARTLETT. I want to find out whether this amendment leaves this section as the committee reported it with the exception of the gentleman's amendment.

Mr. HILL of Connecticut. It does, with the exception of the Panama bonds that are already authorized and with the exception of a possible issue, in some distant future, of the parity bonds provided for in the gold-standard act.

Mr. BARTLETT. Is that the understanding of the chairman of the committee?

Mr. FOWLER. Yes; that is correct. It eliminates the threes and fours, so that they may be funded at any time in the future, precisely as all other bonds have been funded.

Mr. HILL of Connecticut. What we want to do is to vote up the amendment and vote down the committee amendment. Mr. Chairman, I call for a vote.

The CHAIRMAN. The Chair would like to state the parliamentary situation. The motion of the gentleman from Connecticut [Mr. HILL] proposes to strike out and insert, and in case that motion prevails the committee would not be at liberty thereafter to strike out the section inserted. This is in the nature of a perfecting of this paragraph.

Mr. HILL of Connecticut. My own thought was that the motion was to strike out in accordance with the report of the committee, and to insert; but after conferring with gentlemen I was informed that the proper parliamentary form in which to put the motion would be, first, to amend the section as it stood, and then to vote down the committee amendment to strike out.

The CHAIRMAN. That is right.

Mr. HILL of Connecticut. So that I offer that amendment.

The CHAIRMAN. The committee would not have to vote it down, if the motion of the gentleman from Connecticut should prevail.

Mr. HILL of Connecticut. Very well; I offer the amendment, then.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Connecticut [Mr. HILL], to strike out section 7 and insert that which has already been read by the Clerk.

The motion was agreed to.

Mr. HILL of Connecticut. I now ask to go back to section 3.

The CHAIRMAN. The Clerk will read section 3.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BUTLER of Pennsylvania having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

CURRENCY BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the Secretary of the Treasury is hereby authorized, without regard to any heretofore prescribed limit of amount of subsidiary silver coinage, and as public necessities may demand from time to time, to recoin standard silver dollars into such authorized denominations of subsidiary silver coin as he may deem necessary to meet public requirements.

The committee amendment was read, as follows:

In line 16, after the word "dollars," insert "from cash in the general fund in the Treasury."

Mr. THAYER. Mr. Chairman, I move to amend this section by adding at the end of line 18 the words:

Provided, however, That the amount recoined in any one year shall not exceed $15,000,000.

The CHAIRMAN. The gentleman from Massachusetts offers the amendment which the Clerk will report.

The Clerk read as follows:

At the end of line 18, section 3, insert: "*Provided further*, That the amount recoined in any one year shall not exceed $15,000,000."

Mr. HILL of Connecticut. Mr. Chairman, I will accept that amendment.

Mr. WILLIAMS of Mississippi. The gentleman can not accept an amendment without unanimous consent.

Mr. HILL of Connecticut. I shall vote for the amendment.

Mr. THAYER. Mr. Chairman, I want to say a word. It is generally understood that it requires now from eight to ten mil-

lion dollars of money each year for subsidiary coin, and it seems to me that instead of leaving this open to the Secretary of the Treasury to recoin all of this five hundred millions of money if he saw fit, in one, two, or three years, or any term of years, he ought to be restricted by a provision that there shall be recoined out of the silver dollars in the Treasury not more than what is necessary for the use of the country in subsidiary coin. Fifteen millions in one year is all that will probably be demanded for many years to come.

Mr. MADDOX. Mr. Chairman, I want to ask the gentleman from Connecticut how much silver there is available in the Treasury to be coined into subsidiary coin?

Mr. HILL of Connecticut. On the 1st day of January there were 558,484,000 silver dollars; dollars held against Treasury notes, 9,280,000, that have not been issued. Of bullion there was $1,788,000, all of this in the reserve fund of the Treasury and could not be used. That makes a total of dollars on the 1st day of January of $569,473,213, of which there were in circulation $80,039,395, leaving $489,000,000 in the Treasury. There were covered by certificates $477,102,000, leaving $12,331,818. There was an amount of subsidiary coin at the same time, $112,171,494.

Now, the gentleman will pardon me, for I think he would like to have all the facts in the case. I have here a letter from the Director of the Mint, and if he has no objection I will send it to the Clerk's desk and have it read.

Mr. MADDOX. If it answers the question the gentleman can send it up. But what I want to know, and the gentleman can answer this now, is, Is is proposed by this bill to coin these silver dollars in the Treasury that are now represented in currency of the country by certificates, at the discretion of the Secretary of the Treasury?

Mr. HILL of Connecticut. Yes; from time to time.

Mr. MADDOX. What are you going to do about the certificates?

Mr. HILL of Connecticut. Oh, I misunderstood the gentleman. No; the certificates would have to be retired from time to time. We do not propose to recoin the dollars stored in the Treasury as a trust fund against these certificates without retiring the certificates.

Mr. MADDOX. I want you to give us the exact amount available in the Treasury for this purpose.

Mr. HILL of Connecticut. I have given the gentleman the amount.

Mr. MADDOX. How much is it possible to recoin of this money into subsidiary coin in a year?

Mr. HILL of Connecticut. We have averaged a little over $10,000,000 a year for the last four years.

Mr. MADDOX. How much is available of the silver there, representing the outstanding certificates?

Mr. HILL of Connecticut. Besides the existing certificates there is a sum of $12,331,818.

Mr. MADDOX. That would be all at present that would be available for that purpose?

Mr. HILL of Connecticut. No; all the certificates would be available for the purpose. All the Treasurer would have to do would be to cancel the certificate and recoin the dollars from time to time.

Mr. MADDOX. In other words, this is an act to retire the silver currency of the country?

Mr. HILL of Connecticut. There need be no misunderstanding about it. It is converted from legal-tender dollars into subsidiary coin from time to time, as the necessities of the country require more of that subsidiary coin.

Mr. MADDOX. To retire the five hundred millions of certificates and take them out of circulation.

Mr. HILL of Connecticut. No; not to take it out of circulation.

Mr. MADDOX. To reduce the circulation to that amount.

Mr. HILL of Connecticut. Simply to change the form of it from time to time, as the necessities of the country require more subsidiary coin.

Mr. MADDOX. It is legal tender now, and it will not be after you recoin it.

Mr. HILL of Connecticut. The certificates are not legal tender, and the dollar itself circulates only to the extent of $80,000,000.

Mr. MADDOX. What is the reason it is not legal tender?

Mr. HILL of Connecticut. It is not made so by law any more than the national-bank note.

Mr. MADDOX. It passes as such.

Mr. HILL of Connecticut. The silver certificate is not and never has been legal tender, and that is where I think the gentleman is mistaken. We are not reducing by this means the quantity of legal tender that is in actual circulation.

Mr. MADDOX. We are reducing the currency, however, which takes the same place as legal tender.

Mr. HILL of Connecticut. Oh, not at all. We are simply changing its form. I will state to the gentleman that the volume of currency by this means will be increased 7 per cent.

Mr. MADDOX. Well, I think the gentleman is dodging the question, as I take it.

Mr. HILL of Connecticut. Not at all.

Mr MADDOX. We can take the silver certificate and redeem the silver.

Mr. HILL of Connecticut. Yes.

Mr. MADDOX. Then is not the silver legal tender?

Mr. HILL of Connecticut. Yes, the silver dollar is legal tender.

Mr. MADDOX. Why, certainly, and this means that you will reduce the circulation of the country by half a billion of dollars.

Mr. BARTLETT. Mr. Chairman——

Mr. HILL of Connecticut. Mr. Chairman, will the gentleman allow me to have this letter from the Director of the Mint read before he proceeds?

Mr. BARTLETT. Mr. Chairman, I am perfectly willing to have that done, but I do not want it to be taken out of my time.

Mr. HILL of Connecticut. I think it goes right to the question which the gentleman from Georgia [Mr. MADDOX] asks in regard to the quantity of legal tender.

Mr. BARTLETT. Mr. Chairman, I do not want this to be taken out of my time—this reading of the letter. I have no objection to having the letter read, but first I shall proceed to make my motion, and I shall submit some remarks on the subject. I move to strike out the third section in its entirety. The third section provides for the coinage into subsidiary coin by the Secretary of the Treasury of the United States of all the standard silver dollars which now are in the Treasury, to the amount stated by the gentleman. It is not necessary to state it now, but the amount on the 4th of January was $477,250,000. They are pledged under the act of 1900 for the redemption of an equal amount of silver certificates. Section 4 of that act provides that there shall be transferred from the amounts of the general fund of the Treasury of the United States, etc., the silver dollars, and that these silver dollars shall be held against outstanding silver certificates, and the silver dollars held against outstanding silver certificates and each of the funds represented by these amounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as a trust fund. Section 7 of this act of 1900 provides the same thing.

The silver certificates now outstanding, for which the silver dollars are pledged as a redemption fund, represent so much legal tender. The gentleman is mistaken when he says they are not legal tender and that they are on the same footing with national-bank notes. They pay debts which national-bank notes can not pay. They pay even customs dues. They pay all dues to the United States and all dues by the United States. The silver dollar used now is a full legal tender for 100 cents, except where otherwise provided in the contract. You can take the silver certificate and if your creditor will not receive it, but demands that you give him a silver dollar, you can pay him, unless your contract is a contract to pay gold for all legal tender, for every dollar you owe. You propose by this section to convert this full legal-tender money, when not otherwise provided in the contract, into subsidiary coin—into halves, quarters, and dimes. Under the law the halves, quarters, and dimes can pay only $10 of indebtedness at any one time.

You can do more. You can take them, when you carry them in the amount of $100, to the Treasury of the United States and have them redeemed in gold. You therefore will retire for every dollar you coin into subsidiary coin a silver certificate, and they amount in all to about $470,000,000. You retire that from the currency of the country, and the object and purpose of this bill and its author is to retire it, that the national-bank notes may supplant and take the place of the silver certificates. When you have taken this step, then the next step in the way of turning the whole currency of the Government over to the national banks is to retire the greenbacks and the Treasury notes. I do not desire nor shall I undertake to discuss any question with reference to silver coinage; but when you do this—when you authorize the Secretary of the Treasury to coin into subsidiary coin these standard silver dollars, now pledged as a redemption fund for the outstandnig silver certificates—you put an additional pressure and burden upon the gold reserve, you reduce the currency, you make the gold reserve amenable to redeem every hundred dollars of silver dollars that you convert into subsidiary coin.

Now, Mr. Chairman, I am not ready to do that. I have here

a letter from the Treasurer of the United States which I will read.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Chairman, I ask for a few minutes in order to conclude.

The CHAIRMAN. Without objection the gentleman will be allowed to conclude. [After a pause.] The Chair hears no objection.

Mr. BARTLETT. I addressed a letter to the Treasurer of the United States asking him this question: What amount of silver bullion is now in the United States Treasury from which subsidiary silver could be coined other than the standard silver dollars? His reply is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., December 13, 1904.

Hon. C. L. BARTLETT,
House of Representatives.

SIR: Your letter of this date relative to the amount of silver bullion now in the United States Treasury, etc., is received.

You are advised as follows, repeating your inquiries in the order made:

(1) What amount of silver bullion is now in the United States Treasury, and how much from which subsidiary silver can be coined, other than standard silver dollars?

The holdings of the Treasury are on the following accounts:

Silver bullion purchased under the act of July 14, 1890, and held for the redemption of outstanding Treasury notes	$1,907,471.00
Silver bullion from partings, etc	945,926.36
Silver bullion from uncurrent subsidiary silver coin melted for recoinage	1,793,236.72
Total	4,646,634.08

The entire holdings of the Treasury in silver bullion can be coined into subsidiary silver under the law in force at the present time.

(2) How many standard silver dollars have been coined from bullion in the Treasury since March 4, 1897?

$123,953,919 from bullion purchased under the act of July 14, 1890.

(3) If Congress should authorize the coinage of the standard silver dollars into subsidiary silver coin, what provision should be made to meet the outstanding silver certificates, for the redemption of which silver dollars have been deposited in the Treasury?

It will not be necessary to make any provision, as the recoinage of standard silver dollars into subsidiary coin would be made from the silver dollars in the Treasury not covered by outstanding silver certificates. The issue of silver certificates against the silver dollars in the general fund of the Treasury is governed by the conditions prevailing in this Office, and if at any time the silver dollars in the general fund should be exhausted the same may be replenished by canceling and retiring a part of the silver certificates held in the general fund, thereby releasing from the trust funds to the general fund the standard silver dollars held to redeem the silver certificates so canceled and retired.

The Department, in maintaining the parity of all kinds of money issued under authority of the United States, makes no discrimination in payments, where they can be made without inconvenience. Large amounts of silver certificates are redeemed daily in moneys other than silver dollars, thus releasing silver dollars to the general fund for such purposes as the public demand may require.

Respectfully,
ELLIS H. ROBERTS,
Treasurer of the United States.

Mr. Chairman, we have already for the purpose of subsidiary coinage, or had on December 13, 1904, $4,646,000 in silver bullion which can be used for the purpose of coining subsidiary coin. The entire holding of the Treasury in silver bullion can be coined into subsidiary coins under the law in force at the present time, so that there is no necessity for the Treasury——

Mr. GAINES of Tennessee. I would like to ask my friend a question.

Mr. BARTLETT. Yes; of course.

Mr. GAINES of Tennessee. How much subsidiary coin will that make?

Mr. BARTLETT. About $5,000,000, I suppose, or more.

Mr. GAINES of Tennessee. Does he give the amount there?

Mr. BARTLETT. He did not. I believe the gain is about 7 per cent. The gentleman can make the calculation himself.

Mr. GAINES of Tennessee. I thought probably he had compiled it there, so you could give it to us.

Mr. BARTLETT. I have not the amount here, but the gentleman can calculate it himself. The gain is about 7 per cent in coining silver bullion into a subsidiary coin.

Mr. HILL of Connecticut. Oh, no; there is a profit.

Mr. BARTLETT. I mean a gain; that is right.

Mr. HILL of Connecticut. It would be about 7 per cent more circulation.

Mr. GAINES of Tennessee. How much is it in dollars and cents? That is what I want to get at.

Mr. BARTLETT. It would be about three hundred thousand odd dollars added to the $4,646,000.

Now, Mr. Chairman, I do not want particularly to go into the figures. It is not a matter of figures; it is a matter of principle. It is a matter whether the Government, whether Congress, intends to destroy the legal-tender value of this vast amount of money and to take from the trust fund which we have pledged to the country by the passage of the act of 1900 for the redemption of silver certificates and coin it into subsidiary silver coin. Mr. Chairman, this Banking and Currency Committee had no jurisdiction on this subject. It should have gone to the Committee on Coinage, Weights, and Measures, and the report from this committee is an assumption of authority which ought not to be tolerated by the House.

Mr. GAINES of Tennessee. We had the same bill three years ago before the Coinage Committee, and Mr. HILL was a member.

Mr. BARTLETT. It was not passed, Mr. Chairman. This will reduce the amount of the circulating medium in the country. It will put upon the present gold reserve and the amount of gold we have in this country an additional burden. This bill and all bills like it is but the forerunner of other bills to contract the currency. The purpose is to contract the currency for the benefit of the national banks.

I say this not because I am in favor of the silver dollar particularly, but because I am in favor of the people of the United States having a full measure of money to carry on their business, and because I am opposed to a contraction of the currency; because I am opposed to the benefit that must follow only to the national banks, that I insist that this legislation is vicious, against the interest of the people, and should not be sanctioned; that I protest against the beginning of a scheme which will eventually destroy nearly five hundred millions of the money of the people, of the Government, issued as a part of the functions of government, and leave its place to be supplied by the national-bank currency, which will be increased or diminished as the interest of the national banks may require. For myself I am not ready to thus put the interest of the people at the mercy of the banks. [Applause.]

Mr. LITTLE. I understand that an amendment to strike out section 3 is pending. I would like to know whether a motion to strike out and insert is in order at this moment?

The CHAIRMAN. There is a committee amendment pending and an amendment offered by the gentleman from Massachusetts [Mr. THAYER].

Mr. LITTLE. I offer a motion to strike out section 3 and insert the following——

Mr. HILL of Connecticut. Mr. Chairman, some time ago I understood that I was given permission to have a letter from the Director of the Mint read from the desk. It has not been read. I think it would give information to gentlemen, and I would state that when that letter has been read I will ask that the commitee rise. I ask unanimous consent that the letter be now read.

The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. THAYER].

Mr. GAINES of Tennessee. Mr. Chairman, a parliamentary inquiry. I would like to know what the motion is.

The CHAIRMAN. Without objection, the Clerk will read it.

The Clerk read as follows:

At the end of line 18, section 3, insert: "*Provided, however*, That the amount recoined in any one year shall not exceed $15,000,000."

The question was taken; and on a division there were—ayes 121, noes 54.

So the amendment was agreed to.

Mr. HILL of Connecticut. I move the committee do now rise.

The CHAIRMAN. The question now is on agreeing to the committee amendment.

Mr. LITTLE. I desire to have my amendment read.

The Clerk read as follows:

Strike out section 3 and insert:

"The Secretary of the Treasury is hereby authorized to purchase such silver bullion as may be necessary and to coin the same into such authorized denominations of subsidiary silver coin as he may deem necessary to meet public requirements, without regard to any heretofore prescribed limit."

The CHAIRMAN. Does the gentleman from Connecticut [Mr. HILL] understand that there is a committee amendment pending? Of course if the gentleman insists on his motion to rise, it takes precedence.

Mr. HILL of Connecticut. I supposed the amendments pending had been disposed of, and if I am correct in that supposition I move that the committee do now rise.

The CHAIRMAN. The gentleman is not correct. There is an amendment pending.

Mr. LITTLE. I have an amendment pending. Am I recognized? I only desire to say that the purpose of the amendment offered by myself is simply to authorize the Secretary of the Treasury to purchase such an amount of silver bullion as may be necessary to meet the demands for the subsidiary coinage of the country. I do this because I do not believe in unnecessarily interfering with the circulation that is giving us pretty fair times in this country. They claim that we can make 7 per cent

by recoining the silver dollar. I believe we can make 50 per cent by buying the bullion and coining it into subsidiary coin, if we desire to put the question on a speculative basis.

I am sure there is nobody, without regard to his belief as to the standards, that does not think that we ought to have a sufficient amount of small change to meet the demands of the business of the country, and we can get it cheaper by buying the silver bullion and coining it, and not have the effect of withdrawing from circulation any of the silver certificates now in circulation based on the silver in the Treasury.

Mr. WILLIAMS of Mississippi. Are you moving to strike out the section?

Mr. LITTLE. I am seeking to authorize the Secretary of the Treasury to purchase bullion for subsidiary coinage.

Mr. WILLIAMS of Mississippi. Then you are simply offering the provision that the Senate passed, and which was offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. LITTLE. Yes, sir; I am only asking the House to take the action that has already been taken by the Senate. I can not understand why it should not be accepted at once by the House. It does not change our monetary conditions; it does not interfere with our existing circulation; it only provides for a supply of subsidiary coinage by the coinage of silver bullion to be purchased by the Secretary of the Treasury.

Mr. BONYNGE. Will the gentleman allow me to ask him a question?

Mr. LITTLE. Certainly.

Mr. BONYNGE. Is it not a fact that the Attorney-General has advised the Secretary of the Treasury that under existing law he now has the power and authority which you seek to confer upon him by the amendment that you have offered?

Mr. LITTLE. I am not informed as to that, but I do not doubt the statement of the gentleman; and if we put that in this bill we will put it above mere construction and there will be no question. If we follow the lead of the Senate in this matter, we will have no trouble.

Mr. HILL of Connecticut. I now renew my motion that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4831 and had come to no resolution thereon.

Mr. LITTLE. A parliamentary inquiry.

The SPEAKER. One moment. For what purpose does the gentleman rise?

Mr. LITTLE. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. That is whether or not the action of the committee in rising, which, I confess, was a short-lived affair, leaves the amendment offered by myself pending to the bill, and whether or not I shall be entitled to the floor when the committee next considers the bill?

The SPEAKER. The present occupant of the chair is not aware of what took place in the Committee of the Whole, and will not preside over the Committee of the Whole, and it would be impossible for him to tell.

Mr. LITTLE. The gentleman from Tennessee [Mr. GAINES] suggests it would be better not to tell, and I agree with him. [Laughter.]

ERASURE OF SIGNATURE OF SPEAKER FROM ENROLLED BILL.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the action of the House enrolling Senate bill 5567 be vacated and the bill be reenrolled. This bill was enrolled when the House rose informally a while ago. I also ask for the erasure of the signature of the Speaker.

The SPEAKER. The gentleman asks unanimous consent that the enrollment of Senate bill 5567 be vacated and the signature of the Speaker be erased. The Chair will state to the gentleman that this seems to be a Senate bill. Now, the Chair understands from the gentleman that there is some mistake in the enrollment of the bill. The bill was enrolled by the Senate when it came here to the House.

Mr. LACEY. It was enrolled by the House, and not the Senate.

The SPEAKER. And, being certified to, was signed by the Speaker. Now, it seems that the proper course of the gentleman would be to ask unanimous consent that the signature of the Speaker be erased, and then, if the bill was not enrolled by the House, it seems to the Chair it would lie upon the table and await such action as the Senate might see proper to make touching the recall of the bill.

Mr. LACEY. Very well; I ask action in accordance with the suggestion of the Chair.

The SPEAKER. Is there objection to the erasure of the signature of the Speaker to the Senate bill? [After a pause.] The Chair hears none.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PALMER. Mr. Speaker, I wish to make a privileged report. The committee appointed to prepare articles of impeachment against Charles Swayne, district judge of the northern district of Florida, reports that the evidence heretofore taken on the impeachment of Charles Swayne sustains twelve articles of impeachment, which are submitted for the consideration of the House with the recommendation that they be adopted by the House and exhibited to the Senate.

Mr. Speaker, I ask unanimous consent that the articles be printed in the RECORD, so that all the Members of the House may have an opportunity to see them; and I give notice that on Thursday morning after the reading of the Journal I shall call up this matter for discussion, so that the House may have an opportunity to vote on the articles.

The SPEAKER. The gentleman from Pennsylvania, from the special committee touching the impeachment of Judge Swayne, reports articles of impeachment, and asks unanimous consent that the reading thereof be dispensed with, and that the same be printed in the RECORD. Is there objection?

There was no objection.

Mr. PALMER. Mr. Speaker, I ask leave for the minority of the committee (Mr. GILLETT of California representing the minority) to file the views of the minority, and that they also be printed in the RECORD.

Mr. WILLIAMS of Mississippi. Is this a report from the committee?

Mr. PALMER. The select committee appointed to prepare articles of impeachment of Judge Swayne.

The SPEAKER. It does not require leave to file the views of the minority. The gentleman from California [Mr. GILLETT] presents the views of the minority, which will be printed and referred to the House Calendar.

Mr. PALMER. I ask that they be printed also in the RECORD, so that they may go along with the report.

The SPEAKER. If there be no objection, the minority views will also be printed in the RECORD.

There was no objection.

The report and the views of the minority are as follows:

The select committee appointed to prepare and report articles of impeachment against Charles Swayne, judge of the district court of the United States for the northern district of Florida, appointed December 13, 1904, submit the following report:

That the evidence heretofore taken in the matter of the impeachment of Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, sustains twelve articles of impeachment, which are submitted herewith, with the recommendation that they be adopted by the House and exhibited to the Senate.

Articles exhibited by the House of Representatives of the United States of America, in the name of themselves and of all the people of the United States of America, against Charles Swayne, a judge of the United States, in and for the northern district of Florida, in maintenance and support of their impeachment against him for high crimes and misdemeanor in office.

ARTICLE 1. That the said Charles Swayne, at Waco, in the State of Texas, on the 20th day of April, 1897, being then and there a United States district judge in and for the northern district of Florida, did then and there, as said judge, make and present to R. M. Love, then and there being the United States marshal in and for the northern district of Texas, a false claim against the Government of the United States in the sum of $230, then and there knowing said claim to be false, and for the purpose of obtaining payment of said false claim, did then and there as said judge, make and use a certain false certificate then and there knowing said certificate to be false, said certificate being in the words and figures following:

"UNITED STATES OF AMERICA, *Northern District of Texas, ss:*

"I, Charles Swayne, district judge of the United States for the northern district of Florida, do hereby certify that I was directed to and held court at the city of Waco, in the northern district of Texas, twenty-three days, commencing on the 20th day of April, 1897; also, that the time engaged in holding said court, and in going to and returning from the same, was twenty-three days, and that my reasonable expenses for travel and attendance amounted to the sum of two hundred and thirty dollars and —— cents, which sum is justly due me for such attendance and travel.

"CHAS. SWAYNE, *Judge.*

"WACO, *May 15, 1897.*

"Received of R. M. Love, United States marshal for the northern district of Texas, the sum of 230 dollars and no cents in full payment of the above account.

$230. "CHAS. SWAYNE."

when in truth and in fact, as the said Charles Swayne then and there well knew, there was then and there justly due the said Swayne from the Government of the United States and from said United States marshal a far less sum, whereby he has been guilty of a high crime and misdemeanor in his said office.

ART. 2. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office as judge, as aforesaid, the said Charles Swayne was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside

of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal for the district in which the court was held, and was forbidden by law to receive compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Tyler, Tex., twenty-four days commencing December 3, 1900, and seven days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of John Grant, the United States marshal for the eastern district of Texas, the sum of $310, when the reasonable expenses incurred and paid by the said Charles Swayne for travel and attendance did not amount to the sum of $10 per diem.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, the crime of obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

ART. 3. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel in going to and coming from and attendance were $10 per diem while holding court at Tyler, Tex., thirty-five days from January 12, 1903, and six days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of A. J. Houston, the United States marshal for the eastern district of Texas, the sum of $410, when the reasonable expenses of the said Charles Swayne incurred and paid by him during said period were much less than said sum.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

ART. 4. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office as judge as aforesaid heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car, belonging to the Jacksonville, Tampa and Key West Railroad Company, for the purpose of transporting himself, his family, and friends from Guyencourt, in the State of Delaware, to Jacksonville, Fla., the said railroad company being at the time in the possession of a receiver appointed by said Charles Swayne, judge as aforesaid, on the petition of creditors.

The said car was supplied with provisions by the said receiver, which were consumed by said Swayne and his friends, and was provided with a conductor or porter at the cost and expense of said railroad company, and with transportation over connecting lines. The expenses of the trip were paid by the said receiver out of the funds of the said Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge, allowed the credit claimed by the said receiver for and on account of the said expenditure as a part of the necessary expenses of operating said road. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner, and under a claim of right, for the reason that the same was in the hands of a receiver appointed by him.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 5. That the said Charles Swayne was duly appointed, commissioned, and confirmed as judge of the United States in and for the northern district of Florida, and entered upon the duties of said office, and while in the exercise of his office of judge as aforesaid heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Jacksonville, Fla., to California, said railroad company being at the time in the possession of a receiver appointed by the said Charles Swayne, judge as aforesaid, on the petition of creditors.

The car was supplied with some provisions by the said receiver, which were consumed by the said Swayne and his friends, and it was provided with a porter at the cost and expense of the railroad company, and also with transportation over connecting lines. The wages of said porter and the cost of said provisions were paid by the said receiver out of the funds of the Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge as aforesaid, allowed the credits claimed by the said receiver for and on account of the said expenditures as a part of the necessary expenses of operating the said railroad. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner under a claim of right, alleging that the same was in the hands of a receiver appointed by him and he, therefore, had a right to use the same.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of high misdemeanor in office.

ART. 6. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress approved the 23d of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine and contiguous territory were transferred to the southern district of Florida; whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida and to comply with the five hundred and fifty-first section of the Revised Statutes of the United States, which provides that—

"A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Nevertheless the said Charles Swayne, judge as aforesaid, did not acquire a residence, and did not, within the intent and meaning of said act, reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1904, to the 1st day of October, A. D. 1900, a period of about six years.

Wherefore the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesiad law and was and is guilty of a high misdemeanor in office.

ART. 7. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress of the United States approved the 23d day of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine, with the contiguous territory, was transferred to the southern district of Florida, whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida, as defined by said act of Congress, and to comply with section 551 of the Revised Statutes of the United States, which provides that—

"A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Nevertheless, the said Charles Swayne, judge as aforesaid, totally disregarding his duty as aforesaid, did not acquire a residence, and within the intent and meaning of said act did not reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1894, to the 1st day of January, A. D. 1903, a period of about nine years.

Wherefore, the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

ART. 8. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge, as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counsellor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 9. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 10. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 11. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a circuit judge of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office as judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 12. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge heretofore, to wit, on the 9th day of December, A. D. 1902, at Pensacola, in the county of Escambia, in the State of Florida, did unlawfully and knowingly adjudge guilty of contempt and did commit to prison for the period of sixty days one W. C. O'Neal, for an alleged contempt of the district court of the United States for the northern district of Florida.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, as aforesaid, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said Charles Swayne, judge of the United States court for the northern district of Florida, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article or accusation

or impeachment which shall be exhibited by them as the case shall require, do demand that the said Charles Swayne may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

VIEWS OF MINORITY.

The House must establish the truth of these articles, by competent testimony, beyond reasonable doubt.

The only articles which, in our judgment, the record as it now stands would sustain are based upon the certificates of expenses. As to these it was claimed in the hearings that other judges have construed the law as it was construed by Judge Swayne, and evidence was offered to establish that claim and excluded.

We dissent from all the other articles, and especially as to those based upon the contempt proceedings in the Davis, Belden, and O'Neal cases. These cases clearly involved willful and marked contempt of court, and demanded exemplary and summary punishment from any self-respecting court.

The charge as to nonresidence is not supported by such evidence as warrants the adoption of articles in that regard.

The use of the private car, which is the proper subject of adverse criticism, taking into account the fact that there is no intimation or claim that any judicial act was influenced, or attempted to be influenced thereby, is not of such gravity as to justify impeachment proceedings therefor.

The car incident occurred more than ten years ago, and no residence question has existed for more than four years. No statute of limitations can apply, but the great proceeding of impeachment is not to be used as to stale charges not affecting the moral character or the present fitness of the officer to perform his duty.

C. E. LITTLEFIELD.
RICHARD WAYNE PARKER.

I concur in all that is said in the foregoing "Views of the minority" except as to the certificates for expenses. At the hearing before the committee Judge Swayne offered to prove the custom and practice of the Federal judges in making certificates for their reasonable expenses for travel and attendance when holding court out of their district, the purpose being to show a judicial construction of the statute under which these expenses were allowed. This offer was denied by the committee and all inquiry upon this subject shut off.

Therefore, for this reason, the record is silent upon matters which, in my judgment, should have been submitted to the consideration of this House. The record is silent as to the custom and practice of other judges in this particular, as to the construction which they placed upon the statute, and as to the construction which the disbursing and auditing officers of the Government gave it.

The intent with which Judge Swayne made these certificates is of controlling importance, and all of the facts and circumstances surrounding the matter, the practice and customs of other judges, and the construction placed upon the statute by them and by the Government, if any, are and were proper subjects of inquiry. While the record is silent on these questions, for the reason above stated, still it appears from official records, some of which have been furnished to me by the Treasury Department, that a majority of the district and circuit judges in five circuits, selected at random, make out certificates for $10 a day, and in two of these districts every judge made out such certificates.

I am inclined to believe that where a practice has been so general these judges acted in good faith with an honest belief that a fair construction of the statute gave them $10 a day for an allowance for travel and attendance while attending court out of their district, and I also feel that this House would with great reluctance pass a resolution impeaching them all; and if not all, why one?

On this article my mind is not satisfied beyond a reasonable doubt that Judge Swayne, in following a practice so well established by so many honorable men, committed a criminal offense for which he should either be prosecuted or impeached, and giving him the benefit of this doubt I can not consent to any impeachment on that ground.

J. N. GILLETT.

UNITED STATES COURT, GREENVILLE, MISS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16987) to provide for holding terms of the United States courts at Greenville, Miss.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the counties of Coahoma, Bolivar, Washington, Sunflower, and Leflore shall constitute a part of the northern judicial district of the State of Mississippi and shall be known as the Delta division of said district. Circuit and district courts for the transaction of business pertaining to persons or property in said Delta division shall be held at the city of Greenville, in Washington County, on the first Monday in May and November in each year, and shall continue for eighteen days or so long as business may require.

SEC. 2. That said courts to be held at Greenville, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised by the circuit and district courts in said district now held at Oxford, Miss., and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought, shall be applicable to and govern the bringing of suits in said Delta division, and all laws touching the removal of causes from the State courts to the United States courts shall apply to said court hereby established; but all crimes and offenses heretofore committed within the counties composing said Delta division shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, Oxford, and Vicksburg, on demand of either party, to any suit now pending in either of said courts, and properly belonging to the courts to be held at Greenville, to make out and certify a copy of the record and proceedings in said suit and transmit the same to the deputy clerk of the proper court at Greenville; and he shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fee for such transcript shall be paid for by the party applying for same.

SEC. 4. That the marshal and clerk of said northern district of Mississippi shall appoint deputies who shall reside at Greenville and act as marshal and clerk in place of their principals.

The following committee amendment was read and agreed to:

In line 3, after the word "Bolivar," insert "Quitman."

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HUMPHREYS of Mississippi, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5889) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a Senate bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read. It provides that the city of Minneapolis, in the State of Minnesota, is hereby authorized and empowered to construct, operate, and maintain a street-car, wagon, and foot bridge, with necessary approaches, across the Mississippi River from the west end of Twenty-fifth avenue northeast to the east end of Thirty-second avenue north, within the corporate limits of said city, provided such location is suitable to the interests of navigation. Said bridge shall be constructed for the passage of street cars, wagons, and vehicles of all kinds, and for foot passengers.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the last vote was laid on the table.

COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Private Land Claims be, and hereby is, authorized to have printed such papers and documents as may be necessary for the business of said committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ANDREW R. M'CURDY.

By unanimous consent, on motion of Mr. ROBINSON of Indiana, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Andrew R. McCurdy, Fifty-eighth Congress, no adverse report having been made thereon.

IMMIGRANT SERVICE AT SAN FRANCISCO, CAL.

By unanimous consent, on motion of Mr. HITT, the Committee on Foreign Affairs was discharged from further consideration of House Document No. 166, a letter from the Secretary of Commerce and Labor, transmitting a report of an investigation of the conditions of the immigrant service at San Francisco, Cal., and the same was referred to the Committee on Appropriations.

LANDS IN FORT SHERMAN MILITARY RESERVATION.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Irrigation of Arid Lands, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior relative to the reservation of certain lands in the abandoned Fort Sherman Military Reservation, in view of the contemplated use of such lands in connection with irrigation works to be constructed under the act of June 17, 1902. (32 Stat., 388.)

The matter is presented for the consideration of the Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 10, 1905.*

BOUNDARY LINE BETWEEN THE STATE OF COLORADO AND TERRITORIES OF NEW MEXICO AND OKLAHOMA.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the

accompanying papers, was ordered printed and referred to the Committee on Public Lands:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, a communication from the Secretary of the Interior relative to the reestablishment of the boundary line between the State of Colorado and the Territories of New Mexico and Oklahoma, surveyed under authority of the act of Congress of July 1, 1902. (32 Stat., 552, 574.)

THEODORE ROOSEVELT.

WHITE HOUSE, *January 10, 1905.*

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 91.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of the Department of Commerce and Labor, 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, including therein the statement of the case and the opinion of the court in Paul against Virginia, 8 Wallace, page 168, and the statement of the case, the opinion of the court, and the dissenting opinion in United States against E. C. Knight Company, 158 United States, page 1.

With the following committee amendment:

Strike out after the word "four" in line 6, the words "including therein the statement of the case and the opinion of the court in Paul against Virginia, 8 Wallace, page 168, and the statement of the case, the opinion of the court, and the dissenting opinion in United States against E. C. Knight Company, 158 United States, page 1."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The amendment was agreed to.

The concurrent resolution was agreed to.

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I present the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives, to be distributed through the document room of the House, 3,000 copies of House Document No. 165, Fifty-eighth Congress, third session, being a report of the Commissioner of Corporations covering the period of the organization of the Bureau to June 30, 1904.

Mr. GAINES of Tennessee. Mr. Speaker, I want to ask the gentleman a question. I have a great many inquiries about the Jefferson Bible. I understand its publication has been stopped. I would like to ask the gentleman what has become of the plates?

Mr. CHARLES B. LANDIS. The plates of that publication never belonged to the Government. The Jefferson Bible was published by a firm in Chicago. Congress contracted for, I think, 10,000 copies, and the plates are the property of the firm that did the work.

Mr. GAINES of Tennessee. I thought that the plates belonged to the Government, and I was afraid that they might be destroyed.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Indiana a question. Can parties purchase the Jefferson Bible from the Chicago firm that printed it for the Government?

Mr. CHARLES B. LANDIS. I do not know, but I presume so. I should say that, taking into consideration the advertising the publication has had, that the gentlemen in Chicago will publish the book in unlimited quantities.

Mr. PALMER. What became of the 10,000 copies?

Mr. CHARLES B. LANDIS. They were placed to the credit of the members of the Senate and House.

Mr. PALMER. I only got fourteen copies.

Mr. GAINES of Tennessee. How much did the 10,000 copies cost the Government?

Mr. CHARLES B. LANDIS. I do not know; the order did not come from the Committee on Printing.

Mr. GAINES of Tennessee. Who does know?

Mr. CHARLES B. LANDIS. I do not know; it came by the recommendation of some other committee.

Mr. LACEY. The book cost between $2.25 to $2.50 per volume. Some of the copies were set apart to be sold by the superintendent of the document room; that was over and above the allowance for the Senate and House. I made a discovery the other day when I tried to buy one for a friend. I found that a certain candidate for the United States Senate had bought all there were. [Laughter.]

Mr. GAINES of Tennessee. At what price?

Mr. LACEY. At the actual cost price, between $2.25 and $2.50.

Mr. CHARLES B. LANDIS. I understand that gentlemen can procure a copy in the city at $5 a volume.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The question was taken, and the resolution was agreed to.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to correct the statement I made a moment ago. I have been informed that the order for the publication of the Jefferson Bible did come from the Committee on Printing of the House, but it was before the committee was organized as it is at present constituted. The order was made by a former Congress.

ADJOURNMENT.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of proposals received during the fiscal year ended June 30, 1904, for materials and labor in connection with work under the Engineers' Department—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the secretary of the American National Red Cross, transmitting the annual report for the year ended December 31, 1904—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the House resolution (H. Res. 384) authorizing the Committee on Interstate and Foreign Commerce to investigate the operation, etc., of the Panama Railway Company, reported the same without amendment, accompanied by a report (No. 3474); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16983) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian, reported the same without amendment, accompanied by a report (No. 3475); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17100) to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss., reported the same without amendment, accompanied by a report (No. 3476); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16945) granting an increase of pension to Alvin B. Franklin, reported the same with amendment, accompanied by a report (No. 3423); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16594) granting an increase of pension to Jacob A. Kryer, reported the same with amendment, accompanied by a report (No. 3424; which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16713) granting a pension to William Cannon, reported the same with amendment, accompanied by a report (No. 3425); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16809) granting an increase of pension to Patrick Colter, reported the same with amendment, accompanied by a report (No. 3426); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16162) granting an increase of pension to Charles Muller, reported the same with amendment, accompanied by a report (No. 3427); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16260) granting an increase of pension to Frederick Hark, reported the same without amendment, accompanied by a report (No. 3428); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16165) granting an increase of pension to Francis L. Howard, reported the same without amendment, accompanied by a report (No. 3429); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16409) granting a pension to Mary A. Kendall, reported the same without amendment, accompanied by a report (No. 3430); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16471) granting a pension to Martha C. Watkins, reported the same with amendment, accompanied by a report (No. 3431); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16807) granting an increase of pension to E. C. Jordan, reported the same with amendment, accompanied by a report (No. 3432); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16396) granting a pension to E. A. Sherburne, reported the same with amendment, accompanied by a report (No. 3433); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10387) granting an increase of pension to Aaron C. Perry, reported the same without amendment, accompanied by a report (No. 3434); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10096) granting a pension to Louise E. Lavey, reported the same with amendment, acompanied by a report (No. 3435); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9860) granting an increase of pension to Augustus Colvin, reported the same with amendment, accompanied by a report (No. 3436); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12171) granting an increase of pension to John Davis, reported the same without amendment, accompanied by a report (No. 3437); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12007) granting an increase of pension to Henry R. K. Lockman, reported the same with amendment, accompanied by a report (No. 3438); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11613) granting an increase of pension to Alexander H. Sockman, reported the same with amendment, accompanied by a report (No. 3439); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16157) granting an increase of pension to Charles W. Martin, reported the same with amendment, accompanied by a report (No. 3440); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16443) granting an increase of pension to Johanna J. Naughton, reported the same without amendment, accompanied by a report (No. 3441); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5153) granting an increase of pension to Jonathan Stewart, reported the same with amendment, accompanied by a report (No. 3442); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14495) granting an increase of pension to Jackson Adams, reported the same without amendment, accompanied by a report (No. 3443); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13620) granting an increase of pension to Silas W. Squires, reported the same with amendment, accompanied by a report (No. 3444); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14489) granting an increase of pension to John M. Porter, reported the same with amendment, accompanied by a report (No. 3445); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15411) granting an increase of pension to Isaiah Garretson, reported the same without amendment, accompanied by a report (No. 3446); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15520) granting an increase of pension to William P. Dunnington, reported the same with amendment, accompanied by a report (No. 3447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12488) granting an increase of pension to George H. Coddington, reported the same with amendment, accompanied by a report (No. 3448); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13640) granting an inerease of pension to Eugene Hepp, reported the same with amendment, accompanied by a report (No. 3449); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15328) granting an increase of pension to William H. H. Simpkins, reported the same with amendment, accompanied by a report (No. 3450); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 606) granting an increase of pension to Vincent M. Cartwright, reported the same without amendment, accompanied by a report (No. 3451); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1445) granting an increase of pension to John Ellis, reported the same with amendment, accompanied by a report (No. 3452); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2191) granting an increase of pension to William C. Pollard, reported the same with amendment, accompanied by a report (No. 3453); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3427) granting an increase of pension to Albert Fetterhoff, reported the same with amendment, accompanied by a report (No. 3454); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17093) granting an increase of pension to Felix Monaghan, reported the same without amendment, accompanied by a report (No. 3455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5995) granting an increase of pension to Joseph Fulton, reported the same with amendment, accompanied by a report (No. 3456); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16666) granting an increase of pension to Alfreda B. Coburn, reported the same with amendment, accompanied by a report (No. 3457); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8423) granting a pension to Joseph Hepworth, reported the same with amendment, accompanied by a report (No. 3458); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7760) granting a pension to Sarah R. Pierce, reported the same with amendment, accompanied by a report (No. 3459); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8834) granting an increase of pension to Joseph H. Richardson, reported the same with amendment, accompanied by a report (No. 3460); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5383) granting an increase of pension to Samuel Shafer, reported the same with amendment, accompanied by a report (No. 3461); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16619) granting an increase of pension to George Meisner, reported the same with amendment, accompanied by a report (No. 3462); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15962) granting an increase of pension to Charles T. Beals, reported the same with amendment, accompanied by a report (No. 3463); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16620) granting an increase of pension to Alonzo Ackerman, reported the same with amendment, accompanied by a report (No. 3464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16444) granting an increase of pension to Henry C. Snyder, reported the same with amendment, accompanied by a report (No. 3465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16140) granting an increase of pension to Nelson A. Fitts, reported the same with amendment, accompanied by a report (No. 3466); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4552) granting an increase of pension to Orin P. Stoffer, reported the same with amendment, accompanied by a report (No. 3467); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17241) granting an increase of pension to David A. Miller, reported the same without amendment, accompanied by a report (No. 3468); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16730) granting an increase of pension to Daniel Smith, reported the same with amendment, accompanied by a report (No. 3469); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13330) granting an increase of pension to Michael Kelly, alias Patrick Kelly, reported the same with amendment, accompanied by a report (No. 3470); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 17014) granting a pension to William W. Kingsland—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17392) granting an increase of pension to Arthur Haire—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17464) granting an increase of pension to Nancy J. Nelson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906—to the Union Calendar.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes—to the Union Calendar.

By Mr. BASSETT: A bill (H. R. 17475) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. LACEY: A bill (H. R. 17476) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve—to the Committee on the Public Lands.

By Mr. SMITH of Texas: A bill (H. R. 17477) to facilitate the shipments and furnishing of cars by railway companies for the shipment of carloads of live stock from points in one State or Territory of the United States into or through any other State or Territory of the United States, and to provide for such through shipments at reasonable rates of freight—to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE: A bill (H. R. 17478) to provide for an equal division of the lands and moneys of the Osage tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. MACON: A bill (H. R. 17479) to provide for the survey, location, and platting of the lands along and in the St. Francis River, in the States of Arkansas and Missouri—to the Committee on the Public Lands.

By Mr. PEARRE: A bill (H. R. 17480) regulating the compensation of the collector of customs for the district of Georgetown, in the District of Columbia—to the Committee on Ways and Means.

By Mr. RANSDELL of Louisiana: A bill (H. R. 17481) authorizing the Alexandria Bayou, Maçon and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 17482) to provide for the improvements of the Yazoo River and its tributaries—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17483) to provide for the construction of a snag boat for the Yazoo River, Mississippi, and its tributaries—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17484) to provide for the improvement of the Coldwater River, Mississippi—to the Committee on Rivers and Harbors.

By Mr. BROOKS: A bill (H. R. 17485) to amend an act entitled "An act providing for the compulsory attendance of witnesses before registers and receivers of the land office"—to the Committee on the Public Lands.

By Mr. LUCKING: A bill (H. R. 17486) for an additional appropriation to complete the temporary addition to the Detroit post-office—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 17487) to authorize the appointment of a United States commissioner for the southern judicial district of Indian Territory—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 17488) to extend the time for the commencement and completion of a bridge across the Missouri River at or near Oacoma, S. Dak.—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 17489) to provide the manner of opening for settlement and entry and for disposing of certain lands on the Uintah Reservation, in Utah—to the Committee on Indian Affairs.

By Mr. BURLESON: A joint resolution (H. J. Res. 193) providing for the publication of 3,000 copies of Bulletin No. 27 of the Bureau of Animal Industry, entitled "Information Concerning the Angora Goat"—to the Committee on Printing.

By Mr. CANDLER: A joint resolution (H. J. Res. 194) providing for the printing of 20,000 additional copies of the Jefferson Bible ("Morals of Jesus of Nazareth")—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 17490) granting an increase of pension to Atticus Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17491) to correct the military record of Sharpe McCurdy—to the Committee on Military Affairs.

Also, a bill (H. R. 17492) granting a pension to Rebecca Prussia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17493) granting an increase of pension to David W. Davison—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 17494) granting an increase of pension to Helen E. South—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 17495) for the relief of the estate of Jacob Israel, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17496) for the relief of the estate of S. S. Simmonds, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17497) for the relief of the estate of Phillip Poete, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 17498) for the relief of La Fayette & Bro.—to the Committee on the Post-Office and Post-Roads.

By Mr. BRUNDIDGE: A bill (H. R. 17499) granting an increase of pension to Henry T. Vose—to the Committee on Pensions.

By Mr. BUCKMAN: A bill (H. R. 17500) for the relief of Pamelia J. Getty—to the Committee on Claims.

Also, a bill (H. R. 17501) for the relief of Martha E. West—to the Committee on Claims.

Also, a bill (H. R. 17502) for the relief of A. M. Darling and Frank C. Darling—to the Committee on Claims.

By Mr. CAPRON (by request): A bill (H. R. 17503) for the relief of Herbert O. Dunn—to the Committee on Claims.

By Mr. DAVEY of Louisiana: A bill (H. R. 17504) for the relief of the estate of Patrick McCormack, deceased—to the Committee on War Claims.

By Mr. DAVIS of Minnesota: A bill (H. R. 17505) granting an increase of pension to Francis M. Stamm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17506) granting a pension to Van R. Gifford—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 17507) granting an increase of pension to Samuel S. Price—to the Committee on Invalid Pensions.

By Mr. DICKERMAN: A bill (H. R. 17508) granting a pension to Jeremiah Derr—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 17509) for the relief of Eugene King—to the Committee on War Claims.

By Mr. DIXON: A bill (H. R. 17510) granting an increase of pension to Abraham E. Pierson—to the Committee on Pensions.

Also, a bill (H. R. 17511) to remove the charge of desertion against the military record of Minor Berry—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 17512) for the relief of the Madison Female Institute, of Richmond, Ky.—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 17513) granting a pension to George W. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17514) granting an increase of pension to John Hey Williams—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 17515) granting a pension to Ida Eubank—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 17516) granting an increase of pension to Gillum M. Ezell—to the Committee on Pensions.

Also, a bill (H. R. 17517) granting an increase of pension to Frank Braziel—to the Committee on Pensions.

Also, a bill (H. R. 17518) granting an increase of pension to John Cook—to the Committee on Pensions.

Also, a bill (H. R. 17519) granting an increase of pension to Christian Dorbandt—to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 17520) granting a pension to McKean Ormsby—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 17521) for the relief of F. X. Smith, Son & Co.—to the Committee on Claims.

By Mr. LAMAR of Missouri: A bill (H. R. 17522) granting a pension to James M. McGoodwin—to the Committee on Invalid Pensions.

By Mr. LILLEY: A bill (H. R. 17523) granting an increase of pension to Mary A. Paul—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 17524) for the relief of the legal representatives of the estate of Robert B. Pearce, deceased, late of Sevier County, Ark.—to the Committee on Claims.

By Mr. LLOYD: A bill (H. R. 17525) to remove the charge of desertion from the military record of John H. Lash—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 17526) granting an increase of pension to Daniel Hayes—to the Committee on Pensions.

By Mr. MINOR: A bill (H. R. 17527) granting an increase of pension to James Sprague—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 17528) granting an increase of pension to John P. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17529) granting a pension to Margaret Munyon—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17530) for the relief of the estate of Lewis Patterson, deceased—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 17531) granting a pension to George W. Ennery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17532) granting an increase of pension to William A. Failer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17533) granting an increase of pension to Jared Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17534) granting an increase of pension to John Person—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17535) granting a pension to John D. Delhl—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 17536) granting an increase of pension to George W. Burton—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 17537) granting an increase of pension to Theodore Titus—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17538) granting a pension to William W. Isaacs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17539) authorizing the President of the United States to nominate Joseph C. Byron, late a captain and assistant quartermaster, to be a captain and assistant quartermaster on the retired list—to the Committee on Military Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 17540) for the relief of the estate of John R. Temple, deceased, late of Ouachita Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17541) for the relief of the heirs of Julia M. Clark, deceased, late of Catahoula Parish, La.—to the Committee on War Claims.

Also, a bill(H. R. 17542) for the relief of the estate of Mary A. Meredith, deceased, late of Caldwell Parish, La.—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 17543) granting an increase of pension to Lafayette Brashear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17544) granting an increase of pension to Stephen M. Fisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17545) to remove the charge of desertion against Owen J. Owen—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17546) for the relief of the legal representatives of the estate of Benjamin Lillard, deceased—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 17547) granting an increase of pension to George H. Hutchison—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 17548) for the relief of William H. Stiner & Sons—to the Committee on Claims.

By Mr. SMITH of Pennsylvania: A bill (H. R. 17549) granting an increase of pension to Archibald George—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 17550) granting an increase of pension to Martin Gillett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17551) granting a pension to Frank E. Saxon—to the Committee on Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 17552) for the relief of Robert J. Faulkner—to the Committee on Military Affairs.

Also, a bill (H. R. 17553) for the relief of John Quigley—to the Committee on Military Affairs.

Also, a bill (H. R. 17554) for the relief of William R. Boag—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 17555) granting an increase of pension to Mary E. Adams—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 17556) granting an increase of pension to Zenes Shipman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17557) granting an increase of pension to William A. Crum—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 17558) granting an increase of pension to Sarah Ann Morrison—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 17559) granting an increase of pension to Joseph Wilkes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17560) granting an increase of pension to Alexander Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17561) granting an increase of pension to Susan Burroughs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17562) granting an increase of pension to William J. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17563) to remove the charge of desertion against Jacob Goll, late a private in Company C, Twenty-fourth Regiment Wisconsin Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WILEY of New Jersey: A bill (H. R. 17564) granting a pension to Martha L. H. Spurgin—to the Committee on Pensions.

Also, a bill (H. R. 17565) granting an increase of pension to Marie Louise Michie—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17566) to remove the charge of desertion from the record of Emory Monty—to the Committee on Military Affairs.

Also, a bill (H. R. 17567) to remove the charge of desertion from the record of John E. Clarke—to the Committee on Military Affairs.

Also, a bill (H. R. 17568) to remove the charge of desertion from the record of Wiley B. Chamness—to the Committee on Military Affairs.

Also, a bill (H. R. 17569) granting an increase of pension to David H. Utley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17570) granting an increase of pension to John Hensly—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 17571) granting a pension to Charles W. Pinckney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17572) granting a pension to Frederick Hildenbrand—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17573) to remove the charge of desertion from the military record of Joseph F. Bryan—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 17574) granting an increase of pension to James T. Gabbert—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Floyd Jenkins, against repealing or amending the present oleomargarine laws—to the Committee on Agriculture.

Also, petition of Athens Grange, No. 304, of Pennsylvania, against repeal of the oleomargarine laws—to the Committee on Agriculture.

Also, petition of Verner F. Smith, against repeal of the oleomargarine laws—to the Committee on Agriculture.

Also, petition of Allen Heald, of Conneautville, Crawford County, Pa., against repeal of the oleomargarine laws—to the Committee on Agriculture.

Also, petition of Rundell Grange, of Conneautville, Pa., against repeal of the oleomargarine laws—to the Committee on Agriculture.

Also, petition of W. J. Cooley, of Hartstown, Pa., against repeal of the oleomargarine laws—to the Committee on Agriculture.

Also, petition of Hartman et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Engineers of Albion, Pa., favoring bills H. R. 704 and S. 4092—to the Committee on Interstate and Foreign Commerce.

By Mr. BENTON: Papers in support of bill for the relief of Alexander Clapp—to the Committee on War Claims.

By Mr. CAMPBELL: Petition of Bert Strattman et al., against legislation embodied in bill H. R. 4859—to the Committee on the District of Columbia.

Also, petition of residents of Independence, Kans., against bill H. R. 4859—to the Committee on the District of Columbia.

Also, petition of citizens of Wichita, Kans., opposing bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. CASSINGHAM: Papers to accompany bill for the relief of Jeremiah Lower Michigan—to the Committee on War Claims.

Also, papers to accompany bill for the relief of Herbert O. Kohn—to the Committee on Pensions.

By Mr. DAYTON: Papers to accompany bill for relief of Samuel S. Price—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Russell C. Paris, past national commander of the Army and Navy Union, favoring bill H. R. 3586—to the Committee on Naval Affairs.

By Mr. DRESSER: Papers to accompany bill for the relief of Philip H. Haupt—to the Committee on Pensions.

By Mr. ESCH: Petition of Colorado beet-sugar manufacturers, against legislation reducing tariff on raw or refined sugar—to the Committee on Ways and Means.

Also, petition of Carriage Builders' National Association, favoring law to empower Interstate Commerce Commission to determine freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of Republican Union Club of New York, for legislation favoring a reduction of representation of the Southern States—to the Committee on Election of President and Vice-President and Representatives in Congress.

Also, petition of Merchants' Association of New York, favoring a reduction of duties on imports from Philippine Islands—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of James Stuart et al., favoring a law against the sale of intoxicating liquor in Indian Territory—to the Committee on Alcoholic Liquor Traffic.

By Mr. FULLER: Petition of E. W. Chandler, of Rockford, Ill., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Elijah Harris, of Chicago, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Haddoff Piano Company, of Rockford, Ill., in favor of granting additional powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Royal Mantel and Furniture Company, of Rockford, Ill., in favor of the Quarles-Cooper bill and against pooling of railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Colorado beet-sugar manufacturers, opposing reduction of tariff on either raw or refined sugar—to the Committee on Ways and Means.

Also, petition of Washington school-teachers, praying for increase of salaries—to the Committee on Appropriations.

Also, petition of the Union League Club, of New York, concerning revision of tariff—to the Committee on Ways and Means.

Also, petition of George A. Post, chairman of the American Railway Appliance Exhibition, in favor of House joint resolution 160—to the Committee on the District of Columbia.

By Mr. HEARST: Petition of citizens of Manhattan, Kans., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Joliet, Ill., urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Texas: Papers to accompany bill for relief of Frank Brazeale, by increase of pension—to the Committee on Pensions.

Also, papers to accompany bill for relief of John Cook, by increase of pension—to the Committee on Pensions.

Also, paper to accompany bill for relief of Christian Dorbandt, by increase of pension—to the Committee on Pensions.

Also, paper to accompany bill for relief of Gillum M. Ezell, Russell, Tex., by increase of pension—to the Committee on Pensions.

Also, paper to accompany bill for relief of Louis A. Kumm—to the Committee on War Claims.

By Mr. HILDEBRANT: Papers to accompany bill granting an increase of pension to Elizabeth Jackson—to the Committee on Pensions.

By Mr. HITT: Petition of the Sparks Milling Company, of Alton, Ill., opposing enactment of the uniform bill-of-lading law—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Ohio: Papers to accompany bill correcting military record of Samuel Zellner—to the Committee on Military Affairs.

By Mr. KEHOE: Petition of C. T. Morris et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. KITCHIN: Petition of Haywood King et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of Carriage Builders' National Association, favoring bill to increase powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the Patriotic Order of Sons of America, of Hanover, Pa., urging enactment of more stringent laws covering the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMAR: Papers to accompany bill for the relief of Brian B. Tulley—to the Committee on Pensions.

By Mr. LAWRENCE: Petition of citizens of Greenfield, Mass., favoring a law taking the power from the State courts and placing it in Federal courts relative to polygamy—to the Committee on the Judiciary.

By Mr. LILLEY: Petition of Woman's Christian Temperance Union of Mystic, Conn., against the Proctor bill for the repeal of the anticanteen law—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the city council of Fort Smith, Ark., favoring annexation of the Cherokee and Choctaw nations to the State of Arkansas—to the Committee on Indian Affairs.

Also, papers to accompany bill for relief of Mary A. Paul—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Merchants' Association of New York, favoring legislation regulating towing in New York Harbor—to the Committee on Commerce.

Also, petition of the Merchants' Association of New York, favoring a law reducing tariff on Philippine products to this country—to the Committee on Ways and Means.

By Mr. McCALL: Papers to accompany bill H. R. 16690, for relief of Mrs. Louisa J. Arey—to the Committee on Naval Affairs.

By Mr. MACON: Papers to accompany bill for relief of Daniel Hays by increase of pension—to the Committee on Pensions.

By Mr. MAHON: Petition of George W. Hirson et al., of the Patriotic Order of Sons of America, for legislation restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of Wilson Rhoads et al., for legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON: Petition of the Stone Cutters' Association of North America, against law appropriating money for substitution of granite for sandstone in the superstructure in Government buildings in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, papers to accompany bill relative to the claim of estate of Lewis Patterson—to the Committee on War Claims.

By Mr. NEVIN: Petition of Rev. H. Johnson et al., asking legislation to protect the proposed States of Oklahoma and Arizona against intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. OLMSTED: Petition of members of the faculty of Dickinson College, Carlisle, Pa., calling attention to resolutions of the Mohonk Conference in regard to the exclusion of intoxicating liquors from Indian territories—to the Committee on Alcoholic Liquor Traffic.

By Mr. PATTERSON of Pennsylvania: Paper to accompany bill for relief of Theodore Titus—to the Committee on Invalid Pensions.

Also, petition of Washington Camp, No. 262, Patriotic Order of Sons of America, of Hegins, Pa., praying for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 76, Patriotic Order of Sons of America, of Tremont, Pa., asking greater restriction in immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 247, Patriotic Order of Sons of America, of Landingville, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RANSDELL of Louisiana: Papers to accompany bill for relief of heirs of Julia M. Clark, of Catahoula Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of Mary A. Meredith, of Caldwell Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of John R. Temple, of Ouachita Parish, La.—to the Committee on War Claims.

By Mr. ROBINSON: Papers to accompany bill for relief of Eugene King—to the Committee on War Claims.

By Mr. RYAN: Petition of the Merchants' Association of New York, urging legislation to regulate towing in the harbor of New York—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, against freight rebates—to the Committee on Interstate and Foreign Commerce.

By Mr. SIBLEY: Petition of New Vernon Grange, No. 608, of Mercer County, Pa., against repeal of the Grout Act—to the Committee on Agriculture.

By Mr. SLAYDEN: Petition of R. F. Casadine et al., favoring legislation to increase power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Pennsylvania: Petition of citizens of Jefferson County, Pa., favoring a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. SULLIVAN: Petition of Ford B. Strough et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Petition of citizens of the Eleventh Congressional district of Iowa, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Milford, Iowa, favoring legislation against the sale of intoxicating liquors in Indian Territory—to the Committee on Alcoholic Liquor Traffic.

By Mr. WILLIAMS of Illinois: Paper to accompany bill for relief of David H. Urley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Clark—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Emery Monty—to the Committee on Military Affairs.

Also, papers to accompany bill for relief of John E. Clark—to the Committee on Military Affairs.

Also, papers to accompany bill for relief of Wily B. Chamness—to the Committee on Military Affairs.

Also, papers to accompany claim for relief of William Clark—to the Committee on Pensions.

By Mr. WILSON of New York: Petition of Carriage Builders' National Association, favoring legislation empowering Interstate Commerce Commission to discriminate on freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petition for the relief of George Nottlie—to the Committee on War Claims.

SENATE.

WEDNESDAY, *January 11, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

NAMING OF PRESIDING OFFICER.

Mr. PERKINS called the Senate to order, and the Secretary read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE.

To the United States Senate:

I hereby appoint GEORGE C. PERKINS, Senator from California, to perform the duties of the chair during my absence.

WM. P. FRYE,
President pro tempore.

JANUARY 11.

Mr. PERKINS thereupon took the chair as Presiding Officer.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

REPORT OF AMERICAN NATIONAL RED CROSS.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate the annual report of the American National Red Cross for the year ended December 31, 1904; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CENTRAL POWER STATION.

The PRESIDING OFICER laid before the Senate a communication from the Superintendent Library Building and Grounds, transmitting, pursuant to law, a report with preliminary plans and estimates of cost for the location, construction, and equipment of a central power station for the existing and projected buildings on the Mall, in the vicinity of the White House, etc.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Jane*, James Barron, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Amelia*, Timothy

Hall, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed with an amendment to the concurrent resolution providing for the printing for the use of the Department of Commerce and Labor of 10,000 copies of the report of the Commissioner of Corporations, covering the period from the organization of the Bureau to June 30, 1904, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 16987) to provide for holding terms of United States courts at Greenville, Miss.; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.; and it was thereupon signed by the Presiding Officer.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of the Commercial Club, of St. Paul, Minn., remonstrating against the adoption of any amendment to the so-called "Nelson Act," relating to the Red Lake Indian Reservation in the State of Minnesota; which was referred to the Committee on Public Lands.

Mr. FAIRBANKS presented a petition of the Commercial Club, of Muncie, Ind., praying for the enactment of legislation to provide for the holding of terms of the United States courts in that city; which was referred to the Committee on the Judiciary.

He also presented a petition of The Nordyke & Marmon Company, of Indianapolis, Ind., praying for the enactment of legislation providing for the better protection of trade-marks; which was referred to the Committee on Patents.

He also presented a memorial of Local Union No. 159, Cigar Makers' International Union, of Marion, Ind., remonstrating against the reduction of the duty on cigars imported from the Philippine Islands; which was referred to the Committee on Finance.

He also presented petitions of the Indianapolis Fruit and Produce Commission Merchants' Exchange; of Washington Division, No. 339, Order of Brotherhood of Railway Conductors, of Washington, and of Local Division No. 249, Brotherhood of Locomotive Engineers, of Elkhart, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Old Soldiers' Republican Club, of Vanderburg County, Ind., praying for the enactment of legislation providing for equalizing the representation of different States in Congress; which was referred to the Committee on the Census.

Mr. BEVERIDGE presented a petition of sundry citizens of Hookey, Okla., praying for the passage of the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Nordyke & Marmon Company, of Indianapolis, Ind., praying for the enactment of legislation authorizing the registration of trade-marks; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Elkwood, Ind., praying for the enactment of legislation providing for the holding of terms of Federal court at Muncie, Ind.; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lafayette, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Division No. 248, Brotherhood of Locomotive Engineers, of Elkhart, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Randolph County, Ind.; of the Indianola Synod of the Cumberland Presbyterian Church, of Wagoner, Ind. T., and of sundry citizens of Sulphur and Lebanon, Ind. T., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

Mr. PROCTOR presented a memorial of the congregation of the Universalist Church of Woodstock, Vt., and the memorial of Elbert O. Smith and 30 other citizens of Willsboro, N. Y., remonstrating against the repeal of the present anti-canteen law; which was referred to the Committee on Military Affairs.

Mr. KEAN presented memorials of the congregation of the Methodist Episcopal Church of Succasunna; of sundry citizens of Summit, Collingswood, Newark, Dunellen, Salem, Paterson, Succasunna, Washington, Greenwich, Roseville, and Lakewood; of the Woman's Christian Temperance Union of Collingswood, of the Woman's Christian Temperance Union of Pensauken, of the Woman's Christian Temperance Union of Bloomfield, and of the Woman's Christian Temperance Union of Hancocks Bridge, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. KNOX presented petitions of the Patriotic Order of Sons of America of Broadtop, Curwensville, Duncannon, Landingville, Hanover, and Fishing Creek, all in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented petitions of the Ministerial Association of the Presbyteries of Pittsburg and Allegheny, of the Ministerial Association of the Baptist Churches of Pittsburg, of the Ministerial Union of Philadelphia, of the congregation of the First Presbyterian Church of Johnstown, of the General Assembly's Permanent Committee on Temperance of the Presbyterian Church of Pittsburg, and of sundry citizens of Pittsburg, Darby, Johnstown, Philadelphia, and Allentown, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of sundry citizens of Pittsburg, Pa., and memorials of sundry citizens of McSherrystown, Pa., remonstrating against any reduction in the tariff on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented a petition of the Pennsylvania Dairy Union, praying for the enactment of legislation providing for an increase in the income of the agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the International Pure Food Congress of Lexington, Ky., and a petition of the Pennsylvania Dairy Union, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a petition of the Retail Grocers' Association of Tacoma, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. GORMAN presented resolutions adopted at a meeting of sundry citizens of Baltimore, Md., held in McCoy Hall, Johns Hopkins University, favoring the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. SPOONER presented a memorial of the congregations of the Baptist, Presbyterian, and Methodist Episcopal churches of Lodi, Wis., remonstrating against the repeal of the present anti-canteen law, and praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. To accompany the bill (S. 5993) granting a pension to Mary E. Cash, I present the argument of James E. Twitchel, of Carthage, Mo., favoring the passage of the bill. I move that the paper be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, reported it without amendment.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 11178) for the relief of Miss Lelia G. Cayce, reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 3619) for the relief of David V. Howell, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6314) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not

been credited by the accounting officers of the Treasury Department in the settlement of their accounts, reported it without amendment, and submitted a report thereon.

OUACHITA RIVER BRIDGE, LOUISIANA.

Mr. BERRY. Two or three days ago the senior Senator from Louisiana [Mr. McENERY] called up and had passed Senate bill 6019, to authorize the parish of Caldwell, La., to construct a bridge across the Ouachita River. Since that time the House has passed a precisely similar bill. From the Committee on Commerce I report back favorably, without amendment, the House bill and ask for its present consideration. It is important that the bill should pass at an early day, and it is precisely similar to one which has already passed the Senate.

The bill (H. R. 15810) to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BERRY. I move that Senate bill 6019 be indefinitely postponed.

The PRESIDING OFFICER. Senate bill 6019 will be recalled from the House of Representatives and indefinitely postponed, if there be no objection.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I ask for the present consideration of the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill, which had been reported from the Committee on Printing, with amendments.

Mr. HALE. That is a very important bill. I do not know but that it is all right, but it affects our convenience very largely about documents, and I ask that it may go over and be printed.

Mr. PLATT of New York. It has been printed and is before the Senate now.

Mr. HALE. I ask that it may go over in order that we may examine it. I have had no opportunity to look at it. I presume it is all right.

The PRESIDING OFFICER. Objection being made to the present consideration of the bill, it will go over.

ESTATE OF HENRY H. SIBLEY.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 743) for the relief of the personal representatives of Henry H. Sibley, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 743) entitled "A bill for the relief of the personal representatives of Henry H. Sibley, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

W. W. MONTAGUE & CO.

Mr. STEWART. I am directed by the Committee on Claims, to whom was referred the bill (S. 6270) directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal., to report it favorably without amendment, and I submit a report thereon. This is a bill for the reissue of a lost check, and it is recommended by the Treasury Department. It is a mere formal matter, and I ask for its present consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That C. A. Devol, major and quartermaster, United States Army, be, and he is hereby, instructed to issue a duplicate of an original check issued by him on the 2d day of February, 1904, No. 156017, upon the assistant treasurer of the United States at San Francisco, in favor of W. W. Montague & Co., of San Francisco, Cal., for the sum of $2,614.46, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. ALLISON. I ask that the letter of the Secretary of the Treasury may be read.

The PRESIDING OFFICER. The Secretary will read the letter from the Secretary of the Treasury, which accompanies the report of the committee.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 6, 1905.

Hon. W. M. STEWART,
Committee on Claims, United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant inclosing S. 6270, being a bill directing the issue of a check in lieu of lost check No. 156017, drawn February 2, 1904, by C. A. Devol, major and quartermaster, United States Army, upon the assistant treasurer of the United States at San Francisco, Cal., in favor of W. W. Montague & Co., of San Francisco, Cal., for $2,614.46, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States, stating that said bill had been referred to you as a subcommittee for examination and report by the Committee on Claims, and requesting to be furnished with all of the facts in the case, together with a recommendation to enable you to present the bill to the committee at its meeting on Wednesday next.

In reply I have to inform you that Major Devol, having advised this office of the issue and loss of the above-mentioned check, he was informed that section 3646, Revised Statutes of the United States, authorizes the issue of duplicate checks drawn only for $2,500 or less, and that it would be necessary for the party in interest to apply to Congress for relief.

The bill is herewith returned with the information that it appears to be meritorious, correct in form, and similar to other bills heretofore enacted into law for a like purpose.

Respectfully, L. M. SHAW, *Secretary.*

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW HAMPSHIRE STATE CLAIMS.

Mr. PROCTOR. I move that the bill (S. 3192) for the relief of the State of New Hampshire, be recommitted to the Committee on Military Affairs.

The motion was agreed to.

Mr. PROCTOR subsequently, from the Committee on Military Affairs, reported the foregoing bill and asked that the committee be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

BILLS INTRODUCED.

Mr. BEVERIDGE (for Mr. KNOX) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6491) granting a pension to Clara F. Leslie;

A bill (S. 6492) granting an increase of pension to Joseph Howe; and

A bill (S. 6493) granting a pension to Ella J. Crosse.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6494) for the relief of the estate of Louis C. De Blanc, deceased;

A bill (S. 6495) for the relief of Bennett Lilly;

A bill (S. 6496) for the relief of the estate of William Griffith, deceased;

A bill (S. 6497) for the relief of the estate of Joseph Gradengo, deceased;

A bill (S. 6498) for the relief of Emile Honore;

A bill (S. 6499) for the relief of Floriment Izard;

A bill (S. 6500) for the relief of Francois Jefferson;

A bill (S. 6501) for the relief of the estate of Francois Laglaize, deceased;

A bill (S. 6502) for the relief of the estate of Morty Lynch, deceased;

A bill (S. 6503) for the relief of the estate of Jean Louis Malvean, deceased;

A bill (S. 6504) for the relief of the estate of Mary A. Meredith, deceased;

A bill (S. 6505) for the relief of Mrs. Lucy Moore;

A bill (S. 6506) for the relief of the estate of Francois Meuillon, deceased;

A bill (S. 6507) for the relief of the estate of Louis Malvean, deceased;

A bill (S. 6508) for the relief of Alonzo L. Boyer; and

A bill (S. 6509) for the relief of the estate of Emile Lambert, deceased.

Mr. CULLOM introduced a bill (S. 6510) for the relief of Capt. Frank D. Ely; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6511) granting an increase of pension to George W. Chrysup; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6512) granting an increase of pension to James Buggie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6513) for the widening of a section of Columbia road east of Sixteenth street; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6514) for the relief of the

Church of Our Redeemer, Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. ANKENY introduced a bill (S. 6515) granting an increase of pension to George Murphy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6516) granting an increase of pension to Charles R. Berry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6517) granting an increase of pension to George Jaggers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS (by request) introduced a bill (S. 6518) for the relief of J. V. Millspaugh; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6519) for the relief of Parker Burnham; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6520) granting a pension to Robert Hedrick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6521) granting an increase of pension to Perry Gatewood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6522) to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 6523) for the relief of the vestry of the Church of the Messiah, Protestant Episcopal Church, of St. Marys, Ga., successor to Christ Episcopal Church of the same place; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SPOONER (for Mr. QUARLES) introduced a bill (S. 6524) granting an increase of pension to Charles Conine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 6525) for the relief of Herbert O. Dunn; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6526) granting an increase of pension to Stephen A. Cox; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6527) granting an increase of pension to Sarah L. Bonner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6528) granting an increase of pension to Ellsworth D. S. Goodyear; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO STATEHOOD BILL.

Mr. LONG submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FAIRBANKS submitted an amendment providing for the printing by the Commission to Revise the Criminal and Penal Laws of the United States of the various titles of the general and permanent laws of the United States as fast as they may be revised, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. COCKRELL submitted an amendment proposing to appropriate $250,000 from the trust or invested funds of the Chickasaw tribe now in the Treasury of the United States belonging to said tribe for the immediate payment of all the outstanding school warrants of said tribe, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $4,926.67 to compensate the owners of the Norwegian steamship *Nicaragua* for damage by reason of the rescue of an American citizen, John McCafferty, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

CASES BEFORE INTERSTATE COMMERCE COMMISSION.

Mr. ELKINS. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, directed to furnish to the Senate, as soon as practicable, the following facts and information:

First. The number of complaints of every sort and description which have been made to it against railroad companies since the organization of the Commission, the number of such complaints which have been disposed of informally by the Commission without any formal hearing and determination, and the number of such complaints which have come to a formal hearing and determination by the Commission.

Second. The total number of cases heard and determined by the Commission since its organization which have been appealed to the courts, the total number of such cases in which the decisions of the Commission have been sustained, and the total number of such cases in which the decisions of the Commission have been reversed by the courts.

Third. The total number of complaints as to excessive or exorbitant rates which have been settled by the Commission without any formal hearing, the total number of cases of exorbitant or excessive rates which have been settled by the Commission on formal hearing and decision, and the total number of such cases which have been appealed to the courts; also the total number of case of exorbitant rates in which the decisions of the Commission have been sustained by the courts, and the total number of such cases in which the decisions of the Commission have been reversed.

Fourth. The total number of complaints as to unjust discrimination which have been settled by the Commission without any formal hearing, the total number of cases of unjust discrimination which have been settled by the Commission on formal hearing and decision, and the total number of such cases which have been appealed to the courts; also the total number of cases of unjust discrimination in which the decisions of the Commission have been sustained by the courts, and the total number of such cases in which the decisions of the Commission have been reversed.

Fifth. The total number of complaints of violation of published rates which have been made to the Commission since the enactment of the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, the total number of such cases which have been settled by the Commission informally, the total number of such cases which have been settled by the Commission on formal hearing and decision rendered, the total number of such cases in which the Commission has appealed to the courts for the suppression of such violations of published rates, and the total number of such appeals which have been granted by the courts.

The Interstate Commerce Commission is also hereby directed to furnish to the Senate a list of the cases of exorbitant rates and a list of cases of unjust discrimination since the Commission was organized, and a list of cases of violations of published rates since February 19, 1903, which have been appealed to the courts, stating briefly the action taken by the courts in each of such cases; also a list of cases of violation of published rates since February 19, 1903, in which the courts have enforced the observance of published rates, by proper orders, writs, and process in the nature of injunction, and a list of the cases in which the courts have refused to take such action.

Mr. KEAN. What is this resolution?

The PRESIDING OFFICER. It is a Senate resolution, presented by the senior Senator from West Virginia [Mr. ELKINS].

Mr. KEAN. From the Committee on Interstate Commerce?

Mr. ELKINS. As chairman of the committee I offer the resolution.

Mr. KEAN. It seems to be rather voluminous, and I should like to have a little information about it.

Mr. ELKINS. It is merely an inquiry for information. I hope the Senator from New Jersey will not object.

Mr. KEAN. What is the object? To bring down two or three cartloads of documents?

Mr. ELKINS. Yes; to get the information.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. KEAN. I do not object to it.

Mr. COCKRELL. Let it be read again.

The PRESIDING OFFICER. The resolution will be again read.

The Secretary proceeded to read the resolution.

Mr. COCKRELL. I do not ask for any further reading. I did not catch the full scope of the resolution. It calls for information, and it is all right.

The PRESIDING OFFICER. The further reading of the resolution will be dispensed with. Is there objection to its present consideration?

The resolution was considered by unanimous consent, and agreed to.

HOUSE BILL REFERRED.

H. R. 16987. An act to provide for holding terms of United States courts at Greenville, Miss., was read twice by its title, and referred to the Committee on the Judiciary.

REPORT OF COMMISSIONER OF CORPORATIONS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate for printing the report of the Commissioner of Corporations.

The amendment was to strike out, after the word "four," in line 6, the words "including therein the statement of the case and the opinion of the court in Paul against Virginia, 8 Wallace, page 168, and the statement of the case, the opinion of the court,

and the dissenting opinion in United States against E. C. Knight Company, 158 United States, page 1."

The PRESIDING OFFICER. The concurrent resolution and amendment will be referred to the Committee on Printing.

THE MILITARY ESTABLISHMENT.

Mr. PROCTOR. I move that the bill (S. 4505) to amend an act entitled "An act to increase the efficiency of the permanent military establishment of the United States" be indefinitely postponed. The matter was included in the last Army appropriation bill.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 5th instant approved and signed S. 5704, an act to incorporate the American National Red Cross.

The message also announced that the President had on the 6th instant approved and signed the following acts:

S. 183. An act granting an increase of pension to John W. Currier;

S. 216. An act granting an increase of pension to Nelson Wells;

S. 922. An act granting an increase of pension to William S. Devlin;

S. 1421. An act granting an increase of pension to Charles L. Houghton;

S. 1576. An act granting an increase of pension to Emily M. J. Cooley;

S. 1994. An act granting an increase of pension to Isabella Chivington; and

S. 2414. An act granting an increase of pension to Elise Habercom.

The message further announced that the President had on this day approved and signed S. 6368, an act providing for the interment in the District of Columbia of the remains of Rose Dillon Seager.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

Mr. GAMBLE. I ask for the present consideration of the bill (S. 5798) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 6 of the act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., by extending the time for commencing the construction of the bridge to March 9, 1906, and by extending the time for completing the bridge to March 9, 1908.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT MINNEAPOLIS, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6261) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. KEAN. The Calendar, Mr. President.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the Calendar under Rule VIII.

The bill (S. 2514) to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GORMAN. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. CLAY March 2, 1904, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2514) to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., December 4, 1903.

SIR: I have the honor to transmit herewith, for the consideration of the Committee on Post-Offices and Post-Roads, a copy of a proposed amendment to the act of March 2, 1895, which relates to the suppression of lottery traffic. The suggestion of an amendment to that act is prompted by the decision of the United States circuit court for the northern district of Illinois, in the case of United States, ex rel. Champion, *v.* Ames, reported in the Federal Reporter, volume 95, page 453. The court, in passing upon one of the points raised in that case, spoke as follows:

"The complaint charges that the defendant caused to be carried and transferred by the Wells-Fargo Express Company, from the State of Texas to the Territory of New Mexico, certain lottery tickets. The act designates the offense to be the carrying or transferring of such matter from one State to another in the United States. The question to be decided, therefore, is in what sense the word 'State' is employed in the act in question. Does it include a Territory of the United States?

"At a very early day the question came before the Supreme Court of the United States (Hepburn *v.* Elizey, 2 Cranch, 445), in regard to the jurisdiction of the Federal courts, the act conferring jurisdiction providing that in order to confer jurisdiction upon the Federal court there must be a controversy between a citizen of one State and a citizen of another State, or between an alien and a citizen. The question arose whether an inhabitant of a Territory of the United States, who was a citizen of the United States, could maintain a suit in the Federal court, and upon that question we have the decision of the Supreme Court, speaking by Mr. Chief Justice Marshall, then whom no greater intellect ever adorned the bench of the Supreme Court of the United States. This decision was made in what might be termed the 'formative period' in the construction of the Constitution, at a time when many of its framers were living, and it might be termed a 'contemporaneous construction' of the Constitution. I have also read with great interest and care the several decisions of the district court of Oregon to which the court here was referred upon the hearing, and the reasoning of those cases has greatly impressed me; for there can be no sort of reason why a citizen of the United States who happens to be an inhabitant of a Territory should not be allowed access to the Federal courts of his country when an alien has that right, and it has seemed to me that the statutes should have been so construed that the word 'State' should apply to a Territory of the United States which is under its Government and subject to its laws.

"But the same argument and the same reasoning which induced Judge Deady to hold that the word 'State' includes 'Territory' was presented to, and passed upon by, the Supreme Court at that early date in the construction of the Constitution, and the Chief Justice remarked: 'The act of Congress obviously used the word "State" in reference to the term as used in the Constitution,' and therefore it becomes necessary to ascertain in what sense the word is employed in the Constitution, and 'the result of that examination is a conviction that the members of the American Confederacy only are the States contemplated in the Constitution. The House of Representatives is to be composed of Members chosen by the people of the several States, and each State shall have at least one Representative.' The Senate of the United States shall be composed of two Senators from each State. Each State shall appoint for the election of an Executive a number of electors equal to its whole number of Senators and Representatives. 'Those clauses show', says the Chief Justice, 'that the word "State" is used in the Constitution as designating a member of the Union, and excludes from the term the signification attached to it by writers on the laws of nations.' It was claimed before that court that other passages from the Constitution showed that the term 'State' was used in a more enlarged sense, but the court observed on examining the passages quoted that they did not prove what was attempted to be shown by them. 'It is extraordinary,' says the Chief Justice, 'that the courts of the United States, which are open to aliens and to the citizens of every State in the Union, should be closed upon them' when they are citizens and inhabitants of a Territory. 'But this is a subject for legislative, not judicial, consideration.'

"I feel bound by the decision of the Supreme Court to which I have referred, and which has been upheld and adhered to continuously from that time to the present. (Hooe *v.* Jamieson, 166 U. S., 395; 17 Sup. Ct., 596.) It is the law of the land to-day, with respect to the jurisdiction of the Federal courts, that the inhabitants of a Territory can not seek justice within the portals of a Federal court.

"Here is an act creating an offense unknown to the common law. It is a cardinal canon in the construction of criminal statutes that they should be construed strictly; that the courts have no right to extend their meaning beyond the scope of the terms employed; and we must seek for the intent of the lawmaking power in the language which has been used in the act itself. When Congress, knowing, as we must presume it did, that the word 'State,' as used in the Constitution, means simply State, and not Territory, and knowing also that the act, if it could be upheld at all, could only be sustained under the power given to Congress to regulate commerce between the States, employed that term, we must assume that it was in the constitutional sense, as interpreted and declared by the Supreme Court of the United States.

"It may be said—it may occur to anyone to say—that the transportation of lottery tickets into a Territory which was under the absolute control of Congress was as much within the mischief intended to be prevented as the transportation of such tickets from one State to another; but it is no more true than was the powerful argument presented to the Supreme Court that it was not intended to prohibit to citizens of the United States, because they happened to be domiciled in a Territory, the protection of the courts of the United States, and it was as easy a matter in the one case as in the other, as suggested by the Chief Justice, to apply the remedy. If Congress desired to prohibit the transportation of lottery tickets into a Territory of the United States, it should have said so. We may not enlarge the scope of a criminal statute to declare an offense which Congress has not created because we see that the mischief is the like mischief that Congress has sought to prevent in respect to other geographical divisions of the Union. I have come reluctantly to the conclusion that it would be judicial legislation for the court to hold, in view of the decisions of the Supreme Court, that the word 'State,' as used in this act, includes the Territories of the United States. It follows, therefore, that this complaint presented to the commissioner charges no offense against this petitioner, and that he must be discharged from imprisonment."

No appeal was taken from this decision.

An extension of the act so as to include all cases which may arise through national and interstate commerce, as indicated by the title of the act, seems advisable. In doing this the language of the act of February 4, 1887 (as amended 1889, 1891, and 1895), entitled "An act to regulate commerce," has been used, and the expression "or Territory under the jurisdiction of the United States" has been added in view of the decisions of the Supreme Court in the insular cases. The words used in amendment are underscored, and the words stricken from the act are put in parentheses for convenience.

Very respectfully,

H. C. PAYNE, *Postmaster-General.*

The CHAIRMAN COMMITTEE ON POST-OFFICES AND POST-ROADS,
United States Senate.

Mr. CLAY. Just a word in explanation of this bill.

The present law relating to the transmission of lottery tickets through the mails has been held to apply only to mail transmitted from one State to another. A person was indicted for using the mails in the transmission of lottery tickets from Texas to New Mexico. The counsel for the defendant made the point that New Mexico was a Territory and not a State; that the present criminal law relating to the use of the mails for the purpose of transmitting lottery tickets must be strictly construed, and so that it did not apply to lottery tickets transmitted from a State to a Territory. That contention of the defendant was sustained, the indictment was quashed, and the defendant acquitted.

The Post-Office Department state that it is necessary for this law to also apply to the transmission of the mails from a State into the District of Columbia and from a State into a Territory. The only thing this bill does is simply to apply the present law both to Territories and the District of Columbia as well as to the States. There is no change made in the general law, except to make it applicable to the District of Columbia and to the Territories.

If this bill shall become a law, and lottery tickets shall be transmitted through the mails from the District of Columbia to a State or a Territory, the party using the mails for that purpose would be criminal. If this bill shall become a law and a person shall attempt to use the mails for the purpose of transmitting lottery tickets from a State into a Territory, it would be a violation of the law.

The Post-Office Department recommended the passage of this bill, and it comes here with the unanimous indorsement of the Committee on Post-Offices and Post-Roads. I do not see how there can be any objection to it.

Mr. GORMAN. I would ask the Senator whether the bill would not go beyond the District of Columbia and the Territories within the limits of the United States, and apply as well to territory which we have recently acquired?

Mr. CLAY. It would. I think if under this bill a person should undertake to use the mails for the purpose of transmitting lottery tickets to the Philippine Islands, or to any other of our possessions, he would be guilty of a violation of the law; and I am inclined to think it ought to be that way.

Mr. PLATT of Connecticut. Will the Senator permit me?

Mr. CLAY. With pleasure.

Mr. PLATT of Connecticut. I see that this bill follows the language of the existing act in the commencement of the bill, but it is in very peculiar language. This bill reads:

That any person who shall cause to be brought within the United States from abroad, for the purpose of disposing of the same, or deposited in, or carried by the mails of the United States—

That is the existing law, I suppose.

Mr. CLAY. Yes, that is the existing law.

Mr. PLATT of Connecticut. I suppose it must have had some construction, but it is not grammatical or clear, as the Senator will see. I suppose, however, as it has had a construction, it would not be worth while to change it.

Mr. CLAY. I think not.

Mr. SPOONER. Does the Senator from Connecticut not think that, so far as it is within our power, an act ought to be reasonably grammatical? Certainly no court ever held this language to be grammatical.

Mr. PLATT of Connecticut. Let me refer to another matter.

Mr. SPOONER. Very well.

Mr. PLATT of Connecticut. In line 8 the word "another" is put in parentheses and followed by the words "any other." What is the necessity for that? The original act says:

Carried from one State to another in the United States.

Now, this bill says "another" in parentheses, and then the words follow: "Any other State or Territory." Is it necessary for both to be in there?

Mr. CLAY. I do not think so; but I will state to the Senator that this bill was drawn, according to my understanding, by the Attorney-General for the Post-Office Department.

Mr. PLATT of Connecticut. That does not help it very much in my mind.

Mr. CLAY. I know it does not, but he followed the existing statute, and simply intended to include the Territories and the District of Columbia, or any other possessions belonging to the United States. There was not any desire or purpose, I suppose, to change the words of the existing law, except to include the District of Columbia and the Territories belonging to the United States.

Mr. PLATT of Connecticut. But it does change the existing law in that respect by inserting that word "another," and then inserting the words "any other," after having included the word "another" in parentheses.

I do not know who is the Attorney-General for the Post-Office Department, but I do not think it concludes us to say that the bill was drawn by the Attorney-General for the Post-Office Department.

Mr. CLAY. I will say to the Senator that I think the trouble probably comes from the original act.

Mr. PLATT of Connecticut. No; the words "any other" are not in the original act. It is "another."

Mr. CLAY. Well, I am sure that ought to be changed.

Mr. GORMAN. I suggest, then, Mr. President, that this bill go over without prejudice, as the Senator from Nevada [Mr. NEWLANDS] desires to take the floor at 1 o'clock, in accordance with the notice he gave yesterday.

The PRESIDING OFFICER. The bill will go over under the rule without prejudice.

NATIONAL INCORPORATION OF RAILROADS.

Mr. NEWLANDS. Mr. President, in accordance with the notice I gave yesterday, I ask unanimous consent that the joint resolution (S. R. 86) creating a commission to frame a national incorporation act for railroads engaged in interstate commerce may be taken up for discussion.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution referred to by the Senator from Nevada, which will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That a commission consisting of fourteen members, one of whom shall be experienced in railroad traffic management, to be appointed by the President of the United States, one of whom shall be an attorney at law, to be appointed by the Attorney-General, one of whom shall be an expert in transportation, to be appointed by the Secretary of Commerce and Labor, one of whom shall be an expert in transportation law, to be appointed by the Interstate Commerce Commission, five of whom shall be Senators, to be appointed by the President pro tempore of the Senate, and five of whom shall be Members of the House of Representatives reelected to the Fifty-ninth Congress, to be selected by the Speaker of the House, shall frame and report to the Congress of the United States a national incorporation act for railroads engaged in interstate commerce, providing, among other things, as follows:

First. For the construction of interstate railroads throughout the United States, the amount of the bonds and stock to be issued by such corporations to be determined by the Interstate Commerce Commission, and not to exceed in any event the actual cost of such railroads;

Second. For the consolidation of railroads now engaged in interstate commerce, the amount of stock and bonds issued for such consolidation to be approved by the Interstate Commerce Commission, and not to exceed in any event the actual value of the railroads consolidated, such value to be determined by the Interstate Commerce Commission;

Third. For the increase of the issues of bonds or stock by such corporations for the purchase of connecting or intersecting lines, for new construction, or for betterment of the roads, the amount of such issue of stock and bonds to be determined by the Interstate Commerce Commission, and not to exceed in any event the cost of such new construction, the betterments, or the value of the intersecting or connecting lines acquired;

Fourth. For the classification by such railroad corporations of all articles of freight into such general and special classes as may be necessary and expedient, and also the fixing of transportation rates for freight and passengers by such railroads, such classification and rates to be subject to revision and amendment by the Interstate Commerce Commission upon complaint of shippers and localities;

Fifth. For the reasonable and just exercise of such power in classifying and regulating such rates of freight and fare by providing that such power shall be exercised by the Interstate Commerce Commission in such a way as to yield each railroad corporation a fair return of not less than 4 per cent per annum upon the value of its road and property, such value to be ascertained by the Interstate Commerce Commission;

Sixth. For the hearing by such commission of complaints made either by such railroad corporations or other party at interest regarding the decision of any rate, classification, order, or regulation adopted by such commission, and for decision thereon;

Seventh. For summary proceedings in the courts on the complaint of any railroad company or other party at interest concerning the decision of any rate, classification, order, or regulation adopted by such commission;

Eighth. For the imposition of a percentage tax upon the gross receipts of all such corporations in lieu of all taxes upon the property of such railroad corporations and its stock and bonds, and in lieu of all taxes upon the bonds and stock of such railroad companies in the hands of stockholders, the property of such railroads and their bonds and stock to be entirely exempt from State, county, or municipal taxation, and for a just plan of distributing such taxes by the Federal Government among the States in which such railroads operate according to trackage or volume of business, or such other fair method as may be deemed advisable, such percentage to be so adjusted as to yield in the aggregate an amount equal to the taxes now paid by such railroads, and to be increased gradually through a period of ten years, until it

reaches an aggregate of 5 per cent upon the gross receipts of such corporations;

Ninth. For the correction of existing abuses, and for the prevention of rebates, preferences, and discrimination, whether relating to communities or individuals;

Tenth. For the creation of a pension fund for railroad employees disqualified either by injury or by age for active service, by setting aside a percentage of the gross receipts of the railroads in a fund in the Treasury, to be invested according to rules and regulations made by the Interstate Commerce Commission, such pension system to be devised, changed, and modified from time to time by the Interstate Commerce Commission;

Eleventh. For the arbitration of all disputes between such railroad corporations and their employees as to compensation, hours of labor, and protection to life and limb.

SEC. 2. That the sum of $5,000 is hereby appropriated for the expenses of such commission.

Mr. NEWLANDS. Mr. President, this joint resolution was introduced by me on the 4th of January of this year. It is the result of a hearing before the Interstate Commerce Committee of the Senate on the 16th day of December, just prior to the holidays, at which Mr. Bacon, chairman of the Interstate Commerce Law Convention, appeared and urged the passage of the Quarles-Cooper bill for the enlargement of the powers of the Interstate Commerce Commission. During that inquiry I questioned Mr. Bacon regarding a plan, which I have had under consideration for some time, as to the simplification and unification, under one national taxing power and one national rate-regulating power, of the railroad systems of this country. After these inquiries were made, and the questions answered, there was some discussion among the Senators present as to the principles of this proposed national incorporation act, and it was suggested that I should bring the matter up for discussion in the Senate.

I therefore endeavored to frame a national incorporation act, but I found that in doing so I would be obliged to enter into a great many matters of detail not essential to the elucidation of the principles for which I contended, and I feared that if I should frame an elaborate bill more attention would be given to the details than to the principles. Therefore I concluded to draw up a joint resolution providing for the appointment of a commission, consisting of four experts in transportation and transportation law, five Senators, and five Representatives, and instructing them to frame and report to Congress a national incorporation act, prepared upon certain principles declared in the joint resolution. It is in reference to those principles that I wish to address the Senate today, in the hope that the subject may become a matter of discussion, and that discussion here may instruct the minds of the members of the Interstate Commerce Committee regarding this important question.

RAILWAY EVOLUTION.

Mr. President, we find that to-day in this country there are about 200,000 miles of railroad in the ownership and control of over 2,000 railroad corporations incorporated under the laws of the various States. We find that of those 2,000 corporations only about 600 are operating companies, the others by some method having come under control of these operating companies. As to these operating companies, we find that they have fallen under the control of certain systems. So that to-day it is a well-recognized fact in this country that almost all the railroad trackage of the country is under the control of eight or ten systems, each of which is under the absolute direction and control of either a single man or a group composed of a small number of men.

So, as a matter of fact, although our railroads are incorporated under State laws, the boundary lines of the States have been practically ignored in the evolution of railroads, and to-day we speak familiarly of the Harriman system, of the Hill system, of the Morgan system, and of the Pennsylvania system, each system covering not simply a single corporation, but many corporations joined together, often without express sanction of the law, by some method of lease or trackage or traffic arrangement or through holding companies, and each system under the absolute control either of one man or of a set of men.

I regard this as a natural and practical evolution of the railroad business, resulting, so far as the economic operation of the roads is concerned, in advantage and not disadvantage, and operating, so far as the convenience of the public is concerned, to their advantage and not to their disadvantage, and only likely to be operated against the interest of the country when we consider the questions of rates, of rebates, and of discriminations.

It is with reference to these matters, then, that the railroads should be brought under some form of unified control, and that unified control should be exercised in such a way as not to impair the initiative, the energy, and the enterprise of the operators of these great railroads.

NATIONAL POWER.

Now, I assume that if to-day there were no railroads in this country and the United States should conclude to enter upon the construction of interstate railroads, under the interstate-commerce power of the Constitution, the power of the Government to do so would not be questioned. It has not only the power to regulate commerce, it has the power to create the instrumentalities for the exercise of that power; and if in its judgment it concludes to enter upon the building as a Government enterprise, of interstate railways, for the purpose not only of exercising the interstate-commerce power of the Constitution, but the power conferred by the Constitution upon the General Government with reference to the mails and with reference to the military defense, I imagine the power would not be questioned.

I also assume that if the Federal Government constructed and owned these railroads as Federal instrumentalities for the exercise of national powers, the National Government would not permit them to be embarrassed or impeded in their operations by State legislation—by State legislation under the exercise of the taxing power, for the power to tax would involve the power to destroy; and the Government of the United States, as a sovereign, exercising its power on the soil of each one of the States, has the right to exercise it unimpeded and unembarrassed by the taxing power in the State.

So, also, I take it for granted that it would be unembarrassed by the rate-regulating power of the various States; that power which now exists over domestic rates, interstate rates, for that power, if exercised, would have a tendency to impede and perhaps destroy the Federal instrumentality just as much as would the power of taxation. It would probably impede and embarrass it even to a greater extent than the exercise of the power of taxation.

So, starting off with that assumption, comes the further assumption that if the Federal Government chooses to incorporate private corporations to perform the public service of the country, for the purpose of carrying out this constitutional power, it can also exempt such railroads in private ownership, but subject to public control, from any power of the States that embarrasses or tends to destroy the Federal instrumentality, just as much so as if it itself owned the railroads.

Now, then, assuming that the Federal Government has the power to incorporate railroad companies for the purpose of carrying out the interstate commerce power, and that these railroads can be exempted from local taxation and from local regulation, then we have the question unembarrassed. We have railroads organized under a national law, their stocks and bonds fixed as to amount by law or by the Interstate Commerce Commission, so as to prevent inflation or the watering of stocks and bonds; and we have one taxing power—the Federal Government; and we have one rate-regulating power—the Federal Government.

I insist upon it that in order to secure the proper control and regulation of the railroads of the country it is essential that we should not have a confusion of taxation and a confusion of rate regulation.

Mr. BACON. Will it interrupt the Senator if I ask him a question right here? If it will, I will defer it.

Mr. NEWLANDS. I would prefer it if the Senator would let me proceed consecutively, and then I will answer any question later.

STATE LINES SHOULD BE DISREGARDED.

It seems to me it must be manifest that if we are to have a system of railway extending from New York to San Francisco, running through ten States, and if we are to apply the principles laid down by the Supreme Court of the United States as to the control over rates, and if we are so to adjust those rates in the exercise of the interstate commerce power as that there shall be a fair return to the corporations upon the value of their property, it is essential that there should be but one body to value and but one body to fix the return. And yet under existing conditions we would have ten States exercising the taxing power regarding that system of railway, ten States through their legislatures or their local commissions valuing the railroads, and ten States fixing the return in the shape of interest upon the valuation.

It is impossible to assume that they will all come to the same conclusion, and if they do not come to the same conclusion we will have each one of those States fixing a different valuation upon the part of the road that goes through that State; each one of the States taxing the road upon varying systems; each one fixing a different return in interest upon the valuation of the road, and above and beyond all that, we will have the United States Government making its own valuation through the Interstate Commerce Commission, and the United States through that Commission fixing the rate of return in the shape of interest, and we will have varying rates of interest, interest varying all the way from 4 to 10 per cent.

Mr. SPOONER. I should like to ask a question for informa-

tion. The Senator from Nevada has evidently given this subject much thought. I have listened to him with interest, and I do not want to disturb him. I should like to ask him a question in order to get his views. If the Senator would prefer, I will not ask him now.

I want to know simply whether the Senator intends to assert that because Congress incorporates a railway corporation to transport products from one State to another, thereby the States, purely as to domestic commerce, lose their right of regulation and their right of taxation?

Mr. NEWLANDS. I think under a well-ordered system they ought not to have that right.

Mr. SPOONER. But does the Senator claim there is any such system under the Constitution now as would lead to that result, provided only the incorporation be a Federal incorporation?

Mr. NEWLANDS. There is no such system now. What I propose to do is to shape the way for such a system.

Mr. SPOONER. Does the Senator think Congress has power by creating an interstate or Federal corporation to operate a railroad from State to State to dispossess in any way under the Constitution as it now exists the power of the State to regulate purely State commerce, although carried on by a Federal corporation?

Mr. NEWLANDS. I do think so as to a national corporation; that is to say, the State is not dispossessed of its power, but its exercise can not be applied to a national instrumentality.

Mr. SPOONER. I did not understand the Senator.

Mr. NEWLANDS. The inconveniences of this system of divided control over these great systems of railroads by the various States in the way of taxation and rate regulation and by the National Government in the shape of interstate regulation must be obvious, and the question is whether we can organize a system that will work out justice to the States and which will simplify and unify the entire railroad system of the country.

METHOD OF TAXATION.

First, as to the method of taxation, the resolutions which I have introduced suggest that the following method should be pursued: That the Interstate Commerce Commission should have the power to value a railroad constructed under this national act, or railroads consolidated under this national act, and should have the power to fix a return in the shape of interest upon that valuation.

As to taxation, the simplest form of taxation would be a tax of 3 per cent upon the gross receipts of such corporation. I have fixed 3 per cent because I find upon calculation that the total gross receipts of all the railroads in this country to-day aggregate nearly $2,000,000,000, and that the total taxes paid by all the railroads amount to about $56,000,000, and that is just about 3 per cent of the gross receipts.

I therefore fix the present percentage at 3 per cent, so as to insure payment by the railroads of the amount which they now pay. But I provide for a gradual increase of that tax, extending over a period of ten years, at the rate of one-fifth of 1 per cent per annum until it reaches 5 per cent, for there is general complaint throughout the country that the railroads are not taxed in proportion to other property in the country, and we all know that an agitation is going on in almost every State in the Union as to the increase of railroad taxes. I assume that 5 per cent—possibly it should be 4 per cent—would be a fair percentage for the railroads to pay upon their gross receipts, and if we make the increase a gradual one, extending over a period of ten years, we will, whilst increasing the taxation, not do it so rapidly as to wrench the finances of the railroads of the country.

Now, the advantage of this percentage tax is this: It makes the tax a matter of mathematical certainty.

Mr. SPOONER. A franchise tax.

Mr. NEWLANDS. A franchise tax. What is the condition now? No railroad in the country knows what its tax next year is going to be. They are subject to the caprice or the judgment or the passion or the prejudice of hundreds of assessing officers throughout the entire country, boards of equalization, and of State legislatures. If you are going to make railroading an exact science we should make their taxation a matter of mathematical certainty, and I know of no better method than this percentage tax upon the gross receipts, for the gross receipts are a matter of record on the books of the corporations, and besides that the railroads are compelled now under the interstate-commerce law to make reports under oath to the Interstate Commerce Commission regarding the gross receipts.

THE RAILROADS IN POLITICS.

There will be no opportunity of evading the tax. There will be no temptation to engage in politics with a view to controlling the assessing officers and the equalizing bodies. We know to-day that as a result of the taxing power and of the rate regulating power as to domestic rates that are possessed by the various States of the Union the railroads are invited into politics. It is impossible for them to escape politics. The result is that they take part in the election of every officer whose duties are likely to trench in any degree upon the taxing power or the rate-regulating power.

These railroads do everything systematically, and hence entering into politics with them means the organization of a political machine in every State in the Union, and as they pursue the lines of least resistance it oftentimes means the alliance of the railroads with the corrupt element of every community.

So it is that the railroads are present everywhere in politics, forced to be in politics by the existing condition of things, for their properties lie between the upper and the nether millstone—the upper millstone the taxing power, and the nether millstone the rate-making power. Between the two they can be crushed, and it is not in human nature to expect them not to take an interest in politics, and if they take an interest in politics that interest is often likely to be exercised in such a way as to be to the disadvantage and injury of every community in which it is exercised. If they exercise no political power they are liable to be held up by the blackmailer or attacked and injured by the demagogue or to be prostrated by storms of popular violence. On the other hand, if they secure political control they are likely to use it to promote extortion and monopoly.

The purpose of this resolution is to unify and simplify the railroad systems of the country; to recognize the recent evolution in railroading, under which the operation and management of almost the entire railroad mileage of the country has come under the control of about ten well-known systems; to place such systems under national control; to make the taxes of the railroads fixed and certain, and to provide for fixed dividends, so that hereafter any increase of business will tend mathematically either to a betterment of the roads, to an increase in wages, or to a diminution in rates.

By unifying the railroads of the country into scientific systems under a national incorporation act, and consolidating the control now exercised by legislatures and commissions of forty-five different States in the hands of the Interstate Commerce Commission, and by substituting a simple tax mathematically ascertained, to be divided justly between the States, it would be easy to check and destroy the existing system of rebates and discriminations and to correct every existing abuse. The public would be protected from extortion and the railroads against popular caprice and violence.

DISTRIBUTION OF TAX AMONG STATES.

Now, you say that it will be utterly impossible to provide for a percentage tax imposed by the Federal Government upon the franchise of these corporations, because the States will not assent to it—will not agree that their revenues shall be taken away. I mean to say that the representatives of the States will not agree to the passage of a national incorporation act; that the local sentiment will be so strong they dare not vote for it; and I believe that sentiment must be met. You can not violently wrench the financial system of every State and of every municipality in this country when such financial systems at present largely draw their support from the railroads of the country.

So I provide that this percentage tax shall be paid into the Federal Treasury and shall be divided among the various States by some fair system of distribution, either in proportion to trackage or in proportion to the volume of business furnished by each State.

Mr. PLATT of Connecticut. The State has nothing to say about the division?

Mr. NEWLANDS. The State has nothing to say. That will be left to the justice of Congress, and I assume that Congress will so exercise the power as to give each State approximately the revenue it now receives; and if its percentage is gradually increased from 3 to 5 per cent, resulting in a total income not of $56,000,000 annually, as at present paid, but in the ultimate of over $80,000,000, the amount coming to each State will be increased instead of diminished. So it will be to their interest to support this very measure so far as their financial conditions are concerned. They would be relieved of the entire expense of machinery for the imposition and the collection of these taxes. They would receive their proportionate amount, determined by some fair rule, either according to trackage or the volume of business.

So I assume that if this act can be constitutionally passed it can be shaped in such a way as to taxation as will not meet the violent opposition of the States, an opposition, of course, which would be reflected here in an attempt to defeat the measure.

RATE REGULATION BY STATES.

Now, as to the rate-regulating power, my judgment is, and it is the belief of almost all experienced men in this country, that the rate-regulating power exercised by the State has not, as a rule, been beneficially exercised. I believe that it is the experience of every State in the Union, or almost every State, except perhaps Massachusetts and one or two other well-regulated States, Texas among the number, that this power has not been exercised satisfactorily.

We find that if the power is intrusted to the legislature it is not exercised wisely or scientifically. It is utterly impossible for a legislative body to act upon so complicated a matter. If the power is intrusted to a State commission we find that that State commission is always in politics.

As a rule the members are elected by the people, and the powers of the railroads are exercised in every State in the Union with reference to the election of these commissions, and their powers are so exercised as to result in the control of the commission or in the neutralization of the commission.

We all know that the railroads of the country in their entirety, having 1,000,000 of the voters of the country in their employ, can naturally rely upon their employees in any contest affecting the interest of the corporations themselves. It is true the employees will take strong ground against the corporations themselves with reference to their own matters and with reference to their own rights; they will wrangle with the management; they will engage in strikes in contention for their own rights; but whenever it comes to imperiling the common fund out of which the profits of the operators and the wages of the employees are alike paid, you will find that the employees of the railroads always rally to the support of the railroads.

We have about 13,000,000 voters in this country. Over 1,000,000 of them are in the employment of the railroads. Each one of those voters is able to influence one or two votes more. I ask you, in any question affecting the interests of the railroads of this country, with this disposition of the employees to stand by the railroads in any matter affecting their common interest, how the people can ever expect to control when the balance of power is practically held by these great corporations owning this vast property, representing $10,000,000,000 in value, between the upper and nether millstone of taxation and rate regulation? So that while the States have nominally the power, it is either not exercised or it is not exercised wisely, and it is not exercised wisely because of the complication of the situation.

I ask you how each of ten regulating bodies, operating upon a system of railroads running through ten States, can carry out the principles declared by the Supreme Court as controlling regulating bodies in the determination of rates, and how are they going to come to the same conclusion as to the valuation of the roads and as to the rate of interest which should be allowed? If the States make an undervaluation or if they fix a rate of interest unduly low, that affects the gross income of the corporation; and then when the regulating power of the Federal Government as to interstate rates is exercised, I ask you how it can be exercised properly if the income has been so seriously affected by the local action of the States?

NATIONAL RATE REGULATION.

Now, then, as to rate regulation, I should put this power in the hands of the Interstate Commerce Commission—the power simply to revise and amend the classification and the rates made by the railroads themselves. I would not put this power primarily in the hands of the Commission, because the power of classification itself and the power of rate-making involve knowledge of numerous details—expert knowledge. So I would intrust that to the railroads themselves, giving, however, the Interstate Commerce Commission full power to revise and amend any classification or any rate. Whether or not such decision should go into immediate effect or whether some provision should be made for an immediate resort to the courts and a summary determination by the courts is a mere matter of detail.

So also I would provide, by the most stringent provisions, for the punishment of rebates and discriminations. I take it that under existing conditions the evils of which the American people have to complain to-day are mainly questions as to rebates and discriminations, both as between individuals and as between communities.

Taking the income of all the railroads in the country it can hardly be claimed that it is very excessive. The rates of some railroads may be too high, but they are perhaps offset by the rates of other railroads that are too low. We know, as a matter of fact, that the railroads of this country are to-day receiving a return upon $60,000 a mile, whilst in England they are capitalized at $200,000 a mile, and in Germany they are capitalized, I believe, at $100,000 a mile.

It is true that our roads may not have been so expensively constructed as the roads over there; they may not be so perfect in their construction and their ballasting, and their depots and station houses may not be so perfect; but certainly you can not say that there is a very excessive capitalization of the railroads of this country in the aggregate, when you find that they are capitalized at $60,000 a mile, while the railroads of Germany are capitalized at $100,000 a mile, and of England at $200,000 a mile.

If this power as to rebates and discriminations is given to one regulating and controlling body it can be much more efficiently exercised than it can be if there are numerous bodies. The attention of the country will be centered upon one responsible commission, and it will be utterly impossible for that commission to work for any great period of time an injustice to the country.

Now, Mr. President, these are in brief the outlines of the suggestions covered by my resolution. I wish to say that the resolutions are simply tentative, simply thrown out for discussion. It is possible it may be ascertained that all these things can not be embraced within the constitutional power of the Federal Government. I am inclined to think from my brief examination of the authorities that they can be, but I do not pretend to have made an exhaustive inquiry upon this subject.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. FORAKER. I understood that the Senator was about to close.

Mr. NEWLANDS. Yes.

Mr. FORAKER. And I wanted to ask him before he takes his seat to explain to us, if he can, how he is going to bring about the incorporation under Federal statute of all the railroads that are now engaged in interstate-commerce business in the country.

HOW BROUGHT ABOUT.

Waiving all question of doubt and assuming every phase of the proposition as to its constitutionality and validity in every sense, how is it to be brought about? Here, for instance, is the Pennsylvania Railroad Company. It is not incorporated under any Federal statute. It has been an incorporated company for a great many years. It embraces a great many subordinate companies, I understand. How are we going to get all those companies reincorporated under a Federal statute, if we have one? I mean if they do not want to obtain it.

Mr. NEWLANDS. My answer is that I would endeavor to shape the bill in such a way that it will partially drive and partially coax the railroads into national incorporation.

Mr. FORAKER. Let us confine ourselves first to those who are to be driven. I am asking for information. The proposition of the Senator is a very interesting one.

Mr. NEWLANDS. We could do this. We could provide in the act that no railroad company should engage in interstate commerce unless incorporated under the national act. If that were done, each State corporation incorporated under the laws of a single State could do business inside of that State, but it could make no arrangement or no contract there relating to interstate commerce.

Mr. FORAKER. Does the Senator think that prohibiting a railroad from engaging in interstate commerce would be a regulation of interstate commerce?

Mr. NEWLANDS. I think it would be. The United States Government has the right to choose the instrumentality for the exercise of that power, and if it determines to incorporate a railroad company under a national incorporation for that purpose it can prevent the exercise of interstate commerce by any other organization.

Mr. SPOONER. Will the Senator go so far as to say that Congress has the power also to provide that no State corporation engaged in production shall put its product into interstate commerce unless it becomes a Federal corporation?

Mr. NEWLANDS. No; I am not prepared to go that far. I wish to say right here that this suggestion does not follow the recent report of Commissioner Garfield. The suggestion of this bill was made by me in the Senate Interstate Commerce Committee before that report appeared, and the suggestion was the result of thought for a considerable period of time and of discussion by myself with others who are interested in this question.

STATE COMMERCE.

Mr. SPOONER. If I may, with the permission of the Senator, I will state that I have listened with interest to his observations, but I think he assumes too many propositions. In the first place, the Senator assumes, and I have never understood it

to be the law, that the power in Congress to create a railway company to engage in interstate commerce is an incident of the great power back of that to construct railways all over the United States and become itself a governmental carrier of freight and passengers.

Mr. NEWLANDS. I will ask the Senator does he question the power?

Mr. SPOONER. I question the power very much.

Mr. NEWLANDS. Of the United States Government?

Mr. SPOONER. I question the power very much upon the grounds suggested by the Senator. I am not able to see that the power to regulate commerce among the States involves the power in the Government to become a great universal governmental carrier itself to the exclusion of private enterprise and commerce between the States. I admit—and the Senator need not assume that, because it is settled—that Congress, in the exercise of the interstate commerce power, may create instrumentalities through which commerce may be carried on among the States. That power has been exercised before. The Northern Pacific Railway was constructed from the Lakes to the ocean under a Federal charter, and the Supreme Court has settled that.

But the point to which I wish to call the Senator's attention and which is troubling me is this great proposition to dismantle the States. One comes out every day in some phase or guise. A new phase is the Senator's assumption that because Congress has the power to create a railway company authorized to construct and operate a railway between States it follows that Congress may take under its protection and domination purely State commerce, commerce originating in a State and ending in a State. Now, where does Congress obtain any power under the Constitution to do that thing?

The Constitution of the United States, unlike the constitution of a State, is a grant of power. When the exercise of a power by Congress is proposed we look to see whether expressly or by implication it is granted by the Constitution.

Mr. NEWLANDS rose.

Mr. SPOONER. Will the Senator permit me? I will be through in a moment. I only want to put a question.

On the contrary, the constitution of a State is not a grant. It is a limitation. The legislature of the State possesses all legislative power except it be deprived by some restriction in the Constitution from the exercise of some function which upon general principles is legislative.

Now, the power to regulate commerce among the States is one thing. That is conceded to exist. But how does the Senator spell out of that, and if he can not spell it out of that where does he find in the Constitution the power to regulate commerce in the States and to take away from the State the power to regulate commerce within the State, whether the carrier be operating under a Federal charter or under a State charter?

The Senator is a lawyer of learning and ability, and he has thought much on this subject. I should like to have him, if in accord with his inclination, enlighten me upon this question, which has troubled me.

Mr. NEWLANDS. The Senator has admitted that the Federal Government can, if it chooses, construct an interstate railway——

Mr. SPOONER. No; I have not.

Mr. NEWLANDS. Extending from New York to San Francisco.

Mr. SPOONER. I have not.

Mr. NEWLANDS. I understood you to so admit.

Mr. SPOONER. I said this: I do not know what may be decided about it, but I am not able at this moment to see how the power to regulate commerce among the States can be twisted into a power to carry on all commerce as a Government between the States. To *regulate* commerce carried on by a Federal corporation or carried on by a State corporation between the States is one thing.

The proposition for the Government to acquire all the railways in the United States and construct thereafter all the interstate railways in the United States and become a governmental carrier is another thing. What I admitted was that Congress has clear authority to create Federal railway corporations empowered to construct, maintain, and operate railways between the States. That has been decided.

Mr. NEWLANDS. Now, take the case in which the Federal Government did form a corporation for that purpose—the Union Pacific Railway. Does the Senator doubt that the United States Government could itself have built, if it had chosen so to do, that railroad instead of intrusting it to a corporation created by the National Government?

Mr. SPOONER. Yes, I doubt it to mainly transport *for hire* persons and freight; but, Mr. President——

Mr. NEWLANDS. Very well; if the Senator's contention——

Mr. SPOONER. That for purely military purposes the Government might do it in a certain case is one thing. I am talking about the general subject of commerce. This is the question I wish to put to the Senator: Does the Senator claim that Congress has jurisdiction over purely State commerce?

Mr. NEWLANDS. No; I do not.

Mr. SPOONER. Very well. Then I should like to have the Senator indicate upon what principle it is he contends that the mere incorporation by Congress of a Federal railway corporation authorized to construct, maintain, and operate a railway from State to State would deprive the State of its power to regulate purely State commerce carried on by that corporation? That is what troubles me.

There is another thing I should like to know.

Mr. NEWLANDS. One at a time.

Mr. SPOONER. I should like to have the Senator explain how it is that the State can be deprived of its power of taxation of property solely in the State and business that is purely State, not interstate, business. Those things trouble me a little.

Mr. NEWLANDS. Mr. President, I do not contend for a moment that the Federal Government has the power to exercise the State power of taxation. I do not contend for a moment that it has the power to exercise the State power of regulation of intra-State rates. All that I do contend is that when the Government itself constructs a railroad, in the exercise of the powers conferred upon it by the Constitution, whether those powers relate to the mail or the military defense or the regulation of interstate commerce, that that instrumentality for the exercise of the national power which the Federal Government has called into being can not be taxed out of existence or regulated out of existence by any State.

That is all I contend. I contend that if a railroad is built by the Government no power could be exercised by any State over that railroad which would impair or destroy its efficiency, because the National Government is building that railroad as a sovereign in a territory under its jurisdiction, for so far as the sovereign power of the United States is concerned, the land embraced within the area of every State is subject to that sovereignty, and that sovereignty can not be impinged upon or interfered with, or harassed or impeded in any way by the State government. That is all I contend for. The Senator seems to think I am contending that the National Government is to go into the business of regulating intrastate rates.

Mr. SPOONER. If the Senator will permit me——

Mr. NEWLANDS. All I contend for is that as to this instrumentality of the Federal Government the State can not so exercise its powers as to destroy or impair its efficiency.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Before placing the unfinished business before the Senate, the Chair will inquire what disposition the Senator from Nevada desires to have made of his resolution?

Mr. GORMAN. I suggest that by unanimous consent the regular order to be laid aside temporarily.

The PRESIDING OFFICER. Unanimous consent is asked that the regular order be temporarily laid aside.

Mr. BEVERIDGE. I should be very glad to agree to that if it were not perfectly plain, even to one who has listened to this most engaging discussion for only a moment, that it will not be concluded at a very early period. I suggest that this discussion, which has within itself the possibilities of an interminable one, shall go over until the morning hour to-morrow, and that we proceed with the unfinished business.

Mr. GORMAN. I hope the Senator will not insist on that course.

Mr. BATE. I think it was understood that the Senator from Colorado [Mr. TELLER] would be here this morning to speak on the statehood bill. That Senator sent me word that he could not be here, and told me to so state to the Senator from Indiana.

Mr. BEVERIDGE. That is all right. I suggested to the Senator from Colorado yesterday, when he was here and was ill, that he may go home with perfect safety. There is no reason that I see why we can not go on with the reading of the bill and action upon the amendments of the committee. Neither of the Senators engaged in this illuminating debate has asked that we shall go on now with the matter which has been under discussion. I think perhaps it would be well for us at least to complete the reading of the statehood bill, and then we will see. There is not going to be any crowding done here, I will assure the Senator.

Mr. BATE. I do not know that Senators on either side desire to speak at all to-day on the statehood bill.

Mr. BEVERIDGE. No person desires to speak. I informed the Senator yesterday that no one desired to speak on our side of this controversy at present.

Mr. BATE. It seems to me this is the time, if they intend to do so, to give some attention to debate.

Mr. BEVERIDGE. I know it may seem so to the Senator, but we will try to make progress to-day.

The PRESIDING OFFICER. The Chair understands that the Senator from Indiana objects to the request of the Senator from Maryland.

Mr. BEVERIDGE. Yes.

Mr. CULLOM. I desire to make an inquiry of the Senator from Nevada. I wish to inquire whether the Senator from Nevada has concluded his address?

Mr. NEWLANDS. There are some Senators who wish to ask me questions, and I shall be glad to answer any questions.

Mr. CULLOM. I wish to know whether the Senator desires his joint resolution to remain on the table or whether, as a member of the Committee on Interstate Commerce, he is willing to have it referred to that committee for consideration there?

Mr. NEWLANDS. I intend ultimately to have it referred to that committee, but I think it would be well to keep it upon the table for the present as a matter of discussion, because I think the discussion here would elucidate the whole question.

Mr. BEVERIDGE. I wish to say to the Senator from Illinois that I intimated when I rose that if the Senator from Nevada was about to conclude his remarks, and the debate was not going to be continued very long, I had no desire whatever to shut him off in the midst of his speech. I would be very glad to suspend the regular order temporarily in order that he might proceed, but the reason of my objection, I stated to the Senator from Maryland, that it looked as though this debate was going to be rather interminable, and therefore we had better take up the regular order and finish the bill. But if the Senator thinks it will not be long before he will be through with his address I shall be very glad, indeed, to consent to the suspension of the regular order that he may conclude.

Mr. GORMAN. I trust the Senator from Indiana will without any hesitation agree to my suggestion. I do not know that I have ever known a case where such a request was made that it was not instantly complied with. It would be inconvenient to the Senate and to the Senator from Nevada to postpone his further remarks until 1 o'clock to-morrow, and besides the rule of the Senate is plain. The Senator would go on in all probability to-day, and he ought to go on and conclude his remarks even if the statehood bill were pending.

Mr. BEVERIDGE. Very well.

Mr. GORMAN. It is a mere matter of comity, and I trust the Senator from Indiana will observe what we have always observed in the Senate, by allowing the unfinished business to be taken up and then temporarily laid aside.

Mr. BEVERIDGE. I wish to say to the Senator from Maryland that of course my stay in the Senate has been but momentary compared with his long and distinguished and useful stay here, but I myself have seen instances where exactly this request was made and not complied with. I simply say if this is to be an interminable thing I would not want to yield for it, but if it is to end soon I shall be very glad indeed to yield.

Mr. NEWLANDS. I will inform the Senator that I shall take only a few minutes more. I should like to reply to the Senator from Wisconsin.

Mr. BEVERIDGE. Upon that understanding I will be very glad indeed to consent that the Senator shall conclude his remarks.

Mr. NEWLANDS. I have not completed my statement. I judge that there are a number of Senators on the floor who would like to question me with reference to the various suggestions I have made, and I should like to have the opportunity of replying to them.

The PRESIDING OFFICER. The pending statehood bill will be temporarily laid before the Senate, as it becomes the duty of the Chair to place it before the Senate. The Senator from Maryland requests that it be temporarily laid aside. Is there objection?

Mr. BEVERIDGE. I consent to that with the understanding as I have given notice, that we shall complete the reading of the statehood bill to-day. That is all.

The PRESIDING OFFICER. The Senator from Nevada will proceed.

Mr. NEWLANDS. Mr. President, I suggested to the Senator from Wisconsin that if this act were passed it would take effect by partially driving and partially coaxing the railroads into a national corporation. As to driving, that could be done by depriving railroads not incorporated under the national act of the power of engaging in interstate commerce. You will recollect that when the national banks were incorporated the banks of the country were practically driven into national incorporation by a tax imposed upon the currency of the State banks, and I think there are other precedents for such action.

BENEFIT TO EXISTING RAILROADS.

Now, as to coaxing, I believe that the great systems which are now organized can not be satisfied with existing conditions. I believe that in many cases in working out the practical evolution of railroading, which I think has been in the main beneficial to the country, they have evaded the law and have broken the law. I believe that many of the consolidations now existing and operating without injury to the country are unlawful, and I believe that the railroad operators know it.

There has been a gradual change in the whole system of management of the railroads in this country. Forty or fifty years ago there were great frauds in the construction of railroads, frauds upon the public and frauds upon the stockholders. The era of frauds in construction has almost passed away. At another time there was an era of fraud in the management of railways when the directors were the worst enemies of the stockholders, and plundered the very properties that were intrusted to their charge. That era has for the most part passed away.

So far as the relations between the directors of the railways of the country and the stockholders are concerned, there is practically no complaint today. The whole operation of the railways of the country has been lifted up to a higher moral plane so far as the relation of the directors and stockholders is concerned.

But, so far as the public is concerned, we have this system of rebates and discriminations—discriminations for or against communities, discrimination for or against individuals, rebates given to individuals and to favored interests. Many of these discriminations and rebates are absolutely forced upon the railways themselves. Some of them doubtless are voluntary, inspired by stockholders who are interested in these great trusts and combinations and who seek through their power in transportation companies to secure favored rates. But in other instances the railroads are the victims themselves of the men who desire these rebates and discriminations.

A great trust, taking two competing lines from Chicago to San Francisco, can so juggle its negotiations with those two railroads as to make each of them apprehensive that it will lose the trust's business, and the very competition forced upon them by the law makes them seek to get the business, and to seek to get the business in the ordinary business methods by giving some advantage. That is what competition means in all other business. It means giving a better rate or a better material to the purchaser, and in this country the giving of a better rate is absolutely forbidden by law. The giving of a better service possibly is not to the same extent forbidden by law.

So it is that many of the traffic managers of the country are the victims of the great trusts and combinations which are seeking by juggling with the transportation system to get an advantage over their competitors.

Now, it seems to me that the gentlemen in the direction of railroads who are honestly administering them in the matter of construction, who are honestly administering them in the matter of operation, and who are honest in their relations to the stockholders, may be credited with some desire to get upon an honest plane with the public itself, and I believe that we should expedite them in that aspiration if they indulge it.

Besides that, I believe this system is injurious to them. They know it is going to result in a storm of popular indignation that will lead to agitation in this country, resulting in an increase of taxation and resulting in blows being administered by the public to them wherever blows can be given.

So it seems to me that they, as rational business men, ought to desire some scientific adjustment of this question, resulting in having their taxes mathematically adjusted by the law, and not subjected to the complications of thousands of assessing officers and fifty or more assessing bodies throughout the entire country, and resulting in one valuation by a tribunal of character and dignity, and resulting in one determination of the rate of interest as a return on such valuation.

CONSTITUTIONALITY OF NATIONAL TAX.

Mr. BACON. Will the Senator permit me to ask him a question right in that direct connection, which brings back the inquiry I desire to make of him? The fundamental proposition of the Senator is that in order that the proposed system may be made effective there shall be the exemption of these private corporations, chartered by the Federal Government, from liability to State taxation. I understand that to be the Senator's proposition.

Mr. NEWLANDS. I do not regard that as essential, but I think it would make the whole system much more effective and satisfactory both to the public and to the railroads.

Mr. BACON. I understood the Senator to go to the extent of saying that the exercise of such a power by the States would involve the power in a State to destroy. If that were the case it is certainly essential. Now, the inquiry I desire to pro-

pound to the Senator upon that proposition is this: The railroads are properly and essentially property located within a State. It is a part of real estate. If the States can not impose a State tax, and if a tax is imposed by the General Government it is necessarily a direct tax and not an indirect tax.

The question I desire to propound to the Senator is this: Whether, in the first place, the State could impose a direct tax which would cover railroads and not relate to other property; and, in the second place, whether there would be any possibility of imposing a direct tax by the Federal Government upon that species of property, or any other species of property within a State, and complying with the requirements of the ninth article of the Constitution, which is in these words:

No capitation or other direct tax—

This is a limitation upon the powers of Congress—

shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

That is the inquiry I desire to propound to the Senator; and in that the further inquiry whether, if such a tax could not thus be laid, the scheme of the Senator would not necessarily involve the entire exemption of those private corporations from any taxation, either State or Federal?

Mr. NEWLANDS. I will state to the Senator that the tax which I would impose would not be a direct tax; it would be in the nature of a franchise tax, measured by the gross receipts of the corporation; and I have no doubt that that could be shaped in such a way as to avoid the objection of direct taxation, which is, of course, forbidden by the Federal Constitution.

Mr. BACON. If the Senator will pardon me——

Mr. NEWLANDS. I want to call the Senator's attention in this connection to the war-revenue act, which fixed a tax upon oil refineries and sugar refineries—a tax of one-eighth of 1 per cent upon their gross receipts over $250,000. That tax went into effect; it was paid for years until the law was repealed, and I never heard it questioned. I believe there are other taxes of that kind which have been imposed by the revenue laws of this country. I think that in the war-revenue law the Senator will find precedents for such a tax as I would impose here. A license or franchise tax measured by the gross receipts is quite a distinct thing from a direct tax upon the property itself.

Mr. BACON. The Senator, then, would recognize the fact that so far as the tax upon the property itself is concerned it may either be imposed by the State or not at all?

Mr. NEWLANDS. Or not at all.

Mr. SPOONER. Mr. President, I was not aware until this joint resolution was read that any such proposition was pending in the Senate. I have had no desire to involve my friend from Nevada in any elaborate discussion at this time. I have put my questions to him in no spirit of controversy. I want to finish, if I may, in a very few moments the line of thought which I was intending to follow when I was interrupted.

There is nothing clearer in the world than that essential instrumentalities of the Government are not subject to taxation by the States—are not subject to regulation by the States. The Senator is quite right and it was said in McCulloch *v.* Maryland that the power to tax involves the power to destroy. The power on the part of a State to impede in any way purely and confessedly governmental instrumentalities and functions would be intolerable.

In the same way some of the functions of the State are entirely beyond the power of Congress to impede or embarrass. There is this imperium in imperio. The States, within certain limits, have always been supposed to be supreme, just as the Federal Government, within certain limits, is and must be supreme. It is not in the power—although the power of taxation given by the Constitution is very broad—of the Federal Government to tax the judicial processes of the States. Otherwise it might destroy them and impede the administration of justice within the boundaries of a State. That can not be done.

The trouble with my friend is that for the moment—he never confuses anything long in his mind—but for the moment in this discussion he confuses, it seems to me, instrumentalities that are governmental with instrumentalities created by Congress which are not strictly governmental in function. Whether the Government may build and operate railways between the States for a purely governmental purpose is an abstraction, because no such thing is proposed by the Senator. There is no such proposition in this joint resolution as that the Government shall engage in the construction and operation of railways, but if the Government built a railway for governmental use from one State into another in its governmental uses it would not be subject to interference by the State, but the carrying of commerce within the State from point to point for hire the Senator would not say is a governmental function. But let that go, and let us come back to what is proposed here.

The Senator was referring to the Unión Pacific Railway Company, a Federal corporation. I had referred to the Northern Pacific Railway Company, which was a Federal corporation, an instrumentality which the Supreme Court has held Congress may create under the commercial power of the Constitution. Now, will the Senator say that by reason of the mere fact that the Northern Pacific Railway Company was a Federal corporation within the constitutional capacity of Congress to create, lawfully endowed with power to construct, maintain, and operate a railway from State to State through many States, the State of Montana was, because of the Federal characteristic or origin of the corporation, deprived of the power of regulating the commerce carried by that corporation and the charges exacted by it on commerce originating and ending in the State of Montana; and if in Montana, of course in all the States between the Great Lakes and the Pacific? Will the Senator seriously project the proposition, and stand sponsor for it, that in this way the State can be deprived of the power to regulate commerce within the State?

Mr. BACON. And taxes within the State.

Mr. SPOONER. That is another thing—commerce within the State. Would the Senator from Nevada say, if the Southern Pacific Railway Company were a Federal corporation, that as to commerce originating in California and ending in California, the State of California would have no power to regulate the charges of that corporation so as to protect its people against oppression by that corporation as to purely intrastate commerce? Would the Senator say that Congress has the power by any provision incorporated in the charter of a Federal corporation, authorized to build and operate railways from State to State, to take away from the State its power over purely State commerce?

Mr. NEWLANDS. Does the Senator desire an answer?

Mr. SPOONER. Yes; I should be glad to have an answer.

Mr. NEWLANDS. I will state to the Senator that as to the power of regulating intrastate commerce my proposition does not involve the taking away of that power from the State. It can exercise that power over corporations organized by that State and doing business in that State; it can exercise that power with reference to corporations organized by the United States under a national incorporation act, unless in the incorporation act there is a declaration that that power shall not be exercised so far as the Government instrumentality is concerned. It leaves the power still existing, but it simply provides that that power shall not be exercised as to the property of the National Government or as to the instrumentality created by the National Government.

It is true that in the case of McCulloch *v.* Maryland——

Mr. SPOONER. Does the Senator, then, say that the power now exists, but can not be exercised?

Mr. NEWLANDS. I contend that if the power of regulation involves the impairment or impeding the operation of a Federal agency or of property that belongs to the Government——

Mr. SPOONER. Mr. President——

Mr. NEWLANDS. Now, just let me go on a little further. I will state to the Senator that this question is not without doubt, and I hope I have not stated it so positively as to give the impression that the matter is absolutely settled either by the courts or in my own mind. This is a question that requires discussion, and I am very glad we are having it.

THE DECISIONS.

But let me refer the Senator now to the decisions upon this question. In the case of McCulloch *v.* The State of Maryland the Supreme Court determined that the State of Maryland could not impose a tax upon the notes of the United States Bank in Maryland because that involved the destruction of one of the instrumentalities of the Government for the carrying out of the governmental power. The notes were property just as a railroad is property, and yet the court held that under the implied powers of the Constitution, namely, those powers which are essential to carry out the powers expressly conferred, the State of Maryland could not, in the exercise of its taxing power, tax those notes. It paralyzed the arm of the State when the State in any way reached out for that form of property.

It is true that in that case Chief Justice Marshall said that so far as real property was concerned the exemption would not apply, for instance, as to the bank building, for he contended that that was not essential to the operation of the bank. They could get another bank building; they could lease property and conduct their business upon it, and therefore real property did not come within the implied powers of the Federal Constitu-

tion as to the protection of a Federal instrumentality from destruction aimed at it by a State.

Extending the argument in that line, the case of the Union Pacific Railroad comes to my mind. In that case it was contended that the railroad was absolutely exempt from State taxation simply because it was incorporated under a national act for the purpose of carrying out the powers conferred by the Federal Constitution upon the General Government with reference to the mails, with reference to military defense, and with reference to the regulation of interstate commerce.

In that case the court, by five to three, determined that the railroad was not exempt; that there is a distinction between the powers conferred upon the instrumentality and the property owned by that instrumentality; that there is a distinction between the operations of the agent of the National Government and the property owned by that agent. And yet, if you analyze the decision, you will find that one of the judges—Justice Swayne, I believe—one of the five, in his concurring opinion, simply stated that it was clear that the Federal Government did not intend to exempt this property, and that in the absence of an express exemption the property was taxable by the State. So that reduced the majority opinion to four. The three dissenting judges held, not only with Justice Swayne, but they went further, and held that the railroad property, the track of the railroad, was absolutely essential to the operation of a Federal instrumentality; that it was not to be regarded simply as real property, such as the bank building owned by the United States Bank was to be regarded, but the track itself was the agency through which the powers were exercised, and that, therefore, it was impliedly, under the implied powers of the Constitution, exempt, though the exemption was not expressed by an act of Congress. So that three judges took that view and Justice Swayne took the view that it must be expressly exempted. So it is evident if that case had presented the case of an express exemption by the Federal Government of that railroad from local taxation the decision would have been four to four.

It is, therefore, an unsettled question, to be fought upon principle, and I insist upon it that the principle laid down in the case of McCulloch *v.* Maryland applies to this case; that if you can not permit a State to tax the powers of an instrumentality of the Federal Government—the powers conferred upon an agent of the Federal Government by the Federal Government—you can not tax the property that is absolutely essential to the execution of those powers, and that if the exemption is expressed in the statute, if it is clearly the intention of the Federal Government that the property shall not be impeded or harassed, it is exempt from State taxation. There are certain rights that can be waived by the Federal Government. In such case the Federal Government can waive the exemption from taxation, if it chooses to do so, by silence, and can submit that property to the taxation of a State; but if, by statute, it expresses the intention that the property shall be exempt, it is quite a different matter.

Mr. MALLORY. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. Certainly.

Mr. MALLORY. I should like to inquire, in order to understand the Senator's position, if he contends that the transportation of merchandise, goods, and wares across State lines from one State to another is a governmental function—in other words, is interstate commerce a governmental function? It strikes me that that is a very important question in this discussion, because the powers which the Senator seems to claim for the General Government are powers that are dependent, I think, entirely upon the General Government exercising the governmental function.

Mr. NEWLANDS. I do not know that that question has ever been determined, but I should conclude that the ruling of the court would be that the term "power to regulate interstate commerce" would include the power to enter into interstate commerce.

Mr. PLATT of Connecticut. To take possession of it exclusively? Is that the Senator's idea?

Mr. NEWLANDS. Yes; so far as transportation is concerned.

Now, I will just say a word more on this question. I am aware that some of my Democratic friends may take issue with me upon it, for all Democrats are inclined to adhere strictly to the reserved powers of the States.

Mr. BACON. If the Senator will pardon me, I want to express my gratification that some of the Republicans are taking this view.

Mr. NEWLANDS. But I wish to say that I think it just as Democratic to fully carry out and insist upon the full exercise of a national power as it is to insist upon the protection of the powers reserved to the States; and I believe that you will find from an examination of the authorities that these words "power to regulate interstate commerce" have been given a very broad significance, involving not only the power to regulate, but the power to create the instrumentality that is to enter into interstate commerce.

The PRESIDING OFFICER. What disposition does the Senator desire made of the joint resolution?

Mr. NEWLANDS. I ask that it lie on the table. I also ask permission to insert in the RECORD three pages of the hearing before the Senate Interstate Commerce Committee on December 16, 1904, pages 11 to 13, inclusive, containing the examination of Mr. Bacon.

The PRESIDING OFFICER. In the absence of objection, the request of the Senator from Nevada will be granted.

The matter referred to is as follows:

Senator NEWLANDS. Are you a lawyer yourself?

Mr. BACON. I am not a lawyer; I am a business man.

Senator NEWLANDS. Are you familiar with the rules the courts have laid down as to the determination of what shall be a just and reasonable rate?

Mr. BACON. I have followed the cases to some extent as they have arisen under the workings of the interstate-commerce act.

Senator NEWLANDS. I am not very familiar with them, but I understand that they have determined that a rate must be reasonable and not oppressive, and that you must have in view a return upon the capital that has been invested.

Mr. BACON. The Supreme Court has specifically decided that the revenues of a railroad company must be sufficient to afford a fair return upon the actual capital invested.

Senator NEWLANDS. Have these decisions ever determined what a fair return, in the shape of interest, shall be?

Mr. BACON. Each particular case has been taken up individually and considered on its own merits, and no definite percentage of interest or return upon the money invested has been indicated by the court as proper and right, so far as I have observed, but the court has decided that point in a general way—that it must be a fair return on the investment. That is something that may vary in different years.

Senator NEWLANDS. Has any court, to your knowledge, ever laid down a rule for determining the capital or value upon which the fair return, in the shape of interest, is to be computed?

Mr. BACON. No rule has been laid down, but different processes have been pursued in determining the cases before the courts—sometimes one method, sometimes two or three combined; but no rule has been laid down.

Senator NEWLANDS. Take, for instance, a continuous system of railways extending from the Atlantic coast to the Pacific coast, embracing perhaps as many distinct railroads as there are States through which it passes, each one of these railroads being subject to control by a local commission as to domestic rates, and also being under control by the Interstate Commerce Commission as to interstate rates: I ask how would it be possible, in each individual case before the Interstate Commerce Commission under this act, to determine the effect of a given rate upon the capital or value invested in each of these roads?

Mr. BACON. A case might be very complicated, as you suggest; still, it is not beyond human wisdom to arrive at a satisfactory conclusion. It may involve considerable time and the consideration of many figures, but it is not beyond human capacity, certainly.

Senator NEWLANDS. Do you not think that with the number of cases before the Interstate Commerce Commission, involving both classifications and specific rates, and also with the number of cases that may be under consideration before each one of the local commissions as to domestic rates, there would be considerable confusion as to whether or not a proper return upon capital or value could be had as a result of these changes?

Mr. BACON. I do not think there would be any difficulty of that kind. The cases are easily susceptible of solution with proper time and consideration to be given them. But it is my judgment that with this authority conferred upon the Interstate Commerce Commission it would operate very fairly toward the prevention of the exaction of discriminative or unreasonable rates.

Senator NEWLANDS. We all agree that that is what we want to have accomplished. The only question is as to the method.

Senator QUARLES. It would have to be worked out by the courts.

Senator NEWLANDS. Yes; but in these cases we would have perhaps ten different circuit courts operating at the same time in suits instituted by each one of these railroads, incorporated under the laws of different States, and each one of them complaining of a particular interstate rate fixed by the Interstate Commerce Commission. It strikes me that this would be likely to produce a great deal of confusion. If we could simplify this whole system, it would certainly be of great advantage.

Let me just suggest a line of thought I have been pursuing for some little time on this subject. It involves a radical change in existing conditions, but it seems to me that if it can accomplish good we ought gradually to reach out for it. It is this: We have here, say, 2,000 different railroads in this country——

Mr. BACON. Only about 600 operating railroads, however.

Senator NEWLANDS. Only about 600 operating railroads. A great many of these operating roads are classified and combined into systems, so that practically it may be said that eight or ten systems of railroads control all the mileage of the country. That is accomplished either through leases or holding companies or through traffic arrangements. As a matter of fact, however, we have this large number of corporations—although only 600 operating railroads, as you say—and these railroads are so unified that no more than eight or ten systems control them all.

Mr. BACON. Substantially, yes.

Senator NEWLANDS. That being the case, that being the evolution of railroading, why is it not well to recognize that fact and bring them under control?

Mr. BACON. That is just what we are seeking, Senator.

Senator NEWLANDS. Let me suggest right there, would it not be well for us, then, to frame a national incorporation act for interstate commerce, under which these various railroads now consolidated under one management—by devious devices that no one understands—can be incorporated, so that we shall have one capitalization fixed by the Interstate Commerce Commission or by the courts, and one system of rates to act upon, as well as one system of taxation to act upon? It seems to me that the evil of the present system is that, whilst the Supreme Court has determined that there must be a fair return upon value or capital invested, yet you can have as many valuations fixed as there are States, and you can have as many rates of interest fixed as there are States, according to conditions.

Then, upon the question of return; this return must be found after operating expenses and taxes are paid. And yet, under existing conditions, we can have forty-five different systems of taxation, each of them variable according to the judgment of a legislature or according to the caprice of assessing bodies.

It strikes me if we could have a national incorporation act for purely interstate commerce and permit consolidation of these great corporations with a capitalization fixed by law or judicially, and then provide for a percentage tax upon gross receipts absolutely in lieu of all other taxes—national, State, county, or municipal (regarding these corporations as national machines for interstate commerce, the National Government would have the constitutional power to exempt them from State or local taxation)—and then provide that that tax shall be distributed by the United States among the various States according to some fair rule of distribution—according to trackage or volume of business—we would then fix absolutely the rate of taxation by one law, and that at the same time no State would be deprived of its revenue.

Thus upon this question of operating expenses and taxes we would secure certainty as to taxation, at all events.

The next step would be the fixing of the proper return upon capital invested. This law could fix the percentage of dividends to be allowed—whether 4 per cent, 5, 6, or 7 per cent, whatever it may be—and it could vary that return according to the degree of risk involved in the enterprise, etc., or it could leave the question of interest as a return on capital to the decision of the Interstate Commerce Commission or to the courts.

Those things being fixed with absolute certainty (the taxes to be paid to the Government and the dividends paid to the operators), then you have remaining only the question of operating expenses, and it seems to me you would then have one body that would fix these rates and you would not be subject to the varying judgments of forty-five different commissions and forty-five different courts. What do you think of that, Mr. Bacon?

Mr. BACON. That is a very comprehensive plan, Senator, and there is much merit in it, but it will take many years to work that out in legislation.

Senator TILLMAN. I want to suggest to my friend from Nevada that he put this statement in the RECORD, for it is the most magnificent generalization that has ever come before me. So I hope he will repeat this statement in the Senate Chamber, because it will be lost to the public unless put in the form of a speech in the Senate on this general subject.

Senator NEWLANDS. It will be in the record of the proceedings of this committee to-day, but I should like Mr. Bacon and his associates to look into that question; for while we may pass something of this kind as a temporary measure, I do not believe it will work satisfactorily as such. It strikes me that the minds of the shippers, as well as of the legislators of the country, ought to be directed to some plan of unifying and simplifying the entire railroad system of the country.

Mr. BACON. That is entirely worthy of consideration with reference to the future, but it will take a long time to work it out. But here we have before us a very simple plan which has been evolved during the discussions of five years in regard to this class of legislation, and it seems to me that it would not be best now to take up any such comprehensive and general plan. Senators may work it out for themselves.

Senator FORAKER. You would not indorse the plan suggested by the Senator from Nevada?

Mr. BACON. Not on the moment's consideration. I am very glad, however, to have that suggestion.

Senator FORAKER. So am I, but I should want to give it further consideration.

EXHIBIT "A."

UNITED STATES SENATE COMMITTEE ON INTERSTATE COMMERCE,
January 16, 1905.

ADDITIONAL STATEMENT OF MR. EDWARD P. BACON.

Senator NEWLANDS. Mr. Bacon, I understand your position to be that you would like this bill (the Quarles-Cooper bill) passed, but you propose to follow it up by measures to be urged hereafter, with the expectation in the end to reach a scientific and comprehensive plan covering whatever is best in the way of railway legislation.

Mr. BACON. That is my idea exactly.

Senator NEWLANDS. I desire to question you a little about such a general and comprehensive plan, not with a view to delay the consideration of this particular bill, but with a view to seeing whether this bill, if it should pass, will fit into the general plan.

Mr. BACON. It is the groundwork of the plan.

Senator NEWLANDS. I questioned you the other day when you were before the committee regarding a plan that I had in mind for unifying and simplifying the railway systems of the country through a national incorporation law.

Mr. BACON. I was very much interested in it.

Senator NEWLANDS. That plan involved the valuation of the railroads by the Interstate Commerce Commission; a fixed percentage upon gross receipts, so that taxes would be certain, such taxes to be distributed among the States, and a return to the stockholders of not less than 4 per cent on the valuation fixed by the Commission, so as to make dividends certain, thus leaving the profits from any increase in business to go largely to the betterment of the roads, the increase of wages, or the reduction of rates. Now I desire to ask you whether you have thought over that plan at all since you were here last.

Mr. BACON. I have read your remarks on that subject in the Senate with a great deal of interest, and I can say that they meet my hearty concurrence, and that great good will come from it if it can be worked out. But, as I said before, when you were interrogating me before the committee, it will take time to accomplish it. However, it is a good thing to have it under consideration, and I think the more it is studied and considered the more it will commend itself to the minds of those who study it. But it will take a long time to bring it about.

MIDSHIPMEN IN THE NAVY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In the fall of 1903 John Henry Lofland, Earl Worden Chaffee, and Joseph Drummond Little, then members of the first or highest class at the Naval Academy, severally committed acts for which they were charged with the offense of hazing, were tried by court-martial, and were dismissed from the academy and from the naval service.

In a letter addressed to the chairman of the Committee on Naval Affairs of the House March 21, 1904, the Secretary of the Navy, after reviewing the facts upon which action in the cases of these midshipmen was based, states that "if discretion in the infliction of punishment had been vested either in the court-martial or the Department a lighter punishment than dismissal from the service might have been inflicted," and concludes that Congress is the proper authority to determine in cases of this character whether exception should be made to the operation of the statute.

The Committee on Naval Affairs (H. R. No. 2554, 58th Cong., 2d sess.), upon consideration of the Department's report, unanimously concludes that "under all the circumstances no detriment will be done the service" by sanctioning the appointment of these midshipmen to the naval service under appropriate conditions and restrictions.

Upon review of the facts in this case I concur generally in the conclusions of the Secretary of the Navy and the Committee on Naval Affairs with respect to the character of the offenses committed by these midshipmen. Their acts were in plain violation of the letter of the statute, but the case presented is not an aggravated one, and I believe that their severance from the academy, their reduction to the foot of the class of which they were members, and their entry into the naval service without formal graduation will be adequate punishment.

The draft of a bill granting authority for the appointment of these midshipmen to the Navy under conditions and restrictions believed to be sufficient to guard the interests of the service is inclosed for the consideration of the Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 11, 1905.*

STATEHOOD BILL.

The PRESIDING OFFICER. The unfinished business is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, I call the attention of the Senator from Ohio [Mr. FORAKER] to the first committee amendment, which was reconsidered yesterday at the Senator's instance—the amendment on page 4, line 9, striking out the words "a majority vote of." The Senator asked that that amendment be passed over until he had examined it.

Mr. FORAKER. I asked that it might be——

Mr. GORMAN. From what print is the Senator from Indiana stating the amendment?

Mr. BEVERIDGE. I will say to the Senator that it is on page 4, line 9, to strike out the words "a majority vote of." The amendment was passed over, but, unfortunately, the Secretary, in sending the bill to the printer, included the amendment as though it had been agreed to. It was not agreed to.

Mr. GORMAN. In what print is it?

Mr. BEVERIDGE. On page 4 of the print on the Senator's desk.

Mr. FORAKER. Mr. President, I asked that the action of the Senate in adopting the committee amendment referred to while I was out of the Chamber might be reconsidered, not that I wanted to make any contest over the proposed amendment reported by the committee, but only that some gentlemen who were here in the interest of statehood from the Territory of Oklahoma might have an opportunity to be heard. They had communicated with me in regard to this matter. The provision as it came from the House was more satisfactory to them and they hoped that the Senate committee would not insist upon that amendment.

I have no disposition to interfere with the details of this bill, They belong to the committee, and I do not, as Senators generally do not, ordinarily interfere with anything that is a mere detail. I would think, on first impression, that the whole matter of determining where the capital should be located should be left entirely to the State, beyond fixing a temporary capital for purposes of organization.

Mr. BEVERIDGE. That was the committee's idea, I will say to the Senator.

Mr. FORAKER. What particular reasons there may have been that influenced the committee to make this amendment I do not know. I have learned since I have had the objection to the committee's amendment presented to me that there are

others here who take a different view of it. And so it is one of these matters which the committee must necessarily determine. I do not know the merits of it.

Beyond calling attention to the fact, therefore, that there is a difference of opinion about it, and requesting of the committee the careful consideration which I know the committee will give it, now that their attention has been called to it, if they have not already done so, I am content to leave the matter as the committee may see fit to recommend.

Mr. BEVERIDGE. I will say to the Senator from Ohio that the committee did give this particular amendment very careful consideration indeed, and that the consideration which influenced the committee to make the amendment was exactly the consideration which the Senator from Ohio stated, to wit, that it was better to leave it to the legislature of the State to determine upon the kind of an election and the other requisites of fixing their own capital rather than to fix it permanently ourselves, which the House bill does by a device of words.

So I understand the Senator from Ohio does not make any objection to the committee amendment, and I ask that it may be agreed to.

Mr. BATE. Mr. President, there are several citizens here to-day from Oklahoma, who have been to see me in regard to this matter. They seem to be very firm in their conviction that rather an injustice has been done to Oklahoma City, particularly in this matter.

Mr. BEVERIDGE. To whom, may I ask the Senator, has the injustice been done?

Mr. BATE. An injustice to themselves as citizens of Oklahoma City.

Mr. BEVERIDGE. Have they complained of this?

Mr. BATE. Wait a minute. There is, I understand, a contest between Oklahoma City and Guthrie, and these gentlemen do not desire the matter left in the shape it is, but they want it to go before the people and to let a majority of the people decide the matter. It now reads:

By a majority vote of the electors of said State voting at an election to be provided for by the legislature.

They want it done without the intervention of the legislature, as I understand. I do not know what moved the committee in this regard. I did not hear the discussion in the committee, as I remember, but I know there is a contest between these two places in regard to where the capital shall be, and I want each to have just and fair treatment.

Then, again, they object to the length of time, if I understand it, that the capital shall be located at Guthrie.

That the capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to A. D. 1910, but the location of said capital may, after said year, be permanently fixed by a majority vote of the electors of said State voting at an election to be provided for by the legislature.

I understand that the words "a majority vote of" have been stricken out, and that is the cause of the contest now.

These gentlemen represent that great injustice has been done to Oklahoma City; that it is three times as large, or about that, as Guthrie; and that they ought to be heard in regard to the matter, or that they were not heard to their satisfaction, before the committee. As I understand them, they want this period lessened from 1910 to 1908, for as it stands now it gives Guthrie the advantage of having the capital there for four years longer than it should be. It gives it that much advantage of the other cities, and Oklahoma City claims to be three times as large as Guthrie. I do not know the politics of either city. It has nothing to do with the question. There is a feeling about it, and I hope that this matter will be left until we can get satisfactory evidence and do the just and fair thing. That is all I ask.

Mr. BEVERIDGE. The Senator from Tennessee may have the correct understanding, but if he has, I have exactly the wrong one, because my understanding is precisely the reverse, as to the facts, of the understanding of the Senator from Tennessee.

Mr. BATE. In what respect?

Mr. BEVERIDGE. In respect to the whole matter. Also, it will become apparent that the Senator has not the contention of the citizens of Oklahoma City or any other city exactly accurate in his mind, for the reason that if the language of the House bill remains as it is neither Oklahoma City nor any other city in the Territory has the slightest chance of ever becoming the capital as against the present capital. It was in order that all might have a chance, or that the legislature itself might say whether a majority or a plurality should prevail, that the words "a majority vote of" were stricken out.

If you fix the capital at Guthrie or any other place, as this bill does, and then say that it may be changed only by a majority vote, it becomes perfectly clear that if there are in the field three or more candidates for the capital no one of them could have a majority, and, therefore, by a mere device of words, we would fix the capital permanently at a place and deny to the people of the State themselves an opportunity of locating it elsewhere or contesting it in the future.

That is the practical result, and that was the reason why the committee, after very patient and careful consideration of this subject, after hearing, I will say to the Senator, from various portions of the country, fixed it as we did. A large number of gentlemen from Oklahoma City have been to see me, and not one of them has contended for the contention presented by the Senator from Tennessee. Indeed, it was in the interest of the whole Territory instead of a special and particular locality that the words "a majority vote of" were stricken out, and it was in order that the legislature itself, as the Senator from Ohio says, might determine what kind of an election should be held that this was done.

If the amendment of the committee is adopted, as I shall insist that it be, then it is for the legislature to say whether, when they come to settle the question of the capital, it shall be done by a majority vote or a plurality vote or what. But if the language of the House bill be adopted, then it is fixed forever at Guthrie by a mere device of words. So the Senator from Tennessee hardly gets the contention of Oklahoma City correctly.

Mr. BATE. Then, Mr. President, I have been imposed upon by some very respectable gentlemen, one of whom I know personally. They would like very much, if it is consistent with the ideas of the Senator from Indiana, representing the committee, to have the word "ten" changed to "eight." That would give them an opportunity by four years to compete in the end more thoroughly with their rival city. That is the whole of it, sir.

Mr. BEVERIDGE. The trouble about that is if we give Guthrie everything she wants she would fix the capital there permanently. If we give Oklahoma City everything she wants she would, no doubt, fix the capital there permanently. If we give Muscogee everything she wants, no doubt she would fix the capital there. That is the precise difficulty with which this committee has dealt with in striking out these objectionable words.

No person from Oklahoma City or any place else suggested that the capital question should be precipitated on that new State within two years after it becomes a State. This was done in the interest of all, and in order that no particular locality might have an unfair advantage by reason of a device of words, and that the people of the State, through their own legislature, should say how an election should be held and what kind of an election. That is all.

The Senator from Tennessee is mistaken, or else I am.

Mr. BATE. Mr. President, there is evidently a controversy, and a very earnest one, in regard to where the capital should be located. There are representatives here from both of these cities, and I have heard from one side and the Senator from Indiana from the other. But I understand from those for whom I speak that all they want is simply an equal chance with the other cities.

Mr. BEVERIDGE. I will say to the Senator that that is precisely the object of the amendment of the committee.

Mr. BATE. Now, they think that equal chance is denied them because the other city is made the capital until 1910, or virtually until 1912, after the next census. They are to have the capital there by the action of the Senate for so many years. They would like to see it changed to 1908. That would be a compromise.

Mr. BEVERIDGE. That has nothing to do with the pending committee amendment.

Mr. BATE. That is what they want—that the word "eight" be put in there instead of "ten."

Mr. BEVERIDGE. That has nothing to do with the committee's amendment. The Senator can offer that amendment, and it will come up like any other amendment. We are now considering the committee's amendment.

What the Senator from Tennessee suggests has nothing to do with this amendment.

Mr. BATE. I am apprehensive that when this proposition is submitted it will be said that it has been settled by virtue of the Senate having agreed to this amendment.

Mr. BEVERIDGE. Oh, no; the Senator can present his amendment at any time.

Mr. BATE. If it is left open, it is all right.

Mr. BEVERIDGE. The amendment of the committee, to strike out the words "a majority vote of," has nothing to do with the suggestion the Senator from Tennessee makes about

reducing it from 1910 to 1908. If the Senator wants to move that amendment, he can do so.

Mr. BATE. There will be no trouble about that.

Mr. BEVERIDGE. Then let the amendment of the committee be adopted.

The PRESIDING OFFICER. Does the Senator from Tennessee move to amend the committee amendment?

Mr. BEVERIDGE. No.

Mr. BATE. If I can offer the amendment subsequently, my point will be gained, and there is no reason why I should do it now.

The PRESIDING OFFICER. The Chair understands that the Senator from Tennessee is privileged to offer the amendment at any time.

Mr. BEVERIDGE. Certainly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. BEVERIDGE. The next amendment which has been passed over is on page 5, beginning in line 8 and concluding in line 15, to which I call the attention of the Senator from Maryland [Mr. GORMAN].

The PRESIDING OFFICER. The amendment reported by the Committee on Territories will be stated.

The SECRETARY. On page 5, after the word "prohibited," in line 6 of section 3, it is proposed to insert:

Provided, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

Mr. CLAY. I should like to ask the Senator from Indiana a question. I see that in line 7 it says that the giving of intoxicating liquors to Indians is forever prohibited.

Mr. BEVERIDGE. Yes; that is the language of the House bill.

Mr. CLAY. And the amendment provides:

That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

I desire to ask the Senator, taking together the two clauses I have read, does the section mean that the sale of intoxicating liquors is forever prohibited and the sale of liquor to other persons residing within the Territory after ten years shall be left to the legislature of the State?

Mr. BEVERIDGE. Yes.

Mr. CLAY. Then so far as the Indians are concerned, under the provisions of this bill the legislature could not provide for the sale of whisky to them at all?

Mr. BEVERIDGE. No.

Mr. CLAY. But could provide for its sale to Americans or other persons?

Mr. BEVERIDGE. Yes; after ten years.

Mr. CLAY. I believe we have a treaty prohibiting the Government from pledging itself that hereafter it will prohibit the sale of liquors to Indians.

Mr. BEVERIDGE. No. That is a branch of the same discussion which the Senator had yesterday with the Senator from Minnesota [Mr. NELSON] and the Senator from Nevada [Mr. STEWART]. All of the treaties expire because the tribal relations expire.

Mr. CLAY. We had a treaty——

Mr. BEVERIDGE. I will say to the Senator in explanation of this clause, which I suppose is what the Senator wants—the reasons the committee had for its amendment—that the language down to the proviso is that of the House, and it was put in there for the purpose of carrying out perhaps the moral obligation that was involved in the treaties that had existed heretofore concerning the sale of liquor among the Indians, and also a question of wise public policy, of course, and also, of course, to prevent the sale of liquor among the Indians themselves.

Mr. CLAY rose.

Mr. BEVERIDGE. The amendment was put in for an additional reason, which I will be very glad to give the Senator.

Mr. CLAY. I beg pardon of the Senator. I was going to ask the Senator is it not true that the proviso is unnecessary?

Mr. BEVERIDGE. No.

Mr. CLAY. If the section simply prohibits the sale of intoxicating liquor to Indians and you leave it there and say nothing about other persons residing in the Territory, would not the legislature have the right to deal with it without any proviso?

Mr. BEVERIDGE. Except so far as Indians are concerned. I will say this to the Senator and the Senate: It was contended, and about the fact of the contention there can be absolutely no question, that if the sale of liquors was permitted among whites and others who live around and among the Indians themselves, in spite of any provision that liquor should not be sold or bartered or given to the Indians, it would nevertheless get to them. It was there; they had the money, and they would, of course, get it; and the result of that would be—about this there is no question either—that we should soon witness the spectacle of the Indians having the liquor and the fellows who sold it having their money, and thus would be precipitated upon this new State a band of impoverished and perhaps dangerous Indians.

Therefore a very eminent gentleman suggested a much longer period of prohibition of the sale of liquor to everybody within this portion of the new State and in Indian reservations than ten years. But the committee, after a very long and careful discussion of this matter and after very long and patient hearings, thought that ten years was a period during which the elements of citizenship there could adjust themselves and get ready for the new conditions, and thereafter the legislature might permit the sale of liquor if it wanted to. In that way you would keep these elements, which would be very liable to become both impoverished and dangerous, prosperous and peaceful, and would thereby induce a better condition in the new State, very much as the Senator from Nevada yesterday described. These were the conclusive reasons for the amendment of the committee, the House provision being ineffective.

Mr. GORMAN. I should like to ask the Senator, merely for my own information, if we are to enter upon restrictions looking to the morals of the people of this new State, why it would not be proper to include the whole territory embraced within the proposed State? Why take a comparatively small section and make this prohibition as to it when there is no trouble about the Indian getting over this imaginary line or division into the remainder of the State and getting all the whisky he wants? Where local option or prohibition has been had in localities or in counties in the States we have found a similar difficulty.

Now, I am in entire sympathy myself, and can afford to be from a personal standpoint, with the prohibition of the use of intoxicating liquors. I myself should be glad to see their use abolished everywhere. But it does seem to me that this is rather a discrimination against a part of this country. Would it not be well to strike out all reference to that part of the State in the Indian Territory and let it apply to the whole State, if we are to go into the prohibition business?

Mr. BEVERIDGE. No, I do not think so. If the Senator is asking me why we confined it to the limited area, I will say we did it because we are confining it to the danger points. We assume that the people of Oklahoma and outside of the Indian reservations being American citizens, being of our own blood and our own capacity for self-restraint, can take care of themselves. But the experience of a hundred years has shown that Indian wards can not take care of themselves. Their desire for liquor, as I say, will soon reduce them both to poverty and to a condition of danger to the community. It is not only a matter of their own preservation; it is not only a matter of the duty which we owe to the wards of the nation; but as I said a moment ago it is a wise provision for the rest of the people. The Senator's suggestion that we ought to extend it over the whole State is answered by the fact that there is no danger over the whole State. So we confine it to the Indian Territory and to the Indian reservations, the rest of the State being peopled by American citizens having, as I say, that capacity for self-restraint which enables them to take care of themselves. It is the genius of our Government to let the people take care of themselves wherever they can.

Mr. GORMAN. Mr. President, of course I understand that the Senator from Indiana is one of the bright shining disciples who believe, and who are practicing their belief in nearly every Department of the Government, that all the internal affairs of the State are to be run from Washington; that the morals of the people of the State can only be protected by some Congressional enactment; that the food the people consume shall be examined here to ascertain whether it has any substance in it that might impair the health of the people. It is absolutely contrary to the old-fashioned idea I have had that matters of police regulation, the determination of what laws should be passed to restrict appetite, etc., ought to be left to the State.

Now, if the Territory which we are considering, with three or four hundred thousand American citizens in Oklahoma and a great number in the Indian Territory, is fit at all for State government it ought to be permitted to have the same right that

has been accorded to other States and other Territories about to be admitted, to make its own internal regulations to suit the population embraced within that area. For Congress to say "you may be admitted to statehood, you may have representation in both Houses of Congress, but you are not capable, you can not be trusted with a small detail like this," seems to me to be extraordinary, particularly when you apply it to only a part of the Territory. It is, it seems to me, a restriction which ought not to be imposed if those people are in proper condition to be admitted to statehood.

If I were a resident of that community and a member of the new legislature I should be in favor, as I feel and as I have always acted and voted, of imposing whatever restriction was necessary for the proper government of the people of that State; but I would not like to be hampered with a provision inserted in the act authorizing the creation of the State that I could legislate for one-half of my State, but the remainder of it Congress had provided for. It is a vicious principle.

These remarks are not directed in opposition to the temperance feature of this measure. They are not in opposition to prohibition in a purely Indian reservation. There the Government acts and is the sovereign power, and no other ought to be. It is a different application when you apply it to a State that is coming into the Union. It is a reflection upon the intelligence of the people who are about to come in, if they are to come in. I think it ought not to find its way into this bill.

Mr. BEVERIDGE. I think I have said all I have to say in answer to the Senator from Maryland. It is restricted, as I say, to these spots where the Indians are. It is an unprecedented state of affairs in the Government. I suppose the committee amendment is agreed to.

Mr. BATE. Oh, no.

Mr. BEVERIDGE. If it is not agreed to, we will have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

Mr. MORGAN. There is somewhere in this bill—and I will ask the Senator from Indiana to point it out, as I am not entirely familiar with it——

Mr. BEVERIDGE. Certainly.

Mr. MORGAN. A provision that the State shall, when admitted into the Union, be admitted upon terms of perfect equality with the original States.

The PRESIDING OFFICER. Will the Senator from Alabama kindly permit the amendment that is now under consideration to be disposed of?

Mr. BATE. This has something to do with it.

The PRESIDING OFFICER. It relates to this amendment?

Mr. MORGAN. Have I the language right?

Mr. BEVERIDGE. Practically. I will find it for the Senator.

Mr. MORGAN. If you please; I want to get it.

Mr. BEVERIDGE. I apprehend what the Senator from Alabama is going to say, that if we do make such a restriction the new State can not be on an equality. That is what the Senator has in mind.

Mr. MORGAN. There are some other matters connected with it besides that.

Mr. BEVERIDGE. I was going to point out the language. I call the attention of the Senator from Alabama to what I think is in answer to the point the Senator has in mind, beginning at the bottom of page 1 and continuing on page 2:

> That nothing contained in the said constitution shall be construed * * * to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

In other words, we reserve the right in the bill. It is a harmonious bill.

Mr. MORGAN. I wanted, if there is such a provision in the bill—and I thought I remembered it was in there—to ask the Senator from Indiana to point it out. I refer to a clause which provides that this State or these States, when admitted into the Union, shall be admitted upon terms of perfect equality with the original States of the American Union.

Mr. BATE. It is in there.

Mr. MORGAN. I want to get the language if I can find it. It is hidden away in the multiplicity of this bill so that I can not find it.

The PRESIDING OFFICER. The Chair will state, if the Senator please, that it has intimated that it is embodied in the title of the bill.

Mr. MORGAN. The title?

The PRESIDING OFFICER. It has been intimated to the Chair that such is the case.

Mr. MORGAN. But there is a provision in the bill itself somewhere which sustains the title.

Mr. BATE. It quotes the same language, I think.

Mr. MORGAN. Now, Mr. President, such a provision, I believe, has found its way into the act with respect to every State that has been admitted into the Union since the compact was formed by which the thirteen original States constituted and founded the Union and the Constitution. I take it that is one of the elementary propositions in the admission of a State into the Union—that it shall be on terms of equality with the other States in all respects.

The proposed amendment of the committee creates a great inequality, a startling inequality, between these two States, Oklahoma and Arizona, and all the other States of the American Union upon this subject. I do not think there can be found in any constitution or any ordinance accompanying a constitution which is made irrevocable by law or by the act of admission any provision that intoxicating liquors shall never be sold in a State. I do not think that that is in any American constitution. If it is, it has escaped me entirely, except where the State itself has adopted such a provision.

But there is no provision antecedent to the admission of a State in the Union, as I understand the history of this legislation, which requires an incoming State to adopt an ordinance irrevocably that intoxicating liquors shall never be sold within that State. In doing such an act as that we assume what is confessedly the right of local self-government, and it belongs among the reserved rights of the States and of the people that they shall deal with such a subject according to their own volition, keeping themselves of course within the limits of the Constitution in whatever they do.

Now, here is a general proposition governing the sale of intoxicating liquors in a particular State—in Oklahoma. The provision I am now discussing does not apply to Arizona, but the proposition is that in Oklahoma intoxicating liquors shall never be sold.

Mr. BEVERIDGE. Oh, no.

Mr. MORGAN. Accompanied, however, with a proviso that they may be sold after ten years to the people at large, except Indians, and during the period of ten years they can only be sold for certain specific purposes, which are stated in a very loose and general way in the bill; and if there was never any legislation in that State to carry that proviso into effect it would be a dead letter, because nobody could be indicted under it and no punishment could be inflicted under it, it not being a self-executing constitutional provision.

Mr. BEVERIDGE. Then, if the Senator will permit me, it is perfectly clear on his own statement that from his point of view no injury could result by adopting it.

Mr. MORGAN. We are not doing an entirely foolish and unnecessary thing here, I believe.

Mr. BEVERIDGE. No; but the Senator——

Mr. MORGAN. It is no argument in favor of a provision of this bill that it may be unconstitutional, or it may be irregular, or it may be contrary to all precedents in the United States, but, after all, it can not do any harm. Why do you insert a provision of that sort when it can not do any harm? That is an argument which might do for a debating society when no boy in it was over 10 years old, but it will not do for the Senate of the United States.

Mr. BEVERIDGE. That is the argument suggested by the Senator himself, and even from his own point of view it can do no harm. I do not agree with the Senator's point of view, but I will make answer to the Senator's position from my point of view, and I will give reasons for my point of view. I said from the Senator's own point of view, as stated by the Senator, it could do no harm, not from my own point of view. I am not discussing my own point of view.

Mr. MORGAN. Now, let us see. We are organizing a constitution for a government. This irrevocable ordinance I speak of is as much a part of the organic law of that State, after it comes into the Union, as any part of its constitution. We put in that provision. We ask ourselves the question. Has any other State ever been required to do this? No. Then what becomes of your equality with other States? Oh, that is a trifle; that does not make any difference; it can not do any harm not to give them the benefit of such an expression as that. Is it right in itself to undertake here in Congress to legislate in general terms and phraseology that can not be carried into effect without the assistance of the legislature of the State after it is organized? Is it right for us to make prescription as to what the legislature shall do in the prohibition of the sale of liquors?

The next proposition in the case is that after ten years there

comes a division in the community. One part of the community can deal in liquor as much as the legislature sees proper to permit, and use it as the legislature may see proper to permit, and the other part is entirely prohibited. On what ground is that placed? Race, color, and previous condition—not of servitude, but of capability, of aptitude—in getting drunk and cutting up.

Mr. President, we had better preserve something of respectability in the principles that we array in support of different propositions which we pass through the Senate of the United States. Here we discriminate against Indians because they are Indians. You must not sell liquor to an Indian forever and ever.

Now, there are many of these Indians who are just as capable as any Senator on this floor of taking care of themselves. That is what we are trying to provide for. There are many others, or a part of the others, who are not. So it is with the white people. So, especially, it is with negroes, to whom you can sell whisky under this act; to 20,000 of them, I am told, in the Indian Territory, you may sell whisky under this act ad libitum. If I were going to select a people as between whom I would venture to carry on the whisky business in consideration of the general welfare of the country, one class the Indians and the other the negroes, I would take the Indian every time, if you give him the opportunity to do what he wants to do, before I would take the other class. But perhaps that is a prejudice. If it is a prejudice, Mr. President, it is a prejudice founded on a lifetime of experience of both races.

Who are these Indians who are put under this ban and excepted out of the other community as subjects to be disciplined in the Congress of the United States in the matter of providing for the establishment of a State in the American Union? They are men who by this bill are authorized to vote for delegates to the convention. They are men who are authorized to sit in the convention. They are men who are classified here by tribes as Indians, not by individual merit or capacity or anything like that. We take a whole tribe of Indians and say to any Indian, it makes no difference what his character, condition, or intelligence may be, "Do you belong to one of these Five Civilized Tribes in Oklahoma, or to one of the little fragmentary bands that have been swept out by the besom of destruction, whose destiny we have handled here, and gathered in scraps and fragments in the northeastern part of that Territory?" "Yes, we belong to an Indian tribe." "Step up and vote. We qualify you, and give you power to vote." For voting and electing his delegate, he may be an Indian or he may be a negro or he may be a white man; it makes no difference down there in Oklahoma who he is so he belongs to a tribe or is otherwise permitted under this bill. He takes his seat in the convention, and this affront of the Senate of the United States is put upon him. Before you can ordain a constitution or take another step toward statehood you must put this brand upon your nation, your people, and yourself. You must admit the argument of the Senator from Indiana that you are entirely incapable of self-control when there is any whisky about; but while you are thus entirely incapable of all moral restraint and self-control you are perfectly capable of ordering a constitution for this State to last forever, and to crown it with the beauty and excellence and power of American State sovereignty.

Now, where is the pressure, where is the necessity, where is the invitation, where is the excuse, for the Senate of the United States to put itself into this awkward position, into this dilemma, which will invoke the ludicrous criticism of all civilized people when you put it in this bill?

Then we get back again to the equality of the business. After these States have founded these ordinances and looked around and established a constitution and put these ordinances on the basis of an irrevocable ordinance, they say to themselves: "Well, here we are in the American Union, but we are still underlings; we are still beneath par; we are recognized as to our infirmities by provisions that are put in here which discriminate against us, and we are told to follow along in the drift of events and in the management and control of this Territory with this brand upon us."

I say, Mr. President, it is unworthy of the occasion and the subject. If the men who ordained the Constitution of the United States could have anticipated that an Indian would ever be invited to hold office under this Government or to participate with the great sovereignty of the people in the control of the suffrage of the country—which is the very scepter of sovereignty conferred upon the people—if when our ancestry were forming the Constitution they had ever conceived the idea that it might be possible in the future, they would have put some prohibition on it even stronger than that contained in the preliminary declaration of the Constitution of the United States, and even stronger than that which then recognized the Indians as being separate but dependent nationalities, a people separated from us into nationalities which was just as perfect as the separation of China as a nationality. They would have said that notwithstanding all of the prohibitions that were put upon this country Indians may be admited into the sovereignty of these States and may be enabled to institute and ordain State governments to fill up the complement of the States that occupy this great and beautiful country. They did not do it. On the contrary, the States commenced to come in one by one. In every one of the acts of admission it is distinctly affirmed that the State is admitted on terms of perfect equality with the original States.

What original State has got that brand of inferiority upon it or that inequality in it? Are we making a State to-day to stand as the equal of all the great sovereignties of this country, or are we making it a tool and implement by which politicians who control certain races of people there can do what they want, and then, after requiring them to have a constitution, can kick them out of respectability by putting a discrimination against them in their constitution? It does not make any difference whether it harms or benefits the community. That is not the question. It does not make any difference whether it can do any harm to the Indians there. That is not the question. Have we no consideration for our own consistency? Have we no regard for principle, practice, precedent, history, in what we are doing in the ordination of an American State? Mr. President, that provision in the bill itself characterizes the whole bill.

But the Senator from Indiana [Mr. BEVERIDGE], whose fruitful mind is always suggesting remedies for difficulties that he may encounter, with great rapidity and plausibility, has cited me to the proviso in the first section of this bill. I think if the Senator had reflected a moment as to the effect of that proviso in connection with the argument I am trying to make he would have seen that he made an unfortunate approach to that argument. I will read it:

Provided, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished).

I suppose after they were extinguished the law would not have much to do with them, but "so long as they remain unextinguished." I do not object to that parenthetical phrase, but——

Mr. SPOONER. Will the Senator read the proviso from the beginning?

Mr. MORGAN. Yes.

Provided, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

That proviso repeals every possible guaranty of right of an Indian that may be conferred under the constitution or by the laws of Oklahoma. It repeals the whole of it as if this act had never passed, and as to all of these Indian tribes or no tribes, if he is a mere Indian, the law applies back to the power and jurisdiction of Congress in every possible respect as if the act had never passed. He is an elector, part of the sovereignty, or he may be an officeholder, he may be the governor of Oklahoma, he may be one of the judges put upon the bench under the laws of Oklahoma provided for under this act, and yet the Government of the United States is to retain the same authority over him, his property, and his belongings of every kind that it has now just as if this act had never passed.

Now, I do not wish to criticise a matter of that kind with any objectionable adjectives or adverbs. But, Mr. President, I can not see anything but utter absurdity in it, that an Indian shall be permitted to occupy the double relation of a subject of the United States Congress as he is to-day, liable to be legislated for or against, within or without, in any direction we please, and while we do that at the same time he may be governor, judge of a court, or any other official in the Territory; but he is subject to the powers of Congress just as "if this act had never passed."

Now, that is a legal impossibility, a logical impossibility. It is an impossibility that Congress decries and will not permit at all. It is an impossibility even in a sound imagination. If there is anything more thoroughly contradictory, more thoroughly self-destroying than that proviso, to which the Senator from Indiana has cited me, I have never seen it written in the form of a law or in anything that pretended to start in the

direction of making a law. I never saw a bill come to this Senate which contained any piece of extravagant folly like that. But that is the theory of this bill. "You are an Indian for the purposes of control by act of Congress as long as you live; you are a citizen of Oklahoma for the purpose of organizing constitutions and irrevocable ordinances; you are an elector in that State; you are entirely capacitated for that office; you have all the rights of a citizen of the United States within a State on the basis and according to the precedents laid down in the original thirteen States." That is said in one breath. In the next breath, "You are nothing but an Indian, just as if this bill had never passed," and we can pass laws of Congress to affect him just as "if this act had never passed."

I never thought that an Indian could be worked in double harness to that extent for the sake of the convenience of gentlemen who want to produce a particular result in this country, which, after all, is nothing more or less, and is not intended to be anything more or less, than an apportionment bill applied to the Senate of the United States. That is all it is.

Mr. SPOONER. I should like to inquire of the Senator whether these Indians are allottees under the general laws of the United States?

Mr. BEVERIDGE. They are.

Mr. SPOONER. Are these Indians allottees under the general laws of the United States?

Mr. MORGAN. Some of them are and some of them are not.

Mr. LONG. They will be in 1906.

Mr. BEVERIDGE. All are now or will be before this act takes effect.

Mr. SPOONER. So they all become citizens of the United States?

Mr. BEVERIDGE. Yes.

Mr. SPOONER. And will be citizens of the State?

Mr. BEVERIDGE. They will be at the time of taking effect of this act.

Mr. MORGAN. I do not go into the topic at all of the citizenship conferred here, because it is not germane exactly to the precise amendment before the Senate.

Mr. SPOONER. I asked for information only.

Mr. MORGAN. I discussed it to some extent the other day, at least to my own satisfaction. There are many candlesticks that will give light on this subject, but I was confining myself to the particular proviso cited by the Senator from Indiana and to the particular question whether or not in the amendment that is proposed by the committee, and in the text to which it is annexed, there is an incongruity and a contradiction which will involve the Senate in terrific criticism, to say the least of it, and would involve the merits and involve the plan and purposes of the whole bill. That is the truth about it. The bill is founded on incorrect principles. I do not allude now, and I have not alluded, to the fact, as I understand it to be a fact—I think I am correct about it—that that principle is not applied to Arizona at all. It applies only to Oklahoma. There are Indians in Arizona galore, and the worst and the lowest and the least intelligent Indians in the United States. So far as I am informed, none of the best Indians of the United States are in Arizona. It is the new State I am talking about, Mexico and Arizona combined.

Why do you not apply this principle to them so that we can have at least equality between the two States you are admitting under the same bill? Is there to be no equality? Are we to make fish of one, flesh of another, and fowl of a third? Are these States to be an aggregate mass of contradictions and incongruities? Can no lawyer in the Senate look over the whole subject and propose any general law that will be applicable to them all alike?

There is no occasion for putting in this provision here. If we must have a liquor provision in there (and I am in favor of a liquor provision, but not on general principles) and Senators see proper to do it, put in the bill a provision authorizing the legislature of that State to pass prohibition laws, and let them go on and do like Maine, pass their prohibition laws and enforce their prohibition laws. But I do not want Congressional compulsion to be brought to bear on that subject. It is a question that Congress has nothing to do with. The drinking and the sale of whisky in States is a domestic question, a question of local self-government.

But, Mr. President, there is no element that can be thought of, from absolute power, arbitrary power, down to the lowest that a local government can exercise, which is not attempted to be provided for in this bill.

Mr. MALLORY. Mr. President, I am heartily in favor of preventing Indians from having liquor sold freely among them, and I would like to vote for this proposed amendment; but it occurs to me that there are one or two questions presented by it which are of sufficient importance to justify an investigation before we act, and with that purpose in view I should like to ask the attention of the Senator from Indiana to the constitutional provision contained in the tenth article of the amendments with reference to this particular amendment:

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It occurs to me, Mr. President, that there is no power conferred on the Government of the United States to regulate or control or in any way interfere with the sale of liquor within State limits. If that is so, then the proposition that is here presented is, in face of the fact that the right to control the liquor traffic is by that article of the Constitution remitted to the jurisdiction of the States, can this Government in an indirect way, on the admission of a new State into the sisterhood of States, do that which it could not have done originally? In other words, does not that tenth article of the amendments to the Constitution apply to us in admitting new States as much as it applied in the formation of the Government originally? It strikes me, without giving the language any very close investigation, that that is a really serious question. If we have the right to put qualifications now upon proposed States by the exercise of a power which Congress has not, which the Constitution does not vest in Congress, why, Mr. President, hereafter when we admit other States there is no telling what possible restrictions and qualifications Congress may put upon them.

Mr. BEVERIDGE. Does the Senator ask me a question?

Mr. MALLORY. I am merely calling the Senator's attention to this point, because I should like to hear his opinion regarding it.

Mr. BEVERIDGE. I will give it now; but I will ask the Senator a question. Does the Senator think that the restriction which we imposed as a condition of Utah coming into this Union, requiring her to insert in her constitution a provision prohibiting polygamy, was invalid or beyond the power of Congress?

Mr. MALLORY. I have not expressed any opinion on that point.

Mr. BEVERIDGE. If the Senator wants my opinion upon it, I will say that I think it was quite within the power of Congress to make that provision as a condition for admission into the Union, or to provide any other condition it should see fit. I believe this is perhaps the first time the plenary power of Congress to impose conditions on which a State may be admitted has ever been questioned.

Mr. MALLORY. Congress undoubtedly, Mr. President, has a wide latitude of power in prescribing conditions for admission into the Union, but after a State is once in the Union can Congress exercise power by relation back over that State, which power Congress is not authorized to exercise by the Constitution?

Mr. BEVERIDGE. The Senator puts two propositions in the question. I do not intend to argue them; but in the last proposition the Senator practically admits that we have the power to put in any provision concerning such admission. He admits that we have that power.

Mr. MALLORY. I do not admit that at all. I neither admit nor deny it.

Mr. BEVERIDGE. Then, if the Senator does not admit that, our views as to the power of Congress are so wide apart that we can not argue the question. But in that case and in the other case the Congress of the United States can require, as a condition precedent, the insertion of certain provisions into the constitution of the new State before we permit it to come into the Union. After the State is in the Union, I think it has been demonstrated as a practical matter that if it sees fit to go ahead and violate the conditions we can not put the State out.

Mr. MALLORY. That is the point, then, that if the condition is violated Congress has no power to enforce it. If that is so, what is the use of putting such a provision in? If we can not enforce our inhibition, we might as well leave it to the people in one case as in the other. The State would have the right to regulate the matter to suit itself.

But, Mr. President, the power to regulate the sale of liquor within the States is a power that is not in Congress. What we propose to do by this amendment is for a limited time at least to regulate the traffic in liquor within the new State.

Mr. BEVERIDGE. No; though that is the effect of it, I hope. But what we are proposing to do, speaking from a legal point of view, is to require the new State, as a part of its constitution and as a condition of its admission, to put in a certain provision. That is the legal status of what we are trying to do.

Mr. MALLORY. That is what we are trying to do, with the

purpose of effecting that which we can not legally do—that is, control the liquor traffic.

Mr. BEVERIDGE. Of course, if the Senator contends that Congress has not the power to impose a condition upon a proposed State, which shall be a condition of its admission into the Union, then our minds are so far apart that it is not worth while for us to argue the question, for there is no common ground on which we can meet.

Mr. MALLORY. Of course the Senator knows that I do not deny the right of Congress to impose conditions.

Mr. BEVERIDGE. I think the Senator does not.

Mr. MALLORY. But those conditions must be consistent with the power of Congress.

The PRESIDING OFFICER. The pending question is upon the adoption of the amendment proposed by the committee.

Mr. BATE. Let that be again read, Mr. President.

Mr. GALLINGER. Mr. President, as there is probably no great haste with reference to this subject, I wish to say that I was unavoidably kept from the Senate Chamber to-day, as well as yesterday afternoon, and have not had time to read the arguments on this important matter. I have some notions myself in reference to it, and may occupy two or three minutes in debate. I should like to have the amendment passed over for the present.

Mr. BEVERIDGE. I shall be very glad to assent to that.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. BEVERIDGE. The next amendment passed over is on page 12.

The PRESIDING OFFICER. The next amendment which was passed over will be stated.

The SECRETARY. In section 9, page 12, line 20, after the word "sold," insert "at public sale in 160-acre tracts or less."

Mr. BEVERIDGE. If there is no objection to that clause, it may be inserted.

The amendment was agreed to.

Mr. BEVERIDGE. There is a similar amendment on page 13, lines 8 and 9, which was passed over.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 10, page 13, line 8, after the word "aforesaid," it is proposed to strike out "when" and insert "if;" and in the same line, after the word "sold," where it occurs the second time, to insert "at public sale in 160-acre tracts or less."

The amendment was agreed to.

Mr. BEVERIDGE. The next amendment passed over was on page 14, lines 16 and 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 12, page 14, line 16, after the word "State," insert "from public lands of the United States within said State."

The amendment was agreed to.

The next amendment passed over was, in the same section, line 22, before the word "hundred," to strike out "two" and insert "one;" so as to read:

For the benefit of the Agricultural and Mechanical College, 150,000 acres.

The amendment was agreed to.

The next amendment which had been passed over was, in the same section, page 14, line 25, after the word "hundred," to strike out "and fifty;" so as to read:

For the benefit of normal schools, 300,000 acres.

The amendment was agreed to.

Mr. NEWLANDS. I understand that we are now acting upon amendments in sections relating to the public lands, which have been passed over.

Mr. BEVERIDGE. Yes, sir.

Mr. NEWLANDS. And I understand that I can have an opportunity hereafter of presenting amendments to take the place of any of these sections?

Mr. BEVERIDGE. Certainly; that is a right of which the Senator can not be deprived.

The next amendment which had been passed over was, in section 32, page 32, after line 23, to insert:

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000,000 for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid, but said State shall be allowed interest thereon at the rate of 3 per cent per annum, which shall be paid to said State for the use and benefit of its public schools. Said appropriation of $5,000,000 shall be held inviolate and invested by said State, in trust, for the use and benefit of said schools, and the interest thereon shall be paid quarterly and used exclusively in the support and maintenance of said schools.

Mr. BEVERIDGE. I call the attention of the Senator from Maryland to this amendment.

Mr. GORMAN. I move to amend the amendment by striking out, in lines 7 and 8, on page 33, the words "but said State shall be allowed interest thereon at the rate of 3 per cent per annum, which shall be paid to said State for the use and benefit of its public schools."

The PRESIDING OFFICER. The amendment of the Senator from Maryland to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment, after the word "paid," at the end of line 6, by striking out:

But said State shall be allowed interest thereon at the rate of 3 per cent per annum, which shall be paid to said State for the use and benefit of its public schools.

Mr. BEVERIDGE. I am not, I will state to the Senator from Maryland and to the Senate, contentious about this. It is merely a matter of method. It was thought, as I stated yesterday and as I will now state to the Senator from Maryland, that it would be well to do this. It would amount to the payment of interest on this sum for perhaps one year, after which the State would take and refund this debt and pay interest upon it. It would, of course, amount to an additional appropriation; but it is a mere method of appropriation, and if the Senator, who is well learned and experienced in methods of appropriation and finance, thinks the amendment wise, I will accept it.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment as amended.

Mr. BEVERIDGE. I understand the Senator from Maryland has another amendment.

Mr. GORMAN. I wish to move to strike out, in line 12 of the amendment, after the word "schools," the words "and the interest thereon shall be paid quarterly," etc.

Mr. BATE. The same as in the other case.

The PRESIDING OFFICER. The Chair understands the committee accepts the amendment.

Mr. BEVERIDGE. Wait a minute. I want to see what this amendment is.

Mr. GORMAN. It is in line 12, on page 33, after the word "schools," to strike out down to the end of the committee amendment. It properly follows after the amendment just adopted, being, I think, in the same general line.

Mr. BEVERIDGE. I call the attention of the Senator to the fact that perhaps there is a different question here involved.

Mr. GORMAN. I observe that now; and so I withdraw the amendment.

Mr. BEVERIDGE. Yes; it is a different question. Now, let the amendment as amended be agreed to.

The PRESIDING OFFICER. The amendment as amended will be considered as agreed to, in the absence of objection.

Mr. BATE. Does that involve the gift of $5,000,000?

Mr. BEVERIDGE. Yes; I have accepted the amendment of the Senator from Maryland [Mr. GORMAN].

The PRESIDING OFFICER. The amendment as amended will be considered as agreed to.

Mr. BATE. Excuse me, Mr. President; I want it left open. I do not object to the amendment proposed by the Senator from Maryland, but to the giving of $5,000,000. That is objectionable, and I want that to be left open so that it can be amended hereafter if desired.

Mr. BEVERIDGE. The Senator can put in his amendment unless he wants to vote on this amendment now, or unless he wants to discuss the amendment now. Let the committee complete its amendments.

Mr. BATE. I want the opportunity to amend the provision hereafter if I deem it necessary.

Mr. BEVERIDGE. All right.

Mr. SPOONER. I should like to make an inquiry of the Senator from Indiana. If he will turn to page 10——

Mr. BEVERIDGE. Will the Senator permit the pending amendment to be first disposed of?

Mr. SPOONER. Certainly.

The PRESIDING OFFICER. The first amendment of the Senator from Maryland to the amendment of the committee has been agreed to. So the pending question is upon agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. BEVERIDGE. Now I will hear the Senator from Wisconsin.

Mr. BATE. It is understood that there is permission to amend hereafter?

The PRESIDING OFFICER. That will be in order in the Senate.

Mr. SPOONER. I want to ask the Senator from Indiana, who is familiar with all these acts of admission——

Mr. BEVERIDGE. No; I am not.

Mr. SPOONER. I will ask him whether section 7, making the grant of land of the sixteenth and thirty-sixth sections in every township——

Mr. BEVERIDGE. I will call the attention of the Senator from Minnesota [Mr. NELSON] to this.

Mr. SPOONER. Then I will ask the Senator from Minnesota whether section 7, granting the sixteenth and thirty-sixth sections for the use and benefit of the common schools, is as well guarded as kindred provisions in prior acts which have been passed?

Mr. NELSON. What is the Senator's point?

Mr. SPOONER. It occurred to me that the proceeds of these lands upon their sale might be disposed of by the legislature.

Mr. NELSON. I call the attention of the Senator in this connection to the provision of section 9, bearing on this subject, which I think meets his inquiry.

Mr. SPOONER. Section 9?

Mr. NELSON. Section 9, commencing at the bottom of page 12, line 24, referring to land sections 16 and 36.

Mr. SPOONER. That answers my question.

Mr. NELSON. Yes; that answers the Senator's question, I think.

The PRESIDING OFFICER. The Chair is informed that all the amendments proposed by the committee have been agreed to, except the one on page 5, which was passed over at the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. BATE. Mr. President, the amendment proposing to give $5,000,000 to each of these proposed new States is objetced to, but I do not want to detain the Senate now. I expect to bring it up hereafter.

Mr. BEVERIDGE. Certainly; the Senator will be at liberty to do so. I call the attention of the Senator from Kansas [Mr. LONG] to page 13 of the bill. The Senator from Kansas has an amendment, which I should be glad to have him bring to the attention of the Senate now.

Mr. LONG. I move to strike out the proviso in section 10, page 13, and insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 10, page 13, line 19, it is proposed to strike out:

Provided, That in case of the sale of said lands under the provisions of sections 9 and 10 of this act the leaseholder does not become the purchaser, all permanent improvements shall be appraised at their fair and reasonable value, the lessee to receive the amount of said appraisement, under such rules and regulations as the legislature may prescribe.

And insert in lieu thereof the following:

Provided, That before any of the said lands shall be sold as provided in sections 9 and 10 of this act, the said lands and the improvements thereon shall be appraised by three disinterested appraisers to be designated as the legislature of said State shall prescribe, and the said appraisers shall make a true appraisement of said lands at the actual cash value thereof exclusive of improvements, and shall separately appraise all permanent improvements thereon at their fair and reasonable value, and in case the leaseholder does not become the purchaser, the purchaser at said sale shall, under such rules and regulations as the legislature may prescribe, pay to or for the leaseholder the appraised value of said improvements and to the State the amount bid for the said lands; and at said sale no bid for any tract at less than the appraisement thereof shall be accepted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. BEVERIDGE. I accept the amendment.

Mr. CLAY. Mr. President, that is an important amendment, and I think it ought to go over until to-morrow morning.

Mr. BATE. I think the amendment should go over.

Mr. BEVERIDGE. Let the Senator from Kansas explain it, if he desires to. So far as the committee is concerned, they accept it.

The PRESIDING OFFICER. The question is on the amendment.

Mr. LONG. Mr. President, the amendment I presented and had read at the desk makes it possible for the proposed new States in the disposal of these lands to receive, in my opinion, a higher price for them than they would receive under the provision that is in the bill as it passed the House. The amendment provides for a separate appraisement of the improvements and of the land. It makes it so that an outside bidder in bidding for the land knows also the amount he will have to pay for the improvements. It is in the interest of securing a higher price for the land than could be obtained under the bill as reported by the committee.

The amendment was agreed to.

Mr. NELSON. I have a couple of amendments suggested by the Secretary of the Interior which I desire to offer. I have examined them and read his communication concerning them, and I think that the amendments are proper and ought to be made. I ask that the letter of the Secretary may be read in connection with the amendments.

Mr. BEVERIDGE. Will the Senator state on what page of the bill the amendments should come in?

Mr. NELSON. The amendments state on their face. I send the amendments to the desk and ask that the letter of the Secretary of the Interior be first read, as in that way the amendments will be better understood.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 5, 1905.

HON. ALBERT J. BEVERIDGE,
Chairman Committee on Territories,
United States Senate.

MY DEAR SENATOR: Upon examination of bill H. R. 14749, "To enable the people of Oklahoma and of the Indian Territory to form a constitution and a State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and a State government and be admitted into the Union on an equal footing with the original States," it does not appear that such provision is made therein as would enable this Department to properly care for reservations already established and national parks and reservations that may hereafter be established.

Should the bill become a law in its present form the Department would experience the same difficulty in the management of the Sulphur Springs Reservation in the Indian Territory, set aside by the act of July 1, 1902 (32 Stats., 641), and section 18 of the act of April 21, 1904 (33 Stats., 220), and the Casa Grande Ruin, in Arizona, set aside by the act of April 2, 1889 (25 Stats., 961), as now obtains in the management of the Yosemite and Sequoia national parks in the State of California.

The lands in these national parks in California were set aside by acts of Congress enacted subsequent to the admission of California as a State. Exclusive jurisdiction thereover has never been ceded to the United States, and consequently the laws of the State govern therein.

The regulations for the government of these parks prescribed pursuant to the acts of October 1, 1890 (26 Stats., 650), and September 25, 1890 (26 Stats., 478), are reasonable, but they are not enforceable in the courts of law, and to secure a proper observance thereof it has been necessary for the Department to prescribe as a penalty for the violation of such regulations the revocation of privileges granted in the parks or ejectment from the reservations. Experience has shown this to be unsatisfactory and not conducive to good administrative results.

In the case of the Hot Springs Reservation, at Hot Springs, Ark., when Arkansas was admitted as a State no provision was made in the act for exclusive jurisdiction over the lands in the reservation by the United States. Subsequently many difficulties presented themselves in the enforcement of the regulations for the government of the reservation prescribed by this Department under the act of March 3, 1891 (26 Stats., 842), necessitating the passage of an act by the State recently ceding jurisdiction over the Hot Springs Reservation to the United States.

Several bills have been introduced in Congress looking to the setting aside of lands in the Territories of New Mexico and Arizona, respectively, for park purposes. If these bills become laws subsequent to the passage of H. R. 14749, the same difficulties touching the administration thereof will be presented to the Department as exist in the cases above cited.

To obviate this and to carry out the recommendations of the President relative to the establishment of game preserves, etc., I have the honor to submit herewith for your consideration amendments to section 7 on page 10 of the bill and to section 24 on page 28 of the bill. These amendments provide for the giving of exclusive jurisdiction to the United States over the Sulphur Springs Reservation, in the Indian Territory, the Casa Grande ruin, in Arizona, and all national parks, game preserves, or other reservations for the preservation of objects of archæological or ethnological interest hereafter established.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The PRESIDING OFFICER. The first amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 11, after line 13, it is proposed to insert:

Provided, That nothing in this act contained shall repeal or affect any act of Congress relating to the Sulphur Springs Reservation as now defined or as may be hereafter defined or extended or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Sulphur Springs Reservation as it now is or may be hereafter defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Sulphur Springs Reservation or national parks, game preserves, and other reservations hereafter established by law of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Sulphur Springs Reservation as now defined or may be hereafter defined.

Mr. BEVERIDGE. From the explanation given in the letter of the Secretary of the Interior I think everybody will agree that that amendment is a proper one to be made, and the committee accepts it.

The amendment was agreed to.

The PRESIDING OFFICER. The second amendment of the Senator from Minnesota [Mr. NELSON] will be stated.

The SECRETARY. On page 29, at the end of section 24, it is proposed to insert:

Provided, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin or national parks, game preserves, and other reservations hereafter established by law of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin as now defined or may be hereafter defined.

Mr. BEVERIDGE. That is clearly proper. I accept it with the proviso.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. FORAKER. I desire to inquire of the Senator having the bill in charge whether it is agreeable to him that I should now offer an amendment?

Mr. BEVERIDGE. Certainly; that the Senator may offer it——

Mr. FORAKER. I did not know whether the Senator was through with the committee amendments.

Mr. BEVERIDGE. If there is no one who has an amendment to offer which the committee will accept, it is perfectly agreeable to me to have the Senator from Ohio offer his amendment.

Mr. FORAKER. I have been waiting simply that the committee amendments might be disposed of.

If it is in order, I move to amend by inserting on page 26, line 24, after the word "question," the words "in each of said Territories." It is in line 24, according to the print I have before me now.

Mr. BEVERIDGE. I beg the Senator's pardon. My attention was diverted. What page is it?

Mr. FORAKER. I may state that I seem to have a different print before me.

Mr. BEVERIDGE. Will the clerks please provide the Senator from Ohio with the print of January 10?

The SECRETARY. On page 26, line 24, after the word "question," it is proposed to insert the words "in each of said Territories."

Mr. GORMAN. Now read the paragraph as it will read if amended.

The SECRETARY. On page 26, line 24, after the word "question," it is proposed to insert "in each of said Territories;" so that if amended it will read:

And if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution the said canvassing board shall certify the result to the President, etc.

Mr. CULLOM. I wish to inquire of the Senator from Ohio and the Senator in charge of the bill whether it would be agreeable to them temporarily to lay aside the pending bill in order that we may have an executive session this evening.

Mr. BEVERIDGE. It is entirely agreeable to me if it is agreeable to the Senator from Ohio.

Mr. FORAKER. I thought the Senator having the bill in charge would accept the amendment I have just offered.

Mr. BEVERIDGE. I do not feel like accepting it this afternoon without further consideration.

Mr. FORAKER. If not I am willing to wait until to-morrow morning for a determination of the matter. But I wish to say to the Senator from Indiana that I shall desire an opportunity before the bill is disposed of to make remarks in support of the amendment.

Mr. BEVERIDGE. I prefer not to accept it this evening.

Mr. CULLOM. With the leave of the Senator from Indiana, I will move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. Certainly.

Mr. CLAY. Will the Senator from Illinois allow me to make a request?

The PRESIDING OFFICER. Does the Senator from Illinois withdraw the motion in order that the Senator from Georgia may submit a request?

Mr. CULLOM. I do.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. CLAY. Mr. President, there was before the Senate this morning the bill (S. 2514) to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States."

The bill went over until to-morrow. I propose to offer certain amendments to the bill, material amendments, and I ask that the bill and amendments be printed.

Mr. LODGE. It is a bill to which there is no objection, but it was so badly drawn that it needs verbal amendments.

The PRESIDING OFFICER. The Senator from Georgia asks for a reprint of the bill with the amendments which he offers.

Mr. CLAY. I will send to the desk the bill as it will appear if amended.

The PRESIDING OFFICER. Without objection, the bill will be reprinted with the amendments proposed by the Senator from Georgia.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 12, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 11, 1905.

MARSHAL.

Thomas Cader Powell, of Oregon, to be United States marshal for the district of Alaska, division No. 2, vice Frank H. Richards, removed.

INDIAN INSPECTOR.

J. George Wright, of Illinois, to be an Indian inspector, his term having expired March 27, 1904. (Reappointment.)

POSTMASTERS.

ARKANSAS.

Joseph A. Foster to be postmaster at Paris, in the county of Logan and State of Arkansas. Office became Presidential January 1, 1905.

Charles H. Tisdale to be postmaster at Hazen, in the county of Prairie and State of Arkansas. Office became Presidential January 1, 1905.

M. P. Westbrook to be postmaster at Benton, in the county of Saline and State of Arkansas. Office became Presidential January 1, 1905.

DELAWARE.

Edward F. Prettyman to be postmaster at Seaford, in the county of Sussex and State of Delaware, in place of Jesse T. Sharpe. Incumbent's commission expired December 20, 1904.

GEORGIA.

Beverly B. Hayes to be postmaster at Wrightsville, in the county of Johnson and State of Georgia. Office became Presidential January 1, 1904.

IOWA.

William C. Snyder to be postmaster at Lake City, in the county of Calhoun and State of Iowa, in place of Josiah D. McVay, deceased.

LOUISIANA.

Edson E. Burnham to be postmaster at Amite, in the parish of Tangipahoa and State of Louisiana, in place of Edson E. Burnham. Incumbent's commission expired December 10, 1904.

William M. Rous to be postmaster at Lake Providence, in the parish of East Carroll and State of Louisiana, in place of Susie E. Taylor. Incumbent's commission expired December 20, 1904.

MINNESOTA.

Henry K. White to be postmaster at Alexandria, in the county of Douglas and State of Minnesota, in place of Charles S. Mitchell, resigned.

MISSOURI.

Alansan H. Dent to be postmaster at Osceola, in the county of St. Clair and State of Missouri, in place of Mathew J. Orr, removed.

William E. Templeton to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri, in place of William E. Templeton. Incumbent's commission expired December 20, 1904.

NEW JERSEY.

James M. Bogert to be postmaster at Westwood, in the county of Bergen and State of New Jersey. Office became Presidential October 1, 1904.

NEW YORK.

John M. Gilmour to be postmaster at Morristown, in the county of St. Lawrence and State of New York, in place of

George M. Nicol. Incumbent's commission expired December 10, 1904.

J. Johnson Ray to be postmaster at Norwich, in the county of Chenango and State of New York, in place of James H. Throop. Incumbent's commission expired May 16, 1904.

OHIO.

William W. Dennison to be postmaster at Batavia, in the county of Clermont and State of Ohio, in place of William H. Baum, removed.

Henry H. Dibble to be postmaster at Canal Winchester, in the county of Franklin and State of Ohio. Office became Presidential January 1, 1905.

George R. Garver to be postmaster at Strasburg, in the county of Tuscarawas and State of Ohio. Office became Presidential January 1, 1903.

Peter Housel to be postmaster at Shreve, in the county of Wayne and State of Ohio, in place of Peter Housel. Incumbent's commission expired May 4, 1904.

Thomas B. Van Horne to be postmaster at Franklin, in the county of Warren and State of Ohio, in place of Joseph B. Woodward. Incumbent's commission expired May 28, 1904.

OREGON.

George M. Richey to be postmaster at La Grande, in the county of Union and State of Oregon, in place of John C. Ardrey, resigned.

PENNSYLVANIA.

John Francies to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in place of James A. Grier, removed.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, in the county of Oconee and State of South Carolina, in place of Rebecca C. Calhoun, removed.

James E. Horton to be postmaster at Belton, in the county of Anderson and State of South Carolina. Office became Presidential January 1, 1905.

TENNESSEE.

Daniel M. Nobles to be postmaster at Paris, in the county of Henry and State of Tennessee, in place of Edward H. Blanton, removed.

VERMONT.

F. Henry Foss to be postmaster at Vergennes, in the county of Addison and State of Vermont, in place of F. Henry Foss. Incumbent's commission expired March 9, 1902.

WISCONSIN.

Laurel G. Andrews to be postmaster at Mukwonago, in the county of Waukesha and State of Wisconsin. Office became Presidential October 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 11, 1905.

CONSUL.

Howard D. Van Sant, of New Jersey, to be consul of the United States at Guelph, Ontario, Canada.

CHIEF OF BUREAU OF MANUFACTURES.

J. Hampton Moore, of Pennsylvania, to be Chief of Bureau of Manufactures, Department of Commerce and Labor.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania.

POSTMASTERS.

ARIZONA.

L. D. Redfield to be postmaster at Benson, in the county of Cochise and Territory of Arizona.

CALIFORNIA.

William Collins to be postmaster at Mojave, in the county of Kern and State of California.

ILLINOIS.

Eva J. Harrison to be postmaster at Johnston City, in the county of Williamson and State of Illinois.

Holly C. Marchildson to be postmaster at Thebes, in the county of Alexander and State of Illinois.

George M. Thompson to be postmaster at Bement, in the county of Piatt and State of Illinois.

INDIANA.

John M. Atkins to be postmaster at Jasonville, in the county of Greene and State of Indiana.

MISSISSIPPI.

Robert C. Sharbrough to be postmaster at McHenry, in the county of Harrison and State of Mississippi.

Alexander Yates to be postmaster at Utica, in the county of Hinds and State of Mississippi.

NEW JERSEY.

Joshua L. Allen to be postmaster at Pennington, in the county of Mercer and State of New Jersey.

Farley F. Holcombe to be postmaster at Hopewell, in the county of Mercer and State of New Jersey.

Shepherd S. Hudson to be postmaster at Mays Landing, in the county of Atlantic and State of New Jersey.

NEW YORK.

George Bouse to be postmaster at Bay Side, in the county of Queens and State of New York.

Frederic J. Merriman to be postmaster at Madrid, in the county of St. Lawrence and State of New York.

NORTH CAROLINA.

Erwin Q. Houston to be postmaster at Davidson, in the county of Mecklenburg and State of North Carolina.

Eugene C. Kapp to be postmaster at Mount Airy, in the county of Surry and State of North Carolina.

Robert P. Reinhardt to be postmaster at Newton, in the county of Catawba and State of North Carolina.

Jesse F. Walsh to be postmaster at Elkin, in the county of Surry and State of North Carolina.

OHIO.

Louis G. Bidwell to be postmaster at Kinsman, in the county of Trumbull and State of Ohio.

William Cline to be postmaster at Arcanum, in the county of Darke and State of Ohio.

Peter Cranker to be postmaster at West Toledo, in the county of Lucas and State of Ohio.

Willis E. Payne to be postmaster at Ashville, in the county of Pickaway and State of Ohio.

Granville W. Springer to be postmaster at Crooksville, in the county of Perry and State of Ohio.

Alva G. Sutton to be postmaster at Attica, in the county of Seneca and State of Ohio.

Ford H. Laning to be postmaster at Norwalk, in the county of Huron and State of Ohio.

Charles D. Wightman to be postmaster at Medina, in the county of Medina and State of Ohio.

WYOMING.

Newton H. Brown to be postmaster at Lander, in the county of Fremont and State of Wyoming.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 11, 1905.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

By unanimous consent, the bill (H. R. 16282) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River was laid on the table, a similar Senate bill having been passed yesterday.

COMMITTEE ON INAUGURAL CEREMONIES.

The SPEAKER announced the appointment of the following committee on the part of the House on inauguration ceremonies: Mr. DALZELL, Mr. CRUMPACKER, Mr. WILLIAMS of Mississippi.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906, and pending that motion I would ask the gentleman from Virginia [Mr. HAY] if we can not agree upon some limit to general debate.

Mr. HAY. We would like one hour upon this side.

Mr. HULL. Then, Mr. Speaker, I would ask that three hours, or so much of that time as may be necessary, be agreed upon as the time for general debate, one half of that time to be controlled by myself and the other half to be controlled by the gentleman from Virginia [Mr. HAY].

The SPEAKER. The gentleman from Iowa asks unanimous consent that the general debate may be closed within three hours, one-half of the time to be under the control of the gentle-

man from Iowa [Mr. HULL] and one-half under the control of the gentleman from Virginia [Mr. HAY]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Iowa, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the army appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17473, the army appropriation bill, with Mr. BOUTELL in the chair.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I have no desire to take any time of the House on this measure. If the Members of the House will get the report they will see practically, I think, all matters of legislation referred to in the report, so that they can examine it before the bill is considered under the five-minute rule. The most important item of new legislation probably is that abolishing the office of assistant chief of the Record and Pension Office. When the bill consolidating the Bureau of the Adjutant-General with that of the Record and Pension Office was passed, there was no action taken by Congress with regard to the office of assistant chief of the Record and Pension Office. That office had heretofore been open, to be filled either from civil life or from the Army. In the consolidation it was supposed that the rules applying to the other staff corps would apply to this. The attention of the War Department was called to the matter, and it was suggested by the Chief of the War Department at that time that it would probably be no more than just if one place was left in the Army where men of distinguished service could be recognized by appointment as major in the staff corps, and if that office should be abolished it would require such distinguished officers to be made brigadier-generals, as we have lineal promotion up to and including the grade of colonel. The office has been twice filled since the consolidation was effected, and in neither case has there been an officer of the Army appointed to the position. Not only that, but it seemed to your committee—and I will say the committee was unanimous upon this point—that it should not be left open longer, but that all appointments to the staff corps, including those to the consolidated department, should be upon the same basis; so that the committee has unanimously reported a provision in this bill that when the office shall become vacant, either by death or promotion of the present incumbent, it shall cease and shall not thereafter be filled.

The amount appropriated this year by this bill, if it shall pass as reported by the committee, is $69,461,334.89.

The amount last year was something over $75,000,000. The amount estimated this year was something over $72,000,000. The reduction made by the committee was $2,615,983.10. We believe that it is ample for the Army as it is now constituted. The largest reduction made in the estimate was for transportation of the Army and its supplies, $3,000,000. Under this head a very large amount of items are included, and the committee and the Secretary of War both believe that $12,000,000 will be ample for the ensuing year.

There are some other items of legislation that will be subject to the point of order, and attention will be called to them as rapidly as they are reached. I think I am safe in saying, Mr. Chairman, that it is the first bill in several years where the committee is unanimously in favor of the items of the appropriations bill. Heretofore there has been some disagreement on items, not to amount to much, but some disagreement, but I can not now recall where there is a single disagreement on this bill. I reserve the balance of my time, and now yield to the gentleman from Virginia [Mr. HAY].

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield?

Mr. HULL. Oh, certainly.

Mr. GROSVENOR. I would like to call the attention of the chairman of the committee to this proposition. I learned through the public press for the first time—not anybody's fault but mine that I did not understand it sooner—that retired officers drawing the pay of retired officers when employed by States or colleges or military organizations are not only authorized to make such arrangements and receive whatever pay the State or other persons may give to them, but, in addition to that, that they are restored at once to the full pay of an officer of the Army in active service. I would like to understand two things. First, when the law was passed that results in that sort of thing, and again, if the gentleman will be kind enough to tell me, the policy upon which that arrangement proceeds.

Mr. HULL. Mr. Chairman, the gentleman is correct in his statement. The last appropriation act carried legislation that military attachés and officers acting with the National Guard who are assigned from the retired list could draw their full pay and allowances while so acting. Up to that time there was no officer in the position of military attaché. There were officers acting with the National Guard on the governors' staffs of several of the States in the Union. There was not a single officer, as I recall now, above the grade of captain so acting. These officers did not get any additional pay from the States. They were not adjutant-generals, but, Mr. Chairman, since the passage of that act officers of the highest rank have been apparently seeking these assignments. There are now nine brigadier-generals on the retired list acting with nine different States with the militia, and I have prepared an amendment which I wish to offer when we reach that part of the bill, and I will read it for the benefit of the gentleman.

I want to say here it is not the action of the committee; I did not bring it before the committee, because I forgot it, but I have prepared it since and shall offer it on my own responsibility. It will read as follows:

Provided, That no retired officer of the Army above the grade of major shall, when assigned to active duty with the organized militia of the several States and Territories, receive from the United States any pay or allowance additional to his pay as a retired officer.

I want to put that amendment in at the proper place.

Mr. GROSVENOR. Well, I entirely commend the gentleman for it. I can see no possible reason if a retired officer is only entitled to a certain pay, which is fixed, why we should increase that pay because somebody else is employing him.

Mr. HULL. I will say, Mr. Chairman, when you come to captains on the retired list and lieutenants on the retired list acting with the National Guard the question was raised that it is impossible to secure the number that was needed for the reason that their pay would not support them in the cities in which they would have to reside.

Mr. GROSVENOR. I can see that.

Mr. HULL. Nobody dreamed that the higher officers would immediately jump in and get this extra pay and act with the National Guard or Militia, but it seems they are absorbing it now, and, as I stated a while ago, within the last eight months nine brigadier-generals have been assigned. They get their full pay. They get $72 a month in addition to their pay for commutation of quarters; they get all the allowances of their grade. I think it is an imposition upon the Government of the United States, and I want to cut it off.

Mr. GROSVENOR. The effect of it is to make it desirable for an officer to avail himself of every possible means of retirement in order that he may get this better place.

Mr. HULL. He gets a better job, and I am opposed to it.

Mr. SCOTT. Is it not a fact that a retired lieutenant-general of the Army is now serving as a military attaché in one of the States of the Union?

Mr. HULL. That, I understand, is true; but I wish to say that my mind was made up on this long before that took place.

Mr. SCOTT. I simply wished to inquire.

Mr. HULL. I looked at the last Army Register and saw that nine brigadier-generals have gone into this matter simply for increased pay, and not because of patriotism. If you talked to most of them they would say it is a patriotic duty, but they were careful enough to exercise that option and never performed such patriotic duty until the Government of the United States passed that law at the last session.

Mr. SCOTT. What I wished to know was whether your law reached that case last session.

Mr. FOSTER. If I understand correctly from the gentleman from Iowa [Mr. HULL], these nine high retired army officers get their pay also from the State?

Mr. HULL. I think not. I think that they do not get any pay from the State. But I can say, as I said a while ago, there is no good reason why a captain or lieutenant, or even a major, could not live at the capital on the governor's staff and instruct the militia on his retired pay, and I can see a good reason for giving those ranks the full pay. But I can see no reason why a brigadier-general, a major-general, a lieutenant-general, or a colonel, getting as much pay as they do, should have increased pay out of the Treasury of the United States.

Mr. PERKINS. I would like to ask the gentleman from Iowa [Mr. HULL] how the total amount reported by this bill compares with the amount reported last year?

Mr. HULL. It is over $5,000,000 less.

Mr. PERKINS. Five million dollars less than reported last year?

Mr. HULL. Yes, sir. Now, if there are no other questions I yield to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, economy being the watchword of the hour, I desire to submit a few observations on that important subject.

So far as I am advised the national platform of every political party in the country promised economy of administration. The Republican party, however, is the only one which has an opportunity to show that it really meant its ante-election promises. Day by day, here in this Chamber and through the public prints, we are told that this is to be an economical Congress, that appropriations are to be confined strictly to a provision of the lubricant which will keep the wheels of government turning, and that none but the essential expenditures will be undertaken.

Members who reside on navigable rivers are greatly distressed over the statement that there probably will not be a river and harbor bill. Those Members who represent seaports where a greater depth of water is needed to accommodate business are distressed over the thought that their traffic must for a while longer be adjusted to the heavy charges of light-draft vessels.

It is said we are to have no public buildings bill because money can not be found to pay for the buildings. In a word, sir, we have been given to understand that the business interests of the country can not be promoted, that urgently needed internal improvements can not be made because there is a deficit in the Treasury. Yet somehow money is to be provided for the promotion of the imperialistic ventures of the Government. Our stupendous Navy is to be made still greater. We can't deepen a harbor when demanded by commerce. We can't remove the snags and sand bars in our navigable rivers that railway freight charges may be kept down by river competition, but we can go on building battle ships, which we don't need, at a cost of six or seven million dollars each.

Under these circumstances, and because I conceive it to be my duty to help my friends who are distressed over the condition of the Treasury, I will point out one or two other small economies that might be practiced with perfect propriety.

If my suggestions are followed, Mr. Chairman, enough money may be saved to permit of a moderate expansion of the naval programme. I may not be able to show where the price of a battle ship can be saved, for they are the most expensive luxuries a government can have, but we may by pinching here and there save enough for a cruiser or at least a torpedo boat.

Gradually since the close of the Spanish-American war the appropriations for the Army have been reduced. Our friends of the opposition "point with pride" to this fact. They cackle over each reduction as if a great thing had been accomplished. They rejoice mightily over the fact that this bill only carries $69,307,724.89, as against $75,356,722.88 in the bill of last year. The more these bills resemble those that were passed under a Democratic Administration the louder they cackle.

In order that the majority may be inspired to do even better in the way of economy I will give the House the figures of the four bills that were passed during Mr. Cleveland's last term as President. They were as follows:

For the year ending June 30:	
1894	$24, 225, 639. 78
1895	23, 592, 884. 68
1896	23, 252, 608. 09
1897	23, 278, 402. 73

Now, for the lesson of the contrast, I will invite the attention of the House to the last six army appropriation bills, to wit:

For the year ending June 30:	
1900	$80, 080, 194. 06
1901	113, 669, 545. 55
1902	115, 734, 049. 10
1903	91, 246, 636. 41
1904	74, 637, 252. 83
1905	75, 356, 722. 88

If Members really want their harbors deepened and the navigation of their rivers improved, they have only to get the naval and military expenses of this Government back to the economical basis of a Democratic administration and hold it there for four or five years, and there will be money enough saved to dredge every stream in the country and to deepen every port on the seacoast.

At the proper time, while this bill is under consideration, I shall offer an amendment which will reduce the size of the Army by 520 enlisted men and 16 officers, and save to the taxpayers of the country a large sum of money each year, and return to their regiments five officers of the Regular Army, who are needed in their own proper places.

It is not an unreasonable reduction. It will not cripple the Administration in any way. It will not even impair in any appreciable manner the efficiency of the Army. It is a piece of legislation which was recommended by the Secretary of War, Mr. Root, in 1902. In his able report to Congress in December, 1902, he said:

PORTO RICO REGIMENT.

The act of February 2, 1901, provides that the Porto Rico Regiment shall be continued in service until further directed by Congress. I recommend that the discontinuance of that regiment be now directed, and that at the same time the right of enlistment in the Regular Army be extended to citizens of Porto Rico. There is no longer occasion for maintaining a special and peculiar force in the island, at the expense of the United States, outside of the coast-defense fortifications. Under the prosperous conditions which have followed the very liberal treatment of the island by the United States, the insular government is well able to support a police force adequate to preserve internal peace and order, and there is no more reason for maintaining a special United States force in addition to the Regular Army to protect Porto Rico against external attack than there is to maintain such a force to protect any part of our territory on the Atlantic coast. The people of Porto Rico should, however, have an opportunity to share in the general defense of the Government to which they owe allegiance and of the institutions which they enjoy.

My purpose is, Mr. Chairman, to offer an amendment to the pending bill, and I hope the House will support the amendment. If the majority is sincere in its talk of economy my amendment will be unanimously supported.

It is an open secret, Mr. Chairman, that but for the interest which some legislators had in certain officers employed in the Porto Rican Provisional Regiment that organization would have been legislated into civil life and self-support two years ago.

Certainly, sir, it is not conceivable that there could have been any reason for continuing it upon the muster roll of the Government which was not revealed to that very clever man and able Secretary of War, Mr. Root, who, until overcome by the pleadings of Senators and Members for the retention of their pets, advised its abolition. It is monstrous that this large and growing charge upon the people should be continued just to take care of a few young men who appear not to be able to take care of themselves in the struggles of civil life.

But the military departments of the Government do not offer the only opportunities for the practice of economy.

Year by year the Department chiefs have offered wise and practical suggestions for the promotion of the efficiency of administration, and which, if they were adopted, would save large sums of money to the taxpayers, but they have been persistently disregarded. Of course I can not speak with certainty as to why these reforms have not been carried out, but I suspect that if all the facts were known it would be developed that their execution would take some names off the pay rolls.

I have been here long enough to learn that where the inauguration of a reform involves the loss of patronage—that is, the decrease of the number of officeholders—the reforms are not inaugurated.

Somebody of influence—some prominent Administration Senator or distinguished Administration leader in the House—is always behind the useless officeholder, and no matter how good a case may be made for the people the useless official and his more or less expensive office are rarely abolished.

Time and again the chiefs of the Treasury Department have directed attention to the great number of useless and expensive customs districts and have asked the Congress to either abolish them, by consolidation with others, or to give the Secretary of the Treasury authority to do so.

I asked an eminent Member of this body why so patent an evil was not cured. He admitted that it should be done, but said that he was not willing to confer the authority to do so on the Secretary of the Treasury; that he was opposed to the suggestion that this body should turn over its privileges and duties to any executive officer, and that he hoped that Congress itself would consolidate the customs districts and reduce the expenses of administration. I don't know how fervently he may wish to see the reform worked in that way, nor how high his hopes are of seeing it done; but it is almost certain that it can not be done in the way he thinks it should be done.

Besides, Mr. Chairman, it does not appear to me to be an abrogation of the rights or duties of Congress to direct the Secretary of the Treasury to do certain things within certain and clearly defined boundaries. We are the representatives of the people, and it seems to me to be entirely proper for us to direct a servant of the people—the President, or the Secretary of the Treasury, for instance—to carry out reforms in the administration of their business, using discretion as to details. In this particular business of the administration of the customs the Secretary of the Treasury has a knowledge of details which we can not, in reason, be expected to have. If after we have clothed him with this discretion we find that he is not using it wisely we can recall the authority.

No member who will read the report of the Secretary of the

Treasury for the fiscal year ending June 30, 1904, can fail to be impressed with the urgency for this reform. He says that the cost of collecting the customs revenues of the Government was a little over 3 cents per dollar, which, he adds, is "much more than it should be." The Secretary contrasts this with the cost of collecting the internal-revenue taxes, which is much more economically done. It costs more than 3 cents to collect a dollar at the custom-houses, and only about 2 cents to collect one at the distilleries, breweries, and tobacco factories. The reason is plain to anyone who will read the report. In 1877 Congress authorized the President to consolidate the internal-revenue districts. The execution of the law resulted in reducing their number from 183 in 1876 to 66 in 1904, and in a great saving to the Government in the way of salaries and the expenses of administration.

It is worth while, sir, to examine a list of the customs offices at which it costs more than a dollar to collect a dollar. The list is found on page 28 of the last report of the Secretary of the Treasury. It took three officials at the port of Alexandria, Va., to collect $1,172.23, and they received as compensation $1,255.74. But Alexandria, from the point of view of the expense of collection, is one of the very best ports on the list. At Annapolis, Md., it cost $1,196.95 to get $14 of revenue for the Government, or $85.50 to collect each dollar.

Now, I know that Maryland is considered debatable political ground and party exigencies there are very great, but it does seem that under such stress of circumstances one deputy, if properly bonded, might be trusted to collect that $14. There are three employees at the Annapolis custom-house. How they spend their time without being bored to death heaven only knows, unless, after the day's work is done, they go a-fishing.

Beaufort, S. C., is what you might call a "top notcher." Down there it took two able-bodied customs officials, at a cost to the people of $1,509.28, to collect $1.55, or $973.72 of expense for each dollar collected.

Dear old South Carolina! Always a land of extremes. I love her and her people, but I do really believe that that custom-house might be spared unless, as it seems that he won't be happy without one, it be given to Crum, with the revenue for his compensation.

Then, there is the collection district of Brownsville, in Texas, to which the House might very properly give its attention.

Texas never does things in a small way. In another direction from that which distinguishes the South Carolina port, Brownsville is also a "top notcher."

Down there on the lower Rio Grande, at Brownsville, it took twenty-six officials, at an expense of $32,004.59, to collect $4,850.66.

Our revenues may not be heavy at Brownsville, but our pay roll is long. That district could also go without a convulsion of nature. But, Mr. Chairman, not all the sins of this sort are committed down in Dixie. This folly of maintaining customs districts where they are not needed and at places where the expense account is greater than the receipts is as broad as the continent.

Reform is needed on the northern Atlantic, on the Lakes, and on the Pacific, as well as on the Gulf and the south Atlantic.

There are more collection districts in Maine for the area, and they average less revenue to the district, than in any other part of the United States.

In this list of forty-six places given by Secretary Shaw, where it costs more than a dollar to collect a dollar, Maine is written down eight times.

At Castine it takes six employees to collect $692.84, and they charge the people $4,400 for doing it. At Frenchmans Bay five men, who are paid $3,606.65, manage to get for Uncle Sam $323.84. At Kennebunk the receipts and the expenses are both very small, the expense, of course, exceeding the revenue. Machias has five customs officials who are paid $4,311.47 to collect $734.35. The two overworked officials at Saco take in $13.40, and it costs the Government over $32 in salaries and other charges for every dollar collected. At Waldoboro the situation is a little better. There we only have seven officials, maintained at an expense of $6,751.59, who collect $1,362.60. Wiscasset is about on a par with Waldoboro, while York, Me., seems to be in the class of Beaufort, S. C. At York, however, one man manages, all by himself, to collect $2.50, while at Beaufort it takes two to handle the Government's $1.55.

At Nantucket, in the great Commonwealth of Massachusetts, the Government paid last year $378 to collect $8.50.

When we have reciprocity with Canada, which certain eminent Republican statesmen said we did not need, but which the people up there are clamoring for, I greatly fear that the revenues of the Nantucket office will go even lower.

Mr. Chairman, these officials in customs districts which yield no revenues to the Government may be very worthy people and they no doubt need the salaries they are drawing; but, if gentlemen will be frank, that would hardly be advanced as a reason for retaining them.

I have availed myself of this occasion to indicate where economies may be wisely practiced. I have done so because it appears that no one else will and because these useless officers, military and civil, should be abolished and the money of the people put to better uses.

In my opinion, sir, every dollar dedicated to internal improvements is devoted to a wise and useful purpose. I just as firmly believe that every dollar spent on the Army and Navy beyond the amount necessary to defend the liberty of continental Americans and to protect their commerce is worse than wasted. [Loud applause on Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON, having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On December 21, 1904:

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

On January 5, 1905:

H. R. 16445. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes; and

H. J. Res. 158. Joint resolution for the relief of Julius A. Kaiser.

On January 7, 1905:

H. R. 15590. An act to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes."

On January 11, 1905:

H. R. 6498. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Chairman, the military establishment bill is now under discussion by the committee. It shows a reduction over last year of $6,048,997.99. The measure has been gone over very carefully, and we have followed the suggestions of economy made and have pared down in every possible way the appropriation for the military establishment.

We have to-day a splendid Army, well equipped and well fed. It is well housed at home and in the noncontiguous territory of our country. Compared with the other armies of the world it is a well-paid Army.

The privates in the United States receive $13 per month; the privates in the army of Austria-Hungary receive 73 cents a month; the privates in the French army receive $1.74 a month; the privates in the German army receive $2.50 per month; the privates in the army of Great Britain receive $7.14 a month; the splendid Japanese soldiers receive 60 cents a month; the Russian soldier, who so strongly defended Port Arthur, receives 12 cents a month. That is the difference between the pay of an American private soldier and the pay of the private soldiers in the armies of other countries. Our Army consists now of 60,183 men.

Mr. HULL. That means Medical Corps, Staff Corps, and all?

Mr. PRINCE. The entire Army. The enlisted men number 56,439; the officers, 3,744 on the active list. We pay to the officers of the Army on the active list, by this appropriation bill, $5,000,000. We pay to the enlisted men in active service $9,250,000.

I desire to call attention to the retired officers of the Army—and I want Members of the House to listen patiently for a moment to this discussion of retirement. I desire the country likewise to know what I shall state on this subject in my few remarks. We pay to the retired officers of the Army $2,727,500, of which $500,000 is for additional length of service. The active list of officers of the Army, as now constituted, consists of 1 lieutenant-general. The retired list of the Army consists of 3 lieutenant-generals. We pay to the active lieutenant-general $11,000; we pay to the 3 retired officers, as lieutenant-generals,

$24,750. We have 6 major-generals on the active list; we have 18 major-generals on the retired list. We pay to them $101,250. We have 26 active officers as brigadier-generals; we have on the retired list as brigadier-generals 236. We pay to the retired brigadier-generals $973,500. We have on the active list 104 colonels; on the retired list 71 colonels. We have on the active list 125 lieutenant-colonels, and 70 on the retired list of lieutenant-colonels. Of majors we have 379 on the active list, and 237 on the retired list. I will not mention the captians on the active list, because as you go downward, there is no opportunity existing or desire or urgency to be promoted, and the promotions and retirements increase as they go upward. Of captains we have 179——

Mr. ESCH. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Certainly.

Mr. ESCH. Have you statistics to show how many of these retirements resulted from injuries received in the service?

Mr. PRINCE. I have not.

Mr. HULL. Have you statistics to show what proportion have been promoted for retirement?

Mr. PRINCE. I have, but not right here with me; but I could produce them and submit them with my remarks.

Mr. HULL. The gentleman understands that in the last session of Congress we gave to all civil-war veterans one grade, whether on the active list or the retired list?

Mr. PRINCE. That is what I recollect.

Mr. HULL. As I remember it, that amounted to $251,000.

Mr. PRINCE. It was upward of $250,000.

The reason why I can not give my colleague on the committee, the gentleman from Wisconsin, the information is that the Army Register is not yet out. We are expecting it about the 15th of this month. I understand it will then be ready for distribution to us; but this bill has come up a little earlier than we anticipated.

Mr. ESCH. I merely suggested that by way of adding force to your argument. Can you state how many of those disabled in the service were advanced on this retired list by law?

Mr. PRINCE. I think there were a small number, if I understand your question.

Mr. ESCH. Six.

Mr. PRINCE. Of captains we have 179 on the retired list, of first lieutenants 51, and of second lieutenants 10, on the retired list.

Now, the law for retirements is familiar to members of this committee. When a young man enters army service he is supposed to dedicate himself to the Army of his country. He is supposed to separate himself from among the "captains of industry," from among professional men; he is supposed to draw the line upon politics and the influence of politicians; he is supposed to stand for all the people, stand for the majesty of his country, his flag and its honor, and to have the esprit de corps that ought to belong to officers of a great republic. He has taken an oath to manage and control and look after its interests. When the name of a young man is offered for West Point, that young man must enter into an agreement, if of majority, and if as a minor, his guardian or parent must enter into an agreement, that for eight years he will stay in the service of his country.

Few of these men resign later on, very few indeed; but they seem to come up and up, and when they become lieutenant-colonels and colonels they seem to move rapidly in the panoramic view until there are presented to the American people 236 men wearing the star of a brigadier-general on the retired list of their country. It seems to me that the oath they take, that the agreement they enter into with their country should be maintained in the highest sense of honor, and that they should retire under the age limit or by reason of disability or incapacity; that they should stand there for the Army that has educated them, that they should stand there with their experience and ability to use it for the best interests of their country, and not seek long before the right to retire, but for the purpose of making way for others, to be made in some form or other brigadier-generals and go on the retired list, and from and after that time cease to be of any use to their country, at an age when their experience and ability are worth something to the country that has been paying them for their services, and that has relied upon their honor and their swords to maintain the glory and the dignity of the country.

Mr. SCOTT. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. PRINCE. Yes.

Mr. SCOTT. Obviously it is not within the discretion of these men to promote themselves or to retire at will. The fault, therefore, must be either in the law or in the administration of it, and I should like to ask the gentleman's opinion as to where the fault does lie.

Mr. PRINCE. The fault is not in the law, because the law fixes the manner of retirement.

Mr. SCOTT. Then it must be in the administration of the law.

Mr. PRINCE. It must be, as I take it, in this way: Men get along to be colonels, say; somebody below them would like to be made a colonel. These men are induced—I am not prepared to state how they are induced—to desire to be made brigadier-generals, to be promoted and retired as brigadier-generals, so that they make way for promotions to follow as they are put out of line.

Mr. SCOTT. Who has to pass upon their applications to be promoted?

Mr. PRINCE. I think Congress, largely.

Mr. SCOTT. Do you say Congress has to pass upon their applications to be promoted?

Mr. PRINCE. I am speaking of Congress as a whole, not of this particular branch.

Mr. SCOTT. I should like to ask the gentleman whether I am right in understanding him to say that no man can be promoted from the grade of colonel to that of brigadier-general except with the consent of both Houses of Congress.

Mr. PRINCE. No; I do not say that.

Mr. HULL. This branch of Congress has nothing to do with that.

Mr. PRINCE. We have nothing to do with that in this branch of Congress. I said the Congress.

Mr. HULL. What the gentleman refers to is hardly the Congress.

Mr. PRINCE. The gentleman would hardly expect me to criticise the other branch of Congress, and if I should do so I should be called down very quickly by the gentleman in the chair or by some Member of the House. I said the Congress. Of course, gentlemen can infer what I mean as well as I can.

Mr. SCOTT. Of course we understand that promotions are made by the appointment of the President, confirmed by the Senate. Now, what I am trying to get at is the opinion of the gentleman as to whether these numerous retirements have resulted from an over-indulgence on the part of the appointive power or whether it is a matter that can be reached by a change in the law.

Mr. PRINCE. I do not desire to answer——

Mr. SCOTT. You have no remedy to suggest then?

Mr. PRINCE. For the reason that if I should give my opinion it might be regarded as in the nature of a criticism upon a coordinate branch of the Government. I have stated the facts. It appears clearly to us all that if these officers had maintained their contract with the Government to remain until they had served continuously, as the law now directs, there would not be this great number of brigadier-generals on the retired list. An extract from the Military Laws of the United States will be the best answer to that. I read from the Military Laws of the United States, page 489:

1297. When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When the officer has been thirty years in the service, he may, upon his own application, in the discretion of the President, be so retired and placed on the retired list.

1298. When any officer has served forty-five years as a commissioned officer, or is 62 years old, he may be retired from active service at the discretion of the President.

1299. On and after the passage of this act, when an officer has served forty years either as an officer or soldier in the regular or volunteer service, or both, he shall, if he make application therefor to the President, be retired from active service and placed on the retired list, and when an officer is 64 years of age he shall be retired from active service and placed on the retired list.

The other conditions are provisional, but the latter is mandatory.

When officers have been placed on the retired list as established by sections—

Indicating the sections—

or shall have attained the age of 64, they shall be transferred from said limited retired list to the unlimited retired list.

Then there is another provision of law for the appointment of retiring boards, and the officers are called together, and if the board finds that an officer is incapacitated for active service and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed upon the retired list.

Mr. HOLLIDAY. I would like to ask the gentleman if it would not be possible, and probably better, by act of Congress to fix the length of time at which retirement should take place absolutely and not leave it to the discretion of the Administration?

Mr. HULL. We have fixed the time.

Mr. PRINCE. I question that, for this reason: Under the Constitution—I am not a constitutional lawyer—the President is Commander in Chief of the Army and Navy.

Mr. HOLLIDAY. But he serves subject to the law of Congress.

Mr. NORRIS. The gentleman from Illinois has answered the question that I wanted to ask. I wanted a synopsis of the law governing retirement. I would like to ask the gentleman if these retirements, that seem to be taking place so rapidly, are, in his opinion, contrary to the law?

Mr. PRINCE. In answer to that I would say contrary to the law as expressed here, but when the Congress acts it can make by that act a subsequent law which suspends, as I take it, for the time being the law on the statute book.

Mr. HULL. If the gentleman from Illinois will pardon me, is it not true that these retirements are under the law as he has read it, and that these are not special acts of Congress except as to the civil war veterans? That was a special act; it did not increase the retired list, but it did increase the grade of officers on the retired list. The point that I understand the gentleman is making is that there is a very large proportion of general officers on the retired list. That is not by act of Congress, except as it leaves in the discretion of the President the appointment of general officers. In other words, up to the grade of colonel officers having lineal promotion from the time they start in as second lieutenant and until they receive a commission as colonel the President can not jump one over another, but he can take a first or second lieutenant and make him a brigadier-general. He can take a captain or a major and make him a brigadier-general. That discretion is placed in his hands wisely, I think, so that in time of war he may have some liberty in the selection of the general officers of the Army. That has always been so.

Mr. NORRIS. In carrying out this policy, has that amounted to an increase of the retired list?

Mr. HULL. Not an increase of number, but an increase of rank; yes. It increases the rank in the line of brigadier-generals almost entirely because he could not, even to put a man on the retired list, make him a colonel or a lieutenant-colonel by lineal promotion.

Mr. WILLIAMS of Mississippi. Does it not increase the retired list in number in this way—that a number of officers who would not retire if they had to be retired as colonels, would retire willingly with the grade and rank of brigadier-general?

Mr. HULL. It may increase it a small amount, but if you notice, in the promotion to brigadier-generals on the retired list, they are almost all of them from the grade of colonel, and would retire in a very few weeks, or a few months in any event, as colonel. Now and then a man who has the rank of lieutenant-colonel is placed on the retired list of brigadier-generals, but it is a small increase in numbers.

Mr. WADSWORTH. If the gentleman will allow me, I would like to inquire how many brigadier-generals are on the retired list at the present time?

Mr. HULL. The gentleman from Illinois has stated that.

Mr. PRINCE. Two hundred and thirty-six. I think the gentleman was out of the Hall at the time I stated it.

Mr. FOSTER of Vermont. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

Mr. PRINCE. Certainly.

Mr. FOSTER of Vermont. The gentleman spoke of a very large number of brigadier-generals on the retired list. Can he tell how many of those were retired on account of forty years' service? I would also like to ask him if he criticises the retiring of these officers after reaching the forty years' period of service?

Mr. PRINCE. In answer to the gentleman, I will say that I have not the slightest objection to an officer retiring under the law and receiving the pay of a retired officer of the rank that he has at the time he retires. But I am not yet convinced of the wisdom of taking an officer that will retire as a colonel in a year or so, and suggest perhaps that it might be wise for him to retire, promote him to the rank of a brigadier, and then retire him a year in advance, perhaps, of the time that he would have retired under the law as a colonel. It is next to impossible, as I take it, for the present 236 brigadier-generals to be retired by the operation of law at the grade that they have been retired.

It is possible to retire every officer of the Army, as now constituted, if the officers will consent to be retired along by that agreement and by that operation, and make them all brigadier-generals; and it now looks as though those being retired were being retired at the grade of brigadier-generals.

Mr. HAY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. PRINCE. In one moment.

Mr. FOSTER of Vermont. Mr. Chairman, the gentleman from Illinois did not quite answer the other branch of the question as to whether he could give us the number.

Mr. PRINCE. No; I said I could not, because the Army Register is not out, and there were a large number of officers retired under an act of Congress for prior service in the civil war, and they are included in this list. I stated that in answer to my colleague the gentleman from Wisconsin [Mr. ESCH.]

Mr. HAY. Mr. Chairman, I desire to ask the gentleman as to who is responsible for the maladministration of law in retiring these officers before they arrive at the retiring age?

Mr. PRINCE. Oh, Mr. Chairman, I am not prepared to say that it is a maladministration of the law, and I am not going to charge anyone with any such thing.

Mr. HAY. The gentleman is not going to say whom he thinks it is. Is that it?

Mr. PRINCE. Well, I do not like that idea, and I am not going to criticise now. I am stating the facts to the House and to the country, and they must be the judge.

Mr. HOLLIDAY. Mr. Chairman, I would like to inquire of the gentleman if during the progress of his speech he is going to suggest any remedy? I have felt for a long time that there is a great injustice in this, but I do not know how to prevent it. I would like to know if the gentleman will suggest a remedy in the course of his remarks?

Mr. PRINCE. Mr. Chairman, I am frank to say to my colleague on the committee that I don't know that I have any remedy at present to suggest, but I think it is something that we could consider, and perhaps, as the most of us on the committee will be retained there unless the Speaker changes us in the next two years, we might be able to figure out some suggestions to make to the Committee of the Whole in regard to the matter when we meet a year from now.

Mr. SCOTT. Mr. Chairman, if the gentleman will pardon one more question, I would like to ask him what the difference is between the pay of a retired brigadier and the pay of a retired colonel. I want to see how much of a motive there is for the promotion.

Mr. PRINCE. I will state this for the gentleman and he can figure it out. The pay of a brigadier-general is $5,500 on the active list. When retired he is entitled to three-fourths of that.

Mr. HULL. The difference is about $900.

Mr. PRINCE. A colonel on the active list gets $3,500.

Mr. HULL. He gets $4,200, counting his fogy pay. A colonel never gets his full fogy pay. Four thousand two hundred dollars is his maximum pay and $5,500 is the maximum pay of a brigadier. It is three-fourths of $1,300, the increased pay of a retired brigadier.

Mr. PRINCE. Well, about $900. It means $900 each year, and in addition to that it means this, I will further state to the gentleman: It means that under the provision of the law as passed in the last appropriation bill, if he is detailed for service by the Secretary of War, with his consent—that is, the officer's consent—to active duty in recruiting; for service in connection with the organized militia in the several States and Territories upon the request of the governor thereof; as military attaché upon courts-martial, courts of inquiry, to board and to staff duties not involving service with troops, such officer, while so assigned, shall receive the full pay and allowances of his grade. Further, as stated by the chairman of the committee, the gentleman from Iowa [Mr. HULL], nine brigadier-generals are now acting under assignment, with their consent, and as stated by General Chaffee——

Mr. HULL. Mr. Chairman, will the gentleman permit just one word there?

Mr. PRINCE. Yes.

Mr. HULL. Those nine brigadier-generals not only get their $5,500 a year in full, but, in addition to that, $72 a month allowance for quarters.

Mr. PRINCE. Well, they get the full allowance of an active brigadier-general, whatever it is.

Mr. HULL. Yes.

Mr. PRINCE. Twenty-nine of them, I think, according to the statement here, are detailed as instructors in State colleges.

Mr. MANN. Mr. Chairman, can my colleague tell what these brigadier-generals would get on retired list if they could persuade a governor somewhere to appoint them as an adjutant-general?

Mr. PRINCE. They would get their full pay as a brigadier-general, with all the allowances that a brigadier-general would get in active service. Then if they want to pay them a small

addition to that I do not know any objection to their receiving that from the State.

Mr. MANN. Will my colleague yield for a question?

Mr. PRINCE. I will, sir.

Mr. MANN. Suppose there are 100 colonels within one year of the age of retirement. Is there any more reason why one of those colonels should be retired as a brigadier-general than that all of them should be retired as brigadier-generals?

Mr. PRINCE. Speaking as a Member of this body, with the knowledge I have, I would say no, unless one of the 100 officers had done distinguished and meritorious services that would single him out above his peers.

Mr. MANN. But have not the Secretary of War and the President recommended the promotion and retirement of these colonels as brigadier-generals for the express purpose of preventing the charge of favoritism?

Mr. PRINCE. No, sir; I would not answer that way, because we have a case in point. I know nothing of it by the record, but by reading the newspapers I understand that an officer who was a captain who distinguished himself, almost losing his life, was made a brigadier-general by nomination; that for a while, as I read the papers, the nomination was held up and later on he was made a brigadier-general. It was alleged by the public prints that he was jumped up over 800 different officers. I understand from the public prints that that is not a very uncommon thing so far as selecting a meritorious officer for promotion is concerned, and I am frank to say to you that I believe that power should be properly lodged in the President of the United States as Commander in Chief of the Army. I do not believe men should be promoted—four thousand, in round numbers—by reason of the vacancy caused by the death of men in front of of them. I am not in favor of a system that makes it a dead level that every officer should mark time, standing and waiting for promotion, instead of going to work and doing something that would entitle them to promotion, and the effect of this kind of legislation is to say to 236 colonels, "You can hope to be brigadier-generals hereafter if you will only stand and mark time and be promoted alike," instead of saying, "I will select out of the 236 men the man who has done service for his country and let the other 235 be retired at the rank of the grade they held at the time they arrive at the age for retirement under the law." Does that answer the gentleman's question?

Mr. MANN. I think it does.

Mr. BARTLETT. Mr. Chairman, may I ask my friend a question?

Mr. PRINCE. Yes, sir.

Mr. BARTLETT. In reference to the designation of certain retired officers for the position of military instructors to colleges, which under the law are entitled to have these instructors, does not the gentleman know, or does he know from his own experience or from information, that in many cases retired officers are appointed to these positions of military instructors to these colleges which have military attachments, who are unable to discharge the duty, and they are assigned in order to give them additional compensation to their pay as retired officers?

Mr. PRINCE. In answer to my colleague, I can not answer that, yes or no, for I do not know, but I do know——

Mr. HULL. If the gentleman will permit, I will say in every case of that character the college selects and asks for the man and they arrange with the retired officer himself, so I should say he was competent or they would not ask for him or keep him.

Mr. BARTLETT. The gentleman makes a statement which may be theoretically true as to the selection by the colleges of the officers, but in practice the college is very often put to the necessity of taking the man suggested or taking nobody.

Mr. HULL. Very well, they do not have to take anybody.

Mr. PRINCE. The best way, Mr. Chairman, I can answer that and in the shortest possible space of time is by reading the hearings before the Military Committee on page 4. Mr. STEVENS, a member of the committee from Minnesota, asked this question of General Chaffee, who was then before the Committee.

Mr. STEVENS. Now, can you not, for example, detail some of the retired officers to replace some of these men—for example, instructors in State colleges, of whom there are thirty-six?

General CHAFFEE. I asked the Secretary of War to come to Congress last year and give us legislation that we might employ retired officers, and got that legislation. State colleges and governors of States do not want retired officers, and it is the greatest difficulty that we have to secure their employment there. That is one reason for these details. If I had our monthly register I could show you that we have sixty-five officers on the retired list on duty with the colleges and the National Guard.

Mr. STEVENS. Do you not think they could do as good service?

General CHAFFEE. I think they could do very good service.

The CHAIRMAN. And do you not think that some of the friends of the officers on the active list desire that easy place for them? Is not that the trouble?

General CHAFFEE. I am very willing to say yes, sir.

I think that answers your question.

Mr. BARTLETT. Yes, I think it does. I am glad to have the information from the gentleman, too.

Mr. LIVINGSTON. A moment ago you referred to a board for the purpose of retiring incapacitated officers. I know several officers who were retired for incapacity and who afterwards got thoroughly well, procured surgeons' certificates to that effect, and asked to be restored to active duty, but were refused. How can they be restored to active duty?

Mr. PRINCE. The only way I know of is by act of Congress.

Mr. HULL. They can be restored by act of Congress only.

Mr. LIVINGSTON. And yet you say the President is the Chief of the Army and Navy.

Mr. HULL. The law authorizes all that the President is doing now. Whenever the Senate confirms his appointments it is absolutely under the law, but when he comes to put a man that has been retired, and whose place has been filled, back on the active list, he displaces somebody who is already on the active list.

Mr. LIVINGSTON. Why can not the President be ordered to put him back into active service on a surgeon's certificate?

Mr. HULL. Because the law does not permit it. If we passed a law authorizing the President to put a man on the active list who had been retired for disabilities and had recovered, he could do it.

Mr. LIVINGSTON. Is the gentleman willing to have that amendment placed in this bill?

Mr. HULL. No.

Mr. LIVINGSTON. Why not?

Mr. HULL. Because it has got to come in general legislation. It covers a good many more than one man.

Mr. PRINCE. In order that the committee may know some of the class of legislation that is presented to the Military Committee I desire to make the following statement:

For desertions and corrections of records there are twelve hundred and sixty cases or bills pending before the committee; for correction of muster, 192; for retirement and restoration, and along the line of promotion and retirement to get on the retired list to receive pay for services not rendered, 170; miscellaneous, 150. In order, gentlemen of the committee, that I may not be misunderstood on this question of retirement, I have stated the law, and I have stated the number of men or officers on the list; I have stated the number of men or officers on the active list, and I have stated the number of officers on the retired list. I say that so that the committee and country may know where the money that is appropriated by the Military Committee goes. Nearly one-half, if not quite, goes to the officers, active and retired, for pay. The other, the balance of the money appropriated for pay of the Army, goes to the enlisted men. To put it in figures, so that we can understand it, the enlisted men receive, in round numbers, for pay $9,250,000. The officers on the active list and on the retired list receive, in round numbers, $7,500,000. Notwithstanding these appropriations, I still say there is not an Army in the world of more intelligence, of more patriotism, of more ability, and of better fighting qualities than the Army of the United States.

It is made up of a high grade of men. In the enlisted men the numbers that are now making application are much larger than the requirements of the law. The officers carefully guard the interests of the Government. They are careful in making selection of good physical men for the Army. They are careful in making selection of men of average intelligence and of moral conduct, until to-day the personnel of the American Army is of such high standard as has never been exceeded at any time in its history. The officers that go to make up the Army and control its affairs are men of the highest grade. Many of them are educated at the institution provided for that purpose, and after they leave the institution they then have to take a course of instruction in special institutions. They have to pass thorough examinations. In short, from the time that an officer is a second lieutenant until he acquires his majority he is constantly, at intervals, submitted to some kind of examination to see whether he is qualified and competent to fill the higher grade he seeks to attain by promotion. I do not want to be understood as speaking in criticism of anyone or any branch of the Government; I have only stated the facts so the committee and the country may know where the money goes and how it is divided up between the officers and men—the officers of the active list and the officers of the retired list. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WARNOCK having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes; and

S. R. 84. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL. Will the gentleman from Virginia consume some of his time now?

Mr. HAY. Yes, sir. I yield thirty minutes to the gentleman from South Carolina.

Mr. JOHNSON. Mr. Chairman, I wish to avail myself of the latitude allowed in debate to discuss the cotton question. It is a serious question. It is serious to the South, because millions of people are engaged in making it, spinning it, and weaving it. It ought to be serious to the American people, because from year to year cotton is the great product that has added to our enormous balance of trade. Our cotton exports alone have amounted to $360,000,000 a year. To reduce the price of export cotton $30 per bale in one year means a falling off of millions and millions of dollars in our exports. A systematic effort has been made—unfortunately, a successful effort—to bear down the price of this great American staple, to the injury of all the people, and especially the people of the South.

I feel deeply upon this question because I represent on this floor not only one of the best cotton-growing districts in the South, but I represent the largest cotton-manufacturing district in the South. I am interested in the manufacturers, I am interested in the operatives, and I am interested in the growers. They are all my friends and I am their friend. There is no justification for the brutal campaign of deception and misrepresentation that has been carried on in order to bear the price of cotton. I know there are some kid-gloved gentry in New York who would not know a cotton patch from a pea patch or a pindar patch who are undertaking to tell the world what it costs to make cotton, and how much there is. I see it stated by some of that crowd that the southern farmer can make cotton at 4½ cents a pound. If I had the power—I have the will—to visit upon that crowd this punishment I would have every man who gambles in cotton on the New York Stock Exchange or elsewhere and believes that the southern farmer can make cotton at 4½ cents a pound go down South and with his own naked hands pull the bell cord over a mule and make some cotton at that price.

Mr. DOUGLAS. Will the gentleman allow me to ask him a question?

Mr. JOHNSON. Certainly.

Mr. DOUGLAS. I would like to ask the gentleman if most of the men who are speculating on the New York Cotton Exchange are not southern men, or mostly receive their orders from southern men?

Mr. JOHNSON. I do not care where they come from nor where they go, they are the enemies of the southern people and of good morals everywhere.

Mr. DOUGLAS. I agree with the gentleman they are enemies, but I wish to put on record that the southern men themselves are the enemies, and it is not the northern man that is the enemy of the South.

Mr. JOHNSON. So much for that crowd, whoever they are, Mr. Chairman.

Now, I want to call the attention of the House and the country to some facts.

On the 1st day of September, 1904, which was the first day of the cotton year, there was less visible cotton in the world than there had been on the 1st day of September in many years, except September 1, 1903, and we exceeded the visible supply of September 1, 1903, by only 10,000 bales of cotton. I insert here a table:

World's visible supply of cotton.

	Bales.
September 1, 1904	1,123,887
September 1, 1903	1,113,435
September 1, 1902	1,308,831
September 1, 1901	1,437,601

Up to last Friday night, the 6th day of January, 1905, this was the condition: There were in Great Britain 925,000 bales of cotton; on the continent of Europe, 635,000 bales, making a total of 1,560,000 bales. One million five hundred and sixty thousand bales of cotton in Great Britain and on the continent of Europe will not run their mills over two months. They have a two months' supply of cotton and they must get somewhere four or five million bales of cotton to run them until September 1, 1905, when the next cotton crop will begin to be available. All the visible cotton in the world on the 6th day of January was 4,658,011 bales, or 608,121 bales in excess of the amount visible on corresponding date one year ago. Yet, Mr. Chairman, notwithstanding the visible supply of the world's cotton on last Friday night exceeded the visible supply on the corresponding day one year ago by only 608,121 bales, the difference in the price of cotton on those two days was $30 a bale. The 608,121 bales of cotton will not run the mills of the world two weeks. Instead of there being such an enormous crop of cotton that the world does not know what to do with it, I stand here to say that before the 1st day of September, 1905, thousands of spindles both in this country and in the old country will be idle because they can not get cotton to spin, unless the price of spot cotton advances materially. There is some cotton in the South, there is a good deal of it, but the people who have it have no more idea of parting with it at the prices that are now offered than the holders of United States bonds have of selling them at 25 cents on the dollar. Why should a man sell a thing for less than it cost him to make it? If I could reach the ear of every southern man who has cotton in his yard or in the warehouse I would say to him, "Hold your cotton and you will win the fight." If I could reach him for one other piece of advice it would be, "Plant only half as many acres this year as you did last. Do not try to make more than 6,000,000 bales; because if you make a 6,000,000-bale crop it will bring you $600,000,000, while if you make a 12,000,000-bale crop it will bring you just half that amount, or $300,000,000. It is easier to make six than it is to make twelve. It is less expensive to make six than it is to make twelve; and then the world will begin to appreciate cotton and clamor for it." Bankers, merchants, farmers, newspapers, in fact, all classes, are urging a reduction in acreage. If reducing in acreage is a good thing to do, and everybody says it is, then a reduction that will be felt and recognized around the whole world is the kind to make. A small reduction will leave the speculators an opportunity to carry on their business. It would be contended that the surplus of this year added to another crop less than the present by one or two million bales exceeds the world's needs.

Mr. SIMS. Do you seriously think it is practicable to plant with a view to a 6,000,000-bale crop under ordinary conditions at this time?

Mr. JOHNSON. Why, certainly it is.

Mr. SIMS. How would you go about it?

Mr. JOHNSON. I would let every man in the South, whether he be a large or a small grower, resolve that he will only plant half as much cotton as he did last year; and I hope there would not be a man in all that land who would prove to be his own enemy or a traitor to his fellows by doing otherwise.

Mr. SIMS. I am asking you to determine what is practicable, not what you or I hope.

Mr. JOHNSON. I believe they would do the fair and square thing.

Mr. SLAYDEN. I would like to ask my friend if he is not aware of the fact that when there was a great shortage in the production of cotton during the civil war it caused a rapid development of the production of cotton in India, in Central and South America, and in Egypt; and if the gentleman does not believe that if we had a serious reduction in the amount of cotton produced in this country now, either because of the compact which he hopes the farmers would make among themselves and live up to or for any other reason, it would result in a very rapid development in cotton production in all other parts of the world where it is possible to grow that plant?

Mr. JOHNSON. It is not a fact that during the great civil war, when for four years the cotton of the South was denied to the commerce of the world, they were able to find any other place to produce it. Cotton advanced to $1.90 per pound and yet the world was unable to produce an appreciable quantity at

even those remunerative prices. However, India and all the other countries of the world that can produce cotton do not refrain from cultivating it because they particularly love us. They refrain from producing cotton for the same reason that Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut refrain from growing oranges. They simply can not do it.

Mr. SIMS. Does not the gentleman know that Germany——

Mr. JOHNSON. Do you represent a cotton district?

Mr. SIMS. I certainly do; every county in it. I will ask the gentleman if he does not know that it is a fact that Germany, England, and France are now by government aid making experiments in South Africa and other countries with a view to raising cotton themselves on account of the high price of cotton last year?

Mr. SLAYDEN. And that it has almost passed the experimental stage, and that it has been demonstrated that large areas of territory can and do produce cotton.

Mr. JOHNSON. I have before me the figures for the cotton crop of the world outside of the United States. They can not make cotton enough outside of the Southern States to run the mills of the world three months in the year. And I would say this, when it comes to the final analysis: If the people of the South have got to make cotton below the cost of production in order to keep the people of India and Egypt from making it, then let the people of India and Egypt make it.

Mr. BARTLETT. And we will make something else.

Mr. JOHNSON. Yes. This is, perhaps, the proper place to say that very little cotton competes with American cotton. India cotton is coarse and short and is used only for such purposes as linters and low grades of cotton. Egyptian cotton is used for making a class of goods that even long staple cotton from the Delta in Mississippi will not make. Peruvian cotton is really sold as wool, and its price is not controlled by the price of cotton, but by the price of wool.

Mr. SCOTT. Will the gentleman from South Carolina yield for an interruption?

Mr. JOHNSON. Certainly.

Mr. SCOTT. I presume it would be easily possible for the manufacturers of farming implements to vastly increase the demand for their products by cutting the supply in two, and it would probably be easier for the manufacturers to arrive at that sort of a bargain than it would for the cotton planters to reach the agreement suggested by the gentleman. I would like to inquire if he would approve of such a conspiracy on the part of the manufacturers to reduce their output in order that they might reap the advantage that would follow?

Mr. JOHNSON. My dear sir, I am interested in both the manufacturers and the growers. I can afford to be fair.

Mr. SCOTT. That is hardly an answer to my question.

Mr. JOHNSON. I would not expect the cotton mills to run from year to year at a loss any more than I would expect the farmer to raise cotton at a loss.

Mr. SCOTT. Will the gentleman be kind enough to answer specifically whether he would approve—whether he thinks it is in accordance with a sound public policy for the country to permit, if it had any possible way to prevent it, a conspiracy among the manufacturers of farming implements to limit their output to one-half of the present amount?

Mr. JOHNSON. I suppose they do that now.

Mr. BARTLETT. If the gentleman will allow me to suggest, the word "conspiracy" means something unlawful and in secret. The cotton planters are not undertaking to do anything in secret.

Mr. JOHNSON. They are meeting in public all over the country, in every township in the South.

Mr. BARTLETT. And only curtailing the acreage that they shall plant.

Mr. SCOTT. I will accept the suggestion of the gentleman from Georgia that "conspiracy" is not the right word, and substitute the word "agreement." I would like to ask if there is any difference between an agreement upon the part of the manufacturers of agricultural implements to shut down the factories one-half of the time and curtail their output by one-half and thereby raise the price of the agricultural implements—is there any difference between that kind of an agreement and an agreement such as is suggested among the cotton planters?

Mr. JOHNSON. If all the manufacturers of farming implements in the United States were being compelled to sell their products for less than it costs to make them, and they were told that the reason of that was that there were too many implements manufactured, that there were too many in the world, I should not think there would be anything wrong if these gentlemen got together, if all the stockholders met and decided for their own benefit that they would not manufacture farming implements but six months during the following year, and that they would manufacture other things that were more profitable. I see nothing wrong about it.

Mr. BARTLETT. And curtail their output?

Mr. JOHNSON. Yes, curtail their output.

Mr. BAKER. Will the gentleman allow me to ask him a question?

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. JOHNSON. I have but thirty minutes.

The CHAIRMAN. Will the gentleman from South Carolina yield to the gentleman from Texas?

Mr. JOHNSON. I can yield to but one at a time.

Mr. SLAYDEN. I think I can secure the gentleman a few minutes more time. I would like to submit a question and make a brief statement. I live in a cotton country, and I represent a cotton-producing people.

Mr. JOHNSON. Yes, I know that. I had a letter from one of my constituents the other day asking me to introduce a bill in Congress to prohibit the State of Texas from raising cotton. [Laughter.] That would settle the cotton question.

Mr. SLAYDEN. The State of Texas can take care of itself on that proposition. I want to say to the gentleman that his suggestion that I, or any other man from the South, would want to see the cotton crop produced in such quantities as to be unprofitable to the farmer is a gross error. I want to see the Southern States of the American Union go on producing the major part of the cotton consumed by the world, and I believe, under normal and reasonable conditions, they will go on producing the major portion of it. But experience has shown, Mr. Chairman, that when the price is advanced to a certain figure we do encourage—we have encouraged—the production of it in other countries.

Mr. JOHNSON. Let me correct the gentleman right there. Cotton was higher in 1904 than it has been before for twenty-odd years.

Mr. SLAYDEN. Yes.

Mr. JOHNSON. Does the gentleman know that the crop in Egypt was considerably shorter in 1904 than it was in 1903, notwithstanding the tremendous price of cotton in the South? Why did they not increase their yield this year?

Mr. SLAYDEN. No man will question that there will be a great fluctuation in the yield of it from year to year in that country or in this country. But if the gentleman has taken pains to inform himself by reading the consular reports of two years ago, he will have discovered, as suggested by the gentleman from Tennessee, that the governments of Europe possessing Asiatic and African colonies have undertaken, with the cooperation of manufacturers, merchants, and bankers, to secure an increase in the quantity of cotton from those territories under their own flag.

Mr. Chairman, we should not delude ourselves with the idea that we possess the only climate and the only soil which can produce cotton profitably. Now, I want to see this country, as I said a moment ago, go on making and supplying the world with the major portion of the cotton it requires, but I realize that when prices shall have been advanced to a certain figure it ceases to be profitable to the manufactureres of Europe, and causes the Governments and the spinners of those countries to undertake unusual methods to secure a supply from other sources. Why, in the history of the Philippine Islands there was a time when they grew and exported cotton, until the Spanish Government, in order to protect its state tobacco monopoly, compelled the planters to go into the cultivation of tobacco. Down here in Haiti, the negro republic in the West Indies, and in the West Indian islands possessed by the British Government, and in all parts of the world where they find the soil will produce it, they are taking unusual efforts to secure an increased supply.

Mr. Chairman, I desire to ask the chairman of the Committee on Military Affairs, the gentleman from Iowa [Mr. HULL], if he will not yield to the gentleman from South Carolina [Mr. JOHNSON] some more time?

Mr. JOHNSON. Mr. Chairman, I would like to ask the gentleman from Texas a question, inasmuch as he has made such an eloquent speech. Does the gentleman know what the world's production of cotton is outside of the United States?

Mr. SLAYDEN. No man knows.

Mr. JOHNSON. Well; the world's production of commercial cotton—cotton that goes to the mills?

Mr. SLAYDEN. No man knows; and for this reason: The opinion of the best experts in the world is that the Chinese Empire produces, cards, spins, and weaves approximately two and three-quarters or three million bales of American cotton, in

quantity, but the statistics are unreliable. We only know there are three or four hundred millions of people there and that they wear cotton, and we know with reasonable accuracy the amount of cotton sent into the Chinese Enpire; but no man can tell how much they produce, and no man can positively tell how much they can produce when they have better methods of cultivation.

Mr. JOHNSON. That is all right, but I have the figures, and I just wanted to know if the gentleman had them.

Mr. SLAYDEN. Oh, I have had them for twenty years.

Mr. JOHNSON. Mr. Chairman, there may be, and all the authorities say that there is, a large quantity of cotton produced by the people in the interior of China, in the interior of India, and other places where the women spin it on their little wheels and weave it into cloth in their own homes for domestic purposes; but that cotton plays no part in the world's great commerce.

I am talking here to-day about the commercial crop of cotton. I am talking of the cotton that is packed into bales and shipped to the mills in the United States, in Canada, in Mexico, Great Britain, and all the world. I am talking about the cotton that it takes to run the nearly 120,000,000 of spindles in the world. I am talking about the commercial crop—the crop that reaches the markets for manufacture and is manufactured—the crop that everybody talks about. How much cotton do gentlemen think the world's cotton mills manufacture in a year? It takes between fourteen and fifteen millions of bales. During the last three years, when we know that thousands of spindles in all the countries of the world were forced to close down because they could not get cotton to spin, there was consumed in each year more than 14,000,000 bales of cotton.

Mr. SIMS. Is that last year?

Mr. JOHNSON. Nineteen hundred and one and 1902. I have not the figures before me for 1903.

Mr. SIMS. Well, the gentleman's figures are not according to the figures I have.

Mr. JOHNSON. Oh, I have the figures here. I am interested in cotton.

Mr. SIMS. So am I, but what is the gentleman's source of information?

Mr. JOHNSON. Government statistics.

Mr. SIMS. Is that for last year, 1903–4?

Mr. JOHNSON. For 1903–4 the world used 13,859,536 bales. I have the figures for the years running back of that. Nineteen hundred and four the gentleman knows the mills closed down. Cotton went to 17 cents, and thousands of spindles were idle because they could not get the cotton to spin. Latham, Alexander & Co. say that on an average all the spindles were idle one month. Of course, some were not idle at all, but some were idle many months. They say full time requires 15,000,000 bales a year.

Mr. SIMS. When cotton was 5 cents a pound in the gentleman's State and in my State, how much did the world consume that year, 1898–99? Fourteen million four hundred thousand and odd bales. That was during a time when cotton was the lowest ever known in the world.

Mr. JOHNSON. Oh, I guess I have the figures here. I am not in the habit of making statements that are not facts.

Mr. SIMS. I have the figures, too, and I have just referred to them. Eighteen hundred and ninety-eight and 1899.

Mr. JOHNSON. In 1901–2 the world consumed 14,349,000 bales of commercial cotton. In 1902–3 the world consumed 14,339,000 bales of commercial cotton.

I give these figures because the gentleman from Tennessee said that there never had been but one year in the history of cotton when 14,000,000 bales were consumed——

Mr. SIMS. Fourteen million four hundred and some odd thousand.

Mr. JOHNSON. In 1898 and 1899, when cotton was 5 cents. I will give you the figures.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. JOHNSON. I understood the gentleman from Texas, who made a speech in my time, would see that I got more time.

Mr. HAY. How much time does the gentleman want?

Mr. JOHNSON. It is an interesting subject; give me as much as you can.

Mr. HAY. I yield to the gentleman ten minutes.

Mr. JOHNSON. In the year 1897–98, when cotton was below the cost of production, the world consumed 14,057,000 bales, 300,000 less than it consumed in 1901–2 and 1902–3.

Mr. SIMS. When it was at its lowest price.

Mr. JOHNSON. I have a table showing the world's consumption, which I will insert in the RECORD. The world needs fourteen and a half or fifteen million bales of cotton. The world's visible supply is not sufficient to run the mills until the 1st day of May, 1905. Now, Mr. Chairman, my friends a moment ago were talking about Egypt and India and all those countries raising cotton. If the people in India and Egypt could raise cotton successfully, with their people working for 5 and 10 cents a day, they would have done it long ago. They have not stood out of the cotton-raising business because they especially loved the people of the United States and the people of the South. They stood out of the business because they can not raise cotton, just like the people of New England have stood out of the orange business because they can not raise oranges. Let us see about India and Egypt. All the cotton received at all the ports in India and shipped from all the ports in India since the first week of September is 588,000 bales, not enough to run the cotton mills of the world two weeks.

All the cotton received at all the ports and shipped from all the ports in Egypt from the 1st day of September, 1904, down to last Saturday, was 3,618,145 cantars. I might as well state here that a cantar is 98 pounds of cotton, and 5 cantars would make a 490-pound bale of cotton. In 1903 the crop for the same time amounted to 4,411,652 cantars, or a difference in favor of the year before of 158,701 490-pound bales of cotton. In other words, the crop of Egypt has fallen off. How did the idea get abroad that we had so much cotton? Well, they said we had ginned such a large quantity up to the 1st of September and there would be so much ginned after that time that the crop would amount to 13,000,000 bales. Mr. Chairman, the cotton season was three weeks earlier than it ever was before. We had the best season for gathering we have ever had, and on the 14th day of December, when the last ginner's report was made, 98 per cent of the cotton crop of the South was picked and ginned. Why, I was talking to a ginner when I was at home during the Christmas holidays, and he told me up to the 13th of December he ginned 580 bales of cotton. From the 13th of December to the 3d of January he ginned 13 bales of cotton, and he supposed he would be able to get 7 more bales, making up the 600 bales. That, Mr. Chairman, is at the upper edge of the cotton belt. If that is true along the foot of the mountains, where the cotton is a month later than it is lower down in the belt, if we had ginned 98 per cent of the cotton on the 13th of December, it must be true of those portions of the cotton belt nearer the coast. So, Mr. Chairman, there is no reason for this brutal, deceitful, unwarranted attack upon one of the great products of this country. With only 600,000 bales of cotton more in sight now than one year ago, there is a difference of $30 to the bale.

Talk about raising cotton at 4½ or 5 or 6 or 7 cents; it can not be done. I saw in a New York paper that Col. J. M. Smith, in Georgia, on 200 acres of land, made 4,800 bushels of wheat and 200 bales of cotton.

They undertake to prove by an exceptional case like that that cotton can be made for 4½ cents. I could take that same illustration and convince the world that wheat could be made for 15 cents a bushel. I am familiar with the land upon which that wheat and cotton were grown. I know the man who made it. It has been cultivated and brought up to a high state of cultivation for forty years. He sowed it in wheat and it averaged 24 bushels to the acre, when the average in all the State of Georgia was only 7 bushels. He planted it in cotton after the wheat was cut off and made a bale to the acre. Of course, on a garden spot like that there is no telling how cheaply you can make wheat or how cheaply you can make cotton, but the question is, What is the average cost of making it? You might as well argue that because some men are gifted in the art of making money and can make a million dollars a month, therefore all other men can do the same thing. It is preposterous and absurd.

Mr. SIMS. I sympathize with what the gentleman wishes to do, but I would like to have something practical. I would like to have the acreage reduced, but how are you going to cut it down 50 per cent?

Mr. JOHNSON. In the first place, I will tell you what I want. I want the farmers of the Southern States to reduce the acreage to such an extent that will make people anxious to get cotton.

Mr. SIMS. Do you think it is practical to reduce the acreage one-half?

Mr. JOHNSON. I do. I think the farmer can do something for himself. He can hold his cotton. He can refuse to give it away or sell it for less than it costs to make it. He can reduce the acreage in order that he and his fellows may not be again found in this plight. And this Congress can do one thing, and ought to do it. I would like to see the American Congress stop

people from selling cotton on paper against the cotton that the people of the South raise from the ground.

Mr. SIMS. Or buying it on paper.

Mr. JOHNSON. Buying it on paper or selling it on paper.

Mr. SIMS. And stop all paper transactions.

Mr. JOHNSON. There are men who sell hundreds of bales of cotton who have never had a bale of cotton, and never expect to have. They do not mean to sell cotton. They are simply betting on the market to the injury of millions of other people. If they have a special mania for betting, and they can not make a living in any other way, instead of betting what cotton will be worth on the 1st of October, 1905, before a seed has been put in the ground, let them bet that on that day the wind will be blowing due north or due east or due west. It will be just as sensible, and would not hurt other people.

Mr. SIMS. Suppose a spinner in the gentleman's county wanted to buy a thousand bales delivered in January. I suppose he would not permit him to procure it?

Mr. JOHNSON. Oh, certainly.

Mr. SIMS. How can they buy unless some man sells?

Mr. JOHNSON. Why, my friend, it is as simple as anything in the world. I do not object to men like George H. McFadden & Bro., of Philadelphia, who deal in spot cotton, who buy cotton and sell cotton, selling a mill in my district 10,000 bales of cotton, to be delivered in January, February, and so on. Because, when McFadden makes that contract, he makes it in good faith and means to deliver the cotton. The mill is engaged in manufacturing cotton. It is buying in good faith and expects to receive the actual cotton, to pay for it and manufacture it.

When the mill makes that contract it means to take the cotton; and that is the whole thing.

Mr. SIMS. But still he made that contract, and he did not have the cotton at the time he made the sale.

Mr. JOHNSON. He is a bona fide cotton merchant.

Mr. Chairman, the mills and the growers are injured by the manipulations of the cotton market. It would be better for all concerned for the mills to pay the growers fair prices for the raw cotton and sell their products on the same basis. The wild speculation in cotton demoralizes growers and manufacturers. Let us have reasonably fair and steady prices for the cotton and the manufactured product, and prosperity for the grower, the operatives, and the mills.

The world's commercial cotton crop, 1865 to 1902.

[In thousands of bales.]

Commercial year.	Crop of United States.	Imports into Europe from all countries, excepting United States, in 500-pound bales.						Total crop.
		Brazil.	Egypt.	Turkey, etc.	Peru, West Indies, etc.	East Indies and China.	Total.	
1865	300	120	439	191	67	1,053	1,870	2,170
1866	2,269	177	223	129	62	1,377	1,968	4,237
1867	2,097	176	244	103	83	1,112	1,718	3,815
1868	2,519	247	284	116	68	1,181	1,896	4,415
1869	2,366	225	282	166	74	1,262	2,009	4,375
1870	3,122	174	308	109	63	845	1,494	4,616
1871	4,352	225	317	95	104	1,107	1,848	6,200
1872	2,974	302	391	110	97	1,221	2,121	5,095
1873	3,930	195	387	114	84	924	1,704	5,634
1874	4,170	202	426	74	78	1,054	1,834	6,004
1875	3,832	173	442	70	55	1,136	1,876	5,708
1876	4,632	135	599	71	44	908	1,757	6,389
1877	4,474	119	500	71	30	744	1,464	5,938
1878	4,773	54	366	41	58	651	1,170	5,943
1879	5,074	37	493	25	34	694	1,283	6,357
1880	5,761	63	467	19	26	859	1,434	7,195
1881	6,605	108	581	21	26	878	1,614	8,219
1882	5,456	133	478	30	25	1,342	2,008	7,464
1883	6,949	123	496	19	24	1,216	1,878	8,827
1884	5,713	104	562	50	24	1,242	1,982	7,695
1885	5,706	79	646	52	23	755	1,555	7,261
1886	6,575	77	567	37	24	1,045	1,750	8,325
1887	6,505	167	587	33	22	1,260	2,069	8,574
1888	7,046	121	510	22	27	913	1,593	8,639
1889	6,938	73	608	30	28	1,280	2,019	8,957
1890	7,311	94	631	24	34	1,510	2,293	9,604
1891	8,652	98	777	22	38	1,011	1,946	10,598
1892	9,035	69	953	50	39	898	2,009	11,044
1893	6,700	165	806	39	42	874	2,016	8,716
1894	7,550	122	997	36	22	930	2,107	9,657
1895	9,901	38	982	36	22	660	1,738	11,639
1896	7,161	34	974	33	25	853	1,919	9,080
1897	8,533	48	1,106	26	26	642	1,848	10,381
1898	10,898	39	1,125	2	30	543	1,745	12,643
1899	11,189	23	1,243	18	30	607	1,921	13,110
1900	9,137	108	1,022	49	27	242	1,448	10,585
1901	10,218	31	1,224	30	23	695	2,003	12,221
1902	10,380	146	1,243	22	35	604	2,050	12,430

The world's consumption of cotton, 1890-91 to 1903-4.

[Bales of 500 pounds.]

Date.	Great Britain.	Continent of Europe.	United States.	East Indies.	Japan.	Canada and Mexico.	Total.
Year ended Sept. 30—							
1890-91	3,384,000	3,631,000	2,367,000	924,000	100,000	107,000	10,513,000
1891-92	3,181,000	3,619,000	2,576,000	914,000	203,000	110,000	10,603,000
1892-93	2,866,000	3,661,000	2,551,000	918,000	191,000	110,000	10,297,000
1893-94	3,233,000	3,827,000	2,264,000	959,000	284,000	110,000	10,677,000
1894-95	3,250,000	4,090,000	2,743,000	1,052,000	360,000	130,000	11,565,000
1895-96	3,276,000	4,160,000	2,572,000	1,105,000	412,000	120,000	11,645,000
1896-97	3,224,000	4,368,000	2,738,000	1,019,000	495,000	120,000	11,964,000
1897-98	3,432,000	4,628,000	2,962,000	1,161,000	645,000	140,000	12,968,000
1898-99	3,519,000	4,784,000	3,553,000	1,314,000	747,000	140,000	14,057,000
1899-1900	3,334,000	4,576,000	3,856,000	1,139,000	706,000	130,000	13,741,000
1900-1901	3,269,000	4,576,000	3,727,000	1,059,000	536,000	130,000	13,297,000
1901-2	3,253,000	4,784,000	4,037,000	1,383,000	743,000	149,000	14,349,000
1902-3	3,185,000	5,148,000	4,015,000	1,350,000	439,000	202,000	14,339,000
1903-4	2,997,000	5,148,000	3,909,000	1,270,000	360,000	176,000	13,860,000

Mr. HULL. I yield twenty minutes, or so much as he may desire, to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Chairman, the purpose of the committee in framing this bill was to make army service attractive, so as to induce a better class of men to enlist. The plan was that we should have a small army, and that it should be the best equipped, the best fed, the best clothed, and the best cared for army in the world. It will be observed the appropriations this year are something less than last; but that does not grow out of any neglect of any of the branches of the Army. It is simply a consequence of the reduction of the Army.

I desire, Mr. Chairman, to say in this connection, that I hope the gentlemen who compose the Committee on Naval Affairs will take the same view of economy. In other words, that they shall conclude that what the country needs is the best navy of its size in the world, but not necessarily the largest. I think we ought to provide for the completion of all the ships now authorized; I believe we should provide the very best equipment obtainable for all those ships, and that the officers and crews of those ships should be selected from the best material that can be found, and when found should be amply paid. But I do believe that the time has come in the history of the country when there should be a halt called in the matter of naval construction. I think I know something of the temper of the people. I know there is an unrest through the country growing out of the notion that all other departments are to be subordinated to the construction of a great navy. I do no believe that we should entirely cease the construction of war vessels. I expect to see new battle ships authorized; and if I should happen to be a Member of Congress in future years I expect to vote for such authorizations.

I believe at this time, considering the state of the Treasury, the question presents itself to this House that this is a good place to economize. We all understand the necessity for economy; we recognize the condition of the Treasury; but what we insist upon is that this economy must be symmetrical and not one-sided nor lopsided. The appropriations for carrying the mail to all the citizens of this great country must not be cut down. The appropriations for building up the agricultural interests of this country, upon which the prosperity of the country so greatly depends, must not be uncared for. The reclamation of arid lands, which in the future will give homes to thousands of men now homeless, must go on. In other words, I believe if anything must stop, the preference must be given to the arts of peace rather than to the arts of war. [Applause.]

I know from personal experience considerable about the horrors of war, and largely for that reason I believe in everything that makes for peace and good will among men throughout the whole world. I recognize there is at all times a possibility of war, and for that reason I would not have this nation fail to make the proper effort to put herself in a position for defense; but looking over the whole horizon at this time, I am very firmly of the opinion that our grandchildren will never see a war with which our present Navy is unable to cope.

I hope this matter will be taken into consideration. The great Middle West, which has done so much toward building up the prosperity of the country, and which gets less than other sections in return for it, has been thinking about this matter. I yield to no man in my patriotism. I would be willing to sacrifice the last man and the last dollar to protect the honor and interests of this country if they were assailed; but I do not believe in expending money simply for the glory that we may obtain either from great military or great naval establishments. [Loud applause.]

Mr. HULL. Does anyone on that side desire to speak?

Mr. SLAYDEN. I know of no one on this side who does. One moment, Mr. Chairman.

Mr. HULL. I understood the gentleman from Virginia that there was one other gentleman on that side who desired to speak.

Mr. SLAYDEN. I will say to the chairman of the committee that there is a gentleman who does want time, but he has stepped out for a moment. If the gentleman can go on and use a little time——

Mr. HULL. We have nobody who desires to speak. I understand the gentleman on that side wants fifteen minutes. I suggest that we proceed with the reading of the bill, and that the gentleman have fifteen minutes under the five-minute rule.

Mr. SLAYDEN. I yield to the gentleman from New York [Mr. BASSETT].

Mr. BASSETT. Mr. Chairman, I rise to enter a plea in behalf of the Medical Corps of the United States Army. A good many gentlemen may think that this is a rather unimportant subject. I used to think so, but as I have been studying it it seems to me to be one of the most important subjects that can come before this Congress. If we must have armies, and if we must have wars, why should we not give the best attention to the life-saving departments of the Army instead of giving all of the attention to the life-destroying departments? The advance of military science, especially in medicine and in surgery, has made this subject one of the greatest importance. When we think that three-fourths of those who are lost in war die from preventable disease we can better appreciate the great importance of this subject. And what has served to emphasize this is the great success that the Japanese army has had in its medical department. Some of these facts are only now coming to light. The result is marvelous, and I want to place before this House some of the facts that we are now learning upon this important subject.

In the civil war 80 per cent of those who succumbed died from preventable disease. In the South African war it was a higher per cent than this. In the Spanish war on our side 13 men died from preventable disease for every one who died in battle or from wounds received in battle.

Now, let us look at the illustration furnished by the Japanese army in the Manchurian campaign. Up to July 1 only about 1,100 wounded, and no medical cases reached Tokyo, and not one ended fatally. Of 9,800 men who were taken to Hiroshima hospital, part wounded and part sick, only 34 died up to August 1. Up to July 20 the hospital ship *Hakaui-Maru* brought 2,406 casualties from the front without losing a single case in transit.

So much for the saving of the wounded, but what is even more striking, loss of life from typhoid, dysentery, and other preventable diseases has practically been eliminated in the Japanese army. Improved commissariat and sanitation are such that these diseases do not get a start. Only those die who are severely wounded, and a very much higher percentage of the wounded are saved than have ever been saved before.

This serves not only to exemplify the advance that modern science has made, but the importance of this life-saving branch of the Army. A Japanese officer when asked at the beginning of the war how he expected his side could win when Russia could raise 2,000,000 men and Japan could raise only 500,000, said: "In every four men three die of disease for every one who falls from bullets. That will be the position of Russia in this war. We propose to eliminate disease as a factor. Every man who dies in our army must fall on the field of battle. In this way we shall neutralize the superiority of Russian numbers, and stand on a comparatively equal footing."

I wish to read from an article of Maj. L. L. Seaman, late surgeon in the United States Volunteer Engineers, just published in the Journal of Military Surgeons. He went to Japan at his own expense, as far as I can discover, to ascertain the exact truth of these facts. The Japanese authorities permitted our Government to send five military attachés to accompany their army in the field. Was a surgeon, quartermaster, or commissary officer detailed? No. They represented the life-saving departments and they were omitted. We considered their cavalry, which is the only weak, almost burlesque, feature of their army, of such importance as to be worthy of special study, but did not consider life-preserving methods worth official observation. Major Seaman says:

> Too much praise can not be bestowed upon the medical departments of the army and navy for their splendid preparatory work in this war. The Japanese are the first to recognize the true value of an army medical corps. Care of the sick and wounded consumes but a small part of their time. The solution of the greater problem, preserving the health and fighting value of the army in the field—by preventing disease, by careful supervision of the smallest details of subsisting, clothing, and sheltering the units—is their first and most important duty. Their capacity for detail is something phenomenal; nothing seems too small to escape their vigilance or too tedious to weary their patience, and everywhere—in the field with the scouts or in the base hospitals at home—the one great prevailing idea is the prevention of disease. The medical officer is omnipresent. You will find him in countless places where in an American or British army he has no place. He is as much at the front as in the rear. He is with the first screen of scouts with his microscope and chemicals, testing and labeling wells so the army to follow shall drink no contaminated water.

It is a fact that bad wells in the Spanish war caused far greater loss of life than the bullets of the enemy, and those bad wells should have been detected by a better-equipped and larger medical corps. I proceed:

> When the scouts reach a town he immediately institutes a thorough examination of its sanitary condition, and if contagion or infection is found he quarantines and places a guard around the dangerous district. Notices are posted, so the approaching column is warned, and no soldiers are billeted where danger exists. Microscopic blood tests are made in all fever cases, and bacteriological experts, fully equipped, form part of the staff of every divisional headquarters.
>
> The medical officer also accompanies foraging parties, and, with the commissariat officers, samples the various food, fruit, and vegetables sold by the natives along the line of march long before the arrival of the army. If the food is tainted or the fruit overripe or the water requires boiling, notice is posted to that effect, and such is the respect and discipline of every soldier from commanding officer to the file in the ranks that obedience to its order is absolute.
>
> The medical officer is also found in camp, lecturing the men on sanitation and the hundred and one details of personal hygiene—how to cook, to eat, and when not to drink, to bathe, and even to the direction of the paring and cleansing of the finger nails to prevent danger from bacteria. Long before the outbreak of hostilities he was with the advance agents of the army, testing provisions that were being collected for troops that were to follow—and as a consequence of these precautions he is not now found treating thousands of cases of intestinal diseases, diarrheas or dysenteries, contagion and fevers that follow improper subsistence and neglected sanitation—diseases that have brought more campaigns to disastrous terminations than the strategies of opposing generals or the bullets of their followers.

In our Army not only is the Medical Corps far insufficient, but they lack authority. The President of the United States considered this subject of enough importance to send a message on it to Congress two days ago. A bill is pending which I hope will receive careful consideration and will pass, giving greater dignity and authority and increased numbers to the Medical Corps. A great many doctors who come into the Army, especially in time of war, are on temporary contract. They are called "contract doctors," and it has been held, I understand, in a court-martial that they do not have authority, not being commissioned officers, and yet those who are regularly commissioned in our Army are so few in number that they can not do this sanitary work in advance that is done in the Japanese army; they can not do the chemical and biological work that would save thousands and thousands of lives, and the result is that preventable diseases have wiped out a far greater number of our levies than the bullets of the enemy.

The elevation of the Medical Corps will bring about a greater authority. They must be obeyed. Life in a modern army depends upon it. They must have sufficient number and sufficient authority to enforce their commands as other officers of the Army do. If a well is polluted, if the food is harmful, they do not now have the ability to condemn it and save life. Their usefulness is limited to trying to cure soldiers after they are allowed to get sick. This bill does not go far enough, in my opinion, in increasing the authority and the power of the Medical Corps in our Army. They should have authority over water, they should have authority over food, and they should have authority over clothing. These three items of our army preparation are of as much importance as the powder and guns and forts.

The rations that have been served to the Army in time of war, especially the Spanish war, have been largely canned food, unsuitable to the climate, and if the doctors had had greater authority they could have stopped a great deal of it and prevented much of the death and disease that followed.

It would be strange indeed if this civilized nation, after the proof that is now brought before us by advanced scientific knowledge and by the example of Japan in the Manchurian campaign, should longer delay in giving greater importance, dignity, and authority of the Medical Corps. It is better not to raise so many men than to let three-quarters of the men that die die from preventable diseases. [Applause.]

Mr. HAY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has fifteen minutes.

Mr. HAY. I yield five minutes to the gentleman from Maryland [Mr. DENNY].

Mr. DENNY. Mr. Chairman, I will not occupy more than the time allowed me, five minutes. As a member of the Military Committee, which has reported this bill, I wish to say that the committee has cut down the appropriations as far as the bill can well be cut to maintain the present status of the Army in the country. I believe that the committee's work deserves the favorable consideration and fair treatment of this House. It is,

as reported, in the line of economy. I am in favor of keeping a good army, commensurate with the needs of the country, and also a very substantial navy, but I am not in favor of increasing appropriations of either the Army or Navy at the present time at the expense of the commercial interests of the whole country. I beg to say that, while we ought to maintain our Army and Navy on the basis of substantial protection to the country, the peace that now exists throughout our country does not justify us in largely increasing the Department of War, which is constantly pressing upon our attention for large additions. Let the Army be kept within the limits of public requirements.

But I want to say to the House, Mr. Chairman, that if there is one important measure that ought to receive attention and liberal recognition from this House, in addition to the liberal appropriations for the Army and Navy, it is an appropriation just and liberal for the commercial importance of our seaports. Our seaports are clamoring for increased provision for the accommodation of modern ships now carrying the commerce of the world. In my own city of Baltimore we have had reports from the Chief Engineer of the Army, session after session, stating that the depth of the ship channel to that port was insufficient for ships now using that port. Boston has a channel 35 feet, New York 40 feet, and there is no reason why Baltimore should not have the same facilities. We often hear it said that we have to support the Army and Navy, and that all these appropriations must be made, even at the expense of the commercial interests of our great shipping interests.

Only two weeks ago in the main ship channel leading to the city of Baltimore one of the great steamships of the Johnson Line, loaded and drawing 29½ feet of water, stuck in the mud in the center of the channel. It is not only possible that our commerce suffers for want of depth in the channel, but the interests of all the shippers of the West to the port are seriously affected. The want of depth is a continuous menace which is presented at the port of Baltimore, and I hear the same trouble exists at other Atlantic and Pacific ports. Baltimore is absolutely deprived of the commerce to which that great city as an eastern seaport is entitled, simply because of the lack of appropriations upon the part of the Government to deepen the channel. The city of Baltimore has expended over $3,000,000 in the past in opening its own harbor, and never a cent has come from the Government of the United States for the harbor of Baltimore. We ask the Government to deepen the ship channel to 35 feet; nothing for our harbor. Baltimore has recently, notwithstanding the troubles through which it has passed by fire, appropriated about $10,000,000, for which we have taxed ourselves, to deepen and widen our docks at that port, and yet the great ship channel leading to that city is but 30 feet deep and can not accommodate the vessels that come from abroad, and all because of a lack of appropriation to deepen the channel. Therefore I say, Mr. Chairman, the great importing cities of this country, as well as many other places throughout the country of less importance, should receive liberal consideration at the hands of this House, even at the expense of cutting down the appropriations for the Army and the Navy. The internal commerce of our country must be protected. We must provide for the coming business of the whole country, but do not let us build our navies and increase our armies and incur additional expense incident thereto at the expense of the interests of the people who are engaged in commerce, agriculture, and in other industries that require immediate recognition.

I make these remarks, Mr. Chairman, in order to impress upon this House the importance of at once preparing for the commerce of the country now clamoring for reasonable recognition, and on the success of which depends our great commercial advancement. I say, without hesitation, that it is unjust, as far as my own city is concerned, to longer delay the appropriation in the interests of commerce in order that ships may come into our port, and especially at this time when we ourselves as a city are expending about $10,000,000 in preparing for the business of the country that seeks our port. I intend to vote for this appropriation bill for the Army. I have assisted in the committee as far as possible in its preparation, and I believe that the Military Committee has acted with great discretion and integrity in the preparation of the bill; but I am opposed to the continued extension either of the Army or the Navy until the commercial interests of the country have been fully protected, so that the people at large in the country may be benefited and the seaports may be made commensurate with the commerce of the country. Let us in times of peace prepare for business, and let us not spend so much for unanticipated war. Let us be just to the great commercial interests of the country, and take care of our great seaports. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, we heard a very interesting talk this morning by the gentleman from South Carolina [Mr. JOHNSON] on the question of cotton statistics and restriction of the production of cotton. I listened with a great deal of interest to a question propounded to him by the gentleman from Kansas [Mr. SCOTT], who, I am sorry to see, is not now in his seat, but it does seem to me that the question of the gentleman from Kansas misses the parallel which he attempted to draw between a combination of manufacturers having for its object the restriction of the production of their goods, and that of a combination or agreement of farmers in the South having for its object the restriction of the production of cotton. Mr. Chairman, the parallel is not a good one, and for this reason: If the manufacturers of agricultural machinery, to which I believe he particularly referred, for instance, enter into a combination having for its purpose the restriction of the production of agricultural machinery, what happens? Those factories are not used for the production of electrical appliances; they are not used for the production of engines, of railway cars, or of anything else; they are idle a part of the time as a result of such restriction of output. In other words, those factories are used only one-half of the year and there is a lessening of production to that amount. But if the farmers of the South could enter into an agreement—which, in my mind, is impossible—that a certain portion of the acreage which they now use should not next year be used in the production of cotton, that acreage would not be idle. It would be used in the production of corn or other farm products, and therefore there would not be a restriction in the aggregate production of farm products even in Southern States. Therefore, the parallel which the gentleman from Kansas [Mr. SCOTT] attempted to draw for the purpose of proving an equal criminality on the part of southern cotton planters does not exist. But, Mr. Chairman, what would the effect be if such an agreement were made? The effect would necessarily be to increase the competition now existing on the part of the producers of corn, and it might easily happen that the increased acreage devoted to corn would result in bringing about the same condition of affairs as to corn as now exists as to cotton. There would, therefore, be no relief for the farming community at all; it would merely be extending the territory so that the farmers of Kansas would probably ask: Why don't those southern farmers go back to cotton, and so relieve us of this new competition? The farmers, of course, propose to use that acreage in the production of wealth. Now, when the manufacturer restricts his production, not only does he only produce but half of the previous amount, but he receives the same price for 50 per cent as heretofore he has received for 100 per cent of his output, while he has restricted the demand for labor, and hundreds of thousands of workers are now turned into what is an apparently already overflowing labor market, and they would come in competition with those that are even now receiving only a small return for their labor.

That would be the effect and it always is the effect of every combination which has for its purpose the restriction of production and the enhancement of prices by manufacturers; but no such combination could be made among the farmers, and if it were made the land would be used for other purposes and probably just as much labor would be employed. But, Mr. Chairman, what is the bottom of this whole proposition? The proposition is that there shall be an artificial interference with the production of wealth. The reason that poverty exists in this country to-day to the alarming extent it does exist, the reason it exists all over the so-called "civilized world," is because through legislative enactments the natural laws of production and the natural laws of exchange are constantly interfered with. Artificial barriers are erected which make more difficult the exchange of wealth, and when you see the results as you see them here in the United States you say, "Oh, we must have a commission to inquire what is to be done to remedy such a condition of affairs." We have had such a commission, the results of which the gentlemen on the other side are about to give us, in which they will say the shipping industry is a languishing industry. We must give it "pap," just as you have been giving "pap" to many other industries in the United States.

Mr. Chairman, why this cry of the farmers of the South? Why this talk of an agreement to limit the production of cotton? Is cotton a bad thing? Has civilization too much of it? No; cotton is one of the most universally useful of all of nature's products.

Mr. Chairman, this demand for a restriction of the production of cotton, so far as it is legitimate—i. e., comes from the producer and not from the speculator in cotton—is nothing but an outburst of feeling that they are not getting a "square deal." It is a crude method of expressing their conviction that radical steps must be taken to prevent their suffering for their beneficent acts—for the growing of cotton, Mr. Chairman, is a benefi-

cent act and would at all times appear so to the whole world if it were not for our social maladjustments, which, in this case, as in many others, apparently turns a blessing into a curse.

If we had not become accustomed to seeing these things out of gear, all awry, so that they really appear to us in an inverted form, we should ridicule the suggestion that there ever was too much cotton in the world. What a misuse of words to say that there is too much cotton produced when there are hundreds of thousands—yes, millions—in need of cotton goods!

"Oh," some of you gentlemen will say, "but those people are unable to buy them!" True. But why? Haven't they the hands, the arms, and the brains with which to produce other wealth to exchange for cotton? Aye, haven't they willingness to toil so as to obtain the wherewithal to purchase cotton goods? Then why this seeming anomaly on the one hand of the producer of cotton unable to dispose of his product, because there is no apparent demand for it, while on the other hand there are millions who want the cotton but are unable to buy? Oh, some of you, as well as self-satisfied people on the outside of this House, you who assert that this is the best of all possible worlds, you say there is nothing seriously wrong with our economic conditions; if men are suffering for the necessaries of life it is because they are shiftless, indolent, lazy, and improvident; if they desired to work they could get work. As a distinguished Member of this House said a year ago, "There is work in every part of this country for whoever wants to work, and at a compensating wage."

To such let me read something which ought to convince even them that the charge that men are starving because they will not work is a heartless, cruel libel. I read from The Public of Chicago, a paper which I have heretofore commended to this House for lucidity of expression. It quotes the superintendent of the municipal lodging house of New York City as saying that—

on a recent Saturday night that had followed a day when there was snow shoveling to be done, there had been but 207 applicants for lodgings, whereas on the ordinary nights the number ranges from 400 to 500.

As The Public says:

Little jobs at shoveling snow had put men in condition to pay for lodgings. Having an opportunity to work they sought no charity.

Listen to what the superintendent says of those who come to the lodging house when a snowstorm has visited the city:

We make it a point to see that they are aroused earlier than the others—about 5 o'clock—so that they may apply for a job at snow shoveling.

Mr. Chairman, just imagine some of our self-satisfied people going out soon after 5 o'clock on a bitter winter's morning with only a piece of bread and a bowl of soup in their stomachs to face a day of snow shoveling, and even that job has to be hunted for, and may not be obtained unless you get there ahead of some other poor wretch equally as anxious to get it as you are.

Only "the lazy and shiftless," we are told, need ever want. Listen again to what this superintendent has to say about these men. He says:

In spite of the remarks made by men who do not know—

And he might with almost equal truth have said "and who do not care." Perhaps he had some of our "prosperity" touters in mind—

you ought to see how many of them jump at the chance to work, and hustle on their clothes in the morning.

He says:

Most of them have not enough protection as to clothes to take a street-cleaning job; but—

He says—

still many of them try it and come back in the evening with their toes tied up in newspapers, because they are frozen.

Mr. Chairman, think of men who are "indolent, shiftless, and improvident" undergoing such hardships rather than beg or steal. Well may the editor of The Public declare, that—

Facts like these ought to bring the blush of shame to men and women of the idle-rich class, who account for poverty with the ready explanation that the poor are lazy and idle.

But my friends from the cotton-producing States say the reason of the low price of cotton is due to slackened demand from abroad. Quite true, but they will hardly contend that everybody abroad have had their needs for cotton goods supplied. In Europe, Africa, and Asia there are countless millions who would be demanding an enormous additional quantity of cotton goods if they were receiving a "compensating wage" for their toil, many of them being unable to even secure the opportunity to toil, and therefore can not become consumers of the products which others produce.

Mr. Chairman, I will quote again from that great Chicago weekly, The Public, whose editor, Louis F. Post, is one of America's leading economists, one of its most lucid writers, and one of its truest humanitarians. Mr. Post says:

Reports of suffering from poverty in London are harrowing. At a relief meeting on the 31st it was reported that 200,000 people in that city alone are living on the verge of starvation. In the midst of all this suffering there is something shocking, in spite of the evident good intentions of those in attendance, about the self-satisfaction of the luxurious persons constituting the relief meeting at which this report was made. The meeting was held in the house of a duke whose great income flows unearned into his private coffers from the common inheritance of all Londoners.

The duke referred to is the Duke of Westminster, the Astor of London, the income of whose immediate predecessor was some £800,000, or $4,000,000 a year, even as much as twenty years ago. Doubtless the present duke's income from London ground rents is twice that sum, and therefore approximates in amount the enormous tribute which William Waldorf Astor levies upon the industry and thrift of the people of my city in the form of ground rents. This enormous outflow of wealth, for which Mr. Astor gives nothing in return, accounts in part for what is called the "favorable" balance of trade excess of outgo as compared with income—which the gentleman from South Carolina was so fearful this morning might be disturbed by the present low price of cotton.

Mr. Chairman, I can comprehend the solicitude the gentleman displayed over the desperate straits that he says the farmers of his State have been brought to as a result of this "overproduction" of cotton, but for the life of me I can not comprehend how the country would be more prosperous if our cotton exports are entered upon the national balance sheet at a billion dollars instead of about half that amount (as I understood the gentleman to put it at), unless it resulted in $500,000,000 more goods coming into the United States. And yet, from the view point of those who advance this preposterous theory that a nation is made rich by sending more goods out than are brought in, we should be so much poorer by the receipt of those additional goods, as the "favorable" balance of trade theory is based upon the assumption that we grow rich as we export more and import less. Of course none of the advocates of this theory want that principle applied to his own affairs. Personally he wants an excess of income as compared with his outgo, but by some peculiar process of thought he determines that what is good for individuals is bad for them in the aggregate.

Carry this reductio ad absurdum to its logical conclusion, and what is the result? Why, this; that that country would be the most prosperous which sent a large quantity of goods out but permitted none to come in, and the more it then sent abroad the better off it would be.

Mr. Chairman, if that is the royal road to prosperity why don't the cotton planters of the South send all their cotton abroad and refuse to receive any goods in payment therefor? See how much that would increase our "favorable" balance of trade. There are two countries which have adopted this plan—Ireland and India. Both are constantly sending more goods to England than they receive in return. And yet their inhabitants are apparently the most ungrateful of creatures, as they are always asserting that the process is making them poor while it is making Great Britain rich. So anxious have the people of Ireland been to escape the beneficent action of this "favorable" balance of trade theory that for years they have been kicking because the landlords of Ireland took from them in the form of rent most of their produce, insisting that the process was all right for the landlord, as it enabled him to live in luxury in London on the results of their toil, but that it was nothing less than robbery of them. What the absentee landlord should do is to import some of our "favorable" balance of trade theorists to explain to the Irish tenant farmer that "the more he sends out and the less he gets back the richer he is." I am surprised they have never adopted so simple a scheme to allay the discontent of their tenants.

The New York Journal of Commerce has an excellent article exposing the fallacy of this theory.

[From the Journal of Commerce and Commercial Bulletin, Monday, January 9, 1905.]

"BALANCE OF TRADE" WITH CANADA.

With what does Canada pay for her imports from the United States? It is with her exports, whether they come here direct or go to Europe to pay for other things which come here burdened with a double charge for transportation. Suppose this kind of argument should be applied to the trade of our Northern States with those of the South or of the Eastern States with the Western? Who does not see the advantage in increasing the exchange of commodities in any and all directions? Who cares whether in any particular instance the balance is one way or the other? It will balance all around in the course of the whole business, with advantage and benefit to all concerned. Any barrier put in the way would increase cost, diminish profit, and discourage both trade and production. This is just as true of trade between New England and Canada as of trade between New England and New York, or the East and the West. This pestilent balance of trade microbe infects the reasoning power of its victims deplorably.

But, Mr. Chairman, I must come back to this article in The Public. Mr. Post continues:

A duchess, whose family lives in luxury on incomes also wrung unearned from people who work, occupied the chair. Among those participating were other titled personages whose luxurious incomes are enjoyed at the expense of their starving fellows whose sufferings they had assembled to relieve. But all they proposed to do was to spend pennies here and there for sweet charity. Sweet charity! Yes, sweet; so sweet to those who dole it out, and so bitter to those who must humbly take it or starve. Not one word escaped the lips of any of this charitable assemblage in recognition of the element of justice. To know that 200,000 fellow men and women were on the verge of starvation excited their human sympathies; but that the starving horde were starving because privileged drones and titled parasites revel in unearned incomes, clearly manifest as is the relation here of cause and effect, did not concern the relief meeting. It was something like this that Tolstoy had in mind when, with characteristic simplicity and directness, he said: "The rich are willing to do anything for the poor but get off their backs."

There, Mr. Chairman, is the cause of the inability of the cotton planter of the South to get an adequate price for his cotton. The "rich are on the backs of the poor," and they won't get off. Unfortunately the poor haven't intelligence enough to know how to throw them off. My friend from South Carolina may regard this as farfetched, but it is not so. Through the possession of special privileges not only are those who possess them enabled to drain from producers a large part of the wealth they create, but they thereby largely destroy the consuming power of the wealth-creating class, so that even if the southern planter did not suffer from that system of indirect taxation euphemistically termed "protection" he would still suffer from the partial destruction of his market, the great mass of the people, all of whom use cotton goods.

Mr. Chairman, only last evening I picked up a book, the author of which is probably as competent as any man in this country to dilate upon the subject which is treated in that book, which is this very question of poverty. He does not use any high-sounding title for his book, but simply calls his book "Poverty." Just think, in this twentieth century, with the tremendous advances that have been made in production and exchange, the tremendous advances that have been made in the capacity of the human individual to produce a greater amount of wealth than was previously produced in the same time and with the same expenditure of effort, we have a book exciting very general comment, commented upon by the press of the country, devoted entirely to this question of poverty. Mr. Robert Hunter, who is at the head of the University Settlement, of New York, married a very wealthy woman, a daughter of Anson Phelps Stokes, and therefore presumably is not prejudiced against the rich. Mr. Hunter says even in so-called "prosperous times" there are in the United States of America probably 10,000,000 people who are practically starving.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAY. Mr. Chairman, I yield the balance of my time to the gentleman.

Mr. McDERMOTT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from New Jersey?

Mr. BAKER. Certainly.

Mr. McDERMOTT. The gentleman from New York is on a subject we all desire to avoid, and I was going to move that he be allowed to conclude his remarks. The subject he is upon is very interesting.

The CHAIRMAN. The Chair will state to the gentleman from New Jersey that the time has been limited by the committee. The gentleman from New York [Mr. BAKER] is again recognized.

Mr. BAKER. Mr. Chairman, I did not quite grasp the purpose or relevancy of the gentleman's remarks. If he means that this matter of poverty is one which the individual members of this House desire to avoid, I apprehend his remarks.

Mr. McDERMOTT. The gentleman has it.

Mr. BAKER. But, Mr. Chairman, we are not here as individuals. We are here in our representative capacity, and in that capacity it is our duty to bring the best intelligence of which we are capable to the solution of this fearful problem, this problem of the persistence of poverty amid increasing wealth. Mr. Chairman, I have said that in this book Mr. Robert Hunter says there are perhaps 10,000,000 people in the United States, even in the most prosperous times, who are practically in a condition of starvation; that is, they are underfed, underclothed, and have not got ample, decent, living quarters. That constitutes poverty. Now, is not that a fearful arraignment of our social order, of our boasted progress, that as the result of a hundred and twenty-five years of the development of this country, with the brightest brains in the country presumably devoted to a permanent solution of this question, that no one here in this House, the representative body of our 80,000,000 people, no one proposes to do the slightest thing; no one proposes to direct public attention to the subject; no one proposes to take any step whatever to find out what is the cause of this universal condition of poverty and what is the natural solution for it.

Just listen to this:

[From the Washington Post, January 8, 1905.]

THOUSANDS ARE STARVING—NEW YORK FACING GREATEST PROBLEM OF UNEMPLOYED IN ITS HISTORY—50,000 CHILDREN GO TO SCHOOL BREAKFASTLESS—AT LEAST 100,000 MEN ARE IDLE—APPEAL TO SARGENT.

Some startling statements are contained in a letter received by Frank P. Sargent, Commissioner-General of Immigration, from a New York philanthropist, a man who is identified prominently with charity and correction work in the great city. In part, Commissioner Sargent's correspondent writes:

"New York has now the largest proportion of unemployed of any great city in the country. There are at least 100,000 idle men in the city to-day, or 40 per cent more than at this time last year. Fifty thousand children go to school breakfastless, which means idle fathers. So overwhelmed is the department of charities, with tens of thousands of applications from men out of work, that it finds itself unable to cope with the situation. In short, the metropolis this winter is facing a problem with regard to the unemployed such as has never been known in past years."

Commissioner Sargent is working now on a plan by the adoption of which he hopes to break up colonies of aliens in the large cities and scatter them over the country, where they may be able to obtain work at living wages, thus relieving the congestion in the cities, particularly in New York, where a great majority of the aliens are landed.

The Commissioner, we are told, is "working on a plan * * * to scatter them (the aliens) over the country where they may be able to obtain work at living wages"

How simple, Mr. Chairman. Is it not surprising that no one has ever before thought of such a simple solution. But will the Commissioner kindly indicate where these places are where these people "may be able to obtain work at living wages?"

Mr. Hunter tells us "that the most conservative estimate of distress existing in the industrial States is 14 per cent of the total population;" that "one-fifth (6,600,000 persons) in the States of New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Ohio, Illinois, Indiana, and Michigan are in poverty;" and that of the 10,000,000 whom he estimates are in poverty in the United States, "4,000,000 are estimated to be dependent upon some form of public relief."

I therefore ask this very wise Commissioner "where are these people to obtain work at living wages?"

Of course, Mr. Chairman, Mr. Sargent is not to be specially blamed for these conditions. No one is, you know. It is not Mr. Sargent's business to settle economic problems, that's the business of this House. Not only is it our business, but it is the most important business that devolves upon us. Despite the fearful condition Mr. Hunter shows exists we shall do nothing. We can devote hours upon hours to the question of whether some man with epaulets shall or shall not receive pay from one of the States as well as from the Federal Treasury, but the question of questions, that of the cause and persistence of poverty amid increasing wealth, we have no time to bother with the under dog, although he is shown to number some 10,000,000.

According to Mr. Hunter, there were 6,468,964 persons unemployed a part of the year preceding the census of 1900. Of these, 2,069,546 were unemployed from four to six months, and about half a million were unemployed practically the entire year. He also says that 10,000 die of tuberculosis—a "poverty" disease—every year in New York City.

Listen to this from page 178 of "Poverty:"

THE PRAYER OF THE TENEMENT—"BREATH, BREATH, GIVE ME BREATH"—A YIDDISH WHISPER, ON A NIGHT IN APRIL, 1903, FROM THE HEART OF THE NEW YORK GHETTO.

At 18 Clinton street, back in the rear tenement, a young Roumanian Jew lay dying of consumption. With every breath I felt the heavy, foul odor from poverty, ignorance, filth, disease. In this room, 10 feet square, six people lay on the floor. The other room was a closet, 6 by 7. In that closet four were sleeping.

"Breath, breath, give me breath." The man's disease was infectious, and yet for two long weeks he had lain there dying. From his soiled bed he could touch the one table where the two families ate; the cooking stove was 6 feet from him; the cupboard over his pillow. His wasted body was too feeble to rise; too choked, too tortured to lie down.

"Breath, breath, breath. Oh, kill me! oh, kill me!"

Two years ago this man had come to America. He came young, well, and hopeful. It was a new country, a new home, a fresh start, a land to breathe in. "Breath, breath, give me breath." He had breathed no air here but the close, heavy air of the sweatshop from 6 in the morning until 10 at night. Sometimes, he whispered, he worked on until 11.

In New York are 50,000 like him working. There are 361,000 such closets in the city.

And this was his home.

Oh, Mr. Chairman, if such a story as this could be burnt into the brain of every man in this House, there to remain, ever and ever to rise to torture its Members until they had determined to

consecrate themselves to the task of discovering the remedy for this condition of hell upon earth.

Does my friend from South Carolina realize that here is an enormous army of potential consumers of the cotton of the South? All that is required to make it an effective demand is to stop the robbery of these and millions of others that is now done through the possession of special privileges.

Think, Mr. Chairman, that scores of millions of dollars are drawn every year to England and other foreign countries in ground rents by the Astors, Vanderbilts, Bradley-Martins, and others. And this deplorable condition which Mr. Hunter depicts is caused by that very thing, by their being compelled to pay to these private individuals one-third, aye, one-half, if their scanty earnings for the privilege of living on the island of Manhattan, whose land values are due to the industry of these very sweat-shop workers and its other toilers.

Does my friend from South Carolina realize that all over the world there are millions of people who are being pauperized by the idle rich, who collect fabulous sums in tribute as the price of permitting their fellow-men to occupy sites made valuable by the very people who pay the ground rent? That if that ground rent were paid into the public Treasury instead of into the private pockets of the Astors, Goelets, Rhinelanders, Gerrys, Stewarts, et al., then there would be no need for any form of indirect taxation; consequently every penny now paid for tariff taxes and other forms of the indirect taxation would remain in the pockets of the masses of the people and would be used by them in buying cotton goods and other products of the South and West.

Mr. Chairman, perhaps the working of this operation of the absorbing of ground rent has never been more succinctly portrayed than in a little story I have here in a book called the "Game of Life," which I hold in my hand, the author of which is Bolton Hall, of New York. It is entitled:

"THE WORKINGMAN AND THE THINKINGMAN."

A Workingman had a bit of ground on which he lived. It seemed to be worth very little, so, after a while, he gave it to the Thinkingman. Nevertheless, the Workingman had to live on the land, so the Thinkingman charged him rent. Then the Workingman called the Thinkingman a Monopolist.

The Thinkingman thought and made a law; then he nominated lawmakers and the Workingman voted for them—the lawmakers adopted a Constitution, to prevent any change. The Workingman called the Thinkingman an Autocrat.

The Workingman worked and made a gun; then he gave it to the Thinkingman for the rent. The Thinkingman said, "What good is a gun to me unless I have a man to use it? I can't risk my own life." So the Workingman voted an appropriation out of his wages to the Thinkingman to hire a man to use the gun. Then the Workingman called the Thinkingman an Aristocrat.

The appropriation set the Workingman behind with his rent, so the Thinkingman sent the hired man (with the gun) to turn the Workingman out of his tenement. The Workingman called the Thinkingman a Plutocrat.

Now, the question is, who really dispossessed that Workingman?

Mr. Chairman, I have here another of these little parables of Mr. Hall's, from his Game of Life, which may be more effective than I have been in suggesting to the Members of this House how it is that these terrible conditions exist and also how many forces there are always operating to prevent any real investigation—any investigation, I mean—that shall go to the root of the evil and not be merely superficial.

This one is headed:

IN THE CONGREGATION OF THE RIGHTEOUS.

"Let us talk about why we that produce nothing are rich, while those that produce everything are poor," said the Gentleman.

"It isn't true," said the Statistician.

"Nor new," said the Historian.

"Nor pleasant," said the Lady.

"Nor permanent," said the Benevolist.

"Nor profitable," said the Clergyman.

"Nor nothing," said the Politician.

"It may foster discontent," said the President, "and alienate—ahem—support from our institution. Let us discuss a subject agreeable to us all—eh, 'The drink evil among the lower classes.'"

If that is not sufficiently illuminating, perhaps the Members of this House will get a clearer comprehension of the why those who toil have not, while those who neither toil nor spin are arrayed as gorgeous as the lilies of the field.

The title of this little parable is "The Fall of Troy (Oklahoma)" and is also from Mr. Hall's "Game of Life."

Some pioneers settled in Oklahoma Territory, where the land was worthless. They called it "Troy," because they went there as exiles, with nothing. At first there was no travel, few people, and hardly any houses; so there was no need for roads or sidewalks, street lights, police, or fire department. But as the town grew, and houses, churches, shops, and stores were put up, they began to need such public improvements; and, at the same time, the land, being occupied, began to rise in value. The settlers saw that it was the increase of population and the improvements that made the land more valuable, so the town meeting laid an annual tax on that value, to pay for the improvements. Of course, any land that was not worth anything paid no tax.

One day a man appeared in the town with an old Indian deed to the land on which the town was built. He showed that it was in proper legal form, and politely asked the settlers to come to his office and settle with him for the rent. They did not like this. They foolishly argued: "Your land was worth nothing whatever before we came, and now, because we have made it valuable, you want us to pay rent." However, that was clearly according to law, and the landlord insisted on his "rights."

Well, the settlers left their shanties, loaded their portable goods on rafts, and paddled across to the other side of the river. They took with them the most valuable thing they had, yet it was not in the boats; no one carried it, and everyone forgot it. And they took it from a place where it was no longer needed to a place where they could not have an honest government without it. What was it? The value of the land.

Bolton Hall is not the only author who recognizes the fundamental cause of poverty. Listen to another well-known author on this subject:

[From the New York American of January 3, 1905.]

POULTNEY BIGELOW KNOWS TWO BIBLES—ONE OF THEM, HE SAYS, ON RETURN TO HIS NATIVE LAND, IS BY HENRY GEORGE.

SAN FRANCISCO, *January 2.*

Poultney Bigelow, historian and traveler, arrived here to-day on his way to Boston to deliver a series of twenty-five lectures on the subject of colonization and expansion.

"When I come back to my own country," he said, "and I look around at the great monopolies, trusts, combines, I come to the conclusion that there are only two Bibles—and the other one is Henry George's 'Progress and Poverty.'"

Now, Mr. Chairman, the time is too brief for me to go into any extended discussion as to the solution, but the solution is as clear as the solution of any sum in mathematics; it is to wipe off of the statute books of this country every law that gives one man a special privilege as against another man, remove all the artificial obstructions that have been erected against the natural order of production and exchange. And when you do that, you solve the poverty question. You solve the industrial question. There will not then be men getting up on this floor, as there have been for the last few days, and talking about the fearful conditions of the farmers of the South. There will not be other men, who sometimes, but very seldom, get up and speak of the deplorable condition of many among the laboring classes. There will not even then be men who will come into this House and say as to certain individuals who are already inordinately wealthy they ought to have more special privileges given to them, for the purpose, I assume, of making them wealthier still.

Mr. Chairman, I have already quoted two of the little sketches from The Game of Life, by Bolton Hall, to show the underlying cause of "poverty." I now desire to call the attention of the House to another parable from this same thought-inciting little volume. It is called the "Remedy of publicity," and outlines a few questions that might well be put by legislative investigating committees in every State of the Union to the public-service corporations and other beneficiaries of special privilege.

THE REMEDY OF PUBLICITY.

Questions to be asked by Mr. Roosevelt's proposed superintendent of trusts:

1. "Where did you get it," and what is the difference between a dividend and a "divy?"
2. What legislatures do you own?
3. What is the average of the combined salaries of your president and your office boys?
4. Why did the grand jury fail to indict you?
5. What time is your president allowed for lunch, and has the advance in the price of beef improverished him?
6. How many persons have you run over, ruined, or otherwise killed during the year? Why?
7. Who is your judge?
8. Do you pay him by the job or by the year? Of what church is he a member?
9. State all sums paid during the last year for false witnesses.
10. Are your contributions to both political parties dictated by love for mankind or by business considerations?
11. "What shall it profit a man if he gain the whole world and lose his own soul?"
12. How much of the total consumption do you control, and why can't you tell?
13. Do you believe in socialism or in anarchy?
14. How were the books lost?
15. Why don't your directors know anything about the business?
16. Where do you expect to go when you die?

Sworn to by JANITOR.

N. B.—The typewriter's oath will not be accepted unless she has reached years of discretion.

Mr. Chairman, I am well aware of the difficulty of attempting even to suggest to the Members of this House the relationship of cause and effect which exists between the granting of special privileges and the suffering of the southern cotton planters, due to the low price of that staple, and yet that relationship does exist, the latter has followed the former as certain as night follows day. And it is because the effect—low prices to the producers of beef, as well as to cotton planters—is the inevitable result of the cause—special-privilege legislation—that I propose to include as an appendix to my remarks an article I contributed to the Arena magazine which appears in its September issue, and also extended extracts from articles on the same subject by Thomas W. Lawson, of Boston, who, regardless of his motives,

whether they are merely those of revenge or the far higher one of a genuine desire to do his part to destroy the cancer of special privilege which is sapping the very life of the people of this Republic, is performing a great service to the public, as these articles have already attracted widespread attention, have incited very general discussion, and will, I believe, assist in clarifying public thought, which I hope will soon result in the complete uprooting of the cancer.

APPENDIX.

FRENZIED FINANCE—THE STORY OF AMALGAMATED.

[By Thomas W. Lawson, of Boston, in Everybody's Magazine, July, 1904.]

There will be set down, in the series of articles of which this is the foreword, in as simple and direct a fashion as I can write it, "The Story of Amalgamated Copper" and of the "system" of which it is the most flagrant example. This "system" is a process or a device for the incubation of wealth from the people's savings in the banks, trust, and insurance companies, and the public funds. Through its workings during the last twenty years there has grown up in this country a set of colossal corporations, in which unmeasured success and continued immunity from punishment have bred an insolent disregard of law, of common morality, and of public and private right, together with a grim determination to hold on to, at all hazards, the great possessions they have gulped or captured.

* * * * * * *

With the men I have had close and intimate intercourse, and

* * * * * * *

The enormous losses, millions upon millions—to my personal knowledge over a hundred millions of dollars—which were made because of Amalgamated; the large number of suicides—to my personal knowledge over thirty—which were directly caused by Amalgamated; the large number of previously reputable citizens who were made prison convicts—to my personal knowledge over twenty—directly because of Amalgamated were caused by acts of this "system," of which Henry H. Rogers and his immediate associates were the direct administrators; and yet Mr. Rogers and his immediate associates, while these great wrongs were occurring, led social lives which, measured by the most rigid yardstick of mental or moral rectitude, were as near perfect as it is possible for human lives to be.

* * * * * * *

And yet these men, to whose eyes I have seen come the tears for others' sufferings, and whose voices I have heard grow husky in recounting the woes of their less fortunate brothers—these men under the spell of the brutal code of modern dollar making are converted into beasts of prey, and put to shame the denizens of the deep which devour their kind that they may live.

* * * * * * *

My desire in writing "The Story of Amalgamated," while tinged perhaps with hatred for and revenge against the "system" as a whole and some of its votaries, is more truly pervaded with a strong conviction that the most effective way to educate the public to realize the evils of which such affairs as the Amalgamated are the direct result is to expose before them the brutal facts as to the conception, birth, and nursery breeding of this the foremost of all the unsavory offspring of the "system." Thus they may learn that it is within their power to destroy the brood already in existence and render impossible the creation of their like.

FRENZIED FINANCE—THE STORY OF AMALGAMATED.

[By Thomas W. Lawson, of Boston, in Everybody's Magazine, August, 1904.]

This is the start of the great story. In the foreword, published last month, Mr. Lawson told of the terrible losses, defalcations, and the suicides caused by Amalgamated Copper, and pledged himself to expose the brutal facts concerning its organization and the financial "system" through which the public was plundered. In this installment Mr. Lawson tells of the "system" and its master, and how the hideous "crime of Amalgamated" was born at the home of the "system," 26 Broadway.—Editor's Note.

CHAPTER I—THE TORTUOUS COURSE OF AMALGAMATED.

Amalgamated Copper was begotten in 1898, born in 1899, and in the first five years of its existence plundered the public to the extent of over $100,000,000.

* * * * * * *

From its inception it was known as a "Standard Oil" creature, because its birthplace was the National City Bank of New York (the "Standard Oil" bank), and its parents the leading "Standard Oil" lights, Henry H. Rogers, William Rockefeller, and James Stillman.

It has from its birth to present writing been responsible for more hell than any other trust or financial thing since the world began. Because of it the people have sustained incalculable losses and have suffered untold miseries.

But for the existence of the National City Bank of New York, the tremendous losses and necessarily corresponding profits could not have been made.

* * * * * * *

There are only three men who can lend the name "Standard Oil," even in the most remote way, to any project, for there is no more heinous crime in the "Standard Oil" decalogue than using the name "Standard Oil" unauthorized. The three men are Henry H. Rogers, William Rockefeller, and John D. Rockefeller.

* * * * * * *

The success of "Standard Oil" is largely due to two things—the loyalty of its members to each other and to "Standard Oil," and the punishment of its enemies. Each member before initiation knows its religion to be reward for friends and extermination for enemies. While a "Standard Oil" man's reward is always ample and satisfactory, he is constantly reminded in a thousand and one ways that punishment for disloyalty is sure and terrible, and that in no corner of the earth can he escape it, nor can any power on earth protect him from it.

Mr. Chairman, what does this mean? If Mr. Lawson's picture is a true one, then Standard Oil has a power greater than any government on earth; that of the Czar of Russia, with all of its thousands of spies, is not equal to this. And we are told that the head of this organization is a "philanthropist."

During the past twenty years, whenever the great political parties have lined up for their regular once-in-four-years tussle, there would be found Henry H. Rogers, calm as a race-track gambler, "sizing up" the entries, their weights, and handicaps. Every twist and turn in the pedigrees and records of Republicans and Democrats are as familiar to him as the "dope sheets" are to the gambler, for is he not at the receiving end of the greatest information bureau in the world?

A Standard Oil agent is in every hamlet in the country, and who better than these trained and intelligent observers to interpret the varying trends of feeling of their communities? Tabulated and analyzed, these reports enable Rogers, the sagacious politician, to diagnose the drift of the country far ahead of the most astute of campaign managers. He is never in doubt about who will win the election. Before the contest is under way he has picked his winner and is beside him with generous offers of war expenses.

[From the September, 1904, number of Everybody's Magazine.]

CHAPTER V.—THE POWER OF DOLLARS.

At no time in the history of the United States has the power of dollars been as great as now. Freedom and equity are controlled by dollars. The laws which should preserve and enforce all rights are made and enforced by dollars. It is possible to-day, with dollars, to "steer" the selection of the candidates of both the great parties for the highest office in our Republic, that of President of the United States, so that the people, as a matter of fact, must elect one of the "steered" candidates. It is possible to repeat the operation in the selection of candidates for the executive and legislative conduct and control of every State and municipality in the United States, and with a sufficient number of dollars to "steer" the doings of the lawmakers and law enforcers of the national, State, and municipal governments of the people and a sufficient proportion of the court decisions to make absolute any power created by such direction.

* * * * * * *

I shall go further and say that there exists to-day uncontrolled in the hands of a set of men a power to make dollars from nothing.

* * * * * * *

About the time that the world had begun mistily to take in the tremendous forces which radiated from "Standard Oil" there occurred a financial crash, and the people saw their savings, invested in what they supposed were the legal and absolute titles of ownership in the material things of their country, suddenly decline in value and contract to prices representing a loss to them of billions of dollars. Throughout the misery and suffering this terrible collapse occasioned "Standard Oil" remained undisturbed as before, and amid all the confusion kept sternly on its "dollar-making" way. Indeed, it seemed to gain in bulk as other institutions diminished or disappeared. Then it was that the people began to demand, and are now fiercely demanding, "What is this 'Standard Oil?'" "What is its secret?" "Whence came it?" and "Can our Republic endure if it, too, endures?"

* * * * * * *

The next move represents another of the dazzling devices of finance in which "Standard Oil" is adept, and brings the process of artificial expansion still further along. Control of a certain number of these savings and national banks and trust and insurance companies having been acquired, the funds of each were so manipulated by depositing those of one institution with another, and the latter's in turn with the first, as to swell their deposits and create in all of them an apparently legitimate basis for increases of capitalization. At the same time there was shown an apparently legitimate necessity for the establishment of additional banking and trust companies, which were duly organized and their assets juggled around by the same process. The result of all this manipulation defies description. Throughout the series of correlated institutions loans and deposits are multiplied in such an intricacy of duplication that only a few able experts, employed by the "system" because of their mathematical genius, are able to unravel the tangle to the degree of approximating the proportion the legitimate funds bear to those which have been created by the financial jugglery I have indicated.

When "Standard Oil" had gathered into its net sufficient of the important private institutions of finance there still remained the Federal Government, the largest handler of money in the country. It was not hard for "Standard Oil" to introduce its expert votaries into the United States Treasury and thus to steer the millions of the nation into the banks subject to the "system's" control. This accomplished, the structure was complete and the process of "making" dollars proceeded on a magnificent scale.

* * * * * * *

In showing how thirty-six millions were made in the brief space of this creature's (Amalgamated Copper's) life, I deal with reality and not romance, but let my readers for a moment give their imaginations play and picture to themselves one scene in this stupendous drama. A great room in the greatest banking house in America, if not in the world—silent, solemn—an atmosphere of impregnable rectitude—the solid furniture, the heavy carpets, the chill high walls, the massive desks, the impressive chairs, the great majestic table portentously suggestive of power.

* * * * * * *

The door closes—silence again. Then the air vibrates with the sound of a hearty handslap and the genial, whole-souled greeting of the "master" to his partner. "William, I feel as though I had done an honest day's labor! Thirty-six million dollars 'made' and no hitch, no delay!" Then follows the partner's mild answer: "Yes, Harry, but don't forget James's and the others' shares will shrink it up quite a bit."

[From the November, 1904, number of Everybody's Magazine.]

In this installment (the fourth in a series which may continue for a year or more—see With Everybody's Publishers, page 721) Mr. Lawson tells of his great fight against the "system" on behalf of the Westinghouse companies, describes his first encounter and subsequent alliance with Addicks against H. H. Rogers, and then gives particulars of the terrific struggle of the Bay State gas cohorts against the forces of "Standard Oil" for supremacy in Boston. The long-continued warring culminates in a meeting between Lawson and Rogers to discuss a settlement. The interview, big with significance to both men, is one of the

great scenes in Mr. Lawson's story, and affords, perhaps, the most vivid and dramatic report of a business conversation extant.—THE EDITORS.

When the American people are aroused, as they surely will be, to demand restitution and are in the act of brushing, with a mighty sweep of indignation, back into the laps of the plundered the billions of which they have been robbed, and "Standard Oil" and the "system" break and fall like reeds before the gale, I doubt, even if H. H. Rogers be brought face to face with ruin, that he will feel half the pain I shall, for I know that the picture of that memorable night will surely come back to me with all the vividness of reality.

But as my mind harks back there clashes with this another, a hellish picture, which the same Henry H. Rogers painted with the brush of Amalgamated, and a procession of convicts and suicides trails slowly toward me out of the canvas. Then I realize that my pen is but the instrument of a righteous retribution and that no personal feelings, however tender, must be allowed to interfere.

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From that time on Mr. Rogers's able brain was working day and night, first to get John Hay to run against Roosevelt, next Root, then Uncle Mark Hanna; but owing to one of those complicated entanglements that old Dame Fate now and then reels out of her crochet-basket to the bewilderment of slick mortals, his efforts went for naught, and he was compelled to fall back on a more dangerous and expensive plan. He laid out on his campaign table the "most available" (what worlds of eel-skin, political piety those two words cover!) Democrats, and it didn't take him long to make his selection of a man who would, if President of the United States, allow those who put him there to "run the shop." When his selection was made he called in his faithful hired man, Senator "Pat" McCarren, of Brooklyn, N. Y., and gave his orders, the same kind of orders as he gives for the purchase of an oil well or the knocking in the head of a business rival or the setting up of an Amalgamated knock-down-and-drag-out—"Go here!" "Go there!" "Buy this!" "Sell that!" "Billy Sheehan to captain that company, and Dave Hill to dig that mine!" In short order the venture was all covered to its finality, and there has never been a slip of a cog or the ungearing of a wheel that was not foreseen and provided for. To try to balk a part of his game I posted Bryan in advance of the St. Louis convention, and we all know how he upset their plans in the committee, but we also know it took but the pressure of one finger on one button at 26 Broadway and the gold telegram episode to put things back into the smooth-running groove.

[From the December (1904) number of Everybody's Maxazine.]

I had always held, do now, and always shall hold, that the meanest crime in the calendar of vice is bribery of the servants of the people.

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At this period I knew nothing whatever of the workings or the wire-pullings of State legislatures. I had not troubled myself about franchises or how they were obtained. In a general way I knew political corruption existed. That Rogers had obtained favors for his Brookline Company through bribing officials I had good grounds to believe. I had read of strange doings in connection with H. M. Whitney's West End Railway franchise obtained from the Massachusetts legislature amid an accompaniment of much public scandal; but being quite without personal experience I had no clear conception of how things were done and, innocently enough, I asked Whitney before we parted:

"How is it possible for you to get this valuable charter from the legislature, particularly with such a strong and honest man as Roger Wolcott in the governor's chair, when Addicks has been trying continuously for four or five years, regardless of expense, to secure an ordinary one under which he can combine our gas companies?"

George Towle answered for Whitney:

"Lawson, that part is no affair of yours. Mr. Whitney will absolutely guarantee to deliver all those goods, and if it is necessary to override the governor in getting them, he will also guarantee to do that too. You can call all that done the minute we sign papers."

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I do not hesitate to say, then:

The Massachusetts legislature is bought and sold as are sausages and fish at the markets and wharves. That the largest, wealthiest, and most prominent corporations in New England, whose affairs are conducted by our most representative citizens, habitually corrupt the Massachusetts legislature, and the man of wealth among them who would enter protest against the iniquity would be looked on as a "class anarchist." I will go further and say that if in New England a man of the type of Folk, of Missouri, can be found who will give over six months to turning up the legislative and Boston municipal sod of the past ten years, who does not expose to the world a condition of rottenness more rotten than was ever before exhibited in any community in the civilized world, it will be because he has been suffocated by the stench of what he exhumes.

After this I again saw Whitney and Towle, and they, not relishing my remarks on the subject of bribery, told me frankly to attend to my own part of the affair and leave their part to them.

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If an outsider could possibly have obtained the entry to the headquarters of the Whitney Massachusetts Pipe Line, say at 9 o'clock any evening during the session, he might easily have imagined himself at the Madison Square Garden or at Tattersall's on the night of the first day of an international horse sale. This is what he would see: In parlor 10, seated at a long table, a dozen of Mr. Towle's chiefs, all in their shirt sleeves, smoking voluminously; before each a sheet of paper, on which was printed a list of the members of the legislature; against every name a blank space for memoranda; at the head of the table Towle himself, frowning severely over a similar sheet having broader memoranda spaces. One after another the chiefs would call off the names of the legislators, reporting as they went along. The outsider would hear droned monotonously: "——— from ——— not my man; ——— from ——— my man and ———'s man; seen to-day, stood same as yesterday; ——— from ———, raised price $20, making it $150; agreed; $10 paid on account, total of $90 due; raised because ——— told him that he had got $20 more from ———."

As each man reported, the other chiefs and Towle discussed the details, and when a decision on disputed points was arrived at, Towle would make a memorandum on his blank, and the chief concerned recorded the order in the little notebook which each carried. All reports in at last, Towle retired to room 11 and speedily returned with the "stuff," consisting of cash, stock, puts, calls, or transportation tickets, which he dealt out to the chiefs to fulfill the promises they had made for the day.

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Early next morning there came to my office two wild-eyed, desperate creatures, Towle and Mr. Patch.

When I looked upon the big, powerful man who had always seemed in any light in which I had heretofore beheld him to fear neither man nor God—when I looked and saw his plight I pitied him deeply, sincerely. He carried a large traveling bag, and Mr. Patch two others.

"Lawson, for God's sake, don't do what they are all doing—don't upbraid me! I've got to get out into the world and be dead to all I know—family, friends, everyone. If I stay it's State's prison or worse, and Whitney says I must go. I've got all the papers together, and Whitney has given me what cash he had on hand and this check of $10,000. Do me one last favor; get me gold for it. I know I have no right to ask any favors of you, but think if you were in my place. I have a wife and children, and—" and the great, strong man wept like a child.

I called my secretary, and in a short time George Towle, with the $10,000 in gold and the bags of "evidence" faded out of my life and into the gray mist of eternity.

A few days after a vessel dropped anchor off the island of Jamaica; George Towle's body was carried ashore and buried, and Mr. Patch was escorted back to the ship. A few days later, with weights of lead to carry it to its last resting place on the ocean's bottom, the latter's dead body was dropped over the vessel's side. And somewhere floating the high seas is a venturesome sailor-captain and a crew who, when in their cups, 'tis said, tell strange tales of bags of gold and queer documents.

Simultaneously the members of the great and good court of the old Commonwealth of Massachusetts for the year of our Lord one thousand eight hundred and ninety-six received, none of them could tell from where, their promised vote money in the form of a yarn that the "stuff" belonging to them had been delivered to George Towle, but that Towle had decamped with it to foreign shores, where he was living in luxury with Mr. Patch.

'Tis writ that some crimes are so black and foul that they will not down, and when I read over what is written here I wonder if there will not some day be another chapter of "Frenzied Finance" written by another pen than mine.

[From the January, 1905, number of Everybody's Magazine.]

Rogers refused absolutely to be a party to any payment that could be traced back to him. He canvassed the sources of hazard: First, through treachery on the part of Foster, Braman, or Addicks, he might be accused of bribing a court officer, the receiver; Addicks might blackmail him by charging him with conspiracy, or a conspiracy charge might be brought by Bay State stockholders, and he be held for tremendous damages. He refused to put himself into any such trap. I put forward a dozen ways to meet the emergency, but he would have none of them. Finally, he suggested a method which was certainly perfect of its kind. He began by letting me into the secret that the chances of a McKinley victory in the election the following week looked pretty bad, and that the latest canvass of the States showed that unless something radical were done Bryan would surely win. Hanna had called into consultation half a dozen of the biggest financiers in Wall street, and it was decided to turn at least five of the doubtful States. To do this a fund of $5,000,000 had been raised under Rogers's direction to be turned over to Mark Hanna and McKinley's cousin, Osborne, through John Moore, the Wall Street broker, who was acting as Rogers's representative in collecting the money. It would be legitimate for the national committee to pay out money to carry Delaware, and he, Rogers, would arrange it that the coin to satisfy Braman and Foster should come through this channel. Thus he would be completely protected.

"Lawson," said Mr. Rogers, looking at me with intense and deadly seriousness, his voice charged with conviction, "if Bryan's elected there will be such a panic in this country as the world has never seen, and with his money ideas and the crazy-headed radicals he will call to Washington to administer the nation's affairs business will surely be destroyed and the working people suffer untold misery."

As I listened to Rogers's exordium on the duties of a citizen in an emergency, I remembered the "Standard Oil" code—"Everything for God (our God); God (our God) in everything." It was so essentially "Standard Oil," this willingness to commit even that greatest wrong, subverting the will of the people in the exercise of their highest function—the election of a President—but only that good (their good) might come of it. It was no more than selfish greed tricked out in the noble trappings of morality, an infamous crime disguised as patriotism. Doubtless, the excellent, God-fearing, law-abiding citizens of the doubtful States who read this and learn how the "System" defeated their will at the polls, will cry: "Monstrous! Can such things be in America?" and then will resume their interrupted occupation of "letting well enough alone." However, this is aside from my story.

Having clearly set forth the political situation through which we should be saved, Mr. Rogers proceeded to map out my own programme. First, I must perfect an alibi for him by going to Foster and Braman, and impressing them that he was absolutely out of the affair, and must under no circumstances be brought into it; next, I must convince Addicks to the same effect, and in addition tell him that Mr. Rogers had angrily refused to get into the mix-up; that I should then hold myself in readiness to meet John Moore and Hanna or Osborne as soon as an appointment could be arranged. That afternoon I got the word and went to 26 Broadway, and from there Mr. Rogers and I went over to John Moore's office, slipping in the private door from the rear street.

"John," said Mr. Rogers, "I am going to turn this matter over to you and Lawson, and I am to have nothing further to do with it. What you two agree to will be satisfactory to me, and remember, both of you, every dollar that is paid is paid by the national committee, but after it's all settled, and if there is no slip-up, I will look to Lawson for whatever is expended. Is it understood?"

We agreed that it was, and Rogers left us.

CHAPTER XXVII.—COURT CORRUPTION AND COIN.

The closing scene of this most significant drama was enacted before Judge Wales on that eventual Saturday morning in the Wilmington circuit court-room.

The dramatis personæ were gathered in little groups representing the separate interests—Addicks and some of his lieutenants, my partner at the telephone, John Moore's partner and Rogers's counsel with their heads together; Braman and Foster nearer the judge, their eyes wandering toward two dress-suit cases piled before John Moore's partner, which, it was understood, contained the money.

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Court came to order. Foster rose, announced that the claims of his client had been satisfied, and made a formal motion to dismiss the receivership. Judge Wales formally consented, and as the clerk of the court was entering the dismissal in his minute-book my partner telephoned the facts to me. I sent back the word that my directors were resigning—had resigned—that Rogers's directors were being elected—had been elected—that the Boston gas companies were now transferred to Rogers. My partner whispered my words to John Moore's partner and Rogers's counsel. At once the two dress-suit cases, each loaded with currency, were slipped to Braman and Foster.

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It was all over in a few minutes, and when my partner said: "It's done," and "By jove, there go Dwight Braman and Roger Foster on the dead run with a dress-suit case apiece!" I held my sides as Parker Chandler in his inimitable way bawled: "Tom, let's leave our straw hats on the pegs, for we'll probably be back next spring, figuring out how to pump air enough through the gas-measuring meters to pay for that money we've just loaned Braman and Foster for a day or two."

Chandler is a cynic.

THE REIGN OF GRAFT AND THE REMEDY.

[By Hon. Robert Baker, Member of Congress from the Sixth New York district, in the Arena, September, 1904.]

For the better part of a year the disclosures of corruption in the Post-Office Department were made the occasion for thousands of editorials; Machen, Beavers, and other Department officials and the contractors who were said to have divided with them being held up by Democratic organs as the inevitable product of Republican rule, while Republican speakers and editors either denied its existence or asserted that the corruption was merely desultory and would be ferreted out and punished. To read the discussions of the matter at the time it engrossed a large share of public attention one would have assumed that there had been an outbreak of a new disease, which if taken promptly in hand could be thoroughly stamped out. There was much denunciation of graft in the Post-Office and other Departments of the Federal Government, but none of graft per se. Nothing could have been more essentially superficial or could have more clearly indicated the entire lack of conception of its cause, its persistence, and how it could be prevented; its extent and persistence being ascribed to every cause but the real one.

To understand the genesis of graft one must look deeper than is usually done by those who so learnedly discuss it. Graft is no new disease of the body politic, nor were the Post-Office scandals a sudden eruption of an old but dormant one; nor can it be eradicated by superficial measures, nor by holding up certain bureau chiefs and the contractors they dealt with as extraordinarily vicious. This is not saying that they should not be punished if found guilty, nor that new safeguards, wherever possible, be not devised to prevent the repetition of such occurrences. The community will, however, gain little therefrom, nor will graft be thereby eradicated. Greater ingenuity is always likely to be shown in the evading of law than in the drafting of it. The larger the prospective gain from its evasion the more ingenious the methods to circumvent it.

Society should give more thought to the underlying cause of graft than to finding new obstacles to its continuance or new penalties for those who practice it. It may be well to first ask whether its prevalence is generally recognized. To assume that it is confined to the dealings of contractors with Department officials is to overlook its larger and more profitable field of operation.

Before citing some of the more flagrant instances it would be well to first ask, What is graft? In the last analysis it is the obtaining of something for nothing—through collusion.

A hint of the extent to which graft has even permeated the commercial world is indicated in the case of a buyer for a large Washington department store, who last winter exhibited to her friends a magnificent array of "presents" received from business houses from whom she regularly bought goods for her employers. They were all of considerable pecuniary value, while she frankly said that the donors all understood she could buy wherever she pleased. It is immaterial whether the "presents" were bribes or blackmail; either the donors or her employers were "grafted." And yet she would have waxed indignant if anyone had suggested either alternative.

A few years ago we heard much of how the wholesale dry-goods merchants in New York were harried by the police when they occupied the sidewalks with their packing cases unless they submitted to "blackmail." It certainly was blackmail for the police to collect this tribute, but those who were admittedly occupying public property without paying the city for the privilege were the real grafters; they merely divided with the police the value of monopolizing the city's streets.

There is no more reason why cases of boots and shoes, dry goods, hardware, machinery; why furniture, fruits, and vegetables should be allowed for hours to occupy sidewalks to the obstruction of pedestrians than that he who sells meals should have his restaurant on the sidewalk or that the barber, doctor, or lawyer should have their offices there. The virtuous indignation of these merchants was not due to a high conception of civic duty—against some one obtaining something for nothing, against graft per se—but was due to their no longer being permitted to retain all the value of the privileges they were preempting.

At the very time when these merchants were crying out against police blackmail and were giving more or less open countenance to the movement to overthrow the city government, one of the wealthiest dry-goods merchants made strenuous efforts to privately induce the one member of the administration who was standing like adamant in opposition to colossal schemes of public spoliation to withdraw his opposition to a piece of wholesale graft—the abatement of the assessment for the Elm street widening. Had this high city official yielded to these blandishments this millionaire and his fellow property owners along that thoroughfare would have "grafted" the city to the extent of some $2,000,000, probably ten times the amount that the police had obtained from the merchants who monopolized the city's sidewalks during all the years that they had bribed the police for that privilege.

In denouncing "graft" let us maintain some sense of proportion. Let our demand for punishment "fit the crime." While expressing hostility to the methods shown to have existed in the contracting department of the Post-Office, and venting our indignation on the petty contractors and bureau chiefs, who have defrauded the people of some hundreds of thousands of dollars, let us reserve some of our condemnation for those greater criminals who, through collusion with higher officials and party chiefs, have taken from the Treasury millions every year in excessive mail-transportation payments. The graft to the railroads in the thirty-nine millions appropriated for inland railroad mail transportation is many times the total of the pickings of bureau chiefs and petty contractors. Some six millions are also appropriated for rental of mail cars at a cost equal to the original cost of the car, many being over twenty years old, and, in the opinion of the railway mail clerks, are a constant menace to their lives.

What is it but graft when Congressmen and Senators accept (when they do not solicit) passes and telegraph franks—some not only asking for themselves, but constantly applying for them for friends? Their conduct is different only in degree from that of the purchasing agent of a Department who divides with the contractor the increased price charged for his goods—each uses his official position to get something for nothing. The Congressman may try to delude himself with the idea that the railroad pass or telegraph frank is given him as a "courtesy," but we may be sure that the railroad or telegraph company fully realizes its subtle influence even where it is not openly issued as a bribe.

It must be remembered that it is not only in affirmative legislation that a legislator can render a great service to railroads and other special-privilege corporations; the statu quo is frequently as serviceable to them as legislation openly in their interest. When the ablest judge of the supreme court of the State of New York (William J. Gaynor) describes favoritism in railroad freight rates "as the greatest crime of our day and generation," and says that "more wrong has been done by it than by all the crimes defined by our statutes," and that "it has crushed and beggared thousands all over the land," it can be readily seen that the most effective service a legislator can render to these criminal corporations is to quietly put to sleep what the companies are pleased to call "hostile" legislation; to put off all consideration by the Judiciary Committee; by the Committee on Post-Offices and Post-Roads—always so liberal in its appropriations for railway-mail transportation; by the Committee on the District of Columbia, where the two great railway systems having depots there were aided out of the joint treasuries of the District and of the United States to an amount variously estimated at from $4,000,000 to $7,000,000 during the Fifty-seventh Congress; by the Interstate and Foreign Commerce Committee, where bills to extend the powers of the Interstate Commerce Commission so that they could enforce their decrees instead of, as now, having them set at naught by the railroads, are quietly slumbering; or by the Public Lands Committee, which ought to have something to say, but doesn't, as to whether the transcontinental roads are living up to their agreements entered into as a part consideration, at least, for the hundreds of millions of acres and scores of millions of dollars in money that they bribed and cajoled former Congresses into granting them; or even by the Labor Committee, which for five months fooled with an eight-hour bill and then referred it to the Secretary of Commerce and Labor to report on, on the ground that it had not the time itself to investigate the subject—hostile legislation in the vocabulary of the railroads being any measure to lessen extortionate tolls; to prevent freight rebates and discriminations; to compel compliance with the decisions of the courts and the Interstate Commerce Commission; to enforce the law for automatic safety appliances; or any other law drawn primarily in the interest of the public or of railroad employees.

A jurist of international reputation—Justice Brewer, of the United States Supreme Court—has recently pointed out another and an extremely insidious form of bribery. In speaking of a lawmaking lawyer's temptation which has come with the development of these enormous special-privilege corporations, he says:

"These interests are colossal in size, alluring by the magnitude of their achievements, tempting not merely by the money they possess and with which they can reward, but more by the influence they can exert in favor of the individual lawmaker in the furtherance of his personal advancement.

"No one can be blind to the fact that these mighty corporations are holding out most tempting inducements to lawmakers to regard in their lawmaking those interests rather than the nation.

"There may be no written agreement. There may be in fact no agreement at all, and yet when the lawmaker understands that that power exists which may make for his advancement or otherwise, that it will be exerted according to the pliancy with which he yields to its solicitations, it lifts the corporation into a position of constant danger to republican institutions."

For years the business interests of New York have beseeched Congress to make more adequate provision for its constantly increasing postal business, but no appropriation for a building was made. I learned during the recent session that the money could have been had at almost any session during the past ten years only for the opposition of the New York Central Railroad. So general was this view that no attempt to gloss over the real cause was made, even when correspondents of New York papers were present at informal gatherings endeavoring to secure an appropriation, although it was tacitly understood that they would not be so discreet as to put the blame for the delay where it belonged. The New York Central, having direct representation in the Senate, could block any proposition not in conformity with what it was pleased to consider its interest. Having finally come to terms with its great rival, the Pennsylvania, and those two corporations having agreed between themselves as to what they would permit to be done in the matter, it goes without saying that every difficulty was removed, every obstacle overcome; Cabinet officers quickly approved, and the appropriations were duly made. The New York merchants who cried in vain so long for improved postal facilities will no doubt refrain from applying the term "hold-up" to the whole proceeding. We in the East have too great a reverence for great wealth to do anything more than complain, being equally careful with the correspondents not to say anything rude of those who have for so long prevented action, even if the result is to buttress private ownership of interstate highways by tying up the Post-Office Department to the New York Central with a 50-year lease. The records will, I think, be searched in vain during all this period for evidence that even one member has openly charged any railroad with being the real obstructionist. Of course no one would suggest that failure to do this was in any way related to the question of railroad passes.

Another piece of graft is the excess fare which this road exacts from all who purchase tickets from New York to Albany, or vice versa. Although limited by law to a 2-cent rate, passengers are charged $3.10, the distance being 146 miles. The only excuse I have ever heard for this extra fare is that the company has to pay the difference to another company which owns the railroad bridge at Albany. This is bad enough, but when one learns that the bridge is the private property of the Vanderbilt family and their immediate friends, one sees that not only is the public milked, but the graft does not even go to the stockholders of the road that most of the passengers think they pay it to, but to that little inner circle of men who control the railroad company, and who were shrewd enough to hit upon so simple a

scheme for deflecting a considerable revenue into their pockets. Like the operation of tariff taxes, nearly all who pay this little honorarium to one of the "great" families of America have no conception that they have been taxed at all.

What is it but graft when a United States Senator, the head of an express company, not only uses his position to protect his own and allied companies from legislative "attacks," insuring them in the continuation of their extremely valuable privileges, but secures to the railroads from whom these valuable privileges are derived extortionate prices for transporting the mails?

What was it but graft when Huntington, Hopkins, Stanford, and Crocker organized a construction company to build the Pacific railroads, paying themselves out of the treasury of the railroads enormous sums for work at inflated prices, under which they got possession of most of its bonds and stocks?

What was it but graft when big financiers forced the United States Government to accept in full settlement but a part of the large debt the Union Pacific owed?

What is it but graft when the controlling forces of a railroad system organize an express or dispatch company to which valuable privileges are granted on far lower terms than it could, or would, obtain if the grantee company were not in effect themselves?

What is it but graft when the directors of a railroad company organize an industrial company, locate it along the line of their road, then accord it lower freight rates than are charged to competitors in the same business?

What is it but graft when the directors of a railroad have special cars placed at their disposal whenever they desire them for social or business purposes?

What is it but graft when the President of the United States accepts the "courtesy" of special railroad trains or cars, for vote-hunting trips or for social visits?

What was it but graft when old and almost useless ships were foisted on the Navy Department at the outbreak of the Spanish war?

What is it but graft when the anthracite coal roads form a pool not only to limit production but to fix the price of transportation at from three to four times what would earn a reasonable dividend on the actual capital invested? Occasionally these highway robbers fall out among themselves as to a division of the booty; and we find the general coal sales agent of the Philadelphia and Reading (the Goliath of the coal trust) testifying under oath before the Interstate Commerce Commission as to what happened if the Reading cut its regular price, "that they denied it if they did," not even, it seems, maintaining that honor which is supposed to exist among thieves—i. e., thieves without the pale of the law.

What is it but graft when the Big Four who compose the beef trust get special freight rates which enable them to drive competitors out of business?

What is it but graft when heads of Departments—chiefs and deputy chiefs of bureaus in Washington—use public carriages for pleasure and to maintain their social "prestige?"

What was it but graft when those who purchased United States bonds during the civil war in depreciated currency years later "induced" Congress to make them redeemable in gold?

What was it but graft when the employer of a recent law partner of a President entered into a secret deal with the head of the Government to issue bonds to his syndicate at from 8 to 12 per cent less than they were worth?

What is it but graft when this same leader in haute finance organizes the United States Steel Corporation and invites a confiding public to purchase "securities," three-quarters, if not four-fifths of which represent nothing but water? How many thousands of ignorant but innocent investors, relying upon the "high character," "deserved reputation," "commanding influence," "great ability," "financial stability," and "unblemished business honor" of these men have been ruined by having these securities foisted upon them? All the graft of the Machens and Beavers, who have been in Government employ for a score of years, including even the "star-route" frauds, look puny and insignificant beside the colossal sums squeezed out of the people through the floating and manipulation of steel corporation stock, to say nothing of the scores of millions wrung from the people in inflated prices charged for its products because it was "protected" by a tariff of from $7.84 a ton and upward on its manufactures.

What was it but graft when the Western Union Telegraph Company supplied pool rooms with racing news in defiance of law, charging some $5,000,000 for the service, which perhaps cost them a tenth of that sum? When burglars are caught with the goods on them they are not permitted to go their way because they insist that hereafter they will be law-abiding. But, then, among that profession there are no multimillionaire "philanthropists."

What is it but graft when the special-privilege corporations of New York City—this same Western Union, the telephone, the gas and electric, the surface and elevated railroad companies—refuse to pay even the totally inadequate and ridiculously low rate of taxation levied against them, so that, according to a recent issue of the New York World, they owe the city some nineteen millions of dollars for arrears of taxes?

I was recently told of an incident that occurred in the home city of The Arena. A Boston firm, a regular shipper to the extent of several hundred packages a week by the Adams Express Company, had been paying 40 cents a package. A friend in another business, happening to drop in and seeing a pile of packages ready for shipment, asked, "How much apiece do you pay on them?" On being told, he said, "What? I don't know anything about your business, but I'll take a contract right now to ship them for you by the same company for 35 cents." To test the matter his name was pasted over that of the actual shipper and he proceeded to the express office, asking for a quotation for several hundred packages a week. On their quoting a rate of 28 cents he said, "I guess I'll send them by mail. The only reason I wanted to ship them by your company was to get an individual receipt for each package." He was then offered a 23-cent rate. It is needless to say that the real shippers were astounded when the rate at which the company were prepared to carry their packages was reported to them. But in view of the tremendous difference in the charges for sending packages by "parcels post" abroad—which rates are frequently less than one-half what Americans have to pay for the privilege of having a Government function exploited for private benefit—it is not surprising that the express "ring" is able to shunt all investigation of the subject and to kill off all bills for an American parcels post. The railroads and express companies have too many direct and indirect representatives in the House and the Senate to permit any legislation of that nature even being considered in committee, let alone reported to and acted upon on the floor of Congress; the "graft" is too big.

What is it but graft when the schoolbook trust is able to force its books into the schools and keep other books out?

There is another method of getting something for nothing—graft—which is even more generally practiced than any of the foregoing, which is more insidious, because one does not have to seek legislative privileges before engaging in it. I refer to the successful guessing as to the trend of population; where and when great public improvements are to be made; where a railroad—interstate or urban—is to be run, etc. Of course the successful guessers are mostly those who have secured advanced information that these projects are to be carried on. Many a fortune has been acquired in this way, and the richest politician is not necessarily he who has held the most lucrative office for the longest period. He may never have held any office, but if he can secure positive information in advance of others where public improvements are to be carried out; above all, if he can himself direct and control officials who have to do with their location, he can amass a fortune in a few years. All he has to do is to get hold, either in his own or his wife's name, but better still in the name of a dummy, of a large section of the land to be taken for the public improvement, or that which will surely be enhanced in value thereby, and he will become rich not only by reason of the natural increase of value which always attaches to land when these improvements are assured, but by reason of the fact that the communities always pay more for property than the owners could obtain elsewhere. If in addition the real owner controls the commission which awards the damages, or fixes the price to be paid, then a far larger price is obtained and the "graft" is so much larger.

This practice, which has been found so fruitful for politicians in our great cities, has also been followed by some of those who control the great transportation systems. As a case in point might be cited the action of the controlling forces that, when the Northern Pacific Railroad was pushing its way to the ocean, gave out that they intended to locate their terminus at (I think it was) Tacoma. The result was, as they well know it would be, that every land speculator in that section of the country and probably many from the East, rushed there and forced up the price of the land in that vicinity. While this was going on agents of the men who knew what point was really selected quietly bought up every foot of land obtainable at Seattle (as I am informed); of course obtaining it at a comparatively low figure in the face of the announcement that the terminus was to be located elsewhere. They then announced that they had changed their minds and Seattle would be made the terminus, with the result that fortunes were made out of the rise in land values which inevitably followed the completion of the road to that point. As a practical matter it would have made no difference whether the false announcement was made or not (even if it were not so made), it would only have affected the result in degree. Fortunes, although perhaps not so large, would have still been made through the increase in land values consequent on the building of the road.

Now as to the remedy, if remedy there be, to this apparently all-pervading graft. First let us have an end to the idea that he who corrupts the public officials (directly or indirectly) and thus secures a valuable special privilege, thereby obtaining millions, has "made" his money by business acumen, enterprise and foresight, while the few hundreds secured by petty swindlers through collusion with corrupt contractors have secured theirs by "graft." Whoever obtains something for nothing, whether it takes the form of "water" in an interstate railroad or a trolley line, in a telegraph or telephone company, in an electric-light or gas company; whether it is an unloading of the "securities" of a steel trust, the milking of the public through a tariff on sugar, woolens, steel, salt, or borax; whether it is in the form of a Standard Oil monopoly or a monopoly of copper; whether it takes the form of forestalling population (either with or without advance information of what is projected), and thereby reaping an enormous harvest in "unearned increment"—all are "grafting" upon the body politic.

The form of graft which has been most destructive of public morality is unquestionably that of the public-service corporations. There is not a clean page in their whole history; it has been one of long-continued, persistent bribery, not only in connection with the "fine work" which has been almost uniformly practiced in inducing legislative bodies to grant the original franchises; the periodic bribery of subsequent legislatures through which extensions and modifications have been obtained, but equally persistently of the officials who are charged with the duty of enforcing the laws applicable to these corporations and of seeing to it that the terms of their charters are complied with.

Even the military dictator at Cripple Creek, Gen. Sherman Bell, in an interview with Henry George, jr., speaking of the dishonest elections in Denver, said:

"The water, electric-light, telephone, and tram corporations rule that city. They control the police force and sheriff's office, and they stop at nothing to debauch the ballot, stuff the boxes with fraudulent votes, and count out qualified voters.

"Some of their franchises are about to expire. They want new ones. They believed they could get them on terms satisfactory to themselves only from men they themselves should elect to office. All newspapers and most all respectable people opposed their candidates. But they were successful. I am prepared to say that these corporations had 14,000 fraudulent votes cast and counted, and that they spent $190,000 on election.

"But this money they regarded as a good financial investment in return for franchise privileges they expect to receive."

In view of his use of the military to shut down the Portland mine solely because union men were employed there, and his wholesale deporting of men simply because they were members of organized labor, his further statement as to the Denver election is illuminating as to who controlled Governor Peabody. Bell said: "I wanted to use militia against these thugs and repeaters and bad men these corporations paid for bringing into the city, but I was prevented from doing so, and corruptionists had full swing."

So successful have the special-privilege corporations—interstate railways, urban and interurban railways, gas, water, electric-light, telephone, and telegraph companies—been in their evasion of the terms of their charters and of the laws governing their operation, and of those levying taxes thereon, that it has become the common expression: "You don't suppose 'they' obey the laws, do you?"

It is notorious that they habitually ignore, nullify, and trample upon the laws affecting them, but at the first sign of discontent displayed by their employees at the onerous conditions under which they are compelled to work—frequently in open violation of law, such as the laws limiting the number of hours that street-railway employees shall work during a day—these nullifiers of law are loud and insistent in their demand that "law" and order be maintained, no matter who is hurt. Law and order should be maintained at all times, but it should be enforced against a street-railway corporation which does not

pay its taxes, which violates the law regulating hours of employment, just as much and just as rigorously as against those who smash car windows or cut trolley wires. In fact, it is largely because the laws regulating these corporations are persistently nullified that strikers or those who sympathize with them are guilty of the more spectacular infractions of law.

But it is not alone in the securing of these frequently enormously valuable franchises by the bribery of the people's representatives and the subsequent bribery of executive officials that these special-privileged corporations do evil; the public are, of course, robbed both in the extortionate charges for these services and in the refusal of the companies to pay their share of taxation, but they are also injuriously affected in another way. A considerable part of the gigantic fortunes which those who control these corporations have acquired has been squeezed out of the investing public by what is nothing more or less than "thimblerigging" of the stock market.

Whenever it suits the purpose of these gentlemen, statements get abroad and are given marked consideration by the newspapers in which they are interested or can influence, hinting at the wonderful developments at hand and prospective increase of dividends. Result, the stock goes up. When they have unloaded, it suddenly appears (from the same sources) that owing to unusual expenses or from some other cause, the company is not doing as well as formerly. Result, the price is forced down, the innocent who bought at high prices are squeezed out, and the process is gone over again, of course with variations, as those who control and manipulate the stock are exceedingly resourceful and are past masters in the art of devising new schemes to catch Wall-street lambs. To vary the monotony of the procedure mergers are from time to time put through and the presses put at work printing new "securities," which not only afford the insiders the opportunity for commissions for underwriting, but greatly increased amounts of stock are then issued in exchange for others which are retired, the public being called upon to pay dividends upon an increased capitalization, which is made the basis of the contention that there can be no reduction of fares if the "widows and orphans" are not to be deprived of dividends.

The same process is gone through with in the case of the gas and electric-light companies, the result being that despite the known economies in production which are being made from time to time, the public is constantly confronted with the fact that they are all the time called upon to pay dividends upon larger and larger capitalizations, the large capitalization being seriously advanced by the attorneys of these monopolies at legislative hearings as a reason why no legislative reductions in price should be made. To say that by these and allied methods a score of men in New York City have made (?) fortunes aggregating even more than the total capitalization of the public-service corporations which they control, is probably rather to underestimate than overstate the fabulous sums they have milked from the public, but indicates the extent of their "graft."

Even if all the evils which the agents of these men are constantly predicting as sure to follow "municipal ownership" were really to result, public morality would be immensely improved by the elimination of these wholesale bribers from our legislative halls; while the vast sums now paid for protection from "hostile" legislation and as the price of law evasion would no longer find their way into party campaign chests—or to private individuals—to corrupt our elections and our legislatures. Until this is done, until public-ownership and operation are substituted for private exploitation and manipulation of public functions, we may expect these conditions to continue. The prizes are so enormous, the "graft" is on such a colossal scale that the ablest, shrewdest, and most unscrupulous minds in the country inevitably make it their sphere of operation and do not hesitate at wholesale debauchery and corruption of the suffrage to secure the fortunes thus obtainable.

With the adoption of municipal ownership of public utilities in our cities and governmental ownership of railroads, telegraphs, and telephones in the nation; with the obliteration of the tariff wall, which greed and avarice have erected between us and the people of other nations, we shall have removed from our legislative bodies and from politics generally the most prolific sources of graft. There will then remain only that other potent but personally less corrupting form—private absorption of "unearned increment."

While in the aggregate—for it extends all over the country—even larger sums are wrung from the people by the private appropriation of ground rent than are obtained in the ways I have herein set forth, yet its demoralizing influence upon public and private morals is not so great. All recognize when money is paid to an alderman, an assemblyman, or a Congressman as the price of his voting the briber a special privilege, that not only is the act corrupt, but that the legislator is thereafter incapable of doing his duty to the people in other legislative matters, his perspective is ever after clouded and his conception of right and wrong perverted. But where there is no act of personal corruption, and the individual simply takes advantage of opportunities that are apparently free to all to get wealthy without labor; when he shows "shrewdness" and "foresight" in anticipating the trend of population, where public improvements are to be made; or when he merely sits down and holds land for a rise, he is not lowering the tone of public morals or contributing to the debauchery of the suffrage. But, nevertheless, his appropriation of ground rent, equally with the more corrupting and demoralizing act of the exploiter of public-service privileges, is the cause of graft in the public service.

While the people are directly robbed in excess fares for street-car service and in extortionate charges for water, gas, or electricity, and through the evasion of taxation by the companies operating these public functions, they are also indirectly robbed by him who appropriates ground rent; for those values which the community produces, and which should be collected for the benefit of the community, going as they now do almost entirely into private pockets, result in the institution of various forms of taxation upon industry and thrift and upon consumption which would be entirely unnecessary were the annual rental value of land taken in taxation, instead of being left to private individuals to collect for their own private use.

But more: It is not alone in the amount of wealth thus wrongfully taken from those who produce it that evil is done. An evil equally as great of another kind results. Because land values are not taxed into the public Treasury it becomes profitable to hold land out of use; land speculation—the locking up of land—is encouraged. As a consequence, less land is used for farming; for homes and stores; for the production of coal, iron, coper, zinc, lead, salt, borax, clay, and oil; for power in the form of waterfalls; for wharves and docks, and for manufacturing purposes generally, than there is need for. As a result all forms of wealth production are restricted, while the prices of such things as can readily be monopolized are enchanced to the final consumer. The high prices resulting in a restricted demand, many are unable to find employment even in so-called "good times." They are therefore compelled, in order to live at all, to offer their services at a lower rate than those who are employed, wages thus always tending to the minimum of subsistence. With increase of population and increased demand for land, the value of land becomes greater, and those who monopolize it are able to exact, either in the original purchase price or in annual ground rent, an ever-increasing proportion of the total wealth produced.

The cause of graft in the public service, as in business or private life, is primarily due to the inability of many to secure in competition with their fellows that reward for their labor that is justly due them. To some extent the artificial conditions that are caused by the private appropriation of ground rent and by the private exploitation of public functions, with its attendant accumulation of large fortunes ostentatiously displayed, may have a reflex influence in exciting graft, for it is but natural that these wasteful expenditures should excite emulation even if on a smaller scale. Again, in our State capitals, and particularly in the capital of the nation, the means which have been employed to secure valuable franchises are so well known to politicians it is not surprising that among lesser public officials there should grow up a feeling that graft is justifiable under the present régime. If party chiefs can collect enormous campaign funds from the railroads and other special-privilege corporations for favorable legislation and for defeating "hostile" measures, and from the trusts for tariff favors, why should not minor officials feather their nests by dividing with contractors?

If we would abolish graft we must strike at the root of the evil, which is to be found in the private appropriation of ground rent coupled with its more corrupting twin, private exploitation of public functions. When we have abolished these fundamental causes we shall have destroyed the incentive to graft and we shall have restored that healthy tone now so sadly lacking in public affairs. It will not be necessary for men to seek Government positions or starve. The opportunities for profitable employment will be unlimited, and because men—all men—will then be able to obtain for their services the full value of the wealth they create (monopoly no longer being able to exact the lion's share, giving nothing in return), there will be no need for them to sell their souls to some politician for a mess of pottage, while those who seek political service, finding the atmosphere in which they move clarified by the elimination of the present corrupting influences, will not be incited to make their positions a mere channel for "graft."

ROBERT BAKER.

BROOKLYN, N. Y.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1906.

Mr. LITTLE. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. LITTLE] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add, after the word "six," in line 6, page 1, the following proviso:

"*Provided, however,* That no part of the moneys appropriated in this act shall be expended for the support and maintenance of more than 30,000 men, including officers and enlisted men."

Mr. HULL. I raise the point of order that the gentleman's amendment changes existing law.

Mr. LITTLE. Will the gentleman from Iowa [Mr. HULL] withhold that point for a moment?

Mr. HULL. I see no good reason for withholding it, but I will.

Mr. LITTLE. Mr. Chairman, I see by the report of the Military Secretary that we have now in our Army 3,871 officers and 65,946 enlisted men. I do not know of any better time or place than this, at least it is the only privilege we get on this side, to indicate our views as to the extent of the Army we ought to have. I think really the amendment could be well sustained and the point of order overruled; but it does seem to me, if the House has the power to make an appropriation for the support of the Army, they can cut that appropriation in two if they desire to do so. The wisdom of that suggestion, of course, would be for the House to determine, but I think that 30,000 men is all the Army that this country needs now or will likely need in the next forty years. The fact is the American people are not standing-army soldiers, but are fighting soldiers.

I find in this very report that I hold in my hand that in the last year there were desertions to the enormous number of 5,873. I also find for the year ending June 19, 1903, that the number of desertions amounted to 6,428, and it is a fact, I think, within the knowledge of at least many of the Members of this House that the young and thoughtless men of the country are induced in one way and another to enlist in the Army, and these 5,000 deserters are represented in a great measure by the young men of the country, who not realizing the gravity of their offense tire of the restraints and humdrum of their useless service and break away.

If, Mr. Chairman, it was a time of war, when the services of these men were necessary, they would be behind the guns rather than behind the bars, they would be sustaining the honor of their country rather than being dishonored by it. To say that we need 70,000 men as a standing army of this country is to deny the history of the past and to defy the good judgment and patriotism of those who have gone before us. There are no threats of internal strife, and if there be none why is it that we want to keep this burden of sixty or seventy millions of

dollars resting upon the backs of the people of this country? Why not adopt this amendment, which will by its operation reduce the standing army to 30,000 people? Yea, amply as many as the country needs; yea, more than it needs, for with the well-organized State guards throughout the several States we can look to them for our defense in our time of need rather than to a great standing army. The civilian soldier—the citizen—has borne to victory American arms in every conflict in the past and is able and willing to do so in the future. I have no patience with the proposition that because foreign countries burden their people with heavy standing armies it is necessary for the free people of this free Republic to burden their people and their resources by keeping an unnecessarily large army. And I say this without reference to what may be necessary as to the Navy. We will meet that question when we come to it.

I do not believe that any gentleman sitting within the sound of my voice, or elsewhere in this country, can assign a good and sufficient reason why we should be called upon to support an army of 60,000 or 70,000 men. The average American is a born soldier and fighter and ready to defend the honor of his country, but he asks you to save him from the payment of a hundred million dollars a year to support a standing army in time of peace. With an army of 25,000 or 30,000 men as a nucleus we could be ready to meet and destroy the army of any nation on earth that could be landed before their transports could touch our shores—yea, our fleets would meet and send them to the bottom of the sea before they ever reached our shores.

What are we doing with our Army of 70,000 men? They are loitering around the barracks and camps, answering roll calls, many of them thoughtless boys who have enlisted. It is inviting them to desert, and they do desert from their duty, and they will continue to do so until the spirit of their young manhood is crushed out. I know myself of two young men, as good as any country produces, one of them the son of an honest blacksmith, who enlisted in the Army in his thoughtless, reckless youth, without knowing the real penalty that would attach to their leaving the Army. One of them is now within prison walls and the other has just completed his term. These boys, honest and true, if war should call them to duty for their country, would render service as brave and daring as that rendered by their fathers, the one for the blue, the other for the gray, in the late civil war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, just one word.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman from Arkansas be given five minutes more.

Mr. HULL. Does the gentleman want five minutes more? [After a pause.] He does not seem to want any.

I now want to say a word in reply to the gentleman. We have now an Army of about 60,000 men for this great nation, with all of its responsibilities. We have expended over $90,000,000 in coast defense alone. There are 18,000 men required to man the guns, and it will not give one shift to a gun. There are many guns of the Army to-day that are simply in the hands of care takers. That would leave 12,000 for the cavalry and infantry. It would leave only 12,000 men for the Hospital Corps and all. If the gentleman's amendment were in order and should be adopted, it would virtually mean that the Government of the United States would have no standing army. It is true that our Army costs more than that of any other nation—more than half more. The gentleman from Illinois [Mr. PRINCE] gave a reason for that. We pay our enlisted men higher. That makes it cost enormously higher than other nations. In place of reduction, there is a proposition before Congress, without regard to party, that calls for an increase in the artillery now, in order to make effective our coast-defense system. The gentleman can not make the people of the United States believe that 60,000 men for more than 80,000,000 people is a large standing army. He can not make the people of the United States believe that that number of men is a menace or burden to the people of the United States.

We fought this out in two national campaigns, when the standard bearer of the Democratic party raised the question of militarism, and each time the people rebuked him at the polls by saying that 80,000,000 of freemen are not afraid of 60,000 of their own citizens, even if they are organized in an army. The Army of the United States has never been a menace to our liberties. It has been the bulwark of civic govermnent and the maintenance of the flag in all our wars and in all our past. No man on this side of the House desires an army except as a skeleton—the first line of defense, the smallest that it is possible to keep and meet the demands of the Government. In every war of the future, as in every war of the past, it is the volunteer who carries it on when any great struggle comes to the Government of the United States. No man who knows anything about its past and the present situation will claim for a minute that 60,000 men would amount to anything in a great war. We had 250,000 volunteers for the Spanish war alone. We did not need them, but the people of the United States volunteered, and the Government organized them for fear we might need them. So that this Regular Army, small as it is, is no menace to nor burden upon the people of the United States. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The Chair would like to hear the gentleman on the point of order.

Mr. HULL. The point of order is that there is a law of the United States which fixes to-day the maximum and minimum Army of the United States. It may, in the discretion of the President, be recruited up to 100,000; it may, in the discretion of the President, be reduced below 60,000 men. In the present bill it is reduced to the minimum of 56,000 enlisted men.

This amendment changes that law by making an army of not to exceed 30,000 men. It is a change of law.

Mr. LITTLE. Mr. Chairman, my position about this, while I am not a learned parliamentarian, is that we have an Army, and Congress is now called upon to provide for its support. This amendment simply provides for the support of 30,000 soldiers, including officers and enlisted men, and is a limitation upon the appropriation. Congress could refuse to appropriate a dollar for the Army. If it can refuse to appropriate a dollar, it can refuse to appropriate more than half the amount carried by this bill. And this amendment simply indicates how the money shall be used, namely, for the support of an Army not to exceed 30,000 men, including enlisted men and officers.

Mr. HULL. On that point I just want to say one word. If the gentleman wants to cut down the appropriation, I concede the right of this House to reduce the appropriation to any amount it may desire; but when the gentleman fixes the limit at 30,000 men, he virtually fixes the Army at 30,000 men. It is quite a different proposition from refusing to appropriate under existing law.

The CHAIRMAN. The Chair would state to the gentleman from Iowa that this amendment appears to be drawn in conformity with a number of precedents in the form of limitations. Careful examination discloses the fact that this amendment does not in terms cut down the number of officers or enlisted men in the Army, but simply limits the appropriation in this bill to a certain number of officers and men. It is quite clear to the Chair that the officers and enlisted men who are not provided for in this bill would have a clear claim against the United States Government for their services; but it also seems to the Chair that this amendment is in the form of such a limitation as has been held not to be subject to a point of order, and that the amendment therefore should be left to the vote of the committee.

Mr. HULL. Does it not in express terms fix the number of the Army?

The CHAIRMAN. It states in express terms the number of men for whom appropriation is made in this act, that is all.

Mr. HULL. Of course I will not appeal from the decision of the Chair, but it strikes me as quite a different proposition from making a provision, when we come to the specific appropriation, to cut down the amount of it. This is in the very beginning of the bill, and fixes the number of men in the Army at 30,000 if it has any effect whatever.

The CHAIRMAN. As the Chair has said, it seems, from careful examination of the amendment, to be in strict conformity with several amendments on which points of order have been overruled, as it merely places a limitation upon the use of the money appropriated in this act, and the Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. LITTLE demanded a division.

The committee divided; and there were—ayes 52, noes 70.

Accordingly, the amendment was rejected.

The Clerk read as follows:

PAY TO CLERKS, MESSENGERS, AND LABORERS AT HEADQUARTERS OF DIVISIONS, AND DEPARTMENTS AND OFFICE OF THE CHIEF OF STAFF.

One chief clerk, at the office of the Chief of Staff, $2,000 per annum.
Six clerks at $1,800 each per annum.
Thirteen clerks at $1,600 each per annum.
Twenty-six clerks at $1,400 each per annum.
Seventy clerks at $1,200 each per annum.
Ninety-five clerks at $1,000 each per annum.
Two clerks at $900 each per annum.
One clerk at $720 per annum.
Two messengers at $840 each per annum.
Sixty-nine messengers at $720 each per annum.

Two messengers at $600 each per annum.
One laborer at $660 per annum.
One laborer at $480 per annum.
In all, $305,220.

And said clerks and messengers and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

Mr. GILLETT of Massachusetts. I move to strike out the last word. I should like to ask the gentleman if it has not been customary in the past to provide that the clerks who come in under this shall not be assigned to service in Washington?

Mr. HULL. There are some of them assigned to service in Washington. The language is the same that we have always had, but the clerks are not clerks that are in the Department. Some of the clerks of the Chief of Staff and the General Staff are taken out of the legislative, executive, and judicial appropriation bill and now carried on this bill for the first time. There is no increase in the number of clerks, taking the two bills together, but there is an increase in this bill on account of dropping from the legislative bill certain clerks so as to make all the division and staff corps clerks come under this bill.

Mr. GILLETT of Massachusetts. The gentleman of course recognizes the fact that my thought was that inasmuch as the clerks in Washington and the clerks outside of Washington are covered in two different bills there is danger that the Department, by changing them, might evade the purpose of Congress.

Mr. HULL. No; these clerks are only appropriated for in this bill for the General Staff and for the division and department headquarters, and can not be used in the Department proper.

Mr. GILLETT of Massachusetts. That is the point I wished to be sure about.

Mr. HULL. A part of these clerks were heretofore carried on the legislative bill, but the Committee on Appropriations dropped them out of their bill and notified the Committee on Military Affairs that they would have to take care of them here. There is no increase whatever and no change in the law.

The Clerk read as follows:

Provided, That when a vacancy shall next occur in the office of assistant chief of the Record and Pension Office that such vacancy shall not be filled and said office shall then cease and determine.

Mr. HULL. Mr. Chairman, in line 24 I move to strike out the word "that." It is a clerical error.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $2,158,324.71.

Mr. HULL. Mr. Chairman, I move to add the following proviso:

The Clerk read as follows:

Add at the end of line 21, page 12, the following:

"*Provided*, That no retired officer of the Army above the grade of major shall, when assigned to active duty with the organized militia of the several States and Territories, receive from the United States any pay or allowance additional to his pay as retired officer."

Mr. COCKRAN of New York. Mr. Chairman, I would like to have that amendment read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. COCKRAN of New York. I would like to hear some explanation from the gentleman.

Mr. HULL. Mr. Chairman, I called the attention of the House to this in my preliminary remarks, stating that, in my judgment, there should be a limitation in this line, for the reason that before we passed the act at the last session of Congress giving full pay, there was not an officer acting with the several States or Territories above the grade of major. Since we gave the full pay and allowance to officers serving with governors of the different States, we have had nine brigadier-generals in these positions. We are making a great charge upon the Treasury in the extra pay of these officers of high rank. I can see a reason, as I stated before, for officers of the lower rank getting full pay, because captains, with three-quarters pay, may not be able to live at the capitals of the different States, lieutenants may not be able to live at the capitals of the different States, and I have no objection to giving them their full pay; but when it comes to a brigadier-general or a major-general, or a lieutenant-general, or a colonel, with large pay, who get a larger allowance for commutation, I can see very serious objection to their receiving full pay and allowances while performing no services for the General Government, except as a well-drilled militia might be of benefit to the General Government.

Mr. COCKRAN of New York. Is not that a significant and important service—the improvement of the militia?

Mr. HULL. My understanding, Mr. Chairman, is that for all the years we have allowed retired officers to be assigned the officers of the lower grades have been entirely satisfactory to the States. If the gentleman will pardon me, I am inclined to think that a captain or a major will give more real service and work to the drilling and discipline and work of an ordinary militia of the several States than a higher officer will.

Mr. COCKRAN of New York. I confess, Mr. Chairman, I do not see the force of the gentleman's statement. Why should a superior officer be denied the opportunity to render an important service to a State if, in the judgment of the State, that particular officer would be a most efficient public servant?

Mr. HULL. I do not understand that we are denying them the privilege of serving the State. They can still go there if they desire, but, Mr. Chairman, up to the time we passed the bill last spring giving the increased pay there was not a single one of the high officers on duty with the governor of a State; they declined to serve. Now, when these lower-grade officers did go on to serve, even when they got less than full pay, I can see some reason why they should be recognized, but it seems to me that a man who has reached the grade of a brigadier-general, who is probably then at the age of 64, has got past the time when he is hunting up new work; he is simply taking it to get the pay, and not from a patriotic motive at all.

Mr. COCKRAN of New York. The gentleman's apprehension, to be justified, would require a concurrence between the State appointing him and the officer occupying the position, to work any mischief. Do I understand from the gentleman from Iowa that superior officers are to be penalized in seeking these State appointments, while inferior officers are to be encouraged? Is that his position?

Mr. HULL. I do not understand that we are penalizing anybody.

Mr. COCKRAN of New York. There is a difference in treatment——

Mr. HULL. If the gentleman will allow me to explain, a captain, if he is a captain of infantry, gets $1,800 a year; if he is a captain of cavalry he gets $2,000 a year. Heretofore these captains have largely done this work. Now, my understanding is that the $1,800 or $2,000, with three-quarters fogy pay, would not be sufficient for them to live at the capitals.

Mr. COCKRAN of New York. What capital?

Mr. HULL. Any capital of any State. There is where they do live. My understanding is that a man who gets $5,500 would still get three-quarters of that if we passed this provision, which would be largely in excess of what we propose to do for the subordinate officers, and it is for the purpose of enabling the officers that do the work to live as they should live in these different local States that we limit it to the majors. I don't understand it is penalizing. At the time the law was passed it was understood we were helping only that class and nobody dreamed that the higher officers would want this kind of assignment. It has to be, as the gentleman says, by the concurrent action of the officers themselves and the governor of the State. That is not changed by this provision.

Mr. COCKRAN of New York. No; but I understand the gentleman imposes a penalty upon a superior officer's assuming that function and rendering that kind of service, and the penalty is a withdrawal of some of his compensation.

Mr. HULL. We have no penalty and we withdraw no compensation that he would get as a retired officer. We give him that full compensation.

Mr. COCKRAN of New York. Then what does the gentleman take away from him?

Mr. HULL. We take away simply his full pay and allowance and give him the full pay of a retired officer.

Mr. COCKRAN of New York. That is the penalty which is imposed upon him.

Mr. HULL. Not at all. He is not entitled to it except by the grace of the Government anyway.

Mr. COCKRAN of New York. That is the discrimination, then, between superior and inferior officers rendering this form of service?

Mr. GAINES of Tennessee. Why do that?

Mr. HULL. I have stated once or twice that at the time we did this nearly all of the men acting with the governors were men of the grade of captain or below. The three-quarters pay of those men was not enough to enable them to live in comfort while performing this duty.

Mr. BURLESON. Can the gentleman name the officers affected by this amendment?

Mr. HULL. There are nine brigadiers, according to the Army Register, on the list.

Mr. BURLESON. Are there any officers above the rank of brigadier?

Mr. HULL. I understand there is one.

Mr. BURLESON. Who is the one above that rank?

Mr. McCALL. Will this apply to Lieutenant-General Miles, who is upon the staff of Governor Douglas, of the State of Massachusetts?

Mr. HULL. It would.

Mr. BURLESON. Who is the officer above the rank of brigadier?

Mr. HULL. Here is the list that I made up my mind ought to be stopped. If anyone desires the list, if he will look on the Army Register of December 20, he will find it. We have here one brigadier-general, Edward M. Hayes; we have another brigadier-general, Charles L. Cooper; another one, Henry B. Freeman; another one, Henry Jackson; another one, Aaron S. Daggett; another one, James Miller, and another one, Chambers McKibbin. There are nine of them. That is the list that caused me to make it up.

Mr. McCALL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. COCKRAN] yield to the gentleman from Massachusetts.

Mr. COCKRAN of New York. Oh, yes.

Mr. McCALL. Mr. Chairman, I understood the gentleman from Iowa had the floor. I understood the gentleman from Iowa to say that these general officers had reached an age when they would try to get a job and would not be apt to act from patriotic motives.

Mr. HULL. No; I did not say that.

Mr. McCALL. The gentleman said something about their being less liable to act.

Mr. HULL. I said the gentlemen had reached the age of retirement, passed 64 years, and were not likely to hunt for work.

Mr. McCALL. I think the gentleman will find the reporter's notes will show he said they would not take the jobs from patriotic motives.

Mr. HULL. I said they had not done it from those motives, because none of them had done it in the past before the pay was increased.

Mr. McCALL. I trust the gentleman is not reflecting upon Lieutenant-General Miles, who at that time was in active service and could not have taken the position he now has.

Mr. HULL. I would not reflect upon anybody, only I wanted to state a fact, that before Congress gave this increased pay there was nobody above the grade of major who wanted the place, and since Congress gave the increased pay it seems the generals on the retired list all want it.

Mr. COCKRAN of New York. Mr. Chairman, I would like now to resume my colloquy with the gentleman from Iowa [Mr. HULL]. Is it the purpose of this amendment to discourage the States from utilizing the services of superior officers in the management of the militia and confining those States in this respect to the services of officers of a lower grade?

Mr. HULL. Oh, no; not at all.

Mr. COCKRAN of New York. What else can be the object?

Mr. HULL. But I do not believe that a man getting as large pay as they do on the retired list should come in and get full pay for the service that he does for the State.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question? Suppose an officer were upon the retired list and served in this House as a Member of Congress, would he not draw his $5,000 a year and also his retired pay?

Mr. HULL. They have done it when they were here before.

Mr. WILLIAMS of Mississippi. Yes, sir; I remember an instance of that, and that is why I call the gentleman's attention to it.

Mr. HULL. But we did not increase their pay when they served here.

Mr. COCKRAN of New York. Now, Mr. Chairman, it seems to me we have a complete statement of the reasons why the committee favors this amendment, and I most respectfully submit that they should be decisive for its rejection. If the attitude of the committee be intelligent it is that the States of the Union which may desire to utilize the services of retired army officers to improve the discipline of their militia shall be discouraged from employing officers of a superior grade, or at least that officers of a superior grade shall be penalized if they accept such employment. Now, that proposal must be justified on one of two grounds; either on the ground of doubtful conduct by the State or by the superior officer, on one hand, or else that an inferior officer is likely to prove more efficient. The first assumption is inconceivable, the second incomprehensible. Can it be pretended that a man who has served his country so faithfully in battle and out of it that he has risen to high honor shall be treated as a person less free to utilize his retirement for the benefit of his country and his own dignity than if he had struggled along the pathway of service and had been retired while he was still subordinate in rank though of mature years? Can it be possible that the House of Representatives will take an attitude of hostility to merit and place upon it certain disqualifications from which it sedulously and carefully relieves officers who according to their records have rendered less meritorious services and therefore acquired less prominent positions?

I would like to know just here if the Committee on Military Affairs has suggested this amendment or does it proceed simply from the wisdom of the gentleman from Iowa [Mr. HULL] himself?

Mr. HULL. I did not hear what the gentleman said.

Mr. COCKRAN of New York. I would like to know if this amendment is the result of action by the Committee on Military Affairs or simply the fruit of your wisdom?

Mr. HULL. I stated this morning when I proposed to offer it that I had not submitted it to the committee; that I proposed to offer it here, but that each member of the committee could do as he pleased.

Mr. COCKRAN of New York. Then, Mr. Chairman, I desire to qualify what I have said so far as it may sound in any way like a criticism of the committee, and modify it so that it will apply simply to the attitude of the gentleman from Iowa. I trust, Mr. Chairman, that the committee will vote down the amendment, that it shall not appear as if the House of Representatives regarded the superior, the best officers of the Army with distrust, reserving its special favors for the men who did not succeed in acquiring equal dignity in the military service.

Mr. STEVENS of Minnesota. Mr. Chairman, perhaps it will be well to understand what the situation is and has been concerning the use of these retired officers in connection with the discipline, drill, and inspection of the National Guard. That for some years, by the law, retired officers might have served in any State in connection with the National Guard has been true, as stated by the chairman of the committee, and that officers of higher rank have not availed themselves of that service, and the governors of the States have not sought or used them up to the present year is equally true. The reason for that is this, that the older officers, especially colonels, brigadier-generals, major-generals, and lieutenant-generals, as a rule, are not fitted to do that work as it should be done for the benefit of the Guard. This is a peculiar and when properly done a service of much labor. It is that of careful inspection, of going about to the different stations and companies, of examining the various commands, supplies and equipments, battalions, regiments, and brigades in their encampments, wherever they may be, of holding schools or a system of instruction, and of doing the personal work of examination and of supervising their accounts and watching and guarding the property of the Government. The older officers of higher rank of the Army are not accustomed to this kind of work and have not been accustomed to do that in the performance of their duty for many years past. It is hard, irksome, and continuous, and yet necessary if it is to be of any use to the Guard. It is not a showy tin-soldier sort of service, not filled with social functions, but with hard work.

The older officers are not as well calculated, after they are 64 years of age and more, to do that work as are the captains, majors, and lieutenant-colonels of the Army whose daily duty it has been to do that work. These are the men who ought to be detailed. Yet the result of the passage of the amendment one year ago has been that there has been an unseemly scramble among the officers of higher rank to be assigned to this service so they can get more pay. They have used their social and political influence and done whatever they could to secure desirable assignments. That is the way it has worked out.

The result will be to deteriorate the efficiency of the National Guard if this be allowed to continue. Now, this has not been brought before the Committee on Military Affairs, but as one of the members of that committee I am strongly in favor of the passage of this resolution for two reasons: First, to improve the efficiency of the National Guard; the other to improve the conduct of the officers of the Army by notifying them that they should continue to preserve their dignity, instead of going around and seeking all kinds of influence by which to be assigned to the National Guard in the several States, so that their main function will be to receive the higher compensation provided by the act of one year ago. [Applause.]

Mr. COCKRAN of New York. Will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from Minnesota [Mr. STEVENS] yield to the gentleman from New York [Mr. COCKRAN]?

Mr. STEVENS of Minnesota. Certainly.

Mr. COCKRAN of New York. The gentleman from Minnesota [Mr. STEVENS] has now given a reason for this amendment which is absolutely conclusive, if the facts justify his statement. If the conduct of these retired officers has come to be so meretricious as he describes, it is necessary that we should take action to defend not merely the State militia from their corrupting influences, but the good name of the country from their degradation. But surely, if this unseemly scramble has arisen, if soldiers whose names we have been accustomed to hold in something akin to reverence as the heroes of our national admiration have descended to such practices, it is fitting and proper that we should have the circumstances of their abasement and the names of the fallen. I do hope they have not all become tainted. I do hope that the prospect of small rewards in their old age has not made them utterly unmindful of all the credit that they have won for themselves and their country in their prime. There must be a few exceptions, and therefore I ask the gentleman from Minnesota [Mr. STEVENS] to specify the facts on which he makes the statement, and to give the names of those general officers who have brought discredit upon their illustrious calling. [Applause.]

Mr. STEVENS of Minnesota. The gentleman, as usual, is very careful to shoot wide of the mark. I said this, that officers had besought men who have influence with governors of the States, asking for assignments. I do not propose to give any names, because it is not a corrupt thing to do, and they have a right to do it under the law. I just stated it was unseemly. I thought so then and I think so now. I think that sort of thing ought to be discouraged.

Mr. COCKRAN of New York. So do I.

Mr. STEVENS of Minnesota. And the way to discourage that and to make efficient service in the National Guard is to pass an amendment like the one now pending.

Mr. COCKRAN of New York. I agree with the gentleman from Minnesota [Mr. STEVENS] that the proper term is "unseemly." I am far from applying the term "corrupt."

Mr. STEVENS of Minnesota. You did apply it.

Mr. COCKRAN of New York. But an unseemly act by a general officer of the Army, such as seeking opportunity to draw pay from the United States Treasury without rendering service, by reason of the illustrious deeds that he must have performed to reach that rank, is a degradation of the national honor. Now, the gentleman from Minnesota [Mr. STEVENS] states that such has been the conduct of these illustrious men and that it is unseemly, but declines to give us the names of the persons who have been guilty of the unseemly, degrading practices. Sir, I submit to him this characterization extends to nine general officers. I wish to remind him that as he puts it it extends to nine men whose fame has hitherto been not merely spotless but shining. He can not possibly mean that it extends to more than one or two. It is almost impossible that he could have personal knowledge of more exclusive delinquencies. Let us have the exact extent to which these unseemly and, for men of that stamp, demoralizing and degrading practices have been carried, and then, perhaps, we can agree more closely on the remedy that should be applied. Let us have the names of at least some of these general officers.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. STEVENS] has expired.

Mr. COCKRAN of New York. Mr. Chairman, I move to strike out the last word. I appeal to the gentleman and beg him in some portion of the five minutes that have fallen to me now by reason of having made this motion to give that enlightenment to the House which I think is absolutely essential for a proper and dignified disposition of this motion. Give us the name of one governor to whom such unseemly applications have been made. Let us have one fact to justify this language of singular strength in which the gentleman has indulged. I ask for one fact, Mr. Chairman, for the name of one general officer or of one governor. [A pause.]

Now, Mr. Chairman, since we are not to have that information, I have but to add that I differ from the gentleman from Minnesota as to the "proper remedy" or as to the existence of any evil that requires remedy in this respect. "The proper remedy" is not to pass this measure, which he declares necessary, on the assumption that general officers are universally guilty of unseemly conduct. I deny the fairness of the assumption. It is not justified by anything before this House. I deny it; and the gentleman's silence is a withdrawal of the imputation. I say it would be an outrage upon men of illustrious character if this House should adopt this amendment without any other justification than the imputation which the gentleman from Minnesota has cast upon general officers of the United States Army now in a state of retirement. As to the imputation that these generals are disqualified by age from an efficient discharge of these duties, let me suggest that Blucher was older than they when he fought the battle of Waterloo, and Von Moltke when the battle of Gravalotte was fought, and age did not militate against the ability of either to win victory for his army, advantage for his country, enduring glory for himself.

Mr. HULL. I desire to say to this House, having talked with one or two members of the Military Committee, when I made the statement on the floor that the purpose was to reduce the expense of the Army as far as we could without injury to the service of the country, we think it will probably cut off at least fifteen or twenty thousand dollars by way of salary to the higher officers. It must be remembered that until last year the officers who have been doing this work have been giving their service for nothing except retired pay, and have been doing it on these terms for years. We believed it would not impair the service if we could cut down, and when we looked around where we could reduce the expenses and give those who have been doing the work a little recognition and save the Government the difference in the pay between retired and active pay for the higher officers, it would meet the commendation of those who on that side are continuously crying against military expense.

Mr. COCKRAN of New York. How much will it save?

Mr. HULL. I have not figured it out. It would save in difference in pay of higher officers between full pay and full allowance and three-quarters pay and no allowance for quarters.

Mr. COCKRAN of New York. And what is the total of the army appropriation?

Mr. HULL. The gentleman on my right says it might run up to $100,000. It is admitted to be true that the duty which has heretofore been performed by captains and majors without increase of pay the higher officers are largely taking now that the pay is increased.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will ask the chairman of the Committee on Military Affairs, in my time, how long the law has been in force which it is now proposed to amend?

Mr. HULL. Since the passage of the last appropriation act.

Mr. WILLIAMS of Mississippi. It was law for the first time then?

Mr. HULL. It was law for the first time then.

Mr. WILLIAMS of Mississippi. This law was then considered by the Committee on Military Affairs and advisedly passed without the amendment which the gentleman now offers?

Mr. HULL. It was; and then no high officers were involved in that service.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, this amendment either goes too far or it does not go far enough. It seems carefully confined to a certain set of retired officers who have accepted a certain sort of service from the States.

If the idea were economy, and if the motive were that these officers receive from other sources a sufficient compensation, and therefore are not to receive this additional compensation, this amendment ought to go further. It ought to provide that whenever an officer out of the ranks of the Army shall be in the service of a State or the United States, either receiving pay as a military, naval, executive, or legislative officer, that he should forfeit this additional pay. The gentleman and I sat upon this floor at a time when a distinguished general officer of the Army was receiving his full retired pay and at the same time receiving a salary as a Member of this House and $72 per month pension, and no complaint was ever made. Now, Mr. Chairman, it is well enough for gentlemen to be perfectly frank with one another and frank with the country.

I very much fear a very recent occurrence has had something to do with the present offering of this resolution. It has not been long since I read from the public press that a late general of the United States Army—a lieutenant-general at that—had been appointed by the governor of Massachusetts as his adjutant-general of the State guard. I make no charges; but I very much fear that the real motive behind this motion now is an attack upon that general, to wit, General Miles, who is extremely persona non grata in high circles in the Republican party, and I am all the more disposed to believe it because I have not caught my colleagues upon that side of the Chamber hitherto suffering with sudden and ill-digested spasms of economy—economy especially in homeopathic doses.

It seems to me that something besides the mere money to be saved is behind this amendment. The argument of the gentleman from Minnesota [Mr. STEVENS] "will not wash." It will not do to tell us that a lieutenant-colonel or a colonel, both in grade superior to a major—and this amendment cuts off all above majors—much less a lieutenant-general, is less capable of doing inspector's duty or adjutant-general's duty for a State guard than majors and men under that grade. Or can it be, Mr.

Chairman, that there is an envy on the part of the gentleman from Iowa of this fearfully and wonderfully constructed piece of machinery that has been lately described as emerging from the great State of Massachusetts—the general staff of its governor? Not long ago I read a description in the Washington Post of the manner in which that staff would go forth when it shall be fully appareled, and I gathered from it that Solomon in all his glory was not arrayed like one of these. [Laughter.] And now, simply because there is a general officer who happens not to agree in politics with my genial friend from Iowa [Mr. HULL], who has become a part of this fearfully and wonderfully constructed and appareled piece of State militia machinery, the entire force and power of Congress is to be invoked to strike him down in the day of his coming glory. [Laughter.] It is well enough to be candid, I say. It is no new thing that the Republican party should slight the heroes of the nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask that the gentleman have such time as he desires.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Mississippi be allowed time to conclude his remarks. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is not a new thing that a Republican Administration, now and then, in its desire to push its favorites to the front, whether they are mere colonels and surgeons, or surgeons with the rank of colonel, or colonels with the rank of surgeon, or what not, should in some way or other slight the men who have done great service to the country and should put them aside for the time being without due honor.

It has not been long since the country witnessed the manner in which Schley was treated; it has not been long since the country witnessed the manner in which General Miles was snubbed in public, nor the little honor which Admiral Dewey received in Administration circles, for what reason I know not. But do not resnub General Miles in his new State militia uniform. Do not take that away from him in the time of his pride. Suppose this had been a Republican major instead of a Democratic Lieutenant-General, do you suppose that there would have been heard a single utterance, a single syllable, of criticism upon that side of the Chamber? When was this suddenly-born Republican appetite for economy invoked upon a pretense so slight and for a sum so small? [Laughter.]

If you want to be economical we can tell you from this side how to be economical. This country grew to be a great country, it entered upon the Spanish-American war with 25,000 men of all arms, 25,000 men not only magnificently trained as soldiers, but magnificently born as citizens, and that is what chiefly made them good soldiers.

You can be economical with our help, if you will. We will vote with you right now. We will not make the point that your amendment is not germane. Offer a motion here now to direct the Secretary of War to reduce the size of the Army as soon as practicable to 35,000 men—25,000 men to put it upon its old antebellum Hispano-American footing, and 10,000 men additional to form a highly trained corps for the management of heavy artillery in the coast defense—and then your economy will speak in millions and not in mere thousands, and your economy will relieve some of the tension into which you have gotten. I say economize, yes, and I say, moreover, use what money you are going to use for a different set of purposes. Already we hear that our great harbors are to be allowed to shoal up, that our great rivers are to be permitted to become obstructed, that the Government is to go on paying extravagant rents for public buildings which it can build with its own money at the cost of 2 per cent per annum. And why is it? Because you insist on keeping an army that is absolutely useless for any purpose immediately to be foretold. Build and maintain an adequate navy, having a due annual increase. Sink your enemies on the seas before they land upon the American coast. Get rid of your outer fringe of useless dependencies, that require forty-eight more battle ships than would be required without them, and that furnish you with an excuse for this enormous army in time of peace. Do not take it all out of General Miles's additional pay and his Massachusetts State militia uniform. [Laughter and applause.]

Mr. GILLETT of Massachusetts. Mr. Chairman, if I thought that the motive suggested by the gentleman from Mississippi [Mr. WILLIAMS] was the real purpose of this amendment and that it was aimed at General Miles I certainly should vote against it. But I believe that this amendment was offered with the honest purpose of economy and that the case of General Miles merely happens to fall within it.

The Democratic party always professes to be in favor of economy, but it is very noticeable that any particular economy which comes before the House they generally oppose and want to economize in some other way. They are in favor of the principle, but against its application.

Now, take this case of General Miles, which the gentleman speaks of. It illustrates how, under this amendment, the States can still accomplish the same result, if desirable, because if they want a chief officer of high rank they can always offer a compensation. Massachusetts did it in this case, expecting to pay General Miles a salary; but, with a magnanimity which was rare and most commendable, he declined the salary which Massachusetts offered.

Mr. WILLIAMS of Mississippi. Will the gentleman yield for a moment?

Mr. GILLETT of Massachusetts. Certainly.

Mr. WILLIAMS of Mississippi. The amendment does not read as I fear the gentleman thinks it does. It does not apply to officers who are receiving pay from the States in the militia; whether they are receiving pay or not it applies. It reads:

When assigned to active duty with the organized militia of the several States and Territories.

So that would deprive General Miles of additional pay, although he is receiving nothing from the State.

Mr. GILLETT of Massachusetts. Certainly, and in that case the State of Massachusetts would make it up to him, and that is the point I was making. It is always within the power of a State that wants a general officer to offer him a salary.

Now, unquestionably most of the duties which these retired officers of the Army perform with the militia can just as well be performed by a lower-grade officer as by a general, and they always have been; but there may be an occasional case, like this of Massachusetts, where they are ambitious and have some special purpose for which they want an officer high in rank. In that case let them offer him some additional pay and they will get him. In most cases a captain or a major is quite sufficient to perform the office and will perform it quite as well, and therefore let the State that will be content with the ordinary services take the ordinary man and let the State which thinks it ought to have a general officer contribute something and thereby save the United States treasury. My only reason for supporting this amendment is because it seems to be a genuine economy—it saves the United States a material sum without in any way impairing the efficiency of the militia, and it allows any State not satisfied with the lower-grade officer to procure a higher one by adding to his United States income a State salary.

Mr. HULL. Mr. Chairman, I want to say a word in answer to the gentleman from Mississippi, by making the statement positive that the amendment was not aimed at General Miles or any other gentleman. My attention was called to it when I received the Army Register. General Miles's name is not on the Army Register, and for that reason could not have been in contemplation by me as striking at any individual man. I am for the amendment because I believe it is right.

Mr. GAINES of Tennessee. What is the date of the Register?

Mr. HULL. December 20, which has the list of officers.

Mr. GROSVENOR. Mr. Chairman, I called the attention of the chairman of the Committee on Military Affairs this morning to the question which is now under discussion. If I had any feeling one way or the other, as far as General Miles is concerned, it would be one of great personal friendship. General Miles married an Ohio lady, a niece of General Sherman and of John Sherman, a lady whose father was born in the district which I have the honor to represent in Congress, and she was always a personal friend. I confess that my attention was called to this provision of a former appropriation bill by a newspaper statement in regard to General Miles. Then I hunted up the condition of affairs and found that nine brigadier-generals, who had been retired on retired pay, had in this way, and by virtue of this provision, become entitled to draw full pay and allowances, commutation, and everything of that character, as though they were on duty with their full rank. I thought that it was not the right sort of legislation, and I think so now. I know of no reason why a man retired, with the pay that Congress gives to him on the retired list, should, by virtue of employment where he can make money, suddenly be transferred back again to the position of the soldier or officer of the United States who is discharging the duty of his rank in the front.

Mr. COCKRAN of New York. Mr. Chairman, if the general officer, retired, had employment in a corporation, would that interfere with his compensation from the General Government?

Mr. HULL. Mr. Chairman, if the gentleman from Ohio will permit, I will say no, not so far as his retired compensation is concerned.

Mr. GROSVENOR. Not at all.

Mr. COCKRAN of New York. I understand the gentleman makes the distinction between accepting public employment for the improvement of the militia and accepting employment for his own emolument.

Mr. GROSVENOR. I did not make any objection of that character. I object to giving to any retired officer his full pay and emolument simply because he can make money in addition to that by any sort of procedure whatever.

Mr. HULL. The gentlman from New York [Mr. COCKRAN] seems to have it in his mind that if this proviso is adopted the officer does not get any retired pay.

Mr. COCKRAN. No; I have not that in my mind.

Mr. HULL. Well, the gentleman's questions would seem to indicate that.

Mr. COCKRAN of New York. My question is, Would it make any difference to the retired officer?

Mr. HULL. He would not, if he entered the employment of a private corporation, get any increased pay on the retired list, would he?

Mr. GROSVENOR. I do not think the gentleman from New York understands what the operation of the law is.

Mr. COCKRAN of New York. I did not get the question of the gentleman from Iowa [Mr. HULL].

Mr. GROSVENOR. I think I can make the gentleman understand it. The law as it now stands, provided an appropriation bill has carried the law forward, which I doubt very much, provides that a retired officer who takes a contract with a State militia to drill the militia or to officer the militia shall thereupon not only draw his retired pay but be restored at once upon the pay rolls of the Army to his full pay and emoluments as though on the active list. If there is anybody on earth who can explain to me the logic, the fairness, the justice, or the sense of such a provision as that, I would be very glad to get that information. Now, then, about this political matter.

Mr. COCKRAN of New York. Will the gentleman allow me an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. COCKRAN of New York. I understand there is no intention of disturbing that precise character of regulation as to an inferior or as to officers below the rank of major.

Mr. GROSVENOR. I will tell the gentleman why. We have been in the habit of assigning officers who have been disabled and thereby retired as attachés of our embassies and legations abroad and to certain other duties of like character. The law was intended to aid those young men or those men in being able to afford to go to those positions. I myself on one occasion, at one of the great embassies of the United States abroad, saw one of these young men. I first met him at some public function, dressed in a most gorgeous uniform and looking well fed and well kept. He afterwards invited me to the place where he lived, and he was living upon the merest, scantiest possible provision for life. He told me the reason was that he could not afford anything else under the pay he got. Now, it was intended to help out just such things as that.

Let me call the attention of gentlemen on the other side to this. The gentleman from Mississippi [Mr. WILLIAMS] has found something in the shape of politics in this matter. He says General Miles is a Democrat. That is the first I ever heard of it. [Laughter.]

Mr. BAKER. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GROSVENOR. No; the gentleman can not ask me a question. I am in the midst of a most important point. [Laughter.]

Mr. BAKER. The gentleman always is when I want to ask him a question.

Mr. GROSVENOR. Now, what authority has the gentleman from Mississippi [Mr. WILLIAMS] for stating that General Miles is a Democrat? If the public prints do not falsify, he sought the nomination for the Presidency on the Prohibition ticket, and God knows that the extreme antipodes were reached then. [Prolonged laughter and applause.]

Now, there are nine brigadier-generals at present that are in this same position. I do not know the name of one of them. I do not know whether they are Democrats or Republicans. The probability is they are intelligent men, men of education, men of efficiency, and the further probability is that nearly all of them are Republicans. Yet this same proposed amendment has the same operation on those gentlemen that it has on General Miles. So there ought not to be any political consideration in it. But suppose there is, can our friends, can this committee afford to pay such an unreasonable sum of money as this to nine officers—how many more I do not know—a gift of that character that can not be supported by any reasonable argument whatever? I disclaim in supporting this measure any suggestion of hostility against any man. I did not know until I read in the paper that General Miles will be affected by it. I do not know now who else will be affected by it. I know that the law of Congress has put every one of these men upon the retired list at a certain salary, and I can not see any reason why they should be retired at full pay.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Mississippi?

Mr. GROSVENOR. Certainly.

Mr. WILLIAMS of Mississippi. This amendment simply applies to those who are above the rank of major, so if the gentleman's argument is well taken then the amendment ought to apply to all retired officers.

Mr. GROSVENOR. I have already pointed out, and the gentleman did not understand me, I think—I pointed out the original purpose was to give it to certain officers who drew but small pay; that the retired pay of that low grade was so small a salary that they were not able to take these employments abroad and elsewhere, because their salaries under the retired pay were not sufficient.

Mr. WILLIAMS of Mississippi. The second object of my interruption was to state that, as I understand it, the object of the original law was to increase the efficiency of the National Guard by encouraging and causing men upon the retired list, who were well trained in military affairs, to become identified with the National Guard in its organization and its training. Now, if that be the object of the law——

Mr. HULL. If the gentleman will yield for a moment; I desire to correct him a little there. The main object of the committee was to get back to the active list the men who were serving governors and allowing those on the retired list to get a rate of pay so they could live at their respective assignments.

Mr. WILLIAMS of Mississippi. Very well, then, the object was twofold—to get back the men into the active service of the nation instead of the State, and, secondly, to build up and train and organize better the National Guard itself by encouraging men of long and expert military training to become identified with the National Guard in various capacities. Now, the gentleman says he can not see any object in giving this additional pay. That was the object, and it seems to me a very laudable object, and one that would produce more good with less money than most military expenditures.

Mr. GROSVENOR. Now, Mr. Chairman, my time has been occupied and I would ask for about three minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

Mr. GROSVENOR. Now, my answer to the gentleman from Mississippi is twofold, and in the first place I state my own views. I am very much opposed to the spectacular development of the State militia. I have some views on that subject that came to me as I witnessed the blood of dead men upon the streets of the town in which I lived. I do not believe in the organization of the State militia into divisions and army corps and parades and maneuvers. The State militia should be organized in companies, drilled and perfected in the school of the soldier and of the company for the purpose of suppressing insurrections and riots and to fit a set of young men for the possibilities of war; but to get up great spectacular parades and to undertake to maneuver twelve or fourteen thousand men in the form of corps drills and sham battles is a gross waste of public money and utterly valueless to the soldier upon whom the money is expended. Now, that is my first proposition. My second suggestion is that an officer of low rank, such as lieutenant, captain, or possibly major, is quite sufficient for all these purposes. Ninety-nine out of every hundred of the captains and majors of the United States Army to-day are more familiar with the school of the soldier, of the company, and of the battalion than is the brigadier-general retired.

Therefore, I can find no excuse for this extravagant expenditure of money.

Mr. BONYNGE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the question has been raised here as to why we should draw a distinction between the officers of the lower rank and the officers above the rank of major. It appears to me, Mr. Chairman, that there is a very simple answer to that question. As I understand, under existing law if an officer of the rank of captain is assigned to this work in one of the States he is thereby given full pay as a captain, which means an in-

crease of expense on behalf of the Government of the United States of perhaps four or five hundred dollars. If, on the contrary, a general takes one of these positions in any of the different States, he is given full pay as a general, which means an increase of expense to the Government of the United States in the matter of his salary of something like $1,300, and in addition to that, as I understand, $72 a month for quarters, and perhaps some other emoluments that would not go to an officer of a lower rank. And while the Government of the United States may be willing and may properly think it is wise to expend four or five hundred dollars in each of these cases in order to secure the services of an officer of a lower rank than major, the same reasons would not exist for expending for each of these officers an increase of nearly $2,000 or $1,800 with the nine major-generals who are now employed in such capacities. It seems to me, therefore, that there is a very good reason why the distinction should be drawn with reference to the rank of the officer who should be restored to his full pay when he assumes duties of this character.

Mr. THAYER. It seems to me, Mr. Chairman, from what the gentleman from Ohio [Mr. GROSVENOR] has said that there are nine persons holding rank above that of major that have, since this law went into effect, something like a year ago, accepted positions on the staffs of different governors of different States. That fact was known, probably, to the Committee on Military Affairs when they prepared this bill; and it is evident that they paid but little attention to the fact until within a few days, when it is known that a man carrying the highest military title in the gift of this country was besought by the Democratic governor of Massachusetts to go upon his staff as chief inspector of the militia of that State. I wish to ask, if it is not perfectly apparent that this bill is intended as a thrust against General Miles, why was it that this committee did not remember that eight others, military gentlemen on the retired list, had accepted positions during the last year under conditions identical with that of General Miles? And, again, if this was such a flagrant abuse of their position, did they not originally in their reported bill provide for that condition of things that they undertook to provide for in this amendment, which the chairman, without consulting his committee, springs upon us?

The gentleman from Minnesota [Mr. STEVENS] says that these higher officers in our country are conducting themselves in an unseemly way in going about and begging positions of the governors of the different States. I think the gentleman is drawing exclusively upon his imagination. It happens to be within my special personal knowledge that, so far as the request made by Governor Douglas that General Miles should be detailed to Massachusetts is concerned, it came from Governor Douglas himself, and General Miles was importuned day after day before he was willing to accept the position. Governor Douglas naturally looked to him because, in the first place, he was a native of the Commonwealth of Massachusetts, and secondly, the highest military title in the gift of the American people had been conferred upon General Miles, and our Democratic governor was bound the people of Massachusetts should have the best the country afforded, and of all men high in rank General Miles was best adapted to the position that Governor Douglas wanted him to fill.

I want to say also that the gentleman from Minnesota [Mr. STEVENS] said that these high-titled officers were antiquated men, that they were past usefulness, and that they were not proper men to be detailed to the different States in order to have charge of the State militia, which, by the way, is a part of the National Guard; but all this is somewhat in contradistinction to what the gentleman from Massachusetts [Mr. GILLETT] said when treating upon this subject. He stated, in substance, that these high-titled officers were proper men to be detailed to the different States to perform the duties there assigned to them, but that the States ought to pay the compensation which they would naturally require. It did not occur to the gentleman from Massachusetts that General Miles or any of these other eight men who have been detailed in different States were past usefulness. The detailing of General Miles to take charge of the State militia was fitting and proper. Now, the people of Massachusetts are fond of General Miles and will resent any insult to him, and this amendment is directed to him and would never have been offered had he not accepted the call from Governor Douglas.

I want to say to you, Mr. Chairman, that the people of Massachusetts will believe that this is a thrust and an insult to General Miles, not the first one either that has been imposed, and if you desire to make Massachusetts solidly Democratic vote this amendment, and we will not only reelect Governor Douglas, but the whole Democratic ticket from top to bottom. [Laughter and applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, I move an amendment to the amendment.

The CHAIRMAN. Without objection, the gentleman's informal amendment will be withdrawn. The gentleman from Indiana offers an amendment to the amendment, which the Clerk will report.

Mr. ROBINSON of Indiana. I move to amend by striking out the words "above the grade of major" where they appear in the amendment.

The Clerk read as follows:

Amend the amendment by striking out, after the word "Army," the words "above the grade of major."

Mr. HULL. How will it then read?

The Clerk read as follows:

Provided, That no retired officer of the Army shall, when assigned to active duty with the organized militia of the several States and Territories, receive from the United States any pay or allowance additional to his pay as a retired officer.

Mr. ROBINSON of Indiana. Mr. Chairman, if economy is the object sought, then the amendment I propose to the amendment of the gentleman from Iowa [Mr. HULL] has that virtue. If discrimination is sought to be avoided, the amendment to the amendment produces that result. If it is desired to place the burden upon the States which are to select retired officers of the Army for State service, they can do so from the lower grades equally efficient, or it places upon them the burden of paying the officers of high grade if they are selected as such officers. The purpose of this amendment to the amendment is to provide that no officer that has been detailed to a State government shall receive any pay from the United States Treasury except that of their retired pay, placing upon the State selecting the burden of paying such sums as they, in their wisdom or unwisdom, may choose to pay, measured by the rank of the officer selected. Surely under this amendment we avoid all appearances of unjust discrimination.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Indiana.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROBINSON of Indiana. Division.

The committee divided; and there were—ayes 92, noes 92.

Mr. ROBINSON of Indiana. I ask for tellers.

The CHAIRMAN. Tellers will take their places——

Mr. GROSVENOR. Tellers were not ordered.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the Chair prefers to order tellers on this vote. The gentleman from Indiana, Mr. ROBINSON, and the gentleman from Iowa, Mr. HULL, will take their places as tellers.

The committee again divided; and the tellers reported—ayes 100, noes 100.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Iowa.

The question was put.

The CHAIRMAN. The Chair is in doubt; there was so much confusion. The Chair would prefer to order tellers on this vote. Will the gentleman from Iowa [Mr. HULL] and the gentleman from Virginia [Mr. HAY] take their places as tellers?

Mr. HAY. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Iowa.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Iowa [Mr. HULL] will take their places as tellers.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARTLETT. I would like to have the committee advised as to what they are voting upon.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The committee divided; and there were—ayes 106, noes 71.

So the amendment was agreed to.

The Clerk read as follows:

Pay of enlisted men, $95,148.

Mr. SLAYDEN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 20, page 15, add:

"*Provided*, That so much of any and all statutes of the United States as authorizes the maintenance of the Porto Rico Provisional Regiment of Infantry be, and the same is hereby, repealed, to take effect the 1st day of July, 1905."

Mr. HULL. Mr. Chairman, I will reserve the point of order on that.

The CHAIRMAN. The gentleman from Iowa reserves the point of order.

Mr. SLAYDEN. I want to say to the economists of this House, on both sides of the Chamber, that if this amendment is supported they will do some very effective work in the way of money saving. It is simply intended to abolish what is known as the "Porto Rican Provisional Regiment," a branch of the Army which received special attention in the report of the Secretary of War two years ago, when Mr. Root said that there was no longer any reason for continuing it in the service. He stated, what everybody knows to be true, that the conditions in that island are such that an ordinary police force can do all the duty which this regiment performs, and leave to the Regular Army of the United States the protection of the seacoasts of that island.

Mr. Chairman, no reason worthy of the consideration of this House for a moment has ever been offered why this Porto Rican provisional regiment should be continued, and if it were not a fact that there are officers in that regiment for whom gentlemen are solicitous and whom they desire to maintain on the pay rolls the regiment would have been abolished two years ago. The reports of the Secretary of War since then have been silent upon that Porto Rican regiment. They have neither recommended its continuance nor its discontinuance. They have failed to recommend its continuance, I apprehend, because there is no reason that can be urged why it should be continued. They have not recommended its discontinuance because, as I apprehend, they thought they would run against that powerful influence which made this Congress override the specific and well-founded recommendations of Secretary Root in 1902.

Mr. Chairman, recognizing the fact that the point of order made by the chairman of the committee will probably be sustained by the Chair, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

The Clerk read as follows:

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each.

Mr. CLARK. Mr. Chairman, I move to strike out lines 13 and 14, on page 15.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, strike out lines 13 and 14:
"For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each."

Mr. CLARK. I take it there is no point of order that will lie against that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HULL. Mr. Chairman, two years ago we practically took action to abolish the regiment in Porto Rico. I believed then and believe now that there was no reason for its continuance, so far as the necessities of the Government were concerned. The House voted to discontinue it. It went to the Senate and there the action of the House was reversed. We were in conference on the matter, and after some two weeks or more it was decided to let it go for four years. The House agreed to that. They authorized the President to commission the officers for four years. That time, under the law, will not expire for two years yet, and I am not in favor of abolishing it at this time, for the reason that they had a right to expect the regiment to be continued for the four years authorized by Congress. Of course it is claimed from a sentimental standpoint that it is of great benefit to the people of Porto Rico to have two battalions of troops. In my judgment, that benefit could be had just as well by enlisting them and making them a part of the Regular Army; but, as I said before, on account of the action of Congress, ratified by both Houses and approved by the President, by which these officers are commissioned for four years and the troops enlisted for the same time, I am not in favor of reversing that action. There is no point of order on the amendment.

Mr. CLARK. Mr. Chairman, my amendment is to strike out lines 13 and 14, on page 15, which run in this wise: "For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each," which means that that regiment will be disbanded if my amendment is adopted. The House just went on record in favor of economy. I voted with the gentleman from Iowa [Mr. HULL] on that proposition to save somewhere from thirty thousand to one hundred thousand dollars a year. This proposition saves a million dollars a year.

I never intend to vote in this House against any proposition that looks to a reasonable economy. I do not care a straw whether Democrats or Republicans are to be made the beneficiaries of these superfluous salaries and expenditures. In any event we have no right to squander the public money. The gentleman from Iowa [Mr. HULL] admits that there is no use for this regiment. The Secretary of War [Mr. Root] recommended that it be abolished. I have still another objection to it. I object to the establishment in this country and in these dependencies of the United States of a kind of Sepoy troops. I am opposed to any Filipino being in the Army of the United States, or any Porto Rican or any Hawaiian being in that Army. If we are to have a standing army in the United States at all, I want it to be composed of American citizens. There is no sense in any other proposition. The truth about the whole thing is that the amendment of the gentleman from Arkansas [Mr. LITTLE] ought to have been fastened onto this bill. The United States Army ought to be cut down by one-half; and when I say that, I trust I am as patriotic as any other man on this floor.

We never have depended on the Regular Army to do our fighting; we never will depend on the Regular Army to do our fighting. The men that have enabled the United States to conquer in every war that has ever been waged were just such men as we are here to-day. They are men who have no desire to be soldiers, but in the time of stress and trouble will become soldiers through patriotic motives, and then when the war is over and the fighting is finished, instead of wanting to stay in the Army, they will get out of the Army as quick as they can and mingle again in the walks of civil life and become good citizens.

Now, I want to recapitulate this. The Secretary of War said there was no use for this regiment. The chairman of the Committee on Military Affairs of the House says there is no use for it. My amendment saves a million dollars a year. You gentlemen on the other side of the aisle that displayed your spirit of economy a while ago by saving a paltry $30,000—and I voted with you—come and show your real spirit of economy now by walking up and saving a million dollars. You can not justify yourselves on the other vote if you do not vote for this. [Laughter and applause.]

Mr. COWHERD. Mr. Chairman, I can not agree with my colleague or the gentleman from Texas, and I fear not with the gentleman from Iowa, the chairman of the committee, if I caught properly the tenor of his remarks. I believe that this Porto Rican regiment, if we are going to hold Porto Rico, is eminently a proper thing to maintain. The gentleman can say what he pleases about sepoys, but if you are going to hold foreign possessions you want the natives of those islands in the ranks of your Army. If you would have an India you must enlist your sepoys. If you are going to maintain your possessions in Porto Rico, if it is to be worth anything as a naval base, you have got to build up there a loyal sentiment that in time of war is your support, and there is no better way to build it up than by having the men of that country enlist in the ranks of your Army. If you are going to hold the Philippines, if you are going to have behind you a sentiment that will maintain your naval station and make it a fortress against a foreign foe, you have got to have these men drilled in the ranks of your Army. Therefore I say if you are going to cut out a battalion to save money, cut it out in the United States; it will be better if you are going to occupy these places than to cut it out in the Philippines and Porto Rico.

Now, a word about the Porto Rico regiment. You have there a regiment of native troops, officered by United States citizens, who have been there ever since we took possession of the island, who speak the language, who are acquainted with the manners and customs of the people, and who, I am informed, are commissioned for four years anyhow, even if you strike out this clause. These officers have brought this regiment up to a high state of efficiency, so much so that in the target practice, in competition with the regulars, they won several of the first prizes, and rank among the leaders.

The regiment has been complimented for its efficiency by all who have inspected it, and the proposition now is to strike out this regiment, not for the purpose of reducing the forces particularly, because you could strike one out somewhere else, but because it is not a part of the regular establishment. It does not save a million dollars, as my friend said. If I am properly informed, it saves about a hundred thousand dollars.

Mr. HULL. About $146,000.

Mr. CLARK. How many men are there in the regiment?

Mr. COWHERD. I do not know.

Mr. HULL. There are eight companies, making 400 or 500 men.

Mr. SLAYDEN. There are 520.

Mr. CLARK. I want to say that the gentleman from Illinois

[Mr. MARSH], a member of the Committee on Military Affairs, stated on the floor of this House on cross-examination a year or two ago that it cost a thousand dollars a year, on an average, to maintain a private soldier of the Regular Army in the United States, and the figures of this appropriation bill carry it out.

Mr. COWHERD. I think that was in relation to the Philippine service.

Mr. CLARK. No; it was in relation to the service in this country. He said that it cost $2,000 in the Philippine Islands.

Mr. COWHERD. I base my statement on information from a gentleman well versed in military affairs, but that does not make any difference. If they are not needed, whether it saves $50,000 or $1,000,000, it ought to be saved. The point I make is that if you want to make it simply a matter of saving, decrease the forces in the United States, cut it out in this country; but if you are going to hold these possessions in foreign lands—if you are going to keep them as a part of the United States—I ask you is there any better way to keep them than by building up a spirit of loyalty by men serving under the flag? Will you be any better off down there by discharging the men that have built up this regiment and who are acquainted with the language, manners, and customs of the people, and detailing army officers to take their place who can not speak the language and do not know anything about the people? Which is better, to have the constabulary duties performed by natives or by Americans who will treat the native with that contempt the Anglo-Saxon always shows to those he considers of an inferior race? I am opposed to the amendment. [Applause.]

Mr. HULL and Mr. SLAYDEN rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HULL. Certainly.

Mr. SLAYDEN. Mr. Chairman, it is always very difficult for me to resist the eloquence and the logical arguments of my distinguished friend the gentleman from Missouri [Mr. COWHERD], and he pleads so persuasively and with such tremendous force that I am almost inclined to think that Kansas City may have contributed a warrior to that regiment.

Mr. COWHERD. Mr. Chairman, I desire to say to the gentleman from Texas [Mr. SLAYDEN] that Kansas City has contributed a gentleman, who was a captain in that regiment, and from whom I gathered the information that I have had the pleasure of laying before the House [applause]—information, I want to say, which the gentleman did not see fit to furnish to the committee.

Mr. SLAYDEN. Mr. Chairman, in response to the gentleman's suggestion that, in order to develop a spirit of patriotism, it is necessary to maintain this regiment, which Secretary Root described as a peculiar and separate organization, and which he declared to be unnecessary, I want to submit that in that same able report he stated—and no man on the floor of this House will question the propriety of the suggestion—that the people of Porto Rico should have the privilege of enlisting in the Army of the United States, and certainly they will there have an opportunity of developing a more purely American and less insular type of patriotism.

Mr. COWHERD. Mr. Chairman, I will ask the gentleman, as a matter of practical affairs, if he thinks that the Porto Ricans would leave their country and come to the United States to enlist in the service of the United States to any large extent?

Mr. SLAYDEN. As a matter of fact, I am told, Mr. Chairman, that they would enlist in the Army of the United States. They would not have to come here for that purpose, because we would send recruiting officers to the island.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman from Texas [Mr. SLAYDEN], if the amendment offered by the gentleman from Missouri [Mr. CLARK] should prevail, would it not be true that the only effect of it would be that, at least for the present, these regiments would not be paid; that they would have to, under their enlistment, remain in the service just the same to the end thereof, although they would not get any pay for it? Is not that the fact?

Mr. CLARK. Now, will the gentleman from Nebraska [Mr. NORRIS] allow me to ask him a question? [Laughter.] Does not the gentleman think, really, that if this Congress concluded it wanted to get rid of that regiment that it has ingenuity enough to find some way to muster those fellows out?

Mr. NORRIS. It might do it; but it would have to repeal a law under which they have enlisted.

Mr. CLARK. Well, we might do that.

Mr. NORRIS. Now, Mr. Chairman, I am in sympathy with the gentleman's motion to a great extent, but I submit this proposition to him and to the gentleman from Texas [Mr. SLAYDEN], that if the motion prevails it simply cuts off the money these men would get by virtue of this appropriation, and at least the private soldiers in that regiment could not and would not be allowed to resign like an officer would, and the result would be that they would have to remain in the service without any pay, unless they were afterwards paid by virtue of some other legislation.

Mr. SLAYDEN. Mr. Chairman, I take it for granted that the gentleman is satisfied with the reply made by the gentleman from Missouri [Mr. CLARK] that somehow or other, in some way, this Government would find a means of getting the men out of the service. I want to say to him, and I ask my friend the gentleman from Missouri [Mr. CLARK] to listen to this for a moment, because he has been led into an error as to the expense of this organization. These men do not get the same pay that the soldiers do in this country. Each Porto Rican soldier has $156 a year.

Mr. CLARK. But it does not change the principle of the thing, does it?

Mr. SLAYDEN. Not at all; and I think that the regiment ought to be abolished, and there are none of the reasons or alleged reasons which have been offered for its continuance that have not been fully answered by Mr. Root while he was Secretary of War.

Mr. NORRIS. Is it the idea of the gentleman from Texas [Mr. SLAYDEN] that if the motion proposed by the gentleman from Missouri [Mr. CLARK] should prevail, that that would do away with and abolish this regiment in Porto Rico?

Mr. SLAYDEN. Mr. Chairman, I was not able to hear what the gentleman said.

Mr. NORRIS. As I understand, Mr. Chairman, the gentleman desires to abolish this regiment. I am in favor of that myself, I think, but would the motion of the gentleman from Missouri accomplish that aim?

Mr. SLAYDEN. Mr. Chairman, there are so many entertaining conversations and interruptions going on round about here that I have still been unable to hear the question of the gentleman from Nebraska, and I will ask him to submit it to the chairman of the committee, the gentleman from Iowa [Mr. HULL], who is very much closer to him and who can hear him.

Mr. NORRIS. Mr. Chairman, if the gentleman from Texas [Mr. SLAYDEN] will cease conversation himself, I will try and make him hear. As I understand it, your object is to abolish the regiment in Porto Rico?

Mr. SLAYDEN. I think it should be done.

Mr. NORRIS. I have asked you the question, If the motion of the gentleman from Missouri should prevail, would that abolish the regiment? Is it not a fact it would not do anything of the kind?

Mr. SLAYDEN. Well, if it does not, sir, we will have a supplementary act of legislation that will complete the good work.

Mr. NORRIS. That might be, but you make these fellows serve without pay.

Mr. SLAYDEN. Oh, no.

Mr. HULL. Mr. Chairman, a very few words on this proposition. It is getting late, and I should like for this to go in the RECORD.

Mr. BAKER. I should like to have five minutes.

Mr. HULL. I am not going to conclude debate; it is nearly 5 o'clock, and Members want to go home, and we will take it up the next day and the gentleman will be recognized the first one and have more time for what he desires to say. Mr. Chairman, as to the cost of the regiment, I would say the Porto Rican regiment consists of eight companies, two battalions, and there are eight captains, not mounted, at $1,800 each; one captain, mounted (assistant surgeon), at $2,000; one first lieutenant, mounted (assistant surgeon), at $1,600; two first lieutenants, mounted (battalion adjutants), at $1,600 each; eight first lieutenants, not mounted, at $1,500 each; eight second lieutenants, not mounted, at $1,400 each; or a total of $44,000, with $6,500 additional pay. The enlisted men of the two battalions amount in gross to $95,148, so that the amount saved is not so great.

Mr. WILLIAMS of Mississippi. Do these enlisted soldiers of the Porto Rican regiment receive the same pay as our men?

Mr. HULL. They get a hundred and fifty-six dollars a year. They do not get an increase of pay for reenlistment that is provided for our home men.

Mr. WILLIAMS of Mississippi. How much do they get a month?

Mr. HULL. They get $13 a month, the same pay as our men, only our men when they reenlist get a dollar a month extra pay up to $18 a month, some of them. Now, Mr. Chairman, I fully indorse all that is said by my friend from Missouri in regard to the desirability of having the enlistment of Porto Ricans in the Army of the United States. I sympathized with that when I did what I could to incorporate them in the Army

of the United States, but what I did not believe was necessary was to have a separate organization, where they were set apart from the rest of the Army of the United States.

What he says is true as to the officers. They have done great service there in drilling, organizing, equipping, and developing the Porto Rican troops. Some of them are too old to go in the Regular Army. Those that are not past the age have the same right to enter the Regular Army that any volunteer soldier has to-day. My objection to continuing it for four years was that in four years' time these men would have an additional claim upon the Government for another extension; but Congress has determined that question and provided that they should be commissioned for four years and these two battalions continued for four years, and in pursuance of the law the Committee on Military Affairs has appropriated here just what the law provides for, and I submit to the Committee of the Whole House that it is not the proper way to reach this question by striking out the pay without abolishing and repealing the law that provided for the continuation of these men.

I fully agree with the gentleman from Missouri that holding the Philippine Islands—holding Porto Rico—we ought to develop the highest sense of patriotism in those islands. There is no better school of patriotism than the uniform of the United States soldier serving under the flag of the Republic [applause], and no act of mine, no vote of mine, will ever be given that will deprive these people of the right to enlist in the Army and serve under our flag. But it should be done in the regular way as soon as the present law expires.

Now, Mr. Chairman, I do not think we can conclude this to-night, and I move that the committee do now rise.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise.

The motion was agreed to, and accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17473, the army appropriation bill, and had come to no resolution thereon.

GEORGE W. SAULPAW.

The SPEAKER laid before the House the bill (H. R. 1513) entitled "An act for the relief of the estate of George W. Saulpaw," with a Senate amendment.

The Clerk read the Senate amendment.

Mr. HASKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. BARTLETT. Mr. Speaker, is this matter to come up without unanimous consent? Is this in regular order?

The SPEAKER. This is from the Speaker's table, and I suppose that is the regular order.

Mr. BARTLETT. Has this been to a committee of the House, this amendment of the Senate? What committee does it come from, Mr. Speaker?

Mr. HASKINS. It comes from the Committee on War Claims.

The SPEAKER. The bill carries no appropriation.

Mr. BARTLETT. It says $7,000.

The SPEAKER. The Chair supposed the bill carried no appropriation, but the Chair is wrong. The Chair on examining the bill finds that the Senate amendment carries the same provision that the House bill carries, and it seems to be merely a verbal amendment. Then, even if it changed the amount, the Chair is advised, under the ruling heretofore made, that it would not have to go to the Committee of the Whole. It is a new matter that comes by the way of Senate amendment that carries appropriation or makes a charge upon the Treasury that goes to the Committee of the Whole.

Mr. BARTLETT. I did not desire to make any point of order. I desire to prevent any precedents established by this bill if it ought not to be considered now.

The SPEAKER. The recollection of the Chair is, and he is fortified in that recollection by the best authority of which the Chair is aware, that this is in line with the precedents.

Mr. MADDOX. I would like to ask the gentleman when this bill passed the House?

Mr. HASKINS. It passed the House last February and passed the Senate by simply a verbal amendment.

Mr. MADDOX. I was thinking that we had had no day here for war claims.

The SPEAKER. The question is on the motion of the gentleman from Vermont [Mr. HASKINS] to concur in the Senate amendment.

The amendment was concurred in.

On motion of Mr. HASKINS, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2510. An act for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina; and

H. R. 15317. An act to build a bridge across the Ouachita River, Arkansas.

JOHN HENRY LOFLAND, EARL WORDEN CHAFFEE, AND JOSEPH DRUMMOND LITTLE.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying document, was referred to the Committee on Naval Affairs, and was ordered to be printed:

To the Senate and House of Representatives:

In the fall of 1903 John Henry Lofland, Earl Worden Chaffee, and Joseph Drummond Little, then members of the first or highest class at the Naval Academy, severally committed acts for which they were charged with the offense of hazing, were tried by court-martial, and were dismissed from the academy and from the naval service.

In a letter addressed to the chairman of the Committee on Naval Affairs of the House, March 21, 1904, the Secretary of the Navy, after reviewing the facts upon which action in the cases of these midshipmen was based, states that "if discretion in the infliction of punishment had been vested either in the court-martial or the Department a lighter punishment than dismissal from the service might have been inflicted," and concludes that Congress is the proper authority to determine in cases of this character whether exception should be made to the operation of the statute.

The Committee on Naval Affairs (H. R. No. 2454, 58th Cong., 2d sess.), upon consideration of the Department's report unanimously concludes that "under all the circumstances no detriment will be done the service" by sanctioning the appointment of these midshipmen to the naval service under appropriate conditions and restrictions.

Upon review of the facts in this case I concur generally in the conclusions of the Secretary of the Navy and the Committee on Naval Affairs with respect to the character of the offenses committed by these midshipmen. Their acts were in plain violation of the letter of the statute, but the case presented is not an aggravated one, and I believe that their severance from the Academy, their reduction to the foot of the class of which they were members, and their entry into the naval service without formal graduation will be adequate punishment.

The draft of a bill granting authority for the appointment of these midshipmen to the Navy, under conditions and restrictions believed to be sufficient to guard the interests of the service, is inclosed for the consideration of the Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 11, 1905.*

BRIDGE ACROSS OUACHITA RIVER, CALDWELL, LA.

The SPEAKER also laid before the House the following Senate resolution:

IN THE SENATE OF THE UNITED STATES,
January 11, 1905.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River.

Attest:

CHARLES G. BENNETT, *Secretary.*

The SPEAKER. Without objection, the request will be granted and the Committee on Interstate and Foreign Commerce will be discharged from the further consideration of the Senate bill.

There was no objection.

REPRINT OF REPORT IN SWAYNE IMPEACHMENT CASE.

Mr. OLMSTED. I ask unanimous consent for a reprint of Reports Nos. 1905, 3021, and 3477, being reports in the Swayne impeachment case.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent for a reprint of Reports Nos. 1905, 3021, and 3477, being reports in the Swayne impeachment case. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GOULD P. AUSTIN.

By unanimous consent leave was granted to Mr. H. L. MAYNARD to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 9886, Fifty-eighth Congress, second session, granting Gould P. Austin, of Phoebus, Va., permission to erect a building upon the Government reservation at Fortress Monroe, Va., no adverse report having been made thereon.

BRIDGE ACROSS SUNFLOWER RIVER IN MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of bill H. R. 16992.

The SPEAKER. The gentleman form Mississippi [Mr. HUMPHREYS] asks unanimous consent for the present consideration of bill H. R. 16992, a bill to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

The bill was read at length.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to ask the gentleman from Mississippi a question or two for informa-

tion, reserving the right to object. Has this bill been considered and favorably reported by the committee?

Mr. HUMPHREYS of Mississippi. It has.

Mr. WILLIAMS of Mississippi. Does it contain the usual specifications and has it received the approval of the Secretary of War?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. WILLIAMS of Mississippi. Very well, I have no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HUMPHREYS of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. HULL. I move the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of final survey of connecting waters between Lake Superior and Lake Huron, including Hay Lake channel—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report from the Director of the Census as to the ginning of cotton in certain States—to the Committee on the Census, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting a copy of a communication in relation to an invitation to the International Prison Congress to hold its eighth session in the United States—to the Committee on the Judiciary, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, submitting a plan for the removal of the remains of Pierre Charles L'Enfant—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Chief Clerk of the Court of Claims, transmiting a copy of the findings filed by the court in the case of Horace P. Williams against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fannie Pemberton against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Amelia*, Timothy Hall, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Jane*, James Barron, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of New York, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 14626) to quiet titles to land in the city of Mobile, State of Alabama, reported the same without amendment, accompanied by a report (No. 3484); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16567) to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala., reported the same with amendment, accompanied by a report (No. 3479); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13773) to amend section 858 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 3483); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15324) granting an increase of pension to Joseph W. Winger, reported the same with amendment, accompanied by a report (No. 3480); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16387) grantsame an increase of pension to Sarah F. Mathison, reported the same with amendment, accompanied by a report (No. 3481); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5601) granting an increase of pension to John Sutherland, reported the same with amendment, accompanied by a report (No. 3482); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 266) granting a pension to Emma S. Harney, reported the same without amendment, accompanied by a report (No. 3485); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1207) granting an increase of pension to James D. Stewart, reported the same without amendment, accompanied by a report (No. 3486); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2850) granting an increase of pension to Sallie J. Calkins, reported the same without amendment, accompanied by a report (No. 3487); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3453) granting an increase of pension to David Whitney, reported the same without amendment, accompanied by a report (No. 3488); which said bill and report were referred to the Private Calendar.

He also, from the same commitee, to which was referred the bill of the Senate (S. 3935) granting an increase of pension to Mary Cornelia Hays Ross, reported the same without amendment, accompanied by a report (No. 3489); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4169) granting a pension to Galena Jouett, reported the same with amendment, accompanied by a report (No. 3490); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5472) granting an increase of pension to Mary J. Weems, reported the same without amendment, accompanied by a report (No. 3491); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5496) granting an increase of pension to Jesse L. Sanders, reported the same without amendment, accompanied by a report (No. 3492); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5572) granting an increase of pension to Alafair Chastain, reported the same without amendment, accompanied by a report (No. 3493); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5574) granting an increase of pension to Colon Thomas, reported the same without amendment, accompanied by a report (No. 3494); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5661) granting an increase of pension to Daniel B. Bush, reported the same without amendment, accompanied by a report (No. 3495); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5746) granting an increase of pension to

Anne Jones, reported the same without amendment, accompanied by a report (No. 3496); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5758) granting an increase of pension to Sallie B. Weber, reported the same without amendment, accompanied by a report (No. 3497); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 666) granting an increase of pension to Eva M. Kingsbury, reported the same with amendment, accompanied by a report (No. 3498); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4194) granting a pension to Elizabeth Neilan, reported the same with amendment, accompanied by a report (No. 3499); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7014) granting an increase of pension to J. J. Boyd, reported the same with amendment, accompanied by a report (No. 3500); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9405) granting a pension to Andrew Long, reported the same with amendment, accompanied by a report (No. 3501); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9906) granting an increase of pension to Thomas P. Dunn, reported the same with amendment, accompanied by a report (No. 3502); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10027) granting a pension to Green W. Hodge, reported the same with amendment, accompanied by a report (No. 3503); which said bill and report were referred to the Private Calendar.

Mr. HOUSTON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13332) granting a pension to Honora Sullivan, reported the same with amendment, accompanied by a report (No. 3504); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13377) granting an increase of pension to Albert R. Straub, reported the same with amendment, accompanied by a report (No. 3505); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13546) granting an increase of pension to Joel J. Addison, reported the same with amendment, accompanied by a report (No. 3506); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13547) granting an increase of pension to Lewis J. Parr, reported the same with amendment, accompanied by a report (No. 3507); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14444) granting an increase of pension to William A. Stovall, reported the same with amendment, accompanied by a report (No. 3508); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15197) granting an increase of pension to Calvin C. Griffith, reported the same with amendment, accompanied by a report (No. 3509); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15308) granting an increase of pension to Francis M. Prewett, reported the same with amendment, accompanied by a report (No. 3510); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15892) granting an increase of pension to Martha F. Field, reported the same with amendment, accompanied by a report (No. 3511); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16109) granting a pension to Alice T. Groesbeck, reported the same with amendment, accompanied by a report (No. 3512); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16171) granting an increase of pension to Sarah D. Tarver, reported the same with amendment, accompanied by a report (No. 3513); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16172) granting an increase of pension to Georgia A. Warren, reported the same with amendment, accompanied by a report (No. 3514); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16311) granting an increase of pension to Morris Del Dowane, reported the same with amendment, accompanied by a report (No. 3515); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16578) granting an increase of pension to Caroline Vifquain, reported the same with amendment, accompanied by a report (No. 3516); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16579) granting an increase of pension to Isaac Vanatta, reported the same with amendment, accompanied by a report (No. 3517); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16668) granting an increase of pension to Emile H. Brie, reported the same with amendment, accompanied by a report (No. 3518); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16748) granting a pension to Frona J. Wooten, reported the same with amendment, accompanied by a report (No. 3519); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16842) granting an increase of pension to Lydia P. Kelly, reported the same with amendment, accompanied by a report (No. 3520); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16904) granting a pension to Louis Sherard, reported the same with amendment, accompanied by a report (No. 3521); which said bill and report were referred to the Private Calendar.

Mr. HOUSTON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16953) granting an increase of pension to John Ryan, reported the same with amendment, accompanied by a report (No. 3522); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17139) granting an increase of pension to George W. Jennings, reported the same with amendment, accompanied by a report (No. 3523); which said bill and report were referred to the Private Calendar.

Mr. HOUSTON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17162) granting an increase of pension to Thomas Dukes, reported the same with amendment, accompanied by a report (No. 3524); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9519) for the relief of John H. Frick—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 17530) for the relief of the estate of Lewis Patterson, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 10691) granting an incraese of pension to J. W. Hilyard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under caluse 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 17575) to permit the con-

struction of a dam across the Illinois River at or near Ottawa, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Arkansas: A bill (H. R. 17576) to grant to Oden's Battery of Artillery, Arkansas State Guards, the right to use and occupy lots 3, 4, and 5, block 94, Hot Springs, for an armory site—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 17577) authorizing the Lindsey Lumber Company, a corporation of Escambia County, Ala., to construct a bridge across Conecuh River at or near the town of Pollard, in said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 17578) further to define the duties and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: A bill (H. R. 17579) to create a new division of the western judicial district of Louisiana, and to provide for terms of court at Lake Charles, La., and for other purposes—to the Committee on the Judiciary.

By Mr. JONES of Washington: A bill (H. R. 17580) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company—to the Committee on the Public Lands.

Also, a bill (H. R. 17581) to provide for the improvement of the harbor at Nome, Alaska—to the Committee on Rivers and Harbors.

By Mr. RIDER: A bill (H. R. 17582) to amend the Code of Law for the District of Columbia, and providing for the appointment of probation officers—to the Committee on the District of Columbia.

By Mr. SOUTHALL: A bill (H. R. 17583) to macadamize road from Petersburg to the Federal cemetery—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 17584) providing for compulsory education in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 17585) authorizing the extension of Rhode Island avenue NE.—to the Committee on the District of Columbia.

By Mr. OLMSTED: A bill (H. R. 17586) to increase the limit of cost of the public building in Lebanon, Lebanon County, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A bill (H. R. 17587) regulating pilots—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 17588) to provide for furnishing the highest court of each State copies of the Supreme Court Reports hereafter published in exchange for the reports of the highest State courts—to the Committee on the Judiciary.

By Mr. WADSWORTH: A bill (H. R. 17589) to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes—to the Committee on Agriculture.

By Mr. DAYTON: A bill (H. R. 17599) providing for the appointment of an assistant judge-advocate-general in the Navy—to the Committee on Naval Affairs.

By Mr. CUSHMAN: A resolution (H. Res. 418) to pay Silas Davidson $25—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 17590) for the relief of the Church of Our Redeemer, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BEALL of Texas: A bill (H. R. 17591) for the relief of the estate of John Ivey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17592) for the relief of the estate of William H. Hugley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17593) for the relief of the estate of John G. Snell, deceased—to the Committee on War Claims.

By Mr. BIRDSALL: A bill (H. R. 17594) granting a pension to Maggie Parker—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 17595) granting an increase of pension to Catherine A. Hogan—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 17596) granting an increase of pension to William Davis Foster—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 17597) granting an increase of pension to Levi Welch—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17598) granting a pension to Kate M. Smith—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 17600) granting an increase of pension to David H. Quigg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17601) granting an increase of pension to Jeremiah Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17602) granting an increase of pension to Wilbur H. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17603) for the relief of Harry C. Holmes—to the Committee on Pensions.

By Mr. DRESSER: A bill (H. R. 17604) granting an increase of pension to Andrew Cramer—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 17605) granting an increase of pension to Joseph B. Scott—to the Committee on Pensions.

By Mr. HARDWICK: A bill (H. R. 17606) granting an increase of pension to Nelson Stuckey—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 17607) granting a pension to Elizabeth Barnum—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 17608) granting an increase of pension to James H. Davidson—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 17609) granting a pension to F. F. Frisby—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 17610) for the relief of Mrs. Mary E. Hamilton, Samuel H. Mains, and Levi Mains, jr., heirs of Levi Mains—to the Committee on War Claims.

Also, a bill (H. R. 17611) granting an increase of pension to James Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17612) granting an increase of pension to James F. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17613) granting an increase of pension to John A. Curry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17614) granting a pension to Leonard Fields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17615) granting a pension to Mrs. A. H. Maddox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17616) granting a pension to Dehla Dyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17617) granting a pension to M. T. Mobley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17618) granting an increase of pension to Solomon Hafhill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17619) granting an increase of pension to Joseph E. Pugh—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 17620) granting an increase of pension to John W. Roache—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 17621) granting an increase of pension to George H. Barrows—to the Committee on Pensions.

By Mr. MINOR: A bill (H. R. 17622) granting an increase of pension to Edwin S. Pierce—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 17623) granting an increase of pension to Thomas Hagerty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17624) for the relief of Aimee H. Keller—to the Committee on Claims.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 17625) granting an increase of pension to Siotha Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17626) granting a pension to Thomas Short—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 17627) granting an increase of pension to Michael D. Kernan—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 17628) for the relief of the trustees of the Methodist Episcopal Church South, of Clarksville, Johnson County, Ark.—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 17629) granting a pension to Rachael C. Golden—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 17630) granting an increase of pension to H. W. Perkins—to the Committee on Pensions.

Also, a bill (H. R. 17631) granting an increase of pension to Orlando Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17632) granting a pension to James H. Thomas—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 17633) granting a pension to Harriet N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17634) granting a pension to Lucetta Brown—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 17635) granting a pension to John Burke—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 17636) granting an increase of pension to Samuel Rardin—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 17637) granting a pension to Bernard J. Boldermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17638) granting a pension to Andrew Barr—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 17639) granting an increase of pension to Charles F. Junken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17640) granting an increase of pension to John Dineen—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 17641) granting an increase of pension to Andrew Schmidt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17642) granting an increase of pension to Frederick Schultz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17643) granting a pension to George Gould—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany bill for relief of Alexander Caldwell, of Beaver County, Pa.—to the Committee on Invalid Pensions.

Also, petition of Mrs. J. F. Sutherland et al., favoring legislation prohibiting intoxicating liquors in Indian territories—to the Committee on Alcoholic Liquor Traffic.

By Mr. BAKER: Petition of Carriage Builders' National Association, increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of General Lyon Post, No. 2, Grand Army of the Republic, of St. Louis, Mo., favoring bill to place Major-General Osterhaus on the retired list—to the Committee on Military Affairs.

Also, petition of the Manufacturers' Association of St. Louis, favoring legislation against trust combinations in restraint of trade—to the Committee on the Judiciary.

By Mr. BATES: Papers to accompany bill for relief of David W. Davison—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: Papers to accompany bill for relief of heirs of William H. Hugley—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of John G. Snell—to the Committee on War Claims.

By Mr. DALZELL: Petition of sundry merchants of Pittsburg, favoring passage of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of cigar and stogie makers of Pittsburg, against reduction of tariff on tobacco—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition against religious legislation for the District of Columbia, by citizens of Grandy, Minn.—to the Committee on the District of Columbia.

Also, petition of citizens of Cambridge, Minn., against legislation in regard to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DEEMER: Petition of K. P. Ripley, of Marnesbury, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of A. L. Whittaker, of Numfield, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Thomas E. Talbett, of North Brigham, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Samuel Morgan, of Roundtop, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of the secretary of Sebring Grange, of Sebring, Pa., against the repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of H. I. Fick, of Morris, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of E. E. Hart, of Nauvoo, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of G. E. Brian, of Nauvoo, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of R. S. Brown, of Morris, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Silas J. Mattison, of Tioga, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of E. R. Maisser, against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of W. L. Connelly, of Mainesburg, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of D. L. Myers, of Linden, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of L. W. Spinner, of Genesee, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Thomas Coulston, of Genesee, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of John Hat, of Kinney, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of C. G. Whitney, of Tioga, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of David Wurster, of Linden, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of G. M. Cathrell, of Tioga, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of H. F. Harer, of Linden, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of R. F. Buck, of Westfield, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of C. E. Thomas, of Nelson, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of C. P. Updyke, of Jackson Summit, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of William Chapman, against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of W. B. Jones, of Roundtop, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Philander Backus, of Wellsboro, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of J. C. Scott, of Westfield, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of C. W. Mescho, of Westfield, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Giles Thomas, of Westfield, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Rufus R. Owlitt, of Middlebury Center, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Tioga County Center Grange, of East Charleston, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of J. B. Smith, of Somers Lane, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Perry Phillips, of Hughesville, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Charles E. Graham, of Lawrenceville, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of R. E. Graves, of Genesee, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Nauvoo Grange, against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Lamar Grange, of Saloma, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of National Grange, of Wellsboro, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Sullivan Grange, of Tioga County, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Pomona Grange, of Clinton County, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. DRESSER: Papers to accompany bill for relief of William Larkin, of Pennsylvania—to the Committee on Military Affairs.

Also, papers to accompany bill for relief of Andrew Cramer, of Pennsylvania—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Merchants' Association of New York, favoring a law reducing duties on products from the Philippine Islands—to the Committee on Ways and Means.

Also, petition of the board of directors of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring national legislation regulating rates of transportation as embodied in Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Charles Stoughton et al., concerning Harlem Kills Canal—to the Committee on Rivers and Harbors.

Also, petition of H. W. Buckbee, of Rockford, Ill., favoring Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Skandia Furniture Company, of Rockford, Ill., favoring bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Humane Association, concerning protection of range cattle—to the Committee on Agriculture.

Also, petition of the United Confederate Veterans, asking appropriate legislation favoring care and preservation of the graves of Confederate dead in northern cemeteries—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: Petition of citizens of Gloucester, Mass., favoring a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. VAN VOORHIS: Papers to accompany bill for relief of Ozenas Shipman—to the Committee on Invalid Pensions.

By Mr. GREGG: Papers to accompany bill granting increase of pension to Joseph B. Scott—to the Committee on Pensions.

By Mr. GROSVENOR: Papers to accompany bill for relief of J. W. Hely, of Ohio—to the Committee on Pensions.

By Mr. GUDGER: Petition of soldiers in support of bill H. R. 17514, granting increase pension to John H. Williams—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Papers to accompany bill for the relief of Ida Eubank—to the Committee on Invalid Pensions.

By Mr. HEARST: Petition of business men of Spencer, Iowa, urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of business men of Plattsmouth, Nebr., urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Illinois, urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Blanchester, Ohio, urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Neoga, Ill., urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lincoln Commercial Club, of Lincoln, Nebr., urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of merchants et al. of St. Louis, urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Alexis, Ill., urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry business firms of New York, urging enactment of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Petition of Old Soldiers' Republican Club, of Evansville, Ind., favoring the Crumpacker bill—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HITT: Petition of the Rexford Bolt Works, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of commercial organizations of San Francisco, urging adoption of pneumatic-tube service for mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. LILLEY: Papers to accompany bill (H. R. 16126) for relief of Leroy Noble—to the Committee on War Claims.

By Mr. LITTLE: Paper to accompany bill H. R. 17428—to the Committee on War Claims.

By Mr. OLMSTED: Petition of Camp No. 192, Patriotic Order Sons of America, of Palmyra, Pa., favoring enactment of laws restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of the Hunter Company et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Petition of B. R. Thomas et al., favoring legislation to improve navigation of the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. PEARRE: Petition of Mrs. G. M. Wolfe et al., of Montgomery County, Md., for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. POWERS of Massachusetts: Petition of G. Fred Hammond and others, for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of members of the Massachusetts Sunday School Association, for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Newton, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the Baptist Church of Hyde Park, Mass., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the Norwood Business Association and Board of Trade, for passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Leonard A. Jones et al., relative to statistics concerning marriage and divorce—to the Committee on the Judiciary.

Also, petition of 22 citizens of New Bedford, Mass., against bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. REID: Papers to accompany bill H. R. 17544, granting an increase of pension to Stephen M. Fisk—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 12104, for relief of Lagrange College—to the Committee on War Claims.

By Mr. RYAN: Petition of Colorado beet-sugar manufacturers, against reduction of duties on raw or refined sugar—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of citizens of Mound, Ill., relating to an amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Petition of the Hartford Commercial Club, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Papers to accompany bill for relief of William A. Crum—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: Papers to accompany bill for relief of William Clark—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Abraham Stine, of Rinard, Ill.—to the Committee on Pensions.

SENATE.

THURSDAY, *January 12, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

STATUE OF FRANCES E. WILLARD.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the governor of the State of Illinois, requesting that a date be fixed for the acceptance by Congress of the statue of Frances E. Willard; which was referred to the Committee on the Library, and ordered to be printed.

MINT AT DENVER, COLO.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint amending that portion of his estimate of December 14, 1904, relative to the wages of workmen at the mint at Denver, Colo., for the fiscal year 1905, etc., which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

INTERNATIONAL PRISON CONGRESS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting a letter from Hon. Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, relative to the passage of a resolution by Congress authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

REMOVAL OF REMAINS OF MAJOR L'ENFANT.

The PRESIDING OFFICER laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting certain information relative to the removal of the remains of Major l'Enfant; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Wisconsin; which, with the accompanying paper, was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5889) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River.

The message also announced that the House had passed a bill (H. R. 16992) to authorize the county of Sunflower to construct a bridge across the Mississippi River; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1513) for the relief of the estate of George W. Saulpaw.

The message also announced that the Speaker of the House of Representatives had appointed Mr. DALZELL, Mr. CRUMPACKER, and Mr. WILLIAMS of Mississippi, members of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

The message further announced the return to the Senate, in compliance with its request, of the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across the Ouachita River.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for free alcohol for use in the arts and manufactures; which was referred to the Committee on Finance.

He also presented petitions of Local Association No. 650, Patriotic Order Sons of America, of Broad Top City; of Washington Camp No. 549, of Blandburg; of sundry citizens of Palmyra; of Local Camp No. 56, Patriotic Order Sons of America, Glasgow, and of sundry citizens of Newlin, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented a petition of the congregation of the First Friends Church of Indianapolis, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Receivers and Shippers' Association of Cincinnati, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER. I present a large number of petitions from citizens of the Territory of Oklahoma, praying for prohibition in the new State. The bill having been reported, I ask that the petitions may lie on the table.

The petitions were ordered to lie on the table, as follows:

Petition of Mrs. A. M. Wilson and 2,691 other citizens;
Petition of Neal Stone and 2,397 other citizens;
Petition of G. A. Cook and 2,841 other citizens; and
Petition of Miss Nellie Deem and 3,062 other citizens.

Mr. GALLINGER. I present likewise a large number of petitions from the Indian Territory, praying that in our legislation the provisions of our treaties with the Indians shall be observed and continued, so that so far as the Indian Territory is concerned they shall have prohibition in the future as they have had in the past.

I wish to mention particularly a petition from the Antisaloon League, which calls attention to the fact that "for seventy-two years the United States Government has prohibited the sale of intoxicating liquors in the Indian Territory," and praying that a provision shall be included in the statehood bill continuing prohibition.

Here is a petition which is signed by 76 Choctaw Indians, and it is as follows:

We, the undersigned Choctaw Indians, in attendance at a big meeting at Mount Zion, Choctaw Nation, do most earnestly petition your honorable body to make such provision in the approaching statehood bill as is necessary to prohibit the introduction and sale of intoxicating drinks within our bounds, in accordance with the agreement made with the several tribes before allotment.

I take it that all these petitions are of the same character, and I ask that they may be noted in the RECORD and lie on the table.

The petitions were ordered to lie on the table, as follows:

Petition of Thomas Watson and 76 Choctaw Indians;
Petition of the Carney Methodist Episcopal Church and 40 other churches;
Petition of Vance Lee and 134 citizens of Ada;
Petition of E. T. Benton and 85 citizens of Lenox;
Petition of Atoka Circuit and 119 citizens of the Choctaw District;
Petition of sundry full-blood Indian citizens of Pontotoc County;
Petition of J. J. James and 38 citizens of Walker;
Petition of C. B. Yonbrough and 15 citizens;
Petition of Hugh Taylor and 82 citizens;
Petition of Thomas Watson and 65 citizens;
Petition of Isom Billy and 17 citizens of Tuskahoma;
Petition of Rev. G. Lee Phelps and 68 citizens of the Creek Nation;
Petition of L. B. Thurston and 82 citizens of Chelsea;
Petition of S. B. Welsh and 43 citizens of Muldrom;
Petition of J. J. Townsend and 39 citizens;
Petition of V. Malone and 77 citizens;
Petition of G. H. Mindle and 28 citizens;
Petition of Annie W. Martin and 34 citizens;
Petition of Aaron C. Ammin and 57 citizens;
Petition of Frederick Thompson and 41 citizens;
Petition of J. J. Maggard and 170 citizens of Marietta;
Petition of Mrs. J. B. Ingram and 218 citizens of Ada;
Petition of R. E. Hodge and 45 citizens of Ada;
Petition of C. R. Beard and 10 citizens of Ada;
Petition of W. L. Davis and 72 citizens of Ada;
Petition of Sherwood W. Hill and 98 citizens of Ada;
Petition of A. C. Cobb and 41 citizens of Cherokee Nation;
Petition of W. S. Brown and 179 citizens of Brown County;
Petition of Mary A. Smith and 9 citizens of Beach;
Petition of J. L. Swain and 9 citizens of Germantown;
Petition of George A. Alexander and 44 citizens of Creek Nation;
Petition of Tom A. Allen and 58 citizens;
Petition of T. E. Tilley and 32 citizens of Caddo;
Petition of R. J. Scott and 25 citizens of Sallisaw;
Petition of Joseph E. M. Nelson and 35 citizens of Durant;
Petition of S. S. Johnson and 46 citizens;
Petition of E. C. Lytle and 46 citizens of Bartlesville;
Petition of E. M. Landis and 20 citizens of Sallisaw;
Petition of M. E. Crisp and 71 citizens of Kiowa;
Petition of Mrs. Mary Trellack and 7 citizens of Oseuma;
Petition of B. F. Wood and 47 citizens;
Petition of D. P. Wasson and 148 citizens of Westville;
Petition of Luther Kyle and 111 citizens of Stilwell;
Petition of P. C. Atkins and 26 citizens of Caddo;
Petition of M. B. McKenney and 54 citizens of Oakland;
Petition of J. E. Stinson and 40 citizens of McMillan;
Petition of E. B. Newton and 20 citizens of Ball Hill;
Petition of J. C. Pray and 85 citizens of Muscogee;
Petition of J. A. Bowman and 2 citizens of Wewoka;
Petition of W. P. Blake and 17 citizens;
Petition of Anna Dickerman and 48 citizens of Stoka;
Petition of J. S. Murrow and 168 citizens of Stoka;
Petition of J. W. Collins and 69 citizens of Stonewall;
Petition of C. L. Webb and 200 citizens of Ada;
Petition of Philip Thompson and 220 citizens of Ada;
Petition of P. H. Smith and sundry other citizens;
Petition of W. T. Freeman and 24 citizens of Comanche;
Petition of sundry Sunday-school children of Ada; and the
Petition of W. L. Taylor and 70 citizens of Texola.

Mr. DRYDEN presented a petition of the mayor and common council of Millville, N. J., praying that an appropriation be made providing for the opening to navigation of the channel of the Maurice River; which was referred to the Committee on Commerce.

He also presented a petition of the New Jersey Pharmaceutical Association, praying for the enactment of legislation reducing the tax on alcohol; which was referred to the Committee on Finance.

He also presented the memorial of Bogart & Hayden, of New York City, remonstrating against any reduction in the tariff on tobacco imported from the Philippine Islands; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Association of New York, praying for the enactment of legislation to regulate the towing of vessels in the harbor of New York; which was referred to the Committee on Commerce.

He also presented a memorial of the National Remedy Company, of New York City, remonstrating against the use of the word "drug" in the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a memorial of the Cape May County board of agriculture, of New Jersey, remonstrating against any changes being made in the so-called "Grout oleomargarine bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Guernsey Breeders' As-

sociation, of Westgrove, Pa., praying for the passage of the so-called "Grout oleomargarine bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Woman's Christian Temperance Union of Elmer, N. J., and a memorial of the Woman's Christian Temperance Union of Collingswood, N. J., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Collingswood; of the Butler and Bloomingdale Woman's Christian Temperance Association, of Bloomingdale; of the Woman's Christian Temperance Association of Salem, and of Medford Grange, No. 36, Patrons of Husbandry, of Medford, all in the State of New Jersey, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented a petition of the Boston branch of the United Irish League of America, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of the congregation of South Park Church, of Newark; of the Society of Friends of Moorestown; of the Woman's Christian Temperance Union of Hancocks Bridge; of the congregation of the Park Presbyterian Church, of Newark, and of Medford Grange, No. 36, Patrons of Husbandry, of Medford, all in the State of New Jersey, and of the Indian Rights Association of Philadelphia, Pa., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

Mr. KEAN presented memorials of George C. Magill, of Newark; J. B. Adams, of Elwood; M. Relyea, of Pemberton; George F. Snyder, of Washington; Albert Heritage, of Mickleton; George May Powell, of Newfield; David P. Taylor, of Fairton, and of the Woman's Christian Temperance Union of Montclair, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. STONE presented a petition of sundry citizens of St. Louis, Mo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of Iron Mountain Lodge, No. 390, Brotherhood of Locomotive Firemen, of St. Louis, Mo., and a petition of J. L. Parish Division, No. 556, Brotherhood of Locomotive Engineers, of New Franklin, Mo., praying for the enactment of legislation relating to the liability of common carriers by railroads to their employees; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Newton County, Mo., remonstrating against the passage of the so-called "Hamilton statehood bill;" which was ordered to lie on the table.

Mr. DOLLIVER presented a petition of Local Division No. 56, Brotherhood of Locomotive Engineers, of Centerville, Iowa, and a petition of local Lodge No. 602, Brotherhood of Railroad Trainmen, of Des Moines, Iowa, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented the petition of Anson Alger and sundry other citizens of Milford, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

Mr. MILLARD presented a petition of the Western Fruit Jobbers' Association of Omaha, Nebr., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. LONG presented petitions of sundry citizens of Parsons, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented the petition of B. F. Surface and 7 other citizens of Narka, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the adoption of an amendment to the Constitution to recognize God as the source of all authority and power in civil government; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Linn County, Tyro, and Turon, all in the State of Kansas, remonstrating against the enactment of legislation providing for the closing of places of business on Sunday in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Labette County, St. Paul, Leavenworth, Johnson County, Wilson, Graham County, Wichita, Iola, Everest, Pleasanton, Winfield, Burlington, Ellsworth, Ottawa, Bluff, Wamego, and Liberal, all in the State of Kansas, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

He also presented a petition of Local Division No. 161, Brotherhood of Railway Conductors, of Parsons, Kans., and a petition of Border City Division, No. 462, Brotherhood of Locomotive Firemen, of Arkansas City, Kans., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of J. H. Kirk Lodge, No. 376, Brotherhood of Locomotive Firemen, of Horton, Kans., praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman; which was referred to the Committee on Interstate Commerce.

He also presented a paper to accompany the bill (S. 2535) granting an increase of pension to Joel Maxwell; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 6262) granting an increase of pension to Seth M. Tucker; which were referred to the Committee on Pensions.

Mr. McCOMAS presented a petition of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. MARTIN presented a petition of the Norfolk and Portsmouth bar associations, of Virginia, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5705) granting a pension to Mary L. Faunt Le Roy;

A bill (S. 5971) granting a pension to Cordelia Bird; and

A bill (S. 3435) granting a pension to Mazilla Lester.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4722) granting a pension to M. V. Trough;

A bill (S. 2828) granting a pension to Phoebe E. Lyda;

A bill (S. 2913) granting an increase of pension to Elizabeth F. Given;

A bill (S. 3517) granting an increase of pension to John B. Hammers; and

A bill (S. 2189) granting an increase of pension to Joseph K. Armstrong.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom was referred the bill (S. 5523) granting an increase of pension to James Minnick, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6351) granting an increase of pension to Martin T. Cross, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 5763) granting certain property to the county of Gloucester, N. J., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Forest Reservations and the Protection of Game:

A bill (S. 5055) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture; and

A bill (S. 5009) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9799) to remove charge of desertion from the military record of John Dorsey, reported it with an amendment.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1979) providing for the ex-

tension of the national cemetery on Williamsburg turnpike, near the city of Richmond, Va., reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 12346) to correct the military record of William J. Barcroft, reported it with an amendment.

THE MERCHANT MARINE.

Mr. GALLINGER. By direction of the Committee on Commerce I report back favorably, with sundry amendments, the bill (S. 6291) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

I desire, as a written report on the bill, to submit the report which was made January 4, from the Merchant Marine Commission. I will also ask that the minority report from the Merchant Marine Commission, which was presented day before yesterday by the Senator from Florida [Mr. MALLORY] be printed in connection with the majority report.

The PRESIDING OFFICER. The bill will be placed upon the Calendar, and if there be no objection, the report submitted and the views of the minority will be printed as the report of the committee.

Mr. BERRY. The Senator from Florida who made the minority report from the Commission is not in his seat. I desire to state that the report of the Committee on Commerce in favor of this bill was not unanimous. There are a number of Senators who are opposed to the bill, and we will either adopt the report made by the Senator from Florida as a member of the Commission or submit a written report hereafter.

Mr. GALLINGER. Of course I know the Senator does not mean to suggest that I meant to have it understood that this was a unanimous report. It is made in the usual form from a committee as the sense of the majority of the committee.

Mr. BERRY. Certainly; but I thought it proper that the RECORD should show that it was not unanimous.

Mr. GALLINGER. Certainly.

The PRESIDING OFFICER. If there be no objection to the request of the Senator from New Hampshire, the order will be made.

Mr. BAILEY. What is the request?

The PRESIDING OFFICER. That the majority and minority reports shall be printed and the bill be placed upon the Calendar.

Mr. BAILEY. I have no purpose of objecting to that request, but I would like to ask the Senator from New Hampshire if the bill which he has reported proposes a direct subsidy?

Mr. GALLINGER. That matter will I suppose be discussed hereafter. I will, however, say to the Senator that it proposes a subvention to ships if they carry out certain provisions of the bill in the matter of creating a force of naval volunteers and of educating boys on their ships as seamen. That is one provision of the bill, I will say to the Senator; there are other provisions.

Mr. BAILEY. I was moved to make the inquiry because I remember when unanimous consent was asked for the consideration of the act creating the Commission which made the inquiry, I objected, and was only induced to withdraw the objection upon the assurance that the Commission would recommend discriminating duties and not a direct subsidy.

Mr. GALLINGER. Mr. President, that probably was not intended as a reflection upon the Commission, but I can not help paying some attention to it. I will say that I had no knowledge of any such agreement on the part of the Senator or on the part of any Senators. Had I had any such knowledge I certainly would not have served on the Commission for a moment.

Mr. BAILEY. I will say——

Mr. GALLINGER. I took it the Commission was free-handed, and so stated wherever we held hearings. We heard the advocates of discriminating duties, of free ships, of subsidies, of mail subventions, and of every other possible form of relief for our merchant marine, but I never for a moment supposed that the Commission had its hands tied and that it had to make a report along certain lines. That would have been a most extraordinary situation for a commission to have been placed in. Of course, had I supposed that that was the fact, hearings would have been useless, and none would have been had.

Mr. BAILEY. It is absolutely certain that we would not have had any commission if I had known that the Commission was going to report in favor of a subsidy. I protested against the unanimous consent for the consideration of the act creating the Commission, because I said it was tantamount to agreeing to a recommendation for a direct subsidy.

The Senator refers to an assurance on the part of the Commission. I did not make that statement. I said that there was an assurance, not that the Commission itself gave that assurance, but an assurance given by at least one and I think two Senators, who are especially familiar with it, that the recommendation would be for discriminating duties; and that colloquy is reported in the RECORD of that day.

Mr. GALLINGER. Mr. President, I will only add that had the Commission been in the possession of that fact, if it be a fact, there would not have been any hearings on the part of the Commission, nor would there have been a report from the Commission. We assumed that we had a great public duty committed to us by the Congress of the United States. We accepted that service reluctantly and at great personal inconvenience, giving the entire summer to it; and the suggestion even that we were bound to make a report along a given line is to my mind utterly preposterous.

The PRESIDING OFFICER. If there be no objection to the request of the Senator from New Hampshire, the majority and minority reports will be printed and the bill will go to the Calendar.

Mr. CLAY. Was the minority report filed this morning?

The PRESIDING OFFICER. It was filed two days ago.

Mr. GALLINGER. It was filed two days ago.

The PRESIDING OFFICER. The bill was reported back this morning by the senior Senator from New Hampshire.

Mr. BERRY. I will say that there was a minority report from the Commission——

Mr. GALLINGER. Certainly.

Mr. BERRY. Not from the minority of the committee, though there is a minority of the committee opposed to the bill. The minority report referred to is one made by the Senator from Florida from the Commission.

Mr. CLAY. And no minority report from the committee will be filed in the future?

Mr. GALLINGER. That the Senator from Georgia may understand this matter, I will state that in reporting the bill this morning I asked that the report made by the Merchant Marine Commission might be filed as a report in favor of the bill and that the minority report of the Commission might likewise be filed and printed in connection with it.

Mr. CLAY. I asked the question because I was unavoidably detained from the committee in the discharge of other official duties this morning, and I did not know that the question was going to be discussed before the committee.

PORT OF SHERWOOD, N. DAK.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6057) making Sherwood, N. Dak., a subport of entry, to report it favorably without amendment.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. B. M'RAE.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 6351) to pay J. B. McRae $99, for services as hospital steward, and so forth, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $99 to J. B. McRae, of Jackson, N. C., for services rendered as hospital steward of the Second Regiment North Carolina Volunteers, from June 6, 1898, to July 31, 1898, in full satisfaction for services rendered.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, MISSISSIPPI.

Mr. FOSTER of Louisiana. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15981) to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi, to report it favorably without amendment.

Mr. McLAURIN. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. STONE introduced a bill (S. 6529) to provide for the purchase of a site and the erection of a public building thereon at Macon, in the State of Missouri; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. WARREN introduced a bill (S. 6530) granting a pension to Michael V. Hennessy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6531) to amend section 13 of an act entitled "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6532) granting a pension to Catharine Celley;

A bill (S. 6533) granting a pension to Bridget Manahan; and

A bill (S. 6534) granting an increase of pension to Sargent R. Emerson (with accompanying papers).

Mr. HANSBROUGH introduced a bill (S. 6535) to provide for the development and utilization of grazing lands in the arid region, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6536) for the relief of W. G. Wheeler;

A bill (S. 6537) for the relief of the estate of Adelon Vigues, deceased;

A bill (S. 6538) for the relief of the estate of Louis Vuagnat, deceased;

A bill (S. 6539) for the relief of the estate of John R. Temple, deceased;

A bill (S. 6540) for the relief of Katherine Smith;

A bill (S. 6541) for the relief of the estate of S. S. Simmons, deceased;

A bill (S. 6542) for the relief of Julien Semere;

A bill (S. 6543) for the relief of the estate of Edward Sigur, deceased;

A bill (S. 6544) for the relief of the estates of William Salamber and Mrs. Charlotte G. Salamber, deceased;

A bill (S. 6545) for the relief of the estate of Patrick McCormack, deceased; and

A bill (S. 6546) for the relief of Mrs. E. C. McIntyre.

Mr. TALIAFERRO introduced a bill (S. 6547) for the relief of Emily Catherine Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6548) granting an increase of pension to Levincy Walker;

A bill (S. 6549) granting an increase of pension to Charles T. West;

A bill (S. 6550) granting a pension to Jane Johns;

A bill (S. 6551) granting a pension to Elizabeth Wester;

A bill (S. 6552) granting an increase of pension to Lewis S. George;

A bill (S. 6553) granting an increase of pension to Orlando Kennedy;

A bill (S. 6554) granting an increase of pension to Martin Gillett;

A bill (S. 6555) granting an increase of pension to Robert Gamble, jr.; and

A bill (S. 6556) granting a pension to Amanda B. Mack.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs;

A bill (S. 6557) for the relief of Columbus D. Smith (with an accompanying paper);

A bill (S. 6558) to correct the military record of Alexander Everhart (with accompanying papers);

A bill (S. 6559) for the relief of Charles Seiser; and

A bill (S. 6560) to correct the military record of William H. Blyler (with accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6561) granting a pension to Cornelia J. Schoonover;

A bill (S. 6562) granting an increase of pension to George W. Moyer (with an accompanying paper);

A bill (S. 6563) granting a pension to David Weaver (with accompanying paper); and

A bill (S. 6564) granting a pension to Sarah E. Burns (with accompanying papers).

Mr. PENROSE introduced a bill (S. 6565) granting right of way for trailway to W. W. Bass, of Coconino County, Ariz., for travel across the Grand Canyon of Arizona, and ferry privileges, and so forth, across the Colorado River therein; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6566) for the relief of F. X. Smith, Son & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. TALIAFERRO introduced a bill (S. 6567) for the relief of Thomas R. Webb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 6568) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6569) for the relief of the trustees of High Hill Baptist Church, of Greenesville County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6570) for the relief of the heirs of Lemmos J. Spence, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate $700 for the collection of materials, preparation, editing, etc., of the volume (Senate Document No. 320) entitled "Sherman; a memorial in art, oratory, and literature, by the Society of the Army of the Tennessee, with the aid of the Congress of the United States," intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

H. R. 16992. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi, was read twice by its title, and referred to the Committee on Commerce.

OUACHITA RIVER BRIDGE, LOUISIANA.

The PRESIDING OFFICER laid before the Senate the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. The bill ought to be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Arkansas moves that the bill be indefinitely postponed.

The motion was agreed to.

COAL LANDS IN ALASKA.

Mr. HEYBURN. I desire to call attention to the bill (S. 4413) to authorize the location of coal lands upon unsurveyed public lands in the district of Alaska, and for the survey, entry, and patenting of the same, which is Order of Business 1163 upon the Calendar. We have already covered the subject-matter of the bill by a measure which has been enacted into law. I move that the bill be indefinitely postponed.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. If the morning business is closed, I desire to call up the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask that the bill may be read and that the amendments of the committee may be considered as they are reached as the reading proceeds.

The PRESIDING OFFICER. If there be no objection such will be the order of the Senate.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was under the head of "Legislative," on page 3, line 18, before the word "dollars," to strike out "one thousand eight hundred" and insert "two

thousand," and in line 22, before the word "hundred," to strike out "one" and insert "three;" so as to make the clause read:

Document room: For superintendent of the document room (Amzi Smith), $3,000; first assistant in document room, $2,000; two assistants in document room, at $1,440 each; clerk to superintendent of document room, $1,440; skilled laborer, $1,000; in all, $10,320.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert:

For additional amount for the clerk to the Committee on Rules for

The amendment was agreed to.

The next amendment was, on page 6, line 25, to increase the appropriation for the salary of messenger in charge of storeroom, office of Sergeant-at-Arms and Doorkeeper, from $1,440 to $1,600, and on page 7, line 18, to increase the total appropriation for the office of Sergeant-at-Arms and Doorkeeper from $158,384 to $158,544.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the word "annual," to strike out "thirty" and insert "thirty-five;" and on page 9, line 2, before the word "dollars," to strike out "forty-five thousand" and insert "fifty-two thousand five hundred;" so as to make the clause read:

For thirty-five annual clerks to Senators who are not chairmen of committees, at $1,500 each, $52,500.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the word "labor," to strike out "salaries and," and in line 3, before the word "thousand," to strike out "twenty-five" and insert "one hundred;" so as to make the clause read:

For miscellaneous items, exclusive of labor, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 12, line 13, after the word "each," to insert "distributing clerk, $2,250," and in line 19, before the word "stationery," to strike out "distributing clerk;" so as to read:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $900, or so much thereof as may be necessary; Chief Clerk, Journal Clerk, and two reading clerks, at $3,600 each; tally clerk, $3,000; printing and bill clerk, disbursing clerk, and enrolling clerk, $2,500 each; distributing clerk, $2,250; file clerk, docket clerk, assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant Journal clerk, and assistant to Chief Clerk, at $2,000 each; librarian, stationery clerk, and superintendent clerk's document room, at $1,800 each, etc.

The amendment was agreed to.

The next amendment was, on page 13, line 18, to increase the total appropriation for the office of the Clerk of the House of Representatives from $96,600 to $97,050.

The amendment was agreed to.

The next amendment was, on page 14, line 8, before the word "hundred," to strike out "two" and insert "five;" in the same line, after the word "each," to strike out "and two watchmen at $900 each" and insert "foreman, $1,200; watchman, $900," and in line 11, before the word "hundred," to strike out "thirty thousand four" and insert "thirty-one thousand three;" so as to read:

Under Superintendent of the Capitol Building and Grounds: * * * Two attendants at $1,500 each; foreman, $1,200; watchman, $900; in all, $31,300.

The amendment was agreed to.

The next amendment was, on page 14, line 15, before the word "hundred," to strike out "two" and insert "five;" so as to read:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, $3,000; assistant clerk and stenographer, $2,000; messenger, $1,500; etc.

The amendment was agreed to.

The next amendment was, on page 16, line 2, to increase the total appropriation for clerks and messengers to committees from $99,000 to $99,300.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 31, line 9, to increase the number of elevator conductors at $720 each from two to three; and on page 31, line 12, to increase the total appropriation for custody, care, and maintenance of Library building and grounds from $76,785 to $77,505.

The amendment was agreed to.

The next amendment was, on page 31, line 18, before the word "dollars," to strike out "two thousand eight hundred" and insert "three thousand;" so as to make the clause read:

For extra services of employees and additional employees under the superintendent of library building and grounds to provide for the opening of the Library building from 2 until 10 o'clock p. m. on Sundays and legal holidays, $3,000.

The amendment was agreed to.

The next amendment was, on page 31, line 23, before the word "dollars," to strike out "thirty-two thousand five hundred" and insert "thirty-five thousand;" so as to make the clause read:

For fuel, lights, repairs, and miscellaneous supplies, electric and steam apparatus, reference books, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, $35,000.

The amendment was agreed to.

The next amendment was, on page 32, line 1, after the word "thereto," to insert "and necessary vehicles for mail-delivery service;" so as to make the clause read:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, and necessary vehicles for mail-delivery service, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 32, line 19, to increase the appropriation for compensation of the Vice-President of the United States, from and including March 4, 1905, from $8,000 to $10,622.22.

The amendment was agreed to.

The next amendment was, on page 33, line 10, after the word "dollars," to insert the following proviso:

Provided, That employees of the Executive Departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 33, line 24, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" on page 34, line 2, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," and in line 15, before the word "dollars," to strike out "sixty-four thousand eight hundred and ten" and insert "sixty-six thousand five hundred and sixty;" so as to make the clause read:

For three Commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; law clerk, $2,000; two chiefs of division, at $2,000 each; eight clerks of class 4; thirteen clerks of class 3; sixteen clerks of class 2; thirty-two clerks of class 1; twenty clerks, at $1,000 each; ten clerks, at $900 each; eight clerks, at $840 each; one messenger; engineer, $840; two firemen; two watchmen; one elevator conductor, $720; three laborers; and three messenger boys, at $360 each; in all, $166,560.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, I wish that the Senator having this bill in charge—perhaps I might as well have waited until the amendment had been read, but I make the inquiry now—would explain the necessity for this large increase—for it is a large increase—in the force of the Civil Service Commission, amounting to seventy or seventy-five thousand dollars. Why is it necessary to make this large increase in the number of employees of the Civil Service Commission? I suppose the present force has been transacting the business of the Commission during the past year without these additional employees or else by the transfer or detail of clerks from other Departments, I do not know which. If these are to take the place of the clerks who have been detailed from other Departments, I should like to know what becomes of those clerks—whether they can not be dropped from the other Departments? If not, it would seem to indicate an increase of force in the other Departments. I am not very well informed about this subject, and I think the Senate would like to be informed.

Mr. CULLOM. Mr. President, the apparently enlarged force which is provided for in this bill is simply continuing the force the Commission had before, but they were detailed from other Departments of the Government. There is not, I think, a single additional clerk added to the force of the Civil Service Commission by this provision. The committee has been trying to localize and bring about such a condition, so that when a Department asks for additional help we may know whether they desire the appointment of an additional clerk or the services of a clerk theretofore employed by them.

The business of detailing clerks between the different Departments and between the Departments and the Civil Service Commission has been going on to such an extent that it was difficult for the committee to ascertain just exactly the condition which prevails. We are now attempting to give the Commission the same force they had, and to provide that that force shall be paid out of their own appropriation, so that when the Commission make a report and ask for more force we can tell whether they are getting two or ten or any other number. Heretofore these detailed clerks have been paid by the different Departments. That is all there is in the amendment. There is no increase provided. It is merely an attempt to simplify these matters.

Mr. PLATT of Connecticut. But what becomes of the clerical offices in the other Departments in cases where men have been detailed to the Civil Service Commission? Now, you propose that men who have heretofore been detailed for service shall be appointed clerks in the Civil Service Commission, but

what becomes of the offices which those men have held under other Departments? I suppose the provision is all right, but I do not seem to understand it.

Mr. CULLOM. I will state that it appears from the report of the House committee that, for instance, in Boston one secretary was detailed from the post-office; that two clerks, at $1,000 each, were also detailed from the post-office, and one clerk was detailed from the custom-house. These clerks are gathered from all over the country; they have been detailed for work in connection with the Civil Service Commission, and yet they are paid by the different Departments from which they have been detailed.

Mr. PLATT of Connecticut. Now, take that last instance—one clerk detailed from the custom-house. Is that office abolished, or are we still appropriating for that clerk in the customs' department—not to that individual, but to some other person who fills that office?

Mr. CULLOM. I understand that there has been heretofore an appropriation for the different Departments which included the payment of the clerks who have been detailed and scattered about the country. They are now brought in, and the general fund, the sum total that is appropriated by the amendment, is reduced, so far as the Departments are concerned and so far as it could be done consistently with making the change which is now proposed.

Mr. PLATT of Connecticut. Let me try to make myself understood. The Senator said that one clerk had been detailed from the customs service. You appoint that clerk under the Civil Service Commission. Then, what becomes of the place which he has filled? Has that been stricken out of the appropriation, so that we do not have to pay for both. That is what I want to find out, if I can.

Mr. CULLOM. We have no control over those clerks. The Secretary of the Treasury, for instance, has charge of those detailed from the custom-houses, of whom there are many, and they are all brought in. The Secretary of the Treasury has been paying those clerks, I suppose, out of the general fund appropriated for his Department, to be used as he thought proper and right.

Mr. PLATT of Connecticut. Yes; but what I want to get at is whether there is a provision of law under which the Secretary of the Treasury can appoint another clerk in the customs division and pay him, whether the taking of these detailed clerks and putting them under the Civil Service Commission does or does not amount to the appointment of new clerks in their places in the other Department?

Mr. CULLOM. I do not know whether the Secretary of the Treasury provides new clerks in their places.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. CULLOM. Certainly.

Mr. LODGE. I understand there is a provision here for a rural carrier examining board. The rural carrier examining board is now detailed from the Post-Office Department, and its members are paid, of course, from the general postal fund. They are, I assume—I have no authority to speak positively, not being a member of the committee—but I assume that when these men are transferred under a specific, separate appropriation they cease to receive any salary from the places they had previously filled in the Post-Office Department. That is the way it should be; and that is what I suppose it is.

Mr. PLATT of Connecticut. That depends on whether in the post-office apropriation bill there are so many less persons appropriated for.

Mr. LODGE. We do not appropriate in the post-office appropriation bill for these clerks, I will say to the Senator, except in a general fund. They are paid out of a general fund.

Mr. PLATT of Connecticut. But if you have just as large a fund this coming year out of which to pay clerks as you had before, it gives an opportunity to appoint more clerks, and to duplicate them. I want to know whether this amendment proposes to increase the number, or whether it is just evening up?

Mr. CULLOM. I will say to the Senator that the Secretary of the Treasury, for instance, who has charge of the customs service, when a clerk is detailed from his Department, has a general fund, so that if he needs the services of such a clerk he will put somebody else in the place. I take that for granted, as he is the administrator of the Department, and it is impossible for Congress to determine whether in any particular case he should do this or not.

Mr. ALLISON. Mr. President, I appreciate the desire of the Senator from Connecticut to understand this question and to ascertain exactly what has been done and what is to be done. As I understand, the custom-house clerk, or whoever it may be that has been detailed from the Boston custom-house, if he had not been detailed would be paid from a lump sum of $5,700,000, which was appropriated for the customs service in 1872; but it is so inadequate that each year we appropriate nearly $5,000,000 more. So this clerk has been detailed from the Boston custom-house on the presumption that his services are not needed there, and if they are not needed there they are needed here, and of course he is immediately transferred. Whether or not another appointee is to be provided for rests wholly with the Secretary of the Treasury. If there is an additional clerk needed at the Boston custom-house, on the recommendation of the collector of the port, with the approval of the Secretary of the Treasury, such clerk will be provided for. That would be the case whether this provision stands in the bill or not, because it happens that as respects the clerks in the various custom-houses there are no specific appropriations, and that is measurably true with reference to those who are transferred from the postal service. They are paid out of a lump appropriation for the postal service, and provided for in a bill over which the Committee on Appropriations has no control.

I assume, as the Senator from Massachusetts [Mr. LODGE] assumes, that when the post-office appropriation bill comes before this body the Post-Office Committee will see to it that the necessity for the employment of these clerks will be inquired into, and if they are no longer needed they will be dropped; but if they are needed there I do not very well see how we can now interfere. Clerks are now detailed from those offices; and, being detailed, there is a presumption that they are not needed in the places to which they had previously been appointed, but at present there is no control over the number of persons to be employed under the Civil Service Commission. We have provided here that the Commission shall have such force as they need. They satisfied the committee—they certainly satisfied me—that they did need these employees.

Mr. PLATT of Connecticut. Mr. President——

Mr. ALLISON. We have provided also, if the Senator will allow me a moment, that hereafter there shall be no details from other Departments of the Government to the Civil Service Commission; but if the Commission want additional clerks they shall make an estimate for them and appeal to Congress for the necessary authorization. I understand that to be the situation; and hence the Senator from Connecticut will see how difficult it is for us to say that the employees now borne upon a roll over which our committee have no control shall be discharged. These particular employees are to be placed under the Civil Service Commission because they are needed there.

Mr. PLATT of Connecticut. That is entirely right, and I think the committee in entirely right in doing away with the detailed clerks and making them clerks under the Civil Service Commission; but I confess that I apprehend that the offices of these detailed clerks will in some way be filled when they are placed by an appropriation act under the Civil Service Commission. I fear it, at least. In other words, if there was on duty in Boston for the Civil Service Commission "a secretary detailed from the post-office at $2,200; in New York one secretary detailed from the custom-house, at $2,500; on duty in Philadelphia a secretary detailed from the custom-house, at $2,200," I apprehend when a person who has been acting as secretary for the Civil Service Commission in field work in these different places is placed by an appropriation act under the Civil Service Commission and is no longer detailed from the custom-house or the post-office, as the case may be, that the postmaster in New York or in Boston or in Philadelphia may think that he wants just such a man in his office, and that another one will probably be appointed to take the place which has been vacated by the clerk who had hitherto been detailed.

Mr. ALLISON. I think I ought to say that I believe the Senator in charge of this bill has suggested that there was great complaint in the Departments that the Civil Service Commission under the law had power to grab, as it were, their employees and place them in its service for the purpose of conducting civil-service examinations. I have no doubt in Boston and in New York, where there is a very large increase annually in the work of the custom-house, other appointees would take the places of the clerks who had been detailed.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. CLAY. I should like to ask the Senator is it not true that the Civil Service Commission has heretofore gone to the Post-Office Department, to the Treasury, and to other Departments and obtained clerks for the purpose of doing the work of the Commission? Now, this amendment proposes to give the Commission permanent clerks to do their work, and that will carry, I believe, an appropriation of $66,000. If this amendment be adopted will it not be true that the Post-Office Department and the Treasury Department will retain the same number of clerks they now have, and it is not true that this

amendment simply provides for an additional force of clerks carrying an amount equal to $66,000? Does the Senator really think that when the post-office appropriation bill comes before this body there will be any reduction in the number of clerks on account of the fact that the Civil Service Commission gets these new clerks?

Mr. ALLISON. I assume that the Committee on Post-Offices and Post-Roads will investigate that question. If they find that such clerks are not needed in the Post-Office Department and that other clerks are not used in the places of those detailed—and not being used there the presumption is that they are not needed—I am sure the Senator from Georgia [Mr. CLAY], who is a very active, energetic, and able member of that committee, will take his share of the responsibility on this subject when it comes before the committee.

Mr. CLAY. My understanding is, Mr. President, that the Civil Service Commission wants permanent clerks, and also that the Post-Office Department and the Treasury Department have been unable to furnish the Commission all the clerks they needed to enable them to discharge the duties of the Commission; and I predict that when the post-office appropriation bill passes this body there will be an increase rather than a reduction in the number of clerks.

Mr. LODGE. Mr. President, I think there is considerable distinction between clerks detailed from the Departments here and those detailed in the different large cities of the country. Clerks detailed from the Departments here to the Civil Service Commission perform no other work but that of the Civil Service Commission, and if we give the Civil Service Commission a permanent force—which I think is wise legislation—those clerks ought not to be kept on the rolls of the Departments. There is no question at all in my mind about that.

In the different large cities I know, as a matter of fact, that some of the most valuable clerks in the offices have been compelled under such details to do double work; that is, the post-office has also required the services of the men who were detailed to make these examinations. There may be cases there where there would be necessity for an additional clerk, but I do not think that will be the case here.

Mr. CLAY. Does the Senator think the number of clerks in the Treasury Department and in the Post-Office Department will be reduced to an extent equal to the amount that is given to the Civil Service Commission by reason of this amendment?

Mr. LODGE. I think they ought to be.

Mr. CLAY. I am sure they ought to be if this amendment is adopted, but I do not expect it.

Mr. LODGE. As the Senator from Iowa [Mr. ALLISON] has said, that is a matter largely in the hands of the Senator from Georgia, to whose ability and energy on the Post-Office Committee I would testify from my personal knowledge, as the Senator from Iowa has done.

Mr. CLAY. I am judging the future largely by the past. Notwithstanding the fact that we have been anxious to reduce the number of Federal employees, we have never been able to do so.

Mr. LODGE. We ought to do so.

Mr. CULLOM. Mr. President, I only want to say that the purpose of the committee in framing this amendment was to place the bill in such form as to make it show exactly the force which shall be given to the Civil Service Commission, and not allow the Commission longer to have clerks detailed from the Departments whenever they choose to call for them, so that we may know exactly what their force is to be.

I want to say here that we do not give the Commission all the force which they say they need. The force here provided for is what they have had for some time. Their business is growing, and they think they ought to have a larger force. We simply allow those who have been detailed for service under the Commission to be in the service of the Commission and to be placed on their rolls, so as to make it necessary that they shall be retained there unless discharged for cause.

THE MERCHANT MARINE.

Mr. BAILEY. Mr. President, when the Senator from New Hampshire [Mr. GALLINGER] submitted his report this morning concerning the merchant marine, I rather complained that I had a right to expect that the measure which came as a result of the labors of that Commission would not be a subsidy measure, but would provide for a discriminating duty. The Senator from New Hampshire seemed to think that I was imputing bad faith to the Commission. I disclaimed that at the time. I had no purpose of that kind then, nor have I any such purpose as that in my mind now. I interposed that statement more in my own defense than for any other reason. I remembered that I had objected to the bill creating that Commission, and stated that I objected to it because I believed that the result of its work—if its work resulted in any recommendation—would be the proposal of a ship-subsidy measure, but under the expression of a different opinion by a Senator of great influence, and particularly identified with this measure, I withdrew my objection. But, in view of the recommendation of the Commission on which the bill reported this morning is predicated, I feel that I owe it to myself, at least, to say that I would never have permitted the unanimous consideration of that measure if I could have foreseen the result of that Commission's testimony and report.

I desire, as an excuse for permitting it to be considered by unanimous consent, to incorporate at this point a colloquy taken from page 5678 of the CONGRESSIONAL RECORD of the Fifty-eighth Congress, second session:

> The Presiding Officer laid before the Senate the bill (H. R. 7056) creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes; which was read twice by its title.
>
> Mr. TILLMAN. Mr. President——
>
> The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from South Carolina?
>
> Mr. BAILEY. Certainly.
>
> Mr. TILLMAN. I call the Senator's attention to the fact that the Senator from New Hampshire [Mr. GALLINGER], with whom he had the colloquy a little while ago, is not now in the Chamber. I presume he will shortly return, and it will be interesting to have him present.
>
> Mr. LODGE. I trust the Senator from Texas will continue. The Senator from New Hampshire will no doubt come in very soon. There are other members of the Commission present.
>
> Mr. TILLMAN. It is not a question of the Commission. It is a question of what occurred in the Senate as to a past agreement or understanding.
>
> Mr. LODGE. I think it is a question of the Commission.
>
> Mr. BAILEY. Mr. President, I notified the Senator from New Hampshire that I would put this matter in the RECORD, and I do not consider that this is any reflection on that Senator or on the Commission. I put it in with no such thought as that in my mind, but put it in purely because I was in a measure responsible for this recommendation, for I could have prevented it by objecting at that time.

The report in the RECORD, after the Senator from Maine had asked for the consideration of the bill, proceeds:

> Mr. BAILEY. I will say to the Senator from Maine that that bill will provoke a controversy. It is, in my judgment, intended to collect data upon which to predicate a ship-subsidy measure, and I feel that it should be resisted.
>
> Mr. FRYE. If the bill is not passed now, of course it is useless, because it provides for a report at the next session of Congress.
>
> Mr. BAILEY. I hope it will never pass, because the only result of its passage, if it results in anything, will be a ship-subsidy bill.
>
> Mr. FRYE. That is not my opinion. My opinion is that it will result in a recommendation for discriminating duties.
>
> Mr. BAILEY. Mr. President, I testify my great confidence in the Senator from Maine by accepting that assurance, and so far as I am concerned I will not object to the bill.
>
> Mr. FRYE. I simply say that it is my judgment that it will result in a recommendation for discriminating duties.
>
> Mr. BAILEY. The Senator from Maine will control the appointment of at least a part of those who are to make the investigation.
>
> Mr. FRYE. The Senator from Maine will appoint as one of that commission the Senator from Massachusetts [Mr. LODGE], who has already introduced a bill for discriminating duties and has announced himself as in favor of such duties; and there will be two Democrats on the Commission.
>
> Mr. BAILEY. Reserving, of course, any expression about discriminating duties, I will say that they are incomparably better than a ship subsidy, and if this bill offers a way to escape a subsidy I am willing for it to pass.
>
> Mr. FRYE. I beg the Senator to let the bill pass anyhow.
>
> Mr. BAILEY. Very well.
>
> The PRESIDING OFFICER. Is there objection to the present consideration of the bill?
>
> There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.
>
> The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, I did not recall particularly the colloquy which the Senator from Texas has just read, but I observed from his reading that the Senator from Maine [Mr. FRYE] stated that it was his opinion that the result of the work of the Commission would be a bill for discriminating duties. That, of course, was a mere matter of opinion—it bound no one—and of that individual Senator. The Commission was appointed under the act. That act gave to the Commission the largest possible powers to investigate and to report. They went into the subject with the utmost thoroughness. They held hearings in all parts of the country. The results are before the Senate.

What the President of the Senate said in that colloquy with the Senator from Texas in regard to myself was perfectly true.

I had introduced a bill for discriminating duties. I was extremely anxious to bring about some legislation of that character. I much preferred it to any other. I thought it could be done.

I went on the Commission and served on it as strongly prejudiced, when I began, in favor of discriminating duties as anyone possibly could be. This is not the time nor the occasion, when an appropriation bill is up, for me to enter into the reasons which led me to change my opinion. But I can say frankly that I was convinced by the facts that came out in those hearings that discriminating duties were absolutely impossible and out of the question. I think that was the impression of the entire Commission. I think it was demonstrated that, whether we should do anything for shipping or not, to attempt to do it by discriminating duties was absolutely impossible.

Mr. SPOONER. Was that mainly because of the treaties?

Mr. LODGE. No. There were many other reasons which I can not enter into now. The treaties, of course, were one reason. The denunciation of more than thirty treaties was a very serious matter of course. That was only one reason, however. There were other reasons even more convincing than that, and which proved to the Commission's mind that it was infinitely the most extravagant and burdensome method; that it opened us to retaliation where we should be in a much worse situation than our competitors, and that it would involve necessarily placing a duty on every article now on the free list of the United States.

Mr. SPOONER. Does not a tax on foreign tonnage subject us to liability to retaliation?

Mr. LODGE. Oh, retaliation. Of course they can raise their duties on foreign tonnage, beyond a doubt, but at this moment we put the lowest rate on foreign tonnage of any nation in the world. The rates proposed by the Commission, while higher than those of England and a little higher than those of Germany, are lower than those of France and Italy—much lower. We do not——

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do not intend to discuss the merits of this question at all. I merely wish to point out that I went onto the Commission as strongly in favor of the policy of discriminating duties as anybody could be. I was convinced, upon what seemed to me excellent reasons, that it was utterly impracticable and impossible to adopt that system.

Mr. BACON. Mr. President——

Mr. LODGE. One word, and I will yield to the Senator. I never would have gone onto the Commission if I had supposed for one moment that we were expected to report any particular system. I understood the Commission to be serving under that act, and if it was not intended to have a free inquiry and an honest report of what the Commission believed to be the best and most practicable method of encouraging the American merchant marine, I for one should have thought it worthless and would have declined to render service upon it.

It is impossible to appoint a commission and have it understood beforehand that they will only report one way when their object is to investigate and report. It seems to me, Mr. President, there could not have been any understanding on the part of any member of the Commission that we could only report along one particular line.

Mr. BACON. I wish to ask the Senator from Massachusetts a question——

Mr. LODGE. Certainly.

Mr. BACON. As I have considerable interest in the question of discriminating duties. Does not the Senator recognize the fact that a schedule could be so framed as to apply only to dutiable goods?

Mr. LODGE. No more unjust system than that could possibly be devised, and the Senator will see it if he thinks about it for a moment.

Mr. BACON. I am not discussing that question, but I understood the Senator to say, not as a matter of policy or justice, but as a matter of fact, that the imposition of discriminating duties would necessarily involve the placing of duties upon all articles now on the free list.

Mr. LODGE. It would, absolutely, and there is no escape from it. For example, a ship from Liverpool comes into the port of New York loaded with dutiable goods, luxuries, carrying a very high duty. That vessel would get an enormous subsidy. Eighty per cent of our imports from South America are free of duty. A vessel comes from Brazil, as happens every day, bringing a great cargo, on which not one cent of duty is levied. That vessel would get nothing, while the man trading to Liverpool would get an enormous aid from the Treasury. A system like that, the Senator must see, is an impossible system.

Mr. BACON. The Senator is now arguing as to the propriety. He spoke just now of the necessity. The Senator said, if I understood him correctly, that the imposition of discriminating duties would necessitate duties upon articles now on the free list.

Mr. LODGE. Absolutely it would.

Mr. BACON. The Senator may argue as to why it would be very important that it should be done——

Mr. LODGE. I am not arguing that it is important.

Mr. BACON. But there is no difficulty in the way of confining it to dutiable goods.

Mr. LODGE. I am arguing that it is impossible to give a great aid to a ship in one trade and refuse it to a ship in another trade.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I wish to ask the Senator from Massachusetts a question before he takes his seat, and that is whether or not he understands that by the policy of discriminating duties ships are to get subsidies? I do not understand that a ship gets any subsidy whatever. The rebate simply lessens the amount of duty that is to be collected into the Treasury of the United States. The ship gets nothing except only the business.

Mr. GALLINGER. In other words, the money is halted before it reaches the Treasury, which amounts to about the same thing as if it went into the Treasury and was paid out.

Mr. LODGE. The same thing.

Mr. FORAKER. I do not understand the Senator from New Hampshire.

Mr. GALLINGER. It amounts to this, that the money is halted before it gets into the Treasury. It amounts to the same thing as if paid into the Treasury and paid out again.

Mr. FORAKER. It does not go to the ship. If I understand the policy of discriminating duties, its object is to get business for the ship.

Mr. GALLINGER. Certainly.

Mr. LODGE. Yes.

Mr. FORAKER. It has to get that business in competition with other ships. Not a dollar of the rebate goes to any ship. Our contention has always been that if we could get business for our ships they could prosper; if we could get business for our ships then they could successfully compete. I may be in error about this. I have been reading the testimony which the Commission have taken; and I want to thank personally the Commission for the very splendid work they have done in that respect. I think we are having laid before us more information on this subject than we ever had before. It is all intensely interesting. I have always favored the policy of discriminating duties, not, however, upon the theory that anything went to the ship, but only on the theory that in that way the ship would command business. If a man be in Liverpool and wants to ship a cargo of goods to the United States, he will prefer the American bottom under such a policy, upon the theory that he will have to pay less tariff duty to our Government, and therefore it is that the ship will get the business. It does not get any duty, it does not get any bounty, it does not get any subsidy, it does not get any financial help, except what is derived from the business.

Now, I may be in error about all this. I only want to say that the remark of the Senator from Massachusetts arrested my attention when he said that under this policy the rebate was in the nature of a subsidy to the ship.

Mr. LODGE. I used the word incautiously probably and inaccurately. What happens of course is this: The duty being taken off goods brought in an American bottom, the American ship gets the business, and getting the business, the rebate goes into the freight and goes to the benefit of the American ship. Otherwise it would not take it.

The result of a system of discriminating duties in regard to articles now on the free list would be this: Vessels trading in articles on the free list would get no advantage. They would get no rebate. They would not be helped a particle in building up the trade where we most want the trade. That is, should be giving great advantages to vessels engaged in certain trade and no advantage to vessels engaged in other trades. Forty-three per cent of our imports are on the free list. It would be a great injustice to any man who wants to trade to South America and bring back coffee to give him no preference, and to give it to the man who trades to Liverpool.

But, Mr. President, that is not all there is in this thing. In the days of the old discriminating duties the balance of trade was very largely, very often, and very generally against us. It was rarely more than equal. Now to-day our export trade shows an immense balance in our favor. In other words, every

retaliating nation would have the opportunity to strike us twice where we could strike it once.

The purpose of the old discriminating duties—I can not enter into it now, but I am prepared to show that that is the fact—was to bring about these very treaties that we afterwards made. We had when we began no commercial equality under treaties with the other nations of the earth. We made the discriminating duties principally to assure to our ships an equal treatment in foreign ports, and the thirty and more treaties that we have were the result of the discriminating duties policy.

Now, to begin with, we have to denounce every one of those treaties as far as that clause goes. The moment we do that we open the door to retaliation. They can retaliate on us for two against one, because the balance of exports is so largely in our favor.

Moreover, suppose you put the discriminating duty at only 10 per cent. That, in round numbers, roughly speaking, on our revenue from dutiable imports alone, would mean to take out of the Treasury of the United States $40,000,000. It is a pretty expensive way of getting at it—to reduce the revenues to that amount—and you could not with any justice by any possibility avoid a duty on the articles on the free list. There would be no way of getting at it.

Mr. BAILEY obtained the floor.

Mr. FORAKER. Mr. President——

Mr. BAILEY. I yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I only want to say a word in reply to the Senator from Massachusetts. I do not understand there is any difficulty in the way of adopting the policy of discriminating duties because of the fact that a large portion of the goods imported into this country come in free of duty. It has always been my understanding that as to such goods the discrimination would be by levying upon those goods a small tariff of 5 per cent or whatever the inducement might be.

Mr. LODGE. If the Senator will pardon me, that is exactly what I said. We would have to do it.

Mr. GALLINGER. On tea and coffee.

Mr. FORAKER. The Senator may have said that in some previous remarks.

Mr. LODGE. I said it repeatedly.

Mr. GALLINGER. On tea and coffee, and everything of that kind.

Mr. LODGE. We would have to put a duty on the whole free list. That is my whole contention.

Mr. FORAKER. That may be. I was answering what I understood the Senator to say in the remarks he made just before he last took his seat, namely, that it was impossible, because we were admitting goods free of duty, to resort to the policy of discriminating duties.

Mr. LODGE. The Senator from Ohio——

Mr. FORAKER. I understand the correction.

Mr. LODGE. The Senator will allow me. When I said impossible, it was in connection with my previous remarks—that is, impossible without putting a small duty on the articles now free, when brought in foreign bottoms.

Mr. FORAKER. I now understand the Senator thoroughly, and we are in accord about it. Later, when this matter comes up to be considered, I will take occasion to speak at more length upon that point, if I have opportunity. I can not now do anything more than merely refer to it.

One other remark the Senator from Massachusetts made was about retaliation. That has never had any terror for me. I can not understand, notwithstanding what the Senator has said, how we have anything to fear as to retaliation when we carry less than 10 per cent and the ships of foreign nations carry the other 90 per cent of our foreign commerce.

Mr. BACON. If the Senator from Ohio will permit me, I should like to make another suggestion in this connection, and that is that a very large proportion, if not the entire amount of the balance in our favor, is made up of agricultural products, cotton and grain, upon which the European nations could not afford to make any discriminating imposition.

Mr. FORAKER. That is probably true, and upon that I want——

Mr. BACON. In this morning's paper Mr. Chamberlain, the advocate of protection in England, announced in a speech that he would never favor the imposition of a duty on cotton. I simply use that as an illustration.

Mr. LODGE. Will the Senator allow me on that point, that the foreign nations can not afford to put a duty on cereals. They have an enormous duty on cereals in France and in every other European country, and if we raise the duty on French goods, do you suppose they will not raise the duty on the things we export? Of course they will.

Mr. BACON. The Senator knows that our exports of cereals——

Mr. LODGE. And England is the only country that does not put a duty on breadstuffs.

Mr. BACON. As I was about to say, the Senator knows that our exports of breadstuffs are principally to England.

Mr. LODGE. Certainly, and they are proposing to put a duty on now.

Mr. FORAKER. I did not rise to discuss this matter now. Later we will all have an opportunity, I suppose, to discuss it to our satisfaction.

In the matter of retaliation, aside from the remark I have already made, I wish to add one other observation. I do not know why a nation should retaliate upon us for adopting discriminating duties in order to build up our merchant marine any more than it should if we commence to pay subsidies or tonnage dues, as I understand this bill provides. The one is just as objectionable as the other I imagine.

Mr. LODGE. They are all doing it now.

Mr. FORAKER. Yes.

Mr. SPOONER. And the larger the export trade the greater the opportunity that foreign governments have for retaliating by a tonnage tax.

Mr. FORAKER. That is entirely correct.

Now, about the treaties. Every time this subject comes up we are told of these treaties, and we are told now that these treaties are the direct result of the policy of discriminating duties that was pursued prior to the making of those treaties. That is true, because under the discriminating duties policy we built up a merchant marine. We built it up because of the fact that we had a policy that was self-operating, a policy that did not take any money out of the Treasury directly for the benefit of anybody, and other nations seeing that inveigled us—I do not think that is too strong a term—into making a lot of reciprocal treaties.

Mr. LODGE. We sought them all.

Mr. FORAKER. I do not understand the records so to show. It may be that we to some extent did seek some of them, but I know that there was anxiety on the part of other nations to tie us up in reciprocal treaties of the character referred to, and then as soon as we were tied up under these reciprocal treaties or nonreciprocal treaties, treaties providing that we should not resort to discriminating duties, every other nation with which we were in competition as to a merchant marine commenced in spirit and practically to evade the purpose of those treaties by paying subsidies. We are the only nation that has suffered. We are tied up so that we can not return to the policy under which we had prosperity, and they have taken advantage of the situation to pay these enormous subsidies which we can not pay in this country, because the American sentiment will not sustain it. The result is our merchant marine is languishing. Fortunately the treaties provide for their abrogation, and we should act upon that provision.

Mr. CULLOM. I do not desire abruptly to interrupt the very interesting debate that is going on, but I wish to remind my friends that an appropriation bill is before the Senate, and that I desire to get back to its consideration as quickly as possible. I hope the Senators who are discussing this question will reserve some of their fire until the subject comes up in the regular way.

Mr. LODGE. Mr. President, I wish to say a single word on the point on which the Senator from Ohio made about retaliation on tonnage taxes. This Commission—I do not mean to attribute to it any undue glory—has been thinking about this thing and considering these difficulties for six months. The Senator says they will retaliate with tonnage taxes.

Mr. FORAKER. No; I said, will they not?

Mr. LODGE. Wait a moment and I will explain it to you.

Mr. FORAKER. They already have tonnage taxes.

Mr. LODGE. The Senator said very truly that we only carry 10 per cent. Therefore 90 per cent of our exports go in foreign bottoms. If they retaliate with tonnage taxes, on whom will the tonnage taxes fall? On their own ships.

Mr. FORAKER. Will that hurt us?

Mr. LODGE. They can not retaliate in tonnage taxes.

Mr. FORAKER. I yield to the appropriation bill. Later we will have an opportunity to discuss this matter.

I want to say, however, before we leave it, that I am reading with a great deal of interest the information that the Commission have brought here, and I have no fixed or settled purposes about this matter. I am like the Commission. I am open minded to hear all that can be said, and to reach a just conclusion afterwards, but I do think that one of the most important subjects for Congress to deal with is the question of the merchant marine, and we should divest ourselves of all

political prejudice and agree upon some American policy that will result in its rebuilding.

Mr. BAILEY. Mr. President, I do not complain that the Senator from Maine [Mr. FRYE], who expressed a confident opinion that the Commission would recommend discriminating duties, was mistaken in that opinion. I do not even complain that the Senator from Massachusetts [Mr. LODGE], by a change of opinion, disappointed the reasonable expectation of the Senator from Maine. I am somewhat surprised, however, that the Senator from Massachusetts confesses before the Senate and the country that he introduced a bill upon a disputed question without sufficient information on that question. The learning, the ability, and the scholarship of the Senator from Massachusetts always exempt him from the suspicion that he does not thoroughly understand every subject to which he addresses himself, and I was justified in believing that when the Senator from Massachusetts was so far committed to the doctrine of discriminating duties he could not be persuaded to abandon his view by the testimony of interested parties called before the Commission.

The Senator from Massachusetts is not a Senator to introduce bills merely to please his constituents, and he seldom drafts one that does not express his settled view. While I make no complaint against him because he has changed his opinion, I still must be permitted to say that I could not have been very greatly in error when I assumed that his recommendation as a member of the committee would coincide with the bill which he had introduced. If I were uncharitable or ungenerous I might say that one of the things which changed the views of the Senator from Massachusetts was the fact that this bill contains a provision for a bounty upon the deep-sea fishery along the Massachusetts and other New England coasts. But I do not make even that insinuation.

Mr. GALLINGER. It is a return to the Jeffersonian policy.

Mr. BAILEY. I would be gratified to repeal every law that is now here and to reenact every law that existed in Jefferson's time, and start with them as a basis.

Mr. GALLINGER. There was then a bounty on the deep-sea fisheries.

Mr. BAILEY. True enough; every law of that time was not a wise one, nor is every law of this time an unwise one; but, upon the whole, I would rejoice at an opportunity to exchange these for those.

Mr. President, while I am satisfied that the testimony has produced a change of view on the part of the Senator from Massachusetts, and I disclaim here and now any right to criticise the effect of that testimony upon the mind of any man, because I have not yet had the opportunity of reading it, but this much I do say, that when the Senator from Massachusetts declares on the floor of this body that a discriminating duty is impossible with a free list, he uses the word "impossible" certainly to signify "impracticable," because that we could do it no man questions. Whether we could do it without falling into difficulties——

Mr. LODGE. The Senator, of course, knows that I mean practically impossible, not theoretically impossible.

Mr. BAILEY. The Senator from Massachusetts usually is so accurate in the use of words that I seldom assume that he means anything except exactly what he says.

Mr. President, I have no purpose of entering upon a discussion of the main question now, but I want to say that if the testimony of the witnesses who have convinced the Senator from Massachusetts is not more accurate than the Senator's statement that even a 10 per cent rebate on our present duties would mean a loss of revenue equal to $40,000,000 annually, the testimony is not very reliable.

A loss of $40,000,000 annually upon a 10 per cent rebate means a revenue duty of $400,000,000. Of course the Senator from Massachusetts knows that while we are collecting more than we ought to collect for the administration of a simple, efficient, and honest government, we are still not collecting through our custom-houses any such sum as $400,000,000.

For the second or third and for the last time I disclaim any intention to reflect upon the Commission or to reflect upon the Senator from Maine or to reflect upon the Senator from Massachusetts. These changes of opinion will occur, and I have no respect for a man who when he changes his opinion refuses to change his position. A distinguished man has said that consistency is the virtue of fools, and I am much inclined to adopt that opinion. I make no complaint of anybody. I only called this matter to the attention of the Senate because I felt that by an objection at the proper time I could have prevented the creation of that Commission, and I regret now that I did not make the objection. It is possibly true that when the debate shall have been concluded and when I myself have examined all the testimony submitted to the Commission I may rejoice that I did not prevent its creation.

Mr. LODGE. Mr. President, a change of opinion on the part of any individual is never a matter of sufficient importance for much debate. But after what the Senator from Texas has said I think I owe it to myself to say that I had always believed in a general way in discriminating duties. I introduced a bill which had been prepared by Mr. Bates, a former Navigation Commissioner of the United States, looking toward the adoption of that policy. I had never gone to the bottom of the question thoroughly. I did go to the bottom of it thoroughly during the work of this Commission, and I changed my mind. I agree with the quotation made by the Senator from Texas, although I have always heard it given that consistency was the bugbear of weak minds. I think there is no reason why a man should not change his mind on testimony. I changed mine on the investigations and the discussions of the Commission.

The Senator has alluded to the bounty to the fishing vessels. I changed my mind long before the bill was presented to the Commission. I did not draft the bill. I never suggested to any human being on the Commission that there should be a bounty on fishing vessels. It was embodied in the bill when the draft of the bill by the chairman was laid before the Commission. It was not objected to, so far as I am aware, by any member of the Commission. I said nothing about it. I have always favored bounties to the fishing vessels, and I have always agreed with Mr. Jefferson in that respect. But it was done without any knowledge of mine. As to my conviction against the possibility of using discriminating duties, which I should greatly prefer as an abstract proposition, that change was effected before any attempt was made to draft the bill; and I think that is the case with the whole Commission.

Mr. GALLINGER. Mr. President, apologizing to the Senator from Illinois [Mr. CULLOM] and assuring him that I will take but a moment, I want simply to add a word to this discussion, which I think is being conducted at an inopportune time.

While it is not necessary to do so, I wish to corroborate what the Senator from Massachusetts [Mr. LODGE] has said in reference to the provision of the bill relating to deep-sea fisheries. He was not present when the bill was drafted. He had not the least earthly knowledge that that provision was in the bill until after it was completed and submitted to the full Commission.

Now, Mr. President, I listened to a portion of the colloquy the Senator from Texas [Mr. BAILEY] read that occurred on the day the statute creating the Commission passed the Senate. I was present during a portion of the time and can recall the words that were said. The Senator from Maine [Mr. FRYE], not himself believing in discriminating duties, wanted to assure the Senate that he was not going to appoint, so far as he was concerned, five Senators who were hostile to that policy, and so he said that he proposed to put the Senator from Massachusetts [Mr. LODGE] on the Commission, who had introduced a bill providing for discriminating duties. The Senator from Maine did not consult me as to my views on that question and of course had no authority to speak for me. I presume he did not consult the Senator from Pennsylvania [Mr. PENROSE]. I do not know whether he consulted the Senator from Virginia [Mr. MARTIN] and the Senator from Florida [Mr. MALLORY].

But we could not, Mr. President, have in this body determined what action the Commission should take. There were five men to be added to the Commission from the other House. Of course no Senator could speak for those men. The Senator from Maine could not have spoken for them. Hence, as I said this morning, I believed then, as I believe now, that we were open to consider all the phases of this very perplexing question and reach conclusions that were warranted by the testimony presented to the Commission.

At the first meeting of the Commission, in New York—and it will take but a moment to allude to that—the Hon. Darwin R. James, formerly a distinguished Member of the House of Representatives, made a very felicitous little address to the Commission, welcoming them to that city, and the chairman, in an offhand way, made a brief response. I wish to read what the chairman said:

> The Commission is here in the discharge of a responsible and troublesome task. We all realize the fact that the problem set before us is not one easy of accomplishment, but we are hopeful that through the kindly aid and cooperation of men like those assembled in this room this morning we may be able to reach some conclusion which will lay the basis, at least, for subsequent action that may result in accomplishing the object we all so much desire.

Then after alluding to the statute the chairman said:

> Now, gentlemen, I assume that little time need be wasted in a discussion of existing conditions, so far as the merchant marine of our country is concerned. It is a matter of universal knowledge and almost universal regret that our deep-sea shipping is practically driven from the ocean, more than 90 per cent of our foreign commerce being

carried in foreign ships flying foreign flags. It seems to me that what we want more particularly to inquire into is the remedy for the existing deplorable state of affairs, and we will be fortunate indeed if the discussion, here and elsewhere, sheds such light on the subject as will enable this Commission to recommend to Congress legislation of a remedial character. It is the desire of the Commission that those of you who participate in the discussion will feel at liberty to present the subject each in his own way, it being understood in advance that the Commission is not here for the purpose of exploiting any particular theory or advancing the interests of any particular measure. We will be pleased to hear those who advocate direct subsidies, and equally those who believe that the adoption of a system of discriminating duties or postal subventions will solve the problem, or any other method that promises relief. We will also be glad to hear from the representatives of labor, the representatives of seamen, or other organizations, in the hope that they may be able to shed more or less light on this complex and troublesome question.

Mr. President, substantially what the chairman of the Commission said in New York was repeated in the other cities. The assurance was given that the minds of the Commission were open; that we were charged with a very important and a very complex and perplexing question; and that he wanted all the light that we possibly could get on the subject, every man who presented himself being at liberty to advocate any view or theory to which he held.

The Senator from Texas, very likely inadvertently, suggested to the Senator from Massachusetts that he changed his mind after interested parties had been heard. Mr. President, we opened this inquiry to the whole world. In every city where we went we advertised the fact that any man who wanted to be heard would be welcomed before the Commission, and we did hear advocates of every possible theory that has ever been advanced on this subject and we have embalmed them in the printed record.

Now, Mr. President, that is all I care to say. I think we ought to have a field day on this question, and I hope we will have it. I trust that we shall have a debate that will be enlightening to ourselves as a legislative body and to the country and to the world, because there is a great deal to be said on the various phases of this most interesting and troublesome question.

In reference to discriminating duties I will suggest that if Senators will refer, I think, to volume 2 of the printed testimony they will find a protest from the great agricultural States of the Northwest against discriminating duties, which had a good deal of effect upon the mind of some of us, in which it is pointed out that if we adopt a system of discriminating duties England will immediately proceed to give advantages to her colonies, especially to the great Dominion of Canada——

Mr. LODGE. Which she is trying to do now.

Mr. GALLINGER. Which she is trying to do now—that will prove very detrimental to the wheat and the flour interests of the great Northwest.

But that is only one opinion—it is only one phase of this controversy—and I now content myself with the single additional remark that I think we have said enough on this subject today, and I hope there will be a general concurrence on the part of the Senate that at an early day we will take up the bill for debate, and that every Senator will have an opportunity to express his views freely and frankly on the question.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The next amendment of the Committee on Appropriations was, on page 34, after line 15, to insert:

Field force: For three examiners, at $2,200 each; four examiners, at $2,000 each; two examiners, at $1,800 each; one clerk, $1,800; one clerk, $1,700; one clerk, $1,200; six clerks, at $1,000 each; seven clerks, at $900 each; three clerks, at $840 each; two clerks, at $800 each; two clerks, at $600 each; one messenger boy, $480; in all, $41,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 2, to insert:

Rural carrier examining board: For the following clerical force now employed in the Civil Service Commission and detailed thereto from the Post-Office Department and the postal service, namely: One chief of board of examiners of rural carriers, $2,250; one rural agent for rural carrier examining board, $2,000; one clerk, $1,600; two clerks, at $1,400 each; three clerks, at $1,200 each; three clerks, at $1,000 each; ten clerks, at $900 each, and two assistant messengers, at $720 each, in all $25,690; and all such employees are hereby transferred to the rolls of the Civil Service Commission, and their respective salaries shall be paid from the appropriations from which they are now paid for the balance of the fiscal year 1905: *Provided*, That no detail of clerks or other employees from the Executive Departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1906.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 36, line 21, to increase the number of clerks of class 3 from eight to ten; in line 24, to increase the number of clerks at $900 each from twelve to fourteen; and on page 37, line 5, to increase the total appropriation for the office of the Secretary of State from $177,920 to $182,920.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the bill coming over from a previous day as unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. CULLOM. I ask the Senator from Indiana to allow the unfinished business to be temporarily laid aside for the present in order that the appropriation bill may be proceeded with.

Mr. BEVERIDGE. I shall be glad to have the regular order temporarily laid aside for that purpose.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be temporarily laid aside, and the consideration of the appropriation bill will be continued.

The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," on page 38, line 23, before the word "dollars," to insert "two hundred and fifty;" and in line 24, before the word "hundred," to strike out "six" and insert "eight;" so as to read:

Office of chief clerk and superintendent: For chief clerk, including $300 as superintendent of Treasury building, $3,000; assistant superintendent of Treasury building, $2,500; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $2,250; assistant inspector of electric-light plants and draftsman, $1,800, etc.

The amendment was agreed to.

The next amendment was, on page 40, line 12, to increase the total appropriation for the office of chief clerk and superintendent from $184,020 to $184,470.

The amendment was agreed to.

The next amendment was, on page 41, line 1, after the word "four," to strike out "one clerk" and insert "two clerks;" and in line 5, before the word "hundred," to strike out "thirty-five thousand six" and insert "thirty-seven thousand two;" so as to make the clause read:

Division of customs: For chief of division, $2,750; assistant chief of division, $2,000; five law clerks, at $2,000 each; three clerks of class 4; two clerks of class 3; two clerks of class 2; four clerks of class 1; four clerks, at $1,000 each; one clerk, $900; and two assistant messengers; in all, $37,290.

The amendment was agreed to.

The next amendment was, on page 44, line 8, before the word "of," to strike out "one clerk" and insert "two clerks;" and in line 10, before the word "hundred," to strike out "thirteen thousand four" and insert "fourteen thousand eight;" so as to make the clause read:

Offices of disbursing clerks: For two disbursing clerks, at $2,500 each; two clerks of class 4; two clerks of class 2; two clerks of class 1; one clerk, $1,000; in all, $14,800.

The amendment was agreed to.

The next amendment was, on page 47, line 18, to increase the number of clerks of class 4 in the office of Auditor for Interior Department, from nine to ten, and in line 24, to increase the total appropriation for the office of Auditor for Interior Department from $165,860 to $167,660.

The amendment was agreed to.

The next amendment was, on page 48, line 5, to increase the number of clerks of class 4 in the office of Auditor for State and other Departments from fifteen to sixteen; in line 6, to increase the number of clerks of class 3 from fifteen to seventeen; and in line 10, to increase the total appropriation for office of Auditor for State and other Departments from $112,040 to $117,040.

The amendment was agreed to.

The next amendment was, on page 50, line 1, to increase the number of expert counters at $800 each in the office of the Treasurer of the United States from nine to fourteen; in line 2, to increase the number of expert counters at $720 each from fifty to fifty-seven; and, in line 12, to increase the total appropriation for office of the Treasurer of the United States from $399,270 to $408,310.

The amendment was agreed to.

The next amendment was, on page 51, line 18, to increase the appropriation for the salary of the Deputy Comptroller of the Currency from $3,000 to $3,500, and, on page 52, line 3, to in-

crease the total appropriation for the office of the Comptroller of the Currency from $121,420 to $121,920.

The amendment was agreed to.

The next amendment was, on page 53, line 18, after the word "dollars," to insert "title and contract clerk, $2,000;" in line 22, before the word "clerks," to strike out "four" and insert "three;" and, on page 54, line 2, before the word "hundred," to strike out "forty-five thousand nine" and insert "forty-six thousand one;" so as to make the clause read:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000, and $500 additional while the office is held by the present incumbent; assistant general superintendent, $2,500; principal clerk, $2,000; title and contract clerk, $2,000; topographer and hydrographer, $1,800; civil engineer, $1,800; draftsman, $1,500; three clerks of class 4; five clerks of class 3; four clerks of class 2; five clerks of class 1; two clerks, at $1,000 each; one clerk, $900; two assistant messengers; and, one laborer; in all, $46,100.

The amendment was agreed to.

The next amendment was, on page 54, line 23, to increase the appropriation for the salary of translator in the office of the Director of the Mint from $1,600 to $1,800, and, on page 55, line 2, to increase the total appropriation for the office of the Director of the Mint, from $30,820 to $31,020.

The amendment was agreed to.

The next amendment was, on page 55, line 23, before the word "clerks," to strike out "two" and insert "three;" in line 24, before the word "clerks," to strike out "four" and insert "three;" on page 56, line 5, after the word "messenger," to insert "three assistant messengers;" in line 6, before the word "laborers," to strike out "five" and insert "two," and, in line 8, before the word "dollars," to strike out "one hundred and forty" and insert "eight hundred and eighty;" so as to make the clause read:

Office of Surgeon-General of Public Health and Marine-Hospital Service: For Surgeon-General, $5,000; chief clerk, $2,000, and $500 additional as disbursing agent for the Public Health and Marine-Hospital Service; three clerks of class 4; three clerks of class 3; private secretary to the Surgeon-General, $1,800; clerk to the disburing agent, $1,400; five clerks of class 2, one of whom shall be translator; five clerks of class 1; clerk and translator, $1,200; three clerks, at $900 each; one messenger; three assistant messengers; and two laborers, at $540 each; in all, $41,880, the same to be paid from the permanent appropriations for the Public Health and Marine-Hospital Service, and said Service shall remain under the jurisdiction of the Treasury Department until otherwise hereafter specifically provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 60, line 24, after the word "dollars," to insert the following proviso:

Provided, That internal-revenue agents assigned to the duty of examining the accounts of collectors of internal revenue shall receive for per diem in lieu of subsistence, when absent from their legal residences on duty, a sum, to be fixed by the Commissioner of Internal Revenue, approved by the Secretary of the Treasury, not to exceed $4.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 63, line 5, after the word "dollars," to insert "assistant cashier, $1,800;" in line 7, after the word "dollars," to strike out "receiving teller, $1,500" and insert "two tellers, at $1,500 each;" and, in line 15, before the word "and," to strike out "twenty-one thousand seven hundred" and insert "twenty-five thousand;" so as to make the clause read:

Office of assistant treasurer at Cincinnati: For assistant treasurer, $4,500; cashier, $2,000; assistant cashier, $1,800; bookkeeper, $1,800; two tellers at $1,500 each; interest clerk, and five clerks at $1,200 each; two clerks, at $1,000 each; clerk and stenographer, $720; clerk and watchman, $840; night watchman, $600; day watchman, $600; in all, $25,060.

The amendment was agreed to.

The next amendment was, under the head of "Mints and Assay Offices," on page 68, line 19, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 20, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" in line 21, before the word "assistant," to insert "and;" in the same line, after the word "coiner," to strike out "and bookkeeper;" in line 22, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 23, after the word "each," to insert "bookkeeper, $1,800;" and on page 69, line 4, before the word "dollars," to strike out "thirty-seven thousand four hundred and fifty" and insert "thirty-eight thousand five hundred;" so as to make the clause read:

Mint at Denver, Colo.: For superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; weigh clerk, $2,000; cashier, $2,500; assistant assayer, assistant melter and refiner, and assistant coiner, $2,000 each; bookkeeper, $1,800; abstract clerk, warrant clerk, assistant weigh clerk, and calculating clerk, at $1,600 each; calculating clerk, $1,400; and two clerks at $1,200 each; in all, $38,500.

The amendment was agreed to.

The next amendment was, on page 74, line 15, to increase the appropriation for the salary of chief clerk of the assay office at Seattle, Wash., from $1,800 to $2,000, and, in line 19, to increase the total appropriation for the assay office at Seattle, Wash., from $10,250 to $10,450.

The amendment was agreed to.

The next amendment was, on page 74, line 22, to increase the appropriation of wages of workmen, etc., at the assay office, Seattle, Wash., from $27,000 to $27,720.

The amendment was agreed to.

The next amendment was, on page 74, line 25, to reduce the appropriation for incidental and contingent expenses, including rent of building, at the assay office, Seattle, Wash., from $9,000 to $8,000.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 78, line 21, to reduce the appropriation for the salary of chief telegrapher in the office of the Secretary from $1,800 to $1,600, and, on page 80, line 2, to reduce the total appropriation for the office of the Secretary of War from $134,980 to $134,780.

The amendment was agreed to.

The next amendment was, on page 82, line 2, before the word "one," to strike out "one clerk, at $450 (transferred from temporary roll);" and in line 4, before the word "dollars," to strike out "three hundred and fifty" and insert "eight hundred;" so as to make the clause read:

Signal Office: For chief clerk, $2,000; two clerks of class 4 (increase of one by transfer from temporary roll); two clerks of class 2 (transferred from temporary roll); four clerks of class 1 (increase of three by transfer from temporary roll); six clerks, at $1,000 each (transferred from temporary roll); three clerks, at $900 each (transferred from temporary roll); two clerks, at $840 each (transferred from temporary roll; one messenger; one assistant messenger (transferred from temporary roll); and one laborer; in all, $25,800.

The amendment was agreed to.

The next amendment was, on page 84, line 1, before the word "clerks," to strike out "twenty-five" and insert "twenty-six;" in line 2, after the word "two," to insert "(increase of one by transfer from temporary roll);" in line 4, before the word "clerks," to strike out "eleven" and insert "ten;" and in line 5, after the word "of," to strike out "eight" and insert "seven;" so as to read:

Office of the Surgeon-General: For chief clerk, $2,000; fourteen clerks of class 4; eleven clerks of class 3; twenty-six clerks of class 2 (increase of one by transfer from temporary roll); thirty-two clerks of class 1 (increase of four by transfer from temporary roll); ten clerks, at $1,000 each (increase of seven by transfer from temporary roll); etc.

The amendment was agreed to.

The next amendment was, on page 84, line 19, to increase the total appropriation for office of the Surgeon-General from $165,526 to $165,926.

The amendment was agreed to.

The next amendment was, on page 87, line 1, to increase the number of clerks of class 4 in the office of the Bureau of Insular Affairs from five to seven; and in line 6, to increase the total appropriation for the office of the Bureau of Insular Affairs from $79,800 to $83,400.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings and grounds," on page 88, line 23, before the word "overseers," to strike out "chief clerk, clerk and stenographer;" so as to make the clause read:

For overseers, draftsmen, copyists, foremen, gardeners, mechanics, and laborers employed in the public grounds, $35,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 8, to insert:

For increasing height of stair rails, $1,100.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 91, line 22, before the word "dollars," to insert "one hundred;" in line 25, after the word "each," to insert "one messenger boy, $420;" and on page 92, line 3, before the word "dollars," to strike out "three hundred and eighty" and insert "nine hundred;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Navy, $8,000; Assistant Secretary of the Navy, $4,500; chief clerk, $3,000; clerk to Secretary, $2,500; one clerk, $2,250; disbursing clerk, $2,250; four clerks of class 4; stenographer, $1,800; three clerks of class 2; four clerks of class 1; one clerk, $1,100; five clerks, at $1,000 each; telegraph operator, $1,100; two copyists; carpenter, $900; four messengers; four assistant messengers; four laborers; three messenger boys, at $600 each; one messenger boy, $420; one messenger boy, $400; in all, $61,900.

The amendment was agreed to.

The next amendment was, on page 93, line 15, before the word "of," to strike out "one clerk" and insert "two clerks;" and in line 19, before the word "hundred," to strike out "nineteen

thousand six" and insert "twenty thousand eight;" so as to make the clause read:

Judge-Advocate-General, United States Navy: For a solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, $2,500; chief clerk, $2,000; two clerks of class 4; one clerk of class 3; one clerk of class 2; one clerk, $1,300; two clerks of class 1; three clerks at $1,000 each; one clerk, $900; one clerk, $840; one assistant messenger; one messenger boy, $600; in all, $20,860.

The amendment was agreed to.

The next amendment was, on page 93, line 21, to increase the number of clerks of class 3 in the Bureau of Navigation from three to four, and on page 94, line 3, to increase the total appropriation for the Bureau of Navigation from $61,140 to $62,740.

Mr. CULLOM. I move to amend the amendment of the committee on page 93, line 21, before the word "clerks," by striking out "four" and inserting "five;" so as to read:

Five clerks of class 3.

The amendment to the amendment was agreed to.

Mr. CULLOM. The amendment just adopted makes it necessary to amend the amendment of the committee on page 94, line 4, before the word "hundred," by striking out "sixty-two thousand seven" and inserting "sixty-four thousand three;" so as to make the total read "$64,340."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 98, line 17, before the word "assistant," to strike out "three" and insert "four;" in line 18, before the word "two," to strike out "and;" in line 19, after the word "each," to insert "and one at $1,600; one assistant in department of nautical instruments, $1,600;" and on page 99, line 8, before the word "hundred," to strike out "thirty-nine thousand four" and insert "forty-two thousand six;" so as to make the clause read:

Naval Observatory: For pay of four assistant astronomers, one at $2,000, two at $1,800 each, and one at $1,600; one assistant in department of nautical instruments, $1,600; one clerk of class 4; one clerk of class 2; instrument maker, $1,500; electrician $1,500; photographer, $1,200; five computers, at $1,200 each; librarian, $1,400; assistant on equatorial, $1,000; assistant in spectroscopic work, $1,000; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter and engineer, at $1,000 each; three firemen; six watchmen; elevator conductor, $720; and nine laborers; in all $42,640.

The amendment was agreed to.

The next amendment was, on page 99, line 10, to increase the appropriation for miscellaneous computations at the Naval Observatory from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 100, line 11, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

Observation, solar eclipse: For observations of the total eclipse of the sun on August 30, 1905: For preparation and outfit of instruments and their transportation, the purchase of additional apparatus and materials, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 101, line 15, after the word "dollars," to insert "clerk of class 2;" and in line 23, before the word "and," to strike out "fifty-one thousand" and insert "fifty-two thousand four hundred;" so as to make the clause read:

Bureau of Construction and Repair: For chief clerk, $2,000; three clerks of class 3; assistant draftsman, $1,400; clerk of class 2; three clerks, at $1,300 each; two clerks of class 1; nine clerks, at $1,100 each; fifteen clerks, at $1,000 each; five copyists; one assistant messenger; one laborer; nine messenger boys, at $600 each; one messenger boy, $400; in all, $52,480.

The amendment was agreed to.

The next amendment was, on page 102, line 21, after the word "For," to strike out "chief clerk, $2,000," and insert:

A civilian assistant, who shall perform the duties of chief clerk, and in case of the death, resignation, sickness, or absence of both the Paymaster-General of the Navy and his assistant, now provided for by law, unless otherwise directed by the President, as provided by section 179, Revised Statutes, such civilian assistant shall become the acting chief of the Bureau, $2,250.

On page 103, line 5, before the word "clerks," to strike out "two" and insert "three;" in line 8, before the word "clerks," to strike out "fifteen" and insert "sixteen;" in the same line, before the word "clerks," to strike out "seven" and insert "eight;" and in line 17, before the word "dollars," to strike out "eighty-five thousand nine hundred and sixty" and insert "eighty-nine thousand nine hundred and ten;" so as to make the clause read:

Bureau of Supplies and Accounts: For a civilian assistant, who shall perform the duties of chief clerk, and in case of the death, resignation, sickness, or absence of both the Paymaster-General of the Navy and his assistant, now provided for by law, unless otherwise directed by the President, as provided by section 179, Revised Statutes, such civilian assistant shall become the acting chief of the Bureau, $2,250; three clerks of class 4; five clerks of class 3; three clerks of class 2; two stenographers, at $1,400 each; one clerk, $1,300; sixteen clerks of class 1; eight clerks, at $1,100 each; twenty-two clerks, at $1,000 each; three clerks at $900 each; eight copyists; two copyists, at $840 each; one assistant messenger; three messenger boys, at $400 each; one laborer; one messenger boy, $600; and two laborers, at $600 each; in all, $89,910.

The amendment was agreed to.

The next amendment was, on page 103, line 22, to reduce the number of clerks at $1,000 each in the Bureau of Medicine and Surgery from three to two; and on page 104, line 1, to reduce the total appropriation for the Bureau of Medicine and Surgery from $17,340 to $16,340.

The amendment was agreed to.

The next amendment was, on page 105, line 5, to increase the appropriation for stationery, furniture, newspapers, plans, drawings, etc., from $12,000 to $14,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 105, line 22, to increase the appropriation for the salary of the Assistant Secretary of the Interior from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 106, line 20, before the word "special," to strike out "four" and insert "five;" and in the same, line, after the word "special," to strike out "inspectors" and insert "agents;" so as to read:

Five special agents, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each.

The amendment was agreed to.

The next amendment was, on page 107, line 23, to increase the appropriation for the captain of the watch, Office of the Secretary, from $1,000 to $1,200; and on page 108, line 8, to increase the total appropriation for Office of the Secretary of the Interior from $321,930 to $325,130.

The amendment was agreed to.

The next amendment was, on page 109, line 17, to increase the number of special inspectors, Department of the Interior, from four to five; and on page 110, line 2, to increase the appropriation for per diem in lieu of subsistence of special inspectors, etc., from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 113, line 10, to increase the appropriation for one clerk, office of the Commissioner of Indian Affairs, from $1,200 to $1,400; and in line 16, to increase the total appropriation for the office of Commissioner of Indian Affairs from $174,620 to $174,820.

The amendment was agreed to.

The next amendment was, on page 114, line 12, to increase the number of clerks of class 4 in the office of Commissioner of Pensions from 69 to 70; in line 13, to increase the number of clerks of class 2 from 319 to 329; in line 14, to increase the number of clerks of class 1 from 391 to 399; in line 15, to increase the number of clerks at $1,000 each from 217 to 225; and in line 16, to increase the number of copyists from 140 to 145.

The amendment was agreed to.

The next amendment was, on page 114, line 17, after the word "dollars," to strike out "one engineer, $1,200," and insert "two engineers, at $1,200 each;" in line 20, before the word "messengers," to strike out "twenty-seven" and insert "thirty-three;" in line 22, before the word "laborers," to strike out "forty-four" and insert "forty-five;" and on page 115, line 6, before the word "hundred," to strike out "eight hundred and ninety-two thousand four" and insert "nine hundred and thirty-seven thousand two;" so as to read:

Superintendent of building, $1,400; two engineers, at $1,200 each; three firemen; thirty-three messengers; twelve assistant messengers; twenty messenger boys, at $400 each; forty-five laborers; ten female laborers, at $400 each; fifteen charwomen; one painter, skilled in his trade, $900; one cabinetmaker, skilled in his trade, $900; captain of the watch, $840; three sergeants of the watch, at $750 each; twenty watchmen; in all, $1,937,210.

The amendment was agreed to.

The next amendment was, on page 117, line 4, to increase the number of chiefs of division, at $2,000 each, in the office of the Commissioner of Patents, from three to five; in line 5, to increase the number of assistant chiefs of division, at $1,800 each, from three to five; and in line 23, to increase the total appropriation for the Patent Office from $847,950 to $855,550.

The amendment was agreed to.

The next amendment was, on page 118, line 7, before the word "thousand," to strike out "sixty-seven" and insert "eighty;" in line 11, before the word "thousand," to strike out "eighty-three" and insert "one hundred;" and in line 12, before the

word "thousand," to strike out "fifty" and insert "eighty;" so as to make the clause read:

For photolithographing or otherwise producing plates and illustrations for the Official Gazette, $80,000; for work to be done at the Government Printing Office, in producing the Official Gazette, including the letter-press, the weekly, monthly, bimonthly, and annual indexes therefore, exclusive of expired patents, $100,000; in all, $180,000.

The amendment was agreed to.

The next amendment was, on page 118, line 25, to increase the appropriation for producing copies of drawings of the weekly issues of patents, etc., Patent Office, from $120,000 to $130,000.

The amendment was agreed to.

The next amendment was, on page 119, line 14, to increase the appropriation for the salary of translator in the Bureau of Education from $1,600 to $1,800; in line 18, to increase the number of clerks of class 4 from two to three, and on page 120, line 1, to increase the total appropriation for the Bureau of Education from $52,940 to $54,940.

The amendment was agreed to.

The next amendment was, on page 120, line 22, to increase the appropriation for the salary of one clerk in the office of the Superintendent of the Capitol Building and Grounds from $1,200 to $1,400; and on page 121, line 8, to increase the total appropriation for office of the Superintendent of Capitol Building and Grounds from $22,524 to $22,724.

The amendment was agreed to.

The next amendment was, on page 121, line 15, before the word "five," to insert "not to exceed;" and in line 21, before the word "thousand," to strike out "ninety" and insert "ninety-five;" so as to make the clause read:

For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including not to exceed $5,000 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, expressage, wagons and harness, food and shoeing of horses, diagrams, awnings, constructing model and other cases and furniture, and other absolutely necessary expenses, including fuel and lights, $95,000.

The amendment was agreed to.

The next amendment was, on page 121, line 23, before the word "five," to insert "not to exceed;" so as to make the clause read:

For stationery for the Department of the Interior and its several bureaus and offices, including not to exceed $5,000 for the Civil Service Commission, $60,000.

The amendment was agreed to.

The next amendment was, on page 122, line 12, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" and in line 14, before the word "hundred," to strike out "four" and insert "nine;" so as to make the clause read:

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, $4,000; Geological Survey, $29,200; additional rooms for the engraving and printing divisions of the Geological Survey, $1,200; storage of documents, $1,000; Civil Service Commission, $5,000; Patent Office model exhibit, $19,500; in all, $59,900.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 128, line 4, before the word "dollars," to strike out "two thousand five hundred" and insert "including $500 as superintendent of Post-Office Department building, three thousand;" so as to read:

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk Post-Office Department, including $500 as superintendent of Post-Office Department building, $3,000, etc.

The amendment was agreed to.

The next amendment was, on page 129, line 11, to increase the total appropriation for the office of the Postmaster-General from $142,910 to $143,410.

The amendment was agreed to.

The next amendment was, on page 131 line 9, after the word "adjustments," to insert "and law clerk;" in line 10, before the word "dollars," to insert "two hundred and fifty," and in line 21, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred and seventy;" so as to make the clause read:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, $4,500; chief clerk, $2,500; superintendent of railway adjustments, $2,500; assistant superintendent of railway adjustments and law clerk, $2,250; superintendent of foreign mails, $3,000; chief clerk, $2,000; chief of division of inspection, $2,000; chief of contract division, $2,000; chief of mail equipment division, $2,000; eleven clerks of class 4; forty clerks of class 3; thirty-one clerks of class 2; stenographer, $1,600; twenty-four clerks of class 1; seventeen clerks, at $1,000 each; six clerks, at $900 each; messenger in charge of mails, $900; six assistant messengers; in all, $207,970.

The amendment was agreed to.

The next amendment was, on page 132, line 1, to increase the appropriation for the salary of the superintendent postage-stamp supplies and postmasters' accounts, office Third Assistant Postmaster-General, from $2,500 to $2,750, and in line 17 to increase the total appropriation for office Third Assistant Postmaster-General from $227,940 to $228,190.

The amendment was agreed to.

The next amendment was, on page 132, after line 19, to insert:

For the following force now employed in the office of the Third Assistant Postmaster-General on work in connection with stamped-paper agencies and paid from appropriations made in the post-office appropriation act for pay of agents and assistants to distribute stamps, stamped envelopes and newspaper wrappers, and postal cards, namely: One clerk, $1,000; five clerks (now laborers), at $840 each; one clerk (now laborer), $720; and three laborers, at $660 each (now paid $720 each); in all, $7,900; and such clerks and laborers as may be so employed on the 30th day of June, 1905, are hereby transferred to the rolls of the office of the Third Assistant Postmaster-General and placed in the classified service, without further examination, in the grades and at the rates of compensation herein provided.

Mr. GORMAN. Mr. President, I should like to have some explanation of the amendment now pending. I should like to know from the Senator in charge of the bill how many clerks, laborers, and other employees are to be placed by this provision under the classified service without examination, and what reason there can be for it.

Mr. CULLOM. As I understand, Mr. President, the force designated in the amendment are now paid under the post-office appropriation act, but are detailed to work in connection with stamped-paper agencies. These clerks are in the service now, but we have been trying to get them classified and in the proper Department, so that we may avoid the constant confusion resulting from details from one Department to another and from different bureaus in the same Department. The object of the amendment is to provide that the force now employed in the office of the Third Assistant Postmaster-General on work in connection with stamped-paper agencies and paid from appropriations made in the post-office appropriation act may be placed under the control of the Third Assistant Postmaster-General and paid from the appropriation for his office. The purpose is to enable Congress, when an appropriation bill comes before it, to know exactly what force each Department and each bureau in a Department has, so that we may tell, without hunting all over the Department, just what force they have on the rolls and at work in that Department.

Mr. GORMAN. That I can perfectly understand. A great number of these employees, whether clerks or laborers, are paid out of the general appropriation for the pay of agents and assistants to distribute stamps, etc.; and not being estimated for, are paid at the discretion of the Department. To have those clerks transferred to the office of the Third Assistant Postmaster-General and records and estimates made hereafter is a matter of good legislation, to which I agree; but I ask the Senator about how many employees now paid out of the general appropriation would be affected by the adoption of the amendment under consideration?

Mr. CULLOM. I do not know how many there are, but we have a list of them by names. So we know exactly what force they have. I will send it to the Senator to look at.

Mr. GORMAN. The number the Senator is unable to give me?

Mr. CULLOM. I do not remember the exact number. There are ten of these people, as I am now informed by the clerk of the Committee on Appropriations, who has counted them and knows exactly the number.

Mr. GORMAN. Ten? The list the Senator has sent me contains at least fifty names, if not more.

Mr. CULLOM. The Department asked for more than that number, but we did not give them all they asked for.

Mr. GORMAN. This provision relates, in its first subdivision, to all employees who are now at work in connection with stamped-paper agencies and paid from appropriations made in the post-office appropriation act for the pay of agents and assistants to distribute stamps, etc. But when it comes to the second clause, it says that all such clerks and laborers, who have gone in, of course, outside of the civil service, are to be placed in the classified service.

Mr. CULLOM. All these people have been in the service of the Post-Office Department for some time.

Mr. GORMAN. I understand.

Mr. CULLOM. Whether all of them have been examined under the civil service I do not know, as a matter of fact.

Mr. GORMAN. The Senator and I, of course, want to have the rule uniform. This is only one of many similar cases that come along, such as the temporary appointments in the War Department. I think as the law itself, the civil-service act, has given the President of the United States authority in the premises, we had better leave that to his discretion, and that it is unwise to insert these words, and I shall move to amend the bill by striking them out.

And such clerks and laborers as may be so employed on the 30th day of June, 1905—

That is providing for any employment that may occur between now and next June—

are hereby transferred to the rolls of the office of the Third Assistant Postmaster-General and placed in the classified service, without further examination, in the grades and at the rates of compensation herein provided.

While heretofore we have bodily transferred any number of clerks by provision of law and executive orders, I doubt very much whether we have ever made a provision for all other clerks who may be employed between now and next June, in addition to those in the service.

Mr. CULLOM. It is confined to those now in the service, I understand.

For the following force now employed——

Mr. GORMAN. Let us read it.

And such clerks and laborers as may be employed on the 30th day of June, 1905.

Mr. CULLOM. The word "such" relates back to "the following force now employed in the office."

Mr. GORMAN. It may be that it applies to them.

Mr. CULLOM. It seems to me it would be unfair, as these people have been in the service now for a long time, that they should be put out and somebody else put in.

Mr. GORMAN. I have no desire——

Mr. CULLOM. This legislation proposes to take care of these people who are now in the service or who may be in the service on the 30th day of June next. I think it is only fair play to the persons who are now engaged in the service, whether they went in under the civil service or not. They have been there so long that they ought not to be put out because they have not heretofore been examined. I hope the Senator from Maryland will not make any point on this amendment.

Mr. GORMAN. I would agree ordinarily with the Senator, and indeed I do agree with the Senator, that a very fair and a proper test of the efficiency of clerks is employment in the office; and to that test, if it were applied generally and made uniform, I should not object. I think myself it is the proper civil service, if the heads of Departments are careful, as they usually have been, in the selection of subordinates.

But the rule has been established, and the country has been given to understand that all of these new employees, since the passage of the civil service law, have gone in through that system, and therefore are rather permanent. I do not object to that, but I think it is an unwise action on the part of Congress to provide in a general appropriation bill for specific work and to authorize the employment of any number of clerks and messengers and after six or eight months or two years put a provision in another appropriation bill that those so employed temporarily shall all at once be classified.

Mr. CULLOM. I think when this bill becomes a law, if it ever does——

Mr. GORMAN. Oh, it will become a law.

Mr. CULLOM. It will result in having no more of this confusion in reference to the classification and transfer of clerks from one bureau and Department to another. It will clean up the Departments with respect to a situation of that sort which has existed as a result of the Spanish war. I think the Senator can hardly justify himself in making any trouble about this little squad of ten persons who are transferred from one bureau to another without requiring a civil service examination.

Mr. GORMAN. The Senator from Illinois entirely misunderstands me if he supposes that I am troubled about the employment of ten or twenty men in any one of the Departments. That is not the point at all. What I desire to call attention to is the system that has been inaugurated, which is rather a bad one. The rule is not uniform.

Mr. CULLOM. The Senator from Maryland will remember, although I do not know whether he was here at the time, that two or three years ago we transferred a whole force, under a similar provision, from one place to another in the War Department?

Mr. GORMAN. Yes.

Mr. CULLOM. This is only continuing what we have been trying to do in getting the detail business fixed up.

Mr. GORMAN. I am aware of that fact, and that is what called my attention to it. If the Senator in charge of the bill, who is familiar with what has been done, meant to convey the idea that this is the last and that this concludes all the Departments and ends special legislation of this class, I should be content. But I do not understand that that is the situation. I think there are in some of the Departments a number of temporary employees waiting to be put under the civil service by special act. We are doing it by piecemeal.

Mr. CULLOM. I think that most of these persons are under the civil service now. It is proposed to treat these clerks the same as we treated other clerks whom we had in the War Department as the result of an extraordinary situation which existed for a time.

Mr. GORMAN. I should like to ask the Senator whether he does not regard that character of legislation as bad?

Mr. CULLOM. It is a little irregular, it is true. I do not know but that we get just as good clerks, however, by this policy as by any other.

Mr. GORMAN. We perhaps get better clerks.

Mr. CULLOM. Perhaps a little better clerks. So I hope the Senator will not make a point on these people.

Mr. GORMAN. I merely wish to call attention to the fact that while loud proclamations in regard to the civil service are made, not by the Senator from Illinois, but by others for the purpose of impressing the country, and especially those of our countrymen who regard the civil service as the one desirable thing in this Government—and that it has accomplished some good I am free to admit—and that unless the civil-service rules are enforced and honestly enforced the country is probably going to the bow-wows, yet with the passage of nearly every legislative bill, with this Administration and the one that preceded it insisting that the civil service is being properly and rigidly and honestly enforced, come provisions for the employment of ten, as the Senator says in this case, a hundred in another, and five hundred in another, and after a service of three months or six months they are legislated into the civil service without having passed an examination.

That is a discrimination which I think is unfair to the thousands and thousands of men and women who have taken the examination, until you have upon the list the names of 10,000 persons hoping and waiting, and many of them believing, from the declarations of the executive branch, that they are to have a fair opportunity for appointment whenever their names are reached in the order of merit on the roll. They wait. They are waiting now. They are hoping without hope, because but few of them will ever be able to gain the small place upon which their own affairs are so dependent.

I think we ought to adopt frankly one rule or the other. I am prepared to submit, as I have been for some years, to an honest enforcement of the civil-service rules and the President's orders under them. I only want to call attention to the fact that those who are insisting that there is an honest and a faithful enforcement of that law are holding out false hopes to the thousands who have taken the examinations, if this system is to be followed.

Mr. ALLISON. Mr. President, I think I am as zealous as is the Senator from Maryland [Mr. GORMAN] in the support and advocacy of the civil-service law and rules. I am not quite sure but that I am more so.

Mr. GORMAN. I will surrender to the Senator from Iowa.

Mr. ALLISON. I also think there is force in some things that the Senator from Maryland has uttered as respects this waiting.

The highest salary paid to any of these ten people is $1,000. There is one clerk of a thousand dollars, and from that the salaries run all along down to six hundred and fifty. Now, the Committee on Appropriations found that those persons were not on the waiting list, but in the actual service of the Third Assistant Postmaster-General. Several of them were mere laborers, people who pack boxes and handle and deal with the various things that are sent out by the Third Assistant.

We wanted to rid ourselves of the responsibility of having them paid out of the general fund and to bring them into a specific fund, whereby we could keep run of the number, the compensation, etc. Therefore, speaking now from memory, although I think the testimony will bear me out, we called the Third Assistant Postmaster-General before us and asked him to state to us the character of these employees, the time they had been in the service, etc. He stated as to the five clerks we inserted here at a salary of $840 each that they were designated as laborers, but were performing duty as clerks. Therefore we styled them "clerks," where they are now named as laborers. So we retain this force in form and substance as it exists now.

I submit to the Senator that it would be quite a hardship for these eight or ten people, who are now receiving these small salaries and who have been employed for some years and paid out of the general fund, to lose the places they are now occupying and to allow the places to be filled from the outside or from the waiting list. Therefore we endeavored to make it certain that those people would not be turned out in the cold and other people put in their places. That was all there was to this particular thing. I know of no general rule covering important matters that has not an exception, and this is an exception to the general rule respecting the civil service.

Mr. STEWART. Mr. President, I have no objection to the

amendment, but I want again to go on record that human nature must be changed or an honest administration of this system will be impossible. It is impossible to administer any governmental machinery which in its nature is secret. We have had a great many experiments of Cabinet advisers and secret organizations under monarchies all over the world, organized for the sake of reform, the councilors operating secretly. They have always led to corruption and unfair dealing. The trouble about the civil service is that its machinery is secret. I believe the whole system might be reformed and that we might have real reform and have really the merit system. I do not think there would be any difficulty if attention was given in that direction. I do not believe that any man or woman ought to be put in office until his or her name had been posted for thirty days.

The only objection to the old system—what is called "the spoils system"—was that there was some secrecy about it. There is great secrecy about this. Then Members of Congress would get persons appointed on verbal application. If you would let the Member of Congress or the governor of the State or anybody else nominate clerks when they are wanted for any Department or any Bureau, let the head of the Department or Bureau publish the name, let that information go back to the district or the locality where the man hails from and let it stand for thirty days, and then, if there is no objection, let the examination be taken in the Department with respect to the qualifications of the individual for the work desired and let him be appointed for six months on trial, and, if he fails, either on examination or on trial for six months, have that fact known and another nomination made, and keep this information before the public, there would not be the same chance for favoritism that there is in this.

People come to me constantly, and they have done so for many years, stating cases of hardship. They have worked up to sixteen or eighteen hundred dollars, and then somebody who is incompetent, as they say, has come in and stepped over them. I have offered in each case to present a resolution in the Senate to inquire into it, but they say: "Oh, no; then I will lose my place altogether. Do not do that. I must make a living." They are afraid to complain, and they ought not to have any reason to complain. Reorganize this machinery and make it public so that the world may know how it is done. I do not care how strict you are. I do not care how high grade you require in the service if you will let the world know what is required and let the people judge the character of the individual. Let the neighbors judge him, and then you will have a very different class and a much more effective class.

I predict if this goes on, although the intention of it is undoubtedly very good—to avoid corruption in office—and if you do not reform this reform, the time will come when the people will rise and sweep it all away. They are not going to have a favorite class here that are put in, as they think, through unfair means or unfairly.

The only way to popularize civil-service reform is to have every step of it public and let the world know whether A B C is put in a high clerical position. He lives in a particular neighborhood, and everybody knows that he is incompetent to do any kind of business. But he has learned to answer the questions. The people would not indorse him. He would not be nominated by a Member of Congress for the place if the community knew that he was an applicant. Let us have the real merit system. The time will come when there will be public sentiment enough to force the adoption of the merit system. People call this the merit system. We do not know how it is operated. You say that we can know all about it; that it is fair. Perhaps it is; I do not make any charges against individuals. But how does the public know whether these marks are fair? How does the public know whether the record is made up correctly? How does the public know that such an examination has been made of the individual as to determine his qualifications and his fitness for the particular place? It is all done by a few men, and they can not know everything.

Let the head of each Department and each bureau make the examination of the applicant, after his name has been properly advertised, so that the people in the community where he lives may know, and may make any objection to his character that they desire to submit. Then let the head of the bureau give him a trial. That is the way to get effective service.

I would have no communication by word of mouth between any Member of Congress or any other person and the appointing power. It should be in writing, so that everybody could know all about it. Make this thing public. The difficulty about the old system was that there was private application. There should be no more private applications, no private communication between the person seeking employment and the head of the Department any more than there is between the litigants in a court and the judge. The party who is at the head of a bureau or the Department has the responsibility, and he ought to be an untrammeled judge of the qualifications of the applicant.

You can get better selections if you allow Members of Congress from their districts to nominate men. You start with a better selection, because they know better. That system would be very much superior to this. They know the character of the applicants; whether they are business men or not, and they will be held by their constituents to the responsibility of making proper nominations. They will have the responsibility of making——

Mr. SPOONER. They would have to devote themselves exclusively to that business.

Mr. STEWART. I do not think you would be troubled by that business. If you were, others would attend to it. You would find plenty of Members of Congress willing to attend to that business. The number of clerks you would be called upon to name would not make it a very onerous duty. It is a duty that a Member of Congress ought to perform, because he knows the people in his district. Let him name them in writing, then let the person who has the responsibility of having the work performed, after due notice, examine the applicant and try him. Then you will get effective service, and everybody will know how it is done. Then it will be practical. It will not be the spoils system. The only objection to the spoils system was the secret application of Members of Congress to the heads of Departments for appointments. Cut that off. Do not have any verbal applications. Let the head of the Department be the judge. Treat him as a judge. Let the application be submitted to him. If the civil-service system can be reformed so that the people will know what it is, and it meets their approbation, then it will be permanent. But there never will be thorough acquiescence in it until the people know how it is that one person, whom they know to be inferior in qualifications, gets up above another. They know that that young man or this young lady is vastly superior in qualifications to discharge the duties to which they are assigned. Still he or she does not pass the examination or meet the requirements. They say, "How is this? This young man was qualified to be a clerk in a bank. He is an intelligent man. He is a good business man. He has been well reared. Why is it that he is rejected?"

Then there is another thing to which the Senator from Maryland alluded, which is a great hardship. You have thousands on the waiting list not disposed of. I do not know how many there are. I suppose there are hundreds of thousands who have been on the waiting list since this system went into vogue, and some of them are examined year after year and stay on the waiting list for life, waiting for something to turn up. That ought not to be. No more ought to be examined than have chance of employment, and they should only be examined when the heads of Departments want clerks and make it known that they want clerks. Let the people know this. Let the others stay at home. Thousands of people on the waiting list are suffering, and while they wait the opportunity to engage in other business passes. This is wrong. A system that involves having a vast number on the waiting list is wrong. Still, when people want to take an examination and stand their chances under this system, the Departments can not very well refuse to examine them and give them a show. They have to have their days for examinations. It is a hardship if they are not given an opportunity to be examined; and then, after they are examined and pass, their prospects of life are destroyed while they are on the waiting list.

I want to put myself on record. It is premature to attempt to reform this, because everything of this kind is very strong, and it will go on until the people rise up and put it aside. If it goes on as it is now and is not remedied by legislation and administration, the storm will come. There is an undercurrent of sentiment throughout the whole community that it ought to be wiped out. Almost every person I meet who wants good government complains of the civil service. There is nothing in this Government that is complained of as much by the people as the working of the civil service. No one of you can go home, if you communicate with the people, but that you hear complaints about this system, whereas if it was public and everybody knew what was done they would not be troubling you with complaints. So I say the civil service has to be reformed and made public or it can not survive for a generation.

Mr. GORMAN. Mr. President, the senior Senator from Iowa [Mr. ALLISON] started with the general proposition that he thought he was a better civil-service reformer than myself. I agree with him in that matter, and that he is better than I am in every respect. His knowledge of legislation is greater than that of any other member of either House of Congress, in my judgment.

The first proposition the Senator makes is that he is anxious

to have this provision enacted into a law so as to stop to some extent the employment of clerks and messengers in the Departments unless there is some specific provision by law for their appointment and a specific amount appropriated for their compensation. That is a proposition I know the Senator from Iowa is entirely sincere in. I know it from my association with him and the discussion of kindred questions galore, and I am delighted to know that even in this small matter of ten clerks the Senator is himself again, and that he has determined to stop the loose system of legislation which has grown up in the last eight years, and which would have amazed the fathers, transferring the power of appropriations and the employment of persons from the control of Congress to the executive branch. A little war of ninety days with Spain led to a condition of affairs that has compelled the distinguished chairman of the Committee on Appropriations and his committee to submit to a system which has been as bad as it could be, and which I trust to see eliminated—the system of making a lump appropriation and saying to the President or to the head of a Department, "Use it for any purpose you deem proper; employ one or a thousand clerks, or build ten ships, and out of the appropriation expend for clerical labor $100,000 per annum; but continue within the appropriation in a lump sum." I agree with the Senator. There can not be any mistake about that.

The first proposition in this amendment is that Congress shall fix the salaries and limit the number of persons to be employed rather than to have them paid out of a fund to print postage stamps. That proposition is right. There can not be any objection to it on my part. That is not my objection. It is not a question of the civil-service law with me, except as to its honest enforcement.

I was not in favor of the passage of that law, although I believe my vote was recorded in favor of it in the early stages. Now that it is upon the statute books I want to see it enforced honestly and fairly. Yes; let it be enforced, as its authors and advocates believe in it.

I think the proposition now, by legislation, to place in office permanently without examination even ten clerks is violating the spirit of that law. I think those under the order of the President of the United States and all of the class of employees, amounting to thousands in the Navy Department, who have shown their efficiency, as these clerks have by their work for a year or two, and the thousand and more in the War Department, who were employed temporarily during the trouble with Spain by an order or by legislation, as I remember, should be placed in the classified service. To do otherwise is a violation of the spirit of the law, and, what is more, it is a hardship upon the men and women who are thus employed. There are over ten thousand of them on the rolls now who have been assured by every Executive publication and by the act itself that when a vacancy shall occur a cultivated woman or an educated man who is first on the list for a clerkship and so rated, the highest being a hundred, shall be entitled to employment. But they are set aside and excluded, and it becomes impossible for them to get a place that they have won, by merit, under the law. Such a system is wrong in itself, and it ought to be prohibited rather than encouraged by this amendment.

The other proposition, coming back to it, is worth more to me in the way of honest legislation and in the proper conduct of this Government than all the number of people who are employed or may be employed and put in the classified service under this provision. We now have the assurance from the distinguished Senator from Iowa and from the Senator from Illinois, honored members of the Committee on Appropriations, that the day has passed for an Executive order or when the request of the head of a Department will be regarded here any longer for a lump appropriation to permit the Departments to employ as many persons as they see proper without examination.

Mr. President, the expenditures of this Government have increased fearfully. It is the most expensive Government now on the face of the earth. What has it come from? From this very system of placing lump sums in the hands of disbursing officers or executive officers. Congress has permitted the purse strings to be placed in the hands of the Executive, and it has not been discharging the duty imposed upon it by the Constitution of the United States.

This is a small matter, it may be said, involving but ten or twenty clerks. If you should stop there it would be insignificant, although vicious in itself. But the appropriations for the Army, for the Quartermaster's Department, for the Ordinance Bureau, and for every bureau in that great Department, run to hundreds of thousands and to millions of dollars. How is the Department administered? Even the Senator from Iowa could not make a guess within ten thousand of the number of employees in that Department who have never passed a civil-service examination and for the necessity of whose employment Congress has never had an estimate.

When we were prosperous, when the taxation both from internal revenue and from customs duties was sufficient to leave a balance of thirty or forty million dollars in the Treasury, yes, $70,000,000 per annum, a voice against extravagance was not heard outside of this Chamber, and it was not listened to here. But now, Mr. President, the result of these indiscretions comes to us. It comes to us with a force that must be recognized and must be dealt with. Appropriations that are absolutely necessary, giving additional facilities to our people to increase the wealth of the country, are being stayed, and Congress must fail to make provision for them by reason of the fact that you have pursued a policy of wild extravagance, permitting the people's money to be expended by men who are not directly responsible to them, as Members of the House and Senators are directly responsible to the people.

I did not intend to say half as much as I have said, but I again express my great gratification that on a little matter of ten clerks, where the civil-service law is to be circumvented by the proposition of the Committee on Appropriations, we have laid the foundation of a statement from the distinguished chairman of the committee, the Senator from Iowa, that hereafter we will cut off the Executive and that Congress will perform its duty by making specific appropriations.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 134, line 18, to increase the total appropriation for the Office of the Fourth Assistant Postmaster-General from $410,330 to $411,170.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 138, line 14, to increase the number of clerks of class 4 in the Office of the Attorney-General from four to five.

The amendment was agreed to.

The next amendment was, in the appropriation for the Office of the Attorney-General, on page 138, line 20, after the word "dollars," to insert "assistant engineer, $900;" on page 139, line 2, after the word "dollars," to insert "assistant messenger;" and in line 5, before the word "dollars," to strike out "eight thousand nine hundred and forty" and insert "twelve thousand three hundred and sixty;" so as to read:

Engineer, $1,200; assistant engineer, $900; three firemen; two conductors of the elevator, at $720 each; eight charwomen; superintendent of buildings, $250. Division of accounts: Chief of division of accounts, $2,500; four clerks of class 4; five clerks of class 3; seven clerks of class 2; six clerks of class 1; two copyists; one packer, $840; assistant messenger; in all, $212,360.

The amendment was agreed to.

The next amendment was, on page 139, line 17, to increase the appropriation for stationery for the Department of Justice, including Office of the Solicitor of the Treasury, etc., from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, on page 139, line 22, to increase the appropriation for miscellaneous expenditures, including telegraphing, fuel, lights, etc., in the Department of Justice from $12,000 to $13,500.

The amendment was agreed to.

The next amendment was, on page 140, line 20, after the word "dollars," to insert "chief clerk and law clerk, $2,000;" and in line 22, before the word "thousand," to strike out "eight" and insert "ten;" so as to make the clause read:

Office of the Solicitor of the Department of Commerce and Labor: For Solicitor of the Department of Commerce and Labor, to be appointed by the President, by and with the advice and consent of the Senate, $4,500; chief clerk and law clerk, $2,000; clerk of class 3; clerk of class 1; and messenger; in all, $10,140.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 141, line 8, after the word "dollars," to strike out "chief of division, $2,000" and insert "two chiefs of division, at $2,000 each;" so as to read:

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, $8,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,600; private secretary to the Assistant Secretary, $1,800; chief clerk and superintendent, $3,000; disbursing clerk, $2,500; two chiefs of division, at $2,000 each., etc.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Secretary of Commerce and Labor, on page 142, line 2, before the word "dollars," to strike out "two hundred;" and in line 4, before the word "hundred," to strike out "fifty-seven

thousand six" and insert "fifty-nine thousand seven;" so as to read:

One carpenter, $900; captain of the watch, $1,000; five watchmen; fifteen charwomen; in all, $159,760.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 142, after line 5, to insert:

For compensation and expenses of special agents to investigate trade conditions at home and abroad, with the object of promoting the domestic and foreign commerce of the United States, $30,000; and the results of such investigations shall be reported to Congress.

Mr. CLAY. I desire to call attention to this amendment. I ask the Senator from Illinois if there is any law authorizing the appointment of these agents; and if not, why we should make the appropriation before there is any law authorizing their appointment?

Mr. CULLOM. This provision is the result of a hearing before the committee of Mr. Garfield, Commissioner of Corporations, of the Commerce and Labor Department. He wanted a good deal more money than is provided in the amendment. The committee thought that in view of the importance which he showed was attached to the work we ought to give him something to do in that regard, and we provided finally, as a compromise, $30,000 instead of $60,000, or some other large sum that he named.

Mr. CLAY. I should like to ask the Senator if it is not true that there is a bill pending here, and has been pending for some time, providing for the appointment of such agents, and that bill has never passed? Ought we not to wait until it becomes a law before we provide an appropriation of that kind?

Mr. CULLOM. The work is going on in a way now, but not to the extent that the Commissioner of Corporations believed it ought to be performed. This provision will enable the Department of Commerce and Labor to commence the work in a small way and continue it if the Congress of the United States desires it hereafter. I do not know but that the amendment is subject to a point of order, but I hope the Senator from Georgia will not take advantage of it in that respect.

Mr. ALLISON. No; it is not subject to a point of order.

Mr. CULLOM. It may not be. I do not know anything about the rule in reference to such a case. My friend the chairman of the committee says it is not subject to a point of order, and if it is not I hope the Senator from Georgia will not oppose the appropriation, because it is necessary.

Mr. CLAY. I am frank to say that I do not see how the Commissioner would be entitled to appoint these agents unless there was some law authorizing it.

Mr. CULLOM. It is the law itself. We make the law by the appropriation.

Mr. CLAY. This amendment simply provides for an appropriation to pay special agents.

Mr. CULLOM. I think if we give the Department the money they will find a way to get them appointed.

Mr. GORMAN. Are these special agents to be appointed through the civil service? Mr. President, here is a case in point, where both the Senator in charge of the bill and the chairman of the committee have departed from the rule which I have been congratulating myself they adopted, and that is to make a specific appropriation for officers. Here is a lump sum of $30,000, which is to be placed in the hands of a subordinate officer of the Government who will employ the agents.

Mr. CULLOM. He is a Cabinet officer.

Mr. GORMAN. He is a Cabinet officer. I beg the Senator's pardon. He is an officer of the Government in an Executive Department. We have just been talking about the vicious rule that has been followed, and in the matter of four or five clerks employed as messengers and doing clerical duties it was said we ought to fix the salary by law. That is right, and we all agree to it. Now, there immediately comes a provision making an appropriation of $30,000 for compensation and expenses of agents, not for one or two or three special agents, but a lump appropriation of $30,000. That is, of course, all outside of the civil service, and again we resort to temporary appointments. If there were a rule in the Senate that would throw out the amendment on a point of order, I certainly would make it.

Besides, what has that particular Department to do in the way of inquiring into foreign commerce? Does it want to send some agents abroad? The State Department, with its Consular Bureau, and the Treasury Department look into all commercial matters abroad, yet we propose to place in the hands of this Department $30,000 in a lump sum to look into such matters, not only at home, but abroad.

It does seem to me that this very distinguished gentleman, and I have no doubt of his ability and his capability, has already marked out for himself in domestic affairs about all the work he can do during the balance of this Administration. Does he require additional agents to ascertain how he can draw up licenses for all the corporations transacting business in the country, insurance companies and railroad companies? Is it necessary for him to send agents abroad to inquire into that subject? No, Mr. President; it is not, because there are no conditions on the other side that would apply here.

Without the slightest desire to hamper this Department or any other in any way, if we give the whole amount they want, how many agents, I should like to ask the Senator from Illinois, did this executive officer say he desires?

Mr. CULLOM. I did not hear the first part of the Senator's inquiry.

Mr. GORMAN. In the investigation that was had, when the statement was made by the executive officer in charge of this particular branch, how many agents did he desire?

Mr. CULLOM. He did not state, I think, the number of agents desired by the Department, but he wanted a larger sum of money than was given to him in the amendment. I suppose he expected to employ five or six agents for this work, though I do not recollect whether he stated in his testimony any given number. But he advocated the general policy of appropriating a good sum of money so that the investigation could be made at home as well as in regard to foreign commerce in the interest of the development of our commerce with other nations.

Mr. GORMAN. I should like to ask the Senator what is to be the general scope of this investigation at home?

Mr. CULLOM. I refer the Senator to the document that he prepared and which has been already submitted to Congress, I believe, for his view on the general subject.

Mr. GORMAN. I ask the Senator if we have not made ample provision for all the officers estimated by the Secretary of the Treasury for that Department?

Mr. CULLOM. No, sir; we have not, nor for any other Department.

Mr. GORMAN. I find from the statement made here, which I have only had an opportunity to glance at, that the appropriations contained in this bill exceed by $590,000 the appropriation of a year ago.

Mr. CULLOM. That is true. The Department of Commerce and Labor is in process of organization. A year ago the Department did not know exactly what it wanted, and it had not gotten so far along as to classify the service that was given it. But we demanded then and have since demanded that as they went along with the work they should find out exactly how much money they needed for each particular bureau or branch of the service involved in their administration. So we are getting the Department organized, and we may tell a little better from year to year than we did before exactly the amount of money for one branch of service as against another which should be appropriated. In this case the gentleman referred to came before the committee. He advocated an appropriation of $50,000, I think.

Mr. ALLISON. The estimate was $100,000.

Mr. CULLOM. The estimate was $100,000, but I do not think he expected to get more than half of it. We heard him quite at length and finally concluded, as the judgment of the committee, that it was the best thing for the country that he should have a certain amount of money to begin with, and then we could ascertain from the result of the use of that amount of money what the value of the service would be.

Mr. GORMAN. As to that estimate, Mr. President, I should like to know upon what it is based and how many agents are to be employed, or to receive some information of what is intended. My objection is not designed in any way to hamper the Department, but if they want an agent or agents they should demonstrate the necessity for such officials to the Committee on Appropriations.

Mr. CULLOM. We do not want to be working along at this slow pace to ascertain whether there is any good in the thing, but certainly there is a feeling on the part of the Department that the investigation ought to be made.

Mr. GORMAN. I agree to that.

Mr. CULLOM. And if it is to be made, we should give them a reasonable amount of money to begin it.

Mr. GORMAN. Very good.

Mr. CULLOM. And we thought that $30,000 was as small an amount as we ought to appropriate.

Mr. GORMAN. I will agree to that, provided the Senator will insert in this bill one or two agents, at $3,500. The same principle is involved here that we have been discussing for an hour in regard to these small clerkships, and now the head of this Department comes to Congress and says, "I have a great scheme on hand for which I want a hundred thousand dollars," and the committee finally says, "We will compromise and give

you $30,000, and you may do as you please with it." That is bad legislation.

Mr. CULLOM. It is almost absolutely impossible for the Committee on Appropriations to determine exactly what the amount of the appropriation should be, or whether it should be confined to one employee or to three or five, but the Department itself can ascertain, and if they find that they do not want to employ a sufficient number to absorb that amount of money they need not do it and would not do it.

Mr. GORMAN. I understand that; but they will absorb all we give them and then have a deficiency. Therefore I want the Senator to get back to what has been provided for in the case of the poor clerks, charwomen, and laborers in the Post-Office Department, whose compensation is fixed in this bill, and to also fix the compensation of these agents. This Department is a great Department, a very extraordinary Department, and I am inclined to think one whose head has now a greater power than Congress ought to have delegated to any executive officer on the face of the earth. He ought to know whether he wants ten or six or two agents, and the class of men he wishes to employ. If he is to have an expert and pay him $5,000 a year, let him say so to Congress and I will agree to vote for the appropriation, if the committee, after investigation, thinks it wise, but I object to saying that this particular officer, or any other officer of the Government, shall take a lump sum and do as he pleases with it, and I think the Senate ought to object to it unless we agree to put a limitation on the number of employees and their compensation. If, under the rule, I can make the point of order against it, I shall certainly do so.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. GORMAN. Certainly; with great pleasure.

Mr. CLAY. I believe the Senator from Illinois [Mr. CULLOM] stated that this amendment authorizes the appointment of these agents and appropriates the money to pay their salaries. Without this amendment, undoubtedly, the head of that Department could not employ such agents. There is no existing law at this time providing for their employment, and unless this amendment authorizes their employment they can not be employed.

Mr. CULLOM. This is the provision:

For compensation and expenses of special agents to investigate trade conditions at home and abroad, with the object of promoting the domestic and foreign commerce of the United States, $30,000; and the results of such investigations shall be reported to Congress.

Does not the Senator think that that provision authorizes the appointment?

Mr. CLAY. I think the Senator is correct about that. Then, if this amendment authorizes the appointment of certain agents and appropriates the money to pay them, is it not in violation of clause 3 of Rule XVI, which especially provides that "no amendment which proposes general legislation shall be received to any general appropriation bill?"

Mr. ALLISON. Mr. President, if I understand the amendment, it is not subject to a point of order in any sense, because it is not in violation of law, but in exact pursuance of law.

Mr. GORMAN. What law?

Mr. ALLISON. Senators will remember that in 1903 in this Chamber we spent several weeks in the discussion of the question of the extension of our commerce, especially of our foreign commerce. Under the splendid leadership of the senior Senator from Minnesota [Mr. NELSON] we passed a law authorizing the establishment of the Department of Commerce and Labor. It was stated that the object of that Department was to revive, reinvigorate, and establish our trade relations with other countries, especially with the South American countries. Therefore the Senator from Minnesota persuaded us to pass a bill, which came to us from the Committee on Commerce, one of the leading committees of this body, providing for this new Department of the Government. In section 3 of that law, approved February 14, 1903, there is a general provision which says:

SEC. 3. That it shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishing industries, the labor interests, and the transportation facilities of the United States.

I suggest to my friend that that is a very extensive and almost unlimited power. The Secretary of Commerce now says to us that if he is to exercise this power, he must have agents who will not only make such investigations as are necessary at home, but abroad, and particularly in the South American countries. He estimated for this work $100,000; and through the chief of the Bureau of Transportation—the Secretary being unable to be present on the day assigned—this appropriation was urged upon the committee. The committee, instead of appropriating the amount provided for in the Book of Estimates, believing that it was largely discretionary with Congress to fix the policy, appropriated $30,000. This sum was to be used in gathering information, especially in the countries south of us. It is the expectation of the Secretary of Commerce and Labor, according to my understanding, to employ five or six or seven agents from time to time to promote our foreign commerce in those countries. I understood him to say that he could secure very competent persons, well qualified for this service, at a compensation of $2,500 each or at a reasonable per diem compensation. That is all there is in the provision.

If we do not wish to execute in any particular this law, which we adopted here two or three years ago—if we do not wish to extend and expand our foreign and domestic commerce, of course we will appropriate nothing; but, as I understand it, both Houses of Congress and both political parties are in favor of an extension of our foreign commerce. We have had reported here this morning a bill having substantially that same purpose in view. Now, we stand here and higgle about an expenditure of $30,000 to employ five or six agents to promote our foreign commerce to the south of us, and yet we will seriously consider in that measure the question of expending $8,000,000 or $10,000,000 for the same object.

Mr. President, if we are to execute the provisions of this law there must be a reasonable sum appropriated for the purpose. I assume it will be used wisely, judiciously, and economically in exploring the regions to which we hope to extend our trade. If the Senate does not want to do this, if we are going to ignore this statute, which we put upon our statute book with so much pains, after careful consideration and with practically absolute unanimity—for there were no objections to it on either side of the Chamber, so far as I remember—and make it a dead letter, then, of course, we will stop all this business and all the necessary expenditures required for its promotion.

There is no difficulty about this provision. There is nothing in it that is not perfectly explicable and plain. It is a small sum with which to begin this great work if we expect to undertake it at all. That is all there is in this case.

Mr. GORMAN. Mr. President, the Senator from Iowa [Mr. ALLISON], with his remarkable ability, makes an excuse for this lump appropriation in a more plausible and forcible way than any other Senator could possibly make it; but he can not be permitted, so far as I am concerned, to base that excuse upon the ground that there is the slightest intention here to impede any movement that looks to the development of the commerce of our country.

I bring the Senator back again to his original proposition, stated not over an hour ago, that in the framing of these appropriations it is not a proper thing to make them in a lump sum to be expended in the discretion of any executive officer. Right in the face of the estimates which have been submitted, on which the committee acted in this case, in face of the fact that the law requires and Congress requires—and the rule is a perfect one—that the Secretary of Commerce and Labor shall tell us, for instance, that he wants an Assistant Secretary to help conduct the affairs of his Department; that he wants a confidential clerk; that he wants so many messengers, engineers, and skilled laborers—after getting through with those details, which are minor in their nature, he presents a proposition to do what? That Congress shall give him the lump sum of $100,000 to investigate what?

For the compensation and expenses of special agents to investigate trade conditions at home and abroad, with the object of promoting the domestic and foreign commerce of the United States.

I say, Mr. President, in view of the organization of the State Department, with a special service looking to the development of commerce with all these countries, with a consular bureau which looks carefully after our commercial interests in every port in the world, and whose reports are sought for now by the business people of the country, the work of these agents, when they go abroad, will be largely a duplication of the work now performed by our consuls. There ought not to be under this Government two heads of Departments through their agents making inquiries abroad, and, above all, the amount of money to be expended for salaries on such account ought to be specifically stated. If the Secretary of Commerce and Labor does not know how many such agents he desires as well as he does how many messengers he desires, the appropriation ought not to be made.

Mr. CULLOM. Will the Senator allow me to make a statement which will possibly relieve him from his anxiety in this case?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. GORMAN. Certainly; with pleasure.

Mr. CULLOM. Suppose the amendment be amended by inserting after the words "for compensation" the words "at not

more than $10 a day and actual necessary traveling expenses." Would the Senator be satisfied with that?

Mr. GORMAN. I think we had better limit the actual traveling expenses. We have done that in some cases.

Mr. CULLOM. "Necessary traveling expenses" is the language. It seems to me that covers the case. If such a provision is in the bill no more than the amount of money that is appropriated can be spent, and only such number of agents can be appointed whose employment could be paid for out of the appropriation.

Mr. GORMAN. I suggest that their duties be confined to this country. Mr. President, we ought not to have two sets of officers, one under the State Department and the other under the Department of Commerce and Labor, engaged in the same work. I think that would be unfortunate.

Mr. CULLOM. Mr. President, the State Department is simply acting through its consuls. We are not sending out other agents on the same kind of business. Our consuls are not spending an extra amount of money in securing the information which they report to Congress. So I do not think there is anything in the Senator's criticism that ought to constitute an objection to the appropriation of this money for the proposed investigation by the Department of Commerce and Labor.

Mr. GORMAN. I should be glad to have the Senator modify the amendment so as to fix the compensation of the special agents at not more than $10 a day. How many of them are there to be?

Mr. CULLOM. Let the amount appropriated regulate that. The Secretary can not employ very many men with $30,000 if they go abroad and have a salary of $10 a day and actual necessary traveling expenses. It seems to me the amendment as proposed to be amended is sufficiently definite.

Mr. GORMAN. I do not think so; but it is better than nothing.

Mr. CULLOM. I offer the amendment to the amendment and ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 142, line 6, it is proposed to strike out the words "and expenses" and insert in lieu thereof the words "at not more than $10 a day and actual necessary traveling expenses;" so as to read:

> For compensation at not more than $10 a day and actual necessary traveling expenses of special agents to investigate trade conditions at home and abroad, with the object of promoting the domestic and foreign commerce of the United States, $30,000; and the results of such investigations shall be reported to Congress.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. ALLISON. Mr. President, I want to say just a word more in this connection. I think the criticism made by the Senator from Maryland [Mr. GORMAN] as respects our consular service has much merit, but the consular service was in existence before the Department of Commerce and Labor was created. In a conversation with the Secretary of Commerce and Labor—and I am sure that I may be permitted to repeat it in the presence of the Senate—he stated to me that in this work he hoped to utilize consuls occasionally, but that the consuls, in fact, have stated places where their business is transacted, and that they do not now go about and make investigations at other places because there is no provision for the payment of their expenses while so engaged. He said he could utilize this relatively small appropriation, in many instances, by employing consuls and paying their expenses to make investigations in certain foreign countries.

I know there seems to be a duplication here of power and of work, but I am of the opinion that it will be found that the work of this new Department will be useful, and will be in addition to the regular work of our consuls in various countries. So, I think, with the amendment which the Senator from Illinois has proposed to it, the amendment of the committee ought to be reasonably satisfactory to the Senator from Maryland. I am sure that no one on this side of the Chamber desires to appropriate money extravagantly, or to appropriate it for any purpose that is not judicious and wise; but I think we had better try the experiment of making this appropiration. It is a small sum, and a report must be made not only of the expenditure, but of the results of the expenditure. It may be that this appropriation ought not to be continued, but at least, Mr. President, I hope that the appropriation will be made this year, in order that this new Department may make the experiment.

Mr. GORMAN. I dislike to detain the Senate, but I must say that I am as earnestly in favor of any provision that looks to the extension of our trade and commerce, particularly with the countries south of us, as any Senator on the other side of the Chamber can be. I am aware, as everybody who has given the subject any attention must be, that we, of all the great commercial nations of the earth, have probably paid less attention to the development of the trade and commerce of our country through official action than has any other. It is as well known as it is that I stand in your presence, sir, that the great German people—the most thrifty, active, and intelligent nation of the world—have a perfect system, under which young men are employed for the purpose of ascertaining the character of trade that can be secured and the different varities of wares that can be sold in foreign countries. These young men are educated for the purpose and sent to every quarter of the globe. That system places them directly under the consular service of the German Empire.

You can not have success in any enterprise, and particularly one so great as this, unless there is one directing mind. Here it is proposed that our consuls, who act through and under the direction of the State Department, shall perform service under another Department of the Government. I want to say for the consular service, that never, in my judgment, since the foundation of the Government has there occurred such a revolution in its efficiency, in the character of men who are engaged in it, and in the service it has rendered, as has occurred within the last ten or fifteen years.

Now, you propose to send four or five agents from the Department of Commerce and Labor to travel, as the Senator from Iowa [Mr. ALLISON] says, through South and Central America. They would be lost. The only thing they could possibly do—and it would be the natural thing—would be to come in conflict with the agents of the State Department we already have there, and the number of the new agents would be so insignificant that they would scarcely count. If the service is to be of practical benefit it must grow, be enlarged, and placed under the head of one Department. I do not believe the Department of Commerce and Labor is the proper Department for such service. I should prefer to have the State Department, with its Consular Bureau, and with an intelligent man devoting himself to the work, take charge of it.

The Secretary of the Department of Commerce and Labor, with all his great power—as I said a moment ago, a power, in my judgment, too great to be intrusted to any single executive officer, or to all the executive officers combined—has more than he can do intelligently and well in the next ten years devoting himself to internal affairs. Problems such as have never been presented to a civilized people are before us. He had better look to preventing the discriminations and correcting the abuses that exist at home. His work in this connection, even if his attention is given to it as it should be, is more than he can accomplish during the next Administration, I fear. With all the aid he can get from other Departments of the Government, and with $500,000 in a lump sum placed in the hands of a distinguished member of the Cabinet—the Attorney-General—to aid him at home, his work is still an enormous one.

I do not question the intelligence or the capacity or the desire of the Secretary of Commerce and Labor to accomplish this work, but he ought not to ask for more power or to interfere in another field for which, by training at least, he is unfitted.

The Senator from Iowa says we are making provision for the extension of this trade by a bill that is pending here. Yes, Mr. President, we have been trying to make provision for that trade, too long neglected, by securing facilities to reach the people south of us both by rail and by water. If the Secretary of Commerce and Labor will devote his whole time to seeing that we are not discriminated against and that we secure fair rates from the lines already existing running through to the center of Mexico, his entire time will be occupied until 1908.

If it requires an appropriation to ascertain how we can possibly extend our trade and commerce with South America, the Secretary of State, through his officer, who has spent some years in the investigation and who has done it most intelligently and well, should present a detailed statement to this Congress; and, if I have an opportunity to vote on such a proposition, I should consider that a hundred thousand dollars would be as nothing. I would give him an agent in every consular district in every one of the South American states. Let him devise a system which he believes will bring results, and I will not haggle about money. I would only ask that he estimate for this service as he does for the other expenditures of his Department.

Do you want in the conduct of such affairs a secret fund? The State Department is the one Department that is entitled to a large annual fund for such a purpose. No Senator on either side of the Chamber at any time in the history of the Government, no matter how high the heat of party excitement, ever inquired or ever thought of inquiring from the Secretary of

State, "What is your account of the secret fund?" We have trusted him, and we do now, as we trust the President of the United States, for in certain events under the law the Secretary of State would become President of the United States. No man has ever occupied the position of Secretary of State whose good faith to his country has ever been questioned. So the Senator from Iowa and I do not differ in regard to the importance of the fund that is proposed to be appropriated; but we do differ widely as to its disposition and as to the hands in which it should be placed. The Department of Commerce and Labor is not, in my judgment, the Department under which this work should be prosecuted. In order that there may be no question about the fact, I repeat that I have the highest regard for the distinguished gentleman who occupies the position of Secretary of the Department of Commerce and Labor. He served too long in Congress, and I know him too well, to cast the slightest reflection upon him. I would make this statement if my brother occupied the place. It does not belong to him. He has no right to deal with it.

The Senator says the original act contemplated that he should look after foreign commerce as well as domestic. Mr. President, I venture nothing when I say that act, drawn at the time and in the manner in which it was, could not pass Congress now. Unfortunately, under our form of government, times come when seeming political necessity makes men lose or set aside for the moment their honest judgment. It was a Department created by a pressure extraordinary, but not without some reason. But in providing the powers and the scope of the authority of that officer the act went beyond sound reason and safe government. He is there. Probably his power will never be curtailed.

The Senator from Iowa says if we give him this appropriation and it does not work well we can omit it hereafter. Mr. President, that is not the history of such affairs. You give any one of the Departments of the Government jurisdiction over any subject and no matter how foreign it is to the Department in the beginning it grows; estimates come, a hundred thousand this year, and one year from now there come glowing reports from these agents, who are to draw $10 a day and all their expenses, that there are bonanzas in Brazil and the Argentine; that "we have only had time to skim the surface; the information you have heretofore had through your consuls amount to nothing. Give us more time and more money and we will build up a trade and a commerce that will astonish the world." And then boards of trade in every city in the country will be visited by these special agents or their allies and furnished with these glowing reports of the great possibilities. Representations will come from every city and every corporation, and the pressure will be so strong that even the Senator from Iowa and the Senator from Illinois will not be able to resist it. They are unable to resist a simple appeal to-day from the head of the Department, except to the extent that they have cut down what was wanted, both as to the amount and the scope of the investigation desired.

The Secretary, in his estimate, said he wanted part of this money not only for commerce, but to ascertain how he could best organize his own Department. That is stricken out and is not included in this amendment. Mr. President, I do not know why it was stricken out. I am rather inclined to think it was properly stricken out, because a man of very considerable capacity, as is the present Secretary, with his force ought to be able in a very short time to ascertain how to organize the internal affairs of his own Bureau.

I trust the Senator from Iowa and the Senator from Illinois will both permit this amendment to go out. Nothing will suffer between now and the coming session of Congress. Mr. President, if it is true, as rumor has it, and we get most of our information from the rumors flying from one end of the city to the other, it will not be long, in fact only a short time, before we will be here to deal with this question; and if after mature deliberation, if after consultation with the Secretary of State and the intelligent head of the Consular Bureau, they can devise a scheme or make a proposition looking to the development of this trade, I say to the Senator from Illinois, in charge of this bill, I for one shall be more than delighted to join him. It would be a hopeful sign indeed for the country if, at the very beginning of this new Administration and under President Roosevelt, we could lay aside all the preparations for destruction and do something to aid and develop the commerce of the country. Such a movement would have my very hearty support. In matters that look to the development of the country, after we have fought our political fights before the people, I have never found very much division between the Senator from Iowa and myself upon either the amounts to be appropriated or the officers to be employed fairly and honestly to conduct this Government. I beg of that distinguished Senator not to mar the pending bill by making this lump appropriation or making it at all to this particular Department. Let us stand upon the declaration made this day, and go back to the old rule and restrict and carefully guard the powers of executive officers.

Mr. CULLOM. Mr. President, I wish to make a remark or two. I was very much gratified to hear the distinguished Senator from Maryland eulogize our Secretary of State. He can say nothing in praise of that distinguished gentleman which I would not indorse. I think he is one of the ablest men of the country, and has made one of the best Secretaries of State the Government has ever had. But, Mr. President, why this business, if we are going to inaugurate it, shall go into the hands of the Secretary of State as against the man in charge of the commerce of the country is what I can not understand. Here we have a Secretary of Commerce and Labor whose duty it is, naturally as well as lawfully, to investigate commerce, both at home and abroad, and yet the Senator from Maryland seems to want to refuse to let it go into the hands and control of the Secretary of Commerce, who has to deal with commerce, and to put it in the hands of the Secretary of State, who deals with foreign relations generally in a diplomatic way. And really the Secretary of State has nothing to do with the actual commerce of the country. His consuls have been charged with the duty of making reports to the Government of the United States or to the Secretary of State as to what they see in their neighborhoods or about the development of commerce, and whether there is not something they can do that will help the commerce of the United States. But to put the State Department at the head of the management of the commerce of the country is something that has never been heard of before, in my judgment.

I like to hear the Senator from Maryland talk. He talks splendidly, and he is always good-natured. And he makes his suggestions in such a mild and loving way that one can hardly get around them. Let us see what is the matter with this thing. He is against this lump sum. We have already amended the provision in such a way that there is no lump sum about it, except so many agents at $10 a day and actual expenses, who may be appointed within the appropriation provided for. Now, there is no lump sum about it in the proper sense. And so while we on this side are always glad to hear the Senator from Maryland—I do not know how it is on the other side [laughter]—we think he ought to withdraw any further objection to this item in the bill and let us proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 143, line 10, to increase the total appropriation for compensation and per diem of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of the Bureau of Corporations, etc., from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 143, line 13, after the word "dollars," to insert:

Clerk of class 4; clerk of class 2; clerk of class 1; clerk, at $1,000; clerk, at $900; and assistant messenger; in all, $11,020.

So as to make the clause read:

Bureau of Manufactures: Chief of Bureau of Manufactures, $4,000; clerk of class 4; clerk of class 2; clerk of class 1; clerk, at $1,000; clerk, at $900; and assistant messenger; in all, $11,020.

The amendment was agreed to.

The next amendment was, on page 146, line 5, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" and in line 20, before the word "thousand," to strike out "forty-five" and insert "forty-six;" so as to make the clause read:

The Census Office: For Director, $6,000; four chief statisticians, at $2,750 each; * * * in all, $746,760.

The amendment was agreed to.

The next amendment was, on page 147, line 12, to increase the appropriation for rental of quarters for the Census Office from $20,000 to $22,080.

The amendment was agreed to.

The next amendment was, on page 150, after the word "made," in line 15, to insert the following proviso:

Provided further, That annual leave of absence, as authorized by existing law, accruing to officers and employees of the immigration service stationed in the Territory of Hawaii and in Porto Rico shall, in the discretion of the Secretary of Commerce and Labor, be cumulative, except that the maximum leave granted to any such employee at one time in consequence of such accumulation shall not exceed ninety days.

The amendment was agreed to.

The next amendment was, on page 152, line 2, after the word "dollars," to strike out "skilled laborer, $720," and insert "two skilled laborers, at $720 each;" in line 9, before the word "laborers," to strike out "two" and insert "three;" and in line 12, before the word "dollars," to strike out "ninety-eight thousand two hundred and eighty" and insert "ninety-nine thousand six hundred and sixty;" so as to read:

Bureau of Standards: * * * Two watchmen; skilled woodworker, $840; two skilled laborers, at $720 each; draftsman, $1,200; two assistant messengers; engineer, $1,800; two assistant engineers, at $1,000 each; assistant engineer, $900; three firemen; electrician, $900; three laborers; janitor, $600; and two female laborers, at $360 each; in all, $99,660.

The amendment was agreed to.

The next amendment was, on page 152, line 19, to increase the appropriation for apparatus, machinery, tools, and appliances used in connection with the buildings or with the work of the Bureau of Standards from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 158, line 24, after the word "mints," to insert "and assay offices;" so as to make the section read:

SEC. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each, and for charwomen, at the rate of $240 per annum each.

The amendment was agreed to.

The next amendment was, on page 159, line 8, after the word "incapacitated," to insert "otherwise than temporarily;" so as to make the section read:

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such service.

The amendment was agreed to.

The next amendment was, on page 159, line 10, after the word "this," to insert "or any other;" in line 12, after the word "those," to strike out—

specifically authorized and named for personal purposes in section 3 of the legislative, executive, and judicial appropriation act for the fiscal year 1905

And insert:

for the use of the President of the United States, the heads of the Executive Departments, and the Secretary to the President;

And in line 19, after the words "for the," to insert "personal or;" so as to make the section read:

SEC. 4. No part of any money appropriated by this or any other act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the Executive Departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the Executive Departments or other Government establishments at Washington, D. C., unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procurred and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FORAKER. I move to strike out, on page 159, commencing in line 24, after the word "money," all the rest of the section.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment, which will be stated.

The SECRETARY. On page 159, line 24, after the word "money," it is proposed to strike out the following:

and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used.

Mr. CULLOM. I hope the words will not be stricken out. I do not care to debate the amendment.

Mr. FORAKER. Mr. President, I wish to say just a word about it. If the Solicitor-General of the United States wants to ride from his office in the Department of Justice to the Capitol building, he can not do it, if this remains in the bill, except in a vehicle that is branded in the way prescribed by the statute. I think it is getting down to pretty small business to put such a provision in a bill of this kind, and I am opposed to it. That is all I want to say about it, and I desire the RECORD to show that I have not any sympathy with that kind of a provision. Nobody can have a carriage except the heads of Departments. It does not cost the Government a cent more to have this out than it does now, and it does not enlarge the rightful use of carriages.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Is a separate vote desired on any particular amendment?

Mr. BERRY. I desire to reserve for a separate vote the amendment on page 33, line 23.

The PRESIDING OFFICER. The Senator from Arkansas desires to reserve for a separate vote in the Senate the amendment on page 33, beginning in line 23. If there is no objection, the other amendments made as in Committee of the Whole will be concurred in.

Mr. BERRY. I ask that the amendment on which I have asked for a separate vote may be stated.

The SECRETARY. On page 33, line 23, under the heading "Civil Service Commission," it is proposed to strike out "three thousand five hundred" and insert "four thousand;" so that if amended it will read:

For three Commissioners, at $4,000 each.

Mr. BERRY. Mr. President, if I am correctly informed the Civil Service Commissioners, from the time of the creation of the offices, have been allowed $3,500 each. The amount is fixed by law. They have never received any more than that. There has never been any complaint, so far as I know. The President has been able to get efficient men at that salary.

Now, it is proposed in this bill, an appropriation bill, to raise the salaries, which have long since been fixed by law.

I should like the Senator from Illinois to show what necessity there is for raising these salaries. There are a number of salaries raised in this bill—salaries of clerks and others—but here is a salary that has proven sufficient, I take it, to get efficient service. It is fixed by the statutes of the country. And what necessity there is now that the Civil Service Commissioners should be paid more I am unable to understand.

If I am correctly informed, the duties now are far less than when the Commission was first created. The positions do not require so much labor, and I would be glad if the Senator from Illinois would show some reason why this increase should be made.

Mr. CULLOM. Mr. President, I shall not take up the time of the Senate for more than a moment.

In the first place, the salaries of the Civil Service Commissioners are lower than those of any other officials of their class. I can furnish a list, if necessary, of hundreds perhaps who are engaged in the service of the Government here as assistants and in different positions where the salaries are four thousand or forty-five hundred or five thousand dollars, and none of them are occupying any higher rank in office than these men do. And so far as the labor is concerned, there is no set of men, in my judgment, in the service of the Government who work harder than the gentlemen who occupy these positions. I know only one of them, General Black.

These men are working day and night, almost, and doing good service. Whatever may be said about the question of civil service, they are doing good work. They are able men, and yet because they are Civil Service Commissioners they have always seemed to be kept down and nobody has ventured to undertake to raise their salaries for fear the effort might be beaten.

So far as I am concerned—and this is true of the Committee on Appropriations—we raised those salaries because it seemed to us that it was but right to do it when we ascertained the situation as between these and other officials of the same rank. I do not think that because the civil service is a little unpopular in the Senate we ought to discriminate against the men who happen to hold offices under the law.

I desire to say another thing. While we criticise the Civil Service Commission for this and that and the other thing, whenever we get to national-platform making there is not a party in the country that does not recognize it as useful and necessary. I think we ought to give this little increase of salary, although the original act only provided for $3,500, as I admit.

I do not care to take up the time of the Senate longer on the subject.

Mr. BERRY. I said nothing whatever in opposition to the civil service.

Mr. CULLOM. I know the Senator did not.

Mr. BERRY. And I did not criticise the Civil Service Commission. The truth is that I do not share the objection which the Senator from Illinois says universally prevails in the Sen-

ate. I think in a great many particulars, as the Senator from Maryland said to-day, it has been a great service to the country. It is not that. But what I object to is that on an appropriation bill the committee should raise the salary of any officer where the law fixes a smaller salary. If he is not getting sufficient salary, I submit that the honest way and the proper way and the open way is to amend the law and give him a larger salary, but I do say it is not a proper thing to do, when the law creating the office fixes the salary, to step in and simply on an appropriation bill for a particular year give him more than the law says he shall have. That is what I object to.

Mr. CULLOM. If the Senator will allow me, he knows very well that, time out of mind, whenever a case came before the Committee on Appropriations having charge of the subject and it appeared from the testimony that any man or officer deserved a promotion or an increase in salary it has always been the habit of the committee and of the Senate to increase it.

Mr. BERRY. Mr. President, I do not think that has always been the habit. If it was the desire to increase a particular man's salary, to do him a special favor, it has been done in this way frequently I know, but it is not the proper way to do it, and the Senator from Illinois knows it is not the proper way. It has occurred that for one year they would raise the salary in this way by appropriating more than the law provides, and the next year the House of Representatives would refuse to include it at that amount and it would drop back to the salary provided by law. That has occurred, too, I will say to the Senator from Illinois.

Mr. CULLOM. I know it has occurred. At the same time the House does the same thing very often. It increases a salary.

Mr. FORAKER. I wish to inquire of the Senator having the bill in charge as to the amendment on page 133. I do not know that I fully understand it.

Mr. BERRY. Is that connected with this amendment?

Mr. FORAKER. That amendment provides as follows:

And such clerks and laborers as may be so employed on the 30th day of June, 1905, are hereby transferred to the rolls of the office of the Third Assistant Postmaster-General and placed in the classified service, without further examination, in the grades and at the rates of compensation herein provided.

Mr. BERRY. I should like to ask the Senator from Ohio if that is connected with this amendment? I should like to dispose of this question.

Mr. CULLOM. I suggest to the Senator from Ohio that the Senator from Arkansas has asked for a vote on the amendment.

Mr. BERRY. I will make the point of order that this appropriation is not estimated for and that it is not provided for by law. I think that will settle it.

Mr. CULLOM. The amendment has been adopted as in Committee of the Whole and reserved in the Senate.

Mr. BERRY. A point of order lies in the Senate, I submit, the same as it would lie as in Committee of the Whole, as the Senator well knows.

Mr. FORAKER. I make inquiry about an entirely different matter, as I understand it, and I simply wanted to recur——

Mr. CULLOM. Let us get through with one proposition at a time.

Mr. FORAKER. I thought we were through.

Mr. CULLOM. I hoped we were, but we are not.

The PRESIDING OFFICER. The Chair will state that this amendment was adopted as in Committee of the Whole, and it is now in the Senate, having been reserved by the Senator from Arkansas.

Mr. CULLOM. It was reserved, it is true, but a vote would have to be taken to reconsider the vote adopting it.

Mr. BERRY. Oh, no, Mr. President; the Senator is mistaken.

The PRESIDING OFFICER. Does the Senator from Arkansas make a point of order that the amendment is not germane or that it is new legislation?

Mr. BERRY. I make the point of order that there is no law which authorizes it, and it has not been estimated for.

Mr. LODGE. The point of order does not lie now.

Mr. CULLOM. I insist it does not.

Mr. BERRY. Why does not the point of order lie, I submit to the Senator from Massachusetts?

Mr. LODGE. Because the amendment has already been adopted in the Senate

Mr. GORMAN and Mr. BATE. Oh, no.

Mr. BERRY. It has not been adopted. The rule provides that any amendment adopted as in Committee of the Whole may be reserved for a separate vote in the Senate.

Mr. LODGE. Certainly.

Mr. BERRY. This amendment has been so reserved.

Mr. LODGE. Certainly. I am not objecting to a separate vote. Of course the Senator has that right.

Mr. BERRY. It has been so reserved, and it stands in the Senate precisely as though no action had been taken upon it as in Committee of the Whole.

Mr. CULLOM. Not at all.

Mr. BERRY. It is subject to a point of order.

The PRESIDING OFFICER. The Chair thinks that the position of the Senator from Arkansas is correct, and that at this stage in the consideration of the bill he has a right to make the point of order. The present occupant of the chair, however, occupying the chair by courtesy, will submit the question to the Senate whether the point of order is well taken.

Mr. GORMAN. On that let us have the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. I hope the amendment will be retained in the bill.

Mr. BERRY. That is not the question, I submit, Mr. President. The question is, Shall the point of order be sustained?

The PRESIDING OFFICER. The Chair so understands.

Mr. BERRY. The question is not whether the amendment should be retained in the bill, but whether the point of order is well taken.

The PRESIDING OFFICER. Those in favor of sustaining the point of order made by the Senator from Arkansas will please signify the same by saying "yea" when their names are called; those opposed "nay."

The Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. FOSTER]. If he were present, I should vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY], and withhold my vote. If he were here, I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, I should vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He is absent, and I withhold my vote.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. As he is not present, I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I suggest to the senior Senator from Vermont [Mr. PROCTOR] that we transfer our pairs and both vote.

Mr. PROCTOR. Very well.

Mr. TILLMAN. I vote "yea."

Mr. PROCTOR. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. In his absence, I do not feel justified in voting upon this question.

The roll call was concluded.

Mr. FOSTER of Louisiana. I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. He is absent, and I withhold my vote.

Mr. CULBERSON. I have a general pair with the Senator from Wisconsin [Mr. QUARLES], and withhold my vote. If he were present, I should vote "yea."

Mr. PETTUS (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. I notice that he is not present, and I withdraw my vote.

Mr. LODGE. My colleague has left the city.

Mr. WARREN. A moment ago I announced my pair with the senior Senator from Mississippi [Mr. MONEY]. It is suggested that I transfer that pair, so that the senior Senator from Mississippi [Mr. MONEY] may stand paired with the senior Senator from Washington [Mr. FOSTER], and thus relieve the junior Senator from Mississippi [Mr. MCLAURIN] and myself. I vote "nay."

Mr. McLAURIN. I vote "yea."

Mr. BEVERIDGE (after having voted in the negative). I voted, forgetting for the moment that I have a general pair with the senior Senator from Montana [Mr. CLARK]. I transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH], and let my vote stand "nay."

Mr. BLACKBURN. The senior Senator from Colorado [Mr. TELLER] is absent by reason of sickness. He is paired with the senior Senator from Maine [Mr. HALE].

Mr. BATE. My colleague [Mr. CARMACK] is not here. If he were here, I am satisfied he would vote "yea." I see his pair has voted "yea," too.

The result was announced—yeas 27, nays 17, as follows:

YEAS—27.

Bacon	Foraker	Kittredge	Newlands
Bailey	Fulton	Knox	Overman
Ball	Gallinger	Latimer	Platt, Conn.
Bate	Gamble	Long	Spooner
Berry	Gorman	McLaurin	Stewart
Blackburn	Hansbrough	Millard	Teller
Clay	Kean	Morgan	

NAYS—17.

Alger	Cockrell	Hopkins	Proctor
Allee	Cullom	Lodge	Warren
Allison	Dick	McComas	
Beveridge	Dryden	Nelson	
Burnham	Heyburn	Perkins	

NOT VOTING—46.

Aldrich	Daniel	Hale	Pettus
Ankeny	Depew	Hawley	Platt, N. Y.
Bard	Dietrich	Kearns	Quarles
Burrows	Dillingham	McCreary	Scott
Burton	Dolliver	McCumber	Simmons
Carmack	Dubois	McEnery	Smoot
Clapp	Elkins	Mallory	Stone
Clark, Mont.	Fairbanks	Martin	Taliaferro
Clark, Wyo.	Foster, La.	Mitchell	Tillman
Clarke, Ark.	Foster, Wash.	Money	Wetmore
Crane	Frye	Patterson	
Culberson	Gibson	Penrose	

The PRESIDING OFFICER. It is disclosed that there is no quorum present.

Mr. CULLOM. Under the circumstances, it being pretty well along in the afternoon, I think it will probably be impracticable to undertake to get a quorum to-night. So I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 13, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 12, 1905.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;" and

H. R. 6351. An act to pay J. B. McRae $99 for services as hospital steward, and so forth.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6270. An act directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.;

S. 6261. An act permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian; and

S. 5798. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PALMER. Mr. Speaker, I call up the matter of the impeachment of Charles Swayne, and ask that the articles presented by the select committee appointed to formulate the articles be read by the Clerk.

The Clerk read as follows:

Articles exhibited by the House of Representatives of the United States of America, in the name of themselves and of all the people of the United States of America, against Charles Swayne, a judge of the United States, in and for the northern district of Florida, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE 1. That the said Charles Swayne, at Waco, in the State of Texas, on the 20th day of April, 1897, being then and there a United States district judge in and for the northern district of Florida, did then and there, as said judge, make and present to R. M. Love, then and there being the United States marshal in and for the northern district of Texas, a false claim against the Government of the United States in the sum of $230, then and there knowing said claim to be false, and for the purpose of obtaining payment of said false claim, did then and there as said judge, make and use a certain false certificate, then and there knowing said certificate to be false, said certificate being in the words and figures following:

"UNITED STATES OF AMERICA, *Northern District of Texas, ss:*

"I, Charles Swayne, district judge of the United States for the northern district of Florida, do hereby certify that I was directed to and held court at the city of Waco, in the northern district of Texas, twenty-three days, commencing on the 20th day of April, 1897; also, that the time engaged in holding said court, and in going to and returning from the same, was twenty-three days, and that my reasonable expenses for travel and attendance amounted to the sum of two hundred and thirty dollars and — cents, which sum is justly due me for such attendance and travel.

"CHAS. SWAYNE, *Judge.*

"WACO, *May 15, 1897.*

"Received of R. M. Love, United States marshal for the northern district of Texas, the sum of 230 dollars and no cents, in full payment of the above account.

$230. "CHAS. SWAYNE."

When in truth and in fact, as the said Charles Swayne then and there well knew, there was then and there justly due the said Swayne from the Government of the United States and from said United States marshal a far less sum, whereby he has been guilty of a high crime and misdemeanor in his said office.

ART. 2. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office as judge, as aforesaid, the said Charles Swayne was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal for the district in which the court was held, and was forbidden by law to receive compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Tyler, Tex., twenty-four days, commencing December 3, 1900, and seven days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of John Grant, the United States marshal for the eastern district of Texas, the sum of $310, when the reasonable expenses incurred and paid by the said Charles Swayne for travel and attendance did not amount to the sum of $10 per diem.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, the crime of obtaining money from the United States by false pretense and of a high misdemeanor in office.

ART. 3. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel in going to and coming from and attendance were $10 per diem while holding court at Tyler, Tex., thirty-five days from January 12, 1903, and six days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of A. J. Houston, the United States marshal for the eastern district of Texas, the sum of $410, when the reasonable expenses of the said Charles Swayne incurred and paid by him during said period were much less than said sum.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

ART. 4. That the said Charles Swayne having been duly appointed, confirmed, and commisioned as judge of the United States in and for the northern district of Florida entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid, heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Guyencourt, in the State of Delaware, to Jacksonville, Fla., the said railroad company being at the time in the possession of a receiver appointed by said Charles Swayne, judge as aforesaid, on the petition of creditors.

The said car was supplied with provisions by the said receiver, which were consumed by said Swayne and his friends, and was provided with a conductor or porter at the cost and expense of said railroad company, and with transportation over connecting lines. The expenses of the trip were paid by the said receiver out of the funds of the said Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge, allowed the credit claimed by the said receiver for and on account of the said expenditure as a part of the necessary expenses of operating said road. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner, and under a claim of right, for the reason that the same was in the hands of a receiver appointed by him.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 5. That the said Charles Swayne was duly appointed, commissioned, and confirmed as judge of the United States in and for the northern district of Florida, and entered upon the duties of said office, and while in the exercise of his office of judge, as aforesaid, heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Jacksonville, Fla., to California, said railroad company being at the time in the possession of a receiver appointed by the said Charles Swayne, judge as aforesaid, on the petition of creditors.

The car was supplied with some provisions by the said receiver, which were consumed by the said Swayne and his friends, and it was provided with a porter at the cost and expense of the railroad company, and also with transportation over connecting lines. The wages of said porter and the cost of said provisions were paid by the said receiver out of the funds of the Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge as aforesaid, allowed the credits claimed by the said receiver for and on account of the said ex-

penditures as a part of the necessary expenses of operating the said railroad. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner under a claim of right, alleging that the same was in the hands of a receiver appointed by him and he, therefore, had a right to use the same.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of high misdemeanor in office.

ART. 6. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress approved the 23d of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine and contiguous territory were transferred to the southern district of Florida; whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida and to comply with the five hundred and fifty-first section of the Revised Statutes of the United States, which provides that—

"A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Nevertheless the said Charles Swayne, judge as aforesaid, did not acquire a residence, and did not, within the intent and meaning of said act, reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1904, to the 1st day of October, A. D. 1900, a period of about six years.

Wherefore the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

ART. 7. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress of the United States approved the 23d day of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine, with the contiguous territory, was transferred to the southern district of Florida, whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida, as defined by said act of Congress, and to comply with section 551 of the Revised Statutes of the United States, which provides that—

"A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Nevertheless, the said Charles Swayne, judge as aforesaid, totally disregarding his duty as aforesaid, did not acquire a residence, and within the intent and meaning of said act did not reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1894, to the 1st day of January, A. D. 1903, a period of about nine years.

Wherefore, the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

ART. 8. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as jujdge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge, as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 9. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a jujdge of a circuit court of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 10. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 11. That the said Charles Swayne having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a circuit judge of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office as judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 12. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge, heretofore, to wit, on the 9th day of December, A. D. 1902, at Pensacola, in the county of Escambia, in the State of Florida, did unlawfully and knowingly adjudge guilty of contempt, and did commit to prison for the period of sixty days, one W. C. O'Neal, for an alleged contempt of the district court of the United States for the northern district of Florida.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, as aforesaid, and was and is guilty of an abuse of judicial power, and of a high misdemeanor in office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said Charles Swayne, judge of the United States court for the northern district of Florida, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proofs to the same and every part thereof, and to all and every other article or accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Charles Swayne may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

VIEWS OF MINORITY.

The House must establish the truth of these articles, by competent testimony, beyond reasonable doubt.

The only articles which, in our judgment, the record as it now stands would sustain are based upon the certificates of expenses. As to these it was claimed in the hearings that other judges have construed the law as it was construed by Judge Swayne, and evidence was offered to establish that claim and excluded.

We dissent from all the other articles, and especially as to those based upon the contempt proceedings in the Davis, Belden, and O'Neal cases. These cases clearly involved willful and marked contempt of court, and demanded exemplary and summary punishment from any self-respecting court.

The charge as to nonresidence is not supported by such evidence as warrants the adoption of articles in that regard.

The use of the private car, which is the proper subject of adverse criticism, taking into account the fact that there is no intimation or claim that any judicial act was influenced, or attempted to be influenced thereby, is not of such gravity as to justify impeachment proceedings therefor.

The car incident occurred more than ten years ago, and no residence question has existed for more than four years. No statute of limitations can apply, but the great proceeding of impeachment is not to be used as to stale charges not affecting the moral character or the present fitness of the officer to perform his duty.

C. E. LITTLEFIELD.
RICHARD WAYNE PARKER.

I concur in all that is said in the foregoing "Views of the minority" except as to the certificates for expenses. At the hearing before the committee Judge Swayne offered to prove the custom and practice of the Federal judges in making certificates for their reasonable expenses for travel and attendance when holding court out of their district, the purpose being to show a judicial construction of the statute under which these expenses were allowed. This offer was denied by the committee and all inquiry upon this subject shut off.

Therefore, for this reason, the record is silent upon matters which, in my judgment, should have been submitted to the consideration of this House. The record is silent as to the custom and practice of other judges in this particular, as to the construction which they placed upon the statute, and as to the construction which the disbursing and auditing officers of the Government gave it.

The intent with which Judge Swayne made these certificates is of controlling importance, and all of the facts and circumstances surrounding the matter, the practice and customs of other judges, and the construction placed upon the statute by them and by the Government, if any, are and were proper subjects of inquiry. While the record is silent on all these questions, for the reason above stated, still it appears from official records, some of which have been furnished to me by the Treasury Department, that a majority of the district and circuit judges in five circuits, selected at random, make out certificates for $10 a day, and in two of these districts every judge made out such certificates.

I am inclined to believe that where a practice has been so general, these judges acted in good faith with an honest belief that a fair construction of the statute gave them $10 a day for an allowance for travel and atendance while attending court out of their district, and I also feel that this House would with great reluctance pass a resolution impeaching them all; and if not all, why one?

On this article my mind is not satisfied beyond a reasonable doubt that Judge Swayne, in following a practice so well established by so many honorable men, committed a criminal offense for which he should either be prosecuted or impeached, and giving him the benefit of this doubt I can't consent to any impeachment on that ground.

J. N. GILLETT.

Mr. PALMER. Mr. Speaker, I notice an error in the sixth article—a clerical error. The figures 1904 should be 1894. I ask unanimous consent that that error be corrected in the Journal.

The SPEAKER. The gentleman asks unanimous consent for the correction of the clerical error. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Speaker, in a matter of this consequence, it seems to me that an opportunity ought to be given for every

gentleman who has views on this question to submit them to the House. I therefore ask unanimous consent that debate shall proceed, the time to be controlled one half by the gentleman who represents the minority views, the gentleman from California [Mr. GILLETT], and the other side by the chairman of the committee who formulated the articles of impeachment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the time for debate be divided equally, one half to be controlled by himself and one half by the gentleman from California [Mr. GILLETT]. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Speaker, in obedience to the command of the House, your committee appeared at the bar of the Senate, and in the name of the House of Representatives and all the people of the United States impeached Charles Swayne, judge of the United States district court in and for the northern district of Florida, of high crimes and misdemeanors, and gave notice that in due time the House would exhibit articles of impeachment against him and make them good, and demanded on the part of the House that the Senate should take order in the premises. Answer was made that order would be taken. Subsequently a committee was appointed by the House to formulate the articles of impeachment. That committee has made report, and the report has just been read by the Clerk at the desk. The time has now come that the House should perform the duty of preferring the articles of impeachment against Charles Swayne, as they gave notice to the Senate of the United States that they intended to do.

The first question for consideration is, For what reason and for what crimes and misdemeanors can a judge be impeached? The Constitution provides that all civil officers may be impeached for high crimes and misdemeanors.

In all the cases that have come before the Senate up to this time the point has been made that a judge can not be impeached except for an indictable offense; that the language of the Constitution is that a man may be impeached for high crimes and misdemeanors, and that anything short of an indictable offense is not and ought not to be impeachable. That defense never has prevailed, but the uniform ruling has been that a judge could be impeached for any misbehavior in office which evinced such turpitude, such a condition of mind or body, as rendered him unfit to perform the duties of his office; for any misbehavior in office; for the reason that he holds his office so long as he shall behave himself well; and in all the cases where impeachment has been moved by the House and tried in the Senate the articles have exhibited offenses which have not been indictable.

In the case of Judge Pickering, of New Hampshire, the articles set forth that he had released the bark *Eliza* to her owner, she having been seized under the laws against smuggling, without having taken the bond that the law required, and for having refused the United States the right of appeal; for having appeared on the bench in a drunken condition and for having used obscene language. For these offenses he was tried, convicted by the Senate, and removed from office. Of course, I need not state to any lawyer in this body that these offenses were not indictable.

Judge Chase was arraigned, impeached, and tried by the Senate upon the charge that he refused to allow counsel in a case to argue a question of law to the court which the court had already decided in a previous case. That offense was not indictable, but for it he was impeached and tried, but not convicted.

In the case of Judge Peck, he was impeached for having imprisoned an attorney at law for twenty-four hours and having disbarred him for eighteen months for publishing a criticism in a newspaper upon a written opinion of the judge. He was not convicted, but the offense for which he was impeached was not indictable.

So that the precedents all show that a judge may be impeached for matters which are not the subject of indictment.

In this case the articles that have been formulated are grouped under four heads. I shall not consider them in the order in which they are placed in the articles, but in the order which seems to me to be most useful.

First, Judge Swayne is accused of having violated an act of Congress by not having taken up his residence in his district, as the law requires; secondly, having imprisoned and fined certain lawyers in his district and certain citizens of his district without authority of law upon an alleged contempt proceeding; third, that he used the property of a bankrupt corporation, which was in the possession of the court, for his own convenience and the convenience of his friends and family without making compensation to the owner, and under a claim that he had the right to do it because the property was in the hands of the court; and, lastly, that he obtained money from the United States by a false pretense, under the claim that he had expended $10 a day for his necessary expenses of travel and attendance while holding court outside of his district, when in point of fact his expenses had been far less.

These are the subjects of the charges. The committee formulating the charges were not agreed. Six of the members of the committee agreed to the charge upon the subject of the fees and one member disagreed. Four of the members of the committee agreed to all the charges, and three of the members of the committee disagreed to all the charges except that pertaining to the fees. I may say that there is no particular disagreement about the facts of this case, but the disagreement arises out of the inferences to be drawn from the facts—as, for example, in the matter of Judge Swayne's residence in the northern district of Florida. There is no dispute about the facts, but the disagreement arises out of the inferences to be drawn from the facts. The law is that he shall reside in his district. The fact is that when he was appointed judge he took up his residence in his district as it was then constituted, in the year 1890. He lived in St. Augustine, Fla., he had a house there, his furniture was there, his family was there, and he had a legal residence there beyond any doubt.

In the year 1894 the Congress of the United States took away a portion of his district and added it to the southern district of Florida, and within that portion the city of St. Augustine was included. Judge Swayne did not remove his family and his furniture and his residence to the northern district of Florida, as the law commanded him to do. He never did remove there, and in point of fact he never removed there up to the year 1900. But he says that he had a legal residence in Florida, though not an actual residence. He states that he was informed by some of his friends that this act of Congress was a political measure and that it would be changed in the next session and that he might continue to maintain his residence at St. Augustine, and that therefore he did not move his family into the northern district. He says that he went to the hotel at Pensacola and there registered himself as "Charles Swayne, City," and announced his determination to take up his residence in Pensacola; that he asked some clerk in a bank, who is now dead, to put his name on the registration list; that afterwards, from that time on—1894 until the year 1900—he visited the northern district of Florida whenever his court was in session and whenever he had any legal business to transact; that he lived sometimes at the Escambia Hotel and sometimes at the house of one Captain Northrup; that in Tallahassee he lived at some hotel there.

The extent of his bodily presence in the northern district of Florida during these years, from 1894 to 1900, was about sixty-one days in the year. He held court outside of his district about ninety-three days in the year. For two hundred and twelve days in the year he lived with his family at Guyancourt, Del. Whenever he left the district he left word that if anybody wanted him, if anybody wished to transact any business with him, they would direct their correspondence to Guyancourt, Del. He stated to at least one person that his home was in Guyancourt, Del.

Now, I say there is no dispute about these facts. He claimed that he had a legal residence in Florida, and therefore he complied with the law. The committee is of the opinion that the act of Congress, which required him to maintain a residence in Florida, meant an actual residence; that the purpose of the act was to secure the bodily presence of the judge in his district, where the people of his district had business to do in his court could get at it. That it did not comply with the law for Judge Swayne to live a thousand miles away; that on his theory he might as well have said, "I mean to live in the northern district, but have gone to England or France," or any other foreign country, and then gone back and forth as the business in his district might require.

We are of the opinion that for six years, at any rate from 1894 to 1900, this judge did not reside in his district; that he had no legal residence there, and he certainly had no actual residence there. He had a number of excuses for not residing there. He says from time to time he endeavored to purchase a house. Well, endeavoring to purchase a house did not give him a residence. He says from time to time he endeavored to buy land upon which to build a house, but that he could not satisfy himself as to the lot or the price. That certainly did not give him a residence. He says that he asked a man not connected with registration—some officer of the bank—to put him on the registry. That did not give him a residence. If Judge Swayne had been sued in Florida and the officer of the law had had a summons to serve on him he could not have found his last place of residence to serve the summons. He

never voted there, he never paid the tax there, he never owned an inch of property there, and he does not to this day. Judge Swayne appeared before the committee at divers times. He was present at every hearing. His counsel cross-examined the witnesses. He himself testified; he made two arguments before the committee under the pretense of giving testimony, and in his first argument he never claimed that he was a resident of the northern district of Florida, and in the majority report the testimony on that subject is quoted, and the conclusion of the committee was reached on the testimony of Judge Swayne himself that he never lived in the northern district of Florida after 1900. I want no better witness on that subject than Charles Swayne, and I ask any lawyer in this body to read that testimony and tell me, as a matter of law, whether he had even a legal residence in the northern district of Florida.

In the year 1900 he says he rented the Simmons cottage, and that he moved into it with his furniture and family, and that he lived there from October until after the holidays. That then he went north on account of the sickness of his son. He never actually lived in the Simmons cottage after that time a day nor a minute. In his last argument before the committee he stated that he lived there from 1900 to 1903, when his wife purchased a house. On examination he could not give the day, nor the year, nor a time when he ever stepped into that house after the holidays of the year 1900. Of course, what he meant to say was that he had a legal residence there because he had moved his furniture into the house and had occupied it for the space of three months.

There are two articles, one charging him with having failed to reside in the northern district of Florida from 1900 to 1903, a period of three years, and the other from 1894 to 1900, a period of six years. We think both articles can be sustained, but whether both can be sustained or not the question is whether either one of them ought to be made a subject of impeachment.

It is stated that Judge Swayne ought not to be impeached for this offense, because it happened so long ago, because so many years have gone by from 1894 to 1900 and no impeachment proceedings have been commenced against him. I beg Members of this House to remember that judges are not impeached for nonresidence or for any other cause until the patience of the people is worn out. It is not for one offense nor for two offenses that the peple engage upon the task of impeaching a judge. It is long, it is tedious, it is uncertain, and if it fails those who undertake it are in the jaws of the lion; and therefore it is not for the first nor the second nor for many subsequent offenses that the judge is impeached, but it is when the patience of the people is worn threadbare, and after they can stand the misbehaviors of the judge no longer that this extreme remedy is resorted to.

He was not impeached for nonresidence in his district from 1894 to 1900 or 1903, but when the time came, when the patience of the people of Florida was worn out, then they had a right to take up all the offenses that he had committed. There is no statute of limitations that runs against the United States; there is no statute of limitations that runs against the people of Florida. They had the right to go back and complain of the fact that this judge had not resided in their midst up to 1903, that after this impeachment proceeding commenced, then, for the first time, his wife purchased a house there, and there is no testimony in this case that up to this hour he or she have ever resided in it.

What are called the "contempt cases" present serious charges against this judge. They involve the question whether a Federal judge has the right, without authority of law, to commit to prison and disgracefully punish a citizen of the United States. They involve the question whether the citizens of the United States have a right to the protection of that part of their Constitution which provides that all criminal trials, except in cases of impeachment, shall be by jury, and they involve the question as to the right of the people of the United States to the protection of that clause of their Constitution which provides that they shall be exempt from unusual and severe punishments. This judge put into prison and subjected to a fine two members of the bar of this court, having, as I believe, no more power, no more right, and no more authority to do it than he would have to imprison a Member of this House to-day.

Mr. COCKRAN of New York. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. PALMER. Certainly.

Mr. COCKRAN of New York. My seat in the Chamber is so far distant that I have not been able to follow the gentleman's speech as well as I desire, and so have not heard everything. In discussing the question of the nonresidence of this judge, I am not aware whether the gentleman from Pennsylvania [Mr. PALMER] mentioned any particular instances in which litigants were oppressed or deprived of prompt service by reason of this nonresidence.

Mr. PALMER. Mr. Speaker, I did not mention any incident, but the testimony is quite full on that subject. I have extracted the testimony and will print it as part of the record. A number of witnesses testified that they had been inconvenienced, that they had been subjected to unnecessary expense, and, in point of fact, of course it would make no difference really whether litigants had been inconvenienced or not.

Mr. COCKRAN of New York. Oh, I understand that.

Mr. PALMER. That is, on the question of whether the judge was bound to obey the law.

Mr. COCKRAN of New York. I understand that. Was there testimony to that effect?

Mr. PALMER. Oh, yes; plenty of testimony, and I can refer the gentleman to it if he wishes.

Mr. Speaker, the present purpose of this argument is to show, first, that the Federal courts of the United States are limited as to the cases in which they can punish and in their power to punish contempts by the act of 1831. Now, let me state that proposition again; the Federal courts are limited by the act of 1831 as to the cases in which they can punish contempts and as to the character of the punishment. The act of 1831 is a limitation on the power of the Federal courts, and was passed for that purpose.

Second, that Davis, Belden, and O'Neal were committed to prison for alleged contempt of court on nothing that gave Judge Swayne lawful authority to punish either of them for contempt under the act of 1831 or under any other act.

Third, that if Judge Swayne had the authority under the act aforesaid to punish either of them for contempt, and if they were properly adjudged guilty of contempt, then he abused his power by imposing upon them an unlawful sentence.

Fourth, that Judge Swayne imposed the unlawful sentence either knowingly or ignorantly. If he did it knowingly, then he is guilty; if he did it ignorantly, then he is guilty if he did it maliciously or willfully, or for any other motive except to vindicate the dignity of his court.

Those are the propositions, Mr. Speaker, that I shall endeavor to establish. First, that the power of the Federal courts over contempts is limited by the act of 1831. I have the act, and I shall send it to the desk and ask the Clerk to read it.

The Clerk read as follows:

CHAP. XCIX.—*An act declaratory of the law concerning contempts of court.*

Be it enacted, etc., That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

SEC. 2. *And be it further enacted*, That if any person or persons shall, corruptly or by threats of force, endeavor to influence, intimidate, or impede any juror, witness, or officer in any court of the United States in the discharge of his duty, or shall, corruptly or by threats of force, obstruct or impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500 or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

Approved, March 2, 1831.

Mr. PALMER. Mr. Speaker, I invite the attention of the House to the history of this act. It is instructive and interesting. It is entitled "An act declaratory of the law concerning contempts of court." It was passed in 1831. That was immediately after the Peck case, which was tried in 1830, had been concluded. Judge Peck was impeached for striking a lawyer off the rolls and for putting him in jail for twenty-four hours because he criticised an opinion of the judge in a certain case which had been published in a newspaper. In that case the contention on the one side and on the other turned upon the question as to the power of the Federal courts in cases of contempt.

On the one side it was contended, with all the zeal and vigor that the learned counsel for the judge possessed—and among them was William Wirt—that the Federal courts had all the power to punish contempts that any courts possessed anywhere; that inherent in a court, as a part of its constitution, necessarily the power to punish contempt wherever committed must be lodged; that the Federal courts had all the powers of the court at Westminster Hall before the Revolution; that they have all the powers of the common-law courts. On the other hand, the contention was that the Federal courts were courts of limited jurisdiction; that they had no power except that conferred by acts of Congress; that they could do nothing except by vouch-

ing some act of Congress supporting the authority; that the acts of Congress provided only for the punishment of contempt committed in "any cause of hearing before the same" court. That is the act of 1789. The Peck case concluded nothing, because twenty Senators voted in favor of convicting Peck and twenty-two voted against convicting him.

As it required a two-thirds vote he was not convicted and the case concluded nothing, but at the very next session of Congress Mr. Draper, a member of this body, introduced a resolution authorizing the Judiciary Committee to inquire whether or not it would be feasible to pass an act of Congress which should define the power of the Federal courts over contempt, and limiting the punishment which a Federal judge could impose on a citizen of the United States, and as a result of that investigation this act of 1831 was passed. Mr. Draper said in his remarks, which were made on that occasion and which were published, that he wanted to know and he wanted to be able to read in the statute when he was violating the law that would subject him to be imprisoned at the whim of a judge, and in answer to that inquiry and for the purpose of defining the rights and duties of the judges of the Federal courts and the rights and privileges of the citizens of the United States, this act was passed, and it is so plain that the wayfaring man, though a fool, need not err therein.

It provides that the Federal courts may punish contempts that are committed in their presence or so near thereto as to disturb the administration of justice. That is plain enough. It provides that they may punish contempts committed by the officers of the court in their official transactions. That is plain enough. It provides that any person who violates the order, the command, the decree, or a rule of the court may be punished as for a contempt. That is plain enough. And the second section provides for the offense which Lawless committed and for the offense which Davis and Belden and O'Neal committed, if they committed any. It provides that offenses of that kind which are endeavors to obstruct the administration of justice, or impede or hinder it, shall be tried, not as for a contempt where the judge is the judge, the jury, and executioner, but they shall be tried by an indictment where a citizen of the United States has the right to come before a jury of his peers. That is where this man sinned. Well, he need not have sinned, because the Supreme Court of the United States have passed upon this act. They have construed it, and the court has said as plain as language can say that this act is a limitation upon the power of Federal judges, and that the three cases I have mentioned are the only ones in which they can impose a penalty for contempt of court. (Ex parte Robinson, 19 Wall., 511.) Now, then, I am contending that Davis and Belden did nothing to bring them within the limits of this act.

Mr. CHARLES B. LANDIS. Was an appeal taken in that case?

Mr. PALMER. It went to the circuit court, and the judgment was reversed in part. Of course the circuit court could not go into the merits. There was no appeal on the merits. What were the facts in the Belden and Davis case? Why, Judge Swayne arraigned them before the bar of his court for contempt because they brought a suit against him in the courts of Escambia County, Fla., in which they charged that their client was the owner of a certain piece of land, and that Judge Swayne was sufficiently interested to be made defendant in the case and they published or caused to be published in a newspaper the next day the fact that such a suit had been brought.

Mr. SHERLEY. Will the gentleman inform me about one question of evidence? I have been unable to find in the testimony evidence to show that the statement filed in the paper Sunday morning was prepared by these lawyers. Is there any evidence to that effect in this record?

Mr. PALMER. Well, I do not know whether there is or not, but in point of fact it was prepared by Paquet, that New Orleans man who was there, and who went away to New Orleans because his family was sick. I think it is in the record somewhere; but there is no dispute that Paquet prepared that statement.

Mr. SHERLEY. Is there any evidence to show that either Davis or Belden did?

Mr. PALMER. I do not think there is.

Mr. CHARLES B. LANDIS. Is the statement in the record?

Mr. PALMER. Yes, sir.

Judge Swayne's position was this: That these men brought this suit against him, and they had published in a newspaper an account that they had brought the suit, and that the purpose they had in bringing the suit was to force him to recuse himself in a case which was on trial before him, or which was at issue in his court. That was the case of Florida McGuire against the Pensacola Land Company and a number of other defendants. That was one purpose, he said, to force him to get some other judge to try that case. That is what it means to "recuse himself." Secondly, he alleged that they meant to insult him and to degrade him in the eyes of the people by practically doubting the word he had given that he had no interest in the land.

The facts out of which the controversy grew were these:

Judge Swayne had contracted for a certain piece of ground called "Block 91," in the city of Pensacola. He had agreed with the agent who had the land to sell upon a price and upon the terms and the conditions of sale.

There was nothing left to be done in that case but to pay the money and to take the deed. There is no doubt about that. Then he went up home to Guyencourt, Del., and the agents, Watson & Co., wrote him a letter in which they said to him, "The owner of this land, a Mr. Edgar, who lives in New York, will not give a general warranty deed for it; he will only give a quitclaim, because he is afraid of the claim of the Caro heirs." That is what their letter said.

And they went on to say further, We are satisfied that the quitclaim is just as good as the warranty, because the title is all right; but if you are not satisfied with the quitclaim, then you can leave it until you come here and we will send you the papers for the other lands. There were some other lands involved in that trade. Judge Swayne wrote back to them, "Omit block 91, and send on the papers for the rest."

That was the state of the case, and Belden & Paquet, who were lawyers for the plaintiff in the Florida McGuire case, which involved the title to this very land, found it out. They found it out from the general rumor in Pensacola or from conversation with the agent or in some other way that Judge Swayne had purchased this piece of land.

Mr. NORRIS. You mean this block 91?

Mr. PALMER. Block 91.

Mr. HENRY of Texas. I would like to interrupt the gentleman. Is it not a fact that the record shows that Watson & Co., the real estate agents, brought a suit against Edgar for commissions for selling this land to Judge Swayne, and secured a judgment against him for the commission?

Mr. PALMER. They brought a suit, but did not get a judgment. That was one of the circumstances that attracted the attention of these lawyers. There is no doubt about the fact that Judge Swayne had negotiated for this land and agreed on terms of purchase. Now, the transaction was all completed, except getting the deed and paying the purchase money. Then, when this firm of real-estate agents in Pensacola wrote to Judge Swayne, they said to him: "The owner of this land will not give a warranty, but will only give a quitclaim, and you can leave it until you come down, or you can drop the block out, and we will send you a deed for the other." He wrote back: "Omit block 91 and send on the papers for the rest."

They sent on the papers for the rest, and they sent on a mortgage and a note. They left the amount to be paid by Judge Swayne blank, and they invited him to fill in whatever amount he was willing to pay. That was strange. That being the state of the case, the lawyers for the plaintiff in the Florida McGuire case wrote a letter to Judge Swayne and politely, decently, and properly asked him to recuse himself—that is, to get out of that case and to secure some other judge to try it. To that letter Judge Swayne paid no attention. He never answered the letter at all. But on the 5th of November he appeared in Pensacola, and his court was opened. Then he remarked from the bench that he had been asked to recuse himself in the Florida McGuire case, but that the request was not in proper form, in the first place, and, in the second place, that while he had bargained for this land he had found out through a letter written to him by the agents that it was in litigation before him, and therefore he had abandoned the contract.

Well, that statement was not true. The letter written to him by the agent did not inform him any such thing. The letter written to him by the agent never informed him that the property was in litigation before him. But in the letter the statement was that the Caro heirs claimed title to this property. There is nothing in the record of Judge Swayne's court to give him information that there was litigation before him concerning the tract claimed by the Caro heirs when he sent them word to drop out lot 91. He said, in his statement, he had bought this land for a relative. That was the first statement made on the Monday; later on in the week he said that that relative was his wife and that she was purchasing this land out of funds that she had received from her father's estate.

The practice of that court was to try the criminal cases first, and after the criminal list was finished to take up the civil list, call the list and fix the cases for convenient days thereafter.

Now, the criminal list was not concluded until 5 o'clock on Saturday evening, and Judge Swayne took up the civil list and called this case of Florida McGuire against the Pensacola Land Company, Mr. A. C. Blount, and certain other defendants, and told the counsel of the plaintiffs before him that the case should be tried on Monday. This was Saturday evening at 5 o'clock. The counsel stated that it was impossible to get ready for this case by Monday. Relying on the practice of the court, they expected to get a day or two, or some reasonable time, to get the witnesses. They said, "We can not get ready for this case on Monday." Judge Swayne said, "You will try this case on Monday unless you lay legal ground for a continuance." They told him that there were thirty or forty witnesses to subpœna and they could not get ready on Monday, and they asked him, "Give us till Thursday?" and he said "No;" and then they asked him, "Give us till Tuesday?" and he said, "No; on Monday you go on."

What under the circumstances had these lawyers the right to think; what under the circumstances of the case had they the right to think? Did they have the right to think that they were going to get a fair trial before Judge Swayne? They had the right to think that inasmuch as he had bargained for the land, that he had agreed upon the price for it, they had the right to believe that he had made up his mind on the question of the validity of the title, whether from his own investigation or the investigation of some other person, or because some man in whom he had confidence had told him the title was good. Under these circumstances could Judge Swayne bring to the consideration of that case the fair, impartial mind that a judge is bound to have in every case? He bought this land; I do not care whether he threw up the trade or not.

He said, "Omit block 91." What did that mean? Did that mean that he had abandoned it absolutely, or did it mean that after he had settled this title in his court in favor of these defendants he could go back and take up the negotiation and say, "Now I will take lot 91?" What had these lawyers to do? Why, exactly what they did do. They said, "We will discontinue this case in Judge Swayne's court; we will go into court on Monday morning and discontinue that case and bring suit against him in the courts of Florida, and if he has bought this land, as we believe, and he stands in the place of Mr. Edgar, the owner, we will see whether he has got title to it or whether Edgar has got title to it or whether we have the title." When the question was put to Judge Swayne whether or not these lawyers did not have the right to bring that suit, he says, "Yes, of course they had the right to bring it," and of course they had the right to put the piece in the paper next day stating that it had been brought; and the only thing that he complains of was that it was an attempt on their part to force him to do what he declined to do, viz, recuse himself in the case of Florida Maguire.

Well, I say that if that was their intention—of which there is no proof; they denied it and there was no proof on the subject, except what Judge Swayne gathers from the circumstances, there is no testimony on that subject—I say that if that had been their intention, a man can not be disbarred and put in jail for a bad intention. I may intend to kill you, but if I do not kill you there is no law to punish me for it. I may intend to do many things, but there is no law to punish men for bad intentions if they are not executed. In point of fact the testimony was full and complete that these men agreed together to discontinue the case of Florida Maguire in Judge Swayne's court as the first thing that they would do in connection with bringing this suit, and in point of fact they did go into Judge Swayne's court and they did discontinue the case of Florida Maguire with his consent. And then what did Swayne do? Why, he agreed with a lawyer named Blount, who was one of the defendants in the Florida Maguire case, and who was also lawyer for the defendants—Judge Swayne agreed with Blount over Sunday, when he saw this publication in the newspaper, to put these men up for contempt, and as quick as the case of Florida Maguire was discontinued Mr. Blount arose and stated that these men had been guilty of a contempt of court, and moved that they be punished. Well, there was a wonderful unanimity of opinion between Blount and Swayne. They agreed beautifully on that subject. Of course, Blount was the last man on earth that Swayne ought to have gone to to have moved the contempt proceeding, because Blount was one of the defendants in the Florida Maguire case, and he was lawyer for the other defendants. He was the man whose grist Swayne had been grinding out by refusing to recuse himself. And yet he was the man who was selected by Judge Swayne to move this contempt proceeding. The next day Davis and Belding were arraigned before the court, and they put in their answer, in which they explained the reasons why they brought the suit, in which they purged themselves of the contempt.

Then Judge Swayne went through a sort of a perfunctory trial, if you could call it a trial, and in about a half an hour he sentenced these men to pay a fine of a hundred dollars and to be imprisoned for ten days and to be disbarred and stricken from the roll of attorneys for two years. For what? He said they had a right to bring the suit, and we know they had the right to publish it in the newspaper; but he said they did it because they intended to degrade him and blacken his character—because they intended to force him out of the Florida Maguire case. Well, if he had read the law, which he is presumed to know, he would have known that that offense, if it was an offense, was punishable under the second section of this act and not under the first; that the second section was passed for that very case, passed to meet the case of a lawyer who, outside of the court, criticised an opinion of the judge; and in that case the lawyer had been a lawyer in the case, and the case was still pending in the supreme court, and there were many other cases depending on that opinion.

Those were the facts under which this man imposed this sentence. He either did it knowingly—that is, he knew the law and imposed the sentence—and if he did it knowingly he is guilty, because he imposed an unlawful sentence (there is no dispute about that; the statute provided that he might fine or imprison, but he fined and imprisoned), and when the case was taken to the circuit court of appeals that court said that he had exceeded his jurisdiction, that he could not do both; but inasmuch as these men were lawyers, and as on the face of the papers he seemed to have jurisdiction, the circuit court could not look into the merits of the case to see whether he had done right or not, but they could say that he had exceeded his jurisdiction, and they gave the lawyers an opportunity to pay the fine or go to jail. One of them went to jail and the other paid the fine. So that there is no doubt about the unlawfulness of the sentence.

Mr. SHERLEY. Can the gentleman tell the House of any decision of the Supreme Court of the United States upon the question as to the power of a court, on a proceeding in the nature of habeas corpus, to review the merits of a contempt proceeding? I want to know whether there is such a decision.

Mr. PALMER. There is no such decision.

Mr. CHARLES B. LANDIS. I would say to the gentleman from Pennsylvania that a case of that kind came from Indiana within the last year.

Mr. PALMER. And the Supreme Court took jurisdiction and did review the merits and release the defendant.

Mr. CHARLES B. LANDIS. Yes.

Mr. COCKRAN of New York. On habeas corpus.

Mr. PALMER. On habeas corpus; and whenever that court take a fancy to look into the proceeding they do it, and whenever they do not take a fancy they say they have no power.

Mr. SHERLEY. That is the point I wanted to get at.

Mr. PALMER. When they want to do it, they have the power, and when they do not want it they have not got it; and I propose to introduce into this Congress a bill giving every man who is punished for contempt by any judge a right to appeal to some court on the merits. [Applause.]

As I was saying, Judge Swayne had the right to impose the sentence or he did not have the right. If he had the right and he imposed an unlawful sentence, he ought to be impeached. If he did not have the right and imposed it in ignorance of the law, or did it maliciously and for bad motives, he ought to be impeached. That catches him going and coming. [Laughter.]

Now, did he know the law? I need not state to this body of lawyers that every man is presumed to know the law, and, within certain limits, that is a conclusive presumption. If I steal my neighbor's property and carry it away and convert it to my own use, it is no excuse for me to say that I did not know that was larceny. If I aim a deadly weapon at my neighbor and put a bullet into a vital part, I can not excuse myself by saying I did not know that he would die. Ignorantia juris non excusat.

Mr. OLMSTED. You might excuse yourself by saying you didn't know it was loaded.

Mr. PALMER. We inherit this maxim from the civil law and it has been the law since "Rome sat on her seven hills and from her throne of beauty ruled the world." It is a part of the jurisprudence of every civilized nation, and it will be the law until "the heavens are rolled together like a scroll and the angel shall stand with one foot on sea and one on solid land and proclaimed that time shall be no more."

Ignorantia legis non excusat is particularly applicable to Judge Swayne. He could not be a lawyer until he knew the law. He ought not to be a judge until he knows the law. He ought not to try to excuse himself on the ground that he did not know the law. I have got this to say of Judge Swayne:

He had the manliness and the courage to stand up and not plead the baby act, as those who apologize for him will do. He did not come here and say, "I was ignorant," but he came and said, "I did know the law and I am within my rights, and I punished these men as I had a right to do." That is what he said.

Now, if he was ignorant of the law, if the excuses of his apologists are to be entertained, and if he made a mistake in imposing this unlawful sentence, then, if he did it maliciously or for any bad motive—if he sought to punish these men not because they had infringed the dignity of his court, but because they had put upon him a personal insult—I say, if his motive was malicious, then he is guilty and ought to be impeached. His authority as judge—his judicial authority—was put in his hands not for the purpose of punishing his enemies, but for the purpose of facilitating the administration of justice.

Was he ignorant? If he was—for the sake of argument let us admit that he was. If he made an innocent mistake when he imposed this unlawful sentence, then was he malicious? Well, that is a condition of the mind. His intentions were a condition of his mind. A judge who imposes an unlawful sentence is not apt to declare his intention in advance, and he is not very apt, after he does it, to confess that he has done it maliciously.

You have got to get at the facts as to his intention just as you do any other fact, and as a judge is a man like any other human being you have a right to judge of his intentions the same as you judge of other people's intentions. What did Judge Swayne do? He imposed this unlawful sentence, and he did it in a case where his personal dignity had been affronted. He found as a matter of fact that these men did this thing for the purpose of forcing him to recuse himself without testimony. He got the last man, I think, that he should have gotten to move the contempt proceedings. He put these men up without submitting them to interrogatories that ever since the days of William Blackstone have been submitted, and thus did not give them an opportunity to purge themselves from contempt, as he should have done. Was he malicious? Well, from his action, from what he said when he imposed the sentence, we can judge what his motives were. When these lawyers appeared before the bar—the trial was about a half an hour long; they were lawyers, mind you, one of them was a young man just entering on his career, with about three and a half years of practice; the other was an old man past three score years and ten, who had been attorney-general for the State of Louisiana; he had been sick about a week and confined to his bed, a poor old man shivering on the brink of the grave—when these men were brought before Judge Swayne he denounced them as ignorant.

He said, "You are a stench in the nostrils of the community." When his attention was called to that language he stated before the committee that he addressed them in the same way that he always addressed prisoners and criminals. Was he malicious? Did he do this act maliciously? Was he imposing this awful sentence maliciously—disbarment for two years, which spells ruin to a lawyer; imprisonment for ten days in the county jail among the common criminals, disgraceful to the last degree; a fine of $100—did he impose this awful sentence on these men because he wanted to vindicate the dignity of his court, or did he do it because he meant to wreak his vengeance on them and to use the power that the law permitted to him to punish his enemies? Now, that is a question for the jury.

Mr. BOWIE. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. PALMER. Certainly.

Mr. BOWIE. I understand that the evidence shows that a statement was given out by one of the attorneys for the plaintiffs on Saturday night, which was published on Sunday morning, to the effect that a suit in the State court had been brought and that the suit in the United States court would be dismissed the next day. Is that true or not?

Mr. LITTLEFIELD. Did the notice so state? Not by any means.

Mr. BOWIE. I just wanted to know.

Mr. PALMER. Excuse me, Mr. Speaker, but if the gentleman from Maine [Mr. LITTLEFIELD] is making this speech and is answering these questions, I shall sit down.

Mr. LITTLEFIELD. Oh, I beg the gentleman's pardon most humbly.

Mr. PALMER. I grant it, but I shall ask the gentleman not to do it again.

Mr. COCKRAN of New York. Mr. Speaker, could the gentleman from Pennsylvania [Mr. PALMER] tell me at what page I can find the language of the judge in this contempt proceeding—the language in which he addressed these defendants?

Mr. PALMER. The gentleman will find it in the testimony of Messrs. Davis and Belden.

Mr. CHARLES B. LANDIS. Did he admit that he used that language?

Mr. PALMER. He did not deny it. Yes; I think he did admit it.

Mr. COCKRAN of New York. I would like the exact page on which the language appears.

Mr. CHARLES B. LANDIS. I could not find that he admitted that he did use that language; but I understand the language as reported came from the witnesses from memory.

Mr. PALMER. Did the gentleman read his statement that he made, thirteen pages long, a typewritten statement, printed in the record here?

Mr. CHARLES B. LANDIS. No; I did not.

Mr. PALMER. I would suggest to the gentleman that he read that.

Mr. GAINES of Tennessee. What excuse does Judge Swayne give for both fining and imprisoning these lawyers?

Mr. PALMER. Oh, nothing. He says he made a mistake.

Mr. GAINES of Tennessee. Did he say that because the court reversed him on that proposition?

Mr. PALMER. He said it after the court reversed him.

Mr. HAMILTON. I understood the gentleman to state that Judge Swayne knows the law.

Mr. PALMER. Why, he did say he knows the law.

Mr. COCKRAN of New York. Is there any doubt, dispute, or question anywhere that this language which the gentleman has quoted was used by Judge Swayne on this impeachment proceeding?

Mr. PALMER. No; I do not think there is any doubt about it or dispute about it.

Mr. CLAYTON. I can give the gentleman the page.

Mr. LITTLEFIELD. Mr. Speaker, I do not understand that he did use that language. It is absolutely disputed.

Mr. PALMER. Very well, now who disputes it?

Mr. LITTLEFIELD. I do.

Mr. PALMER. Yes. Was the gentleman there?

Mr. LITTLEFIELD. Well, now, I will say this to the gentleman; he will hear me when I get around to the discussion.

Mr. PALMER. I am asking the gentleman a plain question. The gentleman says that he disputed it, and I ask him if he was there.

Mr. LITTLEFIELD. No.

Mr. BUTLER of Pennsylvania. Did the judge in his statement admit it?

Mr. PALMER. Yes.

Mr. LITTLEFIELD. The record shows that he disputed it.

Mr. CLAYTON. Mr. Speaker, with the permission of the gentleman from Pennsylvania [Mr. PALMER], I will answer the question propounded by the gentleman from New York [Mr. COCKRAN], and read the following from the testimony of Mr. E. T. Davis, found on page 126 of the testimony:

Q. Can you state what he said?—A. I don't know that I can state it in so many words. He called us ignorant; said our action was a stench in the nostrils of the people, and a good many other things I can not repeat.

Q. His manner was very harsh and abusive?—A. Extremely so.

Mr. CHARLES B. LANDIS. Will the gentleman recite that page of the record where the judge admits that he used that language?

Mr. CLAYTON. I will look that up in a moment.

Mr. PALMER. Now, Mr. Speaker, I was on the subject of what Judge Swayne's motives were in sentencing these men and endeavoring to establish the proposition that if he was ignorant of the law, as his apologists say, then he maliciously and willfully, and to wreak his vengeance, imposed this sentence.

Another evidence of that fact is found in the fact that he struck these men off the roll of attorneys for two years. It is very true that when his attention was called to the law that he could not in a proceeding for contempt also disbar these men, he relieved them from that portion of the sentence immediately. After Mr. Blount, his next friend, his amicus curiæ, called his attention to the fact, then he says he reflected for a moment and concluded he could not do that, and he remitted that part of the sentence.

But, Mr. Speaker, that does not in any way change the condition of Judge Swayne's mind when he put it on. What we are driving at now is to find out what he had in his heart when he imposed upon these men this awful sentence of two years' disbarment. Why, what does that mean for a lawyer, to be struck off the rolls and deprived of his means of livelihood for two years? Mr. Speaker, the Supreme Court of the United States has passed upon that subject in a case which I quote. They say that a lawyer's profession is his property;

that he can not be deprived of it, except for very extreme reasons; that he ought not to be deprived of it when any punishment less severe would accomplish the end desired.

Admission as an attorney is not obtained without years of labor and study. The office which the party thus secures is one of value and often becomes the source of great power and emolument to its possessor. To most persons who enter the profession it is the means of support to themselves and their families. To deprive one of an office of this character would often be to decree poverty to himself and destitution to his family. A removal from the bar should, therefore, never be decreed where any punishment less severe, such as a reprimand, temporary suspension, or fine, would accomplish the end desired. (Brady and Fisk, 13 Wall., p. 355.)

It spells ruin to the lawyer so disbarred, as his capital is the confidence of his clients, and if that confidence is disturbed or shaken, if he is stricken for two years from the rolls and forbidden to practice, why does not that ruin him? It does ruin him. And is not that an evidence that this judge had something in his heart besides the desire to vindicate the integrity of his own court? Then the severity of this sentence is another indication. In the case of Judge Peck the sentence was the lawyer should be imprisoned for twenty-four hours and be disbarred for eighteen months in addition; and yet Mr. Buchanan, who was of counsel of the board of managers in this case, waxed eloquent on the subject that this was a cruel and unusual punishment. In this case, in addition to the imprisonment, there is also a fine of $100, and there was also a disbarment for two years, which was a cruel and unusual punishment even if the judge had been right that the purpose of these lawyers had been to do what he said it was.

Mr. POWERS of Massachusetts. Mr. Speaker, if the gentleman will yield I would like to call his attention to what Judge Swayne said on page 593 of the record, near the top of the page:

Q. You say you used no harsh language in imprisoning them?—A. I say I used no unnecessarily harsh language. I think I spoke to them as they deserved to be spoken to by a judge speaking to lawyers under those circumstances. I can not recall my words.

Q. You say it was not "unnecessarily harsh?"—A. I think it was not unnecessarily harsh.

Q. Although it might have been too harsh?—A. I generally speak to a prisoner when I sentence him as I think he deserves. It must be at all times very unpleasant for the prisoner; there is no question about it; but that is not the fault of the court.

Mr. COCKRAN of New York. Mr. Speaker, I would just like to say to the gentleman from Pennsylvania and the gentleman from Massachusetts that I consider this the gravamen of the entire accusation, and when the gentleman from Pennsylvania stated that the judge charged these men with being a stench it was a character of language that it seems to me of itself almost to be a characterization of the entire proceedings. Now, the language just quoted is not precisely that. The language just quoted, as I understand it, is that the conduct was a stench, which, while we may have different opinions as to the propriety of the language, possesses a different significance, and what I would like to find out is what language was actually used, and especially if that judge made use of it.

Mr. PALMER. Well, that is what the witnesses testified to.

Mr. COCKRAN of New York. Well, but here it says "conduct."

Mr. PALMER. What is the difference between saying that "their conduct was a stench in the nostrils of the community," if he did say so, and saying that "they were a stench in the nostrils of the community." It seems to me it is a distinction without a difference. The point is they were a stench in the nostrils of the community.

Mr. OLMSTED. Because of their conduct.

Mr. SIMS. I would like to ask the gentleman from Pennsylvania how anything but their conduct could make them a stench?

Mr. COCKRAN of New York. A man's general conduct might be a stench and some specific conduct might be a stench. I do not say either language is proper. I merely wanted to call attention to the distinction and to get some accurate information before the House.

Mr. PALMER. When Judge Swayne's attention was called to the fact that he had stricken these men off the roll of attorneys he said in reference to that:

Upon a moment's reflection, the matter having been called to my attention by Mr. Blount, I saw that the contempt proceedings could not be joined with a proceeding to disbar them; that such sentence could only be pronounced on a separate proceeding for that purpose, and I immediately eliminated this phase of the sentence.

Mr. COCKRAN of New York. What page is that?

Mr. PALMER. Five hundred and eighty-three.

Mr. SCOTT. Read the next sentence.

Mr. PALMER. The gentleman from Kansas asks me to read the sentence on the next page.

That I imposed both fine and imprisonment was a mistake of law, which I was not cognizant of at the time.

And for his benefit I will read the next sentence:

That this fact is evidence of malice on my part toward these attorneys in imposing such sentence seems to be a vivid stretch of the imagination. I had no malice or personal feeling in the matter. I did have a keen interest in protecting the dignity of the court over which I presided; if I had been possessed of this feeling in the degree I have been charged with, would not the natural result have been a sentence of these attorneys to jail for ten months instead of ten days? The moderation of the entire sentence is my best answer to this charge.

Well, if that was a moderate sentence under the circumstances I hope the bon Dieu will be good to the men that Judge Swayne imposes a severe sentence upon. If he intended to do these men justice and not wreak vengeance upon them, would he not have given this matter a "moment's reflection" before proceeding to disbar them?

He says himself that reflection convinced him he was wrong. He had reflected, then, before. If he had reflected a moment before he would not have struck them off the roll of attorneys. Of course it makes no difference that he relieved them of the sentence when it was pointed out to him it was wrong. What we desire to know is the condition of mind when he passed the sentence; and if the circumstances do not prove he was wreaking vengeance on these men, then you can never prove that fact on a judge unless he reduces his intention to writing and acknowledges it before a justice of the peace and has it recorded.

A MEMBER. Does it not also prove that he pronounces judgment without a moment's reflection?

Mr. PALMER. Yes; without any reflection.

Mr. GAINES of Tennessee. Judge Swayne says that these lawyers had a right to go and file this suit against him. It is undisputed here that he did have, or his wife had, an interest in this property.

Mr. PALMER. It is not undisputed. They bargained for it, and he says they threw it up.

Mr. GAINES of Tennessee. They had a right to believe that he did have such an interest, and therefore they had a right to file the suit. Did he give any reason why he did not leave the bench and have some other judge try the suit?

Mr. PALMER. None whatever.

Mr. GAINES of Tennessee. I want to remind my distinguished friend of what Judge Holmes recently said in the beef-trust hearing before the Supreme Court. In substance he said to the lawyers trying the case before the court: "I have an interest in some beef concerns out there (naming them). Have they anything to do with this lawsuit?" And the counsel for the United States and the counsel for the beef trust said, "No, nothing in the world;" and then went on with the case. I make that statement to show the difference between a man who wants to do the clean thing from start to finish and one who does not wish do it.

Mr. PALMER. Any judge who had any appreciation of his position, the least desire to do right, would not have hesitated a moment to recuse himself. He would not have waited until the lawyers had requested him to do it. He would have said at once: "I bargained for this land and thought this title good; I can not try the case." Is there a judge on the face of the civilized earth who would have done as Judge Swayne did in this case? Did you ever hear of such a case? Judges are not generally looking to find work; they are generally trying to get rid of it, and if they can get out of trying a case they generally do it. If their relations, their sisters, their cousins, or their aunts, or wife's relations have any interest, remote or contingent, in a lawsuit, they always get out. I know a judge that will not try a case against a corporation if any of the family happen to hold a share of stock in that corporation. There is nothing on the record in this case that shows that Judge Swayne abandoned the contract, and even if he had given it up in all decency he should have gotten out and procured some other judge to try the case.

Then there is the O'Neal case.

Mr. RANDELL of Texas. Is there anything to indicate whether or not the purpose of Judge Swayne was to intimidate other lawyers from attending to that case?

Mr. PALMER. No; I do not think so. The O'Neal case was another contempt case. He seemed to have a passion for them. I have had the honor to practice law over forty years and I have never heard of but one contempt case in our court, and that amounted to putting a man in jail for twenty-four hours. Judge Swayne's record is full of contempt cases. The O'Neal case is that of a man who got into a fight with a man named Greenhut.

The facts were that Greenhut was a director in O'Neal's bank—the First National Bank of Pensacola—that the bank had loaned Scarratt Merino $14,000 on a mortgage, and that Greenhut was present when the transaction was made. He knew that it was an honest transaction. He knew that Merino had the

money, and that the bank had sold the mortgage to somebody else. Merino went into bankruptcy. Greenhut was appointed the receiver, and he brought suit against the bank and the party who had bought the mortgage and alleged that it was a fraudulent mortgage. Mr. O'Neal met Greenhut one day and reproached him with having brought this suit when he knew the transaction was honest. One word led to another, and finally these men got into a fight.

O'Neal said he was much the smaller and weaker man; that Greenhut attacked him, and in his defense he took his knife and cut Greenhut, cut him so that he was laid up for some time; whereupon O'Neal was hauled up before Judge Swayne, in the Federal court, because he had obstructed Greenhut as a receiver in doing his duty as receiver. Now, was anything like that ever heard of before? The court was not in session. The Judge was up at Guyencourt, Del., a thousand miles away, or somewhere else. There was nothing done in the presence of the court or so near thereto as to obstruct the administration of justice; it was not done by an officer of the court; there was no resistance to any rule or decree or order. It was wholly an assumption of arbitrary power on the part of this judge, who snatched this bank president into his court and put him in jail for sixty days without authority of law.

When O'Neal tried to get his case before the circuit court they said they had no jurisdiction and they could not help him. When he tried to get his case before the Supreme Court of the United States they said they had no jurisdiction and could not help him; and then he died. He never went to jail, but he went up to that other tribunal beyond the grave. He escaped the vengeance of Judge Swayne and appeared before his Maker. [Applause.]

Poor Hoskins's case is not here now. Charley Hoskins, who was also brought up by Judge Swayne for contempt of court, said that he would die before he would go to jail; and die he did. He committed suicide. The track of this man since the time he was appointed a judge in Florida down to this date is spread all over with bankruptcies, scandals, and suicides. I believe he has not a friend on earth in the northern district of Florida. Political—oh, no; the strongest witnesses against him were of his own political party.

The next charge against this man is that he used the property of a bankrupt corporation, which was in the hands of a receiver appointed by him, without making any compensation to the company, and on the claim that he had the right to do it. If Judge Swayne had come before the committee and had said that as a matter of courtesy the receiver of this railroad furnished him with this car, and "I did not stop to think about the impropriety of it, but I used it because other judges did likewise, and I made no compensation; I do not think it was a proper transaction, but it was done," he might have had some standing before the committee and before this House. But he makes no excuse; he makes no such claim; but he is absolutely defiant, and says, "I used the car at the expense of the treasury of that company because the property was in my hands, in my court, and because I had the right to do it." Now, if he wanted to stand upon that proposition, he has got the chance to do it. He was asked this question:

You said this car was one of the cars in the possession of the court because the road was in the hands of a receiver?

This is in the testimony of Charles Swayne, and will be found on page 595. He answered "Yes." He was then asked:

You say that it was the privilege of the court to use that car because the road was in the hands of a receiver?

He answered:

Yes; that was the reason why it was used.

He was then asked:

You thought that, the railroad being in the hands of the court, you had the right to use the property of the railroad without rendering the railroad any compensation for it?

Judge Swayne evaded the question. He said:

The receiver in talking that over with me stated that it was generally understood that a car was in better condition running than if it were standing idle on a siding.

Then this occurred:

Mr. PALMER. Will the stenographer read that question, please?

The STENOGRAPHER (reading): "Q. You thought that, the railroad being in the hands of the court, you had the right to use the property of the railroad without rendering the railroad any compensation for it."

Mr. PALMER. That is the question.

The WITNESS. Yes, sir. I had ten railroads in my hands as judge in six years.

[Laughter.]

Then he was asked the question:

Q. And you fancied you had the right to use the property of any of the railroads that were in the hands of the court whenever you pleased without rendering any compensation to the railroad for it?

He answered: "I would not say that."

If he had the right to use one, why not the right to use ten?

Now, Mr. Speaker, just consider that proposition for a minute. Consider the moral turpitude; just consider the moral insensibility of a man, a judge of a court, who could take that position. If he had a right to use the property of this railroad company without compensation, suppose the railroad company had a coal mine somewhere. Would he have had the right to have filled the bunkers in his cellar with coal? Suppose the bankrupt, instead of being a railroad company, had been a merchant. Would he have had the right to have gone into his stock and clothed himself and his family out of it? Why, it is ridiculous; it is preposterous.

What did he do? This receiver provisioned this car, and he put on a conductor and a porter at the expense of the railroad company, and he sent this car and this conductor and this porter from Jacksonville, Fla., to Guyencourt, Del., where Judge Swayne lived, and it lay there over night awaiting the convenience of the judge.

Then he and his wife and his wife's sister and her husband boarded this car that belonged to the Jacksonville, Tampa and Key West Railroad Company, and they regaled themselves upon the provisions provided by the receiver, and they traveled over the intervening lines on transportation furnished by the receiver to Jacksonville, Fla., and they did it at the expense of this company; and when this receiver's accounts came in, when this charge, which to a private individual would have amounted to four or five hundred dollars, came to be passed upon, Judge Swayne allowed it to the receiver as a necessary expense; and he stands here now and has the audacity to claim that he had the right to do it. I say if the Members of this House want to stand behind that proposition they will have an opportunity to do it, and they will do it on a yea-and-nay vote.

The last remaining count, on which the committee are unanimous with one exception, is that Judge Swayne ought to be impeached for filching money out of the Treasury of the United States by filing a false certificate, which is contrary to the act of Congress in such case made and provided. It is a crime for which he might be indicted. The facts are that in eight years he held court out of his district about ninety-three days in every year, and during that time he received about $7,400 from the Government. He charged $10 for every day that he held court outside of his district. The testimony shows, and there is no dispute about it, that he spent a far less sum than $10 a day.

A MEMBER. Are any of these certificates in the record?

Mr. PALMER. There is one of them copied in the first article. In one case he held court forty-one days at a place in Texas—I think it was Tyler. He boarded with a lady who was good enough to give him his board for $40 a month, so he expended $52.50. His traveling expenses from Pensacola to that point, going and returning, at a very liberal estimate for sleeping cars and board and everything else, would amount to $50. For that he took $410 out of the Treasury of the United States. That is a sample case.

Now, the law is that no judge of the United States who holds court out of his district shall receive any compensation therefor. That is positive and prohibitory. There is no way to get around that. And the law formerly was that he should have nothing for his expenses. But that law, as to expenses, was repealed, and then the judges were paid their actual expenses. Sometimes they charged as much as $36 a day, and the Treasury would not stand it.

Mr. LACEY. I would like to ask the gentleman a question. From what source does the gentleman get his information about the cost of going from Jacksonville to Waco?

Mr. PALMER. From the testimony of a witness who made the journey.

Mr. LACEY. I made an inquiry of the passenger agent to get the rate, and the round trip rate is about $50, without any sleeping-car fare, without hotel bills, or any other expenses.

Mr. PALMER. We have the testimony of a witness who went over the route.

Mr. LITTLEFIELD. How much was it?

Mr. PALMER. I believe about $50, from Pensacola to Waco.

Mr. LACEY. Twenty-three dollars and fifty-five cents, it is reported, is the regular fare one way.

Mr. PALMER. Let it be $75 a day or let it be a hundred. Do not let us minimize this thing. Do not let us quarrel about tuppenny bits. He got more than he spent; that is what he did, and he filed a certificate that was not true to get it.

Mr. LACEY. Well, we ought to get the facts here, ought we not? We condemn him for not giving them, and at least the gentleman ought to give them to us.

Mr. GAINES of Tennessee. The facts are that this witness

who has testified to this has been over this route and he has been sworn in this case.

Mr. PALMER. Yes.

Mr. GAINES of Tennessee. He is not connected with any railroad, I hope.

Mr. PALMER. The law is that the judge shall have no compensation and the law was that the judge might have his actual expenses. Then this law was passed to give him his reasonable expenses for travel and attendance; but if the Treasury Department caught a judge spending $36 a day, as they had done before, they cut him down to $10 a day. Ten dollars is the limit, but he can only have his expenses if they are less than $10 a day.

I am told that some gentlemen here are of the opinion that because there is a rumor around the street somewhere, because some newspaper has published the statement and some men imagine that somebody else has taken $10 a day when he did not spend $10 a day, that therefore this man ought to be excused. Well, if a man is accused of stealing a chicken, do you think he could defend on the ground that some other man stole a chicken? [Laughter.] If any man is accused of an offense, can he defend on the ground that somebody else has done the same thing?

Mr. GAINES of Tennessee. Who are the judges that have done this thing?

Mr. PALMER. I say none. I say it is false. I say it is a slander on the judiciary of the United States. I say there is not a syllable of testimony in this record and not a syllable of testimony anywhere on earth that any judge ever did this thing but Judge Swayne. That is what I say. I say it on my responsibility as a Member of this House.

We are not trying this case on newspaper reports, thank God. Why, there has been published in the newspapers within a day or two a statement alleged to have come from the Treasury Department, in which five circuits have been enumerated. They do not give us the name of the circuit or where they are located, but they are lettered A, B, C, etc. They say that the record shows that 41 per cent of the judges of these circuits took less than $10 a day—that is, for their actual expenses. Some took $10 a day sometimes and less at other times. The remainder took $10 a day. What does that prove? Now, I put it up to you, what does that prove? Does that prove that any of these honorable gentlemen took $10 a day when they were not entitled to it? Do you want to assume that because a man takes $10 a day he is not entitled to it? Why, if a judge holds court in Chicago or Philadelphia or New York or Boston or San Francisco, or any of the large cities, he could easily spend $10 a day, and if he does spend $10 a day he would be entitled to it. Do you propose to stop impeaching this man because you guess, without proof, that some other judge has done wrong besides this man? I would not care if every judge in the United States had done it. That would be no excuse for this man.

When Sir Francis Bacon, who has come down through history as the wisest and the meanest of men, was called to account for his crimes and misdemeanors in office, he was impeached for taking a bribe as a judge. Giving bribes to judges in those days was just as common as for judges to eat their dinners, and the reason why Bacon was impeached was because he took a bribe from a man and then decided his case against him. [Laughter.] He didn't stay bought. But it was no excuse for him, and the English Parliament did not for one second entertain the proposition because it was a common custom it was not an impeachable offense.

They said to Francis Bacon, "You are guilty," and that wisest of men was stripped of his judicial robes and sent in disgrace into retirement, as this man ought to be, even if all of the judges of the United States have been guilty of a like offense.

The question before this House, Mr. Speaker, is not, Shall Judge Swayne be tried? That has been settled by the solemn vote of this House, practically unanimous. You notified the Senate that in the name of the House of Representatives and of all of the people of the United States you impeached Judge Swayne, and you notified that high tribunal, the constitutional triers, that you would exhibit articles of impeachment and make them good. It is within the power of the House to vote down these articles of impeachment and stultify itself, to make itself the laughing stock of the people of the United States and to drop the proceedings altogether. But you can not obliterate the fact that Judge Swayne has been charged with serious crimes and high misdemeanors. You can not obliterate the fact that the testimony in the case has satisfied a majority of the Judiciary Committee that he ought to be impeached. You can not obliterate the fact that these charges have gone broadcast through this country, and that the people of this country in their simplicity believe that the same law that applies to private citizens ought to apply to a judge. They believe that a man who steals is a thief, whether he be a private citizen or whether he is a judge. They believe that a trustee who loots the property in his hands has done a grave wrong. They believe that a judge who has abused his judicial power for the purpose of punishing a personal affront ought not to go unwhipt of justice.

They believe that a man who has deprived citizens of the United States of their liberty and subjected them to infamous punishment to gratify his malice, when he had no authority to do it, has abused his discretion, and that belief will never be eradicated by voting not to try him. The only place where the character of Judge Swayne can be relieved of this stain is before the body of constitutional triers. If I were a friend of Judge Swayne, I should be crying in season and out of season for a speedy trial. If these charges are frivolous, if they can not be supported, it will be all the more easy for him to vindicate himself. He can be vindicated only in the Senate of the United States. If I were Judge Swayne, I should cry without ceasing, not for a trial on the least of these offenses, but for a trial upon all. His good name is in issue. Nothing but a verdict of the Senate of the United States can make it clear.

> Good name in man or woman, dear my lord,
> Is the immediate jewel of their souls:
> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him,
> And makes me poor indeed.

[Prolonged applause.]

Mr. LITTLEFIELD. Mr. Speaker, inasmuch as the gentleman from Pennsylvania [Mr. PALMER] was allowed to proceed without limit, I do not know that I need to request unlimited time. I do not, however, wish to be interrupted in the course of the statement that I am about to make, and I therefore ask unanimous consent to proceed without limit.

Mr. PALMER. Oh, Mr. Speaker, I understand that the gentleman has charge of the time and he can go on as long as he pleases.

Mr. LITTLEFIELD. Very well. I shall then proceed without limit.

The SPEAKER pro tempore. The time is under the control of the gentleman from California [Mr. GILLETT].

Mr. LITTLEFIELD. Very well. I did not know but that my time might be limited.

Mr. GILLETT of California. I yield to the gentleman such time as he wishes.

[Mr. LITTLEFIELD addressed the House. See Appendix.]

Mr. GAINES of Tennessee. I understand that my friend from Pennsylvania [Mr. PALMER] this morning stated that Judge Swayne said that these lawyers had the right to file this suit, that they did file the suit in the State court, and when they did that it seems the trouble came up in court Monday morning. Now, then, if that is true, Judge Swayne is guilty of punishing these men by fine and imprisonment for doing something they had the legal right to do, and as lawyers they should have done, and which he admits they should have done; and yet he not only fines them, but transgresses the law, which he ought to know, and did know, by putting them in jail. This is the way I understand the matter.

Mr. LITTLEFIELD. Let me say for the benefit of the gentleman from Tennessee [Mr. GAINES] he does say they had a technical right to bring the suit in a State court. He says they had no right to bring it for this purpose. He couples with that statement the statement that they had not the right to bring it for this purpose. Everybody concedes they had the right to bring this suit. That is a naked proposition. But that did not indicate a right to bring a groundless suit, or for this purpose.

Mr. DALZELL. I would like to ask the gentleman from Maine if it would not suit his convenience to go on with his address in the morning? It is getting late and Members are scattering.

Mr. LITTLEFIELD. I prefer to do so.

Mr. PALMER. About how much time will the gentleman occupy?

Mr. LITTLEFIELD. About three-quarters of an hour in the morning.

Mr. GAINES of Tennessee. Can not we begin earlier in the morning than 12 o'clock?

Mr. LITTLEFIELD. I do not know how that is, but I will begin when the House gets here.

Mr. BOWIE. Would the gentleman from Maine allow me to

ask him one question before the House adjourns? I want to ask the gentleman one question.

The SPEAKER. The House will first be in order.

Mr. BOWIE. Just one question.

Mr. DALZELL. Ask your question in the morning.

Mr. BOWIE. It will take just a minute.

Mr. LITTLEFIELD. If the Speaker please, I suspend with the understanding that I have the right of way in the morning to conclude my remarks upon the articles of impeachment.

The SPEAKER. The gentleman from California [Mr. GILLETT] absolutely controls the time. Does the gentleman from California yield to the gentleman from Ohio, for the purpose of making a request?

Mr. GILLETT of California. Yes.

CHANGES OF REFERENCE.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for a change of reference of two bills, which the Clerk has in his possession, to be made from the Committee on Interstate and Foreign Commerce to the Committee on the Merchant Marine and Fisheries. I do this on the wish of the chairman of that committee.

The SPEAKER. The Clerk will report the titles of the bills.

The Clerk read as follows:

H. R. 15613. A bill for the better protection against fire on steam vessels carrying passengers and for the protection of life thereon.

H. R. 16789. A bill for the prevention of fire from electrical apparatus on steam vesssels carrying passengers.

The SPEAKER. Without objection, the request of the gentleman from Ohio is agreed to.

Mr. FITZGERALD. I wish to inquire if these bills were introduced by the gentleman from New York [Mr. BASSETT]?

Mr. GROSVENOR. They were.

Mr. FITZGERALD. If so, I ask that they go over until the morning, when he may be here.

Mr. GROSVENOR. I make this request at his instance. The gentleman has put a written request upon my desk to make that motion.

Mr. FITZGERALD. I did not hear the gentleman's statement.

Mr. GROSVENOR. I made the motion on that request.

Mr. FITZGERALD. The gentleman from Ohio need not get excited. He did not make that statement at first, and if I had heard that I would not have made the suggestion I did.

Mr. GROSVENOR. The gentleman had followed me around three or four weeks asking me to make this motion.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. COCKRAN of New York. I would like to know the question before the House.

The SPEAKER. The question before the House is a change of reference of two bills from the Committee on Interstate and Foreign Commerce to the Committee on the Merchant Marine and Fisheries, the gentleman from Ohio having said, as the Chair gathered, that he did this at the request of the chairman of the Committee on Interstate and Foreign Commerce.

Mr. MANN. What is the title of the bill?

The SPEAKER. The Clerk will again report the titles of the bills.

The titles of the bills were again reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from California [Mr. GILLETT] yield further? A number of gentlemen desire to ask unanimous consent.

Mr. GILLETT of California. I yield.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 6261, which is on the Speaker's table.

The SPEAKER. The Clerk will report the bill by its title.

The Clerk read as follows:

A bill (S. 6261) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian.

The SPEAKER. Is there objection? The Chair hears none.

The bill was read at length.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, a similar House bill will be laid on the table.

There was no objection.

COMMUNICATION FROM THE SECRETARY OF THE TREASURY.

Mr. BURKETT. Mr. Speaker, I have a communication here from the Secretary of the Treasury that I would like to have printed as a public document, and referred to the committee on Appropriations.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a communication addressed to him instead of the Speaker of the House shall be printed as a public document and referred to the Committee on Appropriations. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FAYETTE COUNTY, TEX.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16284) to transfer Fayette County from western to southern judicial district of Texas.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill the title of which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That Fayette County shall be taken out of the western judicial district of Texas and placed in the southern judicial district of said State, and all process in causes arising in said county shall hereafter be returnable to Houston.

SEC. 2. That all causes of action, civil and criminal, that have accrued or may hereafter accrue in said county of which the courts of said southern judicial district of Texas have jurisdiction shall be cognizable in said courts at Houston in said district.

SEC. 3. That the provisions of this act shall not effect any civil or criminal cause pending in said western judicial district out of said Fayette County at the time this act becomes a law, but such case or cases shall proceed as if under existing law.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BURGESS, a motion to reconsider the last vote was laid on the table.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

Mr. SHACKLEFORD. Will the gentleman from Pennsylvania withhold that motion until I make a request for unanimous consent?

Mr. PALMER. Yes.

PANAMA RAILWAY COMPANY.

Mr. SHACKLEFORD. Mr. Speaker, I desire to call up House Resolution 384, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which will be reported by the Clerk.

The resolution was read, as follows:

Whereas the United States is now the owner of more than 98 per cent of the shares of the capital stock of the Panama Railway Company, and it is for that reason expedient that Congress should have full knowledge of the affairs of said company: Therefore be it

Resolved, That the Committee on Interstate and Foreign Commerce be, and is hereby, directed to investigate the operation, management, and condition of said railway company, and all franchises and property belonging thereto, including steamships owned, operated, or controlled by it, or under any contract or agreement of any kind or character with it; that said committee make such investigations and report the testimony with their conclusions thereon as soon as possible, and that said committee or any duly appointed subcommittee thereof shall have power to examine any or all records, books, documents, accounts, and vouchers of said company, or of any officer or agent thereof or of any person, company, or corporation which may have had any agreements or relations with said railway company, and all records and minutes of the acts and proceedings of any meeting of the stockholders or directors of said railway company, and shall have power to administer oaths, to employ or have the services of a stenographer, clerk, accountant, and messenger, and incur such other expenses as may be deemed necessary; that the meetings of said committee or subcommittee be held in the Capitol building at the city of Washington and in such other places as said committee or subcommittee shall determine, and the necessary expenses shall be paid out of the contingent fund of the House on the usual vouchers.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

On motion of Mr. SHACKLEFORD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TATE, indefinitely, on account of illness in his family.

Mr. PALMER. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coosa and Alabama rivers, Georgia and Alabama—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for fuel for the schools of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for improvement and care of public grounds, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16284) to transfer Fayette County from the western to the southern judicial district of Texas, reported the same without amendment, accompanied by a report (No. 3527); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8135) for the protection of wild animals, birds, and fish in the forest reserves of the United States, reported the same without amendment, accompanied by a report (No. 3528); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 14623), with Senate amendments thereto, to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, reported the same back to the House, accompanied by a report (No. 3529); which said bill and report were referred to the House Calendar.

Mr. ALLEN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17109) to define the limits of square 1131 in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 3530); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5359) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896, reported the same without amendment, accompanied by a report (No. 3531); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 4260) for the relief of Thomas C. Sweeney, reported the same with amendment, accompanied by a report (No. 3525); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14695) granting an increase of pension to Francis D. Lewis, reported the same with amendment, accompanied by a report (No. 3526); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16132) granting an increase of pension to Mary A. Seele, reported the same with amendment, accompanied by a report (No. 3532); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army, reported the same without amendment, accompanied by a report (No. 3533); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 12595) for the relief of A. T. Mitchell and others, reported the same without amendment, accompanied by a report (No. 3534); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 16584) for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 3535); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12881) for the relief of Ellen A. Dunn, reported the same without amendment, accompanied by a report (No. 3536); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 2125) for the relief of the heirs at law of Capt. John Lewis—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6309) to reimburse A. J. Caufman, Girard, Erie County, Pa., in the sum of $300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton as a substitute—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 17644) for the appointment of a United States district judge for the eastern district of Tennnessee; to detach certain counties from the eastern district of Tennessee and to attach the same to the middle district of Tennessee; to provide for divisions in said middle district of Tennessee, and the time for holding the courts; to detach certain counties from the middle district of Tennessee and to attach the same to the eastern district of Tennessee, and to provide for the time of holding the courts, and for other purposes—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17645) to incorporate the trustees of the Grand Encampment of Knights Templar of the United States of America—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 17646) to extend certain provisions of the Revised Statutes of the United States to the Philippine Islands—to the Committee on the Judiciary.

By Mr. WILEY of New Jersey: A bill (H. R. 17647) providing for expenses of participation by the Government in the exposition at Liege, Belgium—to the Select Committee on Industrial Arts and Expositions.

By Mr. DALZELL: A bill (H. R. 17648) to increase the limit of appropriation for a post-office building in McKeesport, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 17649) to authorize the appointment of a United States commissioner for the southern judicial district of Indian Territory—to the Committee on the Judiciary.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 17650) to empower the Interstate Commerce Commission to fix transportation rates in certain contingencies—to the Committee on Interstate and Foreign Commerce.

By Mr. KEHOE: A bill (H. R. 17651) to amend section 1, chapter 209, United States Statutes at Large—to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 17652) to authorize the construction of a wagon and foot bridge across the South or main Canadian River near the town of Norman, Cleveland County, in Oklahoma Territory—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: A bill (H. R. 17702) to erect a monument over the grave of Gen. Andrew Pickens, in Anderson County, S. C.—to the Committee on the Library.

By Mr. HARRISON: A joint resolution (H. J. Res. 195) providing for a survey of Acheson Creek, South Carolina—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: A resolution (H. Res. 419) authorizing the Sergeant-at-Arms to appoint a special messenger—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 17653) granting an increase of pension to Hezekiah H. Sherman—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 17654) granting an increase of pension to Miles B. Davis—to the Committee on Pensions.

Also, a bill (H. R. 17655) granting a pension to John G. McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17656) granting a pension to James M. Herndon—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 17657) for the relief of the heirs of John McDonald, deceased—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 17658) granting an increase of pension to Joseph S. Rice—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 17659) granting a pension to James Saunders—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 17660) granting an increase of pension to James H. Wasson—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 17661) granting an increase of pension to Darius H. Whitcomb—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17662) granting a pension to John Gatchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17663) granting an increase of pension to J. M. Whitehead—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 17664) granting an increase of pension to Abraham K. Van Tine—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 17665) granting an increase of pension to Hiram J. Rogers—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 17666) granting an increase of pension to Franklin G. Mattern—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 17667) granting an increase of pension to Peter H. Pierson—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 17668) granting an increase of pension to Rosina Tyler—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17669) granting an increase of pension to William Hubbs—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 17670) granting an increase of pension to Hugh Donnelly—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 17671) to correct the military record of Nathan Loeb—to the Committee on Military Affairs.

By Mr. GRIGGS: A bill (H. R. 17672) granting an increase of pension to Oliver C. Cleveland—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 17673) granting an increase of pension to Lewis S. Horsey—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 17674) granting an increase of pension to John Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17675) to correct the military record of Thomas Whittaker—to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 17676) granting an increase of pension to Thomas S. Butts—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 17677) granting an increase of pension to James Hudson—to the Committee on Invalid Pensions.

By Mr. JACKSON of Ohio: A bill (H. R. 17678) granting an increase of pension to George W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17679) granting an increase of pension to Joseph W. Myers—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 17680) granting an increase of pension to George Hayes—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 17681) granting a pension to Ella Whittington—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 17682) granting an increase of pension to William Ross Hartshorne—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 17683) granting an increase of pension to Darius M. Smeltzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17684) granting a pension to Sarah A. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17685) granting a pension to Sarah A. Smith—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 17686) granting an increase of pension to Cate F. Galbraith—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17687) granting an increase of pension to Samuel S. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17688) granting a pension to William M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17689) granting a pension to Priscilla Schroeder—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 17690) granting an increase of pension to Nathan C. Bradley—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 17691) granting an increase of pension to Andrew J. Brann—to the Committee on Pensions.

Also, a bill (H. R. 17692) granting an increase of pension to Horace H. Richardson—to the Committee on Pensions.

Also, a bill (H. R. 17693) granting an increase of pension to Samuel C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17694) granting an increase of pension to George W. Neece—to the Committee on Pensions.

Also, a bill (H. R. 17695) granting an increase of pension to Thomas D. Campbell—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 17696) granting an increase of pension to Turner J. Preble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17697) granting an increase of pension to Levi Gates—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 17698) granting an increase of pension to Charles N. Kuhn—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17699) granting an increase of pension to Sarah Bucks—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 17700) granting a pension to Jennie Scott—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 17701) for the relief of W. F. Parker—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of the Pennsylvania State Grange, indorsing bill H. R. 8678—to the Committee on Agriculture.

By Mr. ADAMS of Wisconsin: Petition of Pen Dixon Post, Grand Army of the Republic, Department of Wisconsin, favoring a service-pension bill—to the Committee on Pensions.

Also, petition of the Baptist, Presbyterian, and Methodist churches of Lodi, Wis., favoring passage of the Dolliver-Hepburn bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARTLETT: Petition of the Atlanta Chamber of Commerce, indorsing the bill to enlarge powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: Papers to accompany bill for relief of heirs of John McDonald—to the Committee on War Claims.

By Mr. CALDERHEAD: Petition of the Brotherhood of Loco-

motive Engineers, Border City Division, Arkansas City, Kans., favoring the Bates-Penrose employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Textile World Record, relative to the use of the metric system in the Philippine Islands—to the Committee on Insular Affairs.

Also, petition of Colorado beet-sugar manufacturers, against a reduction of duties on beet sugar—to the Committee on Ways and Means.

Also, petition of the Carriage Builders' Association, favoring national regulation of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Interstate Commerce Law conventions of St. Louis and Milwaukee—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Papers to accompany bill for relief of James Sanders—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Papers to accompany bill for relief of James H. Wasson—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany bill for relief of Abraham K. Van Tine, of Oakmont, Pa.—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Porterbrook and Westfield, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of the board of directors of the Receivers and Shippers' Association of Cincinnati, favoring the passage of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DRESSER: Papers to accompany bill for relief of Franklin G. Mattern—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Interstate Commerce Law Convention, St. Louis, Mo., concerning an amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sandwich Manufacturing Company, of Sandwich, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of William White & Co., of Moline, Ill., favoring enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hibbard, Spencer, Bartlett & Co., of Chicago, Ill., favoring legislation protecting the shippers of the country by fixing freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of cigar makers' local union, Ottawa, Ill., against lowering duties on Philippine tobacco—to the Committee on Ways and Means.

Also, petition of the Elmere Coal Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rockford Fuel and Lumber Company, of Rockford, Ill., favoring bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of Richmond Pearson Hobson, favoring the Wiley bill (H. R. 6490)—to the Committee on Naval Affairs.

By Mr. GOEBEL: Petition to accompany bill for relief of Nathan Loeb—to the Committee on Military Affairs.

By Mr. HEARST: Petition of the Business Men's Association of Rockford, Ill., favoring the Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. H. Cohron & Son, of Stuarts Draft, Va., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of merchants and shippers of Marysville, Mich., favoring bill H. R. 13778—to the Committee in Interstate and Foreign Commerce.

Also, petition of W. H. Hirsch & Son, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of John S. Cissel, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of James F. Umpleby, of St. Louis, Mo., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Foster, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Woodlawn Farm Company, favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Robinson Division, No. 78, Order of Railway Conductors, favoring bills S. 4092 and H. R. 7041—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of citizens of South Amboy, N. J., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of Longbranch, N. J., favoring pensions for life service—to the Committee on Pensions.

By Mr. HUNT: Petition of Receivers and Shippers' Association of Cincinnati, Ohio, for Government regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Ohio: Papers to accompany bill for relief of James W. Myers, of Rising Sun, Ohio—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany bill for the relief of Darius M. Smeltzer—to the Committee on Invalid Pensions.

Also, petition of the Board of Trade of Portsmouth, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for relief of Sarah W. Smith, of Manchester, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Sarah A. Shaw, of Gallipolis, Ohio—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Papers to accompany bill H. R. 4172—to the Committee on the Judiciary.

By Mr. PATTERSON of Pennsylvania: Petition of the First Presbyterian Church of Shenandoah, Pa., favoring exclusion of intoxicating liquors from Indian Territory—to the Committee on the Territories.

Also, papers to accompany bill for relief of A. H. Glassmire—to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of the Pennsylvania State Grange, favoring bill H. R. 8678—to the Committee on Agriculture.

Also, petition of the Pennsylvania department of forestry, for legislation to preserve the big trees in Calaveras grove, California—to the Committee on Agriculture.

By Mr. REID: Papers to accompany bill H. R. 17545, to remove charge of desertion against Oliver J. Owen—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Receivers and Shippers' Association of Cincinnati, Ohio, for enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of Andrew Brooks et al., against the passage of bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. SPERRY: Petition of New Haven Division, No. 77; Hartford Division, No. 205, and New London Division, No. 348, of Brotherhood of Locomotive Engineers, favoring bill H. R. 13354—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 299, of Middletown, Conn., protesting against any reduction in the tariff duties on Philippine tobacco—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Marietta, Ind. T., requesting passage of bill H. R. 17487—to the Committee on the Territories.

By Mr. THOMAS of Ohio: Petition of Central Christian Church, of Warren, Ohio, favoring the Senate bill known as the "Hamilton bill," against intoxicating liquors in Territories—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Grace United Evangelical Church, of Warren, Ohio, favoring the Hamilton bill, against intoxicating liquors in Territories—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Isaac C. Gibbons et al., favoring bill H. R. 15797—to the Committee on Invalid Pensions.

By Mr. WACHTER: Paper to accompany bill for the relief of Charles N. Kuhn—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: Paper to accompany bill for relief of Mrs. Sarah Burke—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 13, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

TARIFF ON PHILIPPINE TOBACCO.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of War, transmitting copies of two letters from the executive secretary of the Philippine Islands quoting a petition from the governor of the province of Cagayan on behalf of the inhabitants of that province, and one from the governor of the province of Isabela on behalf of the municipal presidentes and prominent tobacco growers in that province, praying for a tariff reduction on Philippine tobacco imported into the United States; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The PRESIDING OFFICER laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the year 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Michigan; which, with the accompanying paper, was ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the Washington Street Methodist Episcopal Church South, of Alexandria, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the First Baptist Church of Alexandria, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the Christian Church of Nicholasville, Ky., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6261) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian.

The message also announced that the House had passed a bill (H. R. 16284) to transfer Fayette County from western to southern judicial district of Texas; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER. On behalf of the junior Senator from Maine [Mr. FRYE], the Chair presents sundry petitions, which will be noted in the RECORD and appropriately referred or laid on the table.

The petitions were referred or ordered to lie on the table as follows:

A petition of the Woman's Christian Temperance Union of Madison, Me., and a petition of the Pierian Club, of Presque Isle, Me., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill—ordered to lie on the table.

A petition of the Merchants' Association of New York City, praying for a reduction of the tariff on Philippine products imported into the United States—referred to the Committee on the Philippines.

A memorial of the Arizona Baptist Convention, of Phoenix, Ariz., remonstrating against the annexation of that Territory to the Territory of New Mexico—ordered to lie on the table.

A memorial of the Ladies of the National Protective Labor Association of Washington, D. C., remonstrating against the passage of the so-called "whipping-post bill"—referred to the Committee on the District of Columbia.

A petition of Local Lodge No. 484, Brotherhood of Railroad Trainmen, of Washington, D. C., praying for the enactment of legislation providing for the prevention of child labor in the District of Columbia—referred to the Committee on the District of Columbia.

A petition of the Baptist, Free Baptist, and Methodist Episcopal societies of Corinth, Me., and a petition of the Nezinscot History Club, of Buckfield, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy—referred to the Committee on the Judiciary.

A petition of the Master Mariners' Association of the United States, praying that an appropriation be made for the completion of the easterly shore arm breakwater at Point Judith, R. I.—referred to the Committee on Commerce.

A petition of the Trans-Mississippi Commercial Congress of Portland, Oreg., praying that an appropriation be made for the improvement of the Mississippi River between the mouths of the Missouri and the Ohio rivers—referred to the Committee on Commerce.

Petitions of the Carriage Builders' National Association of Wilmington, Del.; of the executive committee of the Travelers and Merchants' Association of Baltimore, Md.; of the New England Shoe and Leather Association, of Boston, Mass.; of the Commercial Association of Danville, Va., and of W. A. Cutler and sundry other citizens of Toledo, Ohio, praying for the enactment of legislation to enlarge the power of the Interstate Commerce Commission—referred to the Committee on Interstate Commerce.

A petition of the Congregational Association of the Territory of Hawaii, praying that an investigation be made into the existing conditions in the Kongo Free State—referred to the Committee on Foreign Relations.

A petition of the Union League Club of New York City, praying for the enactment of legislation providing for the appointment of a commission to investigate the question of the conditions of manufacture as affected by the tariff—referred to the Committee on Finance.

Petitions of sundry citizens of St. Louis, Mo., of the Bar Association of Chicago, Ill., of the Bar Association of Los Angeles, Cal., of the People's Institute of New York City, and of the United States Export Association of New York City, praying for the ratification of international arbitration treaties—referred to the Committee on Foreign Relations.

Mr. PENROSE presented a petition of the Pennsylvania Dairy Union, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of West Alexander, Pa., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Richland, Aristes, and New Berlin, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented a petition of Echo Lodge, No. 157, Brotherhood of Locomotive Engineers, of Peru, Ind., and a petition of Local Division No. 246, Brotherhood of Locomotive Engineers, of Evansville, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. BLACKBURN presented a petition of Hanging Rock Division Lodge, No. 363, Brotherhood of Locomotive Engineers, of Somerset, Ky., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. BATE presented a petition of Holston Division, No. 239, Brotherhood of Locomotive Engineers, of Knoxville, Tenn., praying for the enactment of legislation granting pensions to locomotive engineers during the war of the rebellion; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the Baptist Society and the Free Baptist Society; of the Methodist Society; the Woman's Christian Temperance Union; the Orient Grange, Patrons of Husbandry; the Corinthia Ladies' Literary Club; the Noble Grand of Corinthian Lodge, Independent Order of Odd Fellows; Noble Grand of Diamond Lodge, Order of Rebekahs, and of the leader of John Morison Band, all of Corinth, in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented the petition of Lucretia A. Owen and sundry other citizens of East Hardwick, Vt., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. GALLINGER presented the petition of Mrs. E. H. Pearson, of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation

providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. DRYDEN presented a petition of sundry citizens of Riverton, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Burlington County board of agriculture, of New Jersey, remonstrating against the repeal of the so-called "Grout oleomargarine bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance unions of Pemberton, Haddonfield, and Lumberton, all in the State of New Jersey, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented memorials of the congregation of the Methodist Episcopal Church of Pemberton, of the Woman's Christian Temperance Union of Montclair, of the Woman's Christian Temperance Union of Pensauken, of the congregation of the Methodist Episcopal Church of Saccasunna, of the Young Woman's Christian Temperance Union of Roseville, of the Woman's Christian Temperance Union of Bloomfield, of the Young Woman's Branch of the National State Woman's Christian Temperance Union, and of the congregation of the Protestant Episcopal Church of Saccasunna, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. KNOX presented a petition of the Woman's Christian Temperance Union of Scranton, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Congregational Ministers' Union of Philadelphia, Pa., and a petition of the Lutheran Ministers' Union of Philadelphia, Pa., praying that an investigation be made into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented the petition of C. R. Woodruff and sundry other citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of Patriotic Order Sons of America, of Tremont, Pittston, Palmyra, Glasgow, Aristes, and Richland, all in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented a petition of the Grain and Flour Exchange, of Pittsburg, Pa., and a petition of the Receivers and Shippers' Association, of Cincinnati, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for an increase in the income of the agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Federal Woman's Equality Association, of Washington, D. C., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented petitions of 83 members of the Presbyterian Church of Freeland; of the Northeast Branch of the Philadelphia Christian Endeavor Union, of Philadelphia; of J. F. Sutherland and sundry other citizens of West Alexander; of Rev. James W. Boal, of Center Hall; the Trinity Lutheran Christian Endeavor Society, of Philadelphia; of A. S. Wing, of Philadelphia; the Christian Endeavor Society of the Patterson Methodist Episcopal Church, of Philadelphia; of John Way, of Lansdowne; Francis W. Hicks, of Avondale; Eliza R. Miner, of Wilkesbarre; Whitson Gause, of Strasburg; S. R. Yarnall, of Germantown; M. S. Fischer, of Phialdelphia; D. T. Alsop, of Haverford; all in the State of Pennsylvania, and of the Indian Territory Church Federation, of Muscogee, Ind. T., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Delaware County; of Josephine Boutellier, of Philadelphia; O. T. Pancoast, of Chester; C. C. Wilson, of Philadelphia; Mary M. Cohen, of Philadelphia; Mary W. L. Middleton, of Philadelphia; Alexander Henry, of Philadelphia; C. C. Davis, of Philadelphia; A. E. Hunsburger, of Philadelphia; A. B. Stubbs, of Merion; Emerson Club, of Philadelphia; John C. Young, of Philadelphia; M. L. Shoenberger, of Philadelphia; J. B. Huey, of Philadelphia; the Young Ladies' Auxiliary, Presbyterian Home for Aged Couples, of Bala; L. C. Roberts, of Philadelphia, and Daniel P. Martin, of Philadelphia, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BAILEY presented a petition of sundry citizens of Texas, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the board of supervisors of Gila County, Ariz., remonstrating against the union of Arizona and New Mexico as one State; which was ordered to lie on the table.

Mr. McENERY presented sundry papers to accompany the bill (S. 4458) for the relief of William Browne Millican, of East Feliciana Parish, La.; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4972) for the relief of Blaize Motte, of St. Landry Parish, La.; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4973) for the relief of the estates of Alexis Hebert and Henry Vedrimes, of Iberia Parish, La.; which were referred to the Committee on Claims.

Mr. PERKINS presented sundry papers to accompany bill S. 6269; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 2343) for the relief of James McElroy, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6159) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., reported adversely thereon, and the bill was postponed indefinitely.

Mr. GIBSON, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 6337) for the establishment of subports of entry at Rouses Point and Malone, N. Y., reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 16992) to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi, reported it without amendment.

Mr. KITTREDGE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 656) providing for the retirement of petty officers and enlisted men of the Navy, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6139) to authorize the Union Trust and Storage Company of the District of Columbia to change its corporate name, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 69) to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and organizations of Sons of Veterans, reported it with amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5944) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, reported it without amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia, reported it with an amendment, and submitted a report thereon.

REPORT OF THE COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. DILLINGHAM on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. PLATT of New York. From the Committee on Printing I report back the concurrent resolution of the Senate providing for printing 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, together with the amendment of the House of Representatives striking out the latter clause of the resolution, in the following words:

Including therein the statement of the case and the opinion of the court in Paul against Virginia (8 Wall., p. 168), and the statement of the case, the opinion of the court, and the dissenting opinion in United States against E. C. Knight Company (158 U. S., p. 1).

I move that the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

Mr. BAILEY. My attention was diverted at the moment. I should like to inquire what is the amendment?

Mr. PLATT of New York. It is simply to strike out the provision for printing the opinion of the court.

The PRESIDING OFFICER. The Senator from New York moves that the Senate nonconcur in the amendment made by the House of Representatives and that a committee of conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT of New York, Mr. ELKINS, and Mr. GORMAN were appointed.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I ask unanimous consent to call up the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. PLATT of New York. It has been read.

The PRESIDING OFFICER. The bill was reported from the Committee on Printing with amendments. The first amendment of the committee will be read.

The Secretary read the first amendment of the committee, which was, on page 1, after line 8, to strike out all of the bill down to and including line 4, on page 2, and to insert, etc.

Mr. SPOONER. Is the bill called up for action at this time?

The PRESIDING OFFICER. It is. It was called up by the senior Senator from New York.

Mr. PLATT of New York. It was unanimoulsy reported from the Committee on Printing, and there is no objection to it.

Mr. SPOONER. I should like to have it go over for the time being. I wish to examine it.

Mr. PLATT of New York. It is a reduction in printing from one end of the schedule to the other.

Mr. SPOONER. That is, of the reports on private claims?

The PRESIDING OFFICER. Objection being made to the present consideration of the bill, it will go over under the rule.

Mr. SPOONER. I do not care to have it go over under the rule. I ask that it may be temporarily laid aside without losing its place, so that I may look at it.

The PRESIDING OFFICER. The bill will retain its place.

REGULATION OF PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I report back favorably without amendment, from the Committee on the District of Columbia, the bill (H. R. 15320) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896. I will say that a few days ago the Senate, upon an explanation made by me, passed a bill in identical terms, and for that reason I venture to ask unanimous consent for the present consideration of the House bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I think it might be well to have the Senate bill recalled from the House. I do not know exactly the procedure.

The PRESIDING OFFICER. The Chair is informed that the number of the Senate bill is 5359.

Mr. GALLINGER. I move that the House be requested to return Senate bill 5359 to the Senate.

The motion was agreed to.

BUSINESS OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, at the meeting of the Committee on the District of Columbia this morning a very large amount of business was found on the table, and a large number of reports were ordered made. At the suggestion of members of that committee, I wish to call the attention of the Senate to the fact that in the other House they have one day each two weeks for the consideration of District of Columbia business. At the last session the Senate kindly granted, upon my request, I think, two or three hours of a day for the consideration of bills coming from the District of Columbia Committee, and I rise to ask if there is any objection to two or three hours being given this committee, say, on Monday next, after the routine morning business.

Mr. BAILEY. I suggest that the Senator make it Saturday, so that those of us who do not care to serve in the capacity of city councilmen may go their way.

Mr. GALLINGER. I will change the request to Saturday.

Mr. PLATT of Connecticut. Of next week?

Mr. GALLINGER. Of the present week.

Mr. GORMAN. To-morrow.

Mr. GALLINGER. To-morrow. I ask that the committee be given three hours after the conclusion of the routine morning business to-morrow.

Mr. GORMAN. Why not take the whole day? There are a great number of bills that should be considered.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Hampshire to the fact that there is a special order for to-morrow after the morning business.

Mr. BAILEY. Then I withdraw the suggestion against Monday.

Mr. GALLINGER. Then I will make the request that on Monday next, at such time after the routine morning business——

Mr. LONG. The special order is for a week from to-morrow.

Mr. COCKRELL. What is the special order for to-morrow?

Mr. GALLINGER. The special order is not for to-morrow, but for one week from to-morrow.

The PRESIDING OFFICER. The error has been discovered; therefore the order will stand for to-morrow, if there be no objection.

Mr. KEAN. What is the order?

Mr. GALLINGER. The Senator from Maryland suggests why not give the afternoon. If it is necessary for the committee to have that much time, it would be very agreeable to the chairman of the committee to have the Senate grant the afternoon.

Mr. GORMAN. I trust the chairman will modify his request to that extent; and then, if the business of the Committee on the District of Columbia is disposed of, we can go on and consume the balance of the day with Senate bills on the Calendar. If we do not consider those bills at an early day they may not have consideration at all, for there will not be time elsewhere. I trust the Senator will ask for the day to-morrow.

Mr. GALLINGER. I will ask for the day, after the routine morning business.

Mr. COCKRELL. I ask if that would exclude any other busi-

ness to-morrow, in case the bills relating to the District of Columbia were disposed of in a short time?

Mr. GALLINGER. Such portion of the day, I will then say, as may be necessary to consider bills on the Calendar from the Committee on the District of Columbia.

Mr. COCKRELL. Let the agreement be made to consider them to-morrow, and then, after they are through—if they are through in time—to consider other bills on the Calendar.

Mr. GALLINGER. Certainly; we can proceed to the Calendar afterwards.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. NEWLANDS. I should like to inquire of the chairman of the Committee on the District of Columbia whether it is his intention to bring up to-morrow the bill relating to the extension of the Great Falls and Old Dominion Railroad?

Mr. GALLINGER. I know of no reason why that bill should not be considered, if it is reached.

Mr. NEWLANDS. To-morrow?

Mr. GALLINGER. To-morrow.

Mr. BAILEY. As a friend of the court, I suggest if they get to that bill very early they are not apt to get to any other bill during the day.

Mr. GALLINGER. Of course, I do not——

Mr. BAILEY. I do not make that as a threat, merely as a prediction.

Mr. GALLINGER. I am very glad it is not made as a threat, because, of course, I expect that bill will be considered on its merits. I did not report it, I will say to the Senator.

Mr. NELSON. I trust the Senator from New Hampshire will modify his request to this extent, that it shall not displace the statehood bill?

Mr. GALLINGER. Oh, cerainly; certainly.

Mr. NELSON. I ask to have that modification made, that the order shall not interfere in any manner with the statehood bill.

Mr. GALLINGER. The statehood bill will be laid aside temporarily.

The PRESIDING OFFICER. With that modification, is there objection to the request of the Senator from New Hampshire?

Mr. BEVERIDGE. Did the Senator's request extend further than the consideration of District of Columbia matters?

Mr. GALLINGER. To other bills, if there is time.

Mr. BEVERIDGE. The Senator means bills on the Calendar?

Mr. GALLINGER. Yes. The statehood bill would come up at 2 o'clock and be temporarily laid aside.

Mr. BEVERIDGE. I would be very glad to consent to its being temporarily laid aside to-morrow afternoon for the purpose of considering District of Columbia matters, but no further; so that after that we may proceed with the unfinished business. That will cover all the Senator from New Hampshire wants to accomplish.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. BURROWS. I wish to inquire whether the effect of this order, if made, would be to do away with an objection to the consideration of a bill?

The PRESIDING OFFICER. The Chair thinks so.

Mr. BURROWS. Would one objection carry a bill over?

Mr. GALLINGER. I wish it to be understood that I ask consent that we shall proceed to the consideration of these bills, not under Rule VIII, but that we shall consider them with a view of debating and acting upon them.

The PRESIDING OFFICER. The Senator from New Hampshire, on behalf of the District of Columbia Committee, asks unanimous consent that on Saturday afternoon, after the morning business, the Senate shall proceed to the consideration of District of Columbia bills.

Mr. GALLINGER. Under Rule IX.

The PRESIDING OFFICER. Under Rule IX.

Mr. BEVERIDGE. That is for to-morrow afternoon?

The PRESIDING OFFICER. For to-morrow afternoon.

Mr. BEVERIDGE. And for that purpose the unfinished business will be temporarily laid aside. That is satisfactory.

The PRESIDING OFFICER. Is there objection?

Mr. BURROWS. I understand from the statement of the Senator from New Hampshire, in conjunction with the statement from the Chair, that a single objection will not carry a bill over?

The PRESIDING OFFICER. Under Rule IX a bill is subject to debate the same as the statehood and other bills regularly before the Senate.

Mr. BURROWS. I understand that one objection would not prevail?

The PRESIDING OFFICER. It would not prevail.

Mr. BURROWS. Then I shall object to the request unless the Senator will except Senate bill 2833, Order of Business 1797.

Mr. LODGE. What bill is that?

Mr. BURROWS. The bill to extend the Great Falls and Old Dominion Railroad Company into and within the District of Columbia. I will say to the Senator from New Hampshire, in view of the statement made by the Senator from Texas [Mr. BAILEY], that not much business will be done after reaching that bill, and it would be better to except it from the order.

Mr. GALLINGER. Mr. President, this is a most extraordinary attitude for Senators to place themselves in. I shall make no exception of any bill reported by the Committee on the District of Columbia. If we have this privilege granted us we will take up the bills in order and they will be considered in order, and no suggestion or threat from the Senator from Michigan or any other Senator will deter me from that ordinary procedure.

Mr. BURROWS. I will say in reply to the Senator that the Senator from Michigan made no threat and said nothing that may be construed as a threat. I merely suggested that I would like to have the order modified so as not to include that bill, which will evidently take a good deal of time.

Mr. GALLINGER. My response to that suggestion is that, while I did not serve as a member of the subcommittee which reported that bill to the full committee, and it is in charge of another Senator, nor did I introduce the bill, if factious opposition is to be presented to that bill and we are to be served with notice that we will not be permitted to consider it, in due time and at a proper time the sense of the Senate will be tested upon a motion as to whether or not it will give consideration to the bill.

Mr. BAILEY. The Senator from New Hampshire is not as polite as he usually is, and he evinces a feeling over this matter that does not become either him or the Senate. Nobody has threatened the Senator from New Hampshire with any factious opposition to that bill. In the interest of progressing with the business of the Committee on the District of Columbia, I made the friendly and pleasant suggestion that inasmuch as that bill would be apt to provoke a controversy, if the Senate was asked to enter upon its consideration, the day which I was perfectly willing to see given to the District of Columbia would be wasted.

I know myself nothing about the merits of that bill. I frankly say that I have not examined it. But no longer than this morning the mail brought me a very earnest remonstrance against it, forwarded to me from a former pupil of an institution of learning in this city, in which it is set forth at some length that the proposed road would be a very great injury to the property.

Now, assuming that other Senators have been receiving similar protests, and assuming that there is merit in the protest, I concluded that the consideration of that bill would probably prevent the consideration of other bills; and I am not, because of a friendly suggestion, to be put in the attitude of making factious opposition to a bill the merits of which I have not examined and do not pretend to understand.

I think the Senator from New Hampshire, on reflection, will not be willing to put me in that position. He will recall that I said in a jocular way that it was not a threat, but a prediction, and it was made without any idea of deterring the Senator or his committee from bringing up for consideration in the Senate a measure that their judgment might direct. But inasmuch as I was taking part in the colloquy, looking to fixing a day, I repeat that I believe the bill will provoke opposition that would seriously interfere with the Senator's programme, and I wish to say that that belief is based upon the fact that, as for myself, I should want to examine it, having been appealed to in a way that entitles respectful consideration, and I suppose other Senators would feel the same way.

Now, I wish to say that the business of the District of Columbia Committee is the one business which engages the attention of the Senate in which I never take any part. Some of us must, perhaps all of us ought; but I have very little taste for acting in the capacity of a city councilman or a member of a board of aldermen. I have not, either in the other House or in this, given any particular attention to the business of the District of Columbia, and for having interposed a friendly suggestion I am not willing to be put in the attitude of making a factious opposition to a bill that I know nothing about.

Mr. GALLINGER. Mr. President, the Senator from New Hampshire had no intention of being other than courteous. He appreciates the position the Senator from Texas took. And yet notice was served upon the Senate that if one particular

bill was reached no other business would be done. I do not think that was courteous.

And, Mr. President, that is done in advance of knowledge on the part of Senators. Amendments are to be offered to the bill. An amendment will be offered that I think will obviate the objection the Senator's correspondent makes to the bill. I understand that the good lady who runs that school, and who is entitled to great consideration, is having the graduates from the school write Senators. I have such letters myself from the States of Indiana and Wisconsin, I believe. We all understand how that sort of thing is done. It is the intention to offer an amendment that in my judgment will obviate any reasonable objection that that good lady could make to the bill.

For that and other reasons it has seemed to me that we ought not in advance to say that any particular bill should be excluded from consideration. If this leave is granted and of course if strong opposition should develop, it is very likely the chairman would have sense enough to withdraw it and ask the Senate to proceed to the consideration of some other bill. But in advance the chairman of the committee of course could not agree to that proposition.

Now, Mr. President, I have had no intention of being discourteous to either the Senator from Texas or the Senator from Michigan.

Mr. HALE. Will the Senator allow me?

Mr. GALLINGER. Certainly. This is all I care to say. If leave is granted I will be gratified. If not, of course I will submit, as I must submit.

Mr. HALE. I wish to say to the Senator from New Hampshire that this is a matter in which we are all interested. There is very serious opposition to the proposed cross-town road upon M street. It is a sincere opposition and it will make itself, in a proper way, known whenever the bill comes up.

I wish to make a suggestion to the Senator from New Hampshire, who is an eminently practical legislator. I do not want to say pleasant things to his face, because he does not require that, but he manages his committees well; he gets things through. I suggest to him in view of what is the real and serious objection to this one bill on the Calendar that he does not lose any of the authority or dignity which belongs to the chairman of a committee, when making a request to consider the docket of that committee, to leave out a single bill to which there are very grave objections. I know I have done that more than once in trying to get the business of committees that I have had in charge through. I have made propositions that a day shall be given to a certain class of bills, barring the consideration of some bill that I knew would involve a contest.

I join with the other Senators in saying whenever that bill does come before the Senate it will meet with opposition; but we do not say it in any menacing way, only suggesting to the Senator that to get the business along we will help him if he does not seek to bring that bill up on that particular day. I think that is about all there is of it.

Mr. BAILEY. Mr. President, I rose to say what the Senator from Maine [Mr. HALE] has said so much better than I could have done; and I will only add that repeatedly I have witnessed conditions where there were a number of bills absolutely free from objection blocked by a bill that provoked controversy, and in order to reach some action with reference to bills free from every objection, Senators have agreed to take either for all time, or for the time, the controverted measure out of the way. That is all I meant to say.

The Senator from New Hampshire [Mr. GALLINGER] will understand that if we were to reach on the Calendar a bill affecting the tariff, it would be no threat, and certainly intended as no discourtesy, to say to the Senator in charge of the matter, "This bill will provoke debate, and in order that we may dispose of those bills which will not be debated, I ask that this be laid aside." That was the whole purpose I had in mind.

Mr. MARTIN. Mr. President——

Mr. GALLINGER. A single word, if the Senator from Virginia will permit me.

Mr. MARTIN. Certainly.

Mr. GALLINGER. Mr. President, this bill was reported on the 2d day of April, 1904, by the Senator from North Dakota [Mr. HANSBROUGH], and has been on the Calendar ever since. That is a long time; and the bill ought at some time to receive consideration. It is pretty hard to resist an appeal from the Senator from Maine [Mr. HALE], as we all know, and I regret that I have got to resist the appeal he made just now.

If I am correctly informed, the first street railroad in Washington was "held up" for two years because the people on Pennsylvania avenue insisted that it would destroy their property, and since I have been a member of the Committee on the District of Columbia, now thirteen years, I know of no street railroad that has been laid down in the city of Washington that has not been protested against by the owners and occupants of property along the route; but I do not know now, Mr. President, of a single street railroad in the city of Washington that could be torn up without a riot.

The citizens of M street are following the usual precedent. They are protesting; they are protesting in good faith, I have no doubt; and their protests are entitled to be heeded; but the committee, in its judgment, unanimously, as I remember, thought that this bill ought to be reported and at least considered, and therefore I, as chairman of that committee, certainly without consulting with other members of the committee, do not feel at liberty to except that bill from the regular consideration.

Mr. MARTIN. Mr. President, I realize that there are times when contested matters should give place and permit the great bulk of uncontested matters to have consideration; but it does seem to me that this disposition in the Senate to consider nothing but uncontested measures is being observed to too great an extent. Everybody knows that this bill will provoke discussion; everybody knows that there is opposition to it; but that is no reason why the Senate should not consider it. It seems to me that the matters which are controverted are entitled to an opportunity to have the attention and consideration of the Senate, and under the request which was made by the Senator from New Hampshire [Mr. GALLINGER] nothing would be done which would debar full discussion and fair consideration of this measure. Its consideration can not be suppressed by objections of this character.

If we can not by unanimous consent have a day set for the consideration of District of Columbia measures, contested as well as uncontested, this bill will be brought to the attention of the Senate at a very early day by a motion to proceed with its consideration. So very little will be gained, it seems to me, by the objection which comes from the Senator from Michigan [Mr. BURROWS]. If this bill is not meritorious the Senator ought to be and will be able to demonstrate that fact to the Senate. Of course there will be a few individual interests injured, as is always the case by a great public improvement. This is a matter of great public interest, of great importance, in my judgment, for the welfare of this city. The few private interests which will be injured by its establishment must give way, as private interests are always required to be subordinated to the public welfare.

I simply desire to say that I feel that contested matters which have been reported from the Committee on the District of Columbia are entitled to the consideration and action of this body as well as uncontested matters, and if we can not have consideration by fixing a day by unanimous consent, very early a motion will be made to proceed to the consideration of this bill.

The PRESIDING OFFICER. The Secretary will read the request of the Senator from New Hampshire [Mr. GALLINGER].

The Secretary read as follows:

Resolved, That on Saturday, January 14, 1905, immediately after the completion of the routine morning business, the Senate proceed to the consideration, under Rule IX, of bills upon the Calendar reported from the Committee on the District of Columbia, such special order not to displace the unfinished business, House bill 14749.

Mr. BEVERIDGE. That, I understand, applies to Saturday only.

Mr. BURROWS. Mr. President, having ascertained that a single objection would not take this bill over under the proposed order, it seems to me that the request I have made is entirely reasonable. There is a very large number of bills reported from that very able committee which, of course, will occasion but very little discussion—important measures which can be readily passed.

It is perfectly evident that this particular bill will provoke discussion, and, as a result, will practically nullify the order so far as the dispatch of business is concerned. I do not say this as a matter of threat—no one has done that—but I agree with the Senator from Maine [Mr. HALE] that to eliminate this bill, which will evidently occasion debate, will facilitate the business of that committee. If it be true, as it is, as suggested by the Senator from Virginia [Mr. MARTIN], that this bill can be taken up as a separate measure upon motion, and that such a motion will be made at a very early day unless it is included in this order, I do not see how anything will be lost by excepting this bill from the order. Unless that is done I shall feel constrained for the time being to object.

The PRESIDING OFFICER. Objection is made, and the re-

quest goes over. The introduction of bills and joint resolutions is now in order.

STATUE OF FRANCES E. WILLARD.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred yesterday the letter of the governor of Illinois in regard to the acceptance by Congress, on a date to be fixed, of the statue of Frances E. Willard, to report it back, and I ask that it may lie on the table.

The PRESIDING OFFICER. The Committee on the Library will be discharged from the further consideration of the communication of the governor of Illinois.

Mr. CULLOM. I ask that the letter be laid on the table for the time being. I shall call it up at some future day.

The PRESIDING OFFICER. The request of the senior Senator from Illinois will be agreed to, and the communication will lie on the table subject to his call.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. McCOMAS introduced a bill (S. 6571) granting an increase of pension to John Van Lear; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6572) to establish a fish-cultural station in the State of Illinois; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. ALGER introduced a bill (S. 6573) granting a pension to Annie Farley Keith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 6574) authorizing the sale, with the consent of the Indians and for their benefit, of allotted lands not required for homesteads; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6575) for the disposition and control of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 6576) granting an increase of pension to Carrie M. Cleveland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 6577) granting an increase of pension to Philo J. Green; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6578) granting an increase of pension to Josiah Pearson;

A bill (S. 6579) granting an increase of pension to J. W. Foley; and

A bill (S. 6580) granting an increase of pension to Melissa E. Nelson.

Mr. McCREARY introduced a bill (S. 6581) granting an increase of pension to Mollie Tarvin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6582) granting an increase of pension to Ezekiel Vincent; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 6583) making the granting of a land warrant prima facie evidence of service in the adjudication of claims for pension under the acts of July 27, 1892, and June 27, 1902; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6584) to incorporate the trustees of the Grand Encampment of Knights Templar of the United States of America; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6585) granting an increase of pension to Lyman Marsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6586) granting an increase of pension to Laura E. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6587) for the relief of the estate of Phillip Poete, deceased;

A bill (S. 6588) for the relief of the estate of H. Pierce, deceased;

A bill (S. 6589) for the relief of the heirs of Cyrus Ratliff, deceased;

A bill (S. 6590) for the relief of the estate of Jean Baptiste Rabot, deceased; and

A bill (S. 6591) for the relief of the estate of John A. Rigues, deceased.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6592) for the relief of the estate of George Neck, sr., deceased;

A bill (S. 6593) for the relief of the heirs of Jabez Tanner, deceased, and estates of Z. York and Elias J. Hoover, deceased; and

A bill (S. 6594) for the relief of the estate of Jean Marie Tatin, deceased.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6595) for the relief of the heirs of Mary Everitt, deceased;

A bill (S. 6596) for the relief of John Wise; and

A bill (S. 6597) for the relief of T. L. Love, surviving partner.

Mr. NELSON introduced a bill (S. 6598) to amend the act of February 17, 1898, relating to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PERKINS (for Mr. FRYE) introduced a bill (S. 6599) granting a pension to Pearl M. Welch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6600) granting prize money to George W. Cromis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6601) granting an increase of pension to W. L. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 6602) granting an increase of pension to David M. Lemon; which was read twice by its title, and referred to the Committe on Pensions.

Mr. BERRY introduced a bill (S. 6603) for the relief of Laura J. Dills; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6604) for the relief of the trustees of the Methodist Episcopal Church South, of Clarksville, Johnson County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. KITTREDGE introduced a bill (S. 6605) granting an increase of pension to Simeon V. Sherwood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 6606) for the relief of the heirs of Anna Holmes Bernard, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a joint resolution (S. R. 89) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLACKBURN submitted an amendment providing for the payment of the claim of Liliuokalani, formerly Queen of the Kingdom of Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9166) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad Company into and within the District of Columbia; which, with the accompanying paper, was ordered to lie on the table, and be printed.

AMENDMENT TO STATEHOOD BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. KNOX submitted an amendment proposing to appropriate $1,500 for salary of consul at Port Deitrick, Nicaragua, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I now ask unanimous consent for the consideration of the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes. It is the bill which was up for consideration this morning, and was laid aside for a few moments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The first amendment of the Committee on Printing was, in section 1, on page 1, after line 8, to strike out down to and including line 4, on page 2, in the following words:

That hereafter the "usual" number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate and House report on a private bill, simple or concurrent resolution, 260 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies.

And in lieu thereof to insert:

That hereafter the usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate report on a private bill, simple or concurrent resolution, 345 copies, which shall be distributed as follows: To the Senate document room, 220 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies; and of each House report on a private bill, simple or concurrent resolution, 260 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies: *Provided*, That nothing contained in this act shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries.

Mr. SPOONER. I move to amend the amendment in section 1, page 2, line 23, after the word "libraries," by inserting the following proviso:

Provided, That not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Printing was, in section 2, page 3, line 6, to strike out:

There shall be printed of each Senate and House private bill 250 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; House document room, 100 copies.

And to insert:

There shall be printed of each Senate private bill, when introduced, when reported, and when passed, 300 copies, which shall be distributed as follows: To the Senate document room, 170 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies. There shall be printed of each House private bill, when introduced, when reported, and when passed, 260 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 6, before the word "concurrent," to strike out "private bills;" so as to read:

Of concurrent and simple resolutions, when reported, and after their passage by either House, only 260 copies shall be printed, except by special order, and the same shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSIONS TO FAMILIES OF INDIAN POLICEMEN.

The PRESIDING OFFICER. Resolutions are in order. If there be no concurrent or other resolutions, the routine morning business is closed, and the Calendar under Rule VIII is in order.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PETTUS. Mr. President, is there a report accompanying that bill?

Mr. McCUMBER. The report is somewhat lengthy, and possibly it would be better that I should make a statement of the conditions surrounding this bill. The bill is for the purpose of granting——

Mr. PETTUS. What committee reported the bill?

Mr. McCUMBER. It has been reported from the Committee on Pensions.

Mr. BATE. Let us have the report read.

Mr. McCUMBER. I have no objection, Mr. President, to the reading of the report. I simply suggested that it is a somewhat lengthy report.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. McCUMBER, from the Committee on Pensions, on March 7, 1904.

Mr. CULLOM. The report, as was said by the chairman of the committee who made it, seems to be quite long, and if he could make a brief statement comprehending the facts, I think it would be just as satisfactory to the Senate and probably save time. I make that suggestion, if there is no opposition to it.

Mr. BATE. There is no objection to reading the report.

Mr. CULLOM. The only objection is that it is a lengthy one, and I thought the chairman of the committee could probably state the facts much more briefly.

Mr. BATE. I do not want to be tenacious about it, but I think this is one of the cases in which the report ought to be read.

The PRESIDING OFFICER. The Senator from Tennessee asks for the reading of the report. It is in order. The reading of the report will be resumed.

The Secretary resumed the reading of the report.

Mr. BATE. I will not insist on my request.

Mr. COCKRELL. I ask that the remainder of the letter from which the Secretary is now reading be read.

The Secretary resumed and concluded the reading of the letter of T. J. Morgan, Commissioner of Indian Affairs, dated April 12, 1892.

The report in full is as follows:

[To accompany S. 3783.]

Your committee to whom was referred the bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, submits the following:

The Secretary of the Interior, in a letter dated April 21, 1892, transmitted, with a request for favorable action by Congress, a copy of a communication from the Commissioner of Indian Affairs relative to the granting of pensions to certain Indians of the Standing Rock Agency and a draft of a bill to carry the same into effect. The bill herein reported is in the form submitted by the Secretary of the Interior. The following is the letter from the Secretary of the Interior and all correspondence relating to this matter, the same having been published as Senate Executive Document No. 84, Fifty-second Congress, first session:

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1892.

SIR: I have the honor to transmit herewith, with request for favorable action by Congress, copy of a communication of 12th instant from the Commissioner of Indian Affairs, relative to the granting of pensions and medals to certain Indians of the Standing Rock Agency, together with copies of correspondence relating thereto and drafts of bills to carry the same into effect.

Inasmuch as the Indian policemen for whose benefit legislation is asked were at the time a part of the military force under immediate command of General Ruger and Colonel Drum, and their service was demanded and directed solely in accordance with orders of the military authority, which, by special order of the President, had control of this and other military movements, due deference should be paid to the commendation of these officers.

The killing of Sitting Bull was neither demanded nor directed by the Department of the Interior or under its direction.

I have the honor to be, very respectfully,
JOHN W. NOBLE, *Secretary.*

The PRESIDENT OF THE SENATE.

A bill for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pen-

sion laws, the names of the following Indians, and pay each of them a pension at the rate of $15 per month from the date of the passage of this act, namely:

Mary Bullhead, widow of Henry Bullhead, late lieutenant, United States Indian police, Standing Rock Agency, N. Dak.

Annie Shavehead, widow of Charles Shavehead, late sergeant, United States Indian police, Standing Rock Agency, N. Dak.

Shell Pipe (Mrs. James Littleeagle), widow of James Littleeagle, late sergeant, United States Indian police, Standing Rock Agency, N. Dak.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of the following Indians, and pay each of them a pension at the rate of $10 per month from the date of the passage of this act, namely:

Catherine Akicitah, widow of Paul Akicitah, late private, United States Indian police, Standing Rock Agency, N. Dak.

Red Deer (Mrs. Hawkman), widow of Hawkman No. 1, late private, United States Indian police, Standing Rock Agency, N. Dak.

Edward Armstrong, son of John Armstrong, deceased, late private, United States Indian police, Standing Rock Agency, N. Dak.

Alexander Middle, who was employed as a United States Indian police at the Standing Rock Agency during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and who subsequently had his left leg amputated by reason of a wound received during said engagement.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 12, 1892.

SIR: Under date of March 3, 1891, James McLaughlin, esq., United States Indian agent at the Standing Rock Agency, N. Dak., transmitted to this Office a list showing the names of the United States Indian police of Standing Rock Agency constituting the force which arrested "Sitting Bull" at his camp on Grand River, 40 miles southwest of Standing Rock Agency, on the morning of December 15, 1890, and suggested that a pension of at least $15 per month be given the families of Lieut. Henry Bullhead, Sergts. Charles Shavehead and James Littleeagle, and $10 per month to the families of Privates Paul Akicitah, Hawkman No. 1, and John Armstrong, who were killed in the engagement, and to Alexander Middle, who was severely wounded and who has since had his left leg amputated at the kneejoint as a result of said wound; also that each of the thirty-three policemen and four volunteers, survivors of the engagement, receive a medal commemorative of their fidelity. Said agent also transmitted extracts from his report on this engagement for the information of this Office.

Under date of January 15, 1891, this Office received, by Department reference, a communication from the honorable Secretary of War concurring in the views of Gen. Thomas H. Ruger, commanding Department of Dakota, wherein the general states that the conduct of the Standing Rock police was remarkable for fidelity as well as courage, and that some act of the Government in recognition thereof would seem fit as to those directly concerned and expedient for the encouraging effect it would have upon all the Indians of the reservation who desire to conform to the new condition of their lives.

Under date of March 5, 1892, at the request of this Office, said agent furnished this Office with the names of the surviving widows and children of the Indian police who were killed in the engagement at Sitting Bull's camp on Grand River.

Believing that the families of these Indian policemen who were killed in said engagement, and Alexander Middle, who was wounded in said engagement (and who has since had his left leg amputated as a result of said wound), should receive pensions, and also believing that the survivors (thirty-seven in number) of said engagement should each receive medal as a proper recognition of their fidelity to the Government, I have caused to be prepared, and inclose herewith, for the consideration of the Department copies of all the correspondence herein referred to, together with two drafts of bills, one providing for the granting of pensions to the families of the above-named Indians and to Alexander Middle; the other providing for the granting of medals to the survivors of the engagement, with the recommendation that same be transmitted to Congress with a view to securing proper legislation in the premises.

Very respectfully, your obedient servant,
T. J. MORGAN, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

A bill granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.

Be it enacted, etc., That the sum of $500, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated to enable the Secretary of the Interior to provide suitable medals of honor for the following-named United States Indian policemen of the Standing Rock Agency, N. Dak., survivors of the engagement which took place at Sitting Bull's camp on Grand River on December 15, 1890, viz:

Marcellus Chankpidutah (Red Tomahawk), second sergeant.
John Wambdi (Eagle Man), fifth sergeant.
Thomas Tunkah (Stone Man), private.
Louis Wahpahah (Hat), private.
Hugh Chetahohonko (Swift Hawk), private.
Luke Ptash (White Buffalo), private.
Alexander Hochokah (Middle), private.
Eugene Akichitahchigala (Little Soldier), private.
Joseph Brown Wolf (Brown Wolf), private.
Paul Hautaymaza (Iron Cedar), private.
John Ishnawichah (Lone Man), private.
Oliver Hehakawaketo (Looking Elk), private.
Dennis Wahpahaichu (Take the Hat), private.
George Iron Star (Iron Star), private.
Richard Runninghawk (Running Hawk), private.
Afraid of Hawk, special policeman.
White Bird, special policeman.
Magpie Eagle, special policeman.
Iron Thunder, special policeman.
Paints Brown, special policeman.
Weasel Bear, special policeman.
Rooster, special policeman.
High Eagle, special policeman.
Good Voiced Eagle, special policeman.
Red Bear, special policeman.
Bad Horse, special policeman.
Cross Bear, special policeman.
Black Pheasant, special policeman.
One Feather, special policeman.
Walking Shooter, special policeman.
Good Voiced Elk, special policeman.
Cetanwicaste (Hawkman No. 2), special policeman.
Brown Man, special policeman.
Gabriel Waublihota (Gray Eagle), volunteer.
Otter Robe, volunteer.
Spotted Thunder, volunteer.
Young Eagle, volunteer.

[Telegram.]

WASHINGTON, *December 30, 1890.*

To JAMES MCLAUGHLIN,
U. S. Indian Agent, Standing Rock Agency, N. Dak.:

Send me report immediately stating exactly order given for police to go to Sitting Bull's camp to arrest him, from whom received and when, and all tending to show origin of order, its nature, the superintendence of its execution, the taking of the body of Sitting Bull, and what disposition was made of it.

JNO. W. NOBLE, *Secretary.*

[Telegram.]

FORT YATES, N. DAK., *December 30, 1890.*

Hon. SECRETARY OF THE INTERIOR,
Washington, D. C.:

The division commander's order, received on the 12th instant by telegram to the post commander at Fort Yates, directs the latter to "make it his especial duty to secure the person of Sitting Bull and call on the Indian agent to cooperate and render such assistance as would best promote the purpose in view."

After the receipt of this telegram a consultation was held between the post commander and myself, when it was decided that the arrest be made on the twentieth (20th) instant, when most of the Indians of Sitting Bull's camp would be absent from there receiving their rations at agency. Information reached me on the evening of 14th that Sitting Bull was preparing to leave the reservation, which I reported to the post commander, who ordered the arrest made at once, and it was arranged to send the police to the camp for that purpose, and for the troops to leave the post and reach their destination in time to prevent a rescue. Under my instructions to cooperate with the military, and in pursuance of the arrangement between the post commander and myself, I issued the order to the police. My action was governed by previous telegraphic instructions of December 1 and 5 from the Indian Office directing me to cooperate with the military.

Full details with copies of orders and instructions have heretofore been forwarded to Indian Office, but I will send copies, if required, as soon as they can be prepared. The body of Sitting Bull was brought to this agency by the troops and is buried in the Fort Yates military cemetery.

JAMES MCLAUGHLIN,
United States Indian Agent.

[P. B. Night. Collect.]

The above telegram was delivered to the operator, but had not been sent when the telegram of which a copy is given below was received. Copy by mail was sent and the original returned to the agency.

[Telegram.]

WASHINGTON, *December 30, 1890.*

To JAMES MCLAUGHLIN,
United States Indian Agent, Fort Yates, N. Dak.:

Your report has been received, which renders it unnecessary for you to reply further to telegram of this morning.

JOHN W. NOBLE,
Secretary.

UNITED STATES INDIAN SERVICE,
STANDING ROCK AGENCY,
Fort Yates, N. Dak., January 23, 1891.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your communication of January 12, 1891, L. 26, 1891, in which, referring to my report of December 24, 1890, it is stated that the authority under which I cooperated and the Indian police acted in the matter of the capture and killing of Sitting Bull on the 15th of December last is not directly stated and specifically set out, and calling for further report in this particular.

I invite a perusal of the concluding paragraph of my report of December 16, in which I state that copies of telegrams showing the authority under which the Indian police were engaged in the arrest of Sitting Bull were inclosed. These copies consist as follows:

(1) Office telegram of December 1, in which the following order appears: "You will, as to the operations intended to suppress any outbreak by force, cooperate with and obey the orders of the military officers commanding on the reservation in your charge."

(2) Office telegram of December 5, 1890, states: "Replying to your telegram of this date Secretary directs that you make no arrests whatever, except under orders of the military or upon an order of the Secretary of the Interior."

(3) Telegram dated December 12, 1890, from General Ruger, commanding the Military Department of Dakota, to Col. W. F. Drum, commanding officer Fort Yates, which is in the following words: "The division commander has directed that you make it your especial duty to secure the person of Sitting Bull. Call on Indian agent to cooperate and render such assistance as will best promote the purpose in view."

* * * * * * *

Upon receipt of the letter written for Bull Head by John M. Carrignan, teacher of the Grand River day school, dated December 14, 1890, 12.30 a. m., a copy of which was furnished with my report of December 16, 1890, Lieut. Col. W. F. Drum, United States Army, commanding Fort Yates, ordered the arrest, and acting under previous instructions to cooperate, I issued the orders to the Indian police directing them to proceed to Sitting Bull's camp and make the arrest the following morning and bring him in toward the agency until they met the troops to which command they were to deliver the prisoner or, escorted by the military, bring him through to the post of Fort

Yates, as might be determined by the officer commanding the detachment of troops. The orders to the police referred to above is in the following words:

[Translation from the Sioux.]

STANDING ROCK AGENCY, N. DAK.,
December 14, 1890.

AFRAID OF BEAR AND SHAVE HEAD:

I am in receipt of the letter you sent by Courier Hawkman, and I have come to the conclusion that the time has come to arrest Sitting Bull. I am afraid that if we should put it off any longer that he will get away from us, so to-night you will proceed to his house and arrest him before daybreak. Loule will lead the troops down on the road you suggested to Oak Creek crossing and stop there—I mean the Sitting Bull and Spotted Horn Bull crossing of Oak Creek, where I told you to build the station—and they will await you there. If anything should happen you will bring the news to the troops immediately.

I am your agent who says this.

JAMES MCLAUGHLIN.

("Afraid of Bear" is the same person referred to in the affair as "Bull Head," and the letter referred to as sent by courier is the one written for Bull Head and signed by John M. Carrignan, hereinbefore referred to.)

All preliminary orders given by me to the police were verbal, as well as the orders from Colonel Drum to me. The plan of the arrest, together with the disposition of the police and troops, was decided upon in consultation, both of us concurring after a joint careful study of the situation.

I do not see that I can further improve my reports of December 16 and 24 so as to make more clear the nature of the orders under which I and the police acted in this matter. It was in cooperation with the military, who had determined upon the arrest of Sitting Bull, and in pursuance of Colonel Drum's direct verbal orders, that I gave all final orders to the police, who were, in this case, what may be termed "concomitants of the military."

I invite attention to that part of my report of December 24, commencing at page 6, which details all the preparations made for the final arrest; that these preparations were made, as far as I was concerned, with the full knowledge and by previous arrangement with the post commander and under his instructions.

I submit inclosed copies of correspondence with the honorable Secretary of the Interior for the information of the honorable Commissioner.

I am, sir, very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
United States Indian Agent.

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minn., January 1, 1891.

SIR: I have the honor to forward herewith a letter received from United States Indian Agent James McLaughlin, of Standing Rock Agency, in reply to a letter from me, in which I stated that I should be glad to do what I might to present for consideration the question of reward for the Indian police taking part in the arrest of Sitting Bull and resisting the attack made on them by his followers in an attempt for his rescue, and also that of provision for the families of the policemen who were killed.

The conduct of these policemen is remarkable for fidelity as well as courage, and some act of the Government in recognition thereof would seem fit as to those directly concerned, and expedient for the encouraging effect it would have upon all the Indians of the reservation who desire to conform to the new condition of their lives.

I make no suggestion as to what action would be advisable in a matter which pertains especially to the Interior Department, my object being principally to add official expression of opinion, in concurrence with that of the commanding officer of Fort Yates, relative to the matter presented.

The list of the policemen who were killed or died of wounds has, as I understand, been reported by the Indian agent, with all the facts, to the Interior Department.

Very respectfully, your obedient servant,

THOS. H. RUGER,
Brigadier-General, Commanding.

The ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.

(Through Headquarters Division of the Missouri.)

WAR DEPARTMENT, *January 13, 1891.*

Respectfully referred to the Secretary of the Interior for his information, and concurring in the views of General Ruger.

REDFIELD PROCTOR,
Secretary of War.

Referred to the Commissioner of Indian Affairs for his consideration and an expression of his views.

J. W. NOBLE, *Secretary.*

JANUARY 15, 1891.

UNITED STATES INDIAN SERVICE, STANDING ROCK AGENCY,
Fort Yates, N. Dak., Agency, December 22, 1890.

GENERAL: I have the honor to acknowledge receipt of your letter of the 17th instant, by which you kindly offer to unite in promoting any recommendation for suitable reward to the survivors of the police force in the Grand River fight on the 15th instant, and for provision for the families of the killed. I am very glad to receive this offer, as it shows that the service rendered by the police is recognized by the department commander and that he considers a reward merited. I shall feel grateful for any suggestions which may assist in promoting the object in question.

I have already represented the matter to the Indian Office, with a request that the cooperation of the War Department be secured. I have also furnished to Senator G. A. Pierce, of North Dakota, a full account of the affair (with a copy of the department commander's letter of the 17th instant) with a view to obtaining his action in presenting and supporting a bill in Congress. In the meantime I shall be glad to receive your support in what has already been done by any special representation to the War Department or otherwise, as may be deemed best, and to act upon any suggestion which you think advisable to make, and also to furnish any information that may be needed and in my power to furnish which is not already in the hands of the military authorities.

I am, sir, very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
United States Indian Agent.

Gen. T. H. RUGER,
Commanding the Department of Dakota, St. Paul, Minn.

[First indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, January 5, 1891.

Respectfully forwarded to the Adjutant-General of the Army.

E. L. HUGGINS,
Captain, Second Cavalry, A. D. C.,
Acting Assistant Adjutant-General.
(In the absence of the division commander.)

UNITED STATES INDIAN SERVICE,
Standing Rock Agency, March 3, 1891.

SIR: I have the honor to inclose herewith papers which, as the indorsements indicate, were intended to be handed to United States Senator Pierce, of North Dakota, for the purpose stated in the indorsements, but owing to the adverse criticisms of the press of the country, which was ignorant of the facts, the papers were withheld and not given to Senator Pierce at the time, and since his defeat for reelection as Senator, and it being so near the end of the session of which he is a member, it was considered useless to do so; I therefore send them to the Department, where they may be of some assistance in obtaining relief for the Indian police.

I would respectfully suggest that a pension of at least $15 per month be given the families of Lieut. Henry Bullhead and Sergts. Charles Shavehead and James Little Eagle; and $10 per month of privates Paul Akicitah, Hawkman No. 1, and John Armstrong, who were killed in the engagement, and to Alexander Middle, who was severely wounded, and who will probably yet lose his foot, as he is still confined in the hospital and recovery very doubtful; also that each of the 33 policemen and 4 volunteers, survivors of the engagement, receive a medal commemorative of their fidelity, and payment at the rate of $50 per head for ponies they had killed and those that stampeded during the fight, which latter were subsequently picked up and taken off by the Indians opposed to them, who fled from the reservation at that time.

I am, sir, very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

Names of the United States Indian police of Standing Rock Agency, N. Dak., constituting the force which arrested "Sitting Bull" at his camp on Grand River, 40 miles southwest of Standing Rock Agency, on the morning of December 15, 1890. (All are full-blood Sioux Indians.)

ROLL OF HONOR.

Henry Tataukapah [a] (Bull Head), first lieutenant.
Charles Kashlah [a] (Shave Head), first sergeant.
Marcelus Chaukpidutah [a] (Red Tomahawk), second sergeant.
James Wambdichigalah [a] (Little Eagle), fourth sergeant.
John Wambdi (Eagle Man), fifth sergeant.
Thomas Tunkah (Stone Man), private.
Louis Wahpahah (Hat), private.
Hugh Chetahohonko (Swift Hawk), private.
Paul Akicitah [a] (Afraid of Soldier), private.
Luke Ptasah (White Buffalo), private.
Alexander Hochokah [b] (Middle), private.
Eugene Akichitahchigala (Little Soldier), private.
Joseph Brown Wolf (Brown Wolf), private.
Paul Hantamaza (Iron Cedar), private.
John Ishnawichah (Lone Man), private.
Oliver Hehakawaketo (Looking Elk), private.
Dennis Wahpahaichu (Take the Hat), private.
George Ironstar (Iron Star), private.
Richard Runninghawk (Running Hawk), private.
Afraid of Hawk, special police.
White Bird, special police.
Hawk Man, No. 1, [a] special police.
Magpie Eagle, special police.
Iron Thunder, special police.
Paints Brown, special police.
Weasel Bear, special police.
Rooster, special police.
High Eagle, special police.
Goodvoiced Eagle, special police.
Red Bear, special police.
Bad Horse, special police.
Cross Bear, special police.
Black Pheasant, special police.
John Armstrong, [a] special police.
One Feather, special police.
Walking Shooter, special police.
Good Voiced Elk, special police.
Cetanwicaste (Hawk Man No. 2), special police.
Brown Man, special police.
Gabriel Wanbilhota (Gray Eagle), volunteer.
Otter Robe, volunteer.
Spotted Thunder, volunteer.
Young Eagle, volunteer.

A total of 43 imperfectly armed police, opposed to about 100 Indians of Sitting Bull's followers, whom they routed, driving them from the field and into the adjoining woods, holding the battle ground with all the killed and surviving women and children, also Sitting Bull's corral, which was filled with horses prepared for his flight, and which the ghost dancers made extraordinary efforts to secure, but it was held by the police with great courage and coolness. After having been fighting for about two hours, and securing possession of all the buildings near by, and the attacking Indians being driven from the field at all points, they (the police) carried their dead and wounded into Sitting Bull's house and maintained their organization splendidly.

When the detachment of the Eighth United States Cavalry came in sight on the hill overlooking Sitting Bull's camp, about 1,500 yards distant, the police raised a white flag from the corral to show where they were, but notwithstanding this a shell was thrown from a Hotchkiss gun which struck and exploded a few rods from them, upon which Red Tomahawk paraded his men to show who they were, but their identity could not be established by the officers from that distance, and the latter, believing them to be hostiles, caused another shell to be thrown, which exploded about 4 rods from the police, whereupon Red

[a] Dead. [b] Wounded.

Tomahawk mounted a horse and taking a white flag rode out to the command to save further mistake; and when Lieut. S. A. Slocum, commanding F Troop, Eighth Cavalry, arrived on the ground, Sergt. John Engleman, then in charge, paraded the policemen, aligning them directly in front of the dead, advanced to the front of his column, and saluted on the approach of the command.

There were one lieutenant and four sergeants of the police force in the engagement, and at the first fire Lieut. Bull Head and First Sergt. Shave Head were severely wounded and Fourth Sergt. Little Eagle killed. Red Tomahawk, second sergeant, then assumed command, which he conducted with great skill and courage throughout the remainder of the fight. He was ably assisted by Fifth Sergt. Eagle Man, who remained near him, and by Gray Eagle, a volunteer, who took charge of the party holding the corral filled with horses belonging to the Sitting Bull Indians. In a word, every man did his duty unflinchingly, entitling them to some especial recognition for their great services, as this battle, upholding the authority of the Government, should go down to history as one of the most remarkable on record, showing the fidelity and loyalty of the Indian police in obeying orders and maintaining the integrity of the Government against their own people, some of them having fathers and brothers in the ranks opposing them.

The police had no men to spare to hold their horses, and being all obliged to dismount to be of the most service, and their horses being left untied, ten of them, with saddles, were taken by the Sitting Bull Indians, and four horses were killed during the fight. The police also took off their overcoats so as to be better prepared for what might arrive, and left them with their blankets tied to the saddles taken by the hostiles. All these articles and horses being taken are lost to the police.

JAMES MCLAUGHLIN,
United States Indian Agent.

STANDING ROCK AGENCY, N. DAK.,
December 20, 1890.

NOTE.—Horses, saddles, bridles, blankets, and overcoats were private property of police.

Extracts from the report of James McLaughlin, United States Indian agent, on the engagement of the morning of the 15th December, 1890, between the Indian police of the Standing Rock Agency and hostile Indians at Grand River, N. Dak., upon the occasion of the arrest of Sitting Bull by the agency police.

[Telegram.]

FORT YATES, N. DAK., *December 15, 1890.*

COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.:

Indian police arrested Sitting Bull at his camp 40 miles southwest of agency this morning at daylight. His followers attempted his rescue and fighting commenced. Four policemen killed and three wounded. Eight Indians killed, including Sitting Bull and his son, Crow Foot, and several others wounded. Police were surrounded for some time, but maintained their ground until relieved by United States troops, who now have possession of Sitting Bull's camp, and all women, children, and property. Sitting Bull's followers, probably 100 men, deserted their families and fled west up Grand River. Police behaved nobly and great credit is due them. Particulars by mail.

MCLAUGHLIN, *Agent.*

STANDING ROCK AGENCY, N. DAK., *December 16, 1890.*

SIR: The troops left Fort Yates at 12 p.m. on the night of Sunday the 14th instant, for Grand River, with Louis Prineau as guide, and my Indian police, who were then at Grand River or en route, were instructed to arrest Sitting Bull when the troops were sufficiently near to afford them protection in case of resistance to the arrest.

At daybreak on Monday morning, the 15th, the police[a] went to Sitting Bull's camp, direct to his house, and surrounded it. A detail was sent into the house, where Sitting Bull was sleeping on the floor, the remainder staying outside. They aroused him and announced their purpose, at the same time raising him to a sitting position. He at first seemed inclined to offer no resistance, and they allowed him to dress, during which time he changed his mind, and they took him forcibly from the house.[b] By this time the police were surrounded by Sitting Bull's followers, members of the "ghost dance," and the first shot was fired by Catch the Bear, one of the hostiles, and the lieutenant of police, Henry Tataukapah (Bull Head), who was in command of the detachment of forty-two[c] men, was struck. The fighting then became general; in fact, it was a hand-to-hand fight. Sitting Bull was killed, shot through the body and head in the early part of the fight by Bull Head and Marcelus Chankipidutah (Red Tomahawk), who each shot at him. Four policemen were killed outright and three wounded, one of the latter dying at the agency hospital this morning after his removal there. Bull Head, the lieutenant of police, is dangerously wounded, but may recover.

The hostile Indians lost eight killed and several wounded and were driven from the field by the police; they fled up Grand River, leaving their wives and families and all their property and dead behind them. Two troops of the Eighth United States Cavalry (100 men) arrived on the ground immediately after the fight,[d] which had occupied less than half an hour, and took possession of the camp, its inhabitants, property, and dead. The military did not pursue the fleeing hostiles, and the latter will no doubt fall into the hands of some one of the commands moving at the different points west or south of the agency.

* * * * * * * *

The details of the battle show that the Indian police behaved nobly and exhibited the best of judgment and bravery, and a recognition by the Government for their services on this occasion is richly deserved and should be promptly given, with a substantial allowance for the families of those who are dead and also for the survivors, to show that the Government recognizes the great service that has been done for the country in the result of yesterday's fight.

[a] Number of regular Indian police, 19; special police (Indians), 20; volunteer Indians, 4; total engaged in arrest, 43.
[b] See Captain Fechet's report, extract attached.
[c] Three of the number had been sent to some other point on special duty, reducing this number to 39.
[d] The troops, it has been ascertained, did not arrive until two hours after the commencement of the fight, showing that the police held their position.

I respectfully urge that the Interior Department cooperate with the War Department in obtaining Congressional action which will insure to these brave survivors and to the families of the dead a full and generous reward. Besides the Indian police there were four volunteers, viz, "Gray Eagle," "Spotted Thunder," "Otter Robe," and "Young Eagle," who participated in the fight, rendering good service and deserving like recognition. "Gray Eagle" (Gabriel Wanblihotah) is one of the judges of the court of Indian offenses, and his two sisters are Sitting Bull's wives. Until about seventeen months ago he was Sitting Bull's main support.

CASUALTIES IN THE POLICE FORCE.

Henry Tataukapah (Bull Head), first lieutenant in command, dangerously wounded, four wounds. (Since dead.)
Charles Kashlah (Shave Head), first sergeant, mortally wounded. (Since dead.)
James Wambdichigalah (Little Eagle), fourth sergeant, killed.
Alexander Hochokah (Middle), private, painfully wounded.
Paul Akichitah (Afraid of Soldier), private, killed.
John Armstrong, special police, killed.
Hawk Man No. 1, special police, killed.

* * * * * * * *

A large majority of the Indians of this agency are loyal to the Government, and universal satisfaction is expressed by them, as it ends the ghost craze here.

While this conflict, causing the loss of some of our best (noble and brave) policemen, is to be very much regretted, yet the great good accomplished by the ending of Sitting Bull's career, whose influence has been of such a retarding nature, and the determination of the police manifested in maintaining the will of the Government is most gratifying. * * *

I am, etc.,

JAMES MCLAUGHLIN,
United States Indian Agent.

Hon T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

Extracts from the report of Capt. E. G. Fechet, Eighth Cavalry, commanding the detachment of cavalry sent to Grand River on the morning of December 15, 1890, to aid Indian police in case of resistance in the arrest of Sitting Bull.

FORT YATES, N. DAK., *December 17, 1890.*

SIR: * * * The command moved out at midnight the 14th, and by rapid marching was, by daylight, within 3 miles of Sitting Bull's camp, which is fully from 41 to 42 miles from Fort Yates. After daybreak I expected every minute to meet the Indian police with Sitting Bull their prisoner, it having been arranged by Major McLaughlin, Indian agent, that they would make a descent upon Bull's camp about daybreak, arresting Bull and delivering him to me for conduct to the post. It will be seen by reference to the first paragraph of the order referred to that the command was to proceed only to the crossing of Oak Creek, which was 18 miles from Sitting Bull's camp. After receiving this order, on consultation with Colonel Drum, commanding the post, it was decided to move as close to Bull's camp as possible without discovery, and there await the police. A short time after dawn a mounted man was discovered approaching rapidly. This proved to be one of the police, who reported that all the other police had been killed. The substance of his report, with additional statement that I would move in rapidly and endeavor to relieve any of the police who might be alive, I forwarded to the commanding officer.

* * * * * * * *

The command was moved with all possible speed to a point on the highlands overlooking the valley of Grand River and immediately opposite Sitting Bull's house and the camp of the ghost dancers, distant some 1,500 yards.

* * * * * * * *

Upon arriving at this place[a] I found evidences of a most desperate encounter between the agency police and Sitting Bull's followers. In the vicinity of the house, within a radius of 50 yards, there were found the dead bodies of eight hostiles, including Sitting Bull; two horses were also killed. Within the house there were found four dead and three wounded policemen.[b] It was learned through the interpreter that the hostiles had carried away with them one of their dead and five or six of their wounded, making an approximate total of fifteen casualties.

From the best evidence obtainable I am led to believe that the Indian police, under the command of Bull Head and Shave Head, about fifty[c] strong, entered Sitting Bull's camp about 5.30 a. m. on the 15th for the purpose of making the arrest of Sitting Bull. Sitting Bull was taken from his house, and while the police were parleying with him, endeavoring to induce him to submit peacefully, Bull Head was shot by Catch the Bear in the leg.

Bull Head immediately shot and killed Sitting Bull, when the mêlée became general, with the results given. The fight lasted but a few moments, when the police secured the house and stable adjoining, driving Sitting Bull's men from the village to cover in the adjoining wood and hills. From these positions the fight was kept up until about 7.30 a. m., when the troops came up. I learn that soon after the occupation of the house and stable by the police, volunteers were called for to carry a report of the situation back to the approaching troops. Hawk Man offered to perform this perilous service, and at the imminent risk of his life, assisted by Red Tomahawk, he effected his escape, being shot through his coat and gloves while engaged in the attempt. This was the first scout met by the command.

* * * * * * * *

I can not too strongly commend the splendid courage and ability which characterized the conduct of the Indian police commanded by Bull Head and Shave Head throughout the encounter. The attempt to arrest Sitting Bull was so managed as to place the responsibility for the fight that ensued upon Sitting Bull's band, which began the firing. Red Tomahawk assumed the command of the police after both Bull Head and Shave Head had been wounded, and it was he who, under circumstances requiring personal courage to the highest degree, assisted Hawk Man to escape with a message to the troops.

After the fight no demoralization seemed to exist among them, and they were ready and willing to cooperate with the troops to any extent desired.

* * * * * * * *

E. G. FECHET,
Captain, Eighth Cavalry, Commanding.

The POST ADJUTANT.

[a] Sitting Bull's house.
[b] These had been taken inside by their brother policemen.
[c] Thirty-nine police; four volunteers.

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minn., December 17, 1890.

SIR: Referring to telegram of this date from the commanding officer Fort Yates, recommending that some recognition and reward should be bestowed on your Indian police for their fidelity and bearing in the arrest of Sitting Bull and the consequent encounter with his followers, it will give me pleasure to unite with you in promoting any recommendation you may make for suitable reward to those who are entitled, and provision for the families of those who were killed.

Very respectfully, your obedient servant,

THOS. H. RUGER,
Brigadier-General, Commanding.

Maj. JAMES MCLAUGHLIN,
United States Indian Agent.
(Through commanding officer Fort Yates, N. Dak.)

UNITED STATES INDIAN SERVICE,
Standing Rock Agency, March 5, 1892.

SIR: I have the honor to acknowledge receipt of office letter of February 26, 1892 (Land 1931, 3383, 3391, 9189, 9191), calling for the names of the surviving widows, mothers, or dependent minor children of the Indian police who were killed in the engagement at Sitting Bull's camp on Grand River, December 15, 1890, etc.

In reply I respectfully invite attention to the following list:

Name and rank of policemen killed.	Names of surviving widows, mothers, or dependent minor children of the deceased.	Age.	Relationship to deceased.
Henry Bullhead, lieutenant	Mary Bullhead	41	Widow.
	Ada Bullhead	9	Daughter.
	John Bullhead	4	Son.
	Peter Bullhead	69	Father.
	Mary Bullhead	67	Mother.
Chas. Shavehead, sergeant	Annie Shavehead	42	Widow.
	Jerome Shavehead	16	Son.
	Frances Shavehead	14	Daughter.
	Benedict Shavehead	10	Son.
	Mary Shavehead	9	Daughter.
	Joseph Shavehead	6	Son.
	Henry Shavehead	1	Do.
James Littleeagle, sergeant	Shell Pipe (Mrs. James Littleeagle).	49	Widow.
	Henry Littleeagle	16	Son.
Paul Akicitah, private	Catherine Akicitah	56	Widow.
	Alfred Akicitah	9	Son.
	Lucy Tinza (married)	25	Daughter.
Hawkman No. 1, private	Red Deer (Mrs. Hawkman)	30	Widow.
	Lena Hawkman	12	Daughter.
	Anna Hawkman	10	Do.
John Armstrong, private	Edward Armstrong	10	Son.

Alexander Middle, who was wounded by a shot in the left foot in the same engagement, has lately had his left leg amputated at the kneejoint, resulting from the wound. He certainly should be pensioned, as he has a wife and two adopted children, aged 15 and 7, respectively, dependent upon him.

The medals, as recommended in my letter of March 3, 1901, will have an excellent effect, and I strongly urge that they be furnished for the full number of 43 participants in the engagement, those for the dead to be given to their children.

I am, sir, very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

The passage of this bill is recommended when amended as follows:

In line 7, page 1, of the bill strike out the word "fifteen" and insert in lieu thereof "twelve."

In line 8, page 2, of the bill strike out the word "ten" and insert in lieu thereof "twelve."

In line 16, page 2, of the bill strike out the semicolon before the word "Alexander" and insert: "*Provided, however,* That."

In line 21, page 2, of the bill, after the word "engagement," add the following: "shall be paid a pension of $20 per month from the date of the passage of this act."

Mr. McCUMBER. Mr. President, I think it proper to make a very brief statement with respect to this bill.

It is to pension the families of those Indian policemen who were killed in the capture of Sitting Bull and also those who were wounded in that conflict. The Department of the Interior directed the agent at Standing Rock, at the time of these troubles, to cooperate and be under the direction of General Ruger, then in command of the division of the Territory of Dakota. A command was given by the commanding officer to arrest Sitting Bull at his camp. To carry this command into effect, the agent was directed to select a number of Indian police, together with special police, who were gathered together for that purpose. They numbered about 41. The band of Sitting Bull at that time numbered, I believe, about 160. The arrest was made, but while an attempt was being made to induce Sitting Bull to yield without making any resistance, the policeman in charge was killed or was shot or wounded.

A battle immediately ensued between the 41 Indian policemen and the 160 Indians under Sitting Bull. It lasted for about two hours. The result of the conflict was that seven of the policemen, I think, were killed outright and others were wounded. Sitting Bull's followers were defeated, and his stores, horses, etc., captured.

I desire to state particularly that these Indian policemen, under the direction of the Department of the Interior and under the command of the officer in charge, General Ruger, were practically mustered into the service of the United States for the purpose of securing Sitting Bull and his provisions, etc. This has been recommended not only by General Ruger, but also by the Department of the Interior. We have amended the bill so that it simply places all upon the same footing, namely, $12 a month, except in the case of the policeman who lost his leg and is still surviving. He is placed at the rate of $20 a month, a little less than what is usually accorded in such cases, I believe.

Mr. TILLMAN. Mr. President, I rise for the purpose of asking the chairman of the Committee on Pensions in what respect these Indian police differ from the Filipino constabulary. I heard him say in his explanation that these men were practically in the military service, but they were not in the military service. While I am not objecting to this matter at all, I had occasion to introduce a bill to pension the dependent mother of a gallant soldier from South Carolina who had been in the Army three years, who made an admirable record, so much so that he was given a position as a lieutenant in the constabulary in the Philippines, and who was killed in the line of duty, practically in the military service of the United States. A pension was refused his dependent mother.

I really think the two are on all fours, and I do not see why one should get a pension and the other not, especially when one is a white man and the other an Indian.

Mr. McCUMBER. These Indians were not simply practically in the military service, but they were actually in the military service——

Mr. TILLMAN. So was this Filipino constable.

Mr. McCUMBER. And not only under the command and direction of the Secretary of the Interior, but under the command of the War Department. They were in fact mustered into the service and performed service in that engagement. The claim is certainly a very just one.

Answering briefly the statement of the Senator in reference to the person who was in the constabulary in the Philippines, I believe, as I now remember, that the committee found that he was not in military service at the time, and that the constabulary were not under the military wing at that time.

Mr. TILLMAN. I want to say——

Mr. McCUMBER. And that being the case, under the rules it was absolutely necessary to reject the application in that particular case.

It had full and fair consideration. It was found to be entirely outside of the rules, and if we opened up our rules to allow cases of that kind, there is no telling the number of applicants who would come in for pensions who were not really in the Army or serving in the Army.

Under the rules of the Committee on Pensions, though one is not a regularly enlisted soldier, if he actually served at the time in the Army and received wounds or disabilities while he was serving he is entitled to a pension. In the case of the constabulary in the Philippines, they were not under the arm of the military at that time, as I remember.

Mr. TILLMAN. Mr. President, I have not the papers, because they are on file in the Committee on Pensions, but I will state my recollection of the facts. I want to ask the Senator from North Dakota whether it is not true that the Filipino constabulary are under the military orders of the Army over there? Are they not under the orders of the commanding general and of those who have charge of our forces?

Mr. McCUMBER. I understand they are not. But though they might have been at that time, in the particular instance that is referred to by the Senator the party who was killed was not under the orders of the Army.

Mr. TILLMAN. All I know, as I recall the facts, is that this officer met his death gallantly. He had a military burial. I have letters which are with the Pension Committee which show that the Pension Office itself plainly expressed an earnest desire that the pension should be granted, but that technically the law prohibited it, because he was not in the military service. Now, these men were not in the military service.

Mr. McCUMBER. I beg to differ with the Senator. They were in the military service——

Mr. TILLMAN. Oh, well.

Mr. McCUMBER. As the Senator will see by reading the report.

Mr. TILLMAN. The Senator would not let the report be read, and his explanation does not explain.

Mr. McCUMBER. That portion of the report was read. I did not object in any way to the report being read, and I am willing that its reading shall be finished if the Senator desires that it shall be.

Mr. TILLMAN. When the Senator's statement does not parallel the fact, we must object to his deduction.

Mr. McCUMBER. On the very first page, which has been read,

and which the Senator undoubtedly understood, are these words from John W. Noble:

Inasmuch as the Indian policemen, for whose benefit legislation is asked, were at the time a part of the military force under immediate command of General Ruger and Colonel Drum, and their service was demanded and directed solely in accordance with orders of the military authority, which, by special order of the President, had control of this and other military movements, due deference should be paid to the commendation of these officers.

I do not know how anything could be made more clear.

Mr. TILLMAN. I am not objecting to this bill at all. I am only complaining of the discrimination. I do not charge it, but it looks that way. These Indian scouts or policemen were there alone. General Ruger was, I do not know how many, miles away. They went in and undertook to capture Sitting Bull and succeeded in defeating him, as the Senator has just said.

Now, this Filipino scout I speak of, or this member of the constabulary, was killed under expressly similar conditions. Practically he was in the service of the military of the United States. He had been for four years. He had just been mustered out and given a position as lieutenant; and yet he is turned down. I do not want to see these people kept from getting a pension, but it is strange that it takes ten or twelve years to get it. This letter from Secretary Noble was written in 1892. Why should it be delayed so long if there is not a hitch somewhere? Why does it take a special bill to do it? And when I bring in a special bill here to give the dependent mother of a man from the South the same privileges it is kicked overboard.

Mr. McCUMBER. A great many bills have been delayed more than ten years.

Mr. PLATT of Connecticut. May I call the attention of the Senator from South Carolina to what Mr. McLaughlin, the Indian agent, says about these police? He says the police "were, in this case, what may be termed concomitants of the military."

Mr. TILLMAN. Ah! The constabulary in the Philippines are certainly concomitants or allies or something else of the military. I am not attacking the Pension Committee, and there is no need for the Senator from Connecticut to aid the Senator from North Dakota. I simply say here is a direct proof to my mind that there is discrimination in these two cases.

I was obtuse. I am now told by a Senator that the Senator from Connecticut was endeavoring to take my side of the case. But I am not a hair-splitting lawyer, and the very fact that he went into the debate gave me a kind of an idea that possibly he was agreeing with his friend in his rear.

Let these people have their pensions, but all I contend for is that when conditions arise in the Philippines in which a gallant soldier, who has merely been transferred from the regular service to the irregular service—a constable—is killed under military orders in the line of duty, let his relatives get a pension. I hope the Senator will take up our bill and find some merit in it after he has passed this one.

Mr. McCUMBER. If the Senator can establish to the satisfaction of the committee that the individual for whom he pleads was killed while in the service of the United States——

Mr. TILLMAN. He was killed as a concomitant in aid of the service of the United States.

Mr. McCUMBER. And under military orders, in any possible way, there is no question but that a bill will be favorably reported.

Mr. TILLMAN. If the Senator will put on the same spectacles which enable him to see the merits of this case, I will not have a word to say.

Mr. McCUMBER. I think I can see the merits of the case, and I think the unanimous report of the Senate Committee on Pensions will justify me in saying that we have attempted in every possible way to do exact justice to the party referred to. The evidence shows, and there is no dispute about it, that the constabulary were not under the control of the Army at that time, and that this individual did not lose his life under military orders or in the military service. Had he done so, his case would have come clearly within the rule.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. I will yield again, if the Senator wishes.

Mr. TILLMAN. I want him to get through.

Mr. McCUMBER. But I wish the Senator to understand that there has been no discrimination made as against the interest of any soldier or anyone acting under the Government simply because he came from one section of the United States and not from another, as implied by the Senator's remarks.

Mr. TILLMAN. If the Senator is sensitive about my hint that there might be some reason——

Mr. McCUMBER. I am not sensitive about it at all.

Mr. TILLMAN. Found in the fact that this man whom I am trying to represent came from South Carolina, while these Indian widows come from North Dakota, I beg to apologize and to withdraw the intimation even that he and his committee are not trying to deal fairly. I am merely speaking about the broad fact. The Senator knows that the constabulary of the Philippines are a part of the military service, because the entire Philippines are under the military service. There is no civil government there. It is nothing more than a humbug and a pretense at the present time.

Mr. McCUMBER. I supposed the Philippine Islands were under civil rule and not military rule at the present time. If the Senator can convince me otherwise——

Mr. TILLMAN. The Senator's supposition is contrary to the fact, and I can not help the Senator's supposition. The Senator ought to know, if he knows anything, that the Philippines are under the War Department.

Mr. McCUMBER. I supposed there was a Commission which, under the law of Congress, was practically governing the Philippine Islands at the present time——

Mr. TILLMAN. They are making a pretense of giving a civil government.

Mr. McCUMBER. And that they are not under military law.

Mr. TILLMAN. They are giving a pretense of civil government, but the actual fact is that the War Department controls.

Mr. McCUMBER. It is a civil government de facto at least.

Mr. TILLMAN. It is a military government de facto, with a sham of civil government.

Mr. McCUMBER. I will ask the Senator if he has any objection to this bill?

Mr. TILLMAN. I have no objection to this bill, but I want the Senator to get the same spectacles or microscope or other instrument with which he discovered the merits of this case and look at the one I presented.

Mr. McCUMBER. I think we have done that.

Mr. TILLMAN. They are on all fours.

Mr. McCUMBER. We have done so.

Mr. LODGE. I want to ask a question for information from the Senator from North Dakota, the chairman of the Committee on Pensions. I understand that the bill to which the Senator from South Carolina refers asked for a pension for a dependent mother.

Mr. TILLMAN. Yes.

Mr. LODGE. I should like to ask the chairman of the committee if it is the practice of that committee to grant pensions to dependent mothers, because I have had some such cases and was told they were all against the rule.

Mr. McCUMBER. They do not come within our rule ordinarily, unless the rule——

Mr. TILLMAN. This is not an ordinary case, or these people would have been pensioned twelve years ago. This is an extraordinary case, in which the people are not pensionable under the statute, and you bring in a special bill to give them a pension, and you put on your spectacles and see merit in it. Now, put on the same spectacles and you will see merit in the other case, for they were concomitants, or aids, or assistants, or participants, or part of the Army of the United States.

Mr. McCUMBER. I can only say that the evidence does not establish the assertion of the Senator from South Carolina.

Mr. TILLMAN. Mr. President——

Mr. McCUMBER. If it did, it would present an entirely different case.

Mr. TILLMAN. The Senator says the horse is 16 hands high. I will subside, hoping later on I will get justice for this woman whose son was killed in the line of duty and who has young children dependent upon her. This boy was the mainstay of the family, and he is dead in the Philippines, and I can not get justice from the Committee on Pensions.

Mr. McCUMBER. The trouble is he was not killed in the line of duty and under the Army.

Mr. TILLMAN. He was killed as much in the line of duty as these Indians were.

Mr. McCUMBER. Oh no; not at all.

Mr. TILLMAN. The Senator sees it that way, and he does not want to see it any other way, and he will not see it any other way.

Mr. McCUMBER. I can not see it any other way than as the facts establish it.

Mr. TILLMAN. I dispute the Senator's interpretation of the facts.

Mr. McCUMBER. How is that?

Mr. TILLMAN. I dispute your interpretation of the facts.

Mr. McCUMBER. The facts were so established before the Committee on Pensions.

But I understand the Senator has no objection to the pending

bill. We will take up his bill any time he wants a rehearing before the Committee on Pensions, and if he can establish that his assertions are correct the Senate committee will be very glad to listen to him.

Mr. TILLMAN. On that understanding I will be very glad to let this bill go through, because I think the Senator from North Dakota will see this matter in a different light now that he has discovered concomitant aids to the Army who are pensionable.

Mr. SPOONER obtained the floor.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has been recognized.

Mr. SPOONER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator from Wisconsin. I shall take just a moment, that the record may be correct.

I think the Senator from North Dakota inadvertently made a response to the Senator from Massachusetts that ought at least to be qualified. I understood the Senator from North Dakota to say, in response to the Senator from Massachusetts, that dependent mothers were not pensioned.

Mr. McCUMBER. No; I did not intend, at least, to say that.

Mr. GALLINGER. They are pensioned under the general law, and if a dependent mother were denied a pension at the Bureau under circumstances that appealed to the Committee on Pensions, of course a bill for her relief would be taken up precisely as any other bill would be.

I simply want the record to stand correct in that regard.

Mr. SPOONER. I am inquiring only for information. I should like to ask the Senator from North Dakota what the real relation of the Indians was to the military service. Does he claim that they were mustered into the service of the United States?

Mr. McCUMBER. Under orders of the War Department, and also under the direction of the Secretary of the Interior, that they should act under the orders of the Army, they did so. The report is here, but it is quite lengthy. Many telegrams are printed in the report, and there is other correspondence. The portion which I read from the letter of Secretary Noble I thought was sufficient——

Mr. SPOONER. I was not in the Chamber when that was read. They were, then, Indian police?

Mr. McCUMBER. Indian police and commanded to respond to the orders of General Ruger, who was then in command; and they did so, and he ordered them to arrest Sitting Bull. The battle, in which some seven of them, I think, were killed, was a result of the attempt, and the successful attempt, to capture Sitting Bull and his band.

Mr. SPOONER. That would not put them in the military service of the United States. But I make no point on that at all.

I wish to ask the Senator a question. This bill gives a pension to Mary Bullhead, Annie Shavehead, Mrs. Littleeagle, and one or two other widows. A long time has elapsed since this engagement, and I should like to inquire whether these ladies are still in a state of widowhood, or whether they have since been beguiled into matrimony?

Mr. McCUMBER. I understand they have not been so beguiled.

Mr. SPOONER. They are still widows?

Mr. BEVERIDGE. Have they been coerced?

Mr. TILLMAN. Is there any evidence in the report to that effect?

Mr. SPOONER. They are still widows?

Mr. McCUMBER. That is the latest information we had on the subject. When this report was made they were widows. If they have been married since, it is without my knowledge.

Mr. SPOONER. The presumption of law is, I suppose, that they are still widows?

Mr. McCUMBER. That they still remain widows. It would be among white people, anyway.

Mr. SPOONER. So much for that. I should like to ask the Senator whether these sons who are named here—I suppose they are still sons—are minors or adults? They were perhaps minors in 1890. Are they minors now?

Mr. McCUMBER. I ask the Senator where he finds the word "sons;" what page?

Mr. SPOONER (reading). "Edward Armstrong, son of John Armstrong, deceased, late private, United States Indian police, Standing Rock Agency, N. Dak." John Armstrong is in line 17, page 2.

Mr. McCUMBER. Yes. I understand he himself was one of the Indian police, and, of course, was not a minor at the time. There were two Armstrongs, and it designates him particularly. There being another Armstrong, he is mentioned as the son of John Armstrong. As I remember, he was among the police. It is simply descriptive of the individual, and nothing else.

Mr. SPOONER. That is it?

Mr. McCUMBER. That is it.

Mr. SPOONER. Then it is not proposed to give a pension to children?

Mr. McCUMBER. Not at all; only to the police.

Mr. SPOONER. I should like to ask the Senator if it would not do just as well, in order to avoid a question which may become a troublesome one, and especially in its relation to the Indian Service, to appropriate a sum of money, to be expended from time to time under the supervision of the Secretary of the Interior for the benefit of these people, as to put them regularly on the pension list?

Mr. McCUMBER. The effect would be exactly the same——

Mr. SPOONER. No.

Mr. McCUMBER. So far as the Indians are concerned.

Mr. PLATT of Connecticut. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. In this report, on the last page and next to the last page, under date of March 5, 1892, Mr. McLaughlin, the Indian agent, reports——

Mr. McCUMBER. What page?

Mr. PLATT of Connecticut. The names will be found on the last page of the report.

Mr. SPOONER. Yes; I see that.

Mr. PLATT of Connecticut. That Jerome Shavehead, who is to be pensioned by this bill, was a son, at that time 16 years old. He would now be 28. And Henry Littleeagle was also another son, the son of James Littleeagle, and he was 16 years old at that time. He would be 28 now.

Mr. SPOONER. Edward Armstrong?

Mr. PLATT of Connecticut. Edward Armstrong was 10 years old at that time. This was in 1892. This is 1905. He would be 23 now.

Mr. SPOONER. My friend the Senator from North Dakota must be mistaken in his statement that they were all policemen. They would not have an Indian policeman 10 years old.

Mr. PLATT of Connecticut. No; John Armstrong was the policeman.

Mr. SPOONER. Yes; I know.

Mr. PLATT of Connecticut. He was killed. Edward Armstrong is a son, who, in 1892, was 10 years old and now is 23 years old

Mr. SPOONER. But the Senator was under the impression that Edward Armstrong was the policeman and that he was characterized as the son of John Armstrong. It was simply the purpose to identify him.

Mr. McCUMBER. I do not understand now that the bill covers anything but those who were policemen. The similarity of the names occurs on page 12, but as I now recollect it, it was simply to show the number and the names of the families of those who were killed. I do not understand that any names in the bill are the names of the dependent children. That is not my understanding.

Mr. SPOONER. It is not a pension to John Armstrong, because the bill shows that John Armstrong has departed this life.

Mr. CULLOM. I appeal to my friend from North Dakota to let the bill go over until we can look at it further and bring it up again at some future time. There seems to be a great deal of confusion about the facts.

Mr. PLATT of Connecticut. Before that is done I wish to say a word about it. I have a great deal of sympathy for the families of these Indian policemen who were killed, and I would be very glad if the Government would in some way make some substantial recognition or reward. But I do think it is very questionable whether we ought to pass a bill pensioning people who suffered under such circumstances, and their widows and children. If the bill is going over, I would ask that the Committee on Pensions take into consideration the question whether we can not render suitable recognition and reward to these persons without making this precedent as to whom we will pension.

Mr. McCUMBER. We already have the precedent.

Mr. CULLOM. In view of what the Senator from Connecticut says, I think the bill had better go over for the present.

Mr. McCUMBER. If there is any objection, of course it will go over. It is before the Senate by unanimous consent, and if any objection is made it will naturally go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. McCUMBER. I should like to say simply one word in reference to the precedent. We are establishing precedents of that character every day in our special pension legislation.

Mr. PLATT of Connecticut. I know; pensioning nurses, scouts, teamsters, and wagon masters.

Mr. McCUMBER. But I am simply taking those who acted under the Army and under the orders of the Army and who lost life or became injured while acting in the service of the United States. There is a rule covering specifically those cases. Otherwise they could go direct to the Department and receive pensions.

Mr. PLATT of Connecticut. But this is passing a bill for a class. We had up here the other day a bill for the relief of telegraph operators who served in the civil war, proposing to declare them to be a portion of the Army.

Mr. McCUMBER. No; it did not declare them to be a portion of the Army.

Mr. PLATT of Connecticut. I beg the Senator's pardon; if he will look at the bill I think he will find that it does declare them to be a portion of the Army.

Mr. McCUMBER. The bill could not make them a portion of the Army. It could not be retroactive and make them a portion of the Army if they were not a portion of the Army at the time.

Mr. PLATT of Connecticut. It declares them to have been a portion of the Army at the time.

Mr. CULLOM. In the interest of ascertaining the exact facts in reference to these persons and that Senators may be sure about the facts I suggest that the bill go over.

Mr. McCUMBER. If there is objection, of course the bill will have to go over.

Mr. SPOONER. I will not object to the bill.

Mr. CULLOM. I do not object to the bill either, but I object to its consideration now without a certain state of the case being known.

The PRESIDING OFFICER. Under objection, the bill goes over.

HOUSE BILL REFERRED.

H. R. 16284. An act to transfer Fayette County from western to southern judicial district of Texas was read twice by its title, and referred to the Committee on the Judiciary.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate resumed the consideration of the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

Mr. CULLOM. We adjourned yesterday evening for want of a quorum during the consideration of a point of order as to the admissibility of the amendment of the committee, on page 33, line 23, increasing the salary of the Civil Service Commissioners from $3,500 to $4,000 each. The Senator from Arkansas [Mr. BERRY] made the point of order. I think so far as I am concerned at least, and I have consulted with some other friends, that probably the Chair ruled correctly. I think in addition to that the Senate was of the same opinion by a considerable majority. I am not disposed to pursue the matter any further. If we can withdraw the call for the yeas and nays the amendment may be disposed of according to the ruling of the Chair.

Mr. BERRY. That is entirely satisfactory. The Chair can just rule upon the question of order.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the call for the yeas and nays on the point of order upon the amendment be withdrawn. Is there objection? The Chair hears none. The question is submitted to the Chair by the Senate whether the point of order made by the Senator from Arkansas, that the proposed amendment changes existing law and makes an appropriation for which no estimate had been made, shall be sustained. The Chair holds that the point of order is well taken.

Mr. CULLOM. I do not contest the matter any further.

The PRESIDING OFFICER. Therefore the amendment goes out. If there be no further amendment, the question is on ordering the amendments to be engrossed and the bill to be read a third time.

Mr. CULLOM. I ask unanimous consent that one little amendment may be made where there was an error.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the correction of a clerical error.

Mr. CULLOM. On page 109, line 18, the first word in the line, "inspectors" was not stricken out, nor was the word "agents" put in, which was intended to be done.

The PRESIDING OFFICER. If there be no objection, the word "inspectors" will be stricken out and the word "agents" inserted at the point indicated.

Mr. CULLOM. It is simply to make the bill harmonious with another paragraph where that amendment was made.

The PRESIDING OFFICER. The amendment is agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OMAHA NATIONAL BANK.

Mr. WARREN. I ask unanimous consent for the consideration at this time of the bill (S. 1422) for the relief of the Omaha National Bank.

The PRESIDING OFFICER. The bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SPOONER. Let it go over.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the bill may go over.

Mr. SPOONER. Without prejudice.

The PRESIDING OFFICER. It will go over without prejudice.

SUPPRESSION OF LOTTERY TRAFFIC.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

The bill (S. 2514) to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," was announced as next in order on the Calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. LODGE. The bill has been reprinted with certain amendments, and none of them are material. They are only to correct the very incorrect wording of the bill as originally drawn. In the absence of the Senator from Georgia [Mr. CLAY], I ask that those amendments be acted upon.

The PRESIDING OFFICER. The amendments proposed by the Committee on Post-Offices and Post-Roads will be read.

The first amendment was, in section 1, page 1, line 5, after the word "or," to insert the word "of;" in the same line, before the word "in," to strike out "deposited" and insert "depositing;" in the same line, after the word "or" where it occurs the second time, to insert "of seeking to have;" in line 7, after the words "United States," to strike out "or carried;" on page 2, line 2, after the word "to," to strike out "(another);" in line 9, after the words "United States," to strike out "(in the United States);" in line 16, after the word "or" where it occurs the second time, to insert "shall;" in line 17, before the word "in," to strike out "deposited" and insert "deposit;" in the same line, after the word "or," to insert "seek to have;" on page 3, line 2, after the words "United States," to strike out "(to another in the same);" and in line 3, before the word "the," to strike out "in" and insert "on conviction for;" so as to make the section read:

Be it enacted, etc., That any person who shall cause to be brought within the United States from abroad, for the purpose of disposing of the same, or of depositing in, or of seeking to have carried by the mails of the United States, from one State or Territory of the United States or the District of Columbia, or territory under the jurisdiction of the United States, to any other State or Territory of the United States or the District of Columbia, or territory under the jurisdiction of the United States, or from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through a foreign country to any other place in or subject to the jurisdiction of the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in, or dependent upon the event of a lottery, so-called gift concert, or similar enterprise offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift concert, or similar enterprise offering prizes dependent upon lot or chance to be brought into the United States, or shall deposit in or seek to have carried by the mails of the United States, or transferred from one State or Territory of the United States, or the District of Columbia, or territory under the jurisdiction of the United States, to any other State or Territory of the United States, or the District of Columbia, or territory under the jurisdiction of the United States, or from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through a foreign country to any other place in or subject to the jurisdiction of the United States, shall be punishable on conviction for the first offense by imprisonment for not more than two years, or by a fine of not more than $1,000, or both; and in the second and after offenses by such imprisonment only.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 14, after the word "forty-four," to strike out "and;" in line 17, after the word "or," to insert "of the," and in line 19, after the word "or" where it occurs the second time, to insert "of the;" so as to make the section read:

SEC. 2. That the provisions of sections 3929 and 4041 of the United States Revised Statutes, as amended, respectively, and the provisions of sections 2491 and 2492 of the United States Revised Statutes, and of sections 11, 12, and 13 of the act of Congress of October 1, 1890, entitled "Chapter 1244, an act to reduce the revenue and equalize duties

on imports, and for other purposes," and all other provisions of law for the suppression of traffic in or of the circulation of any such tickets, chances, shares, or interests in or other matter relating to lotteries, or for the suppression of traffic in or of the circulation of obscene books or articles of any kind, shall apply in support, aid, and furtherance of the enforcement of this act.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 10, after the word "lotteries," to strike out "or;" in the same line, after the word "other," to insert "like;" in the same line, after the word "schemes," to strike out "or" and insert "offering;" in line 11, after the word "or" where it occurs the second time, to insert "against," and in line 12, after the word "instruments," to insert "in relation to said lotteries or games;" so as to make the section read:

SEC. 3. That nothing herein contained shall be deemed to repeal by implication sections 3894, 3929, or 4041 of the United States Revised Statutes, or any part thereof, nor any provisions of the act of Congress of April 29, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," nor any provisions of the act of Congress of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," nor any provisions whatsoever of the laws against the establishment of lotteries, games, or other like schemes, offering prizes, or chances, or against the traffic in or circulation of tickets and other such papers or instruments in relation to said lotteries or games, or the publication of advertisements or notices in any wise relating thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the bill coming over as unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The PRESIDING OFFICER. The first amendment under consideration is the amendment on page 5, which was passed over. The amendment will be read.

The SECRETARY. After the word "prohibit," in line 8, page 5, it is proposed to insert the following proviso:

Provided, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State, be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

The PRESIDING OFFICER. This amendment, the Chair is informed, was passed over at the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. BEVERIDGE. The Senator from Maryland [Mr. GORMAN] was the original objector to the amendment. Has the Senator something to say upon it?

Mr. GORMAN. Not now. I called attention to this particular amendment, but I understood some other Senator wanted to be heard upon it.

Mr. BEVERIDGE. Then let it go over.

Mr. GORMAN. I suggest that the amendment be passed over. The Senator from Colorado [Mr. TELLER], I think, gave notice that he desired to make a speech embracing this very provision.

Mr. BEVERIDGE. The Senator from Colorado wants to make a general speech, as I understand it.

Mr. GORMAN. He does, and I also understood—I may be mistaken about it—that he wishes to be heard on this particular provision, which prohibits the sale of intoxicating liquors in one part of the State for ten years.

Mr. BEVERIDGE. The amendment may go over.

Mr. GORMAN. I hope the Senate will pass it over for the present.

Mr. President, I suggest to the Senator from Indiana that, in view of the illness of the Senator from Colorado and the absence of one or two other Senators who, I understand, desire to discuss the bill, we go on and perfect the uncontested amendments and then postpone the further consideration of the bill.

Mr. BEVERIDGE. There is, perhaps, some other Senator who desires to speak on some other phases or on the general policy of the bill to-day.

Mr. GORMAN. I understand not. Owing to illness and absence, two or three Senators who hoped or desired to talk on the bill are not prepared to speak to-day. Will it inconvenience the Senator to have the bill go over by unanimous consent until Monday?

Mr. BEVERIDGE. Of course that might be arranged. I understand that the Senator from Colorado is happily convalescing. We have had the bill under consideration for ten days, with pretty continuous debate, except when we have been considering amendments, rather to oblige the Senator from Tennessee [Mr. BATE] than otherwise. We might at this juncture fix some time in the future for taking a vote. No immediate time is requested. The Senator will observe that I have up to this time not been at all insistent, but on the contrary have readily acceded to every request which has been made to me by the Senator and by other Senators upon that side. It has been upon the understanding, of course, that we wish to have a reasonable discussion of the measure, and if a date some time in the future, no matter when, which suits the wisdom and convenience of the Senator, could be fixed, there is no reason why we should not go on with the other business of the Senate; but I would not want all the intervening time, as this is the unfinished business, simply wasted.

Mr. GORMAN. The Senator from Indiana is, of course, very nice about the matter, as Senators always are in the consideration of measures of such importance from time to time, because of the absence of Senators. I myself did not desire to debate the bill, but I think there are three or four Senators who are very anxious to make extended speeches on it. During their absence and the physical condition in which they are, I think it would be utterly impossible to fix a day for a final vote on the bill. I do not think the Senator would gain anything by it. As far as I know personally, there is only a desire to consider the bill fairly and to dispose of it in proper order.

Mr. BEVERIDGE. I so understand.

Mr. GORMAN. When the Senator from Colorado and one or two others who are absent, shall have spoken, and those who favor the bill have been heard, I have no doubt there will be some termination of the question, and there ought to be, but I think it would be impracticable to try to reach an agreement to-day.

Mr. BEVERIDGE. I have gone upon the assumption without any question of what the Senator has just stated, that there is a desire merely to have a full and reasonable discussion, after which a vote might be had. The Senator will bear me out, as I said a moment ago, that I have acted upon that assumption, and that no request has been made by the Senator, or by any Senator, which has not been instantly and gladly acceded to.

I was merely suggesting at this juncture, in view of the fact that the bill is before the Senate and the Senator who desires to address the Senate is ill, that no doubt there might be other Senators who want to speak. When I heard that that was not the case, it seemed after ten days of discussion as though it would not be unreasonable to suggest to the Senator that some future date for taking the vote might be fixed. But, of course, upon the Senator's assurance that after a reasonable discussion there will be no difficulty in that, I do not know why we should unreasonably proceed. I have said to the Senator I would not want to agree that the bill be laid aside until Monday, but I am willing to agree that something else may now be taken up temporarily, such as pension bills, with which we can perhaps occupy to-day, and then to-morrow we can see where we are. I would not want the bill to go over until Monday, but I do not see why it should not go over to-day.

Mr. BATE. I understand there has been an arrangement made for to-morrow.

Mr. BEVERIDGE. No; there was none. The Senator is in error about that. To-morrow is open.

Mr. BATE. I understood this morning that there was an agreement to take up to-morrow bills from the Committee on the District of Columbia.

Mr. BEVERIDGE. No; that was not agreed to.

Mr. GALLINGER. It was objected to.

Mr. GORMAN. The Senator is quite right about that.

Mr. BEVERIDGE. I think it can be arranged so that the rest of the day may be occupied with other business of the Senate, but I would not want to agree that the unfinished business shall be laid aside until Monday. Let us meet each day as it arises.

Mr. GORMAN. The suggestion was made by the chairman of the Committee on the District of Columbia that to-morrow be given to the consideration of other matters, and that this bill be laid aside temporarily.

Mr. BEVERIDGE. That was my understanding, but there was objection later and it was not made the order.

Mr. CLAY. Let me say to the Senator from Indiana that I made inquiry last evening and this morning in regard to the

condition of the Senator from Colorado [Mr. TELLER]. He is stopping at the same hotel with me.

Mr. BEVERIDGE. There is no dispute about the Senator from Colorado.

Mr. CLAY. One moment. The Senator from Colorado is at the same hotel where I am stopping, and I can say that there is no possible chance for him to get here before Monday. He is improving. I say to the Senator that I believe we will gain time by letting this matter go over until Monday, and wait until the Senator from Colorado gets here.

Mr. BEVERIDGE. I am always delighted——

Mr. CLAY. One moment. The Senator from Colorado is exceedingly anxious to be present. He has made inquiry in regard to the progress of the bill, and I believe we will gain time by letting the bill go over. I do not think anyone wants to consume unnecessary time in debating the bill, but it would be improper, I think, to go ahead in his absence when he is so anxious to be here.

Mr. BEVERIDGE. I will say to the Senator from Georgia that I myself, in charge of the bill, would protect the Senator from Colorado just as carefully as the Senator from Georgia would protect him. Indeed, the other day, when I observed the growing indisposition of the Senator from Colorado, I voluntarily suggested to him that he at once go home. We can take the bill up each day as we come to it. By not being willing to lay the unfinished business aside until Monday it does not mean, of course, that I am going to insist on the Senator from Colorado speaking to-morrow. I certainly would be the last one to require him under any circumstances, even if I had the power, to come down here when he is indisposed. Neither the Senator from Georgia nor any Senator has a higher regard nor a more affectionate feeling for that Senator than I. But I am now saying, in answer to the suggestion of the Senator from Maryland, that I think under the statement he has made to-day the unfinished business might be temporarily laid aside until to-morrow, and then to-morrow, when 2 o'clock arrives, we can see what is wise to be done. As to what is the disposition of this side of the Chamber, I will assure the Senator that in the future as in the past there will be no unreasonable disposition upon this side of the Chamber.

Mr. GORMAN. That is entirely satisfactory. I am very glad to hear the Senator make that statement.

Mr. BEVERIDGE. I should like to say merely this—that I shall be very glad to let the unfinished business be laid aside from time to time so that whatever order of business does come up we may consider it.

Mr. GORMAN. Temporarily laid aside?

Mr. BEVERIDGE. Yes; laid aside temporarily, to be called up at any time.

Mr. GORMAN. I trust the Senator will do that, and let us go on to-day with Senate bills on the Calendar. The time has arrived when, if the Senate bills are to be considered elsewhere, they must be acted upon here speedily.

Mr. BEVERIDGE. That is precisely the reason why I made the suggestion, understanding, as I did, the position of the Senator on this subject, that it would not be unreasonable at this stage to fix some future day for voting on the bill.

Mr. GORMAN. I ask unanimous consent that the pending bill will be laid aside temporarily, and that we proceed to the consideration of Senate bills on the Calendar, under Rule IX——

Mr. BEVERIDGE. I wish to say to the Senator that the Senator from North Dakota [Mr. MCCUMBER]——

Mr. GORMAN. And pension bills.

Mr. BEVERIDGE. The Senator from North Dakota desired that at 4 o'clock to-day the unobjected pension bills on the Calendar should be considered. Unless some other Senator has objection to that course, I have none. The Senator from North Dakota is not now here. I understand that to be his desire. If I incorrectly state it, he can correct me when he gets back; and in the meantime——

The PRESIDING OFFICER. Does the Senator from Indiana make that as an additional request to that proposed by the Senator from Maryland?

Mr. BEVERIDGE. Yes.

Mr. GORMAN. I accept the suggestion, and ask that the Senate temporarily lay aside the pending bill to proceed to the consideration of Senate bills on the Calendar, up to 4 o'clock, under Rule IX.

Mr. BEVERIDGE. At which time we shall proceed to the consideration of unobjected pension bills, in accordance with the desire of the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Maryland makes a request that the pending bill be laid aside temporarily until to-morrow, and that the Senate bills on the Calendar be taken up and considered until 4 o'clock.

Mr. BEVERIDGE. Under Rule IX.

The PRESIDING OFFICER. Under Rule IX; after which time the pension bills on the Calendar will be taken up and all the unobjected pension bills thereon be considered. Is there objection to the proposition? The Chair hears none, and the Calendar is before the Senate.

OLD POINT COMFORT IMPROVEMENT COMPANY.

The bill (S. 1718) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., was announced as first in order on the Calendar.

The Secretary read the bill.

Mr. SPOONER. I should like to inquire if the report on that bill is an elaborate one?

The PRESIDING OFFICER. It consists of sixteen pages.

Mr. SPOONER. Is there any recommendation from either of the Departments in regard to the matter?

The PRESIDING OFFICER. The Secretary will read the indorsement of the Secretary of War on page 8 of the report.

The Secretary read as follows:

[Third indorsement.]

WAR DEPARTMENT, *July 3, 1902.*

Respectfully returned to the chairman Committee on Claims, United States Senate, inviting attention to the preceding indorsement of the Judge-Advocate-General of the Army and to the accompanying copies of papers therein referred to.

In the sense of having a claim enforceable against the United States in a court either of law or equity it is clear the Hygeia Hotel Company has none. In the sense of having a claim for the consideration of Congress I think the company has one, and that it would be but fair and reasonable treatment for Congress to provide indemnity for the unexpected destruction of value made necessary by the resumption of possession by the United States.

ELIHU ROOT, *Secretary of War.*

Mr. SPOONER. By whom was the bill reported?

The PRESIDING OFFICER. By the Senator from New Jersey [Mr. KEAN] without amendment from the Committee on Claims.

Mr. SPOONER. I have been informed that the Hygeia Hotel was erected on that reservation with an agreement that it should be removed at the expense of the owners whenever the Government required it. As the Senator who reported the bill is not present, I think the bill had better go over without losing its place on the Calendar.

Mr. GORMAN. That is right.

The PRESIDING OFFICER. The bill will go over without prejudice, if there be no objection.

BERNARD W. MURRAY.

The bill (S. 2113) for the relief of Bernard W. Murray was announced as next in order.

Mr. GALLINGER. I think that bill ought to go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill will go over.

TALLEYRAND DESAIX MYERS.

The bill (S. 1284) to restore to the active list of the Navy the name of Talleyrand Desaix Myers was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Talleyrand Desaix Myers, now a passed assistant surgeon on the retired list, to the active list of the Navy: *Provided*, That the said Myers shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of three medical officers his senior in rank, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service; the place to which he shall be restored to be determined by the Secretary of the Navy after recommendation with regard thereto by said board: *And provided further*, That the said Myers shall be carried as additional to the number of the grade to which he may be restored, or at any time thereafter promoted.

Mr. SPOONER. I understand that bill was reported from the Committee on Naval Affairs?

Mr. GALLINGER. It was; and its passage is recommended by the Department.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Naval Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

The bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes, was announced as next in order.

Mr. PLATT of Connecticut. If we are proceeding under Rule VIII, I do not think we can consider that bill.

The PRESIDING OFFICER. The Chair will state that the Senate is proceeding under Rule IX.

Mr. PLATT of Connecticut. As I have stated, if we are going to proceed under Rule VIII I do not think we can consider this bill at this time.

The PRESIDING OFFICER. The proposition was to act under Rule IX upon Senate bills only; and this being a House bill, it will be passed over.

SAFETY APPLIANCES ON RAILROADS.

The bill (S. 4403) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903, was announced as next in order.

Mr. NEWLANDS. I move that that bill be passed over, leaving it in its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over, if there be no objection.

Mr. GALLINGER. I should like to inquire, as a matter of information—and I will address my inquiry to the Senator from Maryland [Mr. GORMAN]—as to whether we are now proceeding under Rule VIII or Rule IX?

Mr. GORMAN. Under Rule IX.

Mr. GALLINGER. Of course, if we are acting under Rule IX, a single objection would not carry a bill over.

The PRESIDING OFFICER. The Chair will state that he put the proposition to the Senate for the consideration of Senate bills on the Calendar under Rule IX, and that proposition was adopted.

Mr. GORMAN. Yes. If the motion of the Senator from Nevada [Mr. NEWLANDS] be carried, it will leave the bill in its place on the Calendar without prejudice.

Mr. GALLINGER. Yes; if he makes the motion.

Mr. NEWLANDS. I have made a motion to that effect.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS], that the bill be passed over, retaining its place on the Calendar.

The motion was agreed to.

PRELIMINARY EXAMINATIONS BEFORE COMMISSIONERS.

The bill (S. 159) to extend the provisions of section 5392 of the Revised Statutes to the preliminary examinations held before a commissioner lawfully appointed by any court of the United States was considered as in Committee of the Whole. It proposes that the provisions of section 5399 of the Revised Statutes shall extend to every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness or other person lawfully summoned before any commissioner lawfully appointed by any court of the United States in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice before such commissioner.

The bill was reported from the Committee on the Judiciary with an amendment to add the following:

That the provisions of section 5406 of the Revised Statutes shall extend to all persons in any State or Territory who conspire to deter, by force, intimidation, or threat, any party or witness or other person lawfully summoned before any commissioner lawfully appointed by any court of the United States from obeying such summons, or from testifying to any matter pending before such commissioner, freely, fully, and truthfully, or to injure such party or witness or other person, in his person or property, on account of his having so obeyed or testified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of sections 5399 and 5406 of the Revised Statutes to the preliminary examinations held before a commissioner lawfully appointed by any court of the United States."

GEORGE T. HAMILTON.

The bill (S. 1353) for the relief of George T. Hamilton, which had been reported from the Committee on Claims with a substitute, was announced as next in order.

Mr. PLATT of Connecticut. Mr. President, if we are going to consider this bill at this time, I suggest that there are very few Senators who have concluded to stay in the Chamber to listen to the reading of the report.

Mr. SPOONER. And after the report has been read I think it will take some time to discuss the bill. The principle involved in the bill has always been repudiated here, and must of necessity be repudiated. It is, beyond any question, a case that calls for sympathy. I remember a case from New Hampshire, which was one of the most heartrending ever brought to my attention, and had I been able to do so, I should have paid the claim myself, but I could not vote for the Government to do so because of the precedent that would have been thereby established.

Mr. GALLINGER. Mr. President, the New Hampshire case was here a long time before I came into the Senate. I remember the Senator from Wisconsin [Mr. SPOONER] very carefully considered it. That was a case where soldiers fired directly upon citizens of New Hampshire, resulting in the most distressful suffering. That claim was never paid.

Mr. President, this morning we had reached a case in identical language with this, which went over, I suppose, under Rule VIII, under my objection. If it is necessary to make a motion that this bill shall go over, retaining its place, I will now make the motion that it be passed over.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire, that the bill be passed over, retaining its place on the Calendar.

The motion was agreed to.

PENSIONS TO FAMILIES OF INDIAN POLICEMEN.

The bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, was announced as next in order.

Mr. SPOONER. That is a bill we had under consideration this morning.

The PRESIDING OFFICER. The bill has been already considered, and went over on objection during the morning hour.

Mr. SPOONER. Does it require a motion to pass a bill over, Mr. President?

The PRESIDING OFFICER. The Chair is inclined to think so.

Mr. SPOONER. Then I move that the bill be passed over for the present without losing its place on the Calendar.

The motion was agreed to.

B. JACKMAN.

The bill (S. 3790) for the relief of B. Jackman was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in section 1, line 4, after the word "pay," to strike out "out of any money in the Treasury not otherwise appropriated;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to B. Jackman, agent of the Maine Central Railroad Company, Vanceboro, Me., the sum of $1,678.88, for refund of duties paid on 1,499 cases of condensed milk erroneously entered for consumption and shipped in transit through the United States to Dawson, Yukon territory.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $1,678.88, for the purposes specified in this act.

The amendment was agreed to.

Mr. SPOONER. I do not know that there is any objection to that bill, but I think it ought to be considered when the Senator who reported it is present. If a refund of duties illegally exacted is claimed, I should like to be informed whether the duties were paid under protest. The Senator from New Hampshire [Mr. BURNHAM], who reported the bill, is not present, and glancing rapidly through the report, I do not find the information I should like to have.

Mr. GALLINGER. I will say to the Senator that in the report, alluding to a certain act, this language is found:

In this act it is provided that a written protest shall be filed with the collector within ten days after the erroneous payment of duty.

In a letter dated July 25, 1899, from said attorney, Mr. Raymond, to Assistant Secretary Spaulding, it is stated that the Canadian Pacific agent at Vanceboro did call the attention of the deputy collector at Vanceboro to the error before the ten days' limit expired and suggested that the Department at Washington be at once notified; that the deputy collector assured him that no such action was required, but told him to wait until an "export certificate" from San Francisco could be obtained and presented to the Department, when the duty erroneously paid would be refunded, and that the ten days' limit did not apply to cases of this kind.

That answers the inquiry in part.

Mr. PLATT of Connecticut. But there is more on that subject in the report.

Mr. GALLINGER. That is very likely. I have not had time to examine the entire report.

Mr. PLATT of Connecticut. The report shows that in fact no protest was made. The party tried to excuse the want of a protest on the ground that he told the deputy collector of the error, and that he understood from the deputy collector that a protest was not necessary, but the deputy collector says that he did not advise him that a protest was not necessary. There was no protest made, as a matter of fact.

Mr. SPOONER. If we go into the business of refunding duties illegally collected in the absence of protest, it will involve countless millions of dollars. It has always been the policy not to do it. I suggest that the bill go over, Mr. President, until the Senator who reported it is present. It may be a proper bill to pass; I do not know.

Mr. BURNHAM entered the Chamber.

Mr. PLATT of Connecticut. The Senator from New Hampshire is now present.

Mr. SPOONER. I wish the Senator from New Hampshire would make a concise statement of the facts relating to the bill under consideration.

Mr. BURNHAM. The report is a very brief one, and makes a very concise statement.

Mr. SPOONER. What are the facts? Why was the duty an illegal duty?

Mr. BURNHAM. The facts in brief are these: The goods were shipped from Canada by way of San Francisco to Dawson, in the Yukon territory, and by mistake at the port of Vanceboro, Me., the duty was collected.

Mr. SPOONER. Why were the goods not sent in bond?

Mr. BURNHAM. I do not know. The mistake was made by the railroad agent and by the collector of the port, both of them supposing that the goods were going to San Francisco, when, as a matter of fact, they were going from one part of Canada, to Dawson, Yukon territory, in another part of Canada. The duty was collected through a mutual mistake on the part of the railroad agent and the collector of the port.

Mr. SPOONER. They were improperly entered, then, at the port in Maine?

Mr. BURNHAM. Yes. The goods were properly marked to Dawson, Yukon territory, but being sent by way of San Francisco, a mistake was made in supposing that that was to be the final place of shipment. It was a mutual error, and it seemed to the committee that it should be rectified.

Mr. SPOONER. What does the Department say about it?

Mr. BURNHAM. I have not the report of the Department, and I do not have the correspondence before me; but the query should be, Whether in fact the goods were for San Francisco or for Dawson? It was ascertained by papers that were on file, and not disputed, that the goods were actually sent to Dawson and should not, of course, have paid duty.

Mr. SPOONER. Will not such mistakes happen all the time if we enter upon this business?

Mr. BURNHAM. It seems that this was a very unusual case. The railroad agent as well as the collector made the mistake. The matter would have been disposed of probably at the time, except for the statement of the collector to the railroad agent, as soon as the mistake was discovered, that if they could get a certificate of export and send to the Department the duties would be refunded, and that the time limit within which the matter could be presented to the Government—I think there is a ten-day limit—would not apply.

Mr. SPOONER. Did they get a certificate of export?

Mr. BURNHAM. They sent for it, but the certificate was not sufficient.

Mr. SPOONER. Mr. President, I hope the Senator will be willing that the bill shall go over, in order that the matter may be examined. It is important.

Mr. CLAPP. May I have a moment?

Mr. SPOONER. Yes.

Mr. CLAPP. While I do not now remember the details exactly, we examined the bill very carefully at the time it was being considered by the committee, and we were thoroughly satisfied of its merit.

Mr. BURNHAM. As I have said, the duty was paid under a mutual mistake. It was a mistake of the collector as well as of the railroad agent. The goods were marked for Dawson, and, as a matter of fact, they went to Dawson.

Mr. SPOONER. I do not challenge the accuracy of the statement that it was a mistake; but I served a good many years upon the Committee on Claims when I was formerly a member of the Senate, and we had to guard such bills all the time, especially in such cases as this, because of the effect of the precedent. I remember one case where it was admitted that there was no earthly question that the Government had illegally exacted, as a condition of the withdrawal from the custom-house of certain goods, the payment of duties, but no protest had been made, as in this case none has been made. That seemed to be a proper case, and I was very clear that we should report favorably upon it; but upon a reference of the matter to the Department and a conversation with Mr. Sherman, who at that time was a member of the Senate, it became obvious that the passage of that bill would constitute a committal by Congress to a principle which would involve a hundred million dollars to the Government in the way of other refunds of illegally exacted duties that had been paid without protest. Where there is a protest the law provides a remedy without the intervention of Congress. The facts are ascertained and judgment rendered accordingly.

I submit to the Senator that it would be, I think, necessary to refer this case to the Department for the ascertainment from the files of the Government of the facts which should be considered by the Senate.

Mr. BURNHAM. I do not know what particular facts the Department could furnish to the committee.

Mr. SPOONER. Is there any statement by the collector?

Mr. BURNHAM. There is a statement by the collector that bears upon the question whether or not the collector misled the railroad agent by what he said with reference to the export certificate. The collector gave the railroad agent, the party representing the claimant, to understand that if he would get an export certificate from San Francisco showing that the goods were shipped from there on the way to Dawson that would be sufficient and the Government would refund the duty; but during the delay occasioned by his efforts to get the certificate the time limit for protest had passed. Then, as I understand, the Government said the time limit had expired and a refund could not be made.

Mr. SPOONER. There is a conflict between the statements of the railroad agent and of the collector.

Mr. BURNHAM. There is a conflict to some extent, but the committee were satisfied that the shipper understood that the export certificate would be sufficient to allow the refund of the duties.

Mr. SPOONER. One trouble is that the procedure under the law is perfectly plain. The goods might have been shipped in bond and the difficulty would have been avoided; but if the shipper considered that the duties had been illegally collected, he was bound to know that it would be necessary for him to enter his protest. The law on the subject is clear. If the liability of the Government to refund is to be dependent upon an understanding or misunderstanding between a citizen and the officer, there would be no limit to these cases. If we should release a man from the common obligation to know what the law is governing the transaction of such business, and remit it to a mere matter of conversation between him and an official, where would we land?

Mr. BURNHAM. It seemed to the committee simply a mistake in which the collector, the representative of the Government, was at fault as well as the shipper, and that the collector's statements were misleading, as the committee understood.

Mr. SPOONER. The representative of the Government says he was not at fault.

Mr. BURNHAM. Well, he made statements—I can not now quote them—to the effect, as I say, that if the shipper did a certain thing, if he procured a certificate, he would then be protected.

Mr. SPOONER. Mr. President, I certainly do not wish to make any opposition to this bill unless the public interest clearly requires it, but I hope that it will not be regarded as offensive at all if I move that the bill be passed over without prejudice. I should like to look further into it.

Mr. BURNHAM. I am very sure when the Senator has examined it fully he will concur with the committee.

Mr. SPOONER. That may be, but I should like to have the bill go over.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the bill may be passed over without prejudice.

The motion was agreed to.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. Mr. President, there is a bill on the Calendar which has been before the Senate several times and laid aside without prejudice, which I ask unanimous consent to have taken up and considered at this time. It is Senate bill 3410.

The PRESIDING OFFICER. The Senator from Oregon asks

unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

Mr. FULTON. The bill has been read, Mr. President, all the amendments which have been reported by the committee have been disposed of, and there are no pending amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon that the bill named by him be taken up for consideration?

Mr. McLAURIN. Mr. President, I think the junior Senator from Iowa [Mr. DOLLIVER] desires to be heard on this bill, and I should dislike to have it considered in his absence. I myself have no objection to the consideration of the bill at this time, but——

Mr. FULTON. I think the Senator from Wisconsin [Mr. SPOONER] desires to make some observations on the bill. The Senator from Iowa [Mr. DOLLIVER] has gone into the Marble Room. He told me, however, that he would be in the Chamber in a few minutes. I will send out for him.

Mr. McLAURIN. The junior Senator from Iowa is the one I had in mind.

Mr. FULTON. As I say, I think he stepped into the Marble Room. I will send for him.

Mr. PLATT of Connecticut. We had this bill under discussion somewhat the other morning, Mr. President. It will take considerably more discussion before it is disposed of, and there will be a full Senate required when it is disposed of. Therefore I think it had better go over.

The PRESIDING OFFICER. The Senator from Connecticut objects to the present consideration of the bill. Does the Senator from Connecticut move that the bill be passed over without prejudice?

Mr. PLATT of Connecticut. I do, if that is necessary. It seems to be a new practice in the Senate.

The PRESIDING OFFICER. It is necessary to make such a motion, the Chair believes. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. FULTON. If there is no objection, I should like to have it appear that the bill goes over without prejudice.

Mr. PLATT of Connecticut. Oh, yes, Mr. President. Whenever it can be taken up I am ready to discuss the matter further.

The PRESIDING OFFICER. It will so appear.

CHARLES R. HOOPER.

The bill (S. 535) for the relief of Charles R. Hooper was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 per month for sixty months to Charles R. Hooper, or his heirs. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sufficient sum to make said payments.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, we might just as well have it out on one of these cases and have a vote of the Senate by yeas and nays as to whether the Government is going to acknowledge itself to be liable for these claims. Here was a man, a workman in a forge shop in the District of Columbia, who was struck in the left eye with a piece of steel. Whether it was his own fault or anybody's fault does not appear here, so far as I can see. Where the piece of steel came from that hit him in the eye and destroyed his sight does not appear. But simply because he was a workman in a forge shop of the Government and a piece of steel flew into his eye and put it out it is proposed to make this payment to him.

I do not want to discuss the bill, but I do propose to have a vote on it, and I desire to record my vote against it.

Mr. CLAPP. Mr. President, so far as concerns the question of the manner in which this accident occurred and this man's responsibility for it, it seems to me it is covered by the recommendation of the committee that the bill be passed.

On the general question whether we shall pay any claims of this kind, I may say that I would just as lief have it settled now as at any other time. Personally I should vote for the bill, having been authorized by the committee to report it, but I am rather adverse to the idea of the Government being held for claims of this character.

Mr. PLATT of Connecticut. Will the Senator permit me? I was in error. I had not read the report. I see the report says:

While so engaged, a fellow-workman was striking a piece of steel, from which a small piece flew and struck the left eye of said Charles R. Hooper.

I see I was mistaken as to that.

Mr. CLAPP. Does the Senator from Connecticut want to bring up the question whether the Government should pay in such cases?

Mr. McCOMAS. Mr. President, I happen to know of this case and to know this man. I have great sympathy with the desire to watch carefully any attempt to make the Government liable for all sorts of mishaps. This case passed the House, and I happened to read the debate, because I knew the man. There was, I think, convincing evidence that the injury to this man's eye, causing the loss of one eye and endangering the sight of the other, was the result of the negligence of a fellow-workman who, without intent, but rather carelessly, when this man was taking some part in the work, dropped the hot metal at such a time and in such a way as Hooper had no right to expect or believe. Each had been there for years; Hooper, I believe, for very many years, probably ten or twelve. He was entirely without fault, but he certainly has lost one eye, and he may lose the other.

The case, I remember, was quite fully debated in the last House. The House passed the bill after debate. It came here. The bill failed in the last Congress. If the Government is to say that in no case will it compensate a man who, while doing his duty and without negligence, suffers an injury which is a life hurt, a serious hurt to him, I think perhaps this is hardly a good case in which to make the test.

I understand the Senator from Connecticut has since looked into the case and, if I am right about it, does not wish to press a vote on the pending bill.

Mr. PLATT of Connecticut. Oh, yes; we might as well have the question settled as to whether the Government is to be liable for damages if a man meets with an accident in its employ or when something that a fellow-workman does, which is not shown to be negligent or careless in any way, causes the injury. We might just as well take a vote on it and make a precedent, and then we shall know what to do in the future.

Mr. McCOMAS. Of course what has been done has been done, and I have not the slightest idea that the vote on any one claim will make a precedent which will control in any other case. It will be just the passing action with respect to a particular bill.

This man has just the case I have stated. He was a worthy workman, employed by the Government for years, and without any want of care on his part, while performing his duty, he received the injury. A piece of steel went into his eye and caused the loss of the eye and may make him blind. The bill appropriates $50 a month for sixty months to Charles R. Hooper, and it does not make a lump sum appropriation. I think that is the effect of the Senate amendment. I hope that the bill for the relief of this poor fellow may not be made a test case, although, of course, I recognize that any man's case may be made so.

Mr. PERKINS (Mr. MALLORY in the chair). Mr. President, I know nothing about the merits of this particular case. I doubt not that the statement made by the Senator from Maryland is correct in every respect. The amendment reported by the Senate committee proposes that the beneficiary shall receive $50 a month for sixty months in compensation for the injury he has received, which is the loss of an eye.

It seems to me, notwithstanding the objection of my friend the Senator from Connecticut—and there is no one for whose good judgment I have greater respect—that the Government should deal as liberally, as justly, as fairly with its employees as does a private company or a private corporation.

I have been engaged for many years in the transportation business—in the steamship business. We have no law that com-

pels us to care for those who are injured in our employ. Indeed, the Government provides a marine hospital where seamen are supported and cared for, receiving surgical aid and medicine when they are sick or suffering from injuries. But there never has been a case that came to my knowledge during the administration of the affairs of that company where one was permanently injured and had a family or others dependent upon him for support that the company did not make an allowance to him of so much a month for a certain period of time.

I think the same rule prevails on many of the railroads and among many of the factories of our country. It is a just, a humane, and, I believe, a wise provision, and I have already introduced at this session of Congress a bill providing that under certain conditions those who are injured while working for the Government in the navy-yards of the country, in the machine shops—injured not by their own carelessness, but by those accidents that occur among mechanics and workmen in every vocation of life—shall receive for a certain period of time a fixed sum. Call it a pension if you please. It is simply compensating them that they may not be dependent upon charity for their existence during the time when they are suffering from an injury which they have received in the performance of their duty.

I am ready to follow my friend the Senator from Connecticut on almost every proposition, but in this case I can not. We have come to the parting of the roads, and I believe if he considers this matter carefully he will vote for a measure whereby those who are injured in the employ of the Government, in the navy-yards and in the machine shops and elsewhere, may be properly provided for.

Mr. PLATT of Connecticut. Do I understand the Senator from California to claim that whenever any accident occurs, where there is no negligence shown on the part of the Government, or even on the part of a fellow-workman, the Government is bound to compensate the person who receives the injury?

Mr. PERKINS. I believe, Mr. President, the Government, which can not be sued in any court, should be as just and should be made as liable, after a commission has found certain facts, as a private corporation or company would be in a court of justice.

Mr. PLATT of Connecticut. But does the Senator claim that a private corporation would be liable to a workman who was accidentally injured, without negligence on the part of the corporation or negligence shown on the part of a fellow-workman?

Mr. PERKINS. I am aware, of course, that in most of the States of the Union a company is not liable for injuries which may be received by an employee through the carelessness of a fellow-workman.

Mr. PLATT of Connecticut. I am not putting it there. If we are to part company, we want to know on what we part. I understand the Senator's proposition to be that every person who is injured accidentally when in the employ of another person ought to be compensated by that person, though there is no negligence shown on the part of anybody, and it is purely accidental.

Mr. PERKINS. Oh, no.

Mr. PLATT of Connecticut. That is what I understood.

Mr. PERKINS. That is too broad a statement. I do say that the Government should be as liable for damages and should deal as justly with those who are in its employ as a company or a private corporation.

With respect to this bill, we are to pass it upon its merits. I see, by a cursory reading of it, that this man was employed in the machine shop in Washington, D. C., and he receiver a permanent injury, such as not one of us would take a hundred thousand dollars or a million dollars and suffer. By this bill it is merely proposed to compensate him to the extent of $3,000.

Mr. PLATT of Connecticut. This bill says it was an accident.

Mr. PERKINS. Almost everything that occurs to us is the result of an accident. My friend may walk out and slip on the sidewalk and break an arm or a leg, and it is an accident.

Mr. PLATT of Connecticut. What I want to know is whether the Senator proposes to vote for this bill on the ground that a workman employed by the Government, sustaining an accident while in such employment, ought to be compensated by the Government?

Mr. PERKINS. The committee have investigated this case. They have heard the testimony——

Mr. PLATT of Connecticut. Oh, well.

Mr. PERKINS. They reported favorably on it; and I am prepared in this instance to follow the report of the committee.

Mr. PLATT of Connecticut. The Senator who reported it says he is not satisfied as to the propriety or wisdom of adopting such a bill and making such a precedent.

Mr. CLAPP obtained the floor.

Mr. McCOMAS. Will the Senator from Minnesota yield to me for a moment?

Mr. CLAPP. Certainly.

Mr. McCOMAS. I introduced this bill. I remember distinctly that I read the debate in the House before I introduced the bill, and the statement was made by those there, who seemed to have a full report of the facts, which is not accessible in the present report—it was reported in the House a few years ago—and the statement was several times repeated, that the injury happened in an unexpected manner; that it happened in a way which ordinarily the fellow-servant would not have a right to expect it would happen, and that there was some carelessness on the part of the person who hit the hot metal, whereby this man, who had been in no wise negligent or lacking in care, suffered injury.

It seems to me it is not well or wise that in the case of an humble and industrious blacksmith, working for the Government at a forge, the extreme rigidity of the rule with respect to injury by the act of a fellow-servant should be applied by the Government of the United States. There are commonwealths that have modified the rule. Railroads have been required in some respects to submit to a milder rule, where a servant is injured, and injured by the act of a fellow-servant. Certainly it can not happen that every day one man helping another man, striking metal, loses an eye by it. In this case the eye of the beneficiary of this bill was put out. I do not want to mislead the Senate, but I confess frankly that I have not a distinct and clear recollection of all the statements I heard in this case, nor have I a distinct and clear recollection of all that was said in this case by men who vouched for what they said.

But I want to say that the impression made on my mind before I introduced this bill, after it had passed the House, was that there was evidence tending to show the negligence of the fellow-employee. I have forgotten his name, if I ever knew it. Probably I did. I think that must have influenced the Senate committee. I think it must have influenced the House, which passed the bill. It failed in the Senate the last time.

I submit that in the case of this honest and industrious blacksmith, where the compensation is simply the payment of a sum of money for a limited time, it is not wise or necessary, nor is it the time to press the rigid application of the rule that a man injured in working for the Government is to be set adrift without any compensation upon the doctrine of fellow-servant. I think this case might pass.

Mr. SPOONER. Mr. President, the Senator from Maryland [Mr. McCOMAS] is a very careful legislator; he is a learned lawyer; he was a very able judge, and he has made a splendid Senator. He has impressed me with the feeling that if it were not simply a matter of sympathy with him he would not be found either introducing or supporting this proposition. He sympathizes with this man, whom he knew. I do not know him, but I sympathize with him as warmly as it is possible for me to do. But we are not here simply to be guided by our sympathies. As I had occasion to say the other day, we are not here voting our own money. We are here as trustees, holding the purse in which is the money of the people, gathered in for governmental purposes under many laws.

The Senator talks about fellow-servant. There is no law relating to the liability of an employer growing out of the fellow-servant doctrine that is applicable at all to this bill, as the report states the case. It may that the Senate and the House will yet come to adopt the principle that the Government, employing millions of men in one service and another, shall be liable as under the common-law rule which governs liability because of the negligence of a fellow-servant.

The Senator from Connecticut [Mr. PLATT] is right. Let us meet that as a general proposition, for, when it comes, it will be a revolution of the system which has prevailed from the foundation of the Government.

But this case is no such case. There is no pretense in this case that the Government was negligent. There is no pretense that it was negligent in respect of adequate and proper equipment. There is no pretense that it was negligent in the employment of an incompetent or unfit servant—none at all. Under no law that I know of would any private corporation, steamship or other, be liable in a court of justice, because there is neither negligence on the part of the employer, nor upon the part of the man who was injured, nor upon the part of the man who injured him.

So far as this case is made to appear by the report of the committee, it is a case of pure accident—nothing else, nobody being at fault. If we shall do this in the case of the blacksmith, why not in the case of the carpenter; why not in the case of all the men who work in the navy-yard; why not as to the men who work on our ships at sea; why limit it to any class of employees of the Government? Why single out one

person and pay money to him as a matter of kindness, of generosity, or from the standpoint of sympathy or sentiment, for, after all, it is sympathy? Shall we do that in all cases where an employee of the Government, without fault on the part of the Government, without any fault upon his own part, without fault upon the part of those with whom he is working, is by an accident injured? There are some——

Mr. GALLINGER. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. GALLINGER. If we enter upon that policy, so far as the Government is concerned, why should not the employer of labor likewise be held responsible?

Mr. SPOONER. The employer of labor would not be liable in any court in any such case.

Mr. GALLINGER. Neither would the Government.

Mr. SPOONER. Neither would the Government.

Mr. GALLINGER. That is what I say.

Mr. SPOONER. Why single out this case?

I say to the Senator from Maryland, Shall it be done in all such cases? He will not say yes. But in the vast number of employees of the Government injuries akin to this, originating not in this precise way always, but in others quite as natural and quite as inevitable, are liable to occur. I expect somewhere in the United States, among our army of employees, something akin to it happens every day.

Now, let us have a rule about it. If this is a good case for an appropriation—and it never has been so considered hitherto—all of them are good cases for similar appropriations. The Senator from California [Mr. PERKINS] while engaged in this business might extend the bill which he has drawn, which, I understand, extends the rule of the common-law liability of the employer for injuries received through the negligence of a fellow-servant to the Government. Am I right about that?

Mr. PERKINS. The Secretary of the Navy during the past six years has recommended a measure similar to that which I have indicated.

Mr. SPOONER. What is the bill?

Mr. PERKINS. That where people have been engaged in the employ of the Government in the navy-yards and are injured a commission shall be appointed to determine whether it was the result of their own negligence or that of a fellow-workman or by some imperfection in the machinery furnished by the Government.

Mr. SPOONER. Is the Senator's bill limited to navy-yards?

Mr. PERKINS. It is.

Mr. SPOONER. Why?

Mr. PERKINS. Because I am on the Committee on Naval Affairs, and I thought I had all I could undertake at this session of Congress.

Mr. SPOONER. I commend the Senator to be as just and generous to the employees of the Government not in the navy-yards as to those who happen to be engaged in the navy-yards. Why not enlarge the bill?

Mr. PERKINS. I think the principle is correct. I think the Government—I reiterate that which I have stated before—should be as just to its employees, whether in the Navy, the Army, or any department of the Government, as a private corporation or a private company, as my friend the Senator from Wisconsin would be if this man had been injured in his employ. I venture the assertion that if he had been, he would have compensated him more than is provided for in this bill.

Mr. SPOONER. That is the argumentum ad hominem.

Mr. PERKINS. Nevertheless it is an appeal to one's human sympathy.

Mr. SPOONER. What I might do as between my employee and myself I would do with my own money, not with the Senator's, and we are here voting the money of other people. We stand between the people and an improvident or improper expenditure. It is not this case that I am talking about, but all similar cases involving the expenditure of public money.

Mr. PERKINS. If the Senator will permit me, I will state in justice to myself that I have never voted for a measure appropriating the Government's money that I would not have voted the same way were it my own individual money.

Mr. SPOONER. I did not intimate the contrary.

Mr. PERKINS. Therefore if it is an error at all it is an error of judgment and not of the heart.

Mr. SPOONER. I did not intimate to the contrary. Whether the rules shall be changed and the Government shall be made to stand as to its employees upon the doctrine of common-law liability growing out of the relation of servants and employers is a very large proposition, not to be disposed of simply upon sympathy or the popularity of the proposition, but it is to be met by the Senate and the House and disposed of with reference to the interests of the Government and the people. Up to this date the Government has never been made an insurer of the care and the skill of its vast army of employees.

Mr. GORMAN. Will the Senator permit me just one word?

Mr. SPOONER. Certainly.

Mr. GORMAN. The Senator states what is the rule as a matter of course. Few people injured in the Government service have ever been provided for, but that has not been universally the case. In cases of loss of sight or being maimed for life the Government has provided for not only those in the employment of the navy-yards, but those in employment in this Capitol.

There are two or three cases I have now in mind where men were performing some service and they were maimed and Congress made an exception in their favor. A man broke an arm or lost an arm at the other end of the Capitol, and an employee of the Senate, while in the performance of duty, lost his life by the negligence of workmen. Another case I recall is that of an employee of the Senate who, through an accident, caused not by his fault, was maimed for life. He was provided for. We provided for both men and women in the navy-yard in that great disaster where they had an explosion; we have provided for them in the civil branch; we provided for them in the case of the Ford's Theater disaster. But these were exceptional cases, where they have been maimed for life and where they had no legal right to claim it. Congress has in all those cases provided for them. Here is a poor man, probably maimed for life, and it is rendered impossible for him to get a livelihood. It is on all fours with the cases which have heretofore been provided for, and it is given not as a right but as a donation.

Mr. SPOONER. I see that the two Senators from Maryland are unanimous on this particular bill. I suppose that is natural. All the cases mentioned by the Senator from Maryland were cases of negligence.

Mr. GORMAN. Not all; but the result of accidents that were unavoidable.

Mr. PLATT of Connecticut. The Ford's Theater disaster was certainly a case of negligence. It was put on that ground.

Mr. GORMAN. Yes, that case; but take the case I refer to in this Capitol, when an explosion of gas occurred, and we made provision for the sufferers. Where the disaster was extraordinary and they were maimed for life or it was made impossible for them to earn a livelihood, it was given in the shape of a donation.

While I do not know this applicant and never heard of him until I read the bill in the Senate to-day, I have no doubt from the statement made that it is one of the cases which come under that rule. It is a small matter, and it is not establishing a precedent. Therefore I do trust the Senator will permit the bill to pass.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER (Mr. MALLORY in the chair). The Senator from Wisconsin has the floor.

Mr. PERKINS. Will the Senator from Wisconsin yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. PERKINS. When I called the attention of the Senate to this particular case it escaped my mind for the moment that one who is in deep touch with the people of the country, as was evidenced in the recent Presidential election, has given expression on this very same subject-matter. Therefore, with the Senator's permission, I desire to read the following short extract from the message of the President of the United States, on page 3:

> The wage-workers are peculiarly entitled to the protection and the encouragement of the law. From the very nature of their occupation railroad men, for instance, are liable to be maimed in doing the legitimate work of their profession, unless the railroad companies are required by law to make ample provision for their safety. The Administration has been zealous in enforcing the existing law for this purpose. That law should be amended and strengthened. Wherever the National Government has power there should be a stringent employer's liability law, which should apply to the Government itself where the Government is an employer of labor.

It seems to me, Mr. President, that the language of the President in this official message to Congress echoes the sentiment I gave expression to, and which is very near to my heart, because I believe it to be just and right. I think the President is right. I think he is in touch properly with the people on this question.

Mr. SPOONER. Mr. President, the recommendation of the President did not escape my memory if it did the memory of the Senator from California. I look upon that, of course, as just what it is, the opinion of the President, properly communicated to Congress, as to a change which he conceives ought to be made in the laws of the United States. Of course that is persuasive and entitled to earnest and respectful consideration. But when the time comes to act upon it I hope to be able to

remember that the question for me to consider is what, after a thorough and faithful study, my judgment is about it as a Senator acting under oath and a member of a coordinate and independent branch of the Government.

When the time comes, I may vote for that proposition, after carefully considering it, and I suppose the Senator may do so before carefully considering it. I may not see my way clear to vote for it. It does not arise upon this bill in any view of it. The next bill to this is just like this bill. These are not isolated cases. I know of a number in this city who are similarly situated. I know some one who has been helped privately from sympathy who is similarly situated. The question is not this particular bill, but whether we should go into this business as a rule. If we do it in one case, we ought to do it in all.

Mr. WARREN. Mr. President——

Mr. SPOONER. Just a moment and I will be through. I realize that in the face of such appeals——

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Pardon me for just a moment. It is an ungracious office to oppose such a measure, and I want to be relieved by the Senator from South Carolina (I would not under the circumstances choose the Senator from California), but I should like to be relieved from further exercising the function of a "watchdog of the Treasury" this afternoon.

Mr. WARREN. Mr. President, without reference to this particular bill the Committee on Claims, which reported this and a very, very few other similar bills, does not undertake to establish any precedent or to overturn any precedent already established. There are innumerable bills of personal injury that come before that committee, and nearly all of them are passed upon unfavorably. But there are some that appeal, not only to our sympathies, but to our love of justice, and they appear in a way that the committee believe them entitled to favorable consideration, and that relief should be afforded by the Government to in some measure compensate for their great loss.

I dare say that out of the number of claims that we refuse to pass favorably upon in that committee there are many which any member of the committee would cheerfully acknowledge were claims upon his pocket, as well as sympathy, if he were in business and the injured person in his employ.

Similar bills have passed this Congress and in prior Congresses. Possibly some have passed that ought not to pass. It is my belief that a great many have not passed which ought to pass. I recall two or three passed in the first session of this Congress. It is not a matter of precedent. It is a matter of gratuity, if you wish to put it that way, though it be only a matter of partial compensation for great personal harm suffered by the claimant. The Government does not assume by payment that it is legally responsible. When it pays one it does not agree that it will pay another.

It is simply that where a case is strong enough to appeal to the judgment and conscience of Congress a gratuity is allowed. Our laws have recognized gratuities and our courts also, and that the Government may appropriate and pay sums that, strictly speaking, are a gratuity.

Mr. TILLMAN. Mr. President, I am unfortunate inasmuch as I am here in the attitude of making comparisons. I recall a case in my own personal knowledge. When the Government began work on the Charleston jetties they leased a quarry 3 miles from where I live. Many of the employees of the Government were people whom I knew. Among them was one who was employed to run the engine for hoisting. By some explosion either of dynamite or through some accident (I have forgotten the details) that man had one eye put out and his hand so lacerated that he can not use it, and his arm was broken. I have tried three or four times to get through a bill for his relief, but I could not find any of that milk of human kindness which seems to have settled down here. I do not want to get up an Irish bull of a simile, but anyhow the present Committee on Claims is immersed in the milk of human kindness, and we are gratuitously distributing money contrary to the usage heretofore and the technical construction of the rights of individuals under such circumstances.

I notice another thing. This claim is ten years old. This man happened with this misfortune in 1894, and, while the bill as originally introduced provides for $5,000, the committee is so gracious and kindly and so humanitarian in its aspirations and feelings that it proposes to give him $30,000.

Mr. McCOMAS and Mr. PERKINS. Three thousand dollars.

Mr. TILLMAN. Fifty dollars a month for sixty months. I beg your pardon. All right; it is $3,000. Why do you not say $3,000 in the bill? I made just a little miscalculation in arithmetic. I thought possibly I might get some recognition of the claim of my old friend down there, who is not limping through life, but he is blind in one eye. That is not an obstruction to working; I do a little work with one eye; but still when the claim came to this committee it never would look at any bill I introduced for his relief. Why these discriminations? Why not have a general law providing for the compensation of Government employees under certain circumstances and lay down a general rule? Why leave it to the whims and generosity, so to speak, of this or that committee?

Mr. McCOMAS. Will the Senator from South Carolina permit me?

Mr. TILLMAN. Certainly. I am asking the question of some one.

Mr. McCOMAS. In this case this man has had a bill in the Senate and House ever since the time of the injury.

Mr. TILLMAN. I have had my bill here three or four times and I never could get the committee to even squint at it, much less look at it.

Mr. McCOMAS. This man has now been waiting for eleven years, and if he would have to wait until a general bill were passed he would be much older.

Mr. TILLMAN. I do not want a general bill; I want the specific bill which I introduced and for which I could not get any consideration.

Mr. McCOMAS. If the Senator can not get his own bill passed he ought to help to get this measure through.

Mr. TILLMAN. I do not believe in making flesh of one and fowl of another; and if I can not get compensation for a South Carolinian whose eye was put out while he was working for the Government I do not want a man from Maryland or Virginia, or from anywhere else, to get compensation for injury under the same circumstances. I object to this bill.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. TILLMAN. I object to its consideration, if I am still in time.

The PRESIDING OFFICER. The Senator will have to move that the bill be laid aside.

Mr. TILLMAN. I beg pardon; I thought we were taking up unobjected bills.

Mr. GORMAN. No, sir.

Mr. TILLMAN. All right; then I will introduce a bill immediately and will hope to have its favorable consideration, and I will expect to have the two Senators from Maryland to be my right and left bowers when I seek to get something from the Government as a gratuity for my old friend.

The PRESIDING OFFICER. Does the Senator from South Carolina make any motion?

Mr. TILLMAN. No; I do not make any motion. Let the bill go through.

The PRESIDING OFFICER. If there be no further amendment proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and it was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. PLATT of Connecticut. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MILLARD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CLARKE]. As he is not present, I withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO's name was called). My colleague [Mr. TALIAFERRO] is unavoidably absent from the Senate to-day. He is paired with the Senator from West Virginia [Mr. SCOTT].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I am informed that he would vote the same way as I propose to vote, and I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to ask if the junior Senator from Missouri [Mr. STONE] has voted on this proposition. I have just come into the Chamber.

The PRESIDING OFFICER (Mr. PERKINS). The Chair is informed that he has not voted.

Mr. CLARK of Wyoming. I am paired with that Senator, and I refrain from voting.

Mr. CLAPP (after having voted in the affirmative). Observing the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, I wish to withdraw my vote.

Mr. DEPEW (after having voted in the affirmative). I have a general pair with the Senator from Louisiana [Mr. Mc-

ENERY]. I transfer that pair to my colleague [Mr. PLATT] and let my vote stand.

Mr. GAMBLE. I ask if the junior Senator from Nevada [Mr. NEWLANDS] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. GAMBLE. I have a general pair with the junior Senator from Nevada. If he were present, I should vote "nay."

Mr. MALLORY. I desire to announce that the Senator from Idaho [Mr. DUBOIS] is absent on official business and that he is paired with the senior Senator from Oregon [Mr. MITCHELL].

Mr. BATE. I announce that my colleague [Mr. CARMACK] is absent and is paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. GAMBLE. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and I vote "nay."

The result was announced—yeas 23, nays 22, as follows:

YEAS—23.

Alger	Depew	Gorman	Morgan
Allee	Dillingham	Hansbrough	Perkins
Bacon	Dolliver	Heyburn	Stewart
Blackburn	Foraker	McComas	Warren
Burnham	Foster, La.	McCreary	Wetmore
Clay	Fulton	Martin	

NAYS—22.

Ankeny	Dryden	Knox	Pettus
Bard	Gallinger	Latimer	Platt, Conn.
Bate	Gamble	Lodge	Proctor
Cullom	Hopkins	McCumber	Tillman
Daniel	Kean	Mallory	
Dietrich	Kittredge	Nelson	

NOT VOTING—45.

Aldrich	Clark, Wyo.	Hawley	Platt, N. Y.
Allison	Cockrell	Kearns	Quarles
Bailey	Crane	Long	Scott
Ball	Culberson	McEnery	Simmons
Berry	Dick	McLaurin	Smoot
Beveridge	Dubois	Millard	Spooner
Burrows	Elkins	Mitchell	Stone
Burton	Fairbanks	Money	Taliaferro
Carmack	Foster, Wash.	Newlands	Teller
Clapp	Frye	Overman	
Clarke, Ark.	Gibson	Patterson	
Clark, Mont.	Hale	Penrose	

The PRESIDING OFFICER. The vote develops the fact that there is not a quorum voting.

Mr. GALLINGER and Mr. PLATT of Connecticut. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll; and the following Senators responded to their names:

Alger	Daniel	Gorman	Millard
Allee	Depew	Heyburn	Morgan
Allison	Dick	Hopkins	Nelson
Ankeny	Dietrich	Kean	Perkins
Bacon	Dillingham	Kittredge	Pettus
Bard	Dolliver	Knox	Platt, Conn.
Bate	Dryden	Latimer	Proctor
Blackburn	Elkins	Lodge	Stewart
Burnham	Foraker	McComas	Tillman
Clapp	Foster, La.	McCreary	Warren
Clark, Wyo.	Fulton	McCumber	Wetmore
Clay	Gallinger	Mallory	
Cullom	Gamble	Martin	

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present. The question recurs upon the passage of the bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I will transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. CLARK of Wyoming (when his name was called). I am paired with the junior Senator from Missouri [Mr. STONE], but as he is not present I withhold my vote. If he were present, I should vote "yea."

Mr. DEPEW (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to my colleague [Mr. PLATT of New York], and vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NEWLANDS], but I transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "nay."

Mr. MCLAURIN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. FOSTER]. I therefore withhold my vote.

Mr. MILLARD (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO's name was called). I again announce the unavoidable absence of my colleague [Mr. TALIAFERRO], who is paired with the junior Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Delaware [Mr. BALL], and vote. I vote "yea."

The result was announced—yeas 25, nays 23, as follows:

YEAS—25.

Alger	Depew	Gorman	Perkins
Allee	Dick	Hansbrough	Stewart
Bacon	Dillingham	Heyburn	Warren
Blackburn	Elkins	McComas	Wetmore
Burnham	Foraker	McCreary	
Clapp	Foster, La.	Martin	
Clark, Wyo.	Fulton	Morgan	

NAYS—23.

Allison	Dietrich	Kittredge	Nelson
Ankeny	Dryden	Knox	Pettus
Bard	Gallinger	Latimer	Platt, Conn.
Bate	Gamble	Lodge	Proctor
Cullom	Hopkins	McCumber	Tillman
Daniel	Kean	Mallory	

NOT VOTING—42.

Aldrich	Cockrell	Kearns	Platt, N. Y.
Bailey	Crane	Long	Quarles
Ball	Culberson	McEnery	Scott
Berry	Dolliver	McLaurin	Simmons
Beveridge	Dubois	Millard	Smoot
Burrows	Fairbanks	Mitchell	Spooner
Burton	Foster, Wash.	Money	Stone
Carmack	Frye	Newlands	Taliaferro
Clark, Mont.	Gibson	Overman	Teller
Clarke, Ark.	Hale	Patterson	
Clay	Hawley	Penrose	

So the bill was passed.

The Committee on Claims reported an amendment to the second clause of the preamble, in the eighth line, by striking out the date "1891" and inserting "1894."

Mr. GALLINGER. I move to strike out the preamble as a whole. It ought not to be in the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire, striking out the entire preamble.

The amendment was agreed to.

The PRESIDING OFFICER. The bill stands passed without the preamble.

EXECUTIVE SESSION.

Mr. DOLLIVER. Mr. President, I understand the Senate have agreed to consider the Pension Calendar after 4 o'clock. Owing to the pressure of very important nominations, which ought to be immediately considered, I move that the Senate proceed to the consideration of executive business.

Mr. MCCUMBER. I wish the Senator would announce how long the executive session will probably continue.

Mr. DOLLIVER. I should say not more than four or five minutes.

Mr. MCCUMBER. With that understanding, I have no objection to the Senator's motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. DOLLIVER] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

STATEHOOD BILL.

Mr. NELSON. I do not know that I am certain about it, and so I beg leave to inquire of the Chair whether the so-called "statehood bill" was laid aside for the entire day, until to-morrow?

The PRESIDING OFFICER. That was the understanding of the Chair, no objection being made at the time.

Mr. NELSON. It goes over as the unfinished business until to-morrow at 2 o'clock?

The PRESIDING OFFICER. It goes over as the unfinished business, and will come up to-morrow at 2 o'clock.

Mr. NELSON. As the unfinished business?

The PRESIDING OFFICER. As the unfinished business.

ELIZABETH WYNNE.

The PRESIDING OFFICER. The special order of the Senate now is the consideration of unobjected pension bills, and the first case will be stated.

The bill (H. R. 4112) granting an increase of pension to Elizabeth Wynne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Wynne, widow of William B. Wynne, late surgeon Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA C. HILLEARY.

The bill (H. R. 2353) granting an increase of pension to Sophia C. Hilleary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophia C. Hilleary, widow of Henry C. Hilleary, late of Company C, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and to pay her a pension of $12 a month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. CARBERRY.

The bill (H. R. 14150) granting an increase of pension to John J. Carberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Carberry, late captain Company I, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. DICKEY.

The bill (H. R. 12058) granting an increase of pension to John W. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Dickey, late of Company D, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MARY E. WEAVER.

The bill (H. R. 9771) granting an increase of pension to Mary E. Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Weaver, widow of John F. Weaver, late of Company E, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL KURTZ.

The bill (H. R. 10686) granting an increase of pension to Michael Kurtz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Kurtz, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. BARRON.

The bill (H. R. 7367) granting an increase of pension to John M. Barron was considered as in Committee on the Whole. It proposes to place on the pension roll the name of John M. Barron, late third assistant engineer, with relative rank of midshipman, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS E. SALADA.

The bill (H. R. 3359) granting an increase of pension to Cyrus E. Salada was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus E. Salada, late of Company H, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HELT.

The bill (H. R. 5245) granting an increase of pension to William A. Helt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Helt, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEANIE G. LYLES.

The bill (S. 5455) granting an increase of pension to Jeanie G. Lyles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeanie G. Lyles, dependent mother of Thomas C. Lyles, late of Company H, Fifth Regiment Maryland Volunteer Infantry, war with Spain, and De Witt C. Lyles, late first lieutenant, Twentieth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. TOWNSEND.

The bill (H. R. 13501) granting an increase of pension to James L. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Townsend, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK W. TAPPMEYER.

The bill (H. R. 3712) granting a pension to Frederick W. Tappmeyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick W. Tappmeyer, late of Company E, Thirty-fourth Regiment Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER P. MITCHELL.

The bill (H. R. 12052) granting a pension to Walter P. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter P. Mitchell, late of Captain Thatcher's independent company, Pettis County Missouri Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate, without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. JONES.

The bill (H. R. 11984) granting an increase of pension to Edward C. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward C. Jones, late acting second assistant engineer, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. SHAY.

The bill (H. R. 10969) granting an increase of pension to Joseph H. Shay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Shay, late of Company E, First Regiment Colorado Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP H. STRUNK.

The bill (H. R. 7241) granting an increase of pension to Philip H. Strunk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip H. Strunk, late of Company K, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WYMAN J. CROW.

The bill (H. R. 1907) granting an increase of pension to Wyman J. Crow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wyman J. Crow, late of Company H, First Regiment California Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD L. RUSSELL.

The bill (H. R. 15744) granting an increase of pension to Edward L. Russell was considered as in Committee of the Whole

It proposes to place on the pension roll the name of Edward L. Russell, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. WATTS.

The bill (H. R. 14951) granting an increase of pension to Benjamin F. Watts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Watts, late of Company K, Seventieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES B. HESLER.

The bill (H. R. 11402) granting an increase of pension to Agnes B. Hesler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes B. Hesler, widow of Frederick Alexander Hesler, late surgeon, United States Navy, and to pay her a pension of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Frederick Alexander Hesler until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT LIGGATT.

The bill (H. R. 6543) granting an increase of pension to Robert Liggatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Liggatt, late of Company C, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED CHILL.

The bill (H. R. 12397) granting an increase of pension to Alfred Chill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Chill, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH ROBERTS.

The bill (H. R. 4211) granting an increase of pension to Elijah Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Roberts, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. M'KENNEY.

The bill (H. R. 5089) granting an increase of pension to Charles W. McKenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. McKenney, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SHANLEY.

The bill (H. R. 5692) granting an increase of pension to John Shanley was considered as in the Committee of the Whole. It proposes to place on the pension roll the name of John Shanley, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA C. OWEN.

The bill (H. R. 15269) granting a pension to Anna C. Owen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna C. Owen, widow of Alfred D. Owen, late lieutenant-colonel Eightieth Regiment Indiana Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVELYN M. DUNN.

The bill (H. R. 14576) granting an increase of pension to Evelyn M. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evelyn M. Dunn, widow of William D. Dunn, late assistant surgeon, Twenty-first Regiment Indiana Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA PARSONS.

The bill (H. R. 6948) granting an increase of pension to Joshua Parsons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Parsons, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE DELAND.

The bill (H. R. 808) granting an increase of pension to George Deland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Deland, late of Company I, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER MORRISON.

The bill (H. R. 11451) granting an increase of pension to Alexander Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Morrison, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESIRE LEGLISE.

The bill (H. R. 15743) granting an increase of pension to Desire Leglise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Desire Leglise, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. JOHNSON.

The bill (H. R. 8166) granting an increase of pension to Martha A. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Johnson, widow of William A. Johnson, late captain Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOLA QUALLS.

The bill (H. R. 10945) granting a pension to Lola Qualls was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lola Qualls, helpless and dependent daughter of James M. Qualls, late of Company I, First Regiment Illinois Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT MEAD.

The bill (H. R. 9115) granting an increase of pension to Merritt Mead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Merritt Mead, late of Company K, One hundred and thirty-fifth Regiment, and Company D, One hundred and ninety-eighth Regiment, Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. STANFIELD.

The bill (H. R. 11148) granting an increase of pension to George W. Stanfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Stanfield, late of Company H, One hundred and twentieth Regiment Indiana Volunteer Infantry, and to pay

him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. RICE.

The bill (H. R. 6961) granting an increase of pension to Thomas E. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Rice, late of Company B, Fifty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'GREGOR.

The bill (H. R. 10554) granting an increase of pension to John McGregor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McGregor, late of Company D, Nineteenth Regiment, and Company I, Twentieth Regiment, Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. COURTNEY.

The bill (H. R. 6640) granting an increase of pension to John A. Courtney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Courtney, late first lieutenant Company F, Sixty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. SMITH.

The bill (H. R. 4728) granting an increase of pension to William Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Smith, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HIRAM BAIRD.

The bill (H. R. 5436) granting a pension to Hiram Baird was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Baird, late of Company B, First Regiment East Tennessee National Guards Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESTON D. ROADY.

The bill (H. R. 5461) granting an increase of pension to Preston D. Roady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Preston D. Roady, late of Company G, Eighth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. KITTS.

The bill (H. R. 12576) granting an increase of pension to William M. Kitts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Kitts, late of Company G, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARISSA E. M'CORMICK.

The bill (H. R. 11235) granting a pension to Clarissa E. McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarissa E. McCormick, widow of John C. R. McCormick, late second lieutenant Company C, Eightieth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRAVES.

The bill (H. R. 12577) granting an increase of pension to James Graves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Graves, late of Company F, Third Regiment Tennessee Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS O. MARSHALL.

The bill (H. R. 1099) granting an increase of pension to Lewis O. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis O. Marshall, late captain Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY JEFFERS.

The bill (H. R. 4655) granting an increase of pension to Henry Jeffers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Jeffers, late of Company M, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GINNANE.

The bill (H. R. 14184) granting an increase of pension to James Ginnane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Ginnane, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, and Company F, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $14 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD M. RHOADES.

The bill (H. R. 6506) granting an increase of pension to Edward M. Rhoades was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward M. Rhoades, late of the U. S. S. *Cyane*, *Saranac*, and *Savannah*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS H. HAINES.

The bill (H. R. 15688) granting an increase of pension to Augustus H. Haines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus H. Haines, late of Company K, Eighth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN M. RAYMOND.

The bill (H. R. 6129) grating an increase of pension to Edwin M. Raymond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin M. Raymond, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CUMMINGS.

The bill (H. R. 2558) granting an increase of pension to John Cummings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cummings, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. M'CLURG.

The bill (H. R. 11661) granting an increase of pension to William H. McClurg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

William H. McClurg, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD H. STILLWELL.

The bill (H. R. 5037) granting an increase of pension to Richard H. Stillwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard H. Stillwell, late of Battery E, Second Regiment United States Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY L. KYLER.

The bill (H. R. 11788) granting an increase of pension to Henry L. Kyler, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry L. Kyler, late of Company A, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON H. DAVIS.

The bill (H. R. 4948) granting a pension to Wilson H. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson H. Davis, late of Company F, Second Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL H. HUNT.

The bill (H. R. 2151) granting an increase of pension to Samuel H. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Hunt, late colonel One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC W. SHERMAN.

The bill (H. R. 9798) granting an increase of pension to Isaac W. Sherman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac W. Sherman, late of Company E, One hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SCHEALL.

The bill (H. R. 14601) granting an increase of pension to William Scheall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Scheall, late of Company C, Thirteenth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DONNELLY.

The bill (H. R. 12859) granting an increase of pension to James Donnelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Donnelly, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. HAYWARD.

The bill (H. R. 15404) granting an increase of pension to John A. Hayward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Hayward, late of Company B, Twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HYATT.

The bill (S. 4392) granting an increase of pension to Samuel Hyatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Battalion," to strike out the name "Seymour" and insert "Seymour's;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hyatt, late of Company A, Seymour's Battalion Georgia Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE B. NEWTON.

The bill (S. 4660) granting an increase of pension to Nellie B. Newton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie B. Newton, widow of John Newton, late captain, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said John Newton until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO STREETER.

The bill (H. R. 10272) granting an increase of pension to Lorenzo Streeter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Streeter, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. THAYER.

The bill (H. R. 14855) granting an increase of pension to Henry C. Thayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Thayer, late of Company D, First Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. REYNOLDS.

The bill (H. R. 15144) granting an increase of pension to William J. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Reynolds, late captain Company H, Fourth Regiment, and Company B, Seventh Regiment, Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. DORSEY.

The bill (H. R. 912) granting an increase of pension to John F. Dorsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Dorsey, late of Company I, Third Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL CAYES.

The bill (H. R. 6832) granting an increase of pension to Nathaniel Cayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Cayes, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. YOUNG.

The bill (H. R. 15785) granting an increase of pension to Charles E. Young was considered as in Committee of the Whole

It proposes to place on the pension roll the name of Charles E. Young, late of First Independent Battery New Hampshire Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORIN PLAISTED.

The bill (H. R. 3287) granting an increase of pension to Orin Plaisted was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orin Plaisted, late of Second Battery, First Regiment Maine Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC HANSON.

The bill (H. R. 15680) granting an increase of pension to Isaac Hanson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Hanson, late of Company I, Sixtieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA L. CURKENDALL.

The bill (H. R. 15071) granting an increase of pension to Matilda L. Curkendall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda L. Curkendall, widow of George Curkendall, late first lieutenant Company D, Third Regiment Iowa Volunteer Cavalry, and lieutenant-colonel One hundred and thirty-eighth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA M. REEVES.

The bill (H. R. 15779) granting an increase of pension to Lucinda M. Reeves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda M. Reeves, widow of Edward Reeves, late of Company D, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SUPPES.

The bill (H. R. 15791) granting a pension to Mary Suppes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Suppes, widow of George Suppes, late of Company D, Second Regiment District of Columbia Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO D. JAMESON.

The bill (H. R. 6857) granting an increase of pension to Lorenzo D. Jameson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Jameson, late of Company H, First Regiment Arkansas Volunteer Cavalry, and first lieutenant Company K, First Regiment Arkansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN ALLRED.

The bill (S. 4897) granting an increase of pension to Reuben Allred was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Allred, late of Company A, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. BEASLEY.

The bill (S. 4121) granting an increase of pension to James D. Beasley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Beasley, late of Company G, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORA B. BONHAM.

The bill (S. 5568) granting an increase of pension to Flora B. Bonham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to insert "and Company A, Fiftieth Regiment," and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flora B. Bonham, widow of Walter J. Bonham, late of Company G, Ninety-ninth Regiment, and Company A, Fiftieth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HALL.

The bill (S. 5939) granting an increase of pension to George W. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hall, late first lieutenant Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. BUCK.

The bill (S. 5868) granting an increase of pension to Mary C. Buck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Buck, widow of William H. H. Buck, late of Company G, First Regiment Vermont Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWEN A. WILLEY.

The bill (S. 5938) granting an increase of pension to Owen A. Willey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Owen A. Willey, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JASON R. C. HOYT.

The bill (S. 5940) granting an increase of pension to Jason R. C. Hoyt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason R. C. Hoyt, late of Company E, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. LUTHER.

The bill (S. 5757) granting an increase of pension to William A. Luther was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Luther, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

SALLY DICKINSON.

The bill (S. 5712) granting an increase of pension to Sally Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sally Dickinson, widow of Joseph Dickinson, late lieutenant-colonel and assistant adjutant-general and brevet brigadier-general, United States Volunteers, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE F. DAVIS.

The bill (S. 6321) granting a pension to Hattie F. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hattie F. Davis, widow of George E. Davis, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH W. GORDON.

The bill (S. 6092) granting an increase of pension to Elijah W. Gordon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah W. Gordon, late of Company M, Second Regiment California Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WELCH.

The bill (S. 6091) granting an increase of pension to William Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Welch, late of Company I, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BARTLETT.

The bill (S. 184) granting an increase of pension to John Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bartlett, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH JANE SIMONDS.

The bill (S. 355) granting a pension to Sarah Jane Simonds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Jane Simonds, widow of William E. Simonds, late second lieutenant Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. M'CANN.

The bill (S. 4239) granting an increase of pension to William H. McCann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McCann, late of Company H, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES L. HARMON.

The bill (S. 6130) granting an increase of pension to Charles L. Harmon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Harmon, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY O. KENT.

The bill (S. 5426) granting a pension to Henry O. Kent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry O. Kent, late colonel Seventeenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN P. TENNEY.

The bill (S. 5961) granting an increase of pension to Warren P. Tenney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and Company D, Twenty-fourth Regiment Veteran Reserve Corps;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren P. Tenney, late of Company H, Tenth Regiment Vermont Volunteer Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. BARTLETT.

The bill (S. 5958) granting an increase of pension to Mary J. Bartlett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Bartlett, widow of Charles E. Bartlett, late first lieutenant Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS G. PARISH.

The bill (S. 5842) granting an increase of pension to Thomas G. Parish was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Parish, late of Company E, Twelfth Battalion Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES HULME.

The bill (S. 6004) granting an increase of pension to James Hulme was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hulme, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON P. SMITH.

The bill (S. 5841) granting an increase of pension to Nelson P. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson P. Smith, late of Company E, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EPHRAIM W. HARRINGTON.

The bill (S. 6094) granting an increase of pension to Ephraim W. Harrington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Companies B and" and insert "Company;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim W. Harrington, late of Company G, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY LYTTON.

The bill (S. 5975) granting an increase of pension to Lucy Lytton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Lytton, widow of John N. Lytton, late of Company A, Fifty-third Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE O. WHITMAN.

The bill (S. 5947) granting an increase of pension to Florence O. Whitman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence O. Whitman, widow of Frank H. Whitman, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GUSTAVUS S. YOUNG.

The bill (S. 1420) granting an increase of pension to Gustavus S. Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus S. Young, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIERPONT H. B. MOULTON.

The bill (S. 4888) granting an increase of pension to Pierpont H. B. Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pierpont H. B. Moulton, late of Company H, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. CLEMENS.

The bill (S. 2707) granting an increase of pension to James M. Clemens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Clemens, late of Company E, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. SHEPHERD.

The bill (S. 4075) granting an increase of pension to Charles M. Shepherd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Shepherd, late midshipman, United States Navy, and second lieutenant, Third Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'KEE PENTLAND.

The bill (S. 5678) granting a pension to Margaret McKee Pentland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret McKee Pentland, formerly Margaret McKee, late nurse, medical department United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Margaret McKee Pentland, formerly Margaret McKee."

FRANCIS M. SAMS.

The bill (S. 6116) granting an increase of pension to Francis M. Sams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first lieutenant and," and in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Sams, late first lieutenant and adjutant, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSIE C. G. SEABURY.

The bill (S. 5509) granting an increase of pension to Susie G. Seabury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Susie," to insert the letter "C.," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie C. G. Seabury, widow of Samuel Seabury, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Susie C. G. Seabury."

EZEKIEL RIGGS.

A bill (S. 4760) granting an increase of pension to Ezekiel Riggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Delaware," to strike out "Volunteers" and insert "Volunteer Infantry, and Company C, Ninth Regiment Veteran Reserve Corps," and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekiel Riggs, late of Company I, First Regiment Delaware Volunteer Infantry, and Company C, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. KINGMAN.

The bill (S. 5527) granting an increase of pension to John A. Kingman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Kingman, late of Company H, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE WOODRUFF.

The bill (S. 5727) granting an increase of pension to Jesse Woodruff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enactment clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Woodruff, late first lieutenant Captain C. M. Clay's company, First Regiment Kentucky Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. MOORHOUSE.

The bill (S. 6194) granting an increase of pension to William S. Moorhouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Moorhouse, late captain Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM V. MORRISON.

The bill (S. 5856) granting an increase of pension to William V. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 6, after the word "late," to strike out "a landsman in the" and insert "of the U. S. S. Potomac;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William V. Morrison, late of U. S. S. Potomac, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. LUCAS.

The bill (S. 2572) granting an increase of pension to Thomas J. Lucas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Lucas, late colonel Sixteenth Regiment Indiana Volunteer Infantry, and brigadier-general and brevet major-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEROME BRADLEY.

The bill (S. 5540) granting an increase of pension to Jerome Bradley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome Bradley, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. KINKEAD.

The bill (S. 141) granting an increase of pension to James W. Kinkead was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Kinkead, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JARED PRINDLE.

The bill (S. 5943) granting an increase of pension to Jared Prindle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared Prindle, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. HARPER.

The bill (S. 2074) granting an increase of pension to James A. Harper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Harper, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN SCHUBERT.

The bill (S. 5698) granting an increase of pension to Martin Schubert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Schubert, late of Company E, Twenty-sixth Regiment New York Volunteer Infantry, and Company C, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH C. WALKINSHAW.

The bill (S. 1794) granting an increase of pension to Joseph C. Walkinshaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Walkinshaw, late of Company I, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB O. WHITE.

The bill (S. 6193) granting an increase of pension to Jacob O. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "in lieu of that he is now receiving;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob O. White, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jacob O. White."

JAMES W. STICKLEY.

The bill (S. 5670) granting an increase of pension to James William Stickley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Stickley," to strike out "William" and insert the letter "W.;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Stickley, late of Company K, Fourth Regiment West Virginia Volunteers Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James W. Stickley."

CHARLES P. THURSTON.

The bill (S. 5953) granting an increase of pension to Charles P. Thurston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "private;" and in line 8, before the word "dollars," to insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Thurston, late of Company G, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BENEDICT.

The bill (S. 5451) granting an increase of pension to George W. Benedict was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "Sixth," to strike out "Regiment" and insert "Independent Battery;" and in line 7, after the word "Wisconsin," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Benedict, late of Sixth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALMA YOHUM.

The bill (S. 5941) granting an increase of pension to Alma Yohum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out the name "Phillip" and insert "Philipp;" in line 10, after the word "said," to strike out the name "Phillip" and insert "Philipp;" and in line 12, after the word "years," to insert the following proviso:

Provided, That in the event of the death of Mary Anna Yohum, blind and dependent child of said Philipp Yohum, the additional pension herein granted shall cease and determine.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alma Yohum, widow of Philipp Yohum, late of Company H, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Philipp Yohum until they reach the age of 16 years: *Provided,* That in the event of the death of Mary Anna Yohum, blind and dependent child of said Philipp Yohum, the additional pension herein granted shall cease and determine.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. GODOWN.

The bill (S. 3635) granting a pension to John M. Godown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "lieutenant," to strike

out "of;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in the same line after the word "month" to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Godown, late first lieutenant Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. Godown."

JANE FRANCIS.

The bill (S. 4135) granting an increase of pension to Jane Francis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Francis, widow of Henry Francis, late captain Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE M. BLACK.

The bill (S. 2419) granting an increase of pension to Jane M. Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" and in line 7, after the word "Minnesota," to strike out "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane M. Black, widow of Mahlon Black, late captain Second Company Minnesota Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'GINNIS.

The bill (S. 6192) granting an increase of pension to James McGinnis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McGinnis, late of Company G, Fifty-first Regiment New York Volunteer Infantry, and Company I, Fifteenth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK FEIGLEY.

The bill (S. 6195) granting an increase of pension to Frederick Feigley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Feigley, late of Company E, Twelfth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD DELAMATER.

The bill (S. 6085) granting an increase of pension to Leonard Delamater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard Delamater, late of Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrosed for a third reading, read the third time, and passed.

CHARLES R. VAN NORMAN.

The bill (S. 6191) granting an increase of pension to Charles R. Van Norman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles R. Van Norman, late of Company F, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. DICKINSON.

The bill (S. 6196) granting an increase of pension to William C. Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Dickinson, late of Company C, Hatch's battalion, Minnesota Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. GRAY.

The bill (S. 4159) granting an increase of pension to George W. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Gray, late of Sixth Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MILLER.

The bill (S. 3939) granting an increase of pension to James Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Miller, late of Company H, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD L. LANCASTER.

The bill (S. 4691) granting an increase of pension to Leonard L. Lancaster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard L. Lancaster, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN MACK.

The bill (S. 5550) granting an increase of pension to Martin Mack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Mack, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE COLLINS.

The bill (S. 825) granting an increase of pension to Jesse Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Collins, late of Company K, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. MUCHMORE.

The bill (S. 830) granting an increase of pension to Thomas H. Muchmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Muchmore, late of Company K, First Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES C. BROWN.

The bill (S. 69) granting an increase of pension to Frances C. Brown was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Frances C. Brown, widow of Peter L. Brown, late of Company E, Third Regiment, and Company M, Sixth Regiment, Missouri State Militia Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABNER TAYLOR.

The bill (S. 104) granting an increase of pension to Abner Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "and Company A, Eleventh Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner Taylor, late of Company E, Third Regiment, and Company A, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIAS STILLWELL.

The bill (S. 5432) granting an increase of pension to Elias Stillwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Stillwell, late of Company A, Pettis County Missouri Home Guards, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC DAVISSON.

The bill (S. 3074) granting an increase of pension to Isaac Davisson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Davisson, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. BERTOLETTE.

The bill (S. 826) granting an increase of pension to John C. Bertolette was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Bertolette, late of Companies H and F, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUTHER M. BARTLOW.

The bill (S. 5802) granting an increase of pension to Luther M. Bartlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther M. Bartlow, late of Company B, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. GRAHAM.

The bill (S. 5812) granting an increase of pension to William T. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Graham, late of Company C, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM STEELE.

The bill (S. 5808) granting an increase of pension to William Steele was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Steele, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF ISTHMIAN CANAL COMMISSION.

The PRESIDING OFFICER (Mr. KEAN in the chair) laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the Isthmian Canal Commission, accompanied by a letter of the Secretary of War, under whose supervision I have, by Executive order, placed the work of the Commission. I concur with the Secretary of War in the view that the present provision of law, by which the work of building the canal has to be done only through a body of seven members, is inelastic and clumsy, and I earnestly recommend a change so that the President, who is charged with the responsibility of building the canal, may exercise greater discretion in the organization of the personnel through whom he is to discharge this duty. Actual experience has convinced me that it will be impossible to obtain the best and most effective service under the limitations prescribed by law. The general plans for the work must be agreed upon with the aid of the best engineers of the country, who should act as an advisory or consulting body. The consulting engineers should not be put on the Commission, which should be used only as an executive instrument for the executive and administrative work. The actual work of executing the general plans agreed upon by the Commission, after receiving the conclusions of the advising engineers, must be done by an engineer in charge, and we now have an excellent engineer. It is, in my judgment, inadvisable, therefore, to restrict the Executive's choice of commissioners to representatives of the Engineer Corps of the Army or the Navy. The Commission should consist of five, or preferably of three, members, whose respective duties, powers, and salaries should be assigned to them by the President, and who should be placed under the member of the Cabinet whom the President desires. Of these men the one appointed as administrator of the Canal Strip should also serve as minister to Panama.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 13, 1905.*

NOTE.—Report accompanied similar message to House of Representatives.

JUDICIAL SYSTEM IN CHINA AND KOREA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report by the Secretary of State concerning the importance of reform in our extraterritorial judicial system in China and Korea, with accompanying papers, including a draft of an act providing for the establishment of a district court of the United States for China and Korea.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, January 13, 1905.

ADRIA M. S. MOALE.

The bill (S. 6268) granting an increase of pension to Adria M. S. Moale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adria M. S. Moale, widow of Edward Moale, jr., late lieutenant, United States Navy, and to pay her a pension of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Edward Moale, jr., until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'AULIFF.

The bill (S. 5892) granting an increase of pension to James McAuliff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McAuliff, late of Company D, Second Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CYRUS WETHERELL.

The bill (S. 5809) granting an increase of pension to Cyrus Wetherell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Wetherell, late of Company C, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'KIM.

The bill (S. 5815) granting an increase of pension to James McKim was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McKim, late second and first lieutenant, Sixth Regiment, and captain, Thirty-ninth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SMITH.

The bill (S. 6074) granting an increase of pension to William Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "State," to insert "Militia;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Smith, late of Company C, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNE E. WILSON.

The bill (S. 6152) granting an increase of pension to Annie E. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out "Annie" and insert "Anne;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne E. Wilson, widow of David Wilson, late of Captain Dull's company, Ohio Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anne E. Wilson."

ANDREW S. GRAHAM.

The bill (S. 5766) granting an increase of pension to Andrew S. Graham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew S. Graham, late captain Company A, Ninth Regiment New York Volunteer Infantry, and first lieutenant Company E, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY MARTIN.

The bill (S. 4823) granting an increase of pension to Mary Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "William," to strike out "the late;" and in the same line, after the name "Martin," to insert "late;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Martin, widow of William Martin, late of Captain J. H. Winbush's company, Virginia Militia, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE PETTEYS.

The bill (H. R. 5341) granting a pension to Jennie Petteys was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie Petteys, widow of William F. Petteys, late unassigned, Fifth Regiment New York Volunteer Engineers, and to pay her a pension at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT S. GRAHAM.

The bill (H. R. 14774) granting an increase of pension to Albert S. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert S. Graham, late of Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN DILLINGHAM.

The bill (H. R. 14879) granting an increase of pension to Benjamin Dillingham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Dillingham, late of Company F, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEELEY EARNEST.

The bill (H. R. 14875) granting an increase of pension to Seeley Earnest was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seeley Earnest, late of Company F, Twenty-fifty Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS JONES.

The bill (H. R. 15207) granting an increase of pension to Amos Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Jones, late of Company G, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. ORR.

The bill (H. R. 15634) granting a pension to Harriet A. Orr was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Harriet A. Orr, dependent mother of Daniel B. St. John Orr, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. CAPRON.

The bill (H. R. 15473) granting an increase of pension to James W. Capron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Capron, late of Company K, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIAH LOVEJOY.

The bill (H. R. 8996) granting an increase of pension to Diah Lovejoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Diah Lovejoy, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HALL.

The bill (H. R. 15387) granting an increase of pension to William Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hall, late of Company I, One hundred and fiftieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN K. TYLER.

The bill (H. R. 13064) granting an increase of pension to John K. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of John K. Tyler, late of Companies G and C, One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. FAUNT LE ROY.

The bill (S. 5705) granting a pension to Mary L. Faunt Le Roy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Faunt Le Roy, widow of Robert P. Faunt Le Roy, late captain, United States Marine Corps, and pay her a pension at the rate of $20 per month, and $2 per month additional on account of the minor child of said Robert P. Faunt Le Roy until he reaches the age of sixteen years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORDELIA BIRD.

The bill (S. 5971) granting a pension to Cordelia Bird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Bird, widow of Ziba Bird, late of Company A, Eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAZILLA LESTER.

The bill (S. 3435) granting a pension to Mazilla Lester was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mazilla Lester, widow of James Lester, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, and Company I, First Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN V. TROUGH.

The bill (S. 4722) granting a pension to M. V. Trough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Trough, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martin V. Trough."

PHOEBE E. LYDA.

The bill (S. 2828) granting a pension to Phoebe E. Lyda was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe E. Lyda, widow of Andrew J. Lyda, late chaplain Third Regiment West Virginia Volunteer Infantry, subsequently Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phoebe E. Lyda."

ELIZABETH F. GIVIN.

The bill (S. 2913) granting an increase of pension to Elizabeth F. Givin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth F. Givin, widow of William F. Givin, late of the United States Marine Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth F. Givin."

JOHN B. HAMMER.

The bill (S. 3517) granting an increase of pension to John B. Hammers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Hammers" and insert "Hammer;" in line 8, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Hammer, late of Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Hammer."

JOSEPH K. ARMSTRONG.

The bill (S. 2189) granting an increase of pension to Joseph K. Armstrong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry," to insert "Volunteer," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph K. Armstrong, late of Company D, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MINNICK.

The bill (S. 5523) granting an increase of pension to James Minnick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Minnick, late of Company A, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN T. CROSS.

The bill (S. 6351) granting an increase of pension to Martin T. Cross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read: out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin T. Cross, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and Forty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. KITTREDGE. I ask that the amendment of the committee be disagreed to. The reason for this action is based upon the fact that this soldier saw more than three years of service and was wounded in the war. He is over 67 years of age and is now utterly helpless. He is unable to walk and requires the constant care and attention of another person, and he is entirely destitute.

Mr. McCUMBER. I understand also that he has had a stroke of paralysis——

Mr. KITTREDGE. Yes; just about a year ago.

Mr. McCUMBER. And that he needs continuous and constant attention. Under that statement I consent that the amendment shall be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. This completes the Pension Calendar.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 14, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1905.

INTERSTATE COMMERCE COMMISSIONER.

James D. Yeomans, of Iowa, to be an Interstate Commerce Commissioner for the term of six years. This is a reappointment.

APPRAISER OF MERCHANDISE.

Miner G. Norton, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio, to succeed Alexander Bruce, removed.

UNITED STATES MARSHAL.

Frank M. Chandler, of Ohio, to be United States marshal for the northern district of Ohio. A reappointment, his term having expired June 4, 1904.

POSTMASTER.

OHIO.

Charles C. Dewstoe to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio, in place of Charles C. Dewstoe. Incumbent's commission expired December 12, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1905.

INTERSTATE COMMERCE COMMISSIONER.

James D. Yeomans, of Iowa, to be an Interstate Commerce Commissioner for the term of six years.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David E. Thompson, of Nebraska, now envoy extraordinary and minister plenipotentiary at that place to be ambassador extraordinary and plenipotentiary of the United States to Brazil.

SECRETARY OF LEGATION.

Irwin B. Laughlin, of Pennsylvania, to be second secretary of the legation of the United States to Japan.

APPOINTMENT IN THE NAVY.

John N. Jordan, a citizen of the State of Maine, to be an assistant paymaster in the Navy from the 6th day of January, 1905.

PROMOTIONS IN THE NAVY.

Naval Constructor William J. Baxter to be a naval constructor in the Navy with the rank of captain from the 21st day of May, 1904.

Naval Constructor Elliot Snow to be a naval constructor in the Navy with the rank of commander from the 21st day of May, 1904.

Lieut. (Junior Grade) Edward C. Kalbfus to be a lieutenant in the Navy from the 18th day of December, 1904.

Lieut. Philip Andrews to be a lieutenant-commander in the Navy from the 1st day of January, 1905.

First Lieut. William W. Low to be a captain in the Marine Corps from the 1st day of December, 1904.

First Lieut. Leof M. Harding to be a captain in the Marine Corps from the 9th day of December, 1904.

First Lieut. Harold C. Reisinger to be a captain in the Marine Corps from the 15th day of December, 1904.

Asst. Paymaster William C. Fite to be a passed assistant paymaster in the Navy from the 16th day of August, 1904.

To be passed assistant paymasters in the Navy with the rank of lieutenant from the 24th day of August, 1904.

John F. Hatch.
Frederick G. Pyne.
Frederick B. Colby.
Edward E. Goodhue.
William R. Bowne.
Rishworth Nicholson.

Howard H. Alkire, a citizen of Ohio, to be an assistant paymaster in the Navy from the 30th day of November, 1904, to fill a vacancy existing in that grade on that date.

RECEIVER OF PUBLIC MONEYS.

Charles J. Greene, of Louisiana, to be receiver of public moneys at Natchitoches, La.

POSTMASTERS.

GEORGIA.

William C. Cole to be postmaster at Lawrenceville, in the county of Gwinnett and State of Georgia.

Mary L. Darden to be postmaster at Hogansville, in the county of Troup and State of Georgia.

Mary P. Dixon to be postmaster at Westpoint, in the county of Troup and State of Georgia.

Andrew D. McComb to be postmaster at Buenavista, in the county of Marion and State of Georgia.

David B. Rigdon to be postmaster at Statesboro, in the county of Bulloch and State of Georgia.

Clarence W. Withoft to be postmaster at Fort Valley, in the county of Houston and State of Georgia.

IOWA.

Albert R. Kullmer to be postmaster at Dysart, in the county of Tama and State of Iowa.

NORTH DAKOTA.

Peter C. Burfening to be postmaster at Kulm, in the county of Lamoure and State of North Dakota.

SOUTH CAROLINA.

John E. McLure to be postmaster at Bishopville, in the county of Lee and State of South Carolina.

ARBITRATION TREATY WITH AUSTRIA-HUNGARY.

The injunction of secrecy was removed January 13, 1905, from an arbitration convention between the United States and Austria-Hungary, signed at Washington on January 6, 1905.

ARBITRATION-TREATY CONVENTIONS.

The injunction of secrecy was removed January 13, 1905, from arbitration conventions between the United States and Great Britain, Portugal, France, Switzerland, and Germany.

ARBITRATION TREATY FOR PECUNIARY CLAIMS.

The injunction of secrecy was removed January 13, 1905, from a treaty of arbitration for pecuniary claims, signed at the City of Mexico on January 30, 1902, by the delegates of the American republics to the Second International Conference of American States.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 13, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate announced that that body had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 92.

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5359) to amend an act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to Senate concurrent resolution No. 91, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of New York, Mr. ELKINS, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6057. An act making Sherwood, N. Dak., a subport of entry.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15320. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1513. An act for the relief of the estate of George W. Saulpaw;

H. R. 6351. An act to pay J. B. McRae $99 for services as hospital steward, etc.;

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;"

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State; and

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River.

The SPEAKER announced his signature to enrolled bill and joint resolutions of the following titles:

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;

S. R. 24. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Luis Bográn H., of Honduras; and

S. R. 78. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Frutos Tomás Plaza, of Ecuador.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6270. An act directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.—to the Committee on Claims.

S. 6057. An act making Sherwood, N. Dak., a subport of entry—to the Committee on Ways and Means.

S. 5798. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 92:

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution—

to the Committee on Printing.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5359) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896—

to the Committee on the District of Columbia.

THE PHILIPPINES.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14623, the Philippine bill, which comes back here from the Senate with amendments. The Committee on Insular Affairs have had it under consideration and report it back with instructions to me to ask for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to consider a bill of which the Clerk will report the title, with a view to moving nonconcurrence in the Senate amendments and asking for a conference.

The Clerk read the title of the bill, as follows:

A bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. I want to ask the gentleman in charge of the matter to what extent and why the metric system has been adopted for the Philippines? We have the matter now pending before the Coinage Committee, in its relation to this country, and there has been a great deal of opposition to it. Now, as we are Americanizing those islands, I should like to know why it is that either the House or the Senate has injected that system into this bill.

Mr. COOPER of Wisconsin. Mr. Speaker, that matter can not go into conference, because it has been agreed upon by the two Houses; but in reply to the question of the gentleman from Tennessee, I will say that that amendment was made upon the urgent recommendation of the Philippine Commission. The arbitrary substitution of our system of measurements over there, in a country that for three hundred years or more has been accustomed to nothing except the metric or Spanish system, would lead to endless confusion, and they wish to have the right to continue the use of what 99 per cent of the people in the islands are accustomed to, and only accustomed to. But be that as it may, the amendment has passed both Houses and is not now a proper subject of conference.

The SPEAKER. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I move that the House nonconcur in the Senate amendments, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House, Mr. COOPER of Wisconsin, Mr. TAWNEY, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, under the rule certain matters on the Private Calendar are in order for to-day. I ask unanimous consent that to-morrow may be substituted for to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to substitute to-morrow for to-day for consideration of bills on the Private Calendar relating to pensions. Is there objection?

There was no objection.

Mr. LITTLEFIELD rose.

The SPEAKER. The Chair will say to the gentleman from Maine that there are two or three minor matters that probably can be disposed of in five minutes, if the gentleman will yield.

Mr. LITTLEFIELD. That is entirely agreeable, Mr. Speaker, as far as I am concerned.

CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. HILDEBRANT. Mr. Speaker, I present the following privileged report on House resolution 385:

The Clerk read the resolution, as follows:

Resolved, That the chairman of the Committee on Enrolled Bills is hereby authorized to appoint two additional clerks to said committee, to be paid out of the contingent fund of the House at the rate of $6 per day each for the remainder of the present Congress.

The question was considered, and the resolution was agreed to.

REPRINT OF H. R. 7041.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 7041) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the reprint of House bill 7041. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT TO SECTION 858 OF THE REVISED STATUTES, RELATING TO THE ADMISSIBILITY OF CERTAIN EVIDENCE.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13772) to amend section 858 of the Revised Statutes of the United States.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 858 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 858. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held: *Provided, however*, That no witness shall be excluded in any action, suit, or proceeding on account of color."

The following committee amendment was read:

Strike out the following words, beginning on line 9: "*Provided, however*, That no witness shall be excluded in any action, suit, or proceeding on account of color."

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from New York what change that amendment makes.

Mr. PERKINS. It makes no change in the law. The Committee on the Judiciary thought that the provision should be retained in the general statute, which refers to the color, and that it ought not to be put in this.

Mr. STEPHENS of Texas. I would like to have the bill read.

The SPEAKER. The bill has been read, and the Clerk will read the amendment.

The Clerk again read the amendment.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to inquire whether that is not the law at the present time?

Mr. PERKINS. It is the law at the present time, and for that reason the amendment was offered by Mr. DE ARMOND, of the Judiciary Committee. This being a general provision, it was thought not proper in a special bill to amend this one section of the statute, to add on that provision. It was thought to be unnecessary, and, because unnecessary, it was not desirable.

Mr. STEPHENS of Texas. I think it should go out, and I have no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

IMPEACHMENT OF JUDGE SWAYNE.

[Mr. LITTLEFIELD addressed the House. See Appendix.]

Mr. PALMER. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. POWERS]. Before he begins, I would like to inquire how much time has been consumed on the other side and how much time has been consumed on this side.

The SPEAKER pro tempore. The gentleman from Maine [Mr. LITTLEFIELD] has consumed four hours and twenty-five minutes, and the gentleman from Pennsylvania, Mr. PALMER, has consumed one hour and forty minutes.

Mr. POWERS of Massachusetts. Mr. Speaker, this House has been entertained and instructed by two very able speeches. One was made by my friend the gentleman from Pennsylvania [Mr. PALMER] and the other by my friend the gentleman from Maine [Mr. LITTLEFIELD]. The former filled for years, with credit and distinction, the great office of attorney-general for the Commonwealth of Pennsylvania, and the other gentleman filled, with equal honor and distinction, the great office of attorney-general in his own State. These gentlemen have carefully studied the evidence before the House in this impeachment proceeding, and it is entirely evident from the speeches that they have made that they have reached diametrically opposite conclusions upon all the articles but three. I am reminded of the story that they tell of the jury that came in and reported a disagreement. The court criticised the jury, saying that they ought to agree, that there had been a careful trial. The foreman then arose and said: "Your honor, how can you expect this jury to agree upon the evidence when the opposing lawyers who have given months of study to the question could not agree upon the evidence?" So I say, Mr. Speaker, that when these two distinguished gentlemen reach diametrically opposite conclusions it is well for us to undertake to determine for ourselves what this case really is. I regret, Mr. Speaker, that the gentlemen who have spoken to this House have shown a little too much zeal and a little too much partisan spirit in the discussion of a great judicial question. I can not but feel that this House under the debate, so far as it has proceeded, has proceeded under a misconception of its present duty. Now, what are we considering at this time? We are certainly not considering the question whether Judge Swayne ought to be impeached, because we have considered that question already and we have voted upon it, and this House stands committed to the proposition that Judge Swayne ought to be impeached. Why, Mr. Speaker, on the 13th day of December, after debate, after careful examination of the evidence—and the evidence before the House at that time was exactly the same evidence which is before the House at the present time—the House reached the conclusion that the resolution of impeachment ought to be voted, and we appointed a committee, and that committee notified the Senate that we had passed the articles of impeachment. At the time we gave notice that we had voted to impeach the respondent we notified the Senate that we would in due time present to them articles of impeachment.

Mr. PALMER. Mr. Speaker, I ask for order.

The SPEAKER pro tempore (Mr. CONNER). Gentlemen, this matter under discussion is one of great importance and it is due to those who desire to hear that they should not be disturbed by those desiring to converse. We must have order, and gentlemen not desiring to cease their conversation will please retire to the cloakroom.

Mr. POWERS of Massachusetts. After the notice given by this House to the Senate we voted a resolution for the appointment of a select committee of seven to complete the pleadings in this case, and that committee having performed its duty has made a report. We have reported twelve articles of impeachment, twelve distinct charges, twelve counts under the indictment.

Now, what is the purpose of the debate at the present time? Is it for the purpose of determining whether or not Judge Swayne is guilty and ought to be impeached? We have passed upon that question already, and we are now to determine the form of trial which is to take place before the proper tribunal ordained by the Constitution. In other words, we have met in conference for the purpose of determining what shall be the form of the pleadings under which trial shall proceed. I assume that every gentleman present will agree that those pleadings ought to be in such form as to afford a fair trial both to the petitioners and the respondent, and I assume that every gentleman present will agree that those pleadings ought to be in such form as to deter-

mine the important question being agitated in this controversy between the people of the United States and Judge Swayne. More than that, Mr. Speaker, we are not called upon at the present time to discuss. Now, when the resolution was voted we did not undertake to pass upon any article of impeachment. A great majority of this House—a majority so large that a division was not called for—voted the resolution of impeachment, and they did that, I assume, upon the printed evidence then before the House, and that is the only evidence properly before the House to-day. Now, some of us may have voted in favor of impeachment because of the contempt cases; some of us may have voted for impeachment by reason of the nonresidence charge; some of us may have voted for impeachment by reason of the charge with reference to the appropriation of the property of the bankrupt railroad; others may have voted on account of the false certifications. Now, I care not what particular part of that evidence influenced the vote of Members of this House. This House said, by a large majority, that the evidence contained in this volume justified the passage of the resolution of impeachment. Now, suppose it should appear, and that is a probable case——

The SPEAKER pro tempore. Will the gentleman suspend a moment? A personal request has been made by your presiding officer to have gentlemen refrain from conversation in the Chamber. There are those here who desire to hear this discussion, and I ask of you, gentlemen, that you will accord to the speaker the hearing to which he is entitled. [Applause.]

Mr. POWERS of Massachusetts. Now, suppose it should appear that there is not a majority of this House in favor of any one article before it. That is, suppose it should appear that a majority of this House think that the respondent ought not to be impeached on the nonresidence clause, ought not to be impeached upon the false certification clause, and ought not to be impeached on any one of the twelve articles now before the House. Now, suppose we reach that conclusion. Where does that leave us? It leaves us in the position of having impeached Judge Swayne and of depriving him of the right of trial. Because that trial can not go forward until these pleadings are completed. Now, would that be fair to the respondent; would it be fair to the petitioners, and the petitioners are the American people? On the other hand, are we not committed to to the proposition of framing such pleadings as shall try the important issues in the controversy? Well, now, your committee in making this report reached the conclusion that there were five important matters of controversy, and we took those five matters and we covered them by twelve different articles. Now, it is a fair question before this House as to the form of these articles, that is the question of pleadings, and everybody of this House, the House being committed to impeachment, of course is anxious that the pleadings should be in proper form, and I assume that every Member of this House is anxious that the trial, if a trial is to be had, shall be a fair trial by which the great subject of controversy between the people and the respondent shall be fully at issue with the opportunity for the Senate to determine upon all those great questions of controversy. I agree, Mr. Speaker, that we might properly perhaps have brought before the House other subjects upon which there was evidence, but to my mind we have brought before this House the five matters of the largest importance. Now, suppose that it should appear after discussion and vote that this House decides in favor of the first three articles and no other. I would like, Mr. Speaker, to have this House consider what position it would be in in that event. In other words, we decide that the respondent shall go to trial upon those three articles which relate to the false certifications of expense. Well, now, you bear in mind, Mr. Speaker, that the piece of evidence upon which that charge was founded was discovered by accident during the investigation.

It has never been a question of controversy between the people of the northern district of Florida and Judge Swayne. It was something that was discovered in the course of the investigation as it went forward. In other words, if we adopt those first three articles and reject all the others, we go to trial upon issues which have never been agitated in the State of Florida. What kind of a position does that leave us in?

Mr. LACEY. Is not the logical result of the gentleman's suggestion that we ought to have had these articles brought in and have agreed on some of them before impeaching at all? In other words, has not the committee put the cart before the horse? For instance, one-fifth of all the House is in favor of the impeachment on one item and four-fifths are against it; one-fifth are in favor of impeaching on the next item and four-fifths are against it, and so on clear through, followed by a unanimous vote in favor of impeachment, but divided up into five sections, the House against impeachment on nine of them. Now, is not that the difficulty in which the committee involves us by bringing proceedings in this form, and should we not have the specific charges voted on before formally impeaching before the bar of the Senate?

Mr. POWERS of Massachusetts. The answer to that, Mr. Speaker, is that the committee has followed exact precedents—the precedent in the Peck case has been followed in this case—and apparently the precedents have been the same in this country as in Great Britain as to method of proceeding; and when we have an impeachment trial of a judge only once in seventy-four years it becomes pretty important to follow precedents, and that is what we have done in this case. Now, I do not agree with my friend from Iowa [Mr. LACEY] that the present situation in any way embarrasses us. We have voted that upon that evidence Judge Swayne ought to be impeached, and, therefore, we have voted impeachment. Now, the only thing we are attempting to do is to frame articles which are in the nature of pleadings, or, if you please, counts under an indictment, by which the great questions of controversy out of which has grown this impeachment, in consequence of which the House has voted this impeachment, shall be put in proper form.

I think, Mr. Speaker, that this House will agree that we owe that to the respondent, and that we owe that to the petitioners, because I take it that Judge Swayne has never asked my friend from Maine [Mr. LITTLEFIELD] or my friend from California [Mr. GILLETT] to undertake to shut out a hearing upon those four important matters which are covered by the nine articles of impeachment beginning with article 4. If Judge Swayne is to go to trial he wants to be tried upon the great questions in controversy which have arisen in his own district. He does not want to be tried upon a question which no more affects the people of his district than it affects the people of my judicial district in Massachusetts. If he is to be tried at all, he wants to be tried upon these questions which have been agitating the people of his district for many years.

Now, it strikes me, Mr. Speaker, that what has embarrassed this House in this debate is the fact that the committee taking this testimony saw fit to extend that generous treatment which it did extend to the respondent. You will bear in mind that the respondent was not entitled to give evidence in this ex parte hearing. He was not entitled to be represented by counsel, and in no case can you find in the impeachment trials of this country where a respondent was ever permitted to go before a grand jury that was framing an indictment and attempt to persuade them from framing the indictment which was under consideration. That was not the case of Pickering, who was impeached, nor the case of Peck, who was impeached, and it is not the usual case in the criminal procedure of this country.

And yet my friend from Pennsylvania [Mr. PALMER], my friend from Alabama [Mr. CLAYTON], and my friend from California [Mr. GILLETT], who made up that select committee, being fair-minded men, said, "We will give the same opportunity to the respondent as we give to the petitioners." So he appeared by counsel. He gave evidence and they permitted him to file letters that he had received from people, letters which he had received long before there was any discussion or agitation over this question in his district. He filed letters of recommendation, letters which were written to President McKinley. He was allowed to say that he had been recommended for a position on the Supreme Bench of the United States. He was allowed on two occasions—and I think on three—to make long speeches before the committee, and the committee treated those speeches as evidence. Why, I never heard of such generosity before toward an accused, and the very fact that they permitted the respondent to do that has involved this House in a controversy as to whether he is guilty or not. I think that the committee attempted to do too much. They attempted to perform not only the duty imposed upon this House, but they attempted to perform the duties imposed upon the Senate. In other words, they undertook to determine whether he was guilty on these several counts, and they heard, I think, quite as much testimony from the respondent as they heard from the petitioners.

Now, the effect of that was it has thrown into this House a debate upon the merits, something that was never contemplated in impeachment proceedings, and so my friend from Maine gets up and says the respondent says so and so. The respondent was permitted to give an explanation of why he did this thing, and he was permitted to explain his conduct years after he had taken action upon this thing and that. And yet in spite of all that my zealous friend from Maine makes a speech running through something like four hours, and by insinuations and innuendoes charges the committee with being unfair to the respondent. Why, the fact is we, who represent the people of the United States, have the right to criticise this committee for

having treated the right of the petitioners in the manner in which they did. If there were no evidence before this House except that which came from the petitioners, do you suppose this House would hesitate for a moment upon any of the articles now under consideration? The very reason why we do hesitate is because the committee has brought before this House evidence from witnesses they had no right to examine in an ex parte proceeding of this kind.

I do not propose, Mr. Speaker, to go into a discussion of the merits of this controversy. I take this position, and I ask the Members of this House to carefully consider that position and see whether or not I am right. I take the position that the only question before this body is putting the pleadings into proper form. I take the position that this House has no right to pass upon the question whether Judge Swayne is guilty or innocent under any one of these articles. It is purely a question of probable cause, and upon the evidence submitted we have arrived at the rational belief that the resolutions of impeachment are justified. I, for instance, have reached that conclusion, I will say, upon the contempt charges; some other Member has reached it upon some other charge; but the body as a whole has said that the entire evidence justifies the impeachment, and the House has voted impeachment.

Now, the duty of this House is to so frame the pleadings that the important charges and allegations contained in the evidence shall be in a proper, regular form, so that the respondent and the petitioner may have a fair trial before the Senate of the United States.

Now, Mr. Speaker, with all seriousness, I ask this House if there is any other question before it. Why, you may take the Peck case—I was looking at it only this morning—and after they voted the impeachment they got together as to the form of the articles, and they discussed amendments as to the articles, but they did not discuss the merits of the articles; and you will find that to be the same in the Pickering case; and you will find it to be the same in the Belknap case, which was the last case of impeachment tried before the Senate.

We have started off upon an entirely different plan. We have undertaken to try, and my friend from Pennsylvania in his argument was undertaking to prove, that upon all this evidence respondent was guilty upon every charge. My friend from Maine undertook to prove that he was not guilty of nine of these charges, and then said he had doubt about the charge which he had reported in favor of some time ago. Why, if we are going to discuss the merits of this case, I do not imagine that there will be any revision of the tariff at the present session. If this debate is to go on in an unlimited manner, so that Members may make speeches of four and five hours, and that every man may state his own views——

Mr. PARKER. Will the gentleman permit an interruption?

Mr. POWERS of Massachusetts. I yield to the gentleman from New Jersey.

Mr. PARKER. Does not the gentleman think that the four hours spent by the gentleman from Maine were well spent in elucidation of the evidence?

Mr. POWERS of Massachusetts. In reply to that I will say that if the question before this House is the guilt or innocence of the respondent upon all these articles, it is well spent; if it is not the question before this House, it is thrown away.

Mr. PARKER. Is it not a fair thing to discuss whether a man may honestly be charged with different things—different things alleged to be crimes and misdeameanors? We all know that different things did not come up in either the Peck or Belknap case. Was it not in each a single thing—in the Belknap case the taking of money, and in the Peck case for contempt in one case?

Mr. POWERS of Massachusetts. In the Belknap case several reasons, and in the Pickering case one.

Mr. PARKER. Of the same character?

Mr. POWERS of Massachusetts. Why, substantially the same character. The difference in the case of Pickering, I assume, was the difference between intoxication on the bench and when he failed to protect the right of some client by reason of refusing him a fair trial. It seems as if that was rather somewhat different. [Laughter.]

Mr. COOPER of Pennsylvania. Mr. Speaker, do I understand the gentleman to say that this is the only instance in which a defendant has been given the right to be heard?

Mr. POWERS of Massachusetts. I know of no other instance.

Mr. COOPER of Pennsylvania. Do you know whether or not the right was refused in any other instance?

Mr. PALMER. Yes; certainly.

Mr. POWERS of Massachusetts. I will not undertake to say whether application was made and refused. I think this is the first case where the accused person ever had the assurance to appear by counsel and ask to be heard before what practically amounts to a grand jury.

Mr. COOPER of Pennsylvania. The gentleman will recognize this, that the precedent whether or not the accused had the right to be heard by counsel would establish the views of this body upon the trial of cases of this kind, if they had been refused.

Mr. POWERS of Massachusetts. I believe we are bound to consider the evidence that is before us.

Mr. COOPER of Pennsylvania. Is not this an extraordinary remedy that is being sought by the people here?

Mr. POWERS of Massachusetts. It is the remedy which is provided by the Constitution. The Constitution provides that every judge shall hold his term of office during good behavior. Now, the only way by which you can test the question whether he has been guilty of bad behavior is by an impeachment trial. Take the case of a lawyer. If a lawyer is guilty of misbehavior, he is summarily disposed of and disbarred by the court. If a judge holding a tenure of office, such as a Federal judge holds, is guilty of misbehavior, the law permits the people to have that misbehavior examined only in one way, and that is by an impeachment proceeding.

Mr. COOPER of Pennsylvania. What I wish to get at is this: If this is an extraordinary remedy, does it not place upon the people who are seeking this remedy the burden of establishing their case?

Mr. POWERS of Massachusetts. It certainly does.

Mr. COOPER of Pennsylvania. Then, does it not require more than the establishment of a probable cause, which I understand your position to be?

Mr. POWERS of Massachusetts. I doubt if it requires any more than what is called a "probable cause." I do not see why a judge should stand in any different position than any other citizen upon the question of crime. In other words, all that we are bound to show is probable cause that the accused is guilty of the offenses charged in the different articles. That has been stated in another way. It was stated in the Peck case that what the House should find was that the evidence justified a rational belief that he was guilty.

But let me say in connection with this, that when this case reaches the Senate it is not to be tried upon the same testimony that has been presented before this House. There is no part of this testimony in the form in which it now is that can be used in the Senate. It will be determined upon new testimony, oral testimony. Different witnesses, possibly witnesses entirely outside of those that testified here will testify there and testify orally. The only question for us to make up our minds on is what pleadings are necessary.

Mr. GAINES of West Virginia. Will the gentleman from Massachusetts yield to me for a minute?

Mr. POWERS of Massachusetts. Let me finish this sentence and then I will be glad to. Having voted the impeachment, what pleadings are necessary in order to give a fair trial upon the important questions in controversy. I will now yield to the gentleman from West Virginia.

Mr. GAINES of West Virginia. I would like to ask the gentleman whether he or the committee have given any attention to the effect on this impeachment trial if it should not be concluded in the Senate before the 4th of March? Does an impeachment determined upon and entered upon by one Congress continue upon the expiration of that Congress? And if the Senate, proceeding to try this case de novo, hearing all the evidence, perhaps going into more detail than this House, should not have time at this session or before the 4th of March to conclude the hearing or reach any determination, what would be the effect?

Mr. POWERS of Massachusetts. I will say to my friend from West Virginia, that my understanding of the law is that whenever the respondent is once before the Senate, he is before what is known as the impeachment court, and that court continues until the trial is completed; and the change in the Senate which will take place on the 4th of March in no way affects the court as it is constituted to try it. It is true that new members may come into that court, and when they come in, if they have not taken the oath, they must take it; but that constitutes a court and continues as a court until the trial is completed. That is my understanding.

Mr. GAINES of West Virginia. If the gentleman will permit me, there seems to me to be no question that the court continues, for the Senate is a continuing body; but suppose, for instance, the House appoints certain managers to present the articles of impeachment. The managers appointed by the present House may not be Members of the next.

Mr. PALMER. Then the House will appoint some more.

Mr. GAINES of West Virginia. Can the action of this Congress bind the succeeding one? I am asking only for information.

Mr. POWERS of Massachusetts. I will say to my friend that my understanding is that if there should be any managers appointed at this session of Congress and the trial should not be completed and the managers should go out, then this House may appoint other managers to take their place, just the same as if you start a trial and your district attorney gets removed or dies in office, the next district attorney takes it up and carries it on. I think that is the situation.

Mr. OLMSTED. Will he gentleman permit me to interrupt him for a moment?

Mr. POWERS of Massachusetts. Certainly.

Mr. OLMSTED. Not for the purpose of embarrassing or taking issue with him at all, but for information. I quite agree with the gentleman that the House having voted for impeachment, the proper question now before it is as to the proper framing of the articles of impeachment. I expect to vote for most, and perhaps all, of these articles submitted, but there is one of them concerning which I have some question, and it is as to that that I wish to ask the gentleman from Massachusetts.

The fourth article charges that said Charles Swayne having been duly appointed, etc., did unlawfully appropriate to his own use without making compensation to the owner a certain railway car, and that it was provisioned, etc., and that he took that car and provisions under a claim of right for the reason that the same was in the hands of a receiver appointed by him.

Now, in the first place, I labor under the impression, gathered somewhere in this record, that the receiver was appointed by Judge Pardee, but I am not sure that I am right. Further, it seems to me that the evidence shows that he did not at the time appropriate this car violently or forcibly under a claim of right, but the evidence shows, on page 502, that the receiver sent it to him at his own instance—that is, the instance of the receiver.

Now, there is some evidence that ten or twelve years afterwards, the judge being asked about that, did say that he thought he had a right to use it because it was in the hands of the court, which had charge of the receiver. Is it entirely accurate and fair to the judge to say that he appropriated at that time that car and provisions under a claim of right? In other words, ought not that particular article to be framed somewhat differently, so as not to do the judge any injustice, which neither the gentleman from Massachusetts nor any member of the committee would desire to do?

Mr. POWERS of Massachusetts. I think my friend from Pennsylvania raises a pertinent question, and that is as to the form of pleading. That is what we are here for. I do not understand that he raises the question as to the merits of that article.

Mr. OLMSTED. I think it was improper for him to use the car, and particularly the provisions paid for by the receiver, knowing, as he must have known, that when the reciever's account came before him it must include the expenses of the provisions and the car. I think that is as improper as it would have been if a hotel had been in the hands of a receiver and he had taken his family and stopped at the hotel without compensation. But, at the same time, I think the article ought to be so framed as not to misstate the facts or to do the judge any injustice.

Mr. POWERS of Massachusetts. Of course, in the evidence of Judge Swayne which came before the committee he claimed that he had a right to appropriate to his own use—that is, to make use of for his own personal benefit—the property of the bankrupt railroad company by reason of its being in custody of his court. I understand my friend from Pennsylvania to say that the word "appropriate" is not the proper word as a mere matter of pleading, and that perhaps the word should be that he "accepted without right the property of this road and used it for his own benefit when tendered to him by the receiver who was an officer of his court."

Mr. OLMSTED. Yes; if at the instance of the receiver he accepted and made use of the car and provisions, knowing that the expense thereof must appear in the receiver's account, the article would be satisfactory to me.

Mr. POWERS of Massachusetts. I think there is a good deal of force in the position of the gentleman from Pennsylvania, and when it comes up at the proper time, it is a proper matter for amendment. It has not been my purpose, Mr. Speaker, to go into the merits of this controversy, for the very reason that I believe that we have settled the question of the merits so far as this body is concerned. I want briefly, however, to take up one feature of this debate which, to my mind, is hardly worthy of the House. It is the partisan spirit that is being shown both on this side of the House and on the other side of the House. The great body of the membership of this House are lawyers, many of them have held judicial positions, and a number of them have been attorney-generals of their States.

We are sitting here as a grand jury, or, as has been stated, as the grand inquest of the nation, to settle simply a question of pleading, and I am very sorry that yesterday, and to a certain extent this morning, there came into this debate what would appear to be partisan feeling upon the part of one side or the other.

Mr. WM. ALDEN SMITH. Mr. Speaker, I have heard the gentleman from Massachusetts [Mr. POWERS] say two or three times that we are bound by that vote a few days ago. Now, I do not understand it so at all. In fact, if we are sitting as a grand jury, we have the same right that the grand jury exercised in Oregon a few days ago when they made an indictment and withdrew it a few days afterwards.

Mr. POWERS of Massachusetts. Had they filed the indictment with the clerk of the court at the time they withdrew it?

Mr. WM. ALDEN SMITH. Just a moment. I do not know of any rule of res adjudicata that should apply to this House. We have a right to reconsider this matter if we desire to. We have a right to take it up de novo if we want to.

Mr. POWERS of Massachusetts. There has been up to the present time no proposition to take it up de novo. There is no evidence before the House now that was not before the House when we voted the resolution of impeachment. I concede that men in this country have a right to change their minds; but this is not a tariff question; it is not a currency question. It is a question of law, and we settled this after a debate, and some extended debate, by a very decisive vote. Now, having settled it, we then went to the Senate and reported our action in voting that resolution.

Mr. WM. ALDEN SMITH. But some of us did not vote with the gentleman at all before, and are we bound by his vote?

Mr. POWERS of Massachusetts. Let me finish, and then I shall be glad to yield. We went to the Senate and said to the Senate that we had passed the resolution of impeachment. In other words, we filed our action with the Senate. Now, I do not undertake to discuss the question whether we have a right to rescind our action of December 13. I do not know. This is the first proposition that has been made to rescind it. It is rather a remarkable case when every member of the Judiciary Committee believes in impeachment, with the exception of my friend the gentleman from California [Mr. GILLETT], and he believed in impeachment on December 13——

Mr. PARKER. No, sir.

Mr. POWERS of Massachusetts. But of course he has a right to change his mind.

Mr. PARKER. Will the gentleman allow me an interruption?

Mr. POWERS of Massachusetts. Allow me to make my statement and then I will yield. It appears that on December 13 every member of the Committee on the Judiciary and a very decided majority of this House believed that the resolution of impeachment ought to be voted. Now, if anyone has changed his mind since that time, he must have changed it upon a consideration of the same testimony that was before the House on December 13.

Mr. PARKER. Will the gentleman permit an interruption?

Mr. POWERS of Massachusetts. Now I yield.

Mr. PARKER. I entirely contradict the statement of the gentleman that at the time of the adoption of that report I or those with me believed that an impeachment ought to be voted. We did report that as to one matter—the certificate of expenses, unexplained—there was ground of impeachment. Mr. Speaker, I think it fair to the gentleman from Massachusetts [Mr. POWERS] to give him notice in brief of the position that I take. I say we reported that, unexplained as to motive, the certificates given at that time were grounds of impeachment, if false. There are many offenses which are indictable for which the grand jury does not indict, and I rose in my place here in this House in that debate when the previous question was moved in order to tell this House that it was within its wise discretion, looking at the practice which seems to prevail among different courts of this Union with reference to that statute, to say as to whether impeachment should be ordered.

Mr. POWERS of Massachusetts. Is this a question?

Mr. PARKER. I am giving the gentleman notice, I have already stated to the gentleman.

Mr. POWERS of Massachusetts. I yield to any privilege under the sun.

Mr. PARKER. I have already said to the gentleman that I

thought it was fair to him that I should make a short statement of my position, so that he could answer me, as he is upon that point. I shall likewise at the point—

Mr. GILBERT. Mr. Speaker, will the gentleman from Massachusetts allow me to ask him a question?

Mr. POWERS of Massachusetts. I don't know whether I have the floor.

Mr. PARKER. Oh, the gentleman has the floor.

Mr. POWERS of Massachusetts. Very well. If the gentleman from New Jersey will yield to my friend from Kentucky to put a question, I should be glad, for the gentleman from New Jersey now has the floor.

Mr. PARKER. Oh, I can not very well do that. I have not the floor. I am simply giving notice that I shall likewise insist before this House that where different crimes and misdemeanors were alleged it was the duty of the House to have voted whether each class of matter reported was impeachable before debating that resolution of impeachment, and that the committee was entitled to the vote of a majority on each branch, and that now for the first time the real question of impeachment has come before this House to be determined—not by five men on one charge, fifteen on another, and twenty on another coming in generally and saying that for one or another of the charges Judge Swayne should be impeached, but on each particular branch of the case.

Mr. POWERS of Massachusetts. Mr. Speaker, I now yield to the gentleman from Kentucky [Mr. GILBERT].

Mr. PALMER. Why do not you answer the question of the gentleman from New Jersey [Mr. PARKER]?

Mr. GILBERT. I do not want to interfere with the line of the gentleman's argument, but I want to know this: You have two or three times disclaimed any desire to discuss the merits of the controversy, and you couple with that proposition another one that the only purpose of this grand jury or this House is to properly formulate the items. Now, how are we to intelligently formulate the items without an intelligent comprehension of the testimony? For example, the proposition is presented to the House whether or not we shall impeach him upon the charge of $10 a day. Gentlemen voting "aye" on this testimony support that contention, and so with the other charges, so do not we necessarily have to discuss the testimony?

Mr. POWERS of Massachusetts. Mr. Speaker, that is a very fair question, and I assume that we had considered the testimony when we voted the resolution of impeachment. At that time the committee urged the impeachment upon five grounds, and those are the only grounds which are covered by the articles, and it was upon those five grounds and upon no other that the committee making the report urged the impeachment, and we had assumed that when the House voted the impeachment they practically said that a probable cause was made out in these five subject-matters which were discussed before the House.

Mr. GILBERT. But the gentleman from Massachusetts on that occasion said that that was not the proper time to discuss the merits of the case.

Mr. POWERS of Massachusetts. I do not think I made that statement. I said this was not the proper tribunal to discuss the merits; that the question of guilt or innocence must be determined by the trial tribunal and that this was not the trial tribunal.

Now, I want to just make a little reply to my friend from New Jersey, who has asked me a question and, as I understand, has served notice upon us——

Mr. PARKER. I simply stated what my position was.

Mr. POWERS of Massachusetts. I understood him to say it was not quite fair for me to say that he favored the passage of the resolution of impeachment. I wish to call his attention to the report which is signed by him, RICHARD WAYNE PARKER being the name at the head of it——

Mr. PALMER. Written by him?

Mr. POWERS of Massachusetts. I judge by the excellent English in which it is written that it was written by my learned friend from New Jersey. This closes with the following language:

As a witness—

Referring to Judge Swayne—

he answered and explained every other charge—

Meaning every other charge except the charge of false certification—

This charge he made no effort, as a witness, to answer or explain. The inference from the record, on general principles, is that the charge is admitted to be true, and that he has no answer or explanation thereto. Whether a satisfactory explanation can be made we do not say. We must take the record as it stands.

Upon this record, unanswered and unexplained, we are of the opinion that in this particular an impeachable offense has been made out.

Now, I understand we have not the benefit of any testimony that was before us when my friend from New Jersey wrote that report. I do not understand that any explanation has been made by the respondent, and I do not understand if my friend from New Jersey has changed his mind upon what he has changed it. He has not changed it upon any explanation made by the respondent which appears in any official record or is properly before this House. If he has made an explanation in some other way through the press which has satisfied my friend that he ought not longer to continue with this report, that may influence him, but ought not to influence us.

Now, I want to say just this in closing, because I do not propose to occupy very much more time. You have here a unique and very peculiar situation. This is the first impeachment trial in seventy-four years. For three-quarters of a century the judges of this country have so conducted themselves as to meet with the approbation of the bar and suitors in their courts. Not a single dissent has come here from all these Federal districts throughout this country except the northern district of the State of Florida. For ten years an agitation has been going on in that district. The legislature of Florida, voicing the sentiments of the people of that State, have voted by an almost unanimous vote in favor of memorializing Congress for the impeachment of this respondent. If I mistake not, they have passed that vote twice, once several years ago and once in 1903.

Now, it is claimed by some of my good friends on this side of the House that back of this agitation is politics; that the very fact, which is admitted, that Judge Swayne came from a Northern State, that he was identified with the Republican party and sent down into Florida, is one of the causes of the dissatisfaction which exists in his district. I have examined that rumor somewhat carefully; I have examined that charge because I have heard it made off the floor of this House, and I have reached the conclusion that there is no foundation whatever to it.

Ever since the civil war we have been sending from the North good lawyers, and some lawyers not as good, to hold positions as Federal judges in the Southern States. To-day a large number of the judges in the South come from the North and vote the same ticket that I vote. Judge Swayne refrains from voting, but most judges vote. So far as I am able to discover there is absolute harmony to-day between the bar and the people of the South and those judges that went down from the North years ago to accept positions in the Federal courts of the Southern States.

So far as I am able to learn, politics have nothing to do with this controversy. I have great respect for the bar of the South. Ever since the days of the Marshalls and Pinckneys and Wirts the bar of the South has been an honorable institution, representing an honorable profession. [Applause.] I think it is fair to say that the reputation of the southern lawyer compares favorably with the reputation of the lawyers of the other sections of the Union. But when you find in a State a situation such as exists in Florida, it is not singular that there is more or less partisan spirit. It is not singular that that agitation in Florida should permeate the State of Florida and permeate a great part of the southern section. Let me suppose, Mr. Speaker, a case. Let me suppose that in Massachusetts we had a Federal judge who was distasteful to the bar and distasteful to the people, so that there would be agitation continued for years as to the question of his removal, and let me suppose that the legislature of Massachusetts voted by a substantially unanimous vote in favor of memorializing Congress for his impeachment. And suppose that every one of the delegation from Massachusetts upon this floor came here charged by the instruction of the general court of the Commonwealth of Massachusetts to present articles of impeachment. Do you not think that that situation would be likely to generate partisan spirit among us in Massachusetts? And would not that partisan spirit extend through all the States of New England and would not my friend from Maine [Mr. LITTLEFIELD] and my friends from Massachusetts be here talking in a language somewhat familiar to the language of the Representatives of the State of Florida? Why, it seems to me——

Mr. DAVIS of Florida. Mr. Speaker, will the gentleman permit an interruption?

Mr. POWERS of Massachusetts. Certainly.

Mr. DAVIS of Florida. I wish to say to the gentleman from Massachusetts [Mr. POWERS] that, as one of the Representatives from Florida, I thank him for what he has kindly said of us.

I desire to say, further, that we have two Federal judges in my State, one for the northern and the other for the southern district. They are both northern men and both Republicans. The judge of the southern district is James W. Locke, and there is no man in Florida more honored, more loved, and more

respected by the people of that State than Judge Locke. [Loud applause.]

Mr. POWERS of Massachusetts. I thank the gentleman from Florida for his statement concerning the matter. It covers the situation which I assumed existed in the South. I have talked with lawyers upon the floor of the House, and I find that that situation exists in nearly all the States of the South.

Mr. GILLETT of California. Will the gentleman permit me to ask him one question?

Mr. POWERS of Massachusetts. Certainly.

Mr. GILLETT of California. Will you state the opinion of the lawyers in Pensacola and in the northern district of Florida concerning the character, integrity, and industry of Judge Swayne prior to the O'Neal contempt proceedings? I want you to state the opinion of the lawyers and the citizens of the northern district of Florida concerning the industry, morality, and honesty and integrity of Judge Swayne prior to the O'Neal contempt.

Mr. POWERS of Massachusetts. I think the evidence clearly shows, Mr. Speaker, that this agitation has been going on for years; that the Florida legislature long before the O'Neal contempt proceedings had voted in favor of the impeachment of Judge Swayne.

Mr. GROSVENOR. Will the gentleman permit a question?

Mr. POWERS of Massachusetts. Yes, sir.

Mr. GROSVENOR. Is it not a fact that after that original and first resolution the State Bar Association of Florida passed resolutions strongly supporting Judge Swayne?

Mr. PALMER. For what?

Mr. POWERS of Massachusetts. I understood that they recommended Judge Swayne for some position that would take him out of the State. [Laughter.]

Mr. GROSVENOR. Will not the gentleman be frank? Did they not commend him for his great ability, honesty, and integrity?

Mr. POWERS of Massachusetts. There is published in the report of the hearings a large number of letters from lawyers in Florida——

Mr. GROSVENOR. But was not that the action of the State Bar Association?

Mr. POWERS of Massachusetts. I have not seen the recommendation from the State association, but I have seen letters from lawyers recommending him for a position on the Supreme Bench.

I do not undertake to say, to be perfectly fair, that Judge Swayne has not his friends in Florida; but they are not at the bar. There is no gentleman here who does not believe that there is a great controversy going on in that State, and that it is such a controversy respecting the respondent that it destroys the usefulness of the judge in the circuit for which he is appointed. That it became so was evidenced by the entire body of the people speaking by resolution passed by the legislature, and it has become a question that deserves, as it has received, and as it will continue to receive, the careful consideration of this House.

Now, I do not assume for one moment that the respondent in this case wants to have this House pass upon the merits of this controversy. Suppose we passed upon them; it is not a vindication of the respondent. Suppose we declined to indict him upon this charge or that. That is not a vindication of the respondent. If the position of the respondent and his friends be correct, he desires a trial upon all these great questions under controversy—the contempt case, the appropriation of the property of the railroad, the nonresidence case, and the false certification case. It is the duty of this House, not only to the people of this country, but also to the respondent, to say that he has a right to be tried fairly upon proper pleadings upon all these questions of controversy, and if we fail to send these up to the Senate and to give to the people of America a right of trial upon these issues and to give to the respondent the right of a fair trial upon these issues, we fail to do our duty. We stand here pledged to see, after the passage of this resolution, that there is a fair trial so far as the pleadings are concerned, and no man will do his duty who seeks to prevent a trial upon the great questions of controversy which to-day are not only agitating the people of Florida, but are interesting the people of every State in the Union.

We have the right to be proud of our judiciary. They have never asked us to protect them. They ask for no protection. Now, the American people have never sought a controversy with that great arm of our Government—the judiciary. They have come here at this time, to us, and we have said that they were entitled to a fair trial. That trial to be fair should be a trial before the greatest court which can be constituted in the United States, on pleadings which shall show the intelligence and fair-mindedness of this House; and you and I, Mr. Speaker, will be satisfied, as will the American people, with the result and the verdict of that trial. [Loud applause.]

Mr. PALMER. I yield such time as he may desire to the gentleman from New York.

Mr. PERKINS. Mr. Speaker, in view of the full argument that has been made by the members of the Committee on the Judiciary, I should say nothing at this time were it not for the fact that I am not a member of that committee. The House must have seen that in this investigation a certain ascerbity of feeling has grown up in the committee—a certain partisan bias has naturally developed on one side or the other. We all desire, Mr. Speaker, to cast a fair, intelligent, and conscientious vote on this question. I never heard of Judge Swayne—I never heard Judge Swayne's name until I heard it in these proceedings in this House.

I never saw Judge Swayne. I knew nothing of the feeling in Florida, and I have endeavored conscientiously by reading every word, I believe, that is contained in this book, to qualify myself to cast a conscientious vote; and I have thought that a few words may be of assistance to many Members of the House who, like myself, knew nothing of the situation and want to do the thing that is right. So, very briefly, I shall state to the House some of the reasons that will guide me in casting my vote. To show that I do not speak in entire accord with the Committee on the Judiciary, I will first say that I do not take the position of my friend, the gentleman from Massachusetts [Mr. POWERS], who has just spoken. He said that we are bound by our vote; that we were only here now as a grand jury to frame articles of indictment. That is not my position. I believe that I am here to vote conscientiously on the question of whether or not I think Charles Swayne ought to be impeached.

If on reading this evidence I think he ought to be, I am bound to vote that way. If on reading this evidence I think he ought not to be, certainly I ought not to vote for his impeachment on any article. And, having reached the result that I think he should be impeached, then I do not care one straw whether I think the Senate will impeach him or will not impeach him. We have each of us to vote upon our own conscience, responsible to the people that we represent, as to whether we think the man is a fit man or an unfit man to be a judge, and if I think he is a man unfit to be a judge, it does not matter if I believe that every one of the ninety Senators of the United States will vote for his acquittal, I will not so vote in this House.

Now, Mr. Speaker, there is another thing to be considered. This man holds an office of great dignity and importance. He is one of the few men who hold office in the United States of America for life.

Nobody, President, people, nothing but the act of God Almighty can take him from his office so long as he fills it with good behavior. He holds an office of great responsibility, as any judge does, to decide the issues justly and fairly that are presented before him. He has great power by which he can do as Judge Swayne has done, commit men for contempt, or sentence one of his fellow-citizens to jail or to punishment—a power possessed by no one else, not even by this House of Representatives, unless a man refuses to answer a question before us.

Now, Mr. Speaker, where there is great power, where there is great diginty, there should be great responsibility. When we pass upon the question of good behavior of a judge of the United States, we have a right to demand a high standard.

I shall not discuss all these questions here. I wish to say a few words on one subject, because it produced upon me as a lawyer the strongest impression as to Judge Swayne. It was not what was said by others, but what Judge Swayne himself said and what Judge Swayne has done through a series of years that convinced me he was a man unfit to hold this office.

What have we a right to ask of a man who sits to administer the law? First and foremost, that he shall himself scrupulously, religiously, and honorably obey the law. He sits to punish criminals who disregard the provisions of the statutes. I will not vote that a man who has himself, as I believe from the words of his own mouth, for years evaded a statute of the United States is a fit man to continue to administer the law. And I am going to call the attention of the House only to what Judge Swayne said himself; not to one word of evidence that was given by any other man.

The statute says that a judge of a United States court shall reside in his district, and it is an unusual statute in this respect, that it contains the provision that if he fails so to do he shall be guilty of a high misdemeanor. Judge Swayne and every judge of the United States who assumes that office has notice

in the very wording of the statute that this is not only a thing that he is bound to do, but that if he fails so to do he is guilty of the very thing for which a judge can be impeached, a high misdemeanor.

Judge Swayne was a United States judge in Florida, and he was living in St. Augustine, in his district. The boundaries of the district were changed, and it became necessary for him to remove from St. Augustine and go into the northern district. There is no doubt that that law was distasteful to him. He did not want to move. It may have been a partisan law; it may have been passed by a Democratic Congress with an idea of getting rid of him. I do not know and I do not care. It was the law of the land which he had sworn to administer.

Mr. PALMER. You are referring to the change in the boundaries of his district?

Mr. PERKINS. Yes; it rendered it necessary for him to change his residence. Now, let me read what he says. In my consideration of this case I had read down to that point and I had said, "There does not seem to be a very clear case against Judge Swayne;" but when I struck that statement I made up my mind that that man was an unfit man to be a judge. What did he do when the bill was passed changing the limits of his district, which made it necessary for him to move to Pensacola or somewhere else? He said:

> My friends told me, Democratic friends told me, that they thought the next Congress would change it back; that there would be a Republican Congress and it would change it back.

It is as plain as the ceiling above us that for two years he had no thought and took no step about changing his residence. Why? Because he believed a Republican Congress would change the boundaries again. What would have been done if a man had been brought before Judge Swayne charged with a violation of the revenue law, and that man had said, "Oh, I did this, but I thought in two years a Democratic Congress would come in and repeal that law." Would Judge Swayne have pardoned him? Would he have dismissed him on that account? Are the gentlemen within the sound of my voice, Republicans or Democrats, willing to say that a man is a fit man to fill the office of judge who for two years knowingly violates the law of the land, a statute which to violate is a high misdemeanor, because he thought it would be changed back and it did not suit his convenience to move?

Now, let us go further. It was not changed. What did he do? Why, to talk about his being a resident of his district, I say, with great respect to my learned friend from Maine [Mr. LITTLEFIELD], is nonsense.

He had no home there, he had no family there, he did not vote there, and he did not pay taxes there. What did he say before this committee? He says: "Oh, I regarded myself as a resident." And this judge of the court has the effrontery to produce as evidence of his residence the fact that he went up to Pensacola and stopped at a tavern and wrote his name, "Charles Swayne, City." [Laughter.] The intention is to be considered, but, Mr. Speaker, there must be facts. The intention as to residence is regarded by the law as characterizing a man's act. I can not say that I intend to go to Pennsylvania and by that declaration become a resident if I stay in New York. If I go to Pennsylvania, then my intention is evidence of whether I intend to leave New York, whether I have left temporarily or permanently; but this man did no act, he took no part or place in the State of Florida, certainly until 1901, and I think not until 1903. For five or seven years, it makes no difference which, he was no more a resident of Florida in the eye of the law than I was a resident of Florida.

The courts have passed upon this question and in a case out in Utah the court said that this provision of residence meant an actual residence. Of course it does. It is not the nominal residence which sometimes determines a man's right to vote, but it is an actual residence, so that a litigant without trouble and loss of time, or loss of money, can find a judge ready at his hand; and the court says in interpreting this same statute, or a similar statute:

> It is clear that residence means an actual as distinct from a constructive residence, and the law directing a district judge to reside within the district was manifestly not made—

This is what Judge Swayne forgot—

> was not made for his convenience, but for the benefit of the people whose servant he was.

Now, Mr. Speaker, what does this judge, sworn to administer the law, say about this charge? Why, he comes in and says "I never heard that anybody was injured by my not being there."

Mr. Speaker, can a man be fit to administer the law who, when he himself has evaded it, says, "Oh, I don't know that it did any harm." It is the plea of every criminal—of men very much lower in the scale than Judge Swayne—"Oh, I didn't comply with the law, but I don't know that it did any harm." Is he a fit man to sit as a judge who has the effrontery to come before this committee and, instead of seeking in every way to show that he was a resident, an actual resident, say, "Oh, I don't know that it did any harm; for nine long years, or for seven long years, I was only in the district of Florida sixty days out of a year, but I don't know that it did anybody any harm."

One thing more and I am done with this part of the case. He says, "I spoke to two or three real estate men," in his attempt, if it can be called an attempt, to show that he was seeking a residence there—"I spoke to two or three real estate men and they didn't find a house to suit me." Is it an excuse for a judge for five long years to violate the law which says that he shall be a resident of the district, to say that two or three times "I spoke to a real estate man and I didn't find what suited me?" His duty was to be there; his duty was to be suited. Oh, Mr. Speaker, when he thought that he could safely evade the law, he found no house to suit him. He never would have found a house to suit him if it had not been for these proceedings. When these impeachment proceedings were finally started——

Mr. GILLETT of California. Will the gentleman allow me an interruption?

Mr. PERKINS. Certainly.

Mr. GILLETT of California. The gentleman said that he found no house to suit him until these proceedings were begun. Is it not true that he found a house in 1900 and moved in with his family and his furniture?

Mr. PERKINS. Well, assuming that; he was not a resident there for six long years. Perhaps the mutterings of the storm were heard even in 1900. For six long years he had violated the law, and he then found a house. There is no statute of limitations here. A man is impeached because his outward conduct shows the lack of inward grace. He will again do wrong when it is safe. I understand it is claimed, and that is my understanding of the evidence—the gentleman from California is much more familiar with it than I am—that in 1900 he was there only a few days, and it was a pretence of residence.

Mr. GILLETT of California. That is not the evidence.

Mr. PERKINS. Well, you may call it 1900 or 1903. The mutterings of the storm came, the impeachment was started, and until that time Judge Charles Swayne found no house to suit him. He was like the criminal lower down in the scale, who proceeds so long as he thinks he can do so with impunity, and when the officers of the law are after him he seeks to reform.

Now, Mr. Speaker, that is not the sort of man who is fit to hold the office of judge. Just one word more and I will be through. There are two things more that I desire to say as characterizing the manner of man he is. If I thought he was a fit man for judge, God forbid that I should vote against him, and if I think he is an unfit man, certainly I shall not vote for him. I care not what his politics may be. When the controversy was up on the question of the drawing-room car, Judge Swayne said, "Yes; I appointed ten receivers of railroads," and this phrase struck me, and I call it to the attention of the House. "I have appointed receivers of ten railroads." I come from a State where there are many applications for receivers of railroads and of other things. I know the class of judge, and every lawyer in actual practice knows the class of judge who has many applications for receiverships and that sort of work.

Some twenty-five years ago we impeached two judges in New York State, Barnard and Cadoza. They had appointed more receivers and done more work of this sort than any other ten judges in the State of New York. There is a class of judge to whom attorneys of a certain class apply and to whom people who wish to be appointed receivers run promptly. This class of people evidently thought Judge Swayne was their man, and it is curious to notice that judges of that sort, who are sought after to appoint receivers, are generally the judges we find accepting favors from receivers; the men who are sought for to put their friends in those positions are the men who themselves we presently find riding in drawing-room cars at the expense of the receivers. There is just one thing more I wish to speak of that also characterize the man. The gentleman from Pennsylvania [Mr. PALMER] spoke about the proceedings for contempt. The gentleman from Maine [Mr. LITTLEFIELD] occupied hours in arguing whether or not those proceedings were wholly justified.

I have practiced law all my life in the State of New York among judges of high standing, judges who uphold the honor and dignity of their courts better than men like Judge Charles Swayne could ever do. I have never known a case—though I have sometimes known of cases of lawyers being rebuked by the court for some improper act or speech—where the judge of our

supreme court of the State of New York found it necessary to commit lawyers to jail and to fine them, and to seek to strike them from the roll of attorneys.

Those are the things, Mr. Speaker, that in connection with all the rest are important as showing that the man is not fit, is not qualified, to be a judge, that he is not conducting himself with that good behavior which, and which alone, gives us the right to leave him in office. Mr. Speaker, I have finished what I have to say. I feel, and I am sure we all feel, that we are sitting here as jurors in a case of the people of the United States against Charles Swayne. If I believe he was fit to hold his office, surely I would vote against these articles. If I believe this evidence shows that he is unfit to hold the great office of United States judge, then I will vote as I shall vote. I will do what I can to remove from the bench a man who has brought dishonor on it. [Applause.]

Mr. PARKER. Mr. Speaker, there are some advantages in waiting for the closing of a case, but there are advantages also in speaking to you now, when you are ready to listen to what I have to say.

This is, unfortunately, the first time that the real questions on the impeachment of Charles Swayne have come fairly before this House. I say this advisedly. Impeachment is to be ordered for high crimes and misdemeanors. The House that sends the impeachment to the Senate must see good cause—I do not say "beyond reasonable doubt" or use the words "probable cause." They must see good cause for each of the charges that they send to the Senate. Generally, there is but one charge. In the Belknap case it was charged in several items that money had been taken on public contracts.

In the Peck case there was but one charge as to a single punishment for contempt. In such cases the House can rightly and justly vote simply on the question of impeachment, for there is but one alleged misdemeanor. But in the present case, besides some ten other charges mentioned in the specifications, which carried a vote of the Florida legislature, there are five which have survived to this day, namely: As to the Belden and Davis contempt, the O'Neal contempt, residence, the certificates for expenses, and the use of private cars. Three other matters were urged before the House in the majority report and on the motion for impeachment, namely, the matters of the Hoskins bankruptcy, the younger Hoskins contempt case, and alleged favoritism to Tunison (see Appendix A, Abandoned Charges). These last were vigorously supported by arguments, now abandoned, that Judge Swayne had conspired to ruin the elder Hoskins's business, driven the younger Hoskins to suicide, and unjustly favored Mr. Tunison. We can not tell how many votes were divided among these eight issues. The vote on impeachment decided nothing as to any one of the alleged crimes or misdemeanors. My friends were divided. Some relied on one cause, some on another, each opposing the opinion of the others, whether on residence, expenses, private cars, or the various alleged abuses of the power over contempts. Some of my friends lay stress on the private car, others think it a mere courtesy done years ago.

Some of my friends believe that the action of the judge on the Belden contempt was a clear case of usurpation, while others think the judge was absolutely justified. My friend from Massachusetts, who spoke last from the Judiciary Committee, I believe, has nothing to say on the matter of the certification of expenses, believing that the judge when he certified may have done so without evil intent, following a supposed judicial custom. On the other hand, he asserts that the O'Neal case was the worst thing of all, while others believe that as to O'Neal the judge did only his duty and that there is no possible ground of impeachment except on the charge as to certificates for expenses. Even on that charge the question of intent should be solved by every man according to his best judgment and conscience, and there is no evidence as to intent. I repeat that the vote taken on impeachment was not a majority vote against Judge Swayne on any one of these charges. That majority was made up of some who believed in one charge and some who believed in another. No majority of the House has determined that they believe the respondent guilty of any one of these different matters.

Gentlemen tell you that the House is bound, and that the House would stultify itself if it voted against these charges. Mr. Speaker, if there be any stultification in the action of the House it was in taking a single vote, throwing together things which have nothing to do with one another, and this resulted from the earnestness and zeal—honest, but mistaken—of the leaders of the majority of this committee, for when I rose in my place to speak on this matter, as a member of that committee, and asked that the motion for the previous question should not be pressed, intending to ask this House to vote separately on the various necessarily separate branches of those charges, I was made to sit down, and the motion for the previous question was insisted on, and the House thus took a vote that does not determine any one of the questions, but leaves them all open separately. Thus we are now forced to determine for the first time whether a majority of this House, upon any one of these matters, will bring a charge of high crime and misdemeanor against a judge who has held for years an honorable position, not only by his office, but with the bar and in the community.

From pages 225 to 238 of the record we learn that in 1899 the lawyers and business men of Pensacola were eager to sign certificates as to his honor and integrity; not, as suggested, to get him out of Pensacola, but to make him judge of the circuit court for the fifth circuit, to preside over the courts of northern and southern Florida, as well as that of Georgia, Alabama, Mississippi, Louisiana, and Texas. The law firm of Liddon & Egan signed such a certificate, though Judge Liddon says he did not do so personally, and this is the same Judge Liddon who was employed by O'Neal in 1903 to draw the resolutions for the Florida legislature and press them against Judge Swayne, and who is counsel against him now. Judge Swayne was acceptable to the bar. He served in districts of Alabama, Louisiana, and Texas (as by the certificates, p. 437) for some seven hundred and forty-five days in eight years. This was but a part of his work. In 1903 he was two hundred and two days in the southern district of Florida, besides one hundred and thirteen days in his own (pp. 214, 215). We have yet to hear the slightest complaint except from Pensacola, as to the satisfactory quality of his temper, honor, and judicial ability in the trial of cases in these courts, extending the whole range of the Gulf States, from Florida to Texas.

Mr. Speaker, we are told this man is unendurable and a tyrant. One gentleman has chosen to say, a common thief. I protest. We stand here, Mr. Speaker, with the functions of a grand jury before our Maker, on our oath to determine severally as to the several and different matters alleged by a majority vote of this House whether impeachment shall be pressed on each or any particular ground. There is no law to bind us to any rule, whether it shall be on probable cause or beyond reasonable doubt. It is sufficient that you and I must answer on our honor and our oaths whether we find it our duty to impeach him on each several charge. A majority of the House must answer upon each charge, because the Senate has to determine upon each charge, and the House must impeach upon each separate charge, in fairness to the man and in fairness to itself. When we were asked to vote upon ten charges at once, that there was something impeachable contained in one or the other of those charges, we have already perhaps stultified ourselves in the mode of our procedure, but the previous question, as it was then ordered on motion of the chairman against the protest of a member of the committee, is responsible for that mistake.

I am speaking longer than I expected. It is perhaps time not wasted. I once tried an impeachment in my own State, and its trial upset legislative deliberation for four or five weeks. Whatever time is spent here in winnowing the true from the false is time well spent. Would that it had been done earlier! My friend from Massachusetts [Mr. POWERS] does not even admit that it was for the benefit of the House that it has had the careful, exhaustive, and truthful presentation of the evidence by the gentleman from Maine [Mr. LITTLEFIELD]. No one can add to that presentation. But I have something to say on each matter as to the effect of that evidence.

First, as to residence. Judge Swayne, when appointed in 1889, was and had been for years a resident of Florida. He established himself with his family at St. Augustine. We do not know anything about his financial affairs. Three thousand five hundred dollars was his salary till 1891, and $5,000 since. He seems to have had little else, for the banks carry his note for $200. Such a salary leaves little to spare for wife or family. He had a mother who lived on the old homestead, in Delaware, where he spent his summers. He did not travel much or indulge in luxuries, and got his board at hotels as cheaply as he could. Those of you who have tried to live on $5,000 a year I will ask whether it was easy for a judge to live on $3,500 a year, even at the place where he established his family in eastern Florida, where it is healthy in summer, and whether he would have means to move the family instantly to western Florida on the Gulf. He left his family at St. Augustine in 1894, 1895, and 1896.

Mr. Speaker, the statute provides that the judge shall reside in the district for which he is appointed. St. Augustine was in that district for which he was appointed, and his family stayed there, close by, and he himself established his residence in Pensacola, where he meant to go, by registering in the hotel, staying there or at a neighboring boarding house whenever

there was work to do, and he also ordered his name to be put upon the registry roll. Gentlemen ask how often he was there.

Mr. HENRY of Texas. I would like to interrupt the gentleman a moment. I understood him to say that the statute says that the judge shall reside in the district for which he is appointed, and the gentleman's contention is that he resided in St. Augustine when he was appointed?

Mr. PARKER. Yes, sir.

Mr. HENRY of Texas. That he must continue to reside there forever if the district should be changed?

Mr. PARKER. No; I do not; but I say that there was no moral obliquity in his keeping a residence which he had taken up under that statute until he could, with convenience, get another residence.

Mr. HENRY of Texas. Does the gentleman then assert that he should have removed his residence to the new district?

Mr. PARKER. I think he should have removed, and I think he did remove, but I think the circumstances were peculiar. He had a district composed of counties, a list of which I have here, which contained, in 1890, 128,626 people only, and contained, in 1900, 176,337 people only, not enough for a single Congressional district; but they depended upon him to do work in——

Mr. HENRY of Texas. Does the gentleman from New Jersey [Mr. PARKER] think that that is an answer to a positive statute?

Mr. PARKER. I am not saying that is an answer.

Mr. HENRY of Texas. I am trying to understand the gentleman from New Jersey.

Mr. PARKER. I have said to the gentleman from Texas [Mr. HENRY] that he had a reasonable time in which to remove. I have said likewise to the gentleman that he did move by going there. I have said now that he was not required by court business to remain there as much as he would have had to remain in some other district, I mean in attendance upon court. This is not on the question of residence. This is on the question of employment. Thereupon, having little work to do—you can count the cases in that district on your fingers, as given in the Attorney-General's report—he was assigned by the circuit judge and sent from place to place for important and onerous work, so that he did not seem to be in Pensacola as much as he would have been if he had not been taken away or had had business there to do.

Mr. HENRY of Texas. Will the gentleman allow me to ask him just one question?

Mr. PARKER. Go ahead.

Mr. HENRY of Texas. Do you hold that he became an actual resident of the new district as created by Congress?

Mr. PARKER. Yes; and I explain his absences as not inconsistent with complete residence. Judge Swayne himself explains carefully on pages 578 to 580 that he understood that he must reside in his district; that he went to Pensacola and registered in the hotel as of that city; that he kept it as his home; that he looked around for a house; that he finally got one in 1900, and that his wife, his family, and furniture have been there ever since, for four years.

No statute of limitations binds the House of Representatives or the Senate. No statute binds them. But this matter of residence is purely a statutory crime and misdemeanor. There is no moral obliquity if the judge only does his work in his district. The offense is purely statutory. A statute created it and a statute can limit it, and this limitation is imposed in the strongest terms, terms that would seem to apply to impeachment itself. Section 1044, Revised Statutes, provides:

> No persons shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046—

Which covers revenue and slave-trade cases—

> unless the indictment is found, or the information is instituted within three years next after such offense shall have been committed.

But whether the statute applies or not, impeachment will not be made on stale matters not involving moral character.

For four years he has resided in Pensacola beyond question. Before that time no one ever complained of his absence. No objection was ever made until long after his having a family home at Pensacola. He had always been there at every term—the number of his attendances are in the record—and for four years he has been living there in the midst of those people.

The House is asked to go back of four years and to find an impeachment because over four years ago he did not live there. No complaint was made until a man named O'Neal was punished in November, 1902, for murderous assault on an officer of the court, and O'Neal had resolutions lobbied through the Florida legislature, employed five several lawyers, and ran the impeachment attacks upon the judge from 1902 till his death. I do not think the House is going to trouble itself with a charge of nonresidence over four years ago, or that impeachment is intended for matters that do not affect the moral character of the man or his present fitness to do his work. There are sound reasons for limitations as to indictment. Old matters may be made instruments of revenge, and they take the time of the courts, juries, and people over questions that are past and on which time has passed and wherein evidence may be hard to obtain. These reasons apply with tenfold force when the Senate and House of Representatives are to give up public business in order to become court or prosecutor on an attempt to disgrace an honorable United States judge for a crime and misdemeanor which was never such in intent, if it existed at all, and which certainly has failed to exist for over four years.

Mr. Speaker, what has been just said as to length of time applies with tenfold force to the question of the use of the private car in 1893, eleven years ago. In principle we may not believe in the prevailing practice as to the use of passes or private cars, but while it lasts we may follow it honestly and use a pass. A man's conscience can not be brought down to any one single fixed rule as to the kindlinesses that prevail between man and man. A dear friend may give a thing of value which may not be given by or accepted from a stranger. The cigar or the meal or the wine or the entertainment will be taken from one man and refused from another. Each man's conscience must say in the special case where the line is to be drawn. In this case a receiver of a railroad in the year 1893, over ten years ago, had a private car—a private car that was not for hire and never brought a dollar to the railroad company. It was the car of the president of the railroad, maintained as such presidents' cars are always, by keeping a porter in it and ready for use by the president in traveling over the road. It is part of the necessary and usual means for the operation of a road. It is explained by Mr. Axtell, who was the lawyer of the road. Durkee, the receiver, is alive, but sick, and unable to appear.

Dearborn was the conductor on that car on one of the two trips. But nothing was heard on this matter until this fall, when a witness named Wurts came here after the original report was made. He had been a defeated candidate for Judge Swayne's office. He said that when he was in Florida, previous to 1895, he heard that Judge Swayne had been continually using a private car to come down from Delaware, and that Judge Swayne had admitted it to him, and that the judge was corrupt with reference to railroad management.

Now, the real facts are clear. Durkee, as receiver, had this private president's car. It goes free not only over that road but over all roads, because the car of the president of one road goes upon all other roads with free transportation. When the receiver found that Judge Swayne wanted to go to California, he appeared to have offered him the car to go to California, and the judge went to California and returned in that car with free transportation, but he furnished his own provisions. There happened to be in the car some little liquid, whether apollinaris or something else we do not know. We can only appeal to the record, which has proved Judge Swayne's expenses at half a dozen hotels, and there is not a single drink included. We must conclude that Judge Swayne is not a drinking man or we would have heard of it in this case.

He provisioned that car; he accepted the loan of his friend's house, you may say; he accepted the courtesy from the railroad of the use of that car. It cost the railroad nothing. It was, as was said, better running than standing still.

Now, this is not a thing that we commend. We have criticised it as at least unwise and tending to provoke criticism. But it is something that may and must be left to each man's conscience what courtesies of that sort he may accept. And, as pointed out by the gentleman from New Jersey [Mr. MCDERMOTT] yesterday, the accounts of all these matters have been audited, have been displayed in the courts, no objection has been made, and the stockholders and directors must be taken to have assented, and it is done. Now, the other and second case is simpler yet. In the same year, 1893—for there were only two instances of use of the private car—we find in the testimony of Mr. Axtell, who was the counsel of the road, a description of how it came to go to Delaware, and it is a case that might happen to anyone. In this case Mr. Axtell says:

> Q. There has been testimony here of the receiver's car being sent for Judge Swayne and his family to Delaware. Was that while Mr. Durkee was receiver?—A. Yes, sir.
>
> Q. Was it within your knowledge at the time?—A. It was.
>
> Q. Do you know at whose instance it was sent?—A. The receiver sent it at his own instance.
>
> Q. Within your knowledge?—A. Well, he told me so at the time. It came about in this way: Judge Swayne was at Guyencourt, I think, with his family, and was about to return to Florida in the fall, and Major Durkee, the receiver, suggested that he would send the car to Delaware for Judge Swayne to return, and he made application to the various roads to pass the car from Jacksonville to Delaware and return. The car was passed without expense to the receiver or to the railway property.

Q. Was or was not that car kept by the receiver for his use as the manager of the road?—A. Yes, sir. It was a car that came into his hands when he took charge of the property, and was used by the officers of the road—that is, the executive officers. They had another car used by the subordinate officers, and the receiver always used that car when he used any. And I will say there was no hesitation on the part of the receiver to ask other roads to transport these cars, because in the winter time there is scarcely a day that that road did not haul the private cars of other roads without compensation, as it is customary to do.

Here is a judge at his home in Delaware, who is going down to Florida, and he is notified that the private car of the receiver is coming up to Guyencourt, or is on the way, to take him down with his family when he wants to go. It is a courtesy to him, and he accepts it as a gentleman. Does it alter his position as a judge? Does it alter his action, or was there anything corrupt about it?

I feel like saying to myself, as well as to the rest, if it comes to a question of receiving things as courtesies which are sometimes of value, "Let him that is without fault among you cast the first stone." But this transaction is dead. It is back in 1893. It was not put in the original specifications; it was not a part of the case before the Florida legislature; it was not brought in here as part of this case, but it came from a disappointed candidate for office, on the new testimony, after the report had been brought in. This House, like a grand jury, will wipe that charge from existence. We may not defend it; we may think there is too much private-car travel; that there are too many passes, and that an enlightened public conscience, or perhaps the action of the railroads, will stop this thing in the future and change our system. We are not defending it, but we do say that I can not accuse a man of moral obliquity in such an action as this.

Mr. THAYER. Will the gentleman allow me an interruption?

Mr. PARKER. Certainly.

Mr. THAYER. Is it not a fact that that whole railroad was constructively in the hands of the court itself when it was in the hands of the agent of the court, the receiver, and is it not a fact that the court has got to pass on the debit and credit as kept by the receiver of everything received in and paid out for that railroad? And what does the gentleman say of the propriety of a judge accepting this donation from the receiver when he, the judge, was to pass on his account?

Mr. PARKER. I think that that cost about $20.

Mr. THAYER. Well, that might vary. Isn't there a distinction between that and a railroad corporation giving free transportation to a judge from one place to another? In this case the receiver was the agent of the judge.

Mr. PARKER. I do not know; we look into the intent upon these things. One thing must still be greatly dark—the motive, why they do it—if it were done honestly, as many another man has taken friendly favors from friends, no matter what the relations were. A lawyer is employed by one man, and then may rightly become attorney, not in the same case, against his former client. Each man must keep himself upright in motive, though doing things in this world that may vary from one time to another. We should not hasten to condemn another's motive in a matter of this sort, which everybody seems to have thought right until this disappointed candidate for office came in on the tail of this case and put in these extra charges, which are now put first in the indictment, so that the dog comes in tail first instead of head first. [Laughter.]

Mr. STANLEY. Will the gentleman from New Jersey permit a question?

Mr. PARKER. Certainly.

Mr. STANLEY. I believe the gentleman has said that this private car cost about $20.

Mr. PARKER. I said that was probably the cost of the provisions.

Mr. STANLEY. It went up to Delaware and got Judge Swayne.

Mr. PARKER. The car was never rented.

Mr. STANLEY. That car made the trip to carry Judge Swayne from one place to the other?

Mr. PARKER. The car went up with the porter and brought him back.

Mr. STANLEY. Would $20 have carried that car through any one of the States? Would $20 have furnished fuel for the train through any of the States over which he passed?

Mr. PARKER. Not a dollar was paid for the car. It was done as a courtesy from one railroad company to the other.

Mr. STANLEY. Was not the car drawn by an engine?

Mr. PARKER. Yes, it was drawn by an engine; but the engine charged nothing for its services.

Mr. STANLEY. How about the coal? Didn't that cost something?

Mr. PARKER. The same rule applies and I make the same answer. The president's car on different railroads are drawn from one railroad to the other without charge.

Mr. STANLEY. Did it have a special engine?

Mr. PARKER. Not at all.

Mr. STANLEY. Was there an engine to draw that car?

Mr. PARKER. No; it was shifted from one train to another—tacked on a regular train. I am very glad that the gentleman asked the question.

Let us next take up the case of O'Neal. I will put it to any man, what would he do in such a case if he were a judge upon the bench? Greenhut, the man that was stabbed, was appointed trustee in bankruptcy. The duty of such trustees by the bankruptcy act, section 47 in the second supplement to the Revised Statutes, on page 858, was "to collect and reduce to money the property and the assets for which they are trustees under the direction of the court, and to close up the estate as expeditiously as is compatible with the best interests of the parties in interest." He was, therefore, appointed trustee with these duties to perform under the command of the court. His duty was to collect all the assets, take them into possession, and distribute them. Now, mark that his duties were more than those of a sheriff in execution, who is likewise an officer of the court. If a sheriff had taken goods into his hands in execution, and anybody had gone to him, quarreled with him for taking them into execution, and stabbed him with a knife, no one would deny that under the statute a judge would have the power to punish, because the statute says that the courts must punish for contempt in case of resistence by any party, jury, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court.

Mr. BARTLETT. Shall do what with him?

Mr. PARKER. The court may have the power to punish by fine and imprisonment at the discretion of the court.

Mr. BARTLETT. Does that mean to punish under the rule for contempt, or proceed for violation of law?

Mr. PARKER. This is the section as to contempt, and if the gentleman will turn to the majority report on this case on page 22 he will find cited there the act of Congress which gives the courts the power to impose sentence. It is as follows:

> The said courts shall have the power to impose and administer all necessary oaths and to punish by fine or imprisonment, at the discretion of the court, contempt of their authority: *Provided*, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any such officer or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said court.

The majority report says that this was not resistance to any legal act, order, rule, decree, or command of the court. Why not?

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. PARKER. I must go on now—not now; in a moment.

Mr. BARTLETT. I did not mean to provoke so much rudeness from the gentleman.

Mr. PARKER. I did not mean to be rude. I will be very glad to give an answer to the gentleman.

Mr. BARTLETT. I do not desire to interrupt the gentleman more.

Mr. PARKER. I beg the gentleman's pardon.

Mr. BARTLETT. I am sorry the gentleman gave so much rudeness.

Mr. PARKER. I am too much a friend of the gentleman to have him think any such thing.

Mr. BARTLETT. I beg the gentleman's pardon for interrupting.

Mr. PARKER. I beg your pardon. Come along.

Mr. BARTLETT. I was going to ask the gentleman if he does not know that the act of 1831 was passed as the result of the impeachment trial of Judge Peck, who insisted at his trial that he had the right to enforce his rules against people for contempt in his court the same as the English courts did, and that was the question on that trial; and it was to settle for all time that the judges of the United States courts could not have any such extensive powers that this act of 1831 was passed.

Mr. PARKER. I think I understand the gentleman's statement. I understood the statute was to limit the rules of contempt.

Mr. BARTLETT. And grew out of that case of Peck.

Mr. PARKER. I have heard so here; I never knew it before.

Mr. BARTLETT. I beg the gentleman's pardon if I am giving him the information.

Mr. PARKER. I heard it here from gentlemen who have made arguments on this case.

Mr. BARTLETT. I heard it long before I was a Member of Congress from people discussing that trial, who gave a history of the trial.

Mr. PARKER. I happen to be more ignorant. I never knew about the Peck case until it was mentioned in the Judiciary Committee and here in this matter. I have not studied it.

Mr. CLAYTON. Get the bound volume of the Peck case and you will find the original act printed in the back.

Mr. PARKER. Gentlemen, I am not talking to you about the Peck case.

Mr. Speaker, may I ask to strike out a little bit of this? I do not want to put this in the middle of my argument, and I now desire to go on.

Mr. BARTLETT. I think perhaps it will help it.

Mr. PARKER. I stated, Mr. Speaker, that this was an act of resistance to the command of the court. The command of the court was given to the receiver or trustee to take these assets into his possession. He is given a greater command than a sheriff or marshal under an execution. Under an execution the sheriff can only take the visible assets that he can seize. The receiver can sue for and take equitable assets that can only be recovered by suit. Under an execution the sheriff must only take so much of the assets as are sufficient to satisfy the claim or at least he can not sell more. Under the bankrupt act the trustee must take all the assets. Under an execution the sheriff can desist by permission of the plaintiff without an order of the judge.

Under the bankrupt act the receiver, until he is otherwise directed by the court, must take and collect every asset of the bankrupt that he can find in anybody's hands, whether in possession or in action. That was the trustee's duty. As part of that duty he began a suit, and it was his duty to go on with that suit and prosecute it, and, Mr. Speaker, if any Member of this House were a judge upon the bench, I ask what he would do in such a case? The judge, by order in bankruptcy, has appointed and commissioned a trustee to collect these assets and the trustee has brought suit against a bank. The president of the bank comes and quarrels with the trustee for bringing suit, and draws a knife and lays that trustee up for weeks, and takes the chances of killing him. What would any court do? I ask whether that is not a resistance to the command of the court? True, part of the act was past—the bringing of the suit—but there was more to be done. The cases are consistent, and that of McLeod, in 120 Federal Reports, is complete on this subject. In that case, because of a past action of a commissioner of the court, an attack was made upon him, and although the commissioner had nothing more to do in that case it was held nevertheless to come within that section, and the assailant was arraignable for contempt because it was proven the commissioner was doing his duty, under orders of the court.

The McLeod case is stronger than the one before us. Here the act of the trustee was not complete. He was still going on with the suit, and the attack upon him by this O'Neal was an endeavor to make him stay his hand.

Mr. PALMER. That is a penal statute, is it not?

Mr. PARKER. No.

Mr. PALMER. Does the gentleman say that this statute is not a penal statute?

Mr. PARKER. I read the contempt end of it. It is not a criminal statute.

Mr. PALMER. It is a penal statute, and therefore strictly to be construed.

Mr. PARKER. Yes.

Mr. PALMER. Very well. Suppose you are going to indict O'Neal for resisting the command of the court. If the court had made an order or rule of any kind, he would be in the indictment in haec verba. Suppose you are indicting him for resisting a command of the court, what would you set out in the indictment?

Mr. PARKER. I am not supposing anything of the kind.

Mr. PALMER. The gentleman says that O'Neal resisted a command of the court. I would like to know what command of the court he refers to? Does the record show any command that the court had made?

Mr. PARKER. The court had ordered this receiver appointed. His duty, under the statute following upon the words in that order, was to collect and reduce to money the property and assets for which he was trustee. That was the duty imposed upon him. What is more, we do not have to look for law on that subject. The O'Neal case has been decided on appeal before Judge Pardee and the other judges of the circuit court, good judges all. I wish I had 125 Federal Reporter here, because only part of that was read by the gentleman from Maine [Mr. LITTLEFIELD], and anyone who looks at that case will see the court determined expressly that if the facts were as charged in those papers, then contempt of court under the statute had been committed. What is more, O'Neal obtained a certificate as to jurisdiction to the Supreme Court of the United States, a certificate granted by Judge Swayne. The Supreme Court of the United States ruled upon the case, and it said that the only question was one of fact whether O'Neal interfered with an officer of the court in the performance of his duty, and that such a question of fact could not be certified.

In the case before Judge Pardee the latter expressly ruled that a trustee in bankruptcy was an officer of the court and that he could not be interfered with. The whole case has been determined. It has been settled that this order for imprisonment of O'Neal was lawful, and if it was lawful I will leave it to any Member of the House if he had been a judge upon the bench and an attack had been made upon the trustee in bankruptcy that he appointed for the purpose of performing the official duty of collecting assets and that attack appeared to be in order to keep the trustee from going on with that duty, I ask whether exemplary punishment was not necessary and whether sixty days' imprisonment was not very small punishment? It makes me hot to find persecution lavished upon this judge for his honest action in this case. It is to be regretted, in my judgment, that his order for the punishment of O'Neal never took effect. It is still more to be regretted that it is owing principally to the money and the friends of this would-be assassin that the legislature of Florida was lobbied and a resolution passed against Swayne and that expenses of the prosecution of impeachment proceedings before the Judiciary Committee is now paid. If gentlemen wish to see and verify the truth of that statement, let them look at the record on pages 12, 13, 132, 133, 153, 481, and 482, showing five different lawyers who have been engaged in this work in the pay of this man O'Neal and against Judge Swayne.

Let us turn to the Belden and Davis case. They were guilty of marked contempt and deserved rightly to be punished. It is a case that excites the sympathies of many Members in this House, that of the old lawyer Belden and the other lawyer, Davis, who were ordered to be fined $100 each and imprisoned ten days for contempt of court. The sentence was illegal. "And," instead of "or," was a mistake. It is an easy mistake to make when the statute says "fine or imprisonment." It is a common mistake to make, for in administering such statutes the sentence almost always includes imprisonment if the fine be not paid. But it is certain that it was a mistake. If the sentence had been imposed by the judge upon an ordinary poor outside person, who had no counsel and knew not the law, you might not be so sure. It was imposed here upon three lawyers—Belden, Davis, and Paquet. They were good lawyers. It was imposed at the advice of, perhaps, the most prominent lawyer in the State of Florida, Mr. Blount, whose testimony everyone should read. He looked over the sentence and obviously looked over the statute, because he said, "You can not disbar; you can only fine and imprison." The judge corrected it on that point; and everyone seems to have missed that little "or." There was no intention to do wrong in the form of the sentence. There can not have been any. If there had not been a mistake, the lawyers would have called the judge's attetion to it, and the judge would have corrected it.

Mr. THAYER. Will the gentleman permit me to ask him a question?

Mr. PARKER. With pleasure.

Mr. THAYER. Can not you conceive it possible that these lawyers, who had been unjustly sentenced, remained quiet, knowing that a writ of habeas corpus would lie and that they would get their relief at once?

Mr. PARKER. Yes, sir.

Mr. THAYER. Then why do you blame them for not taking it out before the next day, when they could apply for the writ of habeas corpus?

Mr. PARKER. If you will look at the habeas corpus proceeding, you will find that application was made.

Mr. THAYER. They could take it out.

Mr. PARKER. It was taken out.

Mr. THAYER. They could have taken it out next day.

Mr. PARKER. The writ of habeas corpus was taken. I want to answer the gentleman's question; he has asked me one, and I want to answer it. My recollection is that the point as to the form of the sentence was not taken in the petition or petitions for the habeas corpus; and that even then the parties still did not know of it. (See the petition, pp. 329–30.)

Mr. THAYER. Suppose the full penalty of disbarment, fine, and sentence to the penitentiary had been imposed, and that they had been taken off in execution of that to the jail, could not they next day have sued out a writ of habeas corpus because of their unlawful committal?

Mr. PARKER. In this case just that happened, with the single exception of the disbarment; the sentence was only for fine and imprisonment. It was an unlawful sentence. Belden and

Davis did bring a writ of habeas corpus, and in the petition for it they did not set up that the sentence was illegal, but simply relied upon the question of jurisdiction of contempt itself, and did not even imagine that that sentence was illegal.

Mr. THAYER. The only effect of that is to convince me that the lawyers were about as ignorant of the law as the judge.

Mr. PARKER. We are all subject to make mistakes. When people ask me what is my profession, I say I hope I am a lawyer; I can not claim to be a great lawyer, for a great lawyer is a great man. Mistakes are made by the best lawyers, and that is the reason for the courts of appeal. But the proof shows beyond any reasonable man's doubt that it was a mere mistake in taking the law to be "fine and imprisonment" instead of fine or imprisonment;" and we come, therefore, to the merits in the case and ask whether these men committed a contempt under the statute; and if so, whether they were honestly and fairly to be punished for it.

Now, I ask your attention for a moment to the facts on this particular matter, because they seem to have been misunderstood. If gentlemen who have copies of the record in this case will turn to the beginning of Judge Swayne's statement on this subject, beginning at the bottom of page 581, they will find that he says:

In the suits tried before me—

This McGuire suit had been tried before—

In the suits tried before me, involving the title to the extreme eastern portion of the city of Pensacola, the description given in the pleadings was as follows:

"That certain parcel or piece of land known as the Gabriel Rivas plat, containing 262½ acres, more or less, in the eastern portion of the city of Pensacola."

This, in a general way, was the only knowledge I had of its location. I knew nothing of its metes and bounds and did not refresh my mind as to its location at all.

So much for his knowledge, which is essential——

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. PARKER. Certainly.

Mr. SMITH of Kentucky. Did not Mr. Hooten, the real estate man who sold it to him, or sold it to him for his wife, take him out and show him this land—show him all around?

Mr. PARKER. I am coming to that. He did not show him around this big tract that I am talking about—the Gabriel Rivas tract—or tell him the boundaries of that.

Mr. SMITH of Kentucky. He showed him lot 91.

Mr. PARKER. That is true; I am coming to that. Will gentlemen please not interrupt before I finish a little of my statement? This Maguire suit was as to what is called the "Gabriel Rivas tract." It was one of those sweep surveys, covering a large portion of the city, seemingly under some old Spanish or other grant, for the name "Gabriel Rivas," as well as "Caro," sounds very Spanish. I will read what Judge Swayne says:

In the summer of 1901 my wife had some money which she had inherited, and, desiring to invest the same, I advised the purchase of city lots. We looked over several and were pleased with the location of block 91 of the new city tract, and agreed with the agents to purchase. I knew nothing of Mr. Edgar, the owner of block 91—did not remember ever hearing his name before. He was not a party defendant in either of the suits of ejectment by the Caro heirs, although named in the pleadings of one of them, but no attempt at service was made so far as I am informed.

Not the slightest hint or suggestion had up to that time entered my mind that this block was a portion of the Gabriel Rivas tract, and only upon the receipt of Messrs. T. C. Watson & Co.'s letter of July 19, 1901, as contained on page 57 of the printed testimony, did I first learn of its connection with these suits.

Now, I turn to this letter from Watson & Co. They seem to have been agents for the sale of land, and they wrote him:

We have deed to block 91, New City, from Mr. Edgar, but he refuses to give a warranty deed to this block; he merely gives quitclaim deed. We have received a letter from him, in which he writes he is unwilling to give anything but a bargain and sale deed, as he is afraid of the old —— Caro claim on this, which seems to be his objection. We have recently made an abstract of title of this property, and it seems to us we would just as soon have one deed as the other, but we lay the matter before you so as to have you perfectly satisfied. In case the deed is not satisfactory to you, of course, we will have to drop this deed or wait until you come home. Thanking you for an immediate reply.

Yours, truly, THOMAS C. WATSON & CO.

He immediately answered, in July, 1901, saying:

Gentlemen, you may omit block 91 and send papers for the others along, and oblige,

Yours, truly, CHARLES SWAYNE.

Then, July 25, they wrote, sending him the papers for the other lots and leaving that one out. He had done what an honest man and an honest judge ought to have done. He said: "I can not buy anything that is in litigation before me. I prefer not to call another judge in to do the business I ought to do. I will not buy this lot or have my wife buy it."

He made no mistake in that; he did the right thing.

Mr. HENRY of Texas. I do not want to break into the continuity of the gentleman's argument, but I would like to ask him a question right there, if he will allow me.

Mr. PARKER. Certainly, I will.

Mr. HENRY of Texas. If Judge Swayne dropped out block 91 in July, why is it that, on November 5, 1901, he stated that a relative of his had purchased lot 91?

Mr. PARKER. Well, she had purchased or agreed to purchase it, and then did not take it.

Mr. HENRY of Texas. But he said to drop it out in July.

Mr. PARKER. It was dropped out.

Mr. HENRY of Texas. In July?

Mr. PARKER. The expression "had purchased" is pluperfect, is it not?

Mr. HENRY of Texas. He said that a relative had purchased the lot.

Mr. PARKER. I suppose your wife is your relative?

Mr. HENRY of Texas. Certainly; and if I were a judge and my wife had an interest in property which was the subject of litigation before me, I would recuse myself instantly.

Mr. PARKER. The gentleman from Texas does not seem to understand the evidence. Judge Swayne says that she had made an agreement for purchase.

Mr. HENRY of Texas. He didn't say that. On the 5th of November he said a relative, without saying it was his wife, had purchased lot No. 91.

Mr. PARKER. He had purchased it, but had given it up, and the agreement for purchase had been called off.

Mr. HENRY of Texas. Oh, no; he said a relative had purchased it, and on November 11 he said the relative was his wife.

Mr. PARKER. Now, Mr. Speaker, I am willing to allow interruptions, but I beg gentlemen not to interrupt me too frequently. I had got so far as the 25th day of July, 1901, and I am coming slowly down to the 11th of November. When I am trying to give an orderly statement of what happened in this matter, Members interrupt me with questions. I have got now as far as where Judge Swayne writes to them in July that his wife refused to take that lot. His wife had made an agreement of purchase, and he and she refused to carry it out, because the title was clouded and in litigation before him. He gave no reason, but, like a sensible man, he simply wrote and said, "Drop that out."

The next thing that appears to have taken place in the order of time was a suit brought by the agents, Watson & Co., against Edgar for their commission for making the sale of this lot. They were entitled to a commission, because Edgar had put the lot in their hands for sale, and they had done all they were asked to; they had found a purchaser, and then the title had failed, but by no fault of theirs. The lot had not been conveyed, the sale had fallen through, but they had done their work and were entitled to their commission.

That matter got into the newspapers, I suppose, or in some way it was known or rumored that Judge Swayne had bought this lot, and not knowing that the sale had been called off, it went around the community that he was the owner of the lot; and thereupon the attorney, Paquet, whether with Belden or not I don't know, addressed a letter to Judge Swayne at Guyencourt, Del., in which they told him that they understood that he owned a part of that property in litigation before him, and asked him to recuse himself. Remember, that was in October; that was three months after he had looked at the lot and thought of taking it and refused to take it, and he did not obviously know what these gentlemen were talking about, whether they meant that some of the other lots which he or his wife had purchased were within the McGuire tract, or whether it was this lot that she had refused, or what they meant.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question.

Mr. PARKER. The gentleman is aware that I do not wish to be interrupted.

Mr. SMITH of Kentucky. I would like to know where the gentleman gets his facts when he says that when Judge Swayne got the letter from Paquet and Belden, he didn't know what they meant.

Mr. PARKER. I say how could he have known?

Mr. SMITH of Kentucky. He had traded for lot No. 91.

Mr. PARKER. The letter does not say lot No. 91. The letter has not been produced by them or anyone else. It has been described in the testimony. The gentleman from Wisconsin [Mr. COOPER] referred to it the other day. They do not seem to have said it was lot No. 91, or where it was, but they said, "You own a part of the property that is in this litigation, and you ought to recuse yourself." That is enough to make a judge think "Isn't this rather funny?" I think it was funny. If

these gentlemen had gone to T. C. Watson & Co. and asked them about what that suit for commissions meant they would have learned that the suit was based on a sale that was never carried out and the lot not conveyed to Judge Swayne or his wife. If they had gone to Edgar and asked him the same question he would have said the same thing. But these lawyers, without inquiry, accepted a mere street rumor and then wrote to Judge Swayne generally that he was interested in the property that was in litigation before him as a judge of the court, and asked him to recuse himself. I do not wonder that he refused to answer the letter until he found out what they meant, especially as he was soon going to be in Florida. This letter was written on the 16th of October.

Mr. RICHARDSON of Alabama. Mr. Speaker, I am very much interested in the gentleman's argument, and I just want the liberty of asking him one question for information.

Mr. PARKER. Is it upon this point?

Mr. RICHARDSON of Alabama. It is upon the purchase of that lot.

Mr. PARKER. Only on this point just where I am. I would like to get through the order of dates.

Mr. RICHARDSON of Alabama. It is on that lot which the gentleman has just been discussing with the gentleman from Texas [Mr. HENRY], and I desire to get some information from the gentleman.

Mr. PARKER. If the gentleman will wait a little bit, I would be very much obliged. Now, I was saying that Judge Swayne knew on the 16th or 17th of October, when he got that letter, that he would be down in Florida before the 5th of November, for he was trying criminal cases there on the 5th of November, and it would take only about twenty days. He waited until he got there, and on the 5th of November he states that the counsel were before him and he told them the facts. Mr. Paquet has not contradicted it; Mr. Belden has not contradicted it, because he was not there—he was sick at that time and away. Mr. Davis says he was not employed as counsel, but Mr. Davis does say, I think it is on page 329, in his petition for habeas corpus, that Judge Swayne on the 5th of November made certain statements in court, and seemed to imply that he was there. True, he says that that petition for habeas corpus was gotten up on a blank form for both Mr. Belden and himself, and that he did not mean he wrote the letter of October 16, and nobody can tell exactly what he did mean in that petition.

Mr. PALMER. Does not the gentleman remember that Mr. Davis was a respectable member of the bar and swore positively that he never was employed in the case until Saturday night?

Mr. PARKER. Yes.

Mr. PALMER. Very well. Now, what is there to contradict his testimony except some——

Mr. PARKER. I am not contradicting his testimony.

Mr. PALMER. Then what is the gentleman trying to prove—that he was not a member of the bar?

Mr. PARKER. I am trying to prove something that the gentleman does not seem to understand. [Laughter.]

Mr. PALMER. That is right.

Mr. PARKER. If the gentleman will sit down and listen, instead of asking questions, he will likely find out.

Mr. PALMER. It is not my fault——

Mr. PARKER. It is the gentleman's fault. He interrupted me in the middle of a thought.

Mr. PALMER. It is not my fault. It is the fault of my intellect. That is the trouble. I am too dumb to understand.

Mr. PARKER. It is not that. It is the fault of the gentleman interrupting me when I was just about to tell him what the matter was. The gentleman prevented my speaking before, and he can not do it this time.

Mr. PALMER. Give it to us straight. [Laughter.]

Mr. PARKER. I am going to give it to you straight. [Renewed laughter.] Now, I have got so far as this. The record made up on November 11, 1901, reads as follows, page 324:

> On Tuesday, November 5, 1901, at the time of the presentation of the said motion by the plaintiffs, that the court recuse himself, he had then stated, and now states, that he never agreed to accept nor ever accepted any deed to any portion of the said Cheveaux tract; that, as he stated, a member of his family, to wit, his wife, had, with money inherited by her from her father's estate, negotiated for the purchase of some city lots in Pensacola; that certain deeds in connection therewith had been sent to her in Delaware, one of them proving to be a quitclaim deed, and upon investigation and inquiry it was found out that the property in the deed was a portion of the property in litigation in the suit of Florida McGuire *v.* Pensacola City Company et al., and thereupon, and by his advice, the said deed was returned to the proposed grantors, with the statement that no further negotiations whatever could be conducted by them in relation to this property, and they thereupon refused to purchase, either at the present time or in the future, any portion of this tract.

That is what Judge Swayne, in the record of the contempt proceedings, said on the 5th and 11th of November. Now, in the petition for a habeas corpus, page 329, Mr. Davis says that on the 5th of November Charles Swayne refused to recuse himself, and went on to state from the bench, in open court, that a relative of his had purchased a part of said lands in litigation before him in said suit of Mrs. Florida McGuire; that the deeds had been sent north to him [the judge], and that he had returned them.

The fact that Davis says he was not counsel at that time would not prevent his hearing that statement, and he has never said that he did not hear it or that that part of that petition is untrue. If so, counsel, parties, the community, probably through the newspapers, but certainly everyone present in that court knew that the judge owned no interest in that land on the 5th day of November. Then the judge went on with the trial of criminal cases until the 9th of November, which was a Saturday. Then, instead of being ready for trial, the parties in this case were not ready and wanted it postponed for the term. The court refused in the exercise of a sound discretion. Remember they had notice on the 5th that he stated he was competent and had the right to try that case, and they had four days' notice to get their witnesses.

Thereupon, this contempt was committed. I think it was a misbehavior of officers of the court, but I do not rely upon that. Under the statute already read contempt proceedings will lie for the misbehavior of any person, not only in the presence of the court, but so near thereto as to obstruct the administration of justice; we do not care, therefore, whether they—Belden and Davis—were lawyers and officers of the court, bound by their positions as members of the bar (except that their knowledge of the law and their confidential position was an aggravation of the offense), or whether they had been other persons, the parties to the suit, or outsiders. In the face of the judge's denial that he was interested in that lot, without once inquiring as to the facts from Watson or Edgar, without investigating whether the lot had been conveyed or not, they brought suit in the State court on that Saturday night against the judge as the owner of the land. That is not all. That suit was a sufficiently clear statement to the judge and to the community that he was a liar. It was a sufficiently clear statement that he was dishonest in attempting to try a case in which he was interested. It was a clear attempt to bring him into contempt in that community and to obstruct the administration of justice by making everybody distrust him——

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. PARKER. Not now.

Mr. GAINES of Tennessee. It interests me very much along there and——

Mr. PARKER. Just stop a moment. I do refuse to answer for the moment, but I will answer the gentleman in a moment.

Mr. GAINES of Tennessee. Do not leave the subject before I get a chance to ask the question, because I really want to ask a question there.

Mr. PARKER. It is a sufficient thing of itself to obstruct the administration of justice to bring a public suit against him of that sort, informing that whole community that the lawyers who had brought that suit believed that the judge was interested in the case before him, had refused to leave the case, and had lied about it. But they did more. That very night the attorney himself, Paquet, put into the newspapers of that town the following article:

> JUDGE SWAYNE SUMMONED AS PARTY TO THE SUIT IN CASE OF FLORIDA M'GUIRE V. PENSACOLA COMPANY ET AL.
>
> A decided new move was made in the now celebrated case of Mrs. Florida McGuire, who is the owner by inheritance and claims the possession of what is known as the "Rivas tract," in the eastern portion of the city, near Bayou Texas, by the filing of a præcipe for summons, through her attorneys, ex-Attorney-General Simeon Belden, Judge Louis P. Paquet, of New Orleans, and E. T. Davis, of this city, in the circuit court of Escambia County, in an ejectment proceeding for possession of block 91, as per map of T. C. Watson, which is part of the property which is claimed by Mrs. Florida McGuire, and which it is alleged that Judge Swayne purchased from a real estate agent in this city during the summer months, and which is a part of the property now in litigation before him.
>
> The summons was placed in the hands of Sheriff Smith late last night for service.

Anyone who has common sense will say that it was the object of that statement to tell the community that that judge was not fit to sit upon the bench, because he wanted to try a case in which he was interested and because he lied when he said he was not interested. Obstruction to the administration of justice is not merely coming and striking a judge with a hammer; it is not merely making a noise in the court room; it is not merely bribing witnesses or bribing jurors in a case; it is not merely that. During the term, when the community is looking to the judge for truthful statements of the facts and the law, if any person, worst of all if attorneys of his court, dare to charge him

with dishonesty upon the bench in a pending case; dare to charge him with lying about the facts in that case; dare to emphasize and publish those charges by public suit, brought against him on a claim that they ought to have known and must have known was without foundation, and dare still more to prepare and publish an article calling public attention to that suit, and saying that it is alleged that the judge is interested in the suit pending before him, no court that respects itself and its duties can for a moment fail to see that for the protection of the honor and dignity and good faith of that court, which must depend upon the trust of the community, it is necessary to punish these men.

No court that respected itself could afford to allow that contempt to pass unpunished, and imprisonment for ten days and a fine of $100 was a light punishment for that attack upon the honor and dignity of that court. This, too, has been already so determined, for the appeal in that case (120 Fed. Rep., in re Davis) set aside the sentence, not upon its merits, or upon the grounds set up in the petition, but upon the question of whether "fine and imprisonment" should be "fine or imprisonment." Those who have somehow gotten an idea that Judge Swayne is an unjust judge because he so protected his court have, in my opinion, unwittingly done him the greatest of wrong. In inflicting that punishment he did as righteous an act and as brave an act as was ever done by any judge.

Now is the time for the question of the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. All right. Now, I want my friend from New Jersey [Mr. PARKER] to feel assured that I am perfectly sincere in this.

Mr. PARKER. I am ready now to hear you.

Mr. GAINES of Tennessee. I have listened to the gentleman from New Jersey [Mr. PARKER] with a great deal of pleasure. Will the gentleman tell me when Judge Swayne informed those lawyers he did not have any interest in that property?

Mr. PARKER. On the 5th day of November.

Mr. GAINES of Tennessee. Where does the gentleman get his authority for that?

Mr. PARKER. It is in his statement, and it is found in Davis's affidavit, on page 129.

Mr. GAINES of Tennessee. Why did not Judge Swayne answer the letter, and why has not Judge Swayne furnished the letter that these gentlemen wrote to him? Why did he not answer it, and why did he not furnish it as part of the proof in this case?

Mr. PARKER. I will say to the gentleman from Tennessee that I tried to answer that question. I do not think it was necessary.

Mr. GAINES of Tennessee. The gentleman knows that the presumption is against him if he can not produce the letter? That is a good proposition of law?

Mr. PARKER. Not at all. I want to say to the gentleman that the judge received a notice from the lawyers—a letter, as I remember it, though I have not it before me—containing a statement which included no details, but simply said to him that he was interested in the Rivas tract which was in litigation before him, and they wanted him to recuse himself. There were several reasons why he might wait until he met them on the 5th of November.

Mr. GAINES of Tennessee. How long did he wait?

Mr. PARKER. From, say, the 17th of October to the 5th of November. He knew he was to be there. One reason might be that he thought those lawyers might have made a little inquiry before they made such a charge against him, for the least inquiry would have shown it was all wrong. If they had asked Mr. Edgar or Watson & Co. they would have found it was all wrong. No purchase had been consummated, although agreed upon. In the next place, he might have been puzzled to know what they were referring to. He had bought—or his wife had—certain lands in Florida by warranty deed. The agents had tried to make them take a quitclaim deed for another tract of land, and said that the quitclaim would be just as good as a warranty deed. He had taken other lands, and it might be that he wanted to go down to Florida and see the agents and see if he could deny that he was interested.

He did not perhaps remember the exact terms of the letters. He himself, when he came to make a statement in November, made an immaterial mistake. He said the deed had been sent to him and that he had returned it. That was untrue. The deed had been sent to the agent, and he ordered it returned. And he might have been doubtful whether that agent had performed the duty which he had imposed when he told him to return it. He might have been looking for light. There are fifty reasons. It might have been sheer carelessness, and even Congressmen are sometimes guilty of carelessness in anwering a letter. A judge has many letters to answer. But I do not see how twenty days made any difference if he did go there. He then found out what they meant. When they said he owned lot 91 he denied it, and explained it, and the case was set on the 5th for the 11th. And then they took revenge by bringing the suit and publishing a statement in the newspaper about him.

Mr. GAINES of Tennessee. How do you answer this allegation that he did not buy this property in litigation?

Mr. PARKER. The fact is given in the record.

Mr. GAINES of Tennessee. Give me the page of it.

Mr. PARKER. I have given it to you. You will find it on page 582 of the testimony.

Mr. SMITH of Kentucky. Mr. Davis it is not asserted was present. In the article filed by Mr. Blount it is not asserted that Mr. Davis was in court and heard the statement. He says Belden and Paquet were there; and I understand that is a mistake, in saying that Belden was there, as he was not there, but was sick.

A MEMBER. Nobody but Paquet was there.

Mr. PARKER. How many people am I answering?

Mr. SMITH of Kentucky. You are answering a certain proposition, it does not make any difference how many people you are answering.

Mr. GAINES of Tennessee. Did not these lawyers have the right to file this suit? Did not these men have the right to file this suit against this judge, even if he was a judge?

Mr. PARKER. Will you kindly stop putting more questions until I get through with those already asked? The first question was whether Davis knew what the judge said. Davis filed a petition, which is already referred to, and which is found on page 329, which shows that he knew what the judge said. He states that the judge said that he returned the deed.

I desire to say, as to the matter of knowledge, there is no difficulty about the knowledge of these attorneys. Belden was one of the attorneys and Paquet was present all the while. Davis was consulted before the suit was brought and before the newspaper publication was indulged in, and he knew what were the facts. He never denied knowledge of the facts, and he signed the petition in the habeas corpus, in which he said directly that the judge had made this statement in court, and so did Belden in filing a like petition. Will anybody tell me, after they have made that statement in their petitions, that they did not know that the judge had made that statement that he was not interested in that land?

Now, I answer the other question of the gentleman, as to whether people have a right to bring a suit against a judge——

Mr. GAINES of Tennessee. Do you think a Federal judge is better than a plain man in his right to be brought into court and made to disclose whether or not he owns a particular piece of property? Is a Federal judge better than you are, or than I am? That is the question I want to ask you.

Mr. PARKER. The gentleman first asked me whether it was any contempt to bring a suit against a judge. He then asked me a second question as to whether a judge is any better than a private man. I will answer that a judge is no better than a private man, but in his official transactions he represents the majesty of the law, and his person and his actions must be treated as sacred so far as necessary to maintain the administration of justice, and anything which interfers with or obstructs that administration of justice is not a contempt of the judge, but a contempt of the court and a contempt of the law, which is better than any private man. [Applause.]

In the next place, to bring a suit against a judge is nothing. To bring a suit which states that he is the owner of property which he has denied owning, and which is not only a public record, but is emphasized by a contemporaneous publication in a newspaper which forms part of the same transaction, and charges that that judge is corrupt enough to try and hear a case in which he is interested and cowardly enough, or worse, to deny such interest—I say that suit against a judge is a contempt of the court which the court must punish in justice to itself.

Now, the gentleman from Alabama [Mr. RICHARDSON] desired to ask me a question.

Mr. RICHARDSON of Alabama. I would be glad to ask a question for information. The gentleman has discussed, with marked courtesy, all the matter relating to block 91. I should be glad to call his attention most politely and respectfuly to this paragraph in the testimony, which possibly he has overlooked:

> The relative I referred to yesterday or the day before was my wife.

He went on to say that his wife had paid for the property from funds from the estate of her father in Delaware.

Mr. COCKRAN of New York. On what page of the record is that?

Mr. RICHARDSON of Alabama. Page 116. I just call the attention of the gentleman from New Jersey to that, because he has been so kind——

Mr. PARKER. The judge never said that they had bought and paid for the lot.

Mr. RICHARDSON of Alabama. That is in the record.

Mr. PARKER. No; it does not relate to that. I will go over it and explain it to the gentleman later with great pleasure.

Mr. RICHARDSON of Alabama. Don't you think that the highest degree of propriety and regard for judicial dignity would have led him to recuse himself from that trial?

Mr. PARKER. Oh, it would have been better for him not to have done as he did, if that was so. It was not so.

Mr. Speaker, there is but one other matter charged, and that is one that has given me the greatest concern. At the very end of this case it was proved, to my great astonishment, that the statutes of the United States only allowed actual expenses, not to exceed $10 a day, to judges traveling outside of their districts. I have been at the bar for many years. I have heard it remarked over and over again that judges were glad to go to other districts, because they got $10 a day for it. I supposed it was like our 20 cents a mile; that they got $10 as an allowance for that work. I always supposed so. I know the sentiment of the bar was that that was so, and I was very much astonished to find, when I came to read the statute, that it was not so.

The statute is not easy to find. Gentleman will look for it in vain in the Revised Statutes or in the supplements thereto. It is contained in a sundry civil appropriation bill of 1896. Extracts were made from that act in the second supplement of the revision, but this particular section was never so extracted. It took me some time to find that particular section which provided for the payment of judges serving outside of their circuits of their reasonable expenses for travel and attendance not to exceed $10 a day, to be paid to them by the marshal upon their certificate. (See Appendix B, Law as to Expenses.

I was not present at the taking of the testimony. During the evidence it was offered to be proved on Judge Swayne's behalf that it had been the custom of various courts to certify $10 as a lump sum. That offer was refused, and I am inclined to think it was properly refused. But I am inclined to think that Judge Swayne would have had a right to testify in his own behalf to prove that he knew that this was done.

His knowledge was of importance because it might bear on the question of intention, but that it was done by other people by itself was of no importance. His knowledge of such an accepted practice was of importance. I understand that his counsel now say that they accepted the exclusion of that evidence and would have asked Judge Swayne about this matter if they had not supposed the committee would not allow him to go into it at all. I think the subcommittee would have allowed him. Unanswered, unexplained, the fact that he took $10 a day when he had spent less is a thing that is hard to deal with.

Half a dozen of us made a report in this matter. It was carefully drawn, not by myself—I have not the honor to draw that sentence with reference to that matter—it was carefully drawn, and the sentence was afterwards repeated in the speech of the gentleman from Maine [Mr LITTLEFIELD] when he spoke on the question of impeachment. He said that unanswered and unexplained, this constitutes an impeachable offense.

Mr. Speaker, I blame myself that I did not add, as I had intended in the beginning, that the statement that this was an impeachable offense did not mean that he was necessarily to be impeached. There are many indictable offenses for which a grand jury will not indict. If a practice has prevailed for years among the best citizens of the community, even if it be a breach of the law, grand juries bring in in some States what is called a "general presentment." We have known the grand jury to present, for instance, that people are too careless in regard to the child-labor law or that there are too many saloons open or whatever it may be that becomes a public nuisance, whereas they decline to indict until they give a notice to stop by their presentment. If a custom of this sort has been adopted as a practical construction, that "reasonable expenses not to exceed $10 a day" meant a reasonable allowance for travel and attendance, or if the certificates were signed on the marshal's presenting a certificate as the well-settled practice and without looking at the law, or if it was done for any honest motive, no Congress would impeach.

I wanted to say that then in my report, but I thought it was better said on the floor on the motion for impeachment. Mr. Speaker, I can not get over the fact that when a Member of the committee who had signed a minority report asked for leave on this floor to speak and that the previous question should not be put, he was refused, and the previous question was put, and that I was unable to inform the House of my views at that time on that subject.

Mr. PALMER. I want to state here that I asked the gentleman from New Jersey if he wanted to speak, and he said he didn't know. I had no idea that he wanted to speak at that time.

Mr. PARKER. I rose to speak.

Mr. PALMER. I beg the gentleman's pardon; he rose to make a point of order that the previous question was not in order. If the gentleman is criticizing me for not allowing him to speak, he is under a misapprehension.

Mr. PARKER. I do not criticise anyone. I say, however, whether it was unwittingly done or not, in a case that involved the honor and the judicial life of a judge of the Federal court, I ought to have been allowed to speak.

Mr. JENKINS. Inasmuch as it was largely due to the influence of the gentleman from New Jersey that I joined him in favor of impeachment, I want to ask him if he had any evidence before him, or if there was any evidence taken before the committee, that any judge in the United States other than Judge Swayne had ever paid out only a dollar and a quarter a day and then put in a bill for $10?

Mr. PARKER. I can not answer the gentleman's question.

Mr. JENKINS. Does not the gentleman know that there never has been a particle of evidence submitted before the committee as to the conduct of any other judge in the United States in that particular?

Mr. PARKER. That is true; it was ruled out.

Mr. JENKINS. It was not; it was never offered.

Mr. PARKER. I beg the gentleman's pardon.

Mr. JENKINS. I beg the gentleman's pardon—and any gentleman who will look at the record can determine that question.

Mr. PARKER. I understood so.

Mr JENKINS. The gentleman says he understood so; but assuming that that was true, is it any defense for Judge Swayne that ten other judges in the United States have deliberately stolen $6,000 out of the Treasury of the United States and put it into their pockets? That is what I want the gentleman to answer, and I want to ask him if I did not join him in recommending that Judge Swayne be impeached?

Mr. PARKER. I did not recommend that he be impeached. I said that it was an impeachable offense. [Laughter.] Now, I say that is a very different thing, a very different thing. I can say of many a man that "unanswered and unexplained" his act was indictable, but I believe it has been said that if everything that was against the law was punished there would not be any man out of State prison. There are excuses for everyone.

I intended to take the floor then and state this. I still think that to take that money on a certificate knowingly and willfully, as charged in these articles, is impeachable. If it is done not knowingly and willfully, but with the belief that the question has been settled and made a practical ruling of the courts, this does not justify the act in law, but it might induce us to hesitate in acting on that alone.

Mr. JENKINS. Mr. Speaker, I will ask the gentleman if any judge has admitted to him that he has ever perpetrated any such crime on the United States?

Mr. PARKER. To me? No. To others, yes.

Mr. JENKINS. Has the gentleman any knowledge that any other judge in the United States has committed that crime?

Mr. PARKER. Yes; a letter appeared—a certain letter which I showed the gentleman in confidence.

Mr. JENKINS. Yes; and no disclosure was made that would justify the gentleman's statement on the floor of this House, if he wants me to refer to a confidential letter.

Mr. PARKER. Then why does the gentleman ask me questions?

Mr. JENKINS. Because I supposed he would answer them and give us some light on the question.

Mr. PARKER. How could I answer the question?

Mr. JENKINS. If the gentleman does not want to, he does not have to.

Mr. PARKER. Mr. Speaker, there has come out since the investigation a document which I think is of importance. I do not rely at all upon ordinary newspaper reports. But this was a copy of a letter written by Mr. Shaw, Secretary of the Treasury, or by some one in his office in authority, and published by his authority at first in the Washington Post and afterwards in other papers. It gave five circuits. That letter has probably come into the hands of every gentleman. It does not show that any judge ever spent any less than he certified. In that I answer the gentleman frankly. It does show that in one circuit there were seven judges who always certified $10 a

day, covering a large number of days. It showed that in another circuit there were nine judges, of whom eight, I think, always certified $10 a day. In other circuits the practice varied. I came to the conclusion that there was a difference of practice in the various circuits.

Mr. FITZGERALD. Is there any evidence that these men who certified an expenditure of $10 a day had in fact expended less than that amount?

Mr. PARKER. There is not the slightest evidence of that fact.

Mr. PALMER. Then what does all that amount to?

Mr. FITZGERALD. Then is the gentleman assuming that, because a number of judges certified that they had expended $10 a day, the mere fact that they coincided in amounts is evidence that they had not expended the amount certified? Is that the gentleman's inference from these facts?

Mr. PARKER. I do not infer.

Mr. FITZGERALD. Is that the inference he wishes the Members of the House to draw?

Mr. PARKER. I do not infer. I wish them to draw no inferences. I will state I doubt—I will state that the offer was made in the testimony to prove that it was the practice of other judges. That offer was made when that matter was first brought out in the testimony.

Mr. PALMER. It was not made. The offer was on the cross-examination of a witness.

Mr. CLAYTON. Judge Swayne, in the hearing before the subcommittee, either he or his counsel——

Mr. PARKER. His counsel.

Mr. CLAYTON. Did seek to show that other judges had charged $10 a day under the head of expenses; but as to the question that the gentleman from New York [Mr. FITZGERALD] asked, if Judge Swayne or his counsel on that hearing undertook to show that any judge had charged $10 a day and had expended only $1.25, there was no such offer made.

Mr. PARKER. Well, I shall refer to the record. I do not want to detain the House any longer now.

Mr. CLAYTON. If the gentleman will permit me—I have not interrupted him—here is some language that I want to call attention to:

> Evidence as to the alleged practice of other judges in this respect was offered and excluded, and we think properly. It would have been competent for him, when a witness in his own behalf, to have stated why he made those certificates. As a witness, he answered and explained every other charge. This charge he made no effort, as a witness, to answer or explain. The inference from the record, on general principles, is that the charge is admitted to be true, and that he has no answer or explanation thereto. Whether a satisfactory explanation can be made we do not say. We must take the record as it stands.
>
> Upon this record, unanswered and unexplained, we are of the opinion that in this particular an impeachable offense has been made out.
>
> RICHARD WAYNE PARKER, AND OTHERS.

Mr. PARKER. Of course I signed it.

I have already stated that, unanswered and unexplained, an impeachable offense has been made out. But if the statute has been otherwise construed, it is a matter for this House, under its conscience, to determine not merely whether the matter is impeachable, but whether under the circumstances it demands impeachment. That is the question before this House. It is a question of conscience with every man. I had proposed to state this on the motion for impeachment. I had not bound myself to vote for impeachment by saying that, unanswered and unexplained, that action was impeachable.

Mr. LACEY. Mr. Speaker, I will state to the gentleman in this connection I find the reference that is called for on page 433.

This is the point of the judge being denied the privilege of explaining this and then being called to the bar of the House because he did not explain it. They asked this question of Mr. Bradley:

> Q. The accounts of all the judges pass through your division of the United States Treasury Department?—A. Yes, sir.
>
> Q. And as chief of that division you have supervision, and it is your duty to inspect all of them?—A. Yes, sir.
>
> Q. I observe here that the charge as certified by Judge Swayne for any particular number of days seems to be at the rate of $10 a day?—A. Yes, sir.
>
> Q. Is that usual?
>
> Mr. PALMER. I do not think that is of any consequence. You need not answer that question.

Mr. PALMER. Go on.

Mr. LACEY. "We are not trying any judge except Judge Swayne." The fact of the matter that other judges put a construction upon this law that it was a flat fixed rate of $10 a day is not permitted to be proven by the accounting officer who audits the accounts.

Mr. PALMER. Mr. Speaker, the Judiciary Committee unanimously, including Mr. PARKER, stated that ruling was right, and so would any other lawyer.

Mr. LACEY. Why did you refuse the Judge an opportunity to explain that when he offered to show that that was the construction put upon the law by other judges?

Mr. PALMER. It was up to the judge after that to make a distinct and specific offer to prove a distinct and specific fact. If he had any specific fact to prove it and offered it in a legitimate and proper way it would have been received.

Mr. CLAYTON. What he offered was to the effect that if he was guilty of this wrong he said he justified it on the ground that others had been guilty.

Mr. JENKINS. Will the gentleman permit me to ask the gentleman from Iowa a question in this connection?

Mr. PARKER. I want to get through to-night.

Mr. JENKINS. You will have all the time you want. I ask the gentleman from Iowa if he was not reading from the testimony of a witness other than Judge Swayne?

Mr. LACEY. Certainly.

Mr. JENKINS. Did they ask that witness to prove whether or not any other judge had taken money in excess of what he was entitled to?

Mr. LACEY. No; they asked this proposition. Here is the offer by Senator Higgins:

> Mr. HIGGINS. The point that I make, if the committee pleases, is that the action of the several and respective judges of the courts of the United States are practically a judicial interpretation of the statute—as to what it means—and that if the judges are informed to furnish the certificates at the rate of $10 a day it is their interpretation of its being proper and right under the statute.

Mr. JENKINS. How could that witness testify as to the understanding of all the judges of the United States?

Mr. LACEY. He was asked as to whether it was usual that bills were put in at this fixed rate, and he was denied the privilege of answering it, and the committee, I think, made a mistake; and yet they come into this House and reflect upon the Judge because he did not testify to what they would not allow a disinterested witness to testify to under oath.

Mr. JENKINS. But the judge was not on the stand, but subsequently he was given an opportunity to explain or deny, and he never offered or attempted to explain or deny.

Mr. LACEY. He was not asked the question. This witness was told by the chairman, "You need not answer that question. We are not trying any other judge except Judge Swayne."

Mr. FITZGERALD. Mr. Speaker——

Mr. PARKER. Mr. Speaker, have I the floor?

Mr. FITZGERALD. Does the gentleman say——

Mr. PARKER. I would like the floor.

The SPEAKER pro tempore. The gentleman from New Jersey declines to yield, and gentlemen will be seated.

Mr. JENKINS. I would like to ask the gentleman from New Jersey [Mr. PARKER] a question.

Mr. PARKER. Of course, I will have to yield to the chairman of the Committee on the Judiciary.

Mr. JENKINS. Mr. Speaker, I want to ask a question of the gentleman from Iowa [Mr. LACEY].

Mr. PARKER. I would say to the gentleman from Wisconsin [Mr. JENKINS] that I would rather not get into any more discussions on that. But he may go ahead if he so desires.

Mr. JENKINS. I want to ask the gentleman from Iowa [Mr. LACEY] if it is a defense for Judge Swayne that ten other judges in the United States have committed the same crime?

Mr. LACEY. The answer is very simple.

Mr. JENKINS. In other words, is it a crime for a man to steal from the United States?

Mr. LACEY. The proposition came up in this way, and I am informed by the members of the Committee on Appropriations that they were asked to amend the law which required the judges to give an itemized account of the expenses of a judge who was outside of his circuit, and it was recommended to modify the law so that a fixed sum would have to be allowed in each case.

Mr. PALMER. But they did not do it?

Mr. LACEY. They attempted to do that. Appropriations were made from year to year and in every appropriation the same identical language was used as in the amendment to this law; it was done from year to year by nearly—I will not say nearly all—but as shown by the Secretary of the Treasury, at least a majority of the judges construed the law to give them a fixed rate of $10 a day; just as the law gives a fixed rate of 20 cents a mile to my friend from Wisconsin [Mr. JENKINS] when he comes from Wisconsin here, when the actual traveling expenses are not that much; just as it allows $4 to a man who is traveling as an Indian inspector, whether he spends it or not; and as it allows $3 a day to a pension examiner whether he spends it or not. That same construction was put on it by the judges.

Mr. JENKINS. By what judges?

Mr. LACEY. Practically all the judges in the circuit in which these gentlemen live.

Mr. JENKINS. Because we have a letter from a judge you were mistaken when you made that statement on the floor of the House here recently.

Mr. LACEY. We have now the information from the Secretary of the Treasury which shows that in a considerable majority of the cases the judges put the construction upon it of a fixed rate of $10.

Mr. JENKINS. Did Judge Swayne either tell the gentleman or the committee that he put that construction upon it?

Mr. PARKER. I think this is going beyond the question. I desire the floor.

Mr. PALMER. I would like to ask the gentleman a question.

Mr. PARKER. I decline to yield further. This publication by the Secretary of the Treasury, covering the year 1903, showed a great variety in the circuits. In one circuit of seven judges none of them took $10 a day as a regular thing; in another eight always took $10 a day and one did not, and it went to 670 days for the eight. In another of seven judges all of them always took $10 a day, amounting to 366 days. In other circuits there was a variation. We can only say that in some circuits so much uniformity in the certifying of $10 seems to indicate an honest judicial construction, or practical construction of the statute. Of course it is no legal justification for any man to break the law on the ground that it is misconstrued, but it is sometimes an excuse. Want of intent to break the law is no defense in the trial or justification before the jury, but it will be a justification for suspension of sentence or a very small penalty.

In this case the penalty can not be reduced or sentence suspended. Conviction means the greatest penalty that can be inflicted upon a man. It is worse than death for a judge to be removed from office and disqualified. The House has a wide discretion in this matter. It may prosecute or not, as it will. Each man's conscience must decide whether, upon this one single question of the certificates of expenses, he feels himself bound to vote for the impeachment of Judge Swayne.

Mr. SHERLEY. Will the gentleman answer me one question? I want to ask you if anywhere at any time Judge Swayne offered, as an excuse for his drawing $10, that he had construed the law to entitle him to $10?

Mr. PARKER. Are you speaking from the record or not?

Mr. SHERLEY. Yes, sir; from the record.

Mr. PARKER. I do not know of any such thing in the record.

Mr. CHARLES B. LANDIS. Did he not offer to prove it?

Mr. PARKER. He offered to prove it.

Mr. SHERLEY. That it was his construction.

Mr. PARKER. He offered to prove it was other people's construction.

Mr. SHERLEY. Then this further——

Mr. PARKER. Will you let me complete my answer? Gentlemen are so eager in this matter that they will not allow a man to answer. There is no proof of this in the record. There is an offer to prove that $10 a day was pretty generally certified, and I take it that he meant to follow that up with proof that it is generally certified in some circuits without reference to the exact amount spent.

I know that his counsel since then has complained a little that the ruling out of the testimony in that regard made him think that Judge Swayne would not be allowed to testify on that subject, and therefore he did not offer it when he got Judge Swayne on the stand. I think I have fairly answered your question.

Mr. SHERLEY. Just one further question in this same connection. Do you believe, as a lawyer—do you believe that anyone contends—that any committee would hold incompetent testimony by a witness situated as Judge Swayne, not as to what construction others placed on a statute, but that he himself construed it in a given way?

Mr. PARKER. I only know what his counsel says.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. PARKER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Is it as a matter of fact true and does not the gentleman know that in the majority of the judicial districts of the United States it actually does cost the judges more than $10 a day, and therefore it is perfectly natural and proper they should certify to it, at least $10; and is not the gravamen of the charge here, not that he certified the amount at all, but that while certifying to $10, he actually spent less?

Mr. PARKER. I do not know how to answer that question. I do not claim to have knowledge of the expense of living throughout the United States. I do not know what your hotels charge, and I can not answer. The gravamen of the charge, of course, is, I take it, where the judge did not spend it.

Mr. WILLIAMS of Mississippi. These other men spend it.

Mr. PARKER. That may be true.

Mr. WILLIAMS of Mississippi. I think the other men did spend it. If you take the names, you will find that they were in the city districts.

Mr. PARKER. I have not the names. I think there are nineteen judges of the different circuits mentioned in the Treasury Department letter who certify $10 uniformly and seventeen who do not.

Mr. LIVINGSTON. I would like to correct a mistake, which has just been made on the floor by the gentleman from Iowa [Mr. LACEY].

Mr. PARKER. I am done, unless there are further questions.

APPENDIX A.

ABANDONED CHARGES.

The Hoskins bankruptcy, involving, as is claimed, $40,000 assets, was continued only because the bankrupt would not give a moderate bond of $5,000, and he used the opportunity to settle at a discount.

The Hoskins contempt went from term to term, not by order, but by agreement of attorneys, and young Hoskins killed himself in the depression caused by a prolonged spree.

Tunison, the alleged favorite of Judge Swayne, lost most of his cases before him.

Naturally these charges fell.

APPENDIX B.

THE LAW AS TO EXPENSES.

The law of 1896 (29 U. S. Stat., p. 451) appropriates in a sundry civil bill for payment "of reasonable expenses of travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such items shall be allowed the marshal in the settlement of his accounts with the United States."

Those of the judges who certify $10 obviously construe the word "expense" to include any loss or damage, as in the phrases "at the expense of health," "a joke at another's expense." Attendance out of the district, away from his home and office, is a loss and, in this sense, an expense to any judge in interfering with his management of family affairs and private business, and they seem to think this construction justified as a fair construction of the law.

The history of the legislation is as follows:

In 1850 (9 Stat., 442) judges could be detailed in case of sickness and disability, and the judge shall be allowed his reasonable expenses of travel to and from and of residence in such other district necessarily incurred by reason of such designation and appointment, and such expense shall, when certified by the clerk and district attorney of the judicial district within which such services shall have been performed, be paid by the marshal of such district and allowed him in his accounts with the United States.

In 1871 new salaries were provided for all judges (16 Stat. L., p. 495) and all travel abolished for judges, including the provision "it shall be the duty of such district judge as shall be for that purpose designated and appointed to hold the district or circuit court, as aforesaid, without any other compensation than his regular salary as established by law."

These provisions go into Revised Statutes with a special provision as to New York City for payment on a judge's certificate. By Revised Statutes, pages 596–597, the circuit judge could order the district judge to help in another district in the same circuit "without any other compensation than his regular salary, as established by law, except in the case provided in the next section," which provided that when this court was held in the southern district of New York "his expenses, not exceeding $10 per day, certified by him, shall be paid by the marshal of said district as part of the expenses of the court, and shall be allowed in the marshal's account."

In 1881 the payment for expenses was resumed (21 Stat. L., p. 454). "For expenses and fees of bailiffs, for payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold a circuit or a district court, and for other miscellaneous expenses, * * * and so much of section 596 of the Revised Statutes as forbids the payment of expenses of district judges while holding court outside of their districts is hereby repealed." Under this act judges were paid upon itemized statements. (See Record, page 432, letter of E. G. Timme, auditor.)

In 1891, March 3, section 8 (Sup. to Rev. Stat., p. 904), a judge attending the circuit court of appeals "shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance not to exceed $10 a day, and such payment shall be allowed the marshal in the settlement of his accounts with the United States."

Thus, at appeal, a judge was paid on his simple certificate, and on other detail he had to file an itemized certificate.

In 1896 (29 Stat. L., p. 451) the sundry civil bill provided for payment, on certificate, "of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payment shall be allowed the marshal in settlement of his accounts with the United States."

Since that time the payment has been made without itemized accounts (Record, p. 432, Auditor's letter) of small payments made and incident to such travel and attendance. It is claimed that Judge Swayne rendered bills at the rate of $10 a day without reference to what he actually spent. It is proved that his board and travel of some of these visits did not amount to that sum. I am frank to say that the statute, in my opinion, is confined to expenses in the sense of money paid out, and does not extend to such expense as is involved in interference with other matters. But I am likewise bound to notice that it is claimed that some of the judges have been of the opinion that, including such interference, their expenses on attendance out of their districts would always be fairly above $10, and that numerous certificates have been so rendered. While ignorance of the law excuses no one, intent is a necessary part of the high crime or misdemeanor

which must be subject of impeachment, and if there be any such practice by respected judges it may be held to be a proof that they and this judge had honest intent. I believe that this practice is not warranted by law. But if such quasi judicial constructions have been given to the statute, in the absence of objection by the officers of the Treasury, or of public discussion which would have called judicial attention to the matter, I must agree that impeachment proceedings against any one judge should now be found upon this single ground. Members of the committee differ on this question, which must be determined by the House.

The SPEAKER. The House will be in order.

Mr. LIVINGSTON. I have permission of the gentleman——

Mr. PALMER. I yield to the gentleman from Georgia, for the purpose of making an explanation.

The SPEAKER. Has the gentleman from New Jersey yielded the floor?

Mr. PARKER. I have yielded the floor.

Mr. LIVINGSTON. I understood the gentleman from Iowa to say a moment ago that the Committee on Appropriations from 1896, when it originated, had regularly incorporated this same language in the bill. This language was put in the bill in 1896:

Reasonable expenses, not to exceed $10 a day.

Mr. LACEY. Reasonable expenses and attendance; those are the words, "and attendance."

Mr. LIVINGSTON. The point I want to make, Mr. Speaker, is this: That he charges, if I understand him correctly, that the Committee on Appropriations knowingly continued that language in the appropriation bill when the judges were violating the law.

Mr. LACEY. Oh, no.

Mr. LIVINGSTON. In other words, that they were charging $10 a day when their expenses were less. Now, if there was a single member of the Committee on Appropriations, Mr. Speaker, including yourself, that knew any such thing, I am not aware of it; and the gentleman is mistaken when he makes such a statement.

Mr. LACEY. I say the Appropriations Committee knew the construction put on it by the judges.

JUDICIAL SYSTEM IN CHINA AND KOREA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report by the Secretary of State concerning the importance of reform in our extra-territorial judicial system in China and Korea, with accompanying papers, including a draft of an act providing for the establishment of a district court of the United States for China and Korea.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, January 13, 1905.

BRIDGE ACROSS TENNESSEE RIVER, DECATUR, ALA.

Mr. RICHARDSON of Alabama. Mr. Speaker——

Mr. WILLIAMS of Mississippi. Mr. Speaker, I notice it is 15 minutes after 5 o'clock. I hope the motion to adjourn will be made.

Mr. PALMER. Mr. Speaker, I yield for a request by the gentleman from Alabama, and then I will move that the House adjourn.

The SPEAKER. The gentleman from Pennsylvania withholds the motion to adjourn. For what purpose does the gentleman from Alabama rise?

Mr. RICHARDSON of Alabama. I ask unanimous consent for the present consideration of the bill (H. R. 15567) to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read.

The following amendments, recommended by the Committee on Interstate and Foreign Commerce, were read, considered, and agreed to:

At the end of line 5, page 4, add a colon in place of the period and insert the following:

"*Provided*, That if the Decatur Transportation and Manufacturing Company should determine at any time to charge toll for passing over the bridge, a schedule of the charges shall be submitted to the Secretary of War for his approval, reduction, or refusal, and shall not go into effect until approved by him; and if any complaint is made at any time the Secretary of War shall have authority to reduce the toll as in his discretion he sees proper."

In line 8, page 4, after the first word "within," strike out the word "two" and insert the word "one;" and in the same line, on same page, after the second word "within," strike out the word "five" and insert the word "three."

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the last vote was laid on the table.

ISTHMIAN CANAL COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was ordered to be printed and referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith the report of the Isthmian Canal Commission, accompanied by a letter of the Secretary of War, under whose supervision I have by Executive order placed the work of the Commission. I concur with the Secretary of War in the view that the present provision of law, by which the work of building the canal has to be done only through a body of seven members, is inelastic and clumsy, and I earnestly recommend a change, so that the President, who is charged with the responsibility of building the canal, may exercise greater discretion in the organization of the personnel through whom he is to discharge this duty. Actual experience has convinced me that it will be impossible to obtain the best and most effective service under the limitations prescribed by law. The general plans for the work must be agreed upon with the aid of the best engineers of the country, who should act as an advisory or consulting body. The consulting engineers should not be put on the Commission, which should be used only as an executive instrument for the executive and administrative work. The actual work of executing the general plans agreed upon by the Commission, after receiving the conclusions of the advising engineers, must be done by an engineer in charge, and we now have an excellent engineer. It is, in my judgment, inadvisable therefore to restrict the Executive's choice of Commissioners to representatives of the Engineer Corps of the Army or the Navy. The Commission should consist of five, or preferably of three, members, whose respective duties, powers, and salaries should be assigned to them by the President, and who should be placed under the member of the Cabinet whom the President desires. Of these men, the one appointed as administrator of the canal strip should also serve as minister to Panama.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 13, 1905.*

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent——

Mr. WILLIAMS of Mississippi. Mr. Speaker, I will ask the gentleman to yield to me for a moment, reserving the right to object. I want to make a statement.

The SPEAKER. The request has not yet been submitted. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, reserving the right to object, I wish to make a statement. I wish to do it because of the situation into which I find we are getting. It is becoming a habit to consider requests for unanimous consent after 5 o'clock. One such request has been granted to a gentleman on this side of the Chamber this evening. It would therefore be invidious and unfair to object to one upon the other side, but I want to give notice that hereafter I shall object to requests for unanimous consent after 5 o'clock.

The SPEAKER. The Chair will state that for the accommodation of Members he has been in the habit of presenting to the House requests for unanimous consent for the consideration of certain classes of bills. It is in the power of any gentleman to object at any time. The gentleman from Pennsylvania [Mr. PALMER] withholding his motion to adjourn, the Chair recognized one gentleman and then another. Is there objection?

There was no objection.

The Clerk read the bill.

The following amendments, recommended by the Committee on Interstate and Foreign Commerce, were read:

Strike out all after the enacting clause and insert:

That the consent of Congress is hereby granted to the Minneapolis, St. Paul and Sault Ste. Marie Railway Company, a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors or assigns, to build a railway bridge across the Red River of the North, suitable to the interests of navigation, from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.: *Provided*, That drawings showing the plans and location of said bridge and appurtenant works shall be submitted to the Chief of Engineers and the Secretary of War for approval, and until approved by them the construction of such bridge shall not be commenced: *And provided further*, That said Minneapolis, St. Paul and Sault Ste. Marie Railway Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of the said bridge, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War; and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

SEC. 2. That in case any litigation arises from the building of said bridge or from the obstruction of said river by said bridge, cases may be tried in the proper courts, as now provided for that purpose in the States of Minnesota and North Dakota and in the courts of the United

States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of disagreement between the parties in regard to the compensation to be paid or the conditions to be observed all matters at issue shall be determined by the Secretary of War.

SEC. 4. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

SEC. 5. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The Chair may be indulged by the House for a single statement. There may be good reasons why bridge bills should be separately considered. During the service of the Chair as a Member of the House he has no recollection of any bridge bill having passed except upon the recommendation of the Secretary of War, which is practically the recommendation of the Chief of Engineers, and the Chair has given some attention to this matter. There may be some good reason why a general law should not be passed vesting the discretion in the Secretary of War to grant the privilege, with proper safeguards, leaving it in the power of Congress to take it away. There are many of these bills. They come up almost as a daily matter. They take something of time, and something of space upon the RECORD as well as the Journal of the House. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the last vote was laid on the table.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting petitions from the Philippine Islands for a reduction of the tobacco tariff—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting supplemental estimates of appropriation for the service of the Department—to the Committees on Military Affairs and Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for proving grounds, Sandy Hook—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the First Baptist Church at Jefferson City, Tenn., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Chesapeake and Potomac Telephone Company, transmitting the report for the year 1904—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, reported the same without amendment, accompanied by a report (No. 3538); which said bill and report were referred to the Committee of the Whole House on state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15613) for the better protection against fire on steam vessels carrying passengers and for the protection of life thereon—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 16789) for the prevention of fire from electrical apparatus on steam vessels carrying passengers—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 17689) granting a pension to Priscilla Schroeder—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 17703) to increase the limit of cost for the purchase of site and the erection of a public building at Baraboo, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 17704) amending section 17, chapter 296, United States Statutes at Large, volume 14, so as to provide that members of Congress using free transportation to and from Congress shall not receive mileage—to the Committee on Appropriations.

By Mr. PEARRE: A bill (H. R. 17705) granting a pension of $30 per month to all Union soldiers who served ninety days or more and were honorably discharged and who are or hereafter may become 70 years of age—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 17706) to provide for the building of a new light-house and range lights at Honolulu Harbor, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17707) for the establishing of a light-house at Makapuu Point, on the island of Oahu, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A bill (H. R. 17708) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885—to the Committee on Ways and Means.

By Mr. CURTIS: A bill (H. R. 17709) granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes—to the Committee on Indian Affairs.

By Mr. SOUTHARD: A bill (H. R. 17710) providing for the purchase of a site and the erection of a public building at Toledo, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: A bill (H. R. 17711) to extend the western boundary line of the State of Arkansas—to the Committee on the Judiciary.

By Mr. VAN DUZER: A bill (H. R. 17712) providing for the disposal of lands acquired under the provisions of the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. SMITH of Illinois: A bill (H. R. 17733) to amend section 2 of the act entitled "An act making appropriations for the payments of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879—to the Committee on Invalid Pensions.

By Mr. PEARRE: A resolution (H. Res. 420) referring to the Court of Claims the bill H. R. 6066—to the Committee on War Claims.

Also, a resolution (H. Res. 421) referring to the Court of Claims the bill H. R. 4334—to the Committee on War Claims.

Also, a resolution (H. Res. 422) referring to the Court of Claims the bill H. R. 4346—to the Committee on War Claims.

Also, a resolution (H. Res. 423) referring to the Court of Claims the bill H. R. 12283—to the Committee on War Claims.

Also, a resolution (H. Res. 424) referring to the Court of Claims the bill H. R. 6983—to the Committee on War Claims.

Also, a resolution (H. Res. 425) referring to the Court of Claims the bill H. R. 6979—to the Committee on War Claims.

Also, a resolution (H. Res. 426) referring to the Court of Claims the bill H. R. 4335—to the Committee on War Claims.

Also, a resolution (H. Res. 427) referring to the Court of Claims the bill H. R. 7893—to the Committee on War Claims.

Also, a resolution (H. Res. 428) referring to the Court of Claims the bill H. R. 9433—to the Committee on War Claims.

Also, a resolution (H. Res. 429) referring to the Court of Claims the bill H. R. 4340—to the Committee on War Claims.
Also, a resolution (H. Res. 430) referring to the Court of Claims the bill H. R. 4332—to the Committee on War Claims.
Also, a resolution (H. Res. 431) referring to the Court of Claims the bill H. R. 9431—to the Committee on War Claims.
Also, a resolution (H. Res. 432) referring to the Court of Claims the bill H. R. 8228—to the Committee on War Claims.
Also, a resolution (H. Res. 433) referring to the Court of Claims the bill H. R. 11551—to the Committee on War Claims.
Also, a resolution (H. Res. 434) referring to the Court of Claims the bill H. R. 4341—to the Committee on War Claims.
Also, a resolution (H. Res. 435) referring to the Court of Claims the bill H. R. 13261—to the Committee on War Claims.
Also, a resolution (H. Res. 436) referring to the Court of Claims the bill H. R. 8229—to the Committee on War Claims.
Also, a resolution (H. Res. 437) referring to the Court of Claims the bill H. R. 4343—to the Committee on War Claims.
Also, a resolution (H. Res. 438) referring to the Court of Claims the bill H. R. 4338—to the Committee on War Claims.
Also, a resolution (H. Res. 439) referring to the Court of Claims the bill H. R. 4342—to the Committee on War Claims.
Also, a resolution (H. Res. 440) referring to the Court of Claims the bill H. R. 12200—to the Committee on War Claims.
Also, a resolution (H. Res. 441) referring to the Court of Claims the bill H. R. 4336—to the Committee on War Claims.
Also, a resolution (H. Res. 442) referring to the Court of Claims the bill H. R. 4333—to the Committee on War Claims.
Also, a resolution (H. Res. 443) referring to the Court of Claims the bill H. R. 4339—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 17713) granting an increase of pension to Andrew F. Murray—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 17714) granting an increase of pension to Bumel Wickham—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 17715) granting an increase of pension to Samuel A. Statton—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 17716) granting an increase of pension to William B. White—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17717) granting a pension to William H. Shillings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17718) granting an increase of pension to Pryor L. Draper—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 17719) granting a pension to John M. Hoisington—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 17720) granting a pension to Andrew Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17721) granting a pension to Mary J. Lunceford—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 17722) for the relief of Elizabeth A. Deuell—to the Committee on War Claims.

By Mr. HILL of Mississippi: A bill (H. R. 17723) for the relief of W. F. Lockhart—to the Committee on War Claims.

Also, a bill (H. R. 17724) for the relief of the estate of Solomon Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17725) for the relief of W. F. Lockhart—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 17726) granting an increase of pension to John W. Puckett—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 17727) granting an increase of pension to William Crawford—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 17728) for the relief of the legal representatives of Naloti Biraghi—to the Committee on War Claims.

Also, a bill (H. R. 17729) granting a pension to John N. Long—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 17730) for the relief of Charles W. Russey, of Sevier County, Ark.—to the Committee on Claims.

By Mr. REID: A bill (H. R. 17731) granting an increase of pension to William Stewart—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17732) for the relief of Jefferson Franks—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 17734) granting a pension to Susan M. Salsbury—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 17735) granting an increase of pension to John T. Waxler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17736) granting an increase of pension to James H. Larimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17737) granting an increase of pension to John F. Bonnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17738) granting an increase of pension to George E. Shoemaker—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 17739) granting a pension to Faldean Wealland—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17740) granting an increase of pension to Sarah Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17741) to remove the charge of desertion from the military record of Hiram Hutchcroft—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 17742) for the relief of William R. Beach—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the International Typographical Union, of Indianapolis, Ind., for legislation favoring a higher rate of pay for the United States Marine Band—to the Committee on Naval Affairs.

Also, petition of the Colorado Federation of Women's Clubs, favoring legislation against destruction of the mammoth trees of California—to the Committee on the Public Lands.

By Mr. AIKEN: Papers to accompany bill for the relief of W. T. Parker—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: Petition of the Farmers' Association of Ponchatoula, La., against unjust discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petition of the Republican Club of Evansville, Ind., for enforcement of the fourteenth amendment to the Federal Constitution—to the Committee on the Census.

Also, petition of citizens of Hanna, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of the Pennsylvania State Grange, favoring bill H. R. 8678—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 16735, granting an increase of pension to John Hoock—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Colorado beet-sugar manufacturers, opposing reduction of duties on raw and refined sugar—to the Committee on Ways and Means.

By Mr. FULLER: Petition of New England Tobacco Growers' Association, against any change in rates of duty on tobacco—to the Committee on Ways and Means.

Also, petition of Peter Von Schaack & Sons, favoring passage of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rockford (Ill.) Manufacturing Company, favoring passage of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union Furniture Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HILDEBRANT: Paper to accompany bill for relief of Elizabeth A. Denell—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of John D. McGahan—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of Hibbard, Spencer, Bartlett & Co., of Chicago, asking legislation governing freight rates in line of recommendations in President's message—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hibbard, Spencer, Bartlett & Co., asking passage of bill H. R. 5600, by Mr. RUSSELL—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of the Progressive League of Chippewa Falls, Wis., against reduction of duties on sugar and tobacco from the Philippine Islands—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Council Bluffs Commercial Club, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of the Los Angeles Chamber of Commerce, against enactment of a law taxing brandy used in fortifying sweet wines—to the Committee on Ways and Means.

Also, petition of the California Club, favoring legislation for preservation of big trees of California—to the Committee on Agriculture.

Also, petition of the Board of Trade of San Francisco, Cal., for an additional tug boat for revenue service—to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: Resolution of the general assembly of Louisiana, relative to slack-water navigation in Bayou Macon and Bœuf River, Louisiana—to the Committee on Rivers and Harbors.

Also, resolution of the general assembly of the State of Louisiana, relative to improvement of Sabine River, Louisiana—to the Committee on Rivers and Harbors.

Also, resolution of the general assembly of the State of Louisiana, relative to locks on Bayou Plaquemines, Louisiana—to the Committee on Rivers and Harbors.

Also, resolution of the general assembly of the State of Louisiana, relative to divorcing the Mississippi and Atchafalaya rivers, Louisiana—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Paper to accompany bill granting pension to Rhoda C. O'Neil—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Division No. 153, Brotherhood of Locomotive Engineers, of Garrett, Ind., in favor of bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the post commander of the Army and Navy Union, favoring the naval retirement bill—to the Committee on Naval Affairs.

By Mr. SNOOK: Papers to accompany bill H. R. 4385, to increase pension of Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Papers to accompany bill for relief of George E. Shoemaker, of Zanesville, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of John F. Bonnell—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of James H. Larimer—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of John T. Waxlin—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of Lake Superior Subdivision of the Brotherhood of Locomotive Engineers, favoring legislation preventing anyone becoming an engineer who has not served three years as a locomotive fireman—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lake Superior Subdivision of Brotherhood of Locomotive Engineers, favoring legislation against excessive hours for engineers—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *January 14, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Methodist Church of Kossuth, Miss., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of North Dakota and Colorado; which, with the accompanying papers, were ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Wisconsin, Mr. TAWNEY, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 13772. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 16567. An act to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.; and

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Presiding Officer:

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;

H. R. 1513. An act for the relief of the estate of George W. Saulpaw;

H. R. 6351. An act to pay J. B. McRae $99 for services as hospital steward, etc.;

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State;

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River;

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;"

S. R. 24. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Luis Bográn H., of Honduras; and

S. R. 78. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Frutos Tomás Plaza, of Ecuador.

CIVIL GOVERNMENT IN THE PHILIPPINES.

Mr. LODGE. I ask that the Philippine bill, which has just come over from the House, may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LODGE. I move that the Senate accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. LODGE, Mr. HALE, and Mr. CULBERSON were appointed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (for Mr. FRYE) presented a memorial of the United Confederate Veterans, remonstrating against the adoption of certain amendments to the bill providing for the care and preservation of the graves of the Confederate dead now in the various cemeteries in the Northern States; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Duquoin, Ill., and a memorial of sundry citizens of Shelby and Effingham counties, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of Viola Lodge, No. 350, Brotherhood of Locomotive Firemen, of Mattoon, Ill., and a petition of Robinson Division, No. 78, Order of Railway Conductors,

of Savanna, Ill., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented petitions of Kincaid Division, No. 150, Order of Railway Conductors, of Utica; of Capital City Lodge, No. 3, of Albany; of F. H. Phillipps Lodge, No. 37, of Albany, all of the Brotherhood of Railroad Trainmen; of Local Lodge No. 99, of Rochester; of Lake Erie Lodge, No. 241, of Buffalo; of Lyon Brook Lodge, No. 216, of Norwich, and of Red Jacket Lodge, No. 85, of Buffalo, all of the Brotherhood of Locomotive Firemen; of Kings County Division, No. 419, of Brooklyn; of F. B. Griffith Division, No. 533, of East Buffalo, and of Syracuse Division, No. 169, of Syracuse, all of the Brotherhood of Locomotive Engineers, in the State of New York, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of Cigar Makers' Local Union No. 280, Cigar Makers' International Union of America, of Owego; of Cigar Makers' Local Union No. 144, Cigar Makers' International Union of America, of New York City; of William Steinecke, of Brooklyn, and of John B. Rogers & Co., of Binghamton, all in the State of New York, remonstrating against any reduction of the tariff on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. KEAN presented a memorial of Local Union No. 134, United Cigar Makers' International Union, of New Brunswick, N. J., remonstrating against the enactment of legislation reducing the tariff on tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented the petition of H. C. Perrine, of South Amboy, N. J., praying that an appropriation be made to continue the improvement of the Cheesequake Creek or River in that State; which was referred to the Committee on Commerce.

He also presented a petition of the New Jersey Pharmaceutical Association, praying for the enactment of legislation modifying the existing patent laws relative to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of the congregation of St. John's Protestant Episcopal Church, of Montclair, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the memorials of Enoch Sharp, of Port Morris; of D. B. Champion, of Port Morris; of Matthias S. Messler, of Port Morris; of A. C. Olidis, of Atlantic Highlands; of William E. Allen, of Blairstown; of S. A. Lewis, J. P. Blackledge, and A. H. Concklin, of Closter; of Rev. J. C. Buchanan, of Pemberton; of John Powers, of Salem; of David D. Acherman, of Closter; of Archie Campbell, of Port Morris; of J. H. Serviss, of Closter, and Roland F. Randolph, of Newark, all in the State of New Jersey, and a memorial of Dr. William Stokes, of Philadelphia, Pa., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented the petitions of J. F. Hawkins and 33 other citizens of South McAlester, of Lena Ritta and 60 other citizens of South McAlester, of Leonard A. Brady and 25 other citizens of Hickory, of Rev. F. Hooker Green and 10 other citizens of Weleetka, of W. F. Dowell and 62 other citizens of Welch, of L. J. Coats and 47 other citizens of South McAlester, of J. W. Allen and 45 other citizens of South McAlester, of J. F. Lamar and 161 other citizens of Afton, of Mrs. Ed. Alexander and 41 other citizens of Comanche, of A. L. Fitzgerald and 60 other citizens of Mannsville, of H. P. Lasley and 62 other citizens of Stuart, of W. B. Rense and 199 other citizens of Edward and Kiowa, of 60 citizens of Hickory, of H. H. Holman and 60 other citizens of Wetumka, of J. W. Hardy and 22 other citizens of South McAlester, of Edna Lynn and 77 other citizens of South McAlester, of S. Burch and 33 other citizens of Bartlesville, of L. J. Allen and 83 other citizens of Fairland, of E. A. Sample and 59 other citizens of Dougherty, of H. C. Snyder and 77 other citizens of Wagoner, of William Jones and 59 other citizens of Bartlesville, of Gen. B. Chury and 6 other citizens of Mannsville, of J. Fred Barnett and 81 other citizens of Fort Gibson, of Charles Comstock and 15 other citizens of Checotah, of M. E. Cox and 27 other citizens of Morris, of J. M. Gross and 43 other citizens of Durant, of Ira C. Perkins and 51 other citizens of Sapula, of Mrs. J. Shine and 47 other citizens of Morris, of H. H. Cronk and 95 other citizens of Weleetka, of Mrs. Elsie Sutton and 146 other citizens of South McAlester, of C. T. Tomkinson and 32 other citizens of Aurora Schoolhouse, of E. M. Luce and 36 other citizens of Afton, of N. T. Gilbert and 109 other citizens of Wetumka, and of E. Colkins and 107 other citizens of Tubsa, all in the Indian Territory, praying for the enactment providing for continued prohibition in that Territory according to the treaty pledges with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. PETTUS presented sundry papers to accompany the bill (S. 4988) for the relief of the estate of Mirah Ballard, of Dekalb County, Ala.; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4992) for the relief of Amanda M. Warren, of Lawrence County, Ala.; which were referred to the Committee on Claims.

Mr. PERKINS presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the enactment of legislation affording relief from the unjust tariff rates of railroads; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the California Club, of San Francisco, Cal., praying for the enactment of legislation providing for the preservation and protection of the Calaveras grove of big trees in that State; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7869) in relation to bonds on contracts with the District of Columbia; and

A bill (H. R. 3947) for the relief of holders and owners of certain District of Columbia special-tax scrip.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16450) to authorize certain changes in the permanent system of highways, District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6089) to authorize certain changes in the permanent system of highways, District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 6088) authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C., reported it with amendments, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6371) to confirm title to lot 5, in square south of square No. 990, in Washington, D. C.; and

A bill (H. R. 11286) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. BERRY introduced a bill (S. 6607) to authorize the construction of a bridge over the Arkansas River at or near Van Buren, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6608) granting a pension to William N. Dickey;

A bill (S. 6609) granting an increase of pension to Eliza Lockhart;

A bill (S. 6610) granting an increase of pension to John Smith; and

A bill (S. 6611) granting an increase of pension to Josephine S. Wainwright.

Mr. CULLOM introduced a bill (S. 6612) authorizing the President in his discretion to appoint and promote Capt. Gilbert P. Cotton, United States Army, a major upon the retired list of the Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTUS introduced the folowing bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6613) for the relief of the estate of Caswell B. Derrick, deceased;

A bill (S. 6614) for the relief of Sarah Autrey;

A bill (S. 6615) for the relief of the Methodist Episcopal Church of Bellefonte, Jackson County, Ala.;

A bill (S. 6616) for the relief of Griffin Callahan;

A bill (S. 6617) for the relief of the estate of Wiliam Cunningham, deceased;

A bill (S. 6618) for the relief of B. G. Chandler;

A bill (S. 6619) for the relief of the estate of William Curtis, deceased;

A bill (S. 6620) for the relief of the estate of Benjamin B. Coffey, deceased;

A bill (S. 6621) for the relief of the estate of Annie Dunn, deceased;

A bill (S. 6622) for the relief of Ransom Day;

A bill (S. 6623) for the relief of the estate of Green Guest, deceased;

A bill (S. 6624) for the relief of the estate of Samuel L. Gilbert, deceased;

A bill (S. 6625) for the relief of the estate of Minor Gwinn, deceased;

A bill (S. 6626) for the relief of the estate of Peter H. Gold, deceased;

A bill (S. 6627) for the relief of William M. Hilliard;

A bill (S. 6628) for the relief of the estate of Bradford Hambrick, deceased;

A bill (S. 6629) for the relief of the heirs of John T. Jones, deceased;

A bill (S. 6630) for the relief of the estate of Levi Jones, deceased;

A bill (S. 6631) for the relief of the estate of Enoch R. Kennedy, deceased;

A bill (S. 6632) for the relief of the Masonic Lodge of Bexar, Ala.;

A bill (S. 6633) for the relief of Jonathan Lewis;

A bill (S. 6634) for the relief of Joseph Lightfoot;

A bill (S. 6635) for the relief of the estate of M. Light, deceased;

A bill (S. 6636) for the relief of Mrs. Cassa Simpson;

A bill (S. 6637) for the relief of the estate of Preston Smith, deceased;

A bill (S. 6638) for the relief of the estate of H. S. Simmons, deceased;

A bill (S. 6639) for the relief of William M. Underwood;

A bill (S. 6640) for the relief of the estate of Samuel Ward, deceased;

A bill (S. 6641) for the relief of Phillip D. Wright;

A bill (S. 6642) for the relief of the estate of James Woosley, deceased; and

A bill (S. 6643) for the relief of Francis Wilkes.

Mr. NELSON introduced a bill (S. 6644) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6645) granting a pension to Isabella Matson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6646) authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committe on the District of Columbia.

Mr. LONG introduced a bill (S. 6647) granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PERKINS introduced a bill (S. 6648) to establish a light and fog-signal station near Point Cabrillo, California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TALIAFERRO introduced a bill (S. 6649) to authorize the appointment of Archer B. Hays to the grade of captain and quartermaster in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6650) for the relief of Salvador Costa;

A bill (S. 6651) for the relief of the heirs of Andrew E. Hodges, deceased; and

A bill (S. 6652) for the relief of the estate of J. S. Powell, deceased (with an accompanying paper).

Mr. TALIAFERRO introduced a bill (S. 6653) granting a pension to I. N. De Long; which was read twice by its title, and with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6654) granting an increase of pension to Stephen Dampier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PROCTOR (for Mr. DILLINGHAM) introduced a joint resolution (S. R. 90) authorizing and empowering the President of the United States to abate and suppress the continued shameful and cruel practice of killing nursing mother fur seals on the high seas, now permitted and conducted; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CULLOM introduced a joint resolution (S. R. 91) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at Pittsburg, Pa., August 21 to 26, 1905; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO STATEHOOD BILL.

Mr. DUBOIS. I submit two amendments to House bill 14749, the pending statehood bill—one for Oklahoma and Indian Territory and the other for New Mexico and Arizona. I ask that one of them be read.

The PRESIDING OFFICER. Both amendments will be printed and lie on the table. One of the amendments will be read at the request of the Senator from Idaho.

The Secretary read as follows:

Amendment intended to be proposed by Mr. DUBOIS to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Insert, following previous amendment, on page 25, after line 21, the following:

"No person shall be permitted to vote, serve as a juror, or hold any civil office, who is under guardianship, idiotic, or insane; or who has at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell, his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship; or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State."

JOHN DORSEY.

Mr. ALGER. I ask for the consideration of the bill (H. R. 9799) to remove charge of desertion from military record of John Dorsey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, after the word "discharge," in line 7, to insert "as of date March 6, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John Dorsey, who was a drummer boy 11 years of age in the Twenty-seventh Missouri Regiment Volunteers, Company E, and to grant him an honorable discharge as of date March 6, 1863: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LANDS IN GLOUCESTER COUNTY, N. J.

Mr. DRYDEN. I ask for the present consideration of the bill (S. 5763) granting certain property to the county of Gloucester, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby directed to convey, by proper patent, to the board of chosen freeholders of the county of Gloucester, in the State of New Jersey, to and for the use and benefit of said county, as a public park, such part of the abandoned Redbank Military Reservation in said county, not to exceed 20 acres, as may be designated by said board, after the same has been properly surveyed under the direction of the Commissioner of the General Land Office.

SEC. 2. That the ownership, fee, and title conveyed by said patent shall revert to and reinvest in the United States, without any formal declaration of forfeiture thereof, at any time when said county shall fail to establish and maintain thereon a public park as a memorial to the battle fought thereon on October 22, 1777, or when said county shall use, or permit any part of said lands to be used, for any purpose not necessarily incident to the maintenance of such park.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION OF AMERICAN CITIZENSHIP.

Mr. DEPEW. I desire to call up for immediate consideration the bill (S. 4438) to restore American citizenship to any woman whose citizenship has been lost or suspended by marriage with a foreigner.

The Secretary read the bill, as follows:

Be it enacted, etc., That any woman, being 21 years of age and over and being a bona fide resident of the United States, whose American citizenship has been lost or suspended by marriage with a foreigner, may be permitted to resume such citizenship in the following manner, and not otherwise: She shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction and a seal and clerk, that it is bona fide her intention to resume such citizenship, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which she may be at the time a citizen or subject, and that she will support the Constitution of the United States; which proceedings shall be recorded by the clerk of the court.

SEC. 2. That it shall be made to appear to the satisfaction of the court admitting such woman that she has resided within the State or Territory where such court is at the time held, one year at least, and that during that time she has behaved as a woman of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

SEC. 3. That the court shall thereupon permit such woman to resume her citizenship as aforesaid, and to receive a certificate therefor.

SEC. 4. That the clerk of such court shall be entitled to receive for such declaration and certificate the same sum that he would be entitled to receive for the admission of a foreign citizen or subject of a foreign country under the naturalization laws of the United States, said fees to be disposed of like other naturalization fees according to law.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LODGE. I did not hear the entire reading of the bill, but it seems to be a measure of considerable importance, and I should like to know something more about it.

Mr. NELSON. If the Senator from Massachusetts will yield to me for a moment——

Mr. LODGE. Certainly; I only want to be informed in regard to it.

Mr. NELSON. I will briefly explain the purpose of the bill. The bill comes from the Judiciary Committee, and if I recollect correctly it was unanimously reported from that committee. I am not sure about that, but it was reported from the committee.

The object of the bill is to reach those cases where American women marry foreigners and afterwards their husbands die or they become divorced from them. By their marriage with these foreigners they lose their American citizenship and become foreign citizens. The object is to allow such women, in case their husbands die or they are divorced from them, to come back to this country and become citizens of the United States again. They must apply to the court, and the court has supervision and control of the matter as it has in the case of the naturalization of aliens.

Now, that in brief is the object of the bill, and the bill itself speaks as to details.

Mr. BACON. If I caught the reading of the bill correctly, it is not limited as suggested by the Senator from Minnesota. I think it is a general bill which would authorize any woman who is married to a foreigner, even though her husband may be in life or she may not be divorced, to renounce the allegiance which the fact of marriage placed upon her to the sovereignty to which her husband owes allegiance, and to reestablish while in that married relation her citizenship in this country. Am I correct, I will ask the Senator from Minnesota, in that statement?

Mr. NELSON. I am not quite sure. Perhaps I did not state it correctly. I am inclined to think the Senator is correct, but I wish to supplement it by saying (and I recollect very well the discussion which took place about the bill in the committee) it is intended to cover those cases where American women have property vested in them——

Mr. BACON. The Senator has already stated that.

Mr. NELSON. Where property belongs to them and by their marriage with foreigners the course of descent is different. This is to enable those women to regain their American citizenship for the purpose that their property, whatever it may be, shall descend to their heirs comformably to the laws of the United States or of the States to which they belong.

Mr. BACON. I understand, Mr. President, and the criticism which I make is not directed to that point at all. If this bill were considered in the Committee on the Judiciary, and of course of that there can be no doubt, I do not think I was present at the time. I would have no objection, and, on the contrary, would approve a bill which had the purpose stated by the Senator from Minnesota and which by its terms limited it to the accomplishment of that purpose, to wit, to the case of a widow or a divorced woman who had formerly married a foreigner. But if I heard correctly the reading of the bill, it relates to all women who have married foreigners, whether widowed or divorced or still living in the state of matrimony with such foreigners. It occurs to me that to say that an American woman who marries an Englishman and is living in England with him as his wife shall be an American citizen whilst her husband is an English citizen would lead to very grave complications. I can think of a great many situations in which this Government would be very greatly embarrassed.

Therefore, if it be true, as I think it is, that the bill is not limited to the case of widows or divorced women, but extends to all cases of women who have married foreigners, I would suggest that the bill be recommitted in order that that point may be properly guarded.

Mr. NELSON. I would suggest to have the bill read again.

Mr. DEPEW. Mr. President, this question was up before the Committee on the Judiciary upon a bill which had been introduced by my colleague [Mr. PLATT of New York]. There was a long discussion in the committee on the question, and it developed that there was great confusion owing to the conflicting decisions of the courts as to the status of an American woman who married a foreigner. I think there have been several decisions that she did not lose her status of American citizenship and several to the contrary. There have been four opinions by four Attorneys-General of the United States, two of them that a woman married under such circumstances lost her citizenship and two that she did not.

After discussion the matter was referred to Senator Hoar, the chairman of the committee, and that Senator prepared the present bill for the purpose of meeting all questions, not only the question of a woman divorced or who was a widow, but also restoring to citizenship, if she had lost it, a woman who was married and still living with her husband.

The Woman's Suffrage Association and the National Woman's League took exception to the fact that, while an American man who marries a foreign woman does not lose his citizenship, there should be a discrimination against an American woman who marries a foreigner, and that she should lose her citizenship.

Mr. HALE. Does the Senator think that there should be that discrimination?

Mr. DEPEW. I really do not. I have here the decisions which have been rendered by the courts. Half of them say that she does not lose her citizenship.

Mr. HALE. Of course, the fundamental proposition is that when an American woman marries a foreigner her life, her residence, or whatever else may go, is merged with the husband. No such condition applies to a man when he marries, and why should there not be this distinction?

Mr. DEPEW. That was the distinction and the rule so long as women could not hold property in their own names, but now there are many States in which a foreigner can not hold real estate, and the question is whether if a woman marries a foreigner she loses her title to her property and can not acquire any inheritance.

Mr. HALE. What is the present status, without this bill, of a woman who has married a foreigner, whose legal existence is merged in his and he dies? What is the status now of an American woman, the widow of a foreigner, without this bill?

Mr. DEPEW. Without this bill the status is in doubt. There are two decisions of the Supreme Court of the United States in conflict with each other on this subject. There are the opinions of four Attorneys-General of the United States on the subject, two on one side and two on the other.

Mr. HALE. I had been informed that the court had this matter up and that it had found itself divided in opinion each way.

Now, does the Senator think that under these conditions we ought to pass a bill so general as this is, and applying, as the Senator from Georgia [Mr. BACON] has said, not only to cases of widows or of divorced women, where the merging in the husband's existence has ceased, but applying to everybody, to a woman who has married abroad and lives abroad and continues abroad? Does the Senator think that in that case the woman should be authorized to establish what would be dual citizenship in both countries? Does the Senator think that the married woman who was an American, but who is a citizen of England because she has married an Englishman, should also, by any process of any law, be permitted to become an American citizen and restore her citizenship, and thus have, as I have said, dual citizenship?

Mr. DEPEW. I think, in view of the property interests and the descent of property to children, she certainly should have

that right. But for the purpose of meeting the case of widows and divorced women I am perfectly willing that this bill of Senator Hoar should be amended by limiting it to meet the objection of the Senator from Georgia.

Mr. NELSON. If the Senator from New York and the Senator from Maine will allow me a moment, I wish to call attention to the second section of the bill, which requires that they shall actually have resided a year within the State or Territory:

SEC. 2. That it shall be made to appear to the satisfaction of the court admitting such woman that she has resided within the State or Territory where such court is at the time held one year at least, and that during that time she has behaved as a woman of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

She must have resided for a year in this country, in the State or Territory of the court in which she applies for restoration of citizenship.

Mr. LODGE. Mr. President, I offer an amendment to come in on line 6.

Mr. BACON. I withdraw the suggestion to recommit in order that the amendment may be offered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LODGE. After the word "permitted," in line 6, page 1, I move to insert the words "after the death of her husband or after divorce from him."

The amendment was agreed to.

Mr. BACON. I was simply going to suggest that the Secretary read the connection, so that the amendment may be properly understood.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That any woman, being 21 years of age and over and being a bona fide resident of the United States, whose American citizenship has been lost or suspended by marriage with a foreigner, may be permitted after the death of her husband or after divorce from him to resume such citizenship in the following manner, and not otherwise.

The PRESIDING OFFICER. If there be no further amendment, the bill will be reported to the Senate.

Mr. PETTUS. I should like to know what territory the bill covers.

Mr. BACON. The entire United States. It is citizenship of the United States. The object of the provision is to give to any one who has married a foreigner and who has become a widow or has been divorced the right to resume citizenship in this country.

Mr. HEYBURN. Mr. President, I should like to inquire whether, under the provision of this bill, a woman will bring back with her citizenship a title of nobility which she may have acquired while she was in the foreign country. It seems to me the bill should provide against that; that she should renounce any title of nobility that might have been conferred upon her or acquired; and we should not have one part of our citizens with titles of nobility and the other part without.

Mr. NELSON. I wish to call the Senator's attention to the fact that that is provided for in the first section of the bill. She must declare "that it is bona fide her intention to resume such citizenship, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty" from which she seeks to be absolved. I think that covers it.

Mr. HEYBURN. I do not think that renouncing allegiance to potentate or sovereignty would affect the question of a title. If she were a duchess or had any other title of nobility, it seems to me there should be a distinct and direct renunciation of that title.

Mr. LODGE. I ask unanimous consent, at the suggestion of the Senator from Pennsylvania [Mr. KNOX], to change the wording of the amendment I offered, so that it shall read, "after the death of her husband or if lawfully divorced from him."

The PRESIDING OFFICER. The Secretary will read the modification suggested by the Senator from Massachusetts.

The SECRETARY. After the word "permitted," in line 6, page 1, amend the amendment so as to read:

After the death of her husband or if lawfully divorced from him.

The PRESIDING OFFICER. The proposed amendment as modified will be agreed to in the absence of objection.

Mr. PLATT of Connecticut. Will the Senator state just where that amendment comes in?

Mr. LODGE. After the word "permitted," in line 6.

Mr. PLATT of Connecticut. I think that is right.

Mr. TILLMAN. Mr. President, it seems to me that the last amendment of the Senator from Massachusetts would leave a woman who had been unfortunate in her selection of a husband abroad in a very unfortunate position. If the relationship had grown so intolerable she had to quit him and seek a sanctuary back here she could not reclaim citizenship. If the marital relation between foreigners and some of our American women who are crazy after titles should grow so burdensome, as very frequently happens, that she wants to get back to this country among decent gentlemen once more, I do not think we ought to require that she should be lawfully divorced. Let the law divorce her here after she gets back.

Mr. SPOONER. Can a woman be divorced without being lawfully divorced?

Mr. TILLMAN. Some of them quit and become "grass widows."

Mr. DEPEW. If I may interrupt the Senator from South Carolina a moment, I will state that with the close commercial relations existing between the United States and foreign countries there are large numbers of subjects or citizens of other countries who have titles who are here representing their firms or their business, and there are Americans similarly situated who are abroad representing American firms, American businesses of all kinds. In the natural course of events these foreign gentlemen come in contact with American women here, and American women moving in the same circle fall in love with foreigners in the places where they reside. The result is that international marriages are constantly taking place without any regard to title or to nobility or anything unusual, but upon the old-fashioned plan of propinquity, either abroad or here, bringing two people together of mutual tastes, and then marriage follows. In the course of time those marriages have become very frequent. They are exceedingly numerous. I think hardly a day passes that a marriage under such circumstances does not take place either in this country or in some country abroad. For instance, American consuls all over the world remain at their posts for a great many years; their daughters grow up in those environments amongst the people with whom they go to school; they make their homes there, and there they are married. It does not seem fair that such women, who have entered into marriage relations in a perfectly proper manner and with no other end or aim in life except to marry the men they love, should be subjected to any penalties by any statutes of the United States, and if they are those statutes should be repealed.

Mr. TILLMAN. I hope the Senator from New York did not understand me as doing anything more than trying to protect these women in their original rights as Americans?

Mr. DEPEW. No.

Mr. TILLMAN. And I do not see where the Senator's criticism of my little remark comes in. I am not opposed to international marriages; that is, I did not say so, although I have had a little sensitiveness at the seemingly running after titles that some of our girls somehow or other appear to be addicted to. I do not know whether it is merely a suspicion on my part or not, but I have had the idea that they were much more particular about the title than they were about the marriage. [Laughter.]

Mr. DEPEW. From my observation on that subject it is the title chasing the girl and not the girl chasing the title. [Laughter.]

Mr. TILLMAN. Well, it gets her; I will not say "he gets her," for I have very serious doubts whether there is any masculinity about it.

However, I want to say right now, once for all, that I think it is a hardship to require a woman who may not do that merely for love of one of those titles which she has bought to keep her from the privilege of coming home to a decent atmosphere without being legally divorced. If they are Americans, I suppose they can get divorces in Chicago very readily or in North Dakota or in South Dakota, which is, I believe, the haven of refuge for all those people who have marital infelicities.

Mr. McCUMBER. Mr. President, since the bill has been amended I do not myself see any particular necessity for it. We already have a law, as I understand, for the naturalization of single women, and I do not know why persons who have become citizens of a foreign country by marriage should be placed under conditions different from single women who come over here to be naturalized. But if it be necessary to have a bill of this character as now amended, it seems to me as though the bill should go further, as suggested by the Senator from Idaho [Mr. HEYBURN].

It has been the policy of this Government to allow no one to become a citizen of the United States without renouncing any title of nobility. I do not know why that should not apply to nobility obtained by virtue of a marriage as well as by the act of a sovereign. In this case it seems to me that we should have

the same rule applying to these women that we should to all others. I therefore propose the amendment which I send to the desk.

The PRESIDING OFFICER. The Chair will state that there is already pending an amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. McCUMBER. I understood that that amendment had been adopted. If it has not been, I will wait until action has been had on it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. McCUMBER. I now move to amend, in section 1, page 2, line 4, after the words "United States," by inserting "and that she renounces any title of nobility which she may have acquired by such marriage or otherwise."

Mr. DEPEW. That amendment is all right, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota [Mr. McCUMBER] will be stated.

The SECRETARY. In section 1, page 2, line 4, after the words "United States," it is proposed to insert "and that she renounces any title to nobility which she may have acquired by such marriage or otherwise."

The amendment was agreed to.

Mr. DEPEW. Mr. President, just one remark in reply to the general observation of the Senator from North Dakota [Mr. McCUMBER] as to the necessity for the bill. When the husband of Mrs. Nellie Grant Sartoris died, the question of her American citizenship was submitted to the lawyers, and there was such a diversity of opinion regarding it that a special act was passed in the Fifty-fifth Congress granting her American citizenship. This bill is intended to cover all cases of that character.

Mr. BACON. Mr. President, I move to amend, after the words "at least," in section 2, page 2, line 9, by inserting "next before her said declaration;" so as to read:

One year at least next before her said declaration.

Otherwise the fact that she had lived at any time of the year in the district where she sought to make this renunciation would be sufficient. The intention of the bill is that which I endeavor to make plain by the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2, page 2, line 9, after the words "at least," it is proposed to insert "next before her said declaration."

The amendment was agreed to.

Mr. SPOONER. Now, Mr. President, I ask that the bill may go over and be reprinted.

The PRESIDING OFFICER. In the absence of objection, the bill will be reprinted and go over without prejudice.

JACOB LIPPS AND T. E. WELLES.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 4699) to relinquish and quitclaim to Jacob Lipps, or Pensacola, Fla., his heirs and assigns, all the right, title, interest, and claim of the United States in, to, and on certain property in the city of Pensacola, Escambia County, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to insert as a new section the following:

SEC. 2. That the United States hereby relinquishes and quitclaims to T. E. Welles, of Pensacola, Fla., his heirs and assigns, forever, all the right, title, interest, and claim of the United States in, to, and on the following-described property, situated and lying in the city of Pensacola, county of Escambia, State of Florida, known and described as follows: Beginning at the southwest corner of lot C, on the northeast corner of Jefferson and Sarragossa streets; thence running east along the northern line of Sarragossa street 134 feet 5 inches; thence running northwardly at right angles to the line of Sarragossa street 106 feet 7 inches; thence west 40 feet; thence south 10 feet; thence west 120 feet to Jefferson street; thence south along Jefferson street to the point of beginning.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to relinquish and quitclaim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, and T. E. Welles, of Pensacola, Fla., his heirs and assigns, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Fla."

GREAT FALLS AND OLD DOMINION RAILROAD.

Mr. MARTIN. I desire to give notice that on Monday next, as soon as practicable after the completion of the routine morning business, I shall move that the Senate proceed to the consideration of the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia.

The PRESIDING OFFICER. The notice will be entered.

Mr. HALE. That is the matter that was discussed yesterday?

Mr. MARTIN. Yes.

GOVERNMENT RESERVATION IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5506) to acquire certain ground for a Government reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to acquire by condemnation, for the purpose of providing a Government reservation, the several parcels of ground in the District of Columbia included within the triangle between Sixteenth street extended, Mount Pleasant street, and Kenesaw avenue, and containing in the aggregate 21,450 square feet, more or less, and appropriates a sufficient sum, not exceeding $40,000, to pay for the ground, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. PICKETT.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (S. 5439) for the relief of Capt. George E. Pickett, paymaster, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Capt. George E. Pickett, paymaster, United States Army, $1,456.17.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY T. CLARKE.

Mr. MILLARD. I ask unanimous consent for the present consideration of the bill (S. 3754) for the relief of Henry T. Clarke.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. KEAN. If there is a report in that case, Mr. President, let it be read, or let us have a brief explanation of the bill.

The PRESIDING OFFICER. Does the Senator call for the reading of the report?

Mr. KEAN. Yes; let us have a little of the report read so as to know what the bill is.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read from the report submitted by Mr. WARREN March 25, 1904, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 3754) for the relief of Henry T. Clarke, have considered the same carefully and now report it back to the Senate favorably, recommending that it be amended as follows and that thus amended it do pass:

In line 5, page 1, strike out "$7,000" and insert in lieu thereof "$2,880."

In line 6, page 1, strike out "value and."

In lines 9 and 10, page 1, strike out "January 9" and insert in lieu thereof "March 12."

Strike out all after the word "Clarke," in line 2, page 2, and insert in lieu thereof the following:

"*Provided*, That the sum of $2,880 shall be accepted and received by Henry T. Clarke in full payment of all claims and demands on account of the rental of said buildings."

Bills bearing upon this same subject have been reported favorably from the Committee on Military Affairs and the Committee on Claims of the Senate, carrying various sums ranging from $2,880 to $5,500. Similar bills have also been reported in the House of Representatives, and the measure has passed both Senate and House at various times. (See Senate Report No. 1568, 54th Cong., 2d sess., and House Report No. 1615, 55th Cong., 2d sess., in appendix to this report.)

The original claim, made in 1896, was for rent from June 6, 1890, to June 6, 1896, at $480 per annum ($2,880), as will be seen by reference to Senate Document No. 54, Fifty-fourth Congress, second session, appended hereto. But your committee recommend the payment of $2,880 in full for rent from June 6, 1890, to March 12, 1904, on which latter date the buildings were purchased by the United States Government, as will be seen from the following copies of correspondence and voucher:

OFFICE OF THE SECRETARY OF WAR,
Washington, April 1, 1903.

SIR: Replying to your letter of February 14 last, again presenting to the Department your claim for the occupation by the United States of certain buildings located upon the Fort Crook Military Reservation, I beg to say that on November 18, 1901, the Quartermaster-General estimated the value of the buildings in question to be about $1,800 at the time of the acquisition of the property, and the rental of same to be $1,035, and recommended that you be offered this sum in full of all claims, and that such offer be final.

Your recent letter has been carefully considered, and the Judge-Advocate-General, in reporting thereon, suggests that the estimated value of the buildings, $1,800, be paid, and the rental, at the amount estimated by the Quartermaster-General, be also paid for the fiscal years 1901 to date, and that for the rental for the prior years you will have to obtain Congressional legislation.

Very truly, yours,

WM. CARY SANGER,
Assistant Secretary of War.

Mr. HENRY T. CLARKE, *Omaha, Nebr.*

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 6, before the word "dollars," to strike out "seven thousand" and insert "two thousand eight hundred and eighty;" in line 7, before the word "rent," to strike out "value and;" in line 10, after the word "to," to strike out "January 9" and insert "March 12," and on page 2, line 7, after the name "Clarke," to strike out:

and for the value of said buildings, \$7,000. That the said sum of \$7,000 is to be accepted and received by Henry T. Clarke in full of all claims and demands on account of said buildings and for the rental thereof, the title of said buildings to remain in the United States.

And insert:

Provided, That the sum of \$2,880 shall be accepted and received by Henry T. Clarke in full payment of all claims and demands on account of the rental of said buildings.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry T. Clarke the sum of \$2,880, out of any money in the Treasury not otherwise appropriated, for the rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Sarpy County Nebr., from February 9, 1890, to March 12, 1904, being for the use of buildings on said land acquired by the United States by condemnation proceedings in the suit against Henry Zurcher in accordance with a proposition made by Henry T. Clarke to the Secretary of War July 29, 1889, which said proposition was for the sale of lands to the United States in Fort Omaha, now Fort Crook, by which proposition all said buildings were retained by Henry T. Clarke: *Provided*, That the sum of \$2,880 shall be accepted and received by Henry T. Clarke in full payment of all claims and demands on account of the rental of said buildings.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE GREAT SEAL OF THE UNITED STATES.

Mr. LODGE. I ask unanimous consent for the consideration at this time of the bill (S. 3228) making it a felony to make impressions or counterfeit the great seal of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 3, after the word "who," to strike out "except as authorized by law" and insert "without lawful authority, willfully and knowingly and with intent to defraud;" so as to make the section read:

That every person who, without lawful authority, willfully and knowingly and with intent to defraud, makes any impression of the seal of the United States, or uses such impression for the purpose of authenticating any document, shall be punished by fine of not more than \$3,000 or by imprisonment of not more than five years.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 11, before the word "makes," to insert "willfully and knowingly and with intent to defraud;" so as to make the section read:

SEC. 2. That every person who, without lawful authority, willfully and knowingly and with intent to defraud, makes any die, hub, or mold in likeness or similitude of the seal of the United States, or without such authority has in his possession either the original or any such likeness or similitude, or who forges or counterfeits the seal of the United States, shall be punished by fine of not less than \$1,000 or by imprisonment of not exceeding ten years.

The amendment was agreed to.

Mr. SPOONER. I should like to hear the first section of the bill again read as it has been amended.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That every person who, without lawful authority, willfully and knowingly and with intent to defraud, makes any impression of the seal of the United States, or uses such impression for the purpose of authenticating any document, shall be punished by fine of not more than \$3,000 or by imprisonment of not more than five years.

Mr. SPOONER. I do not know on what theory——

Mr. LODGE. Mr. President, this bill was reported from the Judiciary Committee by my late colleague, Mr. Hoar.

Mr. SPOONER. I know that; but I should like to inquire——

Mr. LODGE. The purpose of the bill——

Mr. SPOONER. I understand its purpose, and I approve of it; but I want to inquire what is the explanation for the difference in the penalty prescribed in the first section and that prescribed in the second?

Mr. LODGE. I was not on the committee, and only know of the importance of and necessity for the bill. My attention was called to it by the Department of State. There is at present no protection of the seal of the United States, and it is a very serious matter.

Mr. SPOONER. I agree to that.

Mr. PLATT of Connecticut. The first section of the bill relates to the unlawful use of the seal; the second to the making of counterfeits of the seal.

Mr. SPOONER. One section has to do with counterfeiting the seal with intent that it shall be used to perpetrate fraud, and the other with the using of it after it has been counterfeited for the purpose of perpetrating fraud.

Mr. PLATT of Connecticut. The making of a counterfeit of the seal carries a greater penalty in this bill.

Mr. SPOONER. No; it carries a smaller penalty.

Mr. PLATT of Connecticut. And the fraudulent using of the seal, if a proper seal, is a lesser offense.

Mr. SPOONER. Is that it?

Mr. PLATT of Connecticut. The first section, I think, is to punish the improper and unlawful use of the lawful seal. The second is to punish the counterfeiting of the seal, which carries a larger penalty than the other.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FARWELL, OZMUN, KIRK & CO.

Mr. BLACKBURN. I ask unanimous consent that we may take up for consideration at this time the bill (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF OBSOLETE RIFLES.

Mr. FORAKER. I ask unanimous consent for the present consideration of the joint resolution (S. R. 69) to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and organizations of the Sons of Veterans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Military Affairs with amendments, in line 5, after the word "to," to strike out "loan" and insert "sell at prices to be fixed by the Chief of Ordnance;" in line 10, after the word "organizations," to insert "and the United Spanish War Veterans;" and on page 2, line 2, after the words "and so forth," to strike out "said rifles, belts, and bayonets to be accounted for to the War Department on the annual return of the State in the same manner as other Government property;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit the proper custodians of the several States and Territories to sell at prices to be fixed by the Chief of Ordnance a sufficient number of Springfield or other rifles of obsolete pattern, together with an equal number of belts and bayonets, which are now, or may hereafter be, in the possession of the respective States and Territories, to posts of the Grand Army of the Republic and Sons of Veterans organizations, and the United Spanish War Veterans, for the purpose of equipping a drill corps for service on Memorial Day, funeral occasions, etc.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FORAKER, the title was amended so as to read: "A joint resolution to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and other organizations."

OLD POINT COMFORT IMPROVEMENT COMPANY.

The PRESIDING OFFICER. The Senate will proceed with the consideration of the Calendar, under Rule VIII.

The bill (S. 1718) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., was announced as the next business in order on the Calendar.

The PRESIDING OFFICER. The Chair will state that the bill was read in full yesterday.

Mr. SPOONER. Is it subject to objection?

The PRESIDING OFFICER. It is, under Rule VIII.

Mr. SPOONER. I object.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice.

BERNARD W. MURRAY.

The bill (S. 2113) for the relief of Bernard W. Murray was announced as the next business in order.

The PRESIDING OFFICER. The Chair will state that this bill was read in full yesterday.

Mr. SPOONER. Let it be read for information.

The PRESIDING OFFICER. The bill will again be read.

The Secretary read the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 per month for sixty months to Bernard W. Murray: *Provided*, That should the said Bernard W. Murray die before the expiration of sixty months leaving no minor children said payments shall thereupon cease. Should the said Bernard W. Murray die before the expiration of sixty months leaving minor children said payments shall cease upon the majority of the youngest of said children.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. I think we had a bill like this before us yesterday.

Mr. PLATT of Connecticut. Yes; and passed it.

Mr. CULLOM. I think we had better object to bills of this kind for the present.

The PRESIDING OFFICER. The Chair will state that when this bill was read yesterday it was under Rule IX. To-day the Senate is considering the Calendar until 2 o'clock under Rule VIII, and a single objection will send the bill over.

Mr. CULLOM. I object, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice.

PETTY NAVAL OFFICERS AND ENLISTED MEN.

Mr. HALE. There is a bill farther along on the Calendar which, if there is no objection, I should like to have taken up. It is the bill (S. 656) providing for the retirement of petty officers and enlisted men of the Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC AND CONSULAR OFFICERS.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (S. 5441) in relation to the assignment of diplomatic and consular officers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that where a diplomatic or consular officer of the United States is prevented by unforeseen circumstances from proceeding to his post of duty the President may assign him temporarily to another post where his services may be required, without loss of his commission or salary.

It also authorizes the President to grant leave of absence with pay, in addition to the period of absence now allowed by law, to diplomatic and consular officers who leave their posts temporarily in pursuance of official instructions, for the purpose of giving testimony in which this Government is interested.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANACOSTIA, ETC., ELECTRIC RAILWAY COMPANY.

Mr. GORMAN. I ask unanimous consent for the present consideration of the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. LODGE. I do not find that the bill is on our desks, or that copies of the bill are now before the Senate. I do not know why it should be so. It is a long and elaborate bill, and I have been trying to get a copy to examine it.

The PRESIDING OFFICER. The Chair is informed that the bill reached the Secretary's desk only this morning.

Mr. LODGE. I hope the bill will be allowed to go over until we can have an opportunity to look at it. There are no copies of the bill to examine.

Mr. GORMAN. The bill has been printed. I will say to the Senator from Massachusetts that I reported the bill from the Committee on the District of Columbia. It has been approved by the District Commissioners, and does not interfere with any of the railroads in the city. It is for a railway going out through the country, and only connects with the existing lines beyond the city limits.

Mr. LODGE. I have no doubt it is all right, but it is a good deal of a bill, and there is not a copy of it to look at.

Mr. GORMAN. Let it go over then, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland withdraws his request for the present consideration of the bill.

Mr. LODGE subsequently said: The copies of the bill called up by the Senator from Maryland have now come to the Chamber, and I withdraw any objection I had to the reading of the bill.

The PRESIDING OFFICER. At the request of the junior Senator from Maryland, the bill will now be considered, if there be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary resumed and concluded the reading of the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 1, line 20, page 2, after the word "road," to insert:

And provided further, That whenever said road shall be widened the Commissioners of the District of Columbia are authorized to require that the tracks of said railway company shall be located in the center of the road as widened.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CEMETERY NEAR RICHMOND, VA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 1979) providing for the extension of the national cemetery, on Williamsburg turnpike, near the city of Richmond, Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $4,000 for the purchase of such additional land as may be necessary for the extension of the national cemetery, on the Williamsburg turnpike, near the city of Richmond, in Virginia, and for the necessary improvement of the same, and inclosing with stone wall and drainage.

Mr. SPOONER. I think the words "and directed" in the fourth line ought not to be in a bill authorizing the purchase of property for Government use.

Mr. MARTIN. I will state for the Senator's information that the bill is very urgently recommended by the Secretary of War.

Mr. SPOONER. It is enough to authorize a public officer to purchase property. If you both authorize and direct him to purchase it, you put him at a disadvantage as to the purchase price. He has no option. He is obliged by law, which is mandatory, to make the purchase, and the only limitation is the sum of $4,000. Why is it not sufficient, if the Secretary of War wants to purchase this property, to authorize it?

Mr. MARTIN. I will not object to the amendment if the Senator insists upon it. But it will simply necessitate the bill going back to the House to have it consummated, when, although the suggestion of the Senator from Wisconsin is eminently wise as a general rule, in this case no harm can result, as a limitation of course is provided in the bill, and it will facilitate the matter to let the bill go through as it is. It certainly will result in no injury in this particular case.

Mr. SPOONER. I do not care particularly about the pending bill, but——

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPOONER. I was in the middle of a sentence, if the Chair will permit me.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. SPOONER. I do not care particularly about this bill, but I want to call the attention of the Senate to this subject. It is an improper provision.

Mr. MARTIN. I think the suggestion of the Senator generally is a wise one, but it will not be hurtful to let the bill stand as it is in this particular case, and I will be glad if the Senator from Wisconsin will not insist upon his amendment.

Mr. PETTUS. Mr. President, I desire to say that this bill originated in the necessity of the case and in the office of the

Secretary of War; at least it was referred to him, and its passage is earnestly recommended on the ground of necessity.

Mr. SPOONER. I made no opposition to the bill. I only suggested that it was sufficient to authorize the Secretary—that it was not quite proper to add "and directed" to purchase. That is the point of my observation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WICHITA FOREST RESERVE.

Mr. KEAN. I ask for the present consideration of the bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve.

The Secretary read the bill.

Mr. SPOONER. Mr. President, I feel constrained to object to the present consideration of the bill. I desire to examine it. If it is agreeable to the Senator from New Jersey, I hope he will not ask that it be taken up at this time.

Mr. KEAN. Certainly. If the Senator from Wisconsin wishes to examine it, I have no objection.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the request for unanimous consent, and the bill will go over without prejudice, under the rule.

Mr. KEAN subsequently said: The Senator from Wisconsin [Mr. SPOONER] a short time ago objected to the consideration of House bill 11584 in order that he might examine it. He has since examined the bill and withdraws the objection. I should like to have the bill considered and passed. It has been read already, and it will take but a moment.

The PRESIDING OFFICER. The bill having been read, is there objection to its present consideration?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS FOR ADDITIONAL BOUNTIES.

Mr. WARREN. I desire to call up the bill (S. 5944) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of an act of Congress approved July 13, 1870, entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, shall be, and the same are hereby, repealed so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, and that such claims shall be considered by the proper accounting officers of the Treasury in the same manner as other claims for arrears of pay and bounty are considered: *Provided*, That this act shall not be construed to reopen any settlement already made by the said accounting officers, except to allow additional bounties under the twelfth and thirteenth sections of the act of July 28, 1866, which have been denied upon the ground that payment thereof was barred by limitation of the statute.

Mr. KEAN. Will the Senator from Wyoming make a brief explanation of the bill?

Mr. WARREN. The bill is one that is indorsed by the Department, and it has had the unanimous approval of the Committee on Military Affairs. It provides that the bounties shown to be due individual soldiers on the books of the Treasury may be paid, notwithstanding the limitation of time. The claims remaining unpaid amount to less than $100,000.

Mr. KEAN. I am glad to hear the explanation. I have had my attention called to some cases of that kind which I should like to have paid.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNION TRUST AND STORAGE COMPANY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to change the name of the Union Trust and Storage Company, of the District of Columbia, incorporated under an act approved October 1, 1890, and entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," to the Union Trust Company of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LELIA G. CAYCE.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 11178) for the relief of Miss Lelia G. Cayce.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Miss Lelie G. Cayce $179.73, the same being the amount of penalty collected by mistake from Lelia G. Cayce, at the port of San Francisco, May 23, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On January 12, 1905:

S. 1501. An act for the relief of James F. McIndoe;

S. 1753. An act for the relief of Pay Clerk Charles Blake, United States Navy;

S. 3199. An act for the relief of A. M. Short; and

S. R. 79. Joint resolution granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

On January 13, 1905:

S. 1352. An act for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 16567. An act to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.; and

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh Copunty, N. Dak.

H. R. 13772, an act to amend section 858 of the Revised Statutes of the United States, was read twice by its title, and referred to the Committee on the Judiciary.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate House bill 14749, coming over as unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, I assume it is idle to ask the Senator from Tennessee [Mr. BATE] whether he has anyone to address the Senate upon the bill to-day, since I privately asked him the same question and he told me that he did not have anyone. That being the case, and the Senator from Colorado [Mr. TELLER] being ill, but with assurances that he will be here probably on Monday, and under no circumstances would I ask for a vote before he came back, or before he had an opportunity to speak, I suppose the thing remaining to be done now is to take up certain amendments to the bill that have not yet been agreed to, and some that were proposed the other day by the Senator from Kansas [Mr. LONG]. That will go in the nature of perfecting the bill and at the same time oblige the other side by filling in time for them.

I desire in this connection to notify the Senator from Tennessee that I entertain the ardent hope, which I trust he will not disappoint, that, beginning with Monday, such Senators as desire to speak upon that side will be ready.

Mr. BATE. Yes; we will have a man ready on Monday, one or two of them, even if——

Mr. BEVERIDGE. All the exigencies of the situation clearly indicate again the propriety of suggesting to the Senator from Tennessee that a time for fixing the vote would not be inappropriate either now or in the near future.

Mr. BATE. I do not think we ought to discuss that now. We have had only one or two speeches on the bill, and I know

at least four or five on our side who desire to speak. I do not know how many there are on the other side. I can not tell about that. So further along we may discuss that matter with the Senator.

Mr. BEVERIDGE. Of course, I have gone upon the repeated assurances of the Senator and other Senators on that side of the Chamber, those who intend to speak and those who do not, but who are active in the management of business, that there is to be merely a reasonable discussion and then a vote upon the bill. Of course, the fixing of a date to vote has this advantage, that everyone then knows when the vote is going to occur, so that it is not necessary to fill in each hour of time until the hour fixed for voting.

Mr. BATE. This is, of course, a very important bill; perhaps there is none more so before Congress. There has been very little said about it yet on our side, and nothing on the other side, I believe, except by the Senator from Minnesota [Mr. NELSON], and what was said by my friend from Indiana. I think after further discussion of this matter, if the Senator wants to bring up the question as to setting a time for a vote, that will be an open question and we will discuss it then with him. But I do not think that now is the time for that to be done, because we are just starting out in the discussion. We promise to begin on Monday and we will have speakers ready for Monday.

Mr. BEVERIDGE. It is not a question, if the Senator will permit me, of beginning the discussion. I have, as the Senator has himself assured me, been very courteous in allowing the bill to be displaced for other business and even in using up time myself in perfecting the bill, and in this, that, and the other way, all upon the assurance, not that Senators were getting ready for any discussion or anything of that kind, but that reasonable discussion only would be had and then a time for a vote fixed. But if the Senator is not prepared to-day to name a time when the vote can be taken, no doubt he will be able to do so soon, as was assured this side by the Senator from Maryland [Mr. GORMAN] and the Senator from Tennessee yesterday.

Mr. BATE. "Sufficient unto the day is the evil thereof." When that time comes we will be very much pleased to discuss it with the Senator; and I think we will be as liberal as he can expect us to be.

I wish to say in this connection, in reply to what was said by the Senator from Indiana just now, that this bill has been hurried a good deal, sir. We had it before the committee but a short time at this session, and I was not permitted, the Senator will recollect, upon my motion as a member of the committee, to have it returned there for the purpose of taking further testimony. That was denied me; but I do not know that the right was denied me to make a minority report. I should like to know how that was. Did the Senator understand that that was denied, or have I a right to make a minority report?

Mr. BEVERIDGE. I do not suppose the right to make a minority report could possibly be denied the Senator. Nobody in this Chamber would say that. It is a matter of right.

Mr. BATE. I assume that and took that ground myself, and we have been delayed in having the minority report made. It will take some time yet to prepare it. But, Mr. President, there will be no difficulty in going on, I will state to the Senator from Indiana, upon Monday. I know two or three Senators who will be prepared to make speeches on Monday or Tuesday——

Mr. BEVERIDGE. I should be very happy——

Mr. BATE. And I think we can get along very harmoniously and successfully in this matter, but to get up here after only a few days' discussion of a measure of this kind, and when only two or three speeches have been made upon it, and come to any definite conclusion as to the time—I can not agree to it; and the Senator must not expect me to do it. I think we will be liberal in the end toward him.

Mr. BEVERIDGE. I accepted the Senator's assurances to that effect yesterday; but I thought it would be well to suggest it again to-day. The Senator once before adverted to his not being present at the committee meetings, but said at the time, in answer to the statement by myself, that he had been notified not only by formal notice, but by a telephone notice, and in addition to that, by personal notice. However, that has nothing to do with this particular case unless the Senator himself wants to occupy the time this afternoon.

Mr. BATE. It has this to do with it, if the Senator will pardon me. We had a right to time to get ready. We have not had the proof before the Senate on our side at all. Indeed there is no proof before the Senate touching this matter, and we have had to rely upon outside sources and get what we could from testimony taken in the House, so as to be able to understand this question. I think myself we have done marvelously well within a week or so here, having no testimony on our side, and having been denied by a vote of the Senate the right to investigate and take further testimony and cross-examine witnesses. I think myself some allowance ought to be made for that, and we ought to have time to look into the matter and see where we can get the proof and the testimony that has been taken in the House and utilize it here if we can. It will take some time to do that. I think we have been quite successful in getting along to begin on Monday with the regular debate.

Mr. ALLISON. I will ask the Senator from Tennessee if the committee is still taking testimony on this subject?

Mr. BATE. I do not understand what the Senator says.

Mr. ALLISON. I understood the Senator from Tennessee to state that the committee or some branch of it is taking testimony on this subject.

Mr. BATE. Oh, no; I said that was denied on my motion to recommit the bill to the committee and to get that testimony, and therefore we had a right to have further time in order to investigate the matter in the other House so as to get ourselves ready. It was denied on the part of the Senate that we should have that right. That is what I am complaining of.

Mr. ALLISON. I understood the Senator to say that they were making an inquiry in the form of examining witnesses.

Mr. BATE. Oh, no; I asked that it should be done. That was denied me by a vote of the Senate. Then we had to fall back on the testimony taken elsewhere and do the best we can. I think we have been very diligent in doing so.

Mr. BEVERIDGE. As I have said, accepting the assurance that there is no desire except for reasonable discussion and that an early date will be fixed for voting, which assurance has repeatedly been given to myself and to other Senators, privately, and in open Senate, I shall not now press anything except to call the attention of the Senator from Kansas [Mr. LONG] to the amendments he proposed. I will ask that the amendments proposed by the Senator from Kansas may be now considered.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The amendment pending is the amendment offered by the Senator from Ohio [Mr. FORAKER], on page 26 of the bill.

Mr. BEVERIDGE. It is not the desire of the committee to accept that amendment, nor is it the desire of the Senator from Ohio to-day to take it up. So it may go over, and so may all the amendments except the amendments which it is the purpose of the committee to accept. At all events, those amendments may be brought before the Senate.

Mr. ALLISON. If the Senator from Indiana will yield to me now, I will move that the Senate proceed to consideration of executive business.

Mr. BEVERIDGE. I will be very glad to yield for that purpose.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, January 16, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1905.

COMMISSIONER OF PENSIONS.

Vespasian Warner, of Clinton, Ill., to be Commissioner of Pensions, vice Eugene F. Ware, resigned.

ASSOCIATE JUSTICE.

Charles A. Willard, of Minnesota, to be an associate justice of the supreme court of the Philippine Islands, to date from January 13, 1905.

REGISTER OF LAND OFFICE.

Henry H. Myers, of Arkansas, to be register of the land office at Little Rock, Ark., his term having expired December 11, 1904. (Reappointment.)

PROMOTION IN THE MARINE CORPS.

Maj. Henry C. Haines, assistant adjutant and inspector, United States Marine Corps, to be assistant adjutant and inspector in the Marine Corps, with the rank of lieutenant-colonel, from the 15th day of December, 1904, vice Lieut. Col. Charles H. Lauchheimer, assistant adjutant and inspector, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Farmer Morrison to be a lieutenant in the Navy from the 1st day of January, 1905, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Commander William W. Kimball to be a captain in the Navy

from the 12th day of January, 1905, vice Capt. Arthur B. Speyers, retired.

Lieut. George F. Cooper to be a lieutenant-commander in the Navy from the 12th day of January, 1905, vice Lieut. Commander Clifford J. Boush, promoted.

POSTMASTERS.

ALABAMA.

Felix O. Dudley to be postmaster at Clanton, in the county of Chilton and State of Alabama. Office became Presidential January 1, 1905.

ARKANSAS.

J. H. Edwards to be postmaster at Blytheville, in the county of Mississippi and State of Arkansas. Office became Presidential October 1, 1904.

Ernest Ritter to be postmaster at Marked Tree, in the county of Poinsett and State of Arkansas. Office became Presidential January 1, 1905.

COLORADO.

Orlando Rogers to be postmaster at Independence, in the county of Teller and State of Colorado, in place of Orlando Rogers. Incumbent's commission expired December 20, 1904.

HAWAII.

George Desha to be postmaster at Hilo, Hawaii Island, Hawaii, in place of William I. Madeira, resigned.

ILLINOIS.

Alpheus K. Campbell to be postmaster at Sullivan, in the county of Moultrie and State of Illinois, in place of Adolphus T. Jenkins, resigned.

Thomas Millett, jr., to be postmaster at Troy, in the county of Madison and State of Illinois. Office became Presidential January 1, 1905.

INDIANA.

Harry H. Thompson to be postmaster at Mooresville, in the county of Morgan and State of Indiana. Office became Presidential April 1, 1904.

Frank D. Walters to be postmaster at Monroeville, in the county of Allen and State of Indiana. Office became Presidential July 1, 1904.

IOWA.

John Q. Graham to be postmaster at Emerson, in the county of Mills and State of Iowa. Office became Presidential January 1, 1905.

William Morgan to be postmaster at Buxton, in the county of Monroe and State of Iowa. Office became Presidential January 1, 1905.

LOUISIANA.

John Dominigue to be postmaster at Bastrop, in the parish of Morehouse and State of Louisiana. Office became Presidential April 1, 1904.

MAINE.

Jacob F. Hersey to be postmaster at Patten, in the county of Penobscot and State of Maine. Office became Presidential January 1, 1905.

MICHIGAN.

Simon H. Heath to be postmaster at Richmond, in the county of Macomb and State of Michigan. Office became Presidential January 1, 1905.

Berton M. Wooley to be postmaster at Elsie, in the county of Clinton and State of Michigan, in place of Berton M. Wooley. Incumbent's commission expires February 4, 1905.

MISSOURI.

Elmer E. Hart to be postmaster at Eldon, in the county of Miller and State of Missouri. Office became Presidential January 1, 1905.

NEW JERSEY.

John Hubbard to be postmaster at Asbury Park, in the county of Monmouth and State of New Jersey, in place of John Hubbard. Incumbent's commission expired June 5, 1904.

NEW YORK.

Newton A. Collings to be postmaster at Groton, in the county of Tompkins and State of New York, in place of Lewis J. Townley. Incumbent's commission expires January 31, 1905.

Ezra C. Ferris to be postmaster at Croton on Hudson, in the county of Westchester and State of New York, in place of Ezra C. Ferris. Incumbent's commission expires January 21, 1905.

OHIO.

George C. Watson to be postmaster at New Concord, in the county of Muskingum and State of Ohio, in place of George C. Watson. Incumbent's commission expired December 20, 1904.

PENNSYLVANIA.

James H. Saulsbery to be postmaster at Dunlo, in the county of Cambria and State of Pennsylvania. Office became Presidential January 1, 1905.

Francis A. Seip to be postmaster at Palmerton, in the county of Carbon and State of Pennsylvania. Office became Presidential January 1, 1905.

WISCONSIN.

Robert J. Audiss to be postmaster at Westfield, in the county of Marquette and State of Wisconsin. Office became Presidential January 1, 1905.

Oscar Bowen to be postmaster at Bangor, in the county of La Crosse and State of Wisconsin. Office became Presidential January 1, 1905.

John C. Grell to be postmaster at Johnson Creek, in the county of Jefferson and State of Wisconsin. Office became Presidential January 1, 1905.

Charles Settergren to be postmaster at Baldwin, in the county of St. Croix and State of Wisconsin, in place of Charles Settergren. Incumbent's commission expired January 23, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1905.

GOVERNOR OF ALASKA.

John G. Brady, of Alaska, to be governor of Alaska, his term having expired June 5, 1904.

INDIAN INSPECTOR.

J. George Wright, of Illinois, to be an Indian inspector, his term having expired March 27, 1904.

APPOINTMENT, BY TRANSFER, IN THE ARMY—CAVALRY ARM.

Second Lieut. William C. F. Nicholson, Twenty-first Infantry, from the Infantry Arm to the Cavalry Arm, with rank from September 1, 1904.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be captains.

First Lieut. Daniel F. Keller, Thirtieth Infantry, December 30, 1904, vice Patten, Fourteenth Infantry, retired from active service.

First Lieut. Archie J. Harris, Second Infantry, December 30, 1904, vice Nixon, Second Infantry, detailed as quartermaster.

First Lieut. Alexander J. Macnab, Second Infantry, December 31, 1904, vice Phillips, Twenty-seventh Infantry, dismissed.

To be first lieutenants.

Second Lieut. Alfred J. Booth, Second Infantry, December 30, 1904, vice Keller, Thirtieth Infantry, promoted.

Second Lieut. Emery T. Smith, Ninth Infantry, December 30, 1904, vice Harris, Second Infantry, promoted.

ARTILLERY CORPS.

To be captain.

First Lieut. Francis N. Cooke, Artillery Corps, January 1, 1905, vice Nicholls, detailed in the Ordnance Department.

To be first lieutenant.

Second Lieut. James Totten, Artillery Corps, January 1, 1905, vice Cooke, promoted.

CAVALRY ARM.

Second Lieut. Robert W. Reynolds, Thirteenth Cavalry, to be first lieutenant, December 17, 1904.

ARTILLERY CORPS.

Second Lieut. Frank T. Hines, Artillery Corps, to be first lieutenant, December 17, 1904.

INFANTRY ARM.

Lieut. Col. Edward B. Pratt, Fifteenth Infantry, to be colonel, December 16, 1904.

Maj. Arthur Williams, Third Infantry, to be lieutenant-colonel, December 16, 1904.

Capt. Willson Y. Stamper, Eighth Infantry, to be major, December 16, 1904.

First Lieut. Harry E. Knight, First Infantry, to be captain, December 16, 1904.

First Lieut. Campbell E. Babcock, Seventh Infantry, to be captain, December 16, 1904.

Second Lieut. Elliot Cazlarc, Eighth Infantry, to be first lieutenant, December 16, 1904.

Second Lieut. Carl C. Jones, Third Infantry, to be first lieutenant, December 16, 1904.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officer herein named to be placed on the retired list of the Army.

With the rank of brigadier-general.

Col. John J. O'Connell, retired, with rank from December 16, 1904.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army with the rank of brigadier-general from the respective dates upon which they shall be retired from active service:

Col. Charles Smart, assistant surgeon-general.

Col. Charles Shaler, Ordnance Department.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army with rank from April 23, 1904.

With the rank of brigadier-general.

Col. Charles S. Stewart, retired, died July 22, 1904.

Col. Charles M. Terrell, retired, died November 22, 1904.

With the rank of lieutenant-colonel.

Maj. William Austine, retired, died September 4, 1904.

With the rank of major.

Capt. Leonard Hay, retired, died November 12, 1904.

Capt. Thomas E. Merritt, retired, died August 26, 1904.

With the rank of captain.

First Lieut. Henry R. Williams, retired, died October 16, 1904.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. William L. Alexander, assistant commissary-general, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officer herein named to be placed on the retired list of the Army:

With the rank of major from April 23, 1904.

Capt. Robert W. Shufeldt, retired.

POSTMASTERS.

DELAWARE.

Edward F. Prettyman to be postmaster at Seaford, in the county of Sussex and State of Delaware.

HAWAII.

Arthur Waal to be postmaster at Lahaina, in the county of Maui Island, Hawaii.

IOWA.

William C. Snyder to postmaster at Lake City, in the county of Calhoun and State of Iowa.

MINNESOTA.

Henry K. White to be postmaster at Alexandria, in the county of Douglas and State of Minnesota.

MISSOURI.

Godfrey Haldiman to be postmaster at California, in the county of Moniteau and State of Missouri.

J. A. Knowles to be postmaster at Flat River, in the county of St. Francois and State of Missouri.

Solomon R. McKay to be postmaster at Troy, in the county of Lincoln and State of Missouri.

Benjamin C. Nichols to be postmaster at Trenton, in the county of Grundy and State of Missouri.

NEVADA.

Herbert Badt to be postmaster at Wells, in the county of Elko and State of Nevada.

NEW JERSEY.

James M. Bogert to be postmaster at Westwood, in the county of Bergen and State of New Jersey.

NEW YORK.

John M. Gilmour to be postmaster at Morristown, in the county of St. Lawrence and State of New York.

J. Johnson Ray to be postmaster at Norwich, in the county of Chenango and State of New York.

Herbert J. Rouse to be postmaster at Cazenovia, in the county of Madison and State of New York.

PENNSYLVANIA.

Sallie P. Gillingham to be postmaster at Langhorne, in the county of Bucks and State of Pennsylvania.

Jacob D. Laciar to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania.

Sarah M. Lowell to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania.

Leanus Schreiner to be postmaster at Tower City, in the county of Schuylkill and State of Pennsylvania.

Fred M. Williams to be postmaster at Nicholson, in the county of Wyoming and State of Pennsylvania.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, in the county of San Juan, P. R.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, in the county of Oconee and State of South Carolina.

James E. Horton to be postmaster at Belton, in the county of Anderson and State of South Carolina.

A. L. King to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina.

TENNESSEE.

Daniel M. Nobles to be postmaster at Paris, in the county of Henry and State of Tennessee.

VERMONT.

F. Henry Foss to be postmaster at Vergennes, in the county of Addison and State of Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 14, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DISMISSAL OF LETTER CARRIERS.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present the following privileged report which I send to the Clerk's desk.

The Clerk read as follows:

Report to accompany House resolution 404.

The Committee on Reform in the Civil Service to whom was referred House resolution 404, requesting the President to communicate to the House certain reports, etc., showing certain Executive action, and directing the Postmaster-General to communicate all facts bearing upon the dismissal of certain letter carriers, report back the resolution, and recommend the passage thereof after it has been amended by striking out all of the preambie and substituting for the first resolution the following:

"*Resolved*, That the President is requested to communicate to the House, if not in his judgment incompatible with the interest of the public service, all reports, documents, papers, and orders showing the Executive action relative to the political activity of letter carriers mentioned in his last annual message, and the grounds therefor."

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the resolution be agreed to.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BARTLETT rose.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BARTLETT. I desire to know something about this. If I understand it, there was some resolution introduced and referred to the Committee on Reform in the Civil Service asking the President to furnish information with reference to the removal of certain letter carriers in the city of New York.

Mr. GILLETT of Massachusetts. It was a resolution of inquiry asking the President and the Postmaster-General to give the information as to the reasons for the discharge of certain letter carriers. The committee considered it and unanimously reported the resolution, which was introduced by the gentleman from New York [Mr. HEARST].

Mr. BARTLETT. The gentleman from Massachusetts says: "The President and Postmaster-General." As I caught the reading of the resolution, it is directed to the President only.

Mr. GILLETT of Massachusetts. There were two sections of the resolution. The Clerk has reported only the first section. One refers to the Postmaster-General and the other section to the President of the United States. I ask, Mr. Speaker, that the resolution as amended be reported.

The SPEAKER. Without objection, the Clerk will read the resolution as amended.

The Clerk read the part of the resolution printed above, with the additional section, as follows:

Resolved, That the Postmaster-General is directed to communicate to the House all facts bearing upon the dismissal of the said James C. Keller, Frank Cunningham, Warren Tumber, and H. W. Aldrich, and the grounds for said dismissal.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4112. An act granting an increase of pension to Elizabeth Wynne;

H. R. 2353. An act granting an increase of pension to Sophia C. Hilleary;

H. R. 14150. An act granting an increase of pension to John J. Carberry;
H. R. 12058. An act granting an increase of pension to John W. Dickey;
H. R. 9771. An act granting an increase of pension to Mary E. Weaver;
H. R. 10686. An act granting an increase of pension to Michael Kurtz;
H. R. 7367. An act granting an increase of pension to John M. Barron;
H. R. 3359. An act granting an increase of pension to Cyrus E. Salada;
H. R. 5245. An act granting an increase of pension to William A. Helt;
H. R. 13501. An act granting an increase of pension to James L. Townsend;
H. R. 3712. An act granting a pension to Frederick W. Tappmeyer;
H. R. 12052. An act granting a pension to Walter P. Mitchell;
H. R. 11984. An act granting an increase of pension to Edward C. Jones;
H. R. 10969. An act granting an increase of pension to Joseph H. Shay;
H. R. 7241. An act granting an increase of pension to Philip H. Strunk;
H. R. 1907. An act granting an increase of pension to Wyman J. Crow;
H. R. 15744. An act granting an increase of pension to Edward L. Russell;
H. R. 14951. An act granting an increase of pension to Benjamin F. Watts;
H. R. 11402. An act granting an increase of pension to Agnes B. Hesler;
H. R. 6543. An act granting an increase of pension to Robert Liggatt;
H. R. 12397. An act granting an increase of pension to Alfred Chill;
H. R. 4211. An act granting an increase of pension to Elijah Roberts;
H. R. 5089. An act granting an increase of pension to Charles W. McKenney;
H. R. 5692. An act granting an increase of pension to John Shanley;
H. R. 15269. An act granting a pension to Anna C. Owen;
H. R. 14576. An act granting an increase of pension to Evelyn M. Dunn;
H. R. 6948. An act granting an increase of pension to Joshua Parsons;
H. R. 808. An act granting an increase of pension to George Deland;
H. R. 11451. An act granting an increase of pension to Alexander Morrison;
H. R. 15743. An act granting an increase of pension to Desire Leglise;
H. R. 8166. An act granting an increase of pension to Martha A. Johnson;
H. R. 10945. An act granting a pension to Lola Qualls;
H. R. 9115. An act granting an increase of pension to Merritt Mead;
H. R. 11148. An act granting an increase of pension to George W. Stanfield;
H. R. 6961. An act granting an increase of pension to Thomas E. Rice;
H. R. 10554. An act granting an increase of pension to John McGregor;
H. R. 6640. An act granting an increase of pension to John A. Courtney;
H. R. 5436. An act granting a pension to Hiram Baird;
H. R. 5461. An act granting an increase of pension to Preston D. Roady;
H. R. 12576. An act granting an increase of pension to William M. Kitts;
H. R. 11235. An act granting a pension to Clarissa E. McCormick;
H. R. 12577. An act granting an increase of pension to James Graves;
H. R. 1099. An act granting an increase of pension to Lewis O. Marshall;
H. R. 4655. An act granting an increase of pension to Henry Jeffers;
H. R. 14184. An act granting an increase of pension to James Ginnane;
H. R. 6506. An act granting an increase of pension to Edward M. Rhoades;
H. R. 15688. An act granting an increase of pension to Augustus H. Haines;
H. R. 6129. An act granting an increase of pension to Edwin M. Raymond;
H. R. 2558. An act granting an increase of pension to John Cummings;
H. R. 11661. An act granting an increase of pension to William H. McClurg;
H. R. 5037. An act granting an increase of pension to Richard H. Stillwell;
H. R. 11788. An act granting an increase of pension to Henry L. Kyler;
H. R. 4948. An act granting a pension to Wilson H. Davis;
H. R. 2151. An act granting an increase of pension to Samuel H. Hunt;
H. R. 9798. An act granting an increase of pension to Isaac W. Sherman;
H. R. 14601. An act granting an increase of pension to William Scheall;
H. R. 12859. An act granting an increase of pension to James Donnelly;
H. R. 15404. An act granting an increase of pension to John A. Hayward;
H. R. 10272. An act granting an increase of pension to Lorenzo Streeter;
H. R. 14855. An act granting an increase of pension to Henry C. Thayer;
H. R. 15144. An act granting an increase of pension to William J. Reynolds;
H. R. 912. An act granting an increase of pension to John F. Dorsey;
H. R. 6832. An act granting an increase of pension to Nathaniel Cayes;
H. R. 15785. An act granting an increase of pension to Charles E. Young;
H. R. 3287. An act granting an increase of pension to Orin Plaisted;
H. R. 15680. An act granting an increase of pension to Isaac Hanson;
H. R. 15071. An act granting an increase of pension to Matilda L. Curkendall;
H. R. 15779. An act granting an increase of pension to Lucinda M. Reeves;
H. R. 15791. An act granting a pension to Mary Suppes;
H. R. 6857. An act granting an increase of pension to Lorenzo D. Jameson;
H. R. 5341. An act granting a pension to Jennie Petteys;
H. R. 14774. An act granting an increase of pension to Albert S. Graham;
H. R. 14879. An act granting an increase of pension to Benjamin Dillingham;
H. R. 14875. An act granting an increase of pension to Seeley Earnest;
H. R. 15207. An act granting an increase of pension to Amos Jones;
H. R. 15634. An act granting a pension to Harriet A. Orr;
H. R. 15473. An act granting an increase of pension to James W. Capron;
H. R. 8996. An act granting an increase of pension to Diah Lovejoy;
H. R. 15387. An act granting an increase of pension to William Hall;
H. R. 13064. An act granting an increase of pension to John K. Tyler;
H. R. 11178. An act for the relief of Miss Lelia G. Cayce;
H. R. 1979. An act providing for the extension of the National Cemetery, on Williamsburg turnpike, near the city of Richmond, Va.;
H. R. 11584. An act for the protection of wild animals and birds in the Wichita Forest Reserve;
H. R. 16160. An act granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.; and
H. R. 16582. An act to authorize the Union Trust and Storage Company to change its corporate name.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4897. An act granting an increase of pension to Reubin Allred;
S. 4121. An act granting an increase of pension to James D. Beasley;
S. 5568. An act granting an increase of pension to Flora B. Bonham;
S. 5939. An act granting an increase of pension to George W. Hall;

S. 5868. An act granting an increase of pension to Mary C. Buck;
S. 5938. An act granting an increase of pension to Owen A. Willey;
S. 5940. An act granting an increase of pension to Jason R. C. Hoyt;
S. 5757. An act granting an increase of pension to William A. Luther;
S. 5712. An act granting an increase of pension to Sally Dickinson;
S. 6321. An act granting a pension to Hattie F. Davis;
S. 6092. An act granting an increase of pension to Elijah W. Gordon;
S. 6091. An act granting an increase of pension to William Welch;
S. 184. An act granting an increase of pension to John Bartlett;
S. 355. An act granting a pension to Sarah Jane Simonds;
S. 4239. An act granting an increase of pension to William H. McCann;
S. 6130. An act granting an increase of pension to Charles L. Harmon;
S. 5426. An act granting a pension to Henry O. Kent;
S. 5961. An act granting an increase of pension to Warren P. Tenney;
S. 5958. An act granting an increase of pension to Mary J. Bartlett;
S. 5842. An act granting an increase of pension to Thomas G. Parish;
S. 6004. An act granting an increase of pension to James Hulme;
S. 5841. An act granting an increase of pension to Nelson P. Smith;
S. 6094. An act granting an increase of pension to Ephraim W. Harrington;
S. 5975. An act granting an increase of pension to Lucy Lytton;
S. 5947. An act granting an increase of pension to Florence O. Whitman;
S. 1420. An act granting an increase of pension to Gustavus S. Young;
S. 4888. An act granting an increase of pension to Pierpont H. B. Moulton;
S. 2707. An act granting an increase of pension to James M. Clemens;
S. 5678. An act granting a pension to Margaret McKee Pentland;
S. 6116. An act granting an increase of pension to Francis M. Sams;
S. 5509. An act granting an increase of pension to Susie G. Seabury;
S. 4760. An act granting an increase of pension to Ezekiel Riggs;
S. 5527. An act granting an increase of pension to John A. Kingman;
S. 5727. An act granting an increase of pension to Jesse Woodruff;
S. 6194. An act granting an increase of pension to William S. Moorhouse;
S. 5856. An act granting an increase of pension to William V. Morrison;
S. 2572. An act granting an increase of pension to Thomas J. Lucas;
S. 5540. An act granting an increase of pension to Jerome Bradley;
S. 141. An act granting an increase of pension to James W. Kinkead;
S. 5943. An act granting an increase of pension to Jared Prindle;
S. 2074. An act granting an increase of pension to James A. Harper;
S. 5698. An act granting an increase of pension to Martin Schubert;
S. 1794. An act granting an increase of pension to Joseph C. Walkinshaw;
S. 6193. An act granting an increase of pension to Jacob O. White;
S. 5670. An act granting an increase of pension to James William Stickley;
S. 5953. An act granting an increase of pension to Charles P. Thurston;
S. 5451. An act granting an increase of pension to George W. Benedict;
S. 5941. An act granting an increase of pension to Alma Yohun;
S. 3635. An act granting a pension to John M. Godown;
S. 4135. An act granting an increase of pension to Jane Francis;
S. 2419. An act granting an increase of pension to Jane M. Black;
S. 6192. An act granting an increase of pension to James McGinnis;
S. 6195. An act granting an increase of pension to Frederick Feigley;
S. 6085. An act granting an increase of pension to Leonard Delamater;
S. 6191. An act granting an increase of pension to Charles R. Van Norman;
S. 6196. An act granting an increase of pension to William C. Dickinson;
S. 4159. An act granting an increase of pension to George W. Gray;
S. 3939. An act granting an increase of pension to James Miller;
S. 4691. An act granting an increase of pension to Leonard L. Lancaster;
S. 5550. An act granting an increase of pension to Martin Mack;
S. 825. An act granting an increase of pension to Jessie Collins;
S. 830. An act granting an increase of pension to Thomas H. Muchmore;
S. 69. An act granting an increase of pension to Francis C. Brown;
S. 104. An act granting an increase of pension to Abner Taylor;
S. 5432. An act granting an increase of pension to Elias Stillwell;
S. 3074. An act granting an increase of pension to Isaac Davisson;
S. 826. An act granting an increase of pension to John C. Bertolette;
S. 5802. An act granting an increase of pension to Luther M. Bartlow;
S. 5812. An act granting an increase of pension to William T. Graham;
S. 5808. An act granting an increase of pension to William Steele;
S. 6268. An act granting an increase of pension to Adria M. S. Moale;
S. 5892. An act granting an increase of pension to Cyrus Wetherell;
S. 5815. An act granting an increase of pension to James McKim;
S. 6074. An act granting an increase of pension to William Smith;
S. 6152. An act granting an increase of pension to Annie E. Wilson;
S. 5766. An act granting an increase of pension to Andrew S. Graham;
S. 4823. An act granting an increase of pension to Mary Martin;
S. 5705. An act granting a pension to Mary L. Faunt Le Roy;
S. 5971. An act granting a pension to Cordelia Bird;
S. 3435. An act granting a pension to Mazilla Lester;
S. 4722. An act granting a pension to M. V. Trough;
S. 2828. An act granting a pension to Phoebe E. Lyda;
S. 2913. An act granting an increase of pension to Elizabeth F. Givin;
S. 3517. An act granting an increase of pension to John B. Hammers;
S. 2189. An act granting an increase of pension to Joseph K. Armstrong;
S. 5523. An act granting an increase of pension to James Minnick;
S. 6351. An act granting an increase of pension to Martin T. Cross;
S. 535. An act for the relief of Charles R. Hooper;
S. 5809. An act granting an increase of pension to Cyrus Wetherell;
S. 5455. An act granting an increase of pension to Jeanie G. Lyles;
S. 3517. An act granting an increase of pension to John B. Hammer;
S. 4075. An act granting an increase of pension to Charles M. Shepherd;
S. 4392. An act granting an increase of pension to Samuel Hyatt;
S. 4660. An act granting an increase of pension to Nellie B. Newton;

S. 159. An act to extend the provisions of sections 5399 and 5406 of the Revised Statutes to the preliminary examinations held before a commissioner lawfully appointed by any court of the United States;

S. 1284. An act to restore to the active list of the Navy the name of Talleyrand Desaix Myers; and

S. 2514. An act to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4728. An act granting an increase of pension to William Smith; and

H. R. 15895. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. HALE, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 15225. An act to amend the act relating to the printing and distribution of public documents, and for other purposes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 12, 1905:

H. R. 2510. An act for the construction of a steam revenue-cutter adapted to service in the waters of Albermarle and Pamlico sounds, North Carolina; and

H. R. 15317. An act to build a bridge across the Ouachita River, Arkansas.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bill, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 15320. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columba," approved June 3, 1896.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River; and

S. 6261. An act permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House to consider bills on the Private Calendar, in accordance with the order of the House passed on yesterday. Pending that motion, Mr. Speaker, I will ask unanimous consent that the bills be considered in the House as in Committee of the Whole.

The SPEAKER. Under the five-minute rule?

Mr. SULLOWAY. Under the five-minute rule.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar, and asks unanimous consent that the bills may be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. BARTLETT. Mr. Speaker, I suppose this order includes bills from the Pension Committee as well as from the Committee on Invalid Pensions.

The SPEAKER. Bills in order under the rule.

Mr. LOUDENSLAGER. All bills in order under the rule.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore (Mr. CAPRON). The Clerk will read the first bill.

HARRIS GRAFFEN.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harris Graffen shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Sixth Regiment Pennsylvania Cavalry Volunteers on the 18th day of September, 1862, and that the charge of desertion standing against him upon the records of said regiment shall hereafter be held and considered to be erroneous and without effect.

With the following committee amendment:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. GROSVENOR. Mr. Speaker, from what committee did this bill come?

Mr. LOUDENSLAGER. It came from the Committee on Military Affairs.

Mr. GROSVENOR. I would like to have the report read.

Mr. LOUDENSLAGER. Perhaps I can state to the gentleman the facts.

Mr. GROSVENOR. That may do as well.

Mr. LOUDENSLAGER. This soldier ran away from college and enlisted. His father went after him, got him out, and took him home. He reenlisted and went back into the service. He was a commissioned officer in the service, but he was of a peculiar temperament, and for some reason, having his own horse, he left the service and reenlisted again as a private.

Mr. GROSVENOR. He deserted?

Mr. LOUDENSLAGER. Yes; the charge against him was desertion, but he reenlisted. He was drawing a hundred dollars a month as an officer, but he reenlisted as a private at $13 a month and served until the close of the war.

Mr. GROSVENOR. Did he get a local bounty?

Mr. LOUDENSLAGER. He did not; not a single dollar. He served until the close of the war, and his continuous service amounted to three years and four months.

Mr. GIBSON. Was he honorably discharged from his last service?

Mr. LOUDENSLAGER. He was honorably discharged from his last service.

Mr. GROSVENOR. Then the War Department did not know of his former desertion, or he would not have been.

Mr. LOUDENSLAGER. That may or may not be. There are lots of that kind where they have an honorable discharge from their last service, although they have another record that is not good.

Mr. GROSVENOR. Well, Mr. Speaker, I shall make no further opposition to this, but I will not allow it to be a precedent.

Mr. LOUDENSLAGER. This bears the unanimous indorsement of the Committee on Military Affairs.

Mr. MADDOX. When did he desert, or when is he charged to have deserted?

Mr. LOUDENSLAGER. In 1864. The date is in the report. He enlisted in 1862.

Mr. MADDOX. Did he really desert or was he simply charged with having deserted?

Mr. LOUDENSLAGER. It was only a technical desertion, because he left the one service and immediately enlisted in the other.

Mr. MADDOX. As a private?

Mr. LOUDENSLAGER. As a private.

Mr. MADDOX. And now the gentleman desires to restore him as a lieutenant on the roll?

Mr. LOUDENSLAGER. Oh, no; we just want to correct his record.

Mr. MADDOX. Does he draw a pension as a lieutenant?

Mr. LOUDENSLAGER. No; he is dead.

Mr. MADDOX. Oh, dead! [Laughter.] Surely the gentleman does not want to restore him after he is dead?

Mr. LOUDENSLAGER. Oh, no; this is merely to correct his record.

Mr. MADDOX. I suppose he has a widow?

Mr. LOUDENSLAGER. Yes.

Mr. GROSVENOR. Mr. Speaker, I would like to ask a question.

Mr. LOUDENSLAGER. I shall endeavor to answer the question.

Mr. GROSVENOR. Ought there not to be an amendment that a certified copy of our proceedings here in reference to the matter shall be sent to some place, to be of benefit to him in any future overhauling that he may have to undergo? [Laughter.]

Mr. LOUDENSLAGER. Oh, I trust any communication from this House would reach where he is.

Mr. WILLIAMS of Mississippi. It would be very apt to, unless he was a very good man. [Renewed laughter.]

Mr. GIBSON. Mr. Speaker, I would say in reference to the widow's right to a pension that Congress three years ago passed an act that where a man that had several services and was honorably discharged from his last service, provided he served six or more months in the last service, that such a discharge should be a discharge from prior services, so far as the pension laws are concerned. So this bill is not necessary to enable the widow to get a pension. She can get a pension under the law now without this bill.

The SPEAKER pro tempore. The question is on the amendments.

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

FREDERICK W. JOSLIN.

The next business on the Private Calendar was the bill (S. 3246) to remove the charge of desertion from the name of Frederick W. Joslin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now borne on the records of the War Department against the name of Frederick W. Joslin, late a private in Company C, One hundred and sixteenth New York Infantry, and to grant to the said Frederick W. Joslin an honorable discharge from the service of the United States, to bear date from the day on which said One hundred and sixteenth New York Infantry was mustered out of the service.

Mr. BARTLETT. Mr. Speaker, I desire to inquire of the Chair whether or not on this day, aside from pension bills, these bills for the removal of the charge of desertion or for correcting the record where a man's record is bad, are in order. I make the parliamentary inquiry as to whether they are in order the same as bills which are from the Committee on Pensions and the Committee on Invalid Pensions.

The SPEAKER pro tempore. The Chair will refer the gentleman from Georgia to the rule. The Chair will state to the gentleman that under the rule under which we are this day proceeding the bills for the removal of the charge of desertion are in order. I have been informed by the Clerk, however, that the two bills which have just been read are the only two of the kind on to-day's Calendar.

Mr. BARTLETT. There are quite a number here reported from the Committee on Military Affairs on the Calendar as printed and furnished to the House, and if they are of the same character as those to be taken up, I would like to know whether they are to take precedence of all other bills in the House on pension day.

The SPEAKER pro tempore. The Chair will state that they do come under the rule under which we are proceeding to-day.

Mr. BARTLETT. Mr. Speaker, I will raise the point of order in order to get a ruling from the Chair.

The SPEAKER pro tempore. The Chair has no hesitation in ruling that the bills are in order under the rule.

The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

JONAS H. UPTON.

The next pension business was the bill (H. R. 15415) granting an increase of pension to Jonas H. Upton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas H. Upton, late of Company D, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB R. SHARRETTS.

The next pension business was the bill (H. R. 15660) granting an increase of pension to Jacob R. Sharretts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob R. Sharretts, late of Company K, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," to strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW HALL.

The next pension business was the bill (H. R. 10181) granting an increase of pension to Andrew Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Hall, late of Companies A and H, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Companies A and" and insert in lieu thereof the words "captain Company."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AARON S. GATLIFF.

The next pension business was the bill (H. R. 15617) granting an increase of pension to A. S. Gatliff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. S. Gatliff, late of Company G, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Aaron."

In line 7, before the word "Mounted," strike out the word "Volunteer."

In same line, after the word "Mounted," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Aaron S. Gatliff."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN R. MANSON.

The next pension business was the bill (H. R. 15558) granting an increase of pension to Edwin R. Manson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Manson, late of Company K, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the letter "L."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY KING.

The next pension business was the bill (H. R. 15633) granting an increase of pension to Henry King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry King, late of Company D, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET N. JONES.

The next pension business was the bill (H. R. 15719) granting a pension to Cynthia A. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia A. Jones, daughter of Jacob Jones, late of Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Cynthia A." and insert in lieu thereof the words "Harriet N."

In same line strike out the word "daughter" and insert in lieu thereof the word "widow."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

In the same line, after the word "month," insert the words "in lieu of that she is now receiving: *Provided*, That in the event of the death of Cynthia A. Jones, helpless and dependent child of said Jacob Jones, the additional pension herein granted shall cease and determine. *And provided further*, That in the event of the death of Harriet N. Jones, the name of said Cynthia A. Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Harriet N. Jones."

Amend the title so as to read: "A bill granting an increase of pension to Harriet N. Jones."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN O. PIERCE.

The next pension business was the bill (H. R. 15732) granting an increase of pension to Edward O. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward O. Pierce, late of Company H, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Edward" and insert in lieu thereof the word "Edwin."

Amend the title so as to read: "A bill granting an increase of pension to Edwin O. Pierce."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. M'CLUNG.

The next pension business was the bill (H. R. 15893) granting an increase of pension to James A. McClung.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. McClung, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM S. RADCLIFFE.

The next pension business was the bill (H. R. 15886) granting an increase of pension to William S. Radcliffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Radcliffe, late of Company B, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN ELLIS.

The next pension business was the bill (H. R. 15911) granting an increase of pension to Edwin Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Ellis, late of Company F, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving. Said pension to be paid to his legally appointed guardian.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 9 and 10 and insert in lieu thereof the words "receiving, the same to be paid to his legally constituted guardian."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SULLOWAY. Mr. Speaker, the beneficiary mentioned in the foregoing bill is dead, and therefore I move that the bill be laid on the table.

The motion was agreed to.

JOHN L. LEE.

The next pension business was the bill (H. R. 12795) granting an increase of pension to John L. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Lee, late of Company K, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. GAUT.

The next pension business was the bill (H. R. 13105) granting an increase of pension to William F. Gaut.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Gant, late of Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Gant" and insert in lieu thereof the word "Gaut."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to William F. Gaut."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE WEEKS.

The next pension business was the bill (H. R. 13419) granting an increase of pension to George Weeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Weeks, late of Company A, Twenty-ninth, and Company B, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company A, Twenty-ninth, and" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER MOORE.

The next pension business was the bill (H. R. 14635) granting an increase of pension to Alexander Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Moore, late of Company F, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. ELSTON.

The next pension business was the bill (H. R. 15019) granting an increase of pension to John H. Elston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John H. Elston, late of Company G, Fortieth Regiment, and Company K, Fifty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY LEIB.

The next pension business was the bill (H. R. 14908) granting an increase of pension to Henry Lieb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Lieb, late of Company L, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lieb" and insert in lieu thereof the word "Leib."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Henry Leib."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. WARNER.

The next pension business was the bill (H. R. 15782) granting an increase of pension to Charles H. Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Warner, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID GUTHRIE.

The next pension business was the bill (H. R. 15722) granting an increase of pension to David Guthrie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Guthrie, late of Company I, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MONROE CHAPIN.

The next pension business was the bill (H. R. 14680) granting an increase of pension to Monroe Chapin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Monroe Chapin, late of Company C, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRISON BALL.

The next pension business was the bill (H. R. 15776) granting an increase of pension to Harrison Ball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison Ball, late of Companies E and H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Companies" and insert in lieu thereof the word "Company."

In same line strike out the words "and H."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. PRINCE.

The next pension business was the bill (H. R. 9774) granting an increase of pension to James M. Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Prince, late of Company G, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. WALKER.

The next pension business was the bill (H. R. 15835) granting a pension to James M. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Walker, late of Company B, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James M. Walker."

LOREN T. AUSTIN.

The next pension business was the bill (H. R. 15855) granting an increase of pension to Loren T. Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Loren T. Austin, late of Company A, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "T."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Loren Austin."

ANDREW PINNEY.

The next pension business was the bill (H. R. 15431) granting an increase of pension to Andrew Pinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Pinney, late of Company E, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SMITH.

The next pension business was the bill (H. R. 16123) granting an increase of pension to William Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Smith, late of Company K, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. BRUNER.

The next pension business was the bill (H. R. 11018) granting an increase of pension to William B. Bruner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Bruner, of Rock Island, Ill., late of Company D, Third Regiment Indiana Foot Volunteers, Mexican war, and Company A, Ninety-third Regiment Illinois Volunteer Infantry, war of the rebellion, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Bruner, late of Company A, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BUTLER.

The next pension business was the bill (H. R. 9550) granting a pension to William Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Butler (certificate No. 131897), late of Company —, ——— Regiment —— Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Butler, late of Company E, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Butler."

GEORGE T. BARKER.

The next pension business was the bill (H. R. 15903) granting an increase of pension to George T. Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George T. Barker, late captain Company B, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "B, Twenty-first," and insert in lieu thereof the words "A, Sixty-first."

In line 8 strike out the word "fifty," and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH WINGATE.

The next pension business was the bill (H. R. 15784) granting an increase of pension to Joseph Wingate.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wingate, late of Company A, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH PERSHING.

The next pension business was the bill (H. R. 9769) granting an increase of pension to Joseph Pershing.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Pershing, late of Company G, Ninth Regiment Pennsylvania Reserves, and Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "Reserves, and Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry" and insert in lieu thereof the words "Reserve Volunteer Infantry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN N. MATTHEWS.

The next pension business was the bill (H. R. 10948) granting an increase of pension to John N. Matthews.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Matthews, late of the United States Navy, in the civil war, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the words "boatswain's mate, U. S. S. Robb."

In same line strike out the words "in the."

In line 7 strike out the words "civil war."

In same line strike out the word "seventy-two" and insert in lieu thereof the word "sixty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. GUDGELL.

The next pension business was the bill (H. R. 12255) granting an increase of pension to Benjamin F. Gudgell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Gudgell, late of Company F, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WINFIELD S. RUSSELL.

The next pension business was the bill (H. R. 11055) granting an increase of pension to Winfield S. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield S. Russell, late of Company I, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER W. KREEGER.

The next pension business was the bill (H. R. 2046) granting an increase of pension to Peter W. Krieger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Peter W. Krieger, late of Company K, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Krieger" and insert in lieu thereof the word "Kreeger."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Peter W. Kreeger."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM STONE.

The next pension business was the bill (H. R. 2469) granting an increase of pension to William Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Stone, late of Company I, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB COCHRAN.

The next pension business was the bill (H. R. 3373) granting an increase of pension to Jacob Cochran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Cochran, late of Company C, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Second," insert the words "Seventeenth Regiment Pennsylvania Volunteer Cavalry, and Company C."

In line 7, before the word "Cavalry," insert the word "Provisional."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH HODGSON.

The next pension business was the bill (H. R. 4900) granting a pension to Sarah Hodgson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hodgson, widow of John P. Hodgson, late of Company G, Forty-eighth Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Sarah Hodgson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM QUALK.

The next pension business was the bill (H. R. 5243) granting an increase of pension to Hiram Qualk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Qualk, late of Company I, Fifth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OBADIAH J. MERRILL.

The next pension business was the bill (H. R. 5286) granting an increase of pension to Obadiah J. Merrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Obadiah J. Merrill, late of Company F, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER C. BOWEN.

The next pension business was the bill (H. R. 6957) granting an increase of pension to A. C. Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. C. Bowen, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the word "Alexander."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Alexander C. Bowen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN WHITE.

The next pension business was the bill (H. R. 7097) granting an increase of pension to John White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John White, late a private in Company H, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

R. HOWARD WALLACE.

The next pension business was the bill (H. R. 15768) granting an increase of pension to R. Howard Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. Howard Wallace, late chaplain of the One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES M. GARRETT.

The next pension business was the bill (H. R. 7252) granting a pension to James M. Garrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Garrett, a helpless son of John M. Garrett, deceased, late of Company A, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of James M. Garrett, helpless and dependent son of John M. Garrett, late of Company A, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ALBERT Z. NORTON.

The next pension business was the bill (H. R. 9065) granting an increase of pension to Albert Z. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Z. Norton, late of Company I, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JESSE SIMS.

The next pension business was the bill (H. R. 7074) granting an increase of pension to Jesse Sims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Sims, late of Company G, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

NANCY HILL.

The next pension business was the bill (H. R. 12155) granting a pension to Nancy Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Hill, widow of Walter Hill, late of Company A, First Regiment Wisconsin Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN S. PARKER.

The next pension business was the bill (H. R. 8049) granting an increase of pension to John S. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Parker, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and commissioned second lieutenant February 11, 1865, and honorably discharged at Washington, D. C., by reason of general orders of the War Department, on June 8, 1865, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and commissioned second lieu-" and all of lines 8, 9, and 10.

In line 11 strike out the words "eighth, eighteen hundred and sixty-five."

In line 12 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN W. GUEST.

The next pension business was the bill (H. R. 8477) granting a pension to John W. Guest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Guest, late Captain Gilbreth's company of scouts and guides, Alabama Volunteers, and pay him a pension at the rate of $8 per month

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Gilbreth's" and insert in lieu thereof the word "Gilbreath's"

In same line, before the word "scouts," strike out the word "of" and insert in lieu thereof the words "Alabama Volunteer."

In line 7 strike out the words "Alabama Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS M. HICKS.

The next pension business was the bill (H. R. 8839) granting an increase of pension to Thomas N. Hicks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas N. Hicks, late of Company G, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "N." and insert in lieu thereof the letter "M."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Thomas M. Hicks."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

FRANCIS M. HAY.

The next pension business was the bill (H. R. 4322) granting an increase of pension to Francis M. Hay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Hay, late of Company F, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BROOKS.

The next pension business was the bill (H. R. 15631) granting an increase of pension to John Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brooks, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M'KENZIE.

The next pension business was the bill (H. R. 4873) granting an increase of pension to John McKenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McKenzie, late of Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADAM HAND.

The next pension business was the bill (H. R. 4942) granting an increase of pension to Adam Hand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Hand, late first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, war of the rebellion, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Hand, late first lieutenant Company B, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BARNETT SMITH.

The next pension business was the bill (H. R. 5154) granting an increase of pension to Barnett Smith.

Mr. SULLOWAY. Mr. Speaker, the beneficiary in this bill is dead. I therefore move that the bill be laid on the table.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

MARY A. JOHNS.

The next pension business was the bill (H. R. 5821) granting a pension to Mary A. Johns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Johns, widow of Frederick W. Johns, late a private of Company C, Fifty-first Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 7, before the word "Pennsylvania," insert the word "Regiment."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL K. WHITE.

The next pension business was the bill (H. R. 5884) granting an increase of pension to S. K. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. K. White, late of Company E, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."

In same line strike out the word "Indiana" and insert in lieu thereof the words "New Jersey."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Samuel K. White."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES J. CHAMPLIN.

The next pension business was the bill (H. R. 6507) to increase the pension of James J. Champlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Champlin, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James J. Champlin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. GRIFFITH.

The next pension business was the bill (H. R. 132) granting an increase of pension to James P. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Griffith, late of Company F, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AVA D. BENJAMIN.

The next pension business was the bill (H. R. 963) granting an increase of pension to Ara D. Benjamin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ara D. Benjamin, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ara" and insert in lieu thereof the word "Ava."

In line 7 strike out the word "Wisconsin" and insert in lieu thereof the word "Ohio."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Ava D. Benjamin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYRUS HURD.

The next pension business was the bill (H. R. 1573) granting an increase of pension to Cyrus Hurd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Hurd, late of Company F, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Artillery," insert the words "and unassigned Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL TILLINGHAST.

The next pension business was the bill (H. R. 3002) granting an increase of pension to Samuel Tillinghast.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Tillinghast, late a seaman in the United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "a seaman in the" and insert in lieu thereof the words "of U. S. S. Ohio, North Carolina, and Crusader."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB F. FRENCH.

The next pension business was the bill (H. R. 3286) granting an increase of pension to Jacob F. French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob F. French, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH A. KREHBIEL.

The next pension business was the bill (H. R. 15685) granting an increase of pension to Elizabeth A. Krehbeil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Krehbeil, widow of John D. Krehbeil, late captain Company I, Forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A."

In same line, before the word "widow," strike out the word "Krehbeil" and insert in lieu thereof the word "Krehbiel."

In same line, before the word "late," strike out the word "Krehbeil" and insert in lieu thereof the word "Krehbiel."

In line 7 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, before the word "Forty-first," insert the words "and H."

Amend the title so as to read: "A bill granting an increase of pension to Elizabeth Krehbiel."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES J. ESTY.

The next pension business was the bill (H. R. 8859) granting an increase of pension to Charles J. Esty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Esty, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN TUITE.

The next pension business was the bill (H. R. 15504) granting an increase of pension to Ellen Tuite.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Tuite, widow of Andrew J. Tuite, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. CROLY.

The next pension business was the bill (H. R. 11847) granting an increase of pension to James B. Croly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Croly, late of Company H, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUTHER W. CANNON.

The next pension business was the bill (H. R. 15710) granting an increase of pension to Luther W. Cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther W. Cannon, late of Company C, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. SHIREMAN.

The next pension business was the bill (H. R. 15730) granting an increase of pension to Benjamin F. Shireman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Shireman, late of Company F, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISRAEL ROLL.

The next pension business was the bill (H. R. 15746) granting an increase of pension to Israel Roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel Roll, late of Company G, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARVIN WELTON.

The next pension business was the bill (H. R. 15872) granting an increase of pension to Marvin Welton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marvin Welton, late of Company F, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN H. SCRIVENS.

The next pension business was the bill (H. R. 15869) granting an increase of pension to Benjamin H. Scrivens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Scrivens, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SHADRICK.

The next pension business was the bill (H. R. 15924) granting an increase of pension to William Shadrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Shadrick, late of Company G, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Fifth" and insert in lieu thereof the word "Third."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISABELLA BRYSON.

The next pension business was the bill (H. R. 12820) granting an increase of pension to Isabella Bryson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Bryson, widow of Charles H. Bryson, late captain Company F, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Pennsylvania," insert the words "and first lieutenant Company G, Eighty-seventh Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

RUTH M. SHEPLEY (NOW HASKELL).

The next pension business was the bill (H. R. 13170) granting an increase of pension to Ruth M. Haskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth M. Haskell, dependent mother of Enoch F. Cutts, late of Company A, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Haskell," insert the words "Shepley, now."

In same line, before the word "Enoch," insert the words "Roscoe Shepley, alias."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Ruth M. Shepley, now Haskell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS SMART.

The next pension business was the bill (H. R. 723) granting an increase of pension to Thomas Smart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Smart, late of Company I, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM STARKS.

The next pension business was the bill (H. R. 13260) granting an increase of pension to William Starks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Starks, late of Company I, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARRIE E. RISLEY.

The next pension business was the bill (H. R. 14028) granting an increase of pension to Carrie E. Risley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie E. Risley, widow of John W. Risley, late first lieutenant Company F, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now reseiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "first" and insert in lieu thereof the word "second."

In line 7 strike out the word "Company" and insert in lieu thereof the word "Battery."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EARL J. LAMSON.

The next pension business was the bill (H. R. 14219) granting an increase of pension to Earl J. Lamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Earl J. Lamson, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISABELLA BURKE.

The next pension business was the bill (H. R. 15239) granting a pension to Isabella Burk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Burk, widow of Benjamin Burk, late of Company A, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Isabella," strike out the word "Burk" and insert in lieu thereof the word "Burke."

In same line, after the word "Benjamin," strike out the word "Burk" and insert in lieu thereof the words "Burke, alias Johnson."

Amend the title so as to read: "A bill granting a pension to Isabella Burke."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. BAKER.

The next pension business was the bill (H. R. 15240) granting an increase of pension to James C. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Baker, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. ATWATER.

The next pension business was the bill (H. R. 15344) granting an increase of pension to William B. Atwater, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Atwater, sr., late of Company B, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "senior."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William B. Atwater."

ISAAC B. SNIVELY.

The next pension business was the bill (H. R. 15466) granting an increase of pension to Isaac B. Snively.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac B. Snively, late of Company D, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER H. MARTIN.

The next pension business was the bill (H. R. 15489) granting an increase of pension to Oliver H. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. Martin, late of Company E, Thirty-fourth Regiment Indiana Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."
In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES SLATER.

The next pension business was the bill (H. R. 6702) granting an increase of pension to James Slater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Slater, late of Company I, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES BAREMORE.

The next pension business was the bill (H. R. 12252) granting an increase of pension to James Baremore, alias James Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Baremore, alias James Baker, late of Company A, Nineteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "C."
In line 7 strike out the words "Nineteenth Regiment United States Volunteer Infantry" and insert in lieu thereof the words "First Regiment Michigan Volunteer Cavalry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET LA PARLE.

The next pension business was the bill (H. R. 15864) granting a pension to Margaret Laparle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Laparle, widow of Eli Laparle, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Laparle" and insert in lieu thereof the words "La Parle."
In same line, before the word "late," strike out the word "Laparle" and insert in lieu thereof the words "La Parle."
In line 7, before the word "Michigan," insert the words "and Company B, First Regiment."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "eight."

Mr. LUCKING. Mr. Speaker, by authority of the committee, I offer the following amendment to the amendment of the committee striking out "fifty" and inserting "eight:" Strike out "eight" and insert "twelve."

The amendment to the amendment was agreed to.

The other amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting a pension to Margaret La Parle."

BARNEY CARROLL.

The next pension business was the bill (H. R. 15632) granting an increase of pension to Barney Carroll.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney Carroll, late of Company B, Thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARK WILDE.

The next pension business was the bill (H. R. 15863) granting an increase of pension to Mark Wilde.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mark Wilde, late of Company B, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD ROOT.

The next pension business was the bill (H. R. 16121) granting an increase of pension to Edward Root.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Root, late of Company B, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WARREN C. GILBREATH.

The next pension business was the bill (H. R. 14785) granting an increase of pension to Warren C. Gilbreath.

Mr. SULLOWAY. Mr. Speaker, I move that that bill be reported to the House with the recommendation that it lie on the table. The beneficiary is dead.

The motion was agreed to.

CHARLES W. YOUNG.

The next pension business was the bill (H. R. 968) granting an increase of pension to Charles Warren Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Warren Young, late of Company B, Sixteenth Regiment Wisconsin Volunteer Infantry, any pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Warren" and insert in lieu thereof the letter "W."
Amend the title so as to read: "A bill granting an increase of pension to Charles W. Young."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GOODSPEED.

The next pension business was the bill (H. R. 9062) granting a pension to John Goodspeed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Goodspeed, late of Captain Guthrie's company of mechanics and fusileers, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROLEN J. SOUTHERLAND.

The next pension business was the bill (H. R. 8476) granting a pension to Rolan J. Southerland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rolan J. Southerland, late of Captain Gilbreth's company, Scouts and Guides, Alabama Volunteers, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Rolan" and insert in lieu thereof the word "Rolen."
In same line strike out the word "Gilbreth's" and insert in lieu thereof the word "Gilbreath's."
In same line, after the word "company," insert the word "Alabama."
In line 7, before the word "Scouts," insert the word "Volunteer."
In same line strike out the words "Alabama Volunteers."
Amend the title so as to read: "A bill granting a pension to Rolen J. Southerland."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN L. PEMBLETON.

The next pension business was the bill (H. R. 1491) granting an increase of pension to Martin L. Pembleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Pembleton, late of Company A, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LEONARD.

The next pension business was the bill (H. R. 15871) granting an increase of pension to John Leonard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Leonard, late of Company E, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. CHENEY.

The next pension business was the bill (H. R. 15922) granting an increase of pension to William J. Cheney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Cheney, late of Company D, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. SHAW.

The next pension business was the bill (H. R. 13756) granting a pension to Mary A. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Shaw, widow of Daniel Hartzell, late of Company E, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."
In line 7 strike out the words "One hundred and forty-ninth" and insert in lieu thereof the word "Seventh."
In line 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK LILJE.

The next pension business was the bill (H. R. 13877) granting an increase of pension to Frederick Lilje.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Lilje, late of Company A, Seventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "I."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUSERN ALLEN.

The next pension business was the bill (H. R. 14798) granting an increase of pension to Lucern Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucern Allen, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lucern" and insert in lieu thereof the word "Lusern."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Lusern Allen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EVELINE V. FERGUSON.

The next pension business was the bill (H. R. 5822) granting an increase of pension to Eveline V. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eveline V. Ferguson, widow of William J. Ferguson, late a gunner in the United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the."
In line 8 strike out "twenty-five" and insert "eighteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID C. POSEY.

The next pension business was the bill (H. R. 8708) granting an increase of pension to David C. Posey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Posey, late of Company B, Second Regiment Illinois Volunteer Infantry, Mexican war, and Company C, Forty-third Regiment Wisconsin Volunteer Infantry, civil war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Mexican war" to "war with Mexico."
In lines 7, 8, and 9 strike out "and Company C, Forty-third Regiment Wisconsin Volunteer Infantry, civil war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

HENRIETTA WEIDNER.

The next pension business was the bill (H. R. 10712) granting a pension to Henrietta Weidner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Weidner, widow of William M. Weidner, late of United States Navy, war with Mexico, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "M." where it appears in the deceased sailor's name to "N."
In line 7 strike out "of" and insert "first-class boy and coal heaver, United States ship Scorpion."
In line 8 strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, and it was accordingly read the third time, and passed.

JOSEPH WOODS.

The next pension business was the bill (H. R. 14600) granting an increase of pension to Joseph Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Woods, of Plymouth, Ill., late of Company D, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendents recommended by the committee were read, as follows:

In line 6 strike out "of Plymouth, Ill.;" in line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, and it was accordingly read the third time, and passed.

SARAH JANE GRISSOM.

The next pension business was the bill (H. R. 11494) granting an increase of pension to Sarah Jane Grissom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Jane Grissom, of White County, Tenn., widow of George W. Grissom, late private in Company C, First Regiment Alabama Infantry, Mexican war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of White County, Tenn.;" in line 7 strike out "private in" and insert "of."

In line 8, after "Alabama," insert "Volunteer," and in the same line change "Mexican war" to "war with Mexico."

In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, and it was accordingly read the third time, and passed.

MARGARET RUSSELL.

The next pension business was the bill (H. R. 12660) granting an increase of pension to Margaret Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Russell, widow of George Russell, late of United States Navy, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out "of" and insert "quarter gunner, United States ship Raritan."

In line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

PAUL W. THOMSON.

The next pension business was the bill (H. R. 14406) granting a pension to Paul W. Thomson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul W. Thomson, late of Company M, Third United States Cavalry, war with Spain, certificate No. 1290707, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Third," insert "Regiment."

In lines 7, 8, 9, and 10 strike out "certificate No. 1290707, and pay him a pension at the rate of $30 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN CROTTY.

The next pension business was the bill (H. R. 15535) granting an increase of pension to John Crotty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Crotty, late lieutenant, Company L, Fortieth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert "First;" and in the same line strike out "Company L."

In line 7 strike out "Kansas" and insert "United States;" and in the same line, after the word "Infantry," insert "war with Spain."

In lines 7 and 8 strike out "and pay him a pension at the rate of $40 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CHARLES P. MORRISON.

The next pension business was the bill (H. R. 16166) granting an increase of pension to Charles P. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Morrison, late lieutenant of Company A, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."

In the same line, before the word "Company," strike out the word "of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE W. CRAIG.

The next pension business was the bill (H. R. 3426) granting an increase of pension to George W. Craig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Craig, late of Company D, Fourteenth Regiment Missouri Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

In the same line strike out the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting a pension to George W. Craig."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

FLORENCE EMERY BLAKE.

The next pension business was the bill (H. R. 16053) granting a pension to Florence Emery Blake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence Emery Blake, widow of the late John W. Blake, major, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late."

In the same line, after the word "Blake," insert the word "late."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-five."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Florence Emery Blake."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN W. STRAYER.

The next pension business was the bill (H. R. 15760) granting an increase of pension to John W. Strayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Strayer, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. M'CLELLAN.

The next pension business was the bill (H. R. 15865) granting an increase of pension to William H. McClellan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McClellan, late of Company F, One hundred and seventy-first Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Pennsylvania," insert the word "Regiment."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. CLARK.

The next pension business was the bill (H. R. 12090) granting an increase of pension to William R. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Clark, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LORETTA V. BIGGS.

The next pension business was the bill (H. R. 15169) granting an increase of pension to Loretta V. Biggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Loretta V. Biggs, widow of Cyrus F. H. Biggs, late surgeon of the One hundred and thirty-seventh Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "of the."
In line 8, after the word "Colored," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THERESA M. KENNEDY.

The next pension business was the bill (H. R. 15491) granting a pension to Theresa M. Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theresa M. Kennedy, widow of William Kennedy, late of Company K, One hundred and fifty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Kennedy," insert the words "alias Whalen."
In line 8, after the word "Infantry," insert the words "and Company I, Fourteenth Regiment Veteran Reserve Corps."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT JONES.

The next pension business was the bill (H. R. 11499) granting an increase of pension to Albert Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Jones, late of Company B, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MALANA W. BRANT.

The next pension business was the bill (H. R. 11312) granting an increase of pension to Malana W. Brant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Malana W. Brant, widow of William Brant, late of Company A, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "A, First Regiment, and Company B, Fourth Regiment, New Jersey Volunteer Infantry, and captain Company B, First Battalion New Jersey Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MILLER.

The next pension business was the bill (H. R. 15097) granting a pension to William H. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Miller, late of Company C, Second Battalion Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. MARPLE.

The next pension business was the bill (H. R. 10342) granting an increase of pension to William W. Marple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Marple, late colonel and brevet brigadier-general Thirty-fourth Regiment United States Colored Troops, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "and brevet brigadier-general."
In line 8 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN WHITE.

The next pension business was the bill (H. R. 7000) granting an increase of pension to John White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John White, late of Company F, Thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company K, Twentieth Regiment New York Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT CLARKE.

The next pension business was the bill (H. R. 6310) granting a pension to Robert Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Clark, late of Company F, First Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Clark" and insert in lieu thereof the word "Clarke."
In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."
In line 7 strike out the word "of."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Robert Clarke."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. BROOKS.

The next pension business was the bill (H. R. 4169) granting a pension to T. J. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. J. Brooks, late of Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T." and insert in lieu thereof the word "Thomas."
In same line and in line 7 strike out the words "One hundred and thirty-first" and insert in lieu thereof the word "Seventy-fourth."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "thirty."
In line 9, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Thomas J. Brooks."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. MOORE.

The next pension business was the bill (H. R. 16149) granting an increase of pension to Thomas J. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Moore, late captain Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "captain," insert the words "second lieutenant, Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT WEBB.

The next pension business was the bill (H. R. 2946) granting an increase of pension to Albert Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Webb, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE S. WILLIAMS.

The next pension business was the bill (H. R. 16603) granting an increase of pension to George S. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Williams, late of Company I, Forty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of ——— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONAS ADLER.

The next pension business was the bill (H. R. 15575) granting an increase of pension to Jonas Adler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas Adler, late of Company B, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Mr. VANDIVER. Mr. Speaker, I desire to offer an amendment to the bill, striking out "twenty-four" and inserting "forty." I do it simply for this reason, that the old man is in distressed circumstances, almost entirely helpless, requiring assistance most of the time, and I think if the committee had been fully aware of his condition, and had taken all the circumstances into consideration, they would have made it at least that much. I desire to offer that as an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amend the committee amendment by striking out "twenty-four" and inserting "forty."

Mr. SULLOWAY. Mr. Speaker, I hope the gentleman will change it from forty to thirty, because even if this man was totally blind he would only get $30, and $40 is beyond all precedent.

Mr. VANDIVER. I will adopt the suggestion of the chairman of the committee, if that is the case.

The SPEAKER pro tempore. Does the Chair understand the gentleman withdraws his amendment?

Mr. VANDIVER. I adopt the suggestion of the chairman of the committee, making it $30 instead of $40.

The SPEAKER pro tempore. Then it only remains for the gentleman to withdraw the amendment, and the committee amendment to be voted down. The gentleman, I understand, withdraws his amendment.

Mr. VANDIVER. Yes, sir.

The SPEAKER pro tempore. The question now is upon the adoption of the committee amendment.

The question was taken, and the Chair announced that the Chair was in doubt.

Mr. GIBSON. Mr. Speaker, what is the committee amendment?

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out "thirty" and insert "twenty-four."

The SPEAKER pro tempore. The gentleman from Missouri does not want that; he wants that amendment voted down.

Mr. VANDIVER. Yes, sir.

The SPEAKER pro tempore. The Chair will ask the House to vote more numerously.

The question was taken, and the amendment was rejected.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHERINE E. RAY.

The next pension business was the bill (H. R. 16442) granting an increase of pension to Catherine E. Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine E. Ray, widow of Alfred C. Ray, late of Company D, Seventy-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHNSON ANDERSON.

The next pension business was the bill (H. R. 16348) granting an increase of pension to Johnson Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johnson Anderson, late of Company H, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MERRICK D. FROST.

The next pension business was the bill (H. R. 16175) granting an increase of pension to Merrick D. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merrick D. Frost, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DORA SMITH.

The next pension business was the bill (H. R. 13969) granting a pension to Dora Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora Smith, widow of Samuel M. Smith, late of Company M, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first and second lieutenant Company D and captain Company C."
In same line strike out the words "of Company."
In line 7 strike out the letter "M."
In line 8, after the word "month," insert the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Dora Smith."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN RENINGER.

The next pension business was the bill (H. R. 15848) granting an increase of pension to John Renninger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Renninger, late of Captain Jones's independent company, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Renninger" and insert in lieu thereof the word "Reninger."
In same line, before the word "Jones's," insert the word "Wellington."
Amend the title so as to read: "A bill granting an increase of pension to John Reninger."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL SHADMAN.

The next pension business was the bill (H. R. 15850) granting an increase of pension to Samuel Shadman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shadman, late of Company H, Fifth Regiment Pennsylvania Reserves, and Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "H, Fifth Regiment."
In line 7 strike out the words "Pennsylvania Reserves, and Company."
In line 9 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID GALBREATH.

The next pension business was the bill (H. R. 15857) granting an increase of pension to David Galbraith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Galbraith, late a private of Company K, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Galbraith" and insert in lieu thereof the word "Galbreath."
In same line strike out the words "a private."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."
Amend the title so as to read: "A bill granting an increase of pension to David Galbreath."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. HOPKINS.

The next pension business was the bill (H. R. 15866) granting an increase of pension to Benjamin F. Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Hopkins, late of Company D, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK B. SCHNEBLY.

The next pension business was the bill (H. R. 13007) granting an increase of pension to Frederick B. Schnebly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick B. Schnebly, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company D, Twelfth Regiment Ohio Volunteer Infantry" and insert in lieu thereof the words "Signal Corps, United States Army."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CULLEN.

The next pension business was the bill (H. R. 15918) granting an increase of pension to Thomas Cullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Cullen, late of Company F, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREEMAN C. WITHERBY.

The next pension business was the bill (H. R. 15927) granting an increase of pension to Freeman C. Witherby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeman C. Witherby, late of United States ship Indianola, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "United States ship" and insert in lieu thereof the words "the U. S. S."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. CRAY.

The next pension business was the bill (H. R. 15930) granting an increase of pension to William H. Cray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Cray, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA E. BROWN.

The next pension business was the bill (H. R. 15929) granting a pension to Anna E. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Brown, widow of Charles E. Brown, late colonel Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $100 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "colonel" and insert in lieu thereof the word "lieutenant-colonel."

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna E. Brown."

PHILANDER S. WRIGHT.

The next pension business was the bill (H. R. 15947) granting a pension to Philander S. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philander S. Wright, late of Company G, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Philander S. Wright."

IRA D. M'CLARY.

The next pension business was the bill (H. R. 15954) granting an increase of pension to Ira D. McClary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira D. McClary, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and second lieutenant Company A, Sixth Regiment Veteran Reserve Corps."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK O'BRIEN.

The next pension business was the bill (H. R. 16054) granting an increase of pension to Patrick O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick O'Brien, late of Company B, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET H. BRADY.

The next pension business was the bill (H. R. 16087) granting an increase of pension to Harriet H. Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet H. Brady, widow of Thomas J. Brady, late major Eighth Regiment and colonel One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS LANNING.

The next pension business was the bill (H. R. 16104) granting an increase of pension to Thomas Lanning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Lanning, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY PEOPLES.

The next pension business was the bill (H. R. 15769) granting an increase of pension to Henry Peoples.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Peoples, late of Company B, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MOLLIE TOWNSLEY.

The next pension business was the bill (H. R. 15639) granting a pension to Mollie Townsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mollie Townsley, totally helpless daughter of Thomas Townsley, late of Company H, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "totally."

In the same line, after the word "helpless," insert the words "and dependent."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES DUFFY.

The next pension business was the bill (H. R. 8395) granting a pension to James Duffy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Duffy, late of Company H, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James Duffy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM TAWNEY.

The next pension business was the bill (H. R. 15657) granting an increase of pension to William Tawney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Tawney, late of Company I, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WALDRON C. TOWNSEND.

The next pension business was the bill (H. R. 15728) granting an increase of pension to Waldron Cheney Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Waldron Cheney Townsend, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Cheney" and insert in lieu thereof the letter "C."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Waldron C. Townsend."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS C. JOHNSON.

The next pension business was the bill (H. R. 3710) granting a pension to Thomas C. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas C. Johnson, late private in Company C, Tenth Regiment of Missouri State Militia Volunteer Cavalry, and to pay him a pension of $50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas C. Johnson, late of Company C, Tenth Regiment, and Company C, Third Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Thomas C. Johnson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORATIO W. LONGA.

The next pension business was the bill (H. R. 15786) granting an increase of pension to Horatio W. Longa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio W. Longa, late of First Independent Battery, New Hampshire Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "First Independent Battery" and insert in lieu thereof the words "Company M, First Regiment."

In line 7 strike out the word "Light" and insert in lieu thereof the word "Heavy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. TRAVIS.

The next pension business was the bill (H. R. 16420) granting an increase of pension to William C. Travis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Travis, late of Company D, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD J. DILLON.

The next pension business was the bill (H. R. 16167) granting an increase of pension to Edward J. Dillon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward J. Dillon, late of Company G, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES GWYN.

The next pension business was the bill (H. R. 16194) granting an increase of pension to James Gwyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Gwyn, late colonel One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES J. RICHARDS.

The next pension business was the bill (H. R. 15783) granting an increase of pension to Charles J. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Richards, late first lieutenant Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE A. SMITH.

The next pension business was the bill (H. R. 16395) granting an increase of pension to Josephine A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine A. Smith, widow of Arthur T. Smith, late of Company I, Fourteenth Regiment New Hampshire Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M'GUCKIAN.

The next pension business was the bill (H. R. 16199) granting an increase of pension to Joseph McGuckian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McGuckian, late of general service, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GRANVILLE F. PLUMMER.

The next pension business was the bill (H. R. 15781) granting an increase of pension to Granville F. Plummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Granville F. Plummer, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

BENJAMIN H. HARTMAN.

The next pension business was the bill (H. R. 16234) granting an increase of pension to Benjamin H. Hartman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Hartman, late of Company E, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LLEWELLYN NILES.

The next pension business was the bill (H. R. 16263) granting an increase of pension to Lewellyn Niles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewellyn Niles, late of Company G, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lewellyn" and insert in lieu thereof the word "Llewellyn."

Amend the title so as to read: "A bill granting an increase of pension to Llewellyn Niles."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN WALZ.

The next pension business was the bill (H. R. 16259) granting an increase of pension to John Walz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Walz, late of Company A, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JACOB BOWERS.

The next pension business was the bill (H. R. 16617) granting a pension to Jacob Bowers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Bowers, late of Company B, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Jacob Bowers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

EUGENE C. MOGER.

The next pension business was the bill (H. R. 16125) granting an increase of pension to Eugene C. Moger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene C. Moger, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "National Guard."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS E. SKIDMORE.

The next pension business was the bill (H. R. 1324) granting an increase of pension to Thomas E. Skidmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Skidmon, late of Company C, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "E. Skidmon" and insert in lieu thereof the word "Skidmore."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

Amend the title so as to read: "A bill granting an increase of pension to Thomas Skidmore."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

SAMPSON T. GROVE.

The next pension business was the bill (H. R. 2476) granting an increase of pension to S. T. Grove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. T. Grove, late of Company L, Twelfth Regiment Ohio Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Sampson."

In line 7, before the word "Cavalry," insert the word "Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to Sampson T. Grove."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOSEPH M. WHITE.

The next pension business was the bill (H. R. 5951) granting an increase of pension to Joseph M. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. White, late of Company H, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES B. JUDSON.

The next pension business was the bill (H. R. 4676) granting an increase of pension to James B. Judson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Judson, late of Company D, Fourth Michigan Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Michigan," insert the word "Regiment."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS SCOTT.

The next pension business was the bill (H. R. 7987) granting an increase of pension to Francis Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Scott, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED N. BROWN.

The next pension business was the bill (H. R. 16618) granting a pension to Alfred N. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred N. Brown, late of Company G, First New York Volunteer Light Artillery, and United States Navy, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company G, First New York Volunteer Light Artillery and" and insert in lieu thereof the words "of the U. S. S. Commodore Perry."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Alfred N. Brown."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BURLEIGH C. D. READ.

The next pension business was the bill (H. R. 8208) granting a pension to Burleigh C. D. Read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burleigh C. D. Read, late of Company B, One hundred and thirty-second Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "National Guard."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving.
Amend the title so as to read: "A bill granting an increase of pension to Burleigh C. D. Read."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN MORGAN.

The next pension business was the bill (H. R. 16124) granting an increase of pension to John Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Morgan, late of Company A, Twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "New York" and insert in lieu thereof the words "New Jersey."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. WHEELER.

The next pension business was the bill (H. R. 13082) granting an increase of pension to William E. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Wheeler, late of Company C, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL W. SMITH.

The next pension business was the bill (H. R. 15775) granting an increase of pension to Daniel W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Smith, late of Company D, Thirty-third Regiment, and Company K, Twenty-sixth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN KESLER.

The next pension business was the bill (H. R. 13324) granting an increase of pension to John Kesler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kesler, late of Company H, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9, after the word "receiving," insert the words "the same to be paid to his duly constituted guardian."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASBURY W. HAMILTON.

The next pension business was the bill (H. R. 14560) granting an increase of pension to Asbury W. Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asbury W. Hamilton, late of Company I, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. WESSON.

The next pension business was the bill (H. R. 15747) granting an increase of pension to Henry A. Wesson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Henry A. Wesson, late of Company E, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the Committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMPSON I. MARTIN.

The next pension business was the bill (H. R. 14797) granting an increase of pension to Thompson I. Martin.

Mr. FULLER. Mr. Speaker, there is a Senate bill for the same man, and I move that this bill lie on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves that the bill lie on the table. Without objection, it will be so ordered. [After a pause.] The Chair hears no objection.

DAVID ROTHSCHELL.

The next pension business was the bill (H. R. 15030) granting an increase of pension to David Rothschell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Rothschell, late of Company C, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CONSTANTINE J. M'LAUGHLIN.

The next pension business was the bill (H. R. 15079) granting an increase of pension to Constantine J. McLaughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Constantine J. McLaughlin, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. CARPENTER.

The next pension business was the bill (H. R. 15406) granting an increase of pension to George W. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Carpenter, late of Company H, Seventeenth Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Seventeenth," insert the word "Regiment."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK H. OLIVER.

The next pension business was the bill (H. R. 15497) granting an increase of pension to Patrick H. Oliver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick H. Oliver, late of Company K, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company K" and insert in lieu thereof the word "commissary-sergeant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHAON HARTMAN.

The next pension business was the bill (H. R. 15729) granting an increase of pension to Phaon Hartman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phaon Hartman, late of Company D, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSA MILLER.

The next pension business was the bill (H. R. 9410) granting a pension to Rosa Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa Miller, widow of Michael Miller, late of Company H, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH W. TYLER.

The next pension business was the bill (H. R. 16303) granting an increase of pension to Joseph W. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Tyler, late of Company K, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISRAEL PURDY.

The next pension business was the bill (H. R. 7378) granting an increase of pension to Israel Purdy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel Purdy, late of United States frigate Roanoke, United States Navy, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "frigate" and insert in lieu thereof the word "ship."
In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."
In line 9, after the word "receiving," insert the words "under the provisions of the act of June 27, 1890."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REV. JOEL W. NYE.

The next pension business was the bill (H. R. 7607) granting a pension to Rev. Joel W. Nye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rev. Joel W. Nye, late chaplain of the Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Rev."
In same line strike out the words "of the."
In line 8 strike out the word "seventeen" and insert in lieu thereof the word "twelve."
Amend the title so as to read: "A bill granting a pension to Joel W. Nye."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M'FARLANE.

The next pension business was the bill (H. R. 8077) granting an increase of pension to John McFarlane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John McFarlane, late seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "seaman" and insert in lieu thereof the words "of the U. S. S. North Carolina and Octorara."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES L. CAPP.

The next pension business was the bill (H. R. 9140) granting an increase of pension to James L. Capp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Capp, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORTIMER C. BRIGGS.

The next pension business was the bill (H. R. 16390) granting an increase of pension to Mortimer C. Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mortimer C. Briggs, late of Company K, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BRYAN.

The next pension business was the bill (H. R. 16598) granting an increase of pension to John Bryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bryan, late of Company I, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GREEN YEISER.

The next pension business was the bill (H. R. 16499) granting an increase of pension to Green Yeiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Green Yeiser, late of Company G, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE PETERS.

The next pension business was the bill (H. R. 16683) granting a pension to Jesse Peters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Peters, late of Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATTHEW C. DANFORTH.

The next pension business was the bill (H. R. 15699) granting an increase of pension to Matthew C. Danforth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew C. Danforth, late ordinary seaman in the United States Navy, on U. S. S. Grampus and U. S. S. Carondelet, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "late ordinary seaman in the," all of line 7, and in line 8 the words "U. S. S. Carondelet," and insert in lieu thereof the words "late of the U. S. S. Grampus and Corondelet, United States Navy."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER MARCUS BUMP.

The next pension business was the bill (H. R. 15946) granting an increase of pension to Oliver Marcus Bump.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Marcus Bump, late of Battery F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK M. HALBRITTER.

The next pension business was the bill (H. R. 16481) granting an increase of pension to F. M. Halbritter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of F. M. Halbritter, late of Company E, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "F." and insert in lieu thereof the word "Frederick."

Amend the title so as to read: "A bill granting an increase of pension to Frederick M. Halbritter."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DILLION ASHER.

The next pension business was the bill (H. R. 16503) granting a pension to Dillion Asher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dillion Asher, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Dillion Asher."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALTA MIRA PARSONS.

The next pension business was the bill (H. R. 2781) granting a pension to Altamira M. Parsons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Altamira M. Parsons, widow of Albert D. Parsons, late of Company B,

Ninety-seventh Regiment New York State Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Altamira M." and insert in lieu thereof the words "Alta Mira."

In same line, after the word "late," strike out the word "of" and insert the word "captain."

In line 7 strike out the word "State" and insert in lieu thereof the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alta Mira Parsons."

JACOB STEFFES.

The next pension business was the bill (H. R. 13887) granting an increase of pension to Jacob Steffes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Steffes, alias Jacob Staffs, late of Company G, Second Regiment Provisional Volunteer Cavalry, also Company D, Tenth United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "alias Jacob Staffs."

In same line, before the word "Company," insert the words "Company G, Sixth Regiment Pennsylvania Volunteer Cavalry, and."

In line 7, before the word "Provisional," insert the word "Pennsylvania."

In same line and in line 8 strike out the words "also Company D, Tenth United States Infantry."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM Y. CLINTON.

The next pension business was the bill (H. R. 14140) granting an increase of pension to William Y. Clinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Y. Clinton, late of Company E, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN VINCENT.

The next pension business was the bill (H. R. 16385) granting an increase of pension to Edwin Vincent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Vincent, late first lieutenant Company D, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLOTTE M. WYLIE.

The next pension business was the bill (H. R. 14485) granting a pension to Charlotte M. Wylie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte M. Wylie, widow of Farrand Wylie, late assistant surgeon Eighty-sixth Regiment, and surgeon One hundred and fifty-fifth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Farrand" and insert in lieu thereof the word "Farand."

In lines 7 and 8 strike out the words "and surgeon One hundred and fifty-fifth Regiment."

In line 9 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM N. MEACHAM.

The next pension business was the bill (H. R. 15004) granting an increase of pension to William N. Meacham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Meacham, late first lieutenant Company K, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "first" and insert in lieu thereof the word "second."

In same line strike out the letter "K" and insert in lieu thereof the letter "G."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. PRILL.

The next pension business was the bill (H. R. 12601) granting an increase of pension to Francis M. Prill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Prill, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA CORTRIGHT.

The next pension business was the bill (H. R. 3799) granting a pension to Emma Cortright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Cortright, widow of George A. Cortright, late of Company D, Third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "N."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA ELDRED.

The next pension business was the bill (H. R. 5123) granting a pension to Maria Olmsted Eldred.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Olmsted Eldred, late nurse at Falls Church Hospital, Fairfax County, Va., and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: of Maria Eldred, formerly Maria Olmstead, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Maria Eldred, formerly Maria Olmstead."

CHARLES D. FORTNEY.

The next pension business was the bill (H. R. 4595) granting an increase of pension to Charles D. Fortney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Fortney, late of the Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the words "assistant surgeon."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. BESIER.

The next pension business was the bill (H. R. 7350) granting an increase of pension to John C. Besier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Besier, late first lieutenant Company D, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY RADER.

The next pension business was the bill (H. R. 16502) granting a pension to Henry Rader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Rader, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Henry Rader."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. GLENN.

The next pension business was the bill (H. R. 16525) granting an increase of pension to Henry A. Glenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Glenn, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN CALVERT.

The next pension business was the bill (H. R. 16715) granting a pension to Helen Calvert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Calvert, helpless and dependent daughter of Washington Calvert, late of Company F, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. SMITH.

The next pension business was the bill (H. R. 15637) granting an increase of pension to William A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Smith, late of Company K, Sixteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. CATON.

The next pension business was the bill (H. R. 16526) granting an increase of pension to John H. Caton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Caton, late captain Company F, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER HORTH.

The next pension business was the bill (H. R. 15733) granting an increase of pension to Peter Horth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Horth, late of Company I, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN TUSING.

The next pension business was the bill (H. R. 16392) granting an increase of pension to John W. Tusing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Tusing, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to John Tusing."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH M. KETCHAM.

The next pension business was the bill (H. R. 16455) granting a pension to Howard P. Ketcham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard P. Ketcham, son of Edward M. Ketcham, late of Company D, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Elizabeth M. Ketcham, widow of Edward M. Ketcham, late of Company D, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Howard P. Ketcham, helpless and dependent child of said Edward M. Ketcham, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth M. Ketcham, the name of said Howard P. Ketcham shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth M. Ketcham."

Amend the title so as to read: "A bill granting an increase of pension to Elizabeth M. Ketcham."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER JONES.

The next pension business was the bill (H. R. 16426) granting an increase of pension to Alexander Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Jones, late of Company H, Ninety-eighth Ohio Volunteer Infantry, and Company C, Seventy-fourth Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ohio" and insert in lieu thereof the word "Regiment."

In line 7 strike out the words "Volunteer Infantry."

In same line, before the word "Ohio," insert the word "Regiment."

In line 9 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. DUNCAN.

The next pension business was the bill (H. R. 15741) granting an increase of pension to John S. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Duncan, late of Company I, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ANDREW J. CLARK.

The next pension business was the bill (H. R. 16077) granting an increase of pension to Andrew J. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Clark, late of Company A, Eighth Regiment Massachusetts Volunteer Infantry, and Company C, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS REYNOLDS.

The next pension business was the bill (H. R. 16896) granting an increase of pension to Thomas Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Reynolds, late of Companies K and I, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies K and I, Seventeenth" and insert in lieu thereof the words "Company K, Seventh Regiment."

In line 7 strike out the words "Regiment United States Infantry" and insert in lieu thereof the words "Veteran Reserve Corps."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM W. SMITH.

The next pension business was the bill (H. R. 16226) granting an increase of pension to William W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Smith, late of Company G, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

BRYAN DUNBAR.

The next pension business was the bill (H. R. 16386) granting an increase of pension to Bryan Dunbar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bryan Dunbar, late of Company G, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Bryan Dunbar."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

PRESTON GLOVER.

The next pension business was the bill (H. R. 16480) granting an increase of pension to Preston Glover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Preston Glover, late of Company H, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LAURA A. HINKLEY.

The next pension business was the bill (H. R. 16813) granting an increase of pension to Laura A. Hinkley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura A. Hinkley, widow of Clark Hinkley, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $26 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Herman E. Hinkley, minor child of Clark Hinkley, prior to reaching the age of 16 years, or when said minor child shall have reached the age of 16 years, $2 per month of this pension shall cease and determine: *Provided further*, That in the event of the death of Rhoda Hinkley, helpless and dependent child of said Clark Hinkley, $12 per month of the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Laura A. Hinkley the name of said Rhoda Hinkley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Laura A. Hinkley.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the word "six."

Strike out all of lines 10, 11, 12, 13, and in line 14 the words "this pension shall cease and determine," and insert in lieu thereof the following: "and $2 per month additional on account of a minor child of said soldier until such child arrives at the age of 16 years."

On page 2, in line 1, strike out the words "$12 per."

In line 2 strike out the words "month of."

In same line, after the word "pension," insert the words "of $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN PARKS.

The next pension business was the bill (H. R. 16141) granting an increase of pension to John Parks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Parks, formerly quartermaster of volunteers with the rank of colonel, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "formerly quartermaster of volunteers with the rank of colonel" and insert in lieu thereof the words "late captain and assistant quartermaster, United States Volunteers."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CHARLES M. FAY.

The next pension business was the bill (H. R. 16424) granting an increase of pension to Charles M. Fay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Fay, late of Company K, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company G, Sixth Regiment United States Veteran Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JEREMIAH CONNOR.

The next pension business was the bill (H. R. 16894) granting an increase of pension to Jeremiah Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Connor, late of United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias James Boone, late of the U. S. S. North Carolina and Monticello."

In same line strike out the words "late of."

Amend the title so as to read: "A bill granting an increase of pension to Jeremiah Conner, alias James Boone."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE F. LUDWIG.

The next pension business was the bill (H. R. 15887) granting an increase of pension to George F. Ludwig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Ludwig, late of Independent Battery D, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL LEWIS.

The next pension business was the bill (H. R. 16704) granting an increase of pension to Michael Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Lewis, late of Company L, Fourth United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Fourth," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISRAEL V. HOAG.

The next pension business was the bill (H. R. 15941) granting an increase of pension to Israel V. Hoag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel V. Hoag, late of Company E, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES E. ANDREWS.

The next pension business was the bill (H. R. 15888) granting an increase of pension to James E. Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Andrews, late of Company G, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL B. CLARK.

The next pension business was the bill (H. R. 15645) granting an increase of pension to Samuel B. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Clark, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL B. GRAY.

The next pension business was the bill (H. R. 16506) granting a pension to Samuel B. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Gray, late of Company E, Eighty—— Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighty," insert the word "seventh."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Samuel B. Gray."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VARNER G. ROOT.

The next pension business was the bill (H. R. 16544) granting an increase of pension to Varner G. Root.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Varner G. Root, late of Company F, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW S. RAY.

The next pension business was the bill (H. R. 16108) granting an increase of pension to A. S. Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. S. Ray, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Andrew."

Amend the title so as to read: "A bill granting an increase of pension to Andrew S. Ray."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLEN RIGGS.

The next pension business was the bill (H. R. 16173) granting an increase of pension to Allen Riggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen Riggs, late of Company E, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES J. CREIGH.

The next pension business was the bill (H. R. 16962) granting an increase of pension to James J. Creigh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Creigh, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. SILCOTT.

The next pension business was the bill (H. R. 16483) granting an increase of pension to James H. Silcott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Silcott, late of Company , Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the letter "E."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

COMMODORE P. HALL.

The next pension business was the bill (S. 1541) granting an increase of pension to Commodore P. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Commodore P. Hall, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and Company A, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

EDWARD SHIFLETT.

The next pension business was the bill (S. 1539) granting an increase of pension to Edward Shiflett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Shiflett, late of Company K, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

LOUISA D. MILLER.

The next pension business was the bill (S. 1413) granting a pension to Louisa D. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa D. Miller, widow of James Miller, late colonel One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

BEVERLY WAUGH.

The next pension business was the bill (S. 784) granting an increase of pension to Beverly Waugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Beverly Waugh, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

CALVIN H. MORRIS.

The next pension business was the bill (S. 776) granting an increase of pension to Calvin H. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin H. Morris, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

JERRY L. GRAY.

The next pension business was the bill (S. 5297) granting an increase of pension to Jerry L. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry L. Gray, late of Company A, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

LUCY JANE BALL.

The next pension business was the bill (S. 5206) granting an increase of pension to Lucy Jane Ball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Jane Ball, widow of Joseph J. G. Ball, late captain Company G, Eighty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

WILLIAM BERRY.

The next pension business was the bill (S. 5190) granting an increase of pension to William Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Berry, late of Company E, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

WILLIAM H. CHAMBERLIN.

The next pension business was the bill (S. 5120) granting an increase of pension to William H. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to to the provisions and limitations of the pension laws, the name of William H. Chamberlin, late of Company G, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

PHILO S. BARTOW.

The next pension business was the bill (S. 4986) granting an increase of pension to Philo S. Bartow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philo S. Bartow, late of Company B, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK CLARK.

The next pension business was the bill (S. 4766) granting an increase of pension to Frederick Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Clark, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WASHINGTON LENHART.

The next pension business was the bill (S. 5735) granting an increase of pension to Washington Lenhart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington Lenhart, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES E. GILBERT.

The next pension business was the bill (S. 5736) granting an increase of pension to Charles E. Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Gilbert, late of Company K, Thirtieth Regiment, and Company A, One hundred and ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ENOCH RUSSELL.

The next pension business was the bill (S. 5738) granting an increase of pension to Enoch Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Russell, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. SEE.

The next pension business was the bill (S. 5737) granting an increase of pension to John W. See.

Mr. BRADLEY. Mr. Speaker, I move that the bill be laid upon the table, as the beneficiary is dead.

The motion was agreed to.

CLEMON CLOOTEN.

The next pension business was the bill (S. 5740) granting an increase of pension to Clemon Clooten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clemon Clooten, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELMORE Y. CHASE.

The next pension business was the bill (S. 316) granting an increase of pension to Elmore Y. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmore Y. Chase, late surgeon, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANKLIN WALLER.

The next pension business was the bill (S. 5811) granting an increase of pension to Franklin Waller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Waller, late of Company B, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH REBER.

The next pension business was the bill (S. 5810) granting an increase of pension to Joseph Reber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Reber, late of Company G, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH J. F. ROBINSON.

The next pension business was the bill (S. 5807) granting an increase of pension to Sarah J. F. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. F. Robinson, widow of William W. Robinson, late colonel Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ADOLPHE BESSIE.

The next pension business was the bill (S. 5739) granting an increase of pension to Adolphe Bessie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphe Bessie, late first lieutenant and adjutant, Third Regiment South Carolina Volunteer Infantry (colored), and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "forty."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

DOTHA J. WHIPPLE.

The next pension business was the bill (S. 5716) granting an increase of pension to Dotha J. Whipple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dotha J. Whipple, widow of Charles Whipple, late lieutenant-colonel Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The title was amended so as to read: "A bill granting an increase of pension to Dotha J. Whipple."

The bill was ordered to a third reading, read the third time, and passed.

GEORGE W. LEHMAN.

The next pension business was the bill (S. 424) granting a pension to George W. Lehman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Lehman, late of Company I, Twenty-seventh Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

ABRAHAM B. MILLER.

The next pension business was the bill (S. 5508) granting a pension to Abraham B. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham B. Miller, late pilot, United States ship Minnesota, United States Navy, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

JAMES H. VENIER.

The next pension business was the bill (S. 3906) granting an increase of pension to James H. Venier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Venier, late of Company H, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

MARY E. BURRELL.

The next pension business was the bill (S. 5589) granting an increase of pension to Mary E. Burrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Burrell, widow of William Alexander Burrell, late of Company I, Thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

STEPHEN WELCH.

The next pension business was the bill (S. 5741) granting an increase of pension to Stephen Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Welch, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

MARY M. MITCHELL.

The next pension business was the bill (S. 5745) granting an increase of pension to Mary M. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Mitchell, widow of Solomon F. Mitchell, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

JOSEPH A. RHODES.

The next pension business was the bill (S. 5744) granting an increase of pension to Joseph A. Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Rhodes, late captain of Company M, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

SUSAN C. SCHROEDER.

The next pension business was the bill (S. 5558) granting an increase of pension to Susan C. Schroeder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan C. Schroeder, widow of Henry T. Schroeder, late of Company A, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and first lieutenant, Company B, First Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ANDREW FELLENTRETER.

The next pension business was the bill (S. 4070) granting an increase of pension to Andrew Fellentreter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Fellentreter, late of Company E, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES THOMPSON.

The next pension business was the bill (S. 2286) granting an increase of pension to James Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Thompson, late of Battery A, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM STRAWN.

The next pension business was the bill (S. 2238) granting an increase of pension to William Strawn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Strawn, late captain Company F, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, payable to his duly constituted guardian.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. THOMAS.

The next pension business was the bill (S. 1810) granting an increase of pension to George W. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Thomas, late of Company D, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

IRA K. EATON.

The next pension business was the bill (S. 552) granting an increase of pension to Ira K. Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira K. Eaton, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

CATHERINE JONES.

The next pension business was the bill (S. 5531) granting an increase of pension to Catherine Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Jones, widow of Henry F. Jones, late of Company E, Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

JOEL F. HOWE.

The next pension business was the bill (S. 5476) granting an increase of pension to Joel F. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel F. Howe, late of Company B, Sixth Regiment Minnesota Volunteer Infantry, and Company K, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

BIRD SOLOMON.

The next pension business was the bill (S. 5379) granting an increase of pension to Bird Solomon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bird Solomon, late of Battery A, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

RUHEMA C. HORSMAN.

The next pension business was the bill (S. 5427) granting an increase of pension to Ruhema C. Horsman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruhema C. Horsman, widow of Samuel Horsman, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS H. WALKER.

The next pension business was the bill (S. 4395) granting an increase of pension to Thomas H. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Walker, late second lieutenant Company K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was ordered to a third reading; and being read the third time, it was passed.

THOMAS J. SPENCER.

The next pension business was the bill (S. 4151) granting an increase of pension to Thomas J. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Spencer, late of Company I, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADRIANNA LOWELL.

The next pension business was the bill (S. 3001) granting an increase of pension to Adrianna Lowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adrianna Lowell, widow of Samuel Lowell, late of Company I, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MYRON D. HILL.

The next pension business was the bill (S. 2581) granting an increase of pension to Myron D. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myron D. Hill, late of Company A, Third Regiment Vermont Volunteer Infantry, and Company A, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALEXANDER M'CONNEHA.

The next pension business was the bill (S. 5535) granting an increase of pension to Alexander McConneha.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander McConneha, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWIN A. KNIGHT.

The next pension business was the bill (S. 5532) granting an increase of pension to Edwin A. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin A. Knight, late hospital steward, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM CODY.

The next pension business was the bill (S. 567) granting an increase of pension to William Cody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cody, late of Company K, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. HART.

The next pension business was the bill (S. 566) granting an increase of pension to William H. Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hart, late of Company K, First Regiment Rhode Island Volunteer Cavalry, and Company K, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH J. HEDRICK.

The next pension business was the bill (S. 3333) granting an increase of pension to Joseph J. Hedrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Hedrick, late of Company I, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving:

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMON A. WEBSTER.

The next pension business was the bill (S. 5346) granting an increase of pension to Amon A. Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amon A. Webster, late of Company C, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE R. LINGENFELTER.

The next pension business was the bill (S. 5450) granting an increase of pension to George R. Lingenfelter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Lingenfelter, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ARTHUR W. POST.

The next pension business was the bill (S. 3076) granting a pension to Arthur W. Post.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur W. Post, helpless and dependent child of John P. Post, late second lieutenant Company C, Fourth Regiment Illinois Volunteers, war with Mexico, and colonel Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

THOMAS BOYLE.

The next pension business was the bill (S. 2972) granting an increase of pension to Thomas Boyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Boyle, late of Company K, Fifth Regiment United States Infantry, and Company E, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM H. LEWIS.

The next pension business was the bill (S. 2848) granting an increase of pension to William H. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lewis, late of Company C, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

ALFRED H. LE FEVRE.

The next pension business was the bill (S. 3482) granting an increase of pension to Alfred H. Le Fevre.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Le Fevre, late of Company F, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN WORLEY.

The next pension business was the bill (S. 4808) granting an increase of pension to John Worley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Worley, late of Company F, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

PAUL DIEBITSCH.

The next pension business was the bill (S. 5271) granting an increase of pension to Paul Diebitsch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension law, the name of Paul Diebitsch, late of Company H, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN H. ASH.

The next pension business was the bill (S. 5378) granting an increase of pension to John H. Ash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Ash, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM R. CAHOON.

The next pension business was the bill (S. 5530) granting a pension to William R. Cahoon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Cahoon, late of Company A, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN A. STEELE.

The next pension business was the bill (S. 5781) granting an increase of pension to John A. Steele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Steele, late of Company C, Second Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN C. FELTON.

The next pension business was the bill (S. 3774) granting an increase of pension to John C. Felton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Felton, late of Companies A and F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of Companies A and" and insert in lieu thereof the words "captain Company."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

SAMUEL J. BRAINARD.

The next pension business was the bill (S. 2287) granting an increase of pension to Samuel J. Brainard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Brainard, late of Company B, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

CLARINDA A. SPEAR.

The next pension business was the bill (S. 2518) granting an increase of pension to Clarinda A. Spear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

HOWARD WILEY.

The next pension business was the bill (S. 3100) granting an increase of pension to Howard Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard Wiley, late of Company E, Sixty-third Regiment, and Company G, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

WILLIAM O. GOULD.

The next pension business was the bill (S. 3232) granting an increase of pension to William O. Gould.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Gould, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

CHARLES D. CREED.

The next pension business was the bill (S. 3286) granting an increase of pension to Charles D. Creed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Creed, late of Company A, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

REBECCA A. TETER.

The next pension business was the bill (S. 3356) granting an increase of pension to Rebecca A. Teter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca A. Teter, widow of Isaac P. Teter, late chaplain Seventh Regiment Iowa Volunteer Infantry and hospital chaplain, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

WELCOM B. FRENCH.

The next pension business was the bill (S. 3357) granting an increase of pension to Welcom B. French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Welcom B. French, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

JOHN C. CRAVEN.

The next pension business was the bill (S. 4477) granting an increase of pension to John C. Craven.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Craven, late of Company C, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

JOHN W. ROULLETT.

The next pension business was the bill (S. 4103) granting an increase of pension to John W. Roullett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Roullett, late of Company A, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

GEORGE E. YINGLING.

The next pension business was the bill (S. 4038) granting an increase of pension to George E. Yingling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George

E. Yingling, late of Company G, Sixteenth Regiment, and Companies G and D, Eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

GEORGE W. D. BUCHANAN.

The next pension business was the bill (S. 3239) granting an increase of pension to George W. D. Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. D. Buchanan, late of Company A, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE H. WOODBURY.

The next pension business was the bill (S. 5734) granting an increase of pension to George H. Woodbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Woodbury, late of Company F, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY BRESLIN.

The next pension business was the bill (S. 5859) granting an increase of pension to Henry Breslin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Breslin, late of Company A, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SIDNEY B. HAMILTON.

The next pension business was the bill (S. 5339) granting an increase of pension to Sidney B. Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney B. Hamilton, late of Company E, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MONROE W. WRIGHT.

The next pension business was the bill (S. 5733) granting an increase of pension to Monroe W. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Monroe W. Wright, late of Company B, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH A. ROWE.

The next pension business was the bill (S. 5501) granting an increase of pension to Sarah A. Rowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Rowe, widow of Amos M. Rowe, late of Company K, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY C. STROMAN.

The next pension business was the bill (S. 4221) granting an increase of pension to Henry C. Stroman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Stroman, late of Company I, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM RUFUS KELLY.

The next pension business was the bill (S. 4199) granting an increase of pension to William Rufus Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Rufus Kelly, late medical cadet and acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUSAN E. ARMITAGE.

The next pension business was the bill (S. 4002) granting an increase of pension to Susan E. Armitage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Armitage, widow of Isaac Armitage, late of Company B, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS COUGHLIN.

The next pension business was the bill (S. 5345) granting an increase of pension to Thomas Coughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Coughlin, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

THOMAS TAYLOR.

The next pension business was the bill (S. 5358) granting an increase of pension to Thomas Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Taylor, late of Company K, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

CAROLINE L. GUILD.

The next pension business was the bill (S. 5445) granting an increase of pension to Caroline L. Guild.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline L. Guild, widow of Phineas K. Guild, late assistant surgeon Fifty-second Regiment and surgeon One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

JOHN W. CARLETON.

The next pension business was the bill (S. 5512) granting an increase of pension to John W. Carleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Carleton, late of Third Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

SAMUEL S. LAMSON.

The next pension business was the bill (S. 5514) granting an increase of pension to Samuel S. Lamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Lamson, late of Company A, First Battalion Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

SAMUEL L. D. GOODALE.

The next pension business was the bill (S. 801) granting an increase of pension to Samuel L. D. Goodale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. D. Goodale, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

HENRY V. SIMS.

The next pension business was the bill (S. 850) granting an increase of pension to Henry V. Sims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry V. Sims, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ELIZABETH V. REYNOLDS.

The next pension business was the bill (S. 1981) granting an increase of pension to Elizabeth V. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth V. Reynolds, widow of William Reynolds, late first lieutenant Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill as amended was ordered to a third reading, read the third time, and passed.

RICHARD DUNN.

The next pension business was the bill (S. 2009) granting a pension to Richard Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Dunn, late of Company B, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill as amended was ordered to a third reading, read the third time, and passed.

PHILIP L. HITESHEW.

The next pension business was the bill (S. 2117) granting an increase of pension to Philip L. Hiteshew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip L. Hiteshew, late captain Company I, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to a third reading, read the third time, and passed.

WILLIAM DAR.

The next pension business was the bill (S. 2310) granting an increase of pension to William Dar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dar, late of Company I, Ninth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

GEORGE G. TUTTLE.

The next pension business was the bill (S. 2492) granting an increase of pension to George G. Tuttle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Tuttle, late of Company C, One hundred and fortieth Regiment Illinois Volunteer Infantry, and Company K, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ALFRED TICHURST.

The next pension business was the bill (S. 2493) granting an increase of pension to Alfred Tichurst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Tichurst, late of United States steamer Curlew, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

SAMUEL G. MAGRUDER.

The next pension business was the bill (S. 1208) granting an increase of pension to Samuel G. Magruder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Magruder, late of Company H, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ANDREW C. KEMPER.

The next pension business was the bill (S. 2890) granting an increase of pension to Andrew C. Kemper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Kemper, late captain and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

JAMES BRYSON.

The next pension business was the bill (S. 5857) granting an increase of pension to James Bryson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Bryson, late of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ROBERT N. BUTTON.

The next pension business was the bill (S. 4408) granting an increase of pension to Robert N. Button.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert N. Button, late of Company D, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

THOMPSON MARTIN.

The next pension business was the bill (S. 5129) granting an increase of pension to Thompson Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thompson Martin, late of Company I, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

WILLIAM P. RENFRO.

The next pension business was the bill (S. 5214) granting an increase of pension to William P. Renfro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Renfro, late captain Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

CORA A. BAKER.

The next pension business was the bill (S. 4393) granting an increase of pension to Cora A. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora A. Baker, widow of Robert S. Baker, late captain Company F, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HUBBARD.

The next pension business was the bill (S. 5858) granting an increase of pension to John Hubbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hubbard, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY L. DUFF.

The next pension business was the bill (S. 844) granting an increase of pension to Mary L. Duff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Duff, widow of Henry M. Duff, late assistant surgeon and surgeon Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. HALL.

The next pension business was the bill (S. 2333) granting an increase of pension to Benjamin F. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Hall, late first-class pilot United States steamer Victory, United States Navy, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CAROLINA APFEL.

The next pension business was the bill (S. 2339) granting an increase of pension to Carolina Apfel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carolina Apfel, widow of William Apfel, late of Company H, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT CROWTHER.

The next pension business was the bill (S. 5713) granting an increase of pension to Robert Crowther.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Crowther, late of First Independent Battery New Hampshire Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY SNIDEMILLER.

The next pension business was the bill (S. 4767) granting an increase of pension to Henry Snidemiller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Snidemiller, late of Company H, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY WILLIAMSON.

The next pension business was the bill (S. 2915) granting a pension to Mary Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Williamson, widow of James Williamson, late of Company B, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SALLIE M. NUZUM.

The next pension business was the bill (S. 2945) granting an increase of pension to Sallie M. Nuzum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie M. Nuzum, widow of Andrew J. Nuzum, late first lieutenant Company B, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NICKLES DOCKENDORF.

The next pension business was the bill (S. 5742) granting an increase of pension to Nickles Dockendorf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nickles Dockendorf, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES RIORDAN.

The next pension business was the bill (S. 5743) granting an increase of pension to James Riordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Riordan, late of Company K, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH E. AUSTIN.

The next pension business was the bill (S. 1830) granting an increase of pension to Sarah E. Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Austin, widow of Joseph A. Austin, late of Company K, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES N. WOOD.

The next pension business was the bill (S. 2212) granting an increase of pension to Charles N. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Wood, late of Company B, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

BESSIE M. DICKINSON.

The next pension business was the bill (S. 2231) granting an increase of pension to Bessie M. Dickinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bessie M. Dickinson, widow of William G. Dickinson, late second lieutenant Company E, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

BENJAMIN BICKFORD.

The next pension business was the bill (S. 5715) granting an increase of pension to Benjamin Bickford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Bickford, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, and Company F, Seventeenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN M'KENNE.

The next pension business was the bill (S. 5714) granting an increase of pension to John McKenne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McKenne, late of U. S. S. Ohio, Kearsarge, and Tahoma, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOSEPH J. CARSON.

The next pension business was the bill (S. 2274) granting an increase of pension to Joseph J. Carson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Carson, late first lieutenant Company I and captain Company F, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

NELSON PURCELL.

The next pension business was the bill (S. 2574) granting an increase of pension to Nelson Purcell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Purcell, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

EZRA W. CARTWRIGHT.

The next pension business was the bill (S. 377) granting an increase of pension to Ezra W. Cartwright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra W. Cartwright, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

THOMAS P. FARLEY.

The next pension business was the bill (S. 554) granting an increase of pension to Thomas P. Farley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Farley, late second lieutenant, Twenty-fifth Independent Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM R. WILLIAMS.

The next pension business was the bill (S. 1996) granting an increase of pension to William R. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Williams, late of Companies D and E, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

JOHN W. MILLETT.

The next pension business was the bill (S. 2096) granting an increase of pension to John W. Millett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Millett, late of Company H, Second Regiment, and Company C, Twenty-fourth Regiment Maine Volunteer Infantry, and Company I, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

PETER D. MOORE.

The next pension business was the bill (S. 3624) granting an increase of pension to Peter D. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter D. Moore, late of Company E, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

FRAZIE A. CAMPBELL.

The next pension business was the bill (S. 4273) granting an increase of pension to Frazie A. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frazie A. Campbell, late of Company C, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

JOHN B. HARVEY.

The next pension business was the bill (S. 4382) granting an increase of pension to John B. Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Harvey, late of Company E, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

MARY E. PENN.

The next pension business was the bill (S. 4383) granting an increase of pension to Mary E. Penn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Penn, widow of Benjamin H. Penn, late captain Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

EMILY E. CRAM.

The next pension business was the bill (S. 3390) granting a pension to Emily E. Cram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily E. Cram, widow of De Witt C. Cram, late major, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

SAMUEL J. DENISON.

The next pension business was the bill (S. 3522) granting an increase of pension to Samuel J. Denison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Denison, late of Company G, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

WILLIAM H. COVERT.

The next pension business was the bill (S. 3755) granting an increase of pension to William H. Covert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Covert, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

ALVIN B. FRANKLIN.

The next pension business was the bill (H. R. 16945) granting an increase of pension to Alvin B. Franklin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin B. Franklin, late of Company H, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB A. KRYER.

The next pension business was the bill (H. R. 16594) granting an increase of pension to Jacob A. Kryer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Kryer, late of Companies E and A, Thirteenth Regiment, and Company A, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies E and A, Thirteenth."
In line 7 strike out the words "Regiment, and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM CANNON.

The next pension business was the bill (H. R. 16713) granting a pension to William Cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cannon, late of Company C, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK COTTER.

The next pension business was the bill (H. R. 16809) granting an increase of pension to Patrick Colter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Colter, late of Company A, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Colter" and insert in lieu thereof the word "Cotter."

Amend the title so as to read: "A bill granting an increase of pension to Patrick Cotter."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES MÜLLER.

The next pension business was the bill (H. R. 16162) granting an increase of pension to Charles Muller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Muller, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Muller" and insert in lieu thereof the word "Müller."

In same line, after the word "Muller," insert the words "late of Company A, First Regiment Minnesota Volunteer Infantry."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Charles Müller."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK HARK.

The next pension business was the bill (H. R. 16260) granting an increase of pension to Frederick Hark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hark, late of Company D, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Veteran."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS L. HOWARD.

The next pension business was the bill (H. R. 16165) granting an increase of pension to Francis L. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis L. Howard, late of Company E, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. KENDALL.

The next pension business was the bill (H. R. 16409) granting a pension to Mary A. Kendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Kendall, widow of Henry W. Kendall, late surgeon Fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA C. WATKINS.

The next pension business was the bill (H. R. 16471) granting a pension to Martha C. Watkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha C. Watkins, widow of John W. Watkins, late of Company H, Sixty-third Regiment Missouri Enrolled Militia, and pay her pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Missouri Enrolled Militia" and insert in lieu thereof the words "Enrolled Missouri Militia Volunteer Infantry."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELMER C. JORDAN.

The next pension business was the bill (H. R. 16807) granting an increase of pension to E. C. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. C. Jordan, late captain Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Elmer."

In the same line strike out the word "captain" and insert in lieu thereof the words "second lieutenant."

In same line, before the word "Seventh," strike out the letter "E" and insert in lieu thereof the letter "I."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Elmer C. Jordan."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN A. SHERBURN.

The next pension business was the bill (H. R. 16396) granting a pension to E. A. Sherburne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. A. Sherburne, late of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Edwin."

In same line strike out the word "Sherburne" and insert in lieu thereof the word "Sherburn."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting a pension to Edwin A. Sherburn."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AARON C. PERRY.

The next pension business was the bill (H. R. 10387) granting an increase of pension to Aaron C. Perry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron C. Perry, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISE E. LAVEY.

The next pension business was the bill (H. R. 10096) granting a pension to Louise E. Lavey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise E. Lavey, widow of Herbert J. Lavey, alias Herbert J. Wideawake, late of Companies C and B, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the word "Herbert" and insert in lieu thereof the word "Hubert."

In line 9 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS COLVIN.

The next pension business was the bill (H. R. 9860) granting an increase of pension to Augustus Colvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus Colvin, late of Company C, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN DAVIS.

The next pension business was the bill (H. R. 12171) granting an increase of pension to John Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Davis, late of Company E, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY R. K. LOCKMAN.

The next pension business was the bill (H. R. 12007) granting an increase of pension to Henry R. K. Lockman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. K. Lockman, late of Company D, First Regiment Oregon Volunteer Cavalry, and Company K, Second Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "and Company K, Second Regiment Oregon Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER H. SOCKMAN.

The next pension business was the bill (H. R. 11613) granting an increase of pension to Alexander H. Sockman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander H. Sockman, late of Company B, Third Regiment Colorado Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. MARTIN.

The next pension business was the bill (H. R. 16157) granting an increase of pension to Charles W. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Martin, late of Company D, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHANNA J. NAUGHTON.

The next pension business was the bill (H. R. 16443) granting an increase of pension to Johanna J. Naughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johanna J. Naughton, widow of Edward Naughton, late of Company F, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN STEWART.

The next pension business was the bill (H. R. 5153) granting an increase of pension to Jonathan Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Stewart, late private of Company I, Seventy-fourth Regiment Illinois Volunteer Infantry, war of the rebellion, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."

In line 7 strike out the words "war of the rebellion."

In same line, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACKSON ADAMS.

The next pension business was the bill (H. R. 14495) granting an increase of pension to Jackson Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson Adams, late of Company C, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS W. SQUIRES.

The next pension business was the bill (H. R. 13620) granting an increase of pension to Silas W. Squires.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas W. Squires, late of Company A, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. PORTER.

The next pension business was the bill (H. R. 14489) granting an increase of pension to John M. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Porter, late captain Company A, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "captain," insert the words "second lieutenant and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAIAH GARRETSON.

The next pension business was the bill (H. R. 15411) granting an increase of pension to Isaiah Garretson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Garretson, late of Company G, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM P. DUNNINGTON.

The next pension business was the bill (H. R. 15520) granting an increase of pension to William P. Dunnington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Dunnington, late of Company A, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. CODDINGTON.

The next pension business was the bill (H. R. 12488) granting an increase of pension to George H. Coddington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Coddington, late of Company B, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUGENE HEPP.

The next pension business was the bill (H. R. 13640) granting an increase of pension to Eugene Hepp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Hepp, late lieutenant, Company A, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. H. SIMPKINS.

The next pension business was the bill (H. R. 15328) granting an increase of pension to William H. H. Simpkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Simpkins, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line and in line 9 strike out the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting a pension to William H. H. Simpkins."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VINCENT M. CARTWRIGHT.

The next pension business was the bill (H. R. 606) granting an increase of pension to Vincent M. Cartwright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vincent M. Cartwright, late of Company C, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN ELLIS.

The next pension business was the bill (H. R. 1445) granting an increase of pension to John Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ellis, late of Company C, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. POLLARD.

The next pension business was the bill (H. R. 2191) granting an increase of pension to William C. Pollard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Pollard, late of Company C, Twenty-second Regiment Connecticut Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."
In line 8, after the word "twenty," insert the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT FETTERHOFF.

The next pension business was the bill (H. R. 3427) granting an increase of pension to Albert Fetterhoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Fetterhoff, late of Company A, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FELIX MONAGHAN.

The next pension business was the bill (H. R. 17093) granting an increase of pension to Felix Monaghan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix Monaghan, late of Company H, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH FULTON.

The next pension business was the bill (H. R. 5995) granting an increase of pension to Joseph Fulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Fulton, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFREDA B. COBURN.

The next pension business was the bill (H. R. 16666) granting an increase of pension to Alfreda B. Coburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfreda B. Coburn, widow of Charles R. Coburn, late of Company D, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in case of the death of the helpless daughter, Lillian S. Coburn, on whose account the pension of Alfreda B. Coburn is increased, the pension of said Alfreda B. Coburn shall continue only at the rate of $12 per month from and after the death of said helpless daughter.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the word "four."
Strike out all of lines 10, 11, 12, 13, 14, and 15 and insert in lieu thereof the following:
"*Provided*, That in the event of the death of Lillian S. Coburn, helpless and dependent child of said Charles R. Coburn, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Alfreda B. Coburn the name of said Lillian S. Coburn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Alfreda B. Coburn."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH HEPWORTH.

The next pension business was the bill (H. R. 8423) granting a pension to Joseph Hepworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hepworth, late a private in Company M, Ninth Indiana Legion Volunteer Infantry, in the late war of the rebellion, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."
In same line, after the word "Ninth," insert the word "Regiment."
In line 7 strike out the words "in the late war of the."
In line 8 strike out the word "rebellion."
In same line strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. PIERCE.

The next pension business was the bill (H. R. 7760) granting a pension to Sarah R. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Pierce, widow of Pierce, late of Company D, Sixty-seventh Regiment Illinois Volunteer Infantry, and chaplain of the Fifty-fifth United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "R" and insert in lieu thereof the letter "A."
In the same line, before the word "Pierce," insert the words "Edward R."
In the same line strike out the words "of Company," and all of line 7.
In line 8 strike out the words "of the."
In same line, after the word "Fifty-fifth," insert the word "Regiment."
In line 10, after the word "month," insert the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Sarah A. Pierce."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH H. RICHARDSON.

The next pension business was the bill (H. R. 8834) granting an increase of pension to Joseph H. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Richardson, late of Company I, Eleventh Massachusetts Infantry, and pay him a pension at the rate of dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eleventh," insert the word "Regiment."
In line 7, before the word "Infantry," insert the word "Volunteer."
In line 8, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL SHAFER.

The next pension business was the bill (H. R. 5383) granting an increase of pension to Samuel Shafer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shafer, late of Company D, Tenth Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Tenth," insert the word "Regiment."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE MEISNER.

The next pension business was the bill (H. R. 16619) granting an increase of pension to George Meisner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Meisner, late of Company D, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Illinois," insert the words "and Company G, Twenty-eighth Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CHARLES T. BEALS.

The next pension business was the bill (H. R. 15962) granting an increase of pension to Charles T. Beals.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Beals, late of Company K, Third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ALONZO ACKERMAN.

The next pension business was the bill (H. R. 16620) granting an increase of pension to Alonzo Ackerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Ackerman, late of Company F, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

HENRY C. SNYDER.

The next pension business was the bill (H. R. 16444) granting an increase of pension to Henry C. Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Snyder, late of Company E, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

NELSON A. FITTS.

The next pension business was the bill (H. R. 16140) granting an increase of pension to Nelson A. Fitts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson A. Fitts, late of Company B, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ORIN P. STOFFER.

The next pension business was the bill (H. R. 4552) granting an increase of pension to Orin P. Stoffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin P. Stoffer, late of Battery A, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

DAVID A. MILLER.

The next pension business was the bill (H. R. 17241) granting an increase of pension to David A. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Miller, late of Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

DANIEL SMITH.

The next pension business was the bill (H. R. 16730) granting an increase of pension to Daniel Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Smith, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MICHAEL KELLY.

The next pension business was the bill (H. R. 13330) granting an increase of pension to Michael Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Kelly, alias Patrick Kelly, late of the United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Kelly," insert the words "late of the U. S. S. Tacony, United States Navy."

In same line and in line 7 strike out the words "late of the United States Navy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOSEPH W. WINGER.

The next pension business was the bill (H. R. 15324) granting an increase of pension to Joseph W. Winger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Winger, late of Company D, Second Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, after the word "Pennsylvania," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH F. MATHISON.

The next pension business was the bill (H. R. 16387) granting an increase of pension to Sarah F. Mathison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah F. Mathison, widow of Samuel H. Mathison, late of the United States Navy, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "late of the," insert the words "U. S. S. Ohio and Mohican."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN SUTHERLAND.

The next pension business was the bill (H. R. 5601) granting an increase of pension to John Sutherland.

Mr. SULLOWAY. Mr. Speaker, the beneficiary in this bill is dead, and I move that the bill do lie on the table.

The motion was agreed to.

EMMA S. HARNEY.

The next pension business was the bill (S. 266) granting a pension to Emma S. Harney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma S. Harney, widow of Thomas F. Harney, late of the United States Marine Corps, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Thomas F. Harney until he reaches the age of 16 years.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JAMES D. STEWART.

The next pension business was the bill (S. 1207) granting an increase of pension to James D. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Stewart, late of Company B, First Regiment Mississippi Rifles, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

SALLIE J. CALKINS.

The next pension business was the bill (S. 2850) granting an increase of pension to Sallie J. Calkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie J. Calkins, widow of Ebenezer D. Calkins, late of Capt. John Meacham's company, New York Militia, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

DAVID WHITNEY.

The next pension business was the bill (S. 3453) granting an increase of pension to David Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Whitney, late of Company F, Fifteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MARY CORNELIA HAYS ROSS.

The next pension business was the bill (S. 3935) granting an increase of pension to Mary Cornelia Hays Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Cornelia Hays Ross, widow of Henry Schuyler Ross, late first assistant engineer and captain, United States Navy, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

GALENA JOUETT.

The next pension business was the bill (S. 4169) granting a pension to Galena Jouett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Galena Jouett, widow of James E. Jouett, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; it was accordingly read the third time, and passed.

MARY J. WEEMS.

The next pension business was the bill (S. 5472) granting an increase of pension to Mary J. Weems.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Weems, widow of William M. Weems, late of Company G, District of Columbia and Maryland Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JESSE L. SANDERS.

The next pension business was the bill (S. 5496) granting an increase of pension to Jesse L. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Jesse L. Sanders, late of Captain Sutton's company, Bell's regiment, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

ALAFAIR CHASTAIN.

The next pension business was the bill (S. 5572) granting an increase of pension to Alafair Chastain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alafair Chastain, widow of James M. Chastain, late of Captain Williams's company, Georgia Mounted Volunteers, and second lieutenant Captain Redding's company, Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

COLON THOMAS.

The next pension business was the bill (S. 5574) granting an increase of pension to Colon Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Colon Thomas, late of Captain Hart's independent company Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

DANIEL B. BUSH.

The next pension business was the bill (S. 5661) granting an increase of pension to Daniel B. Bush.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Bush, late of Company A, First Regiment Illinois Volunteers, war with Mexico, and colonel Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

ANNE JONES.

The next pension business was the bill (S. 5746) granting an increase of pension to Anne Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne Jones, widow of William H. Jones, late of Company E, Fourth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

SALLIE B. WEBER.

The next pension business was the bill (S. 5758) granting an increase of pension to Sallie B. Weber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie B. Weber, widow of Charles G. Weber, late first lieutenant Company A, Santa Fe Battalion, Mounted Vounteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

EVA M. KINGSBURY.

The next pension business was the bill (H. R. 666) granting an increase of pension to Eva M. Kingsbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva M. Kingsbury, widow of Capt. Fredrick W. Kingsbury, Troop I, Second Regiment United States Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Captain Fredrick" to "Frederick."
In line 7 strike out "Troop I" and insert "late captain."
In line 8 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH NEILAN.

The next pension business was the bill (H. R. 4194) granting a pension to Elizabeth Neilan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Neilan, widow of Michael H. Neilan, late of Company H, Fifteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."
In line 8 strike out "fifteen" and insert "twelve."
In line 9, after the word "month," insert "and $2 per month additional on account of each of the minor children of said Michael H. Neilan until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES J. BOYD.

The next pension business was the bill (H. R. 7014) granting an increase of pension to J. J. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. J. Boyd, a Mexican war veteran, and pay him a pension at the rate of $30 per month in lieu of that which he now receives under certificate No. 89285.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after "the name of" in lines 5 and 6 and insert in lieu thereof: "James J. Boyd, late of Captain Ferguson's company, Colonel Hays's regiment, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James J. Boyd."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW LONG.

The next pension business was the bill (H. R. 9405) granting a pension to Andrew Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Long, late of Company D, Eighteenth Regiment Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Volunteer" and insert "United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS P. DUNN.

The next pension business was the bill (H. R. 9906) granting an increase of pension to Thomas P. Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Dunn, late of Company L, First Regiment Montana Volunteer Infantry, Spanish-American war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, strike out the words "Spanish-American," and after the word "war" insert the words "with Spain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GREEN W. HODGE.

The next pension business was the bill (H. R. 10027) granting an increase of pension to Green W. Hodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Green W. Hodge, late of Company C, Third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twelve" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HONORA SULLIVAN.

The next pension business was the bill (H. R. 13332) granting a pension to Honora Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Honora Sullivan, widow of John Sullivan, late of the United States Navy, and pay her a pension at the rate of $12 per month and $2 per month for each minor child of said sailor.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of the" and insert "second-class fireman."
Strike out all in the bill after the words "per month," in line 8, and insert in lieu thereof "additional on account of each of the minor children of said John Sullivan until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT R. STRAUB.

The next pension business was the bill (H. R. 13377) granting an increase of pension to Albert R. Straub.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert R. Straub, late of Company D, First Regiment Washington Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "forty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOEL J. ADDISON.

The next pension business was the bill (H. R. 13546) granting an increase of pension to Joel J. Addison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joel J. Addison, late a private in Capt. Leroy G. Lesley's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."
In line 6 strike out the words "a private."

In lines 6 and 7 strike out "in Captain Leroy G. Lesley's" and insert "of Captain Lesley's."
In line 7, after "Florida," insert "Mounted."
In line 9 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS J. PARR.

The next pension business was the bill (H. R. 13547) granting an increase of pension to Lewis J. Parr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis J. Parr, late of Company H, First Georgia Volunteer Infantry, Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "First" insert "Regiment."
In line 7 strike out "Mexican" and after "war" insert "with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. STOVALL.

The next pension business was the bill (H. R. 14444) granting an increase of pension to William A. Stovall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Stovall, late of Company C, Second Regiment Mississippi Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN C. GRIFFITH.

The next pension business was the bill (H. R. 15197) granting an increase of pension to Calvin C. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin C. Griffith, late of Company , Colonel Fremont's regiment California Volunteer Infantry, Mexican war, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Hudspeth's."
In the same line strike out "Colonel," and in line 7, after "war," insert "with Mexico," and in the same line strike out "Mexican."
In line 8 strike out "twenty-five" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. PREWETT.

The next pension business was the bill (H. R. 15308) granting an increase of pension to Francis M. Prewett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Prewett, late of Company F, First Regiment Texas Rifles, war with Mexico, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Rifles" and insert "Volunteer Riflemen."
In line 8 strike out "twenty-five" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA F. FIELD.

The next pension business was the bill (H. R. 15892) granting an increase of pension to Martha F. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha F. Field, widow of Benjamin S. Field, late of Company C, First Regiment Kentucky Volunteer Infantry, Mexican war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert the words "Mounted Volunteers."
In line 8 strike out the word "Mexican," and in the same line, after the word "war," insert the words "with Mexico." Also in line 8 strike out the word "twenty" and insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE W. T. GROESBECK.

The next pension business was the bill (H. R. 16109) granting a pension to Alice T. Groesbeck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice T. Groesbeck, widow of Stephen W. Groesbeck, late brigadier-general United States Army (retired), and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 insert the initial "W." after "Alice" in the claimant's christian name.
In line 7 strike out "retired."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Alice W. T. Groesbeck."

SARAH D. TARVER.

The next pension business was the bill (H. R. 16171) granting an increase of pension to Sarah D. Tarver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah D. Tarver, widow of Edmond Tarver, deceased, late of Captain Curtis's company, Alabama Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Edmond" to "Edmund," and in the same line strike out "deceased."
In line 7, after "company," insert "Raiford's battalion."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGIA A. WARREN.

The next pension business was the bill (H. R. 16172) granting an increase of pension to Georgia A. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia A. Warren, widow of Reuben L. Warren, deceased, late of Captain Smith's company, Third Regiment Texas Mounted Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "deceased."
In line 8, after the word "Volunteers," insert the words "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORRIS DEL DOWANE.

The next pension business was the bill (H. R. 16311) granting an increase of pension to Morris Del Dowane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris Del Dowane, late of Company A, Fourth Regiment New York Volunteer Infantry, Mexican war, and pay him a pension at the rate $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Mexican," and in the same line, after the word "war," insert the words "with Mexico."
In line 8 strike out the word "thirty" and insert in lieu thereof the words "of twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE VIFQUAIN.

The next pension business was the bill (H. R. 16578) granting an increast of pension to Caroline Vifquain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Vifquain, widow of Victor Vifquain, late colonel Ninety-seventh Regiment Illinois Volunteer Infantry, and colonel Third Regiment Nebraska Volunteer Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "colonel Ninety-seventh Regiment Illinois Volunteer Infantry, and."
In line 9 strike out the word "fifty" and insert the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC VANATTA.

The next pension business was the bill (H. R. 16579) granting an increase of pension to Isaac Vanatta.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Vanatta, late of Duncan's independent company, Ohio Mounted Volunteers, in the Mexican war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "in the Mexican;" and in the same line, after the word "war," insert the words "with Mexico."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMILE H. BRIE.

The next pension business was the bill (H. R. 16668) granting an increase of pension to Emile H. Brie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emile H. Brie, late of Second Regiment Kentucky Volunteer Infantry, war with Mexico, secretary to Gen. Benjamin F. Butler during civil war, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving, and also arrears of pension amounting to the sum of $3,825.

The amendments recommended by the committee were read, as follows:

In line 6, after "Brie," insert "alias Amede Brea."
And in the same line, after "late of," insert "Company B."
In lines 7 and 8 strike out "secretary to Gen. Benjamin F. Butler during civil war."
In line 9 strike out "seventy-five" and insert "twenty."
In lines 10 and 11 strike out "and also arrears of pension amounting to the sum of $3,825."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emile H. Brie, alias Amede Brea."

FRONA J. WOOTEN.

The next pension business was the bill (H. R. 16748) granting a pension to Frona J. Wooten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frona J. Wooten, widow of Charles N. Wooten, late of Company H, United States Signal Corps, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Company H," insert "Signal Corps;" and in the same line, after "United States," strike out "Signal Corps" and insert "Army."
At the end of the bill add the words "and $2 per month additional on account of each of the minor children of said Charles N. Wooten until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA P. KELLY.

The next pension business was the bill (H. R. 16842) granting an increase of pension to Lydia P. Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia P. Kelly, widow of William Kelly, late of Company B, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS SHERARD.

The next pension business was the bill (H. R. 16904) granting a pension to Louis Sherard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Sherard, late lieutenant, Company B, Third Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6 insert, after the word "late," the word "first."
Change, in the same line, "Company B" to "Company G."
In line 8 strike out "twenty-five" and "insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN RYAN.

The next pension business was the bill (H. R. 16953) granting an increase of pension to John Ryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ryan, late of Company C, Battalion New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. JENNINGS.

The next pension business was the bill (H. R. 17139) granting an increase of pension to George W. Jennings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Jennings, late of Kirkpatrick's company, Second Tennessee Regiment, war with Mexico, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain."
And in the same line, after "Company," insert "C."
In line 7 strike out "Tennessee," and after "Regiment" insert "Tennessee Volunteers, and Company C, Fourth Regiment Tennessee Volunteers."
In line 8 strike out "forty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS DUKES.

The next pension business was the bill (H. R. 17162) granting an increase of pension to Thomas Dukes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Dukes, late landsman, United States Navy, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "landsman," insert "United States ship Savannah."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. SEELE.

The next pension business was the bill (H. R. 16132) granting an increase of pension to Mary A. Seele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Seele, widow of Charles Seele, late of Company B, Eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS D. LEWIS.

The next pension business was the bill (H. R. 14695) granting an increase of pension to Francis D. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Lewis, late of Company I, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the several bills were this day passed was laid on the table.

JOHN H. SKINNER.

Mr. SIMS. Mr. Chairman, I ask to return to Calendar No. 182 (S. 2433), to amend the military record of John H. Skinner.

The SPEAKER pro tempore. The Chair would state to the gentleman that the bill presented does not come under the rule for consideration on this day, and therefore can not be considered under this rule.

EUGENE H. ELY.

Mr. WADE. Mr. Speaker, I desire to take up the bill (H. R. 5052) granting an honorable discharge to Eugene H. Ely.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Eugene H. Ely, late first lieutenant of Company G, Third Regiment Indian Home Guards: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The SPEAKER pro tempore. The rule on this subject is as follows:

The House shall, on each Friday, at 5 o'clock, take a recess until 8 o'clock—

Which has been modified in that respect—

at which session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered.

This bill provides for the granting of an honorable discharge to Ely. The report shows that on the recommendation of his commanding officer, approved by the general commanding the district of the frontier, Lieutenant Ely—

is hereby mustered out of the service, as of the 10th day of May, 1864, for absence without leave or proper authority.

While this is not technically to relieve this soldier from the charge of desertion, it seems to the Chair, in construing this rule, that it is equivalent to that.

Mr. GROSVENOR. Mr. Speaker, I ask to have the report on this case read.

The SPEAKER pro tempore. The gentleman from Ohio asks for the reading of the report.

Mr. DALZELL. Mr. Speaker, unanimous consent has not been granted as yet.

The SPEAKER. It seems to the Chair on the face of the bill that it comes within the rule.

Mr. HULL. Is it a court-martial?

The SPEAKER. Apparently it is a dismissal for absence without leave.

Mr. GROSVENOR. Absence without leave by an officer is equivalent to desertion by an enlisted man.

The SPEAKER. If that be true, it seems to the Chair that this bill would come within the spirit of the rule.

Mr. GROSVENOR. I want the report read, Mr. Speaker. I want to know the merits of the bill.

The SPEAKER. There are ten finely printed pages of the report. Perhaps the gentleman from Iowa can state the facts.

Mr. GROSVENOR. That will be satisfactory to me.

The SPEAKER. Or the gentleman from Iowa can read such portions of the report as will inform the gentleman what he desires to know. The Chair states that by way of suggestion.

Mr. WADE. Mr. Speaker, this party by the name of Ely was a first lieutenant in Company I of the Third Indian Regiment. The colonel of the regiment was William A. Phillips, of Salina, Kans. The whole matter is apparently a misunderstanding, or a mistake, in regard to orders. Under an order from his captain he was given leave to go to Fort Leavenworth, and upon return from there he was sent to Fort Gibson. I will read the statement from the report:

On arriving at Fort Gibson your petitioner found that this brother, Maxwell Phillips, had been transferred without authority from Company I to Company G, Third Regiment of Indian Home Guards, by the colonel commanding the regiment, who was a skillful lawyer and abundantly able to handle and devise affairs of this kind, the purpose being to displace your petitioner and make the brother in question captain of Company G, Third Indian Home Guards. On discovering this condition of affairs your petitioner returned to Fort Leavenworth to lay the matter before General Curtis, but before reaching Fort Leavenworth the Government at Washington changed the Department of Kansas so that the Indian Territory was cut off from that department and attached to the Department of Arkansas. Hence General Curtis assured your petitioner that it would be necessary for him to make application to Gen. Frank Steele, commanding the Department of Arkansas, at Little Rock, Ark., and issued orders to your petitioner to return to Fort Gibson. On arriving at Fort Gibson your petitioner found that he had been reported absent without leave, and was immediately placed under arrest, and in a short time orders were received from General Steele, at Little Rock, Ark., dismissing your petitioner from the service of the United States.

Now, the facts as they developed and which are shown by the orders set forth in this report are that this man was under orders at all times; and that this was a misunderstanding in regard to the orders that he had received and which had not been properly reported, or something of that kind. The report is very voluminous, and there is no question at all under this report but that the man was under orders all the time.

Mr. GROSVENOR. I would like to ask the gentleman if this is the first time he has attempted to get reinstated?

Mr. WADE. Oh, no; he has been at it for years.

Mr. GROSVENOR. How often has he been rejected?

Mr. WADE. It has been reported favorably by the committee two or three times. I know it was reported upon at the last Congress before I came here. This party is an old man—almost in his seventieth year. He has three sons in the Regular Army of the United States, and the only purpose he has in view is to try to get his record straightened out for the sake of these boys.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. WADE, a motion to reconsider the last vote was laid on the table.

REGISTRATION OF TRADE-MARKS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same.

The SPEAKER. The gentleman from Colorado asks unanimous consent for the consideration of a bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Before giving consent, Mr. Speaker, I would like to hear some explanation from the gentleman.

Mr. BONYNGE. Mr. Speaker, this is a bill which has been prepared by the Committee on Patents, revising the trade-mark laws of the United States. The present trade-mark law does not cover the registration of trade-marks used in interstate commerce; it only applies to trade-marks used in foreign commerce and in commerce with the Indian tribes. For a number of years the merchants and manufacturers of the country have

been appealing to Congress for a change—not only in the respect I have mentioned, but as to the matter of procedure for the registration of trade-marks. It is a very important measure and has received the most careful consideration of the Committee on Patents. Our committee, at the last session, was waited on by delegations from the American Bar Association, from the Patent Law Association, from the American Advertisers' Association, and the American Manufacturers' Association, and full hearings were had before the Committee on Patents.

Mr. WILLIAMS of Mississippi. Does it simply extend the rules now existing as to the registry of trade-marks used in foreign commerce to interstate commerce?

Mr. BONYNGE. No; it goes much further than that. It changes the method of procedure for the registration of trade-marks. There has been, under the present law, no way by which an appeal could be taken from the decision of the Commissioner of Patents upon the question whether a mark was entitled to be registered or not or upon any other question. This bill provides for such an appeal to the Court of Appeals of the District of Columbia, the same as in patent cases, and the procedure for the registration of trade-marks is modeled after the procedure for the obtaining of a patent. It provides fees for all of the proceedings. It changes the life of a certificate of registration of a trade-mark from thirty years to twenty years, to agree with the term fixed by the International Union, and in many other respects amends the present law as to make it conform to treaty stipulations that the United States Government has entered into from time to time with different foreign nations. It prescribes remedies both at law and in equity for the infringement of registered trade-marks. It provides specifically the character of a trade-mark that can be registered under the law, and in many other respects changes and modifies existing law in reference to trade-marks. It has in its favor the unanimous report of the Committee on Patents. We had elaborate hearings before that committee on the bill, and all interests that appeared before the committee have united in favor of the bill that has been reported by the committee. If there are any other gentlemen who desire to ask any questions respecting the bill, I shall be very glad, as far as I am able, to answer them.

The SPEAKER. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Cerk read as follows:

Be it enacted, etc., That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a description of the trade-mark itself, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark, as actually used, as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of $10, and otherwise complying with the requirements of this act and such regulations as may be prescribed by the Commissioner of Patents.

SEC. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to such use, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and facsimile presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

SEC. 3. That every applicant for registration of a trade-mark, or for renewal of registration of a trade-mark, who is not domiciled within the United States, shall, before the issuance of the certificate of registration, as hereinafter provided for, designate, by a notice in writing, filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the right of ownership of the trade-mark of which such applicant may claim to be the owner, brought under the provisions of this act or under other laws of the United States, may be served, with the same force and effect as if served upon the applicant or registrant in person. For the purpose of this act it shall be deemed sufficient to serve such notice upon such applicant, registrant, or representative by leaving a copy of such process or notice addressed to him at the last address of which the Commissioner of Patents has been notified.

SEC. 4. That an application for registration of a trade-mark filed in this country by any person who has previously regularly filed in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States an application for registration of the same trade-mark shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which application for registration of the same trade-mark was first filed in such foreign country: *Provided*, That such application is filed in this country within four months from the date on which the application was first filed in such foreign country: *And provided*, That certificate of registration shall not be issued for any mark for registration of which application has been filed by an applicant located in a foreign country until such mark has been actually registered by the applicant in the country in which he is located.

SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

(a) Consists of or comprises immoral or scandalous matter;

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State or municipality, or of any foreign nation: *Provided*, That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: *Provided*, That no mark which consists merely in the name of an individual, firm, corporation, or association, not written, printed, impressed, or woven in some particular or distinctive manner or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any trade-mark used by the applicant or his predecessors, or by those from whom title to the trade-mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and lawful use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years prior to the passage of this act.

SEC. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this act, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section 2 of this act. If no notice of opposition is filed within said time the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor.

SEC. 7. That in all cases where notice of opposition has been filed the Commissioner of Patents shall notify the applicant thereof and the grounds therefor.

Whenever application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive properties, for which a certificate of registration has been previously issued to another, or for registration of which another has previously made application, or which so nearly resembles such trade-mark, or a known trade-mark owned and used by another, as, in the opinion of the Commissioner, to be likely to be mistaken therefor by the public, he may declare that an interference exists as to such trade-mark, and in every case of interference or opposition to registration he shall direct the examiner in charge of interferences to determine the question of the right of registration to such trade-mark, and of the sufficiency of objections to registration, in such manner and upon such notice to those interested as the Commissioner may by rules prescribe.

The Commissioner may refuse to register the mark against the registration of which objection is filed, or may refuse to register both of two interfering marks, or may register the mark, as a trade-mark, for the person first to adopt and use the mark, if otherwise entitled to register the same, unless an appeal is taken, as hereinafter provided for, from his decision, by a party interested in the proceeding, within such time (not less than twenty days) as the Commissioner may prescribe.

SEC. 8. That every applicant for the registration of a trade-mark, or for the renewal of the registration of a trade-mark, which application is refused, or a party to an interference against whom a decision has been rendered, or a party who has filed a notice of opposition as to a trade-mark, may appeal from the decision of the examiner in charge of trade-marks, or the examiner in charge of interferences, as the case may be, to the Commissioner in person, having once paid the fee for such appeal.

SEC. 9. That if an applicant for registration of a trade-mark, or a party to an interference as to a trade-mark, or a party who has filed opposition to the registration of a trade-mark, or party to an application for the cancellation of the registration of a trade-mark, is dissatisfied with the decision of the Commissioner of Patents, he may appeal to the court of appeals of the District of Columbia, on complying with the conditions required in case of an appeal from the decision of the Commissioner by an applicant for patent, or a party to an interference as to an invention, and the same rules of practice and pro-

cedure shall govern in every stage of such proceedings, as far as the same may be applicable.

SEC. 10. That every registered trade-mark, and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the good will of the business in which the mark is used. Such assignment must be by an instrument in writing and duly acknowledged according to the laws of the country or State in which the same is executed; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from date thereof. The Commissioner shall keep a record of such assignments.

SEC. 11. That certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office.

Written or printed copies of any records, books, papers, or drawings relating to trade-marks belonging to the Patent Office, and of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof.

SEC. 12. That a certificate of registration shall remain in force for twenty years, except that in the case of trade-marks previously registered in a foreign country such certificates shall cease to be in force on the day on which the trade-mark ceases to be protected in such foreign country, and shall in no case remain in force more than twenty years, unless renewed. Certificates of registration may be, from time to time, renewed for like periods on payment of the renewal fees required by this act, upon request by the registrant, his legal representatives, or transferees of record in the Patent Office, and such request may be made at any time not more than six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force at the date at which this act takes effect shall remain in force for the period for which they were issued, but shall be renewable on the same conditions and for the same periods as certificates issued under the provisions of this act, and when so renewed shall have the same force and effect as certificates issued under this act.

SEC. 13. That whenever any person shall deem himself injured by the registration of a trade-mark in the Patent Office he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The Commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the use of the mark at the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the Commissioner shall cancel the registration. Appeal may be taken to the Commissioner in person from the decision of examiner of interferences.

SEC. 14. That the following shall be the rates for trade-mark fees:

On filing each original application for registration of a trade-mark, $10: *Provided*, That an application for registration of a trade-mark pending at the date of the passage of this act, and on which certificate of registration shall not have issued at such date, may, at the option of the applicant, be proceeded with and registered under the provisions of this act without the payment of further fee.

On filing each application for renewal of the registration of a trade-mark, $5.

On filing notice of opposition to the registration of a trade-mark, $10.

On an appeal from the examiner in charge of trade-marks to the Commissioner of Patents, $15.

On an appeal from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark or canceling the registration of a trade-mark, to the Commissioner of Patents, $15.

For certified and uncertified copies of certificates of registration and other papers, and for recording transfers and other papers, the same fees as required by law for such copies of patents and for recording assignments and other papers relating to patents.

SEC. 15. That sections 4935 and 4936 of the Revised Statutes, relating to the payment of patent fees and to the repayment of fees paid by mistake, are hereby made applicable to trade-mark fees.

SEC. 16. That the registration of a trade-mark under the provisions of this act shall be prima facie evidence of ownership. Any person who shall, without the consent of the owner thereof, reproduce, counterfeit, copy, or colorably imitate any such trade-mark and affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

SEC. 17. That the circuit and Territorial courts of the United States and the supreme court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the court of appeals of the District of Columbia shall have appellate jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of this act, arising under the present act, without regard to the amount in controversy.

SEC. 18. That writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided for patent cases by the act creating the circuit court of appeals.

SEC. 19. That the several courts vested with jurisdiction of cases arising under the present act shall have power to grant injunctions, according to the course and principles of equity, to prevent the violation of any right of the owner of a trade-mark registered under this act, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for wrongful use of a trade-mark the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. The court shall have the same power to increase such damages, in its discretion, as is given by section 16 of this act for increasing damages found by verdict in actions at law; and in assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost which are claimed.

SEC. 20. That in any case involving the right to a trade-mark registered in accordance with the provisions of this act, in which the verdict has been found for the plaintiff, or an injunction issued, the court may order that all labels, signs, prints, packages, wrappers, or receptacles in the possession of the defendant, bearing the trade-mark of the plaintiff or complainant, or any reproduction, counterfeit, copy, or colorable imitation thereof, shall be delivered up and destroyed. Any injunction that may be granted upon hearing, after notice to the defendant, to prevent the violation of any right of the owner of a trade-mark registered in accordance with the provisions of this act, by any circuit court of the United States, or by a judge thereof, may be served on the parties against whom such injunction may be granted anywhere in the United States where they may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other circuit court, or judge thereof, in the United States, or by the supreme court of the District of Columbia, or a judge thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the circuit court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office.

SEC. 21. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or has been abandoned, or upon any certificate of registration fraudulently obtained.

SEC. 22. That whenever there are interfering registered trade-marks, any person interested in any one of them may have relief against the interfering registrant, and all persons interested under him, by suit in equity against the said registrant; and the court, on notice to adverse parties and other due proceedings had according to the course of equity, may adjudge and declare either of the registrations void in whole or in part according to the interest of the parties in the trade-mark, and may order the certificate of registration to be delivered up to the Commissioner of Patents for cancellation.

SEC. 23. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

SEC. 24. That all applications for registration pending in the office of the Commissioner of Patents at the time of the passage of this act may be amended with a view to bringing them, and the certificate issued upon such applications, under its provisions, and the prosecution of such applications may be proceeded with under the provisions of this act.

SEC. 25. That any person who shall procure registration of a trade-mark, or entry thereof, in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case.

SEC. 26. That the Commissioner of Patents is authorized to make rules and regulations, not inconsistent with law, for the conduct of proceedings in reference to the registration of trade-marks provided for by this act.

SEC. 27. That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this act, or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any custom-house of the United States; and in order to aid the officers of the customs in enforcing this prohibition any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade-mark, issued in accordance with the provisions of this act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade-mark; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

SEC. 28. That it shall be the duty of the registrant to give notice to the public that a trade-mark is registered, either by affixing thereon the words "Registered in U. S. Patent Office," or abbreviated thus, "Reg. U. S. Pat. Off.," or when, from the character or size of the trade-mark, or from its manner of attachment to the article to which it is appropriated, this can not be done, then by affixing a label containing a like notice to the package or receptacle wherein the article or articles are inclosed; and in any suit for infringement by a party failing so to give notice of registration no damages shall be recovered, except on proof that the defendant was duly notified of infringement, and continued the same after such notice.

SEC. 29. That in construing this act the following rules must be observed, except where the contrary intent is plainly apparent from the context thereof: The United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia,

the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The terms "person" and "owner," and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this act, include a firm, corporation, or association as well as a natural person. The terms "applicant" and "registrant" embrace the successors and assigns of such applicant or registrant. The term "trade-mark" includes any mark which is entitled to registration under the terms of this act and whether registered or not, and a trade-mark shall be deemed to be "affixed" to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution.

SEC. 30. That this act shall be in force and take effect upon its passage. All acts and parts of acts inconsistent with this act are hereby repealed except so far as the same may apply to certificates of registration issued under the act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," or under the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BONYNGE, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS SUNFLOWER RIVER, IN SHARKEY COUNTY, MISS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17100) to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss., which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read the bill in full.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. HUMPHREYS of Mississippi, a motion to reconsider the last vote was laid on the table.

USE OF EARTH, STONE, AND TIMBER ON PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14710) authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law, which I send to the desk and ask to have read, and as it is upon the Union Calendar, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that the bill be now considered in the House as in the committee.

The Clerk read as follows:

Be it enacted, etc., That in carrying out the provisions of the national irrigation law, approved June 17, 1902, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands and forest reserves of the United States as may be required in the construction of such works.

Mr. CLARK. Mr. Speaker, before unanimous consent is granted, I desire to ask a question or two. This earth, stone, and timber is to be used in public works, is it?

Mr. MONDELL. Yes.

Mr. CLARK. Under the direction of the Secretary of the Interior?

Mr. MONDELL. Yes.

Mr. CLARK. There is not any way for a private citizen to get a private advantage by reason of this, or a corporation?

Mr. MONDELL. Mr. Speaker, the bill provides that contractors on these public works, under the national irrigation act, may use timber, stone, and earth from the public lands and forest reserves in the construction of works, under rules and regulations to be provided by the Secretary of the Interior.

Mr. CLARK. Well, does the Secretary of the Interior recommend the passage of this bill?

Mr. MONDELL. The Secretary of the Interior recommended the passage of this bill in order to facilitate the construction of public works under the national irrigation law. There is some question as to whether the Secretary has the right to authorize the use of this material from the public lands and forest reserves by the officers or employees of the Reclamation Service or contractors in the construction of works, and in order to clear up that question this legislation is asked.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which the Clerk has read, and that the bill be now considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

TITLES TO LAND IN MOBILE, ALA.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14626.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14626) to quiet titles to land in the city of Mobile, State of Alabama.

Be it enacted, etc., That all the right, title, and interest of the United States in and to the lands situate within the limits of the old Spanish town of Mobile, in the State of Alabama, for which no confirmation has heretofore been granted or no survey made by the United States, be, and the same are hereby, granted, released, and relinquished by the United States to the respective owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued therefor according to law: *Provided*, That the confirmations granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of the said interest, title, and estate of the United States.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to have some explanation.

Mr. TAYLOR. What is it?

Mr. DALZELL. I would like to have some explanation of the bill.

Mr. TAYLOR. This bill has been sent to the Secretary of the Interior and has not only his approval but is earnestly recommended by him. It is to quiet land titles in the old Spanish town of Mobile. There is nothing that could possibly be objectionable. An officer of the Department of the Interior has had the matter specially under advisement; he has gone to the city of Mobile and investigated the matter thoroughly, and upon the report of the Secretary of the Interior to the committee requesting its passage, the bill has been reported unanimously by the committee.

The SPEAKER. The request of the gentleman is that the Committee of the Whole House on the state of the Union be discharged from further consideration of this bill and that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

On motion of Mr. TAYLOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDINANCE RELATING TO TAXES IN PURCELL, IND. T.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15286, which is on the Speaker's table.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15286) legalizing a certain ordinance of the city of Purcell, Ind. T.

Be it enacted, etc., That ordinance No. 120 of the city of Purcell, Ind. T., the same being an ordinance providing for the assessment, equalization, levy, and collection annually of a tax upon all property subject to taxation within the corporate limits of the city of Purcell, Ind. T., passed and approved on the 6th day of July, 1903, by the council of the said city of Purcell, Ind. T., be, and the same is hereby, legalized and made valid: *Provided*, That this act shall not be construed so as to affect any litigation now pending or arising out of any illegality in said ordinance prior to the date hereof.

The amendment was read, as follows:

And provided further, That nothing herein contained shall apply to the nontaxable property of Indians.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

PREVENTING THE USE OF DEVICES CALCULATED TO CONVEY THE IMPRESSION THAT THE UNITED STATES GOVERNMENT CERTIFIES TO THE QUALITY OF GOLD AND SILVER USED IN THE ARTS.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15578.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the following bill, which the Clerk will report:

The Clerk read as follows:

A bill (H. R. 15578) to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts.

Be it enacted, etc., That it shall be unlawful for any person, partnership, association, or corporation engaged in commerce among the several States, Territories, District of Columbia, and possessions of the United States to stamp any gold, silver, or goods manufactured therefrom, and which are intended and used in such commerce, with the words "United States assay," or with any words, phrases, or devices calculated to convey the impression that the United States Government has certified to the fineness or quality of such gold or silver, or of the gold or silver contained in any of the goods manufactured therefrom. Each and every such stamp shall constitute a separate offense.

SEC. 2. That every person, partnership, association, or corporation violating the provisions of this act, and every officer, director, or managing agent of such partnership, association, or corporation having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished with a fine of not more than $5,000 or imprisonment for not more than one year, or both, at the discretion of the court.

SEC. 3. That any gold, silver, or goods manufactured therefrom, bearing any of the stamps, words, phrases, or devices prohibited to be used under section 1 hereof, and being in the course of transportation from one State to another, or to or from a Territory, the District of Columbia, or possessions of the United States, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

The amendments were read, as follows:

Section 1, line 6, insert after the words "United States," the words "or with any foreign country."

Section 3, line 11, insert after the word "therefrom," the words "after the date of the passage of this act."

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman a question, reserving the right to object——

Mr. MADDOX. Mr. Speaker, I reserve the right to object.

Mr. STEPHENS of Texas. I desire to ask what is the necessity for this legislation?

Mr. VREELAND. I will say to the gentleman from Texas that this bill has been unanimously reported from the Committee on Interstate and Foreign Commerce. I can explain to him in a word the necessity for this legislation, in the opinion of the manufacturers of goods made from the precious metals. This applies especially to the manufacture of watches. That is, the inscription complained of is used more in the manufacture of watches than anywhere else. If the gentleman will look on the inside of almost any watch that he finds in a jeweler's store he will find the words "warranted U. S. assay 14 K." That is, the manufacturers of watches principally, and some other articles made from the precious metals, are using the name of the United States as guaranteeing the fineness of the articles of manufacture.

Now, I am informed, by manufacturers of watches especially, that this is very injurious to them in the foreign trade and among citizens of foreign birth in this country for this reason. In the principal foreign manufacturing countries—England, France, and Germany—the Government does actually supervise the manufacture of all articles made from the precious metals and does actually stamp, or cause to be stamped, each article with the fineness thereof. Now, they tell me that in the foreign trade a watch like that, which was bought at retail at a store in this city, and which is a silver watch with a thin veneer of gold, and which on the inside of the case is stamped "Guaranteed U. S. assay, 14 K."—they tell me that because of that stamp in a foreign country, where people have been educated to depend for knowledge of the fineness upon the Government stamp, that watch will sell better than a watch made by Tiffany and bearing their name. That is, the name of the Government is used to defraud people in the purchase of those articles. Now, I know that some gentlemen on the committee thought they would like to go further and not permit anyone to stamp articles made from gold and silver at a higher value than they are.

I would be in sympathy with such legislation, but it was thought that differences of opinion might arise if the legislation was extended to cover that amount of ground.

Mr. CLARK. Mr. Speaker, I would like to ask the gentleman who it is that complains of this transaction?

Mr. VREELAND. I suppose it is the people who make goods which are what they purport to be and run into competition with those who make goods which are not what they purport to be, and upon which the name of the United States Government is placed.

Mr. CLARK. In the way the gentleman stated the legend that is inside of a watch, it does not represent the United States Government's guaranty of the fineness of the metal—that is, from the way the gentleman stated it.

Mr. VREELAND. I would say to my friend from Missouri [Mr. CLARK] that thirty watches were presented to the Committee on Interstate and Foreign Commerce, which had been bought at retail, with the representations which were made regarding them, in various parts of the country. In a good many of these cases the retailer of the goods argued that the fineness must be what it purported to be because the stamp of the Government of the United States was upon them.

Mr. CLARK. From the way the gentleman from New York [Mr. VREELAND] stated what was inside of those watches it does not follow that the United States guarantees them at all. It means that the fellow who manufactures the watch or sends it out for sale says "United States, 14 karat."

Mr. VREELAND. I am more particularly speaking of what is the impression which the people who buy those watches receive, which is that the Government of the United States has authorized the placing of its name upon those watches, provided they are of the fineness indicated by the stamp.

Mr. CANDLER. Is there a provision in this bill to forbid the use of the name of the Government of the United States?

Mr. VREELAND. That is all. It forbids the use of the name of the United States upon these articles, and thereby forbids the manufacturers thereof to convey to the purchasers of such articles the idea that the Government has guaranteed the fineness of the same.

Mr. CANDLER. It is intended to prevent the people being deceived by making them believe that the United States has authorized its stamp being put on.

Mr. VREELAND. I will say to my friend from Missouri [Mr. CLARK] that this is important in the foreign trade, because there the people have been educated all their lives to look for the government stamp, and when they find, say, "U. S. assay, 14 carats," they believe that it is the stamp of the United States, just as they find the stamp of their own government on articles manufactured there.

Mr. CLARK. Does the gentleman from New York [Mr. VREELAND] know that the foreign governments take charge of this matter of stamping, or is it hearsay?

Mr. VREELAND. I presented to the Committee on Interstate and Foreign Commerce a bill passed by the British Parliament last year, which is said to be the only bill ever passed by the British Parliament against the products of foreign nations. It was aimed at American manufacturers who imitated the English Government stamp. The "hall-mark" system in Great Britain has existed for five hundred or six hundred years, by which every article manufactured from gold and silver is actually stamped as to its fineness by the Government.

Mr. CLARK. I can not understand why they would do that any more than they would guarantee the fineness of the stuff which we eat or drink as provided for, say, in a bill introduced by the gentleman from Iowa [Mr. HEPBURN].

Mr. VREELAND. There is one reason which may occur to my friend from Missouri [Mr. CLARK]. If you go down to the store and buy a shoddy suit of clothes, you discover the fact in a few months.

Mr. CLARK. But it is too late to do you any good then.

Mr. VREELAND. But if you are swindled in buying a watch the chances are that you will not find it out in ten or it may be fifteen years.

Mr. CANDLER. Is the bill limited to the manufacture of gold and silver or the manufacturers of other lines as well?

Mr. VREELAND. That is all.

Mr. CANDLER. Does it go further and stamp the truth of the article as to what it is?

Mr. VREELAND. The sole purpose of this bill is that the Government's name shall not be used.

Mr. MADDOX. How would the bill affect the goods already manufactured?

Mr. VREELAND. It forbids the manufacture and stamping of the goods that are manufactured after the date of the passage of the bill.

Mr. GAINES of Tennessee. How would the gentleman ascer-

tain how a watch has been made after the passage of this bill?

Mr. VREELAND. In the case of any watch that is made after this bill becomes a law the manufacturer thereof is forbidden to stamp it with the name of the United States or use any device of that kind.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. VREELAND, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

YOSEMITE NATIONAL PARK.

Mr. GILLETT of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17345, with one amendment.

The SPEAKER. The gentleman from California asks to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17345) to exclude from the Yosemite National Park, Cal., certain lands therein described and to attach and include the said lands in the Sierra Forest Reserve.

The bill is as follows:

Be it enacted, etc., That the tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections 3 and 4, township 4 south, range 20 east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships 3 and 4 south, range 20 east, to the northwest corner of section 3, township 3 south, range 20 east; thence westerly along township line to the southwest corner of section 33, township 2 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence southerly along range line to the southeast corner of the northeast quarter of section 24, township 2 south, range 19 east; thence westerly to the southwest corner of the northeast quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 24, said township; thence westerly along section lines to the southwest corner of section 23, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the southeast quarter of section 14, said township; thence northerly along section line to the northwest corner of section 13, said township; thence easterly along section line to the northeast corner of section 13, said township; thence northerly along range line to the northwest corner of the southwest quarter of section 7, township 2 south, range 20 east; thence easterly to the northeast corner of the southeast quarter of section 7, said township; thence southerly along section line to the northwest corner of section 17, said township; thence easterly along section lines to the northeast corner of section 16, said township; thence northerly along section lines to the northwest corner of section 3, said township; thence westerly along township line to the southwest corner of section 33, township 1 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence northerly along range line to the northwest corner of section 6, said township; thence westerly along Mount Diablo base line to the southwest corner of section 34, township 1 north, range 19 east; thence northerly along section lines through the middle of townships 1 and 2 north, range 19 east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township 4 south, range 23 east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as forest reserve lands, subject to all the provisions of the act of Congress approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations:" *Provided*, That all those tracts or parcels of land described in section 1 of the said act of October 1, 1890, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra Forest Reserve: *And provided further*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the act approved February 15, 1901, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra Forest Reserve shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the "Yosemite National Park."

SEC. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.

SEC. 3. That this act shall take effect and be in force from and after its passage.

The amendment recommended by the committee was read, as follows: On page 4, line 2, strike out the words "forest reserve" and insert in lieu thereof the words "reserved forest."

Mr. WILLIAMS of Mississippi. Reserving the right to object, I would like to have an explanation of the bill.

Mr. GILLETT of California. Mr. Speaker, I would say that a few days ago, or just before the adjournment, the House passed a Senate bill excluding certain lands from the Yosemite Park, which were principally lands owned by individuals. I will also say that last summer a commission was sent out by the Secretary of the Interior for the purpose of investigating the park, to determine what should be its proper boundaries.

When the park was first established, arbitrary lines were run, and this commission spent last summer in California for the purpose of ascertaining what the boundaries of the park should be. The Senate bill as passed does not exclude all the land that the Secretary of the Interior desires to be excluded. The bill is now in the House with the consent of all the parties to give this bill a chance. The only difference between the two bills is in the boundaries, and this letter which I will read was transmitted to the chairman of the Committee on Public Lands, the gentleman from Iowa [Mr. LACEY], by the Secretary of the Interior, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1905.

SIR: On December 5, 1904, I transmitted to Congress for its consideration a report of the commission appointed by me under date of June 14, 1904, under the provisions of the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes, approved April 28, 1904, "to examine into the conditions and situations in the United States Yosemite Park in the State of California for the purpose of ascertaining what portions of said park are not necessary for park purposes, but can be returned to the public domain," etc., which report has been ordered to be printed by the Senate.

The new boundaries of the park, as recommended by this commission, I have incorporated in the form of a bill, herewith transmitted, to exclude from the Yosemite National Park certain lands therein incorporated, and to attach and include the said lands in the Sierra Forest Reservation.

I commend this bill to your favorable consideration and most earnestly urge its early enactment as a law by Congress.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands,
House of Representatives.

I will say the bill was prepared by the Secretary of the Interior. The President is in favor of it, and will sign it as soon as it reaches him.

Mr. LACEY. Mr. Speaker, I would like to suggest in this connection that this bill ought to be followed by a joint resolution staying the enrollment of the other bill, the enrollment of which has been held up by the consent of the House, by the Speaker, and by the consent of the President of the Senate. The other bill has different boundaries from this bill. If this bill should pass, it should be followed by a joint resolution disposing of the other bill.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

REPRINT OF CURRENCY BILL.

Mr. HILL of Connecticut. One moment. I would like, at the request of the gentleman from New Jersey [Mr. FOWLER], to ask for a reprint of the currency bill as now pending, showing the amendments that have been made. I ask that the reprint be made with a correction in the amendment to the seventh section. It is merely a formal correction. It is understood by the gentleman from Mississippi [Mr. WILLIAMS], the gentleman from Georgia [Mr. BARTLETT], and all concerned, the object being that the print may be correct.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from New Hampshire moves that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 8 minutes) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BUCKMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn., reported the same without amendment, accompanied by a report (No. 3542); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 6270) directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal., reported the same without amendment, accompanied by a report (No. 3539); which said bill and report were referred to the Private Calendar.

Mr. EMERICH, from the Committee on Claims, to which was referred the bill of the House (H. R. 12552) for the relief of Edwin S. Hall, reported the same with amendment, accompanied by a report (No. 3541); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 15003) to remove the charge of desertion against James H. Thomas; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 17743) to amend the act of February 17, 1898, relating to navigation—to the Committee on the Merchant Marine and Fisheries.

By Mr. KETCHAM: A bill (H. R. 17744) to promote the efficiency of the Revenue-Cutter Service by providing for the equipment of the vessels of said Service with approved wireless telegraph apparatus for communication between vessels of the coast guard and coast wireless telegraphic stations—to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE: A bill (H. R. 17745) making an appropriation for the improvement of the Arkansas River between the mouth of the Poteau River and the mouth of the Grand River, near the city of Muscogee—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A bill (H. R. 17746) authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HITCHCOCK: A bill (H. R. 17747) fixing the terms of the circuit and district courts in and for the district of Nebraska—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 17748) to set aside certain public lands in the Philippine Islands, and the proceeds of the sale thereof, for school purposes—to the Committee on Insular Affairs.

By Mr. MANN: A bill (H. R. 17749) authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River—to the Committee on Interstate and Foreign Commerce.

By Mr. KYLE: A bill (H. R. 17750) authorizing the appointment of certain midshipmen in the United States Navy—to the Committee on Naval Affairs.

By Mr. JACKSON of Ohio: A bill (H. R. 17751) for the relief of permanently disabled soldiers requiring constant aid and attention of a nurse—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17752) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902—to the Committee on Ways and Means.

By Mr. HERMANN: A bill (H. R. 17763) pensioning for certain disabilities—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A joint resolution (H. J. Res. 196) requesting the Supreme Court of the United States to advise Congress as to whether the power to apportion Representatives to the several States is a continuing power or is dependent solely upon the happening of a decennial census—to the Select Committee on the Census.

By Mr. FOSTER of Vermont: A resolution (H. Res. 444) directing the Clerk of the House of Representatives to pay to George F. Scully, son of James B. Scully, deceased, a sum equal to six months' salary and expenses of last illness and funeral, not exceeding $250—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 17753) granting an increase of pension to Ferdinand Hercher—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 17754) granting an increase of pension to Charles Christy—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 17755) granting an increase of pension to Davis D. Osterhout—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 17756) granting a pension to Anna M. Case—to the Committee on Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 17757) to increase the rank of William Edwin Taylor, United States Navy, retired—to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17758) for the relief of E. De Atley & Co.—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 17759) granting an increase of pension to Thomas P. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17760) granting a pension to John Brown Williams—to the Committee on Pensions.

Also, a bill (H. R. 17761) granting a pension to William P. Heydon—to the Committee on Pensions.

Also, a bill (H. R. 17762) to correct the record of discharge of Capt. Amos Dahuff—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 17764) granting a pension to Elizabeth Casper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17765) granting a pension to Amanda Elisabeth Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17766) granting a pension to Amanda Elizabeth Hull—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 17767) granting an increase of pension to Jerome B. Robinson—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 17768) for the relief of Charles H. Oehm and Charles W. Oehm—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 17769) to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes—to the Committee on the Public Lands.

By Mr. McLAIN: A bill (H. R. 17770) granting an increase of pension to Matilda D. Clark—to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 17771) granting an increase of pension to J. B. Nulton—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 17772) granting an increase of pension to Henry H. Reed—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17773) granting an increase of pension to William Hubbs—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 17774) granting an increase of pension to Alfred D. Mandrell—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 17775) for the relief of T. R. McBeath—to the Committee on War Claims.

Also, a bill (H. R. 17776) granting an increase of pension to James Howe—to the Committee on Pensions.

By Mr. SOUTHALL: A bill (H. R. 17777) granting an increase of pension to Charles B. Drinkard—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 17778) granting an increase of pension to Robert B. Beardsley—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17779) granting an increase of pension to Patrick Fallihee—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Beaver County, Pa., for acknowledgement of the authority of Christ and the law of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Woman's Christian Temperance Union of Melrose, Wis., favoring the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. FINLEY: Petition of the Business Men's Association of Gaffney, S. C., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring Government regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Nelson Knitting Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward C. Page, of Dekalb, Ill., favoring an appropriation for preparing and printing the diplomatic correspondence from 1789 to 1860—to the Committee on Printing.

Also, petition of the Chapman & Smith Co., of Chicago, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Textile World Record in opposition to the metric system in the Philippine Islands—to the Committee on Insular Affairs.

Also, resolution of the Interstate Commerce Law Convention, favoring legislation fixing reasonable rates of transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of citizens of Port Washington, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Columbus, Ohio, favoring international arbitration—to the Committee on Foreign Affairs.

Also, petition of the United Confederate Veterans, favoring care and preservation of Confederate graves—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of J. E. Littell et al., favoring the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILDEBRANT: Papers to accompany bill for relief of Elizabeth A. Deuell—to the Committee on War Claims.

By Mr. HINSHAW: Paper to accompany bill for the relief of R. J. Bullock (H. R. 4939)—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of L. E. West Gum Company, of Rock Island, Ill., relative to legislative relief, by national law, from excessive railroad rates—to the Committee on Interstate and Foreign Commerce.

By Mr. LIND: Petition and papers to accompany bill granting a pension to Elizabeth Caesper—to the Committee on Invalid Pensions.

Also, petition of George N. Morgan Post, No. 4, Grand Army of the Republic, of Minnesota, to grant a pension to Amanda Elizabeth Hull, of Minneapolis, Minn.—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Paper to accompany bill for relief of Jerome B. Robinson—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Papers to accompany bill for relief of Charles H. Oehm et al.—to the Committee on War Claims.

By Mr. PORTER: Petition of Russell C. Paris, favoring bill H. R. 3586—to the Committee on Naval Affairs.

Also, petition of W. R. Lanman, of Pittsburg, favoring legislation prohibiting intoxicating liquors in Indian Territory; also favoring passage of Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS of Massachusetts: Petition of G. Fred Harwood et al., favoring legislation making polygamy a crime in the United States—to the Committee on the Judiciary.

By Mr. RYAN: Petition of F. B. Griffith Division, No. 533, Brotherhood of Locomotive Engineers, Buffalo, N. Y., favoring Bates-Penrose employers' liability bill—to the Committee on the Judiciary.

Also, petition of Lake Erie Lodge, No. 241, Brotherhood of Locomotive Firemen, Buffalo, N. Y., favoring Bates employers' liability bill—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany bill for the relief of T. R. McBeath—to the Committee on War Claims.

By Mr. SOUTHALL: Paper to accompany bill for relief of Charles B. Drinkard—to the Committee on Pensions.

By Mr. STERLING: Paper to accompany bill for the relief of William F. Whorley—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: Petition of John Barrett et al., favoring enactment of bill H. R. 62—to the Committee on the Library.

Also, petition of W. A. Burns et al., favoring passage of bill H. R. 62—to the Committee on the Library.

By Mr. WYNN: Petition of the Seattle Chamber of Commerce, favoring usual 4 per cent differential in the coming naval appropriation bill in favor of Pacific coast builders—to the Committee on Naval Affairs.

SENATE.

MONDAY, *January 16, 1905.*

The Chaplain, Rev. EDWARD E. HALE, said:

Hearken unto the statutes and unto the judgments which I teach you for to do them, that ye may go in and possess the land which the Lord God of your fathers giveth you. This is your wisdom and your understanding in the sight of the nations. What nation is there so great that hath statutes and judgments so righteous as all this law which the Lord God of your fathers giveth you?

Rabbi ABRAM SIMON, of the city of Washington, offered the following prayer:

Profoundly grateful for all Thy countless blessings and fully conscious of Thy presence here and wherever Thy name is called upon in sincerity, we invoke Thy spirit to dwell among us at this hour and at all times. Every spot in our fair land has a glory all its own to enkindle our pride and to prompt our prayer. We feel Thy everlasting arms support us, and we pray that we may never cease to deserve Thy protection nor fall below the great mission which Thou hast placed in our hands.

Even as the sun, ready to run his race, stands this hour highest in the heavens, declaring Thy glory, so does our beloved America enjoy now the high noon of prosperity and promise. May she not lose her queenly zenith nor go the downward slope to decline. Give us, therefore, O God, a deeper appreciation of the heroism of peace and of the apostleship of justice with which Thou has commissioned us. May we feel that the consciousness of American sovereignty lies in a righteous citizenship. Let us realize soulfully that honesty is not only the best policy, but the only principle of a self-respecting nation or individual. May we learn to hear Thy voice, not in the storm of formidable power nor in the fire of flinty steel nor in the quake of raging creeds, but in the still small voice of equity, justice, and peace.

And not only here, but everywhere, may Thy blessings be bountifully bestowed. Wherever there is a hand uplifted to heal and to help, do Thou treble its efficacy for good; wherever there is a voice crying out against injustice and persecution, do Thou give ear and force to its righteous appeal.

Bless all the peoples with increasing wisdom, freedom, and brotherliness, that the day may not be far distant when all may stand in the high noon of full-orbed liberty and recognize in the great Republic of a united humanity but one citizenship, that of a consecrated manhood and womanhood, under Thee, the Father and Ruler of all. Amen.

The Chaplain thereupon said the Lord's Prayer.

The PRESIDENT pro tempore resumed the chair.

Mr. THOMAS M. PATTERSON, a Senator from the State of Colorado, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses

thereon, and had appointed Mr. BINGHAM, Mr. LITTAUER, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes.

The message further announced that the House insists upon its amendment to concurrent resolution No. 91, of the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANDIS, Mr. PERKINS, and Mr. TATE managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

S. 266. An act granting a pension to Emma S. Harney;

S. 316. An act granting an increase of pension to Elmore Y. Chase;

S. 377. An act granting an increase of pension to Ezra W. Cartwright;

S. 424. An act granting a pension to George W. Lehman;

S. 552. An act granting an increase of pension to Ira K. Eaton;

S. 554. An act granting an increase of pension to Thomas P. Farley;

S. 566. An act granting an increase of pension to William H. Hart;

S. 567. An act granting an increase of pension to William Cody;

S. 776. An act granting an increase of pension to Calvin H. Morris;

S. 784. An act granting an increase of pension to Beverly Waugh;

S. 801. An act granting an increase of pension to Samuel L. D. Goodale;

S. 844. An act granting an increase of pension to Mary L. Duff;

S. 850. An act granting an increase of pension to Henry V. Sims;

S. 1207. An act granting an increase of pension to James D. Stewart;

S. 1208. An act granting an increase of pension to Samuel G. Magruder;

S. 1413. An act granting a pension to Louisa D. Miller;

S. 1539. An act granting an increase of pension to Edward Shiflett;

S. 1541. An act granting an increase of pension to Commodore P. Hall;

S. 1810. An act granting an increase of pension to George W. Thomas;

S. 1830. An act granting an increase of pension to Sarah E. Austin;

S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;

S. 1996. An act granting an increase of pension to William R. Williams;

S. 2009. An act granting a pension to Richard Dunn;

S. 2096. An act granting an increase of pension to John W. Millett;

S. 2117. An act granting an increase of pension to Philip L. Hiteshew;

S. 2212. An act granting an increase of pension to Charles N. Wood;

S. 2231. An act granting an increase of pension to Bessie M. Dickinson;

S. 2238. An act granting an increase of pension to William Strawn;

S. 2274. An act granting an increase of pension to Joseph J. Carson;

S. 2286. An act granting an increase of pension to James Thompson;

S. 2287. An act granting an increase of pension to Samuel J. Brainard;

S. 2310. An act granting an increase of pension to William Dar;

S. 2333. An act granting a pension to Benjamin F. Hall;

S. 2339. An act granting an increase of pension to Carolina Apfel;

S. 2492. An act granting an increase of pension to George G. Tuttle;

S. 2493. An act granting an increase of pension to Alfred Tichurst;

S. 2518. An act granting an increase of pension to Clarinda A. Spear;

S. 2574. An act granting an increase of pension to Nelson Purcell;

S. 2581. An act granting an increase of pension to Myron D. Hill;

S. 2848. An act granting an increase of pension to William H. Lewis;

S. 2850. An act granting an increase of pension to Sallie J. Calkins;

S. 2890. An act granting an increase of pension to Andrew C. Kemper;

S. 2915. An act granting a pension to Mary Williamson;

S. 2945. An act granting an increase of pension to Sallie M. Nuzum;

S. 2972. An act granting an increase of pension to Thomas Boyle;

S. 3001. An act granting an increase of pension to Adrianna Lowell;

S. 3076. An act granting a pension to Arthur W. Post;

S. 3100. An act granting an increase of pension to Howard Wiley;

S. 3232. An act granting an increase of pension to William O. Gould;

S. 3239. An act granting an increase of pension to George W. D. Buchanan;

S. 3246. An act to remove the charge of desertion from the name of Frederick W. Joslin;

S. 3286. An act granting an increase of pension to Charles D. Creed;

S. 3356. An act granting an increase of pension to Rebecca A. Teter;

S. 3357. An act granting an increase of pension to Welcom B. French;

S. 3390. An act granting a pension to Emily E. Cram;

S. 3453. An act granting an increase of pension to David Whitney;

S. 3482. An act granting an increase of pension to Alfred H. Le Fevre;

S. 3522. An act granting an increase of pension to Samuel J. Denison;

S. 3624. An act granting an increase of pension to Peter D. Moore;

S. 3755. An act granting an increase of pension to William H. Covert;

S. 3774. An act granting an increase of pension to John C. Felton;

S. 3906. An act granting an increase of pension to James H. Venier;

S. 3935. An act granting an increase of pension to Mary Cornelia Hays Ross;

S. 4002. An act granting an increase of pension to Susan E. Armitage;

S. 4038. An act granting an increase of pension to George E. Yingling;

S. 4070. An act granting an increase of pension to Andrew Fellentreter;

S. 4103. An act granting an increase of pension to John W. Roullett;

S. 4151. An act granting an increase of pension to Thomas J. Spencer;

S. 4199. An act granting a pension to William Rufus Kelly;

S. 4221. An act granting an increase of pension to Henry C. Stroman;

S. 4273. An act granting an increase of pension to Frazie A. Campbell;

S. 4382. An act granting an increase of pension to John B. Harvey;

S. 4383. An act granting an increase of pension to Mary E. Penn;

S. 4393. An act granting an increase of pension to Cora A. Baker;

S. 4395. An act granting an increase of pension to Thomas H. Walker;

S. 4408. An act granting an increase of pension to Robert N. Button;

S. 4477. An act granting an increase of pension to John C. Craven;

S. 4766. An act granting an increase of pension to Frederick Clark;

S. 4767. An act granting an increase of pension to Henry Snidemiller;

S. 4808. An act granting an increase of pension to John Worley;

S. 4986. An act granting an increase of pension to Philo S. Bartow;

S. 5120. An act granting an increase of pension to William H. Chamberlin;
S. 5129. An act granting an increase of pension to Thompson Martin;
S. 5190. An act granting an increase of pension to William Berry;
S. 5206. An act granting an increase of pension to Lucy Jane Ball;
S. 5214. An act granting an increase of pension to William P. Renfro;
S. 5271. An act granting an increase of pension to Paul Diebitsch;
S. 5297. An act granting an increase of pension to Jerry L. Gray;
S. 5339. An act granting an increase of pension to Sidney B. Hamilton;
S. 5345. An act granting an increase of pension to Thomas Coughlin;
S. 5346. An act granting an increase of pension to Amon A. Webster;
S. 5358. An act granting an increase of pension to Thomas Taylor;
S. 5378. An act granting an increase of pension to John H. Ash;
S. 5379. An act granting an increase of pension to Bird Solomon;
S. 5427. An act granting an increase of pension to Ruhema C. Horsman;
S. 5428. An act granting an increase of pension to Joseph J. Hedrick;
S. 5445. An act granting an increase of pension to Caroline L. Guild;
S. 5450. An act granting an increase of pension to George R. Lingenfelter;
S. 5472. An act granting an increase of pension to Mary J. Weems;
S. 5476. An act granting an increase of pension to Joel F. Howe;
S. 5496. An act granting an increase of pension to Jesse L. Sanders;
S. 5501. An act granting an increase of pension to Sarah A. Rowe;
S. 5508. An act granting a pension to Abraham B. Miller;
S. 5512. An act granting an increase of pension to John W. Carleton;
S. 5514. An act granting an increase of pension to Samuel S. Lamson;
S. 5530. An act granting a pension to William R. Cahoon;
S. 5531. An act granting an increase of pension to Catherine Jones;
S. 5532. An act granting an increase of pension to Edwin A. Knight;
S. 5535. An act granting an increase of pension to Alexander McConneha;
S. 5558. An act granting an increase of pension to Susan C. Schroeder;
S. 5572. An act granting an increase of pension to Alafair Chastain;
S. 5574. An act granting an increase of pension to Colon Thomas;
S. 5589. An act granting an increase of pension to Mary E. Burrell;
S. 5661. An act granting an increase of pension to Daniel B. Bush;
S. 5713. An act granting an increase of pension to Robert Crowther;
S. 5714. An act granting an increase of pension to John McKenne;
S. 5715. An act granting an increase of pension to Benjamin Bickford;
S. 5716. An act granting an increase of pension to Dotha J. Whipple;
S. 5733. An act granting an increase of pension to Monroe W. Wright;
S. 5734. An act granting an increase of pension to George H. Woodbury;
S. 5735. An act granting an increase of pension to Washington Lenhart;
S. 5736. An act granting an increase of pension to Charles E. Gilbert;
S. 5738. An act granting an increase of pension to Enoch Russell;
S. 5740. An act granting an increase of pension to Clemon Clooten;
S. 5741. An act granting an increase of pension to Stephen Welch;
S. 5742. An act granting an increase of pension to Nickles Dockendorf;
S. 5743. An act granting an increase of pension to James Riordan;
S. 5744. An act granting an increase of pension to Joseph A. Rhodes;
S. 5745. An act granting an increase of pension to Mary M. Mitchell;
S. 5746. An act granting an increase of pension to Anne Jones;
S. 5758. An act granting an increase of pension to Sallie B. Weber;
S. 5781. An act granting an increase of pension to John A. Steele;
S. 5807. An act granting an increase of pension to Sarah J. F. Robinson;
S. 5810. An act granting an increase of pension to Joseph Reber;
S. 5811. An act granting an increase of pension to Franklin Waller;
S. 5857. An act granting an increase of pension to James Bryson;
S. 5858. An act granting an increase of pension to John Hubbard; and
S. 5859. An act granting an increase of pension to Henry Breslin.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 132. An act granting an increase of pension to James P. Griffith;
H. R. 606. An act granting an increase of pension to Vincent M. Cartwright;
H. R. 659. An act correcting the record of Harris Graffen;
H. R. 666. An act granting an increase of pension to Eva M. Kingsbury;
H. R. 723. An act granting an increase of pension to Thomas Smart.
H. R. 963. An act granting an increase of pension to Ava D. Benjamin;
H. R. 968. An act granting an increase of pension to Charles W. Young;
H. R. 1324. An act granting an increase of pension to Thomas Skidmore;
H. R. 1445. An act granting an increase of pension to John Ellis;
H. R. 1491. An act granting an increase of pension to Martin L. Pemberton;
H. R. 1573. An act granting an increase of pension to Cyrus Hurd;
H. R. 2046. An act granting an increase of pension to Peter W. Kreeger;
H. R. 2191. An act granting an increase of pension to William C. Pollard;
H. R. 2469. An act granting an increase of pension to William Stone;
H. R. 2476. An act granting an increase of pension to Sampson T. Grove;
H. R. 2781. An act granting an increase of pension to Altamira Parsons;
H. R. 2946. An act granting an increase of pension to Albert Webb;
H. R. 3002. An act granting an increase of pension to Samuel Tillinghast;
H. R. 3286. An act granting an increase of pension to Jacob F. French;
H. R. 3373. An act granting an increase of pension to Jacob Cochran;
H. R. 3426. An act granting a pension to George W. Craig;
H. R. 3427. An act granting an increase of pension to Albert Fetterhof;
H. R. 3710. An act granting an increase of pension to Thomas C. Johnson;
H. R. 3799. An act granting a pension to Emma Cortright;
H. R. 4169. An act granting an increase of pension to Thomas J. Brooks;
H. R. 4194. An act granting a pension to Elizabeth Neilan;
H. R. 4322. An act granting an increase of pension to Francis M. Hay;
H. R. 4552. An act granting an increase of pension to Orin P. Stoffer;

H. R. 4595. An act granting an increase of pension to Charles D. Fortney;
H. R. 4676. An act granting an increase of pension to James B. Judson;
H. R. 4873. An act granting an increase of pension to John McKenzie;
H. R. 4900. An act granting an increase of pension to Sarah Hodgson;
H. R. 4942. An act granting an increase of pension to Adam Hand;
H. R. 5052. An act granting an honorable discharge to Eugene H. Ely;
H. R. 5123. An act granting a pension to Maria Eldred, formerly Maria Olmstead;
H. R. 5153. An act granting an increase of pension to Jonathan Stewart;
H. R. 5243. An act granting an increase of pension to Hiram Qualk;
H. R. 5286. An act granting an increase of pension to Obadiah J. Merrill;
H. R. 5383. An act granting an increase of pension to Samuel Shafer;
H. R. 5821. An act granting a pension to Mary A. Johns;
H. R. 5822. An act granting an increase of pension to Eveline V. Ferguson;
H. R. 5884. An act granting an increase of pension to Samuel K. White;
H. R. 5951. An act granting an increase of pension to Joseph M. White;
H. R. 5995. An act granting an increase of pension to Joseph Fulton;
H. R. 6310. An act granting an increase of pension to Robert Clark;
H. R. 6507. An act granting an increase of pension to James J. Champlin;
H. R. 6702. An act granting an increase of pension to James Slater;
H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;
H. R. 7000. An act granting an increase of pension to John White;
H. R. 7014. An act granting an increase of pension to James J. Boyd;
H. R. 7074. An act granting an increase of pension to Jesse Sims;
H. R. 7097. An act granting an increase of pension to John White;
H. R. 7252. An act granting a pension to James M. Garrett;
H. R. 7350. An act granting an increase of pension to John C. Besier;
H. R. 7378. An act granting an increase of pension to Israel Purdy;
H. R. 7607. An act granting a pension to John W. Nye;
H. R. 7760. An act granting a pension to Sarah A. Pierce;
H. R. 7987. An act granting an increase of pension to Francis Scott;
H. R. 8049. An act granting an increase of pension to John S. Parker;
H. R. 8077. An act granting an increase of pension to John McFarlane;
H. R. 8208. An act granting an increase of pension to Burleigh C. D. Read;
H. R. 8395. An act granting an increase of pension to James Duffy;
H. R. 8423. An act granting a pension to Joseph Hepworth;
H. R. 8476. An act granting a pension to Rolan J. Southerland;
H. R. 8477. An act granting a pension to John W. Guest;
H. R. 8708. An act granting an increase of pension to David C. Posey;
H. R. 8834. An act granting an increase of pension to Joseph H. Richardson;
H. R. 8839. An act granting an increase of pension to Thomas M. Hicks;
H. R. 8859. An act granting an increase of pension to Charles J. Esty;
H. R. 9062. An act granting a pension to John Goodspeed;
H. R. 9065. An act granting an increase of pension to Albert Z. Norton;
H. R. 9140. An act granting an increase of pension to James L. Capp;
H. R. 9405. An act granting a pension to Andrew Long;
H. R. 9410. An act granting a pension to Rosa Miller;
H. R. 9550. An act granting an increase of pension to William Butler;
H. R. 9769. An act granting an increase of pension to Joseph Pershing;
H. R. 9774. An act granting an increase of pension to James M. Prince;
H. R. 9860. An act granting an increase of pension to Augustus Colvin;
H. R. 9906. An act granting an increase of pension to Thomas P. Dunn;
H. R. 10027. An act granting a pension to Green W. Hodge;
H. R. 10096. An act granting a pension to Louise E. Lavey;
H. R. 10181. An act granting an increase of pension to Andrew Hall;
H. R. 10342. An act granting an increase of pension to William W. Marple;
H. R. 10387. An act granting an increase of pension to Aaron C. Perry;
H. R. 10712. An act granting a pension to Henrietta Weidner;
H. R. 10948. An act granting an increase of pension to John N. Matthews;
H. R. 11018. An act granting an increase of pension to William B. Bruner;
H. R. 11055. An act granting an increase of pension to Winfield S. Russell;
H. R. 11312. An act granting an increase of pension to Malana W. Brant;
H. R. 11494. An act granting an increase of pension to Sarah Jane Grissom;
H. R. 11499. An act granting an increase of pension to Albert Jones;
H. R. 11613. An act granting an increase of pension to Alexander H. Sockman;
H. R. 11847. An act granting an increase of pension to James B. Croly;
H. R. 12007. An act granting an increase of pension to Henry R. K. Lockman;
H. R. 12090. An act granting an increase of pension to William R. Clark;
H. R. 12155. An act granting a pension to Nancy Hill;
H. R. 12171. An act granting an increase of pension to John Davis;
H. R. 12252. An act granting an increase of pension to James Baremore, alias James Baker;
H. R. 12255. An act granting an increase of pension to Benjamin F. Gudgell;
H. R. 12488. An act granting an increase of pension to George H. Coddington;
H. R. 12601. An act granting an increase of pension to Francis M. Prill;
H. R. 12660. An act granting an increase of pension to Margaret Russell;
H. R. 12795. An act granting an increase of pension to John L. Lee;
H. R. 12820. An act granting an increase of pension to Isabella Bryson;
H. R. 13007. An act granting an increase of pension to Frederick B. Schnebly;
H. R. 13082. An act granting an increase of pension to William E. Wheeler;
H. R. 13105. An act granting an increase of pension to William F. Gaut;
H. R. 13170. An act granting an increase of pension to Ruth M. Shepley, now Haskell;
H. R. 13260. An act granting an increase of pension to William Starks;
H. R. 13324. An act granting an increase of pension to John Kesler;
H. R. 13330. An act granting an increase of pension to Michael Kelly, alias Patrick Kelly;
H. R. 13332. An act granting a pension to Honora Sullivan;
H. R. 13377. An act granting an increase of pension to Albert R. Straub;
H. R. 13419. An act granting an increase of pension to George Weeks;
H. R. 13546. An act granting an increase of pension to Joel J. Addison;
H. R. 13547. An act granting an increase of pension to Lewis J. Parr;
H. R. 13620. An act granting an increase of pension to Silas W. Squires;
H. R. 13640. An act granting an increase of pension to Eugene Hepp;
H. R. 13756. An act granting a pension to Mary A. Shaw;

H. R. 13877. An act granting an increase of pension to Frederick Lilje;
H. R. 13887. An act granting an increase of pension to Jacob Steffes;
H. R. 13969. An act granting an increase of pension to Dora Smith;
H. R. 14028. An act granting an increase of pension to Carrie E. Risley;
H. R. 14140. An act granting an increase of pension to William Y. Clinton;
H. R. 14219. An act granting an increase of pension to Earl J. Lamson;
H. R. 14406. An act granting a pension to Paul W. Thomson;
H. R. 14444. An act granting an increase of pension to William A. Stovall;
H. R. 14485. An act granting a pension to Charlotte M. Wylie;
H. R. 14489. An act granting an increase of pension to John M. Porter;
H. R. 14495. An act granting an increase of pension to Jackson Adams;
H. R. 14560. An act granting an increase of pension to Asbury W. Hamilton;
H. R. 14600. An act granting an increase of pension to Joseph Woods;
H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama;
H. R. 14635. An act granting an increase of pension to Alexander Moore;
H. R. 14680. An act granting an increase of pension to Monroe Chapin;
H. R. 14695. An act granting an increase of pension to Francis D. Lewis;
H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law;
H. R. 14798. An act granting an increase of pension to Lucern Allen;
H. R. 14908. An act granting an increase of pension to Henry Leib;
H. R. 15004. An act granting an increase of pension to William N. Meacham;
H. R. 15019. An act granting an increase of pension to John H. Elston;
H. R. 15030. An act granting an increase of pension to David Rothschell;
H. R. 15079. An act granting an increase of pension to Constantine J. McLaughlin;
H. R. 15097. An act granting a pension to William H. Miller;
H. R. 15169. An act granting an increase of pension to Loretta V. Biggs;
H. R. 15197. An act granting an increase of pension to Calvin C. Griffith;
H. R. 15239. An act granting a pension to Isabella Burke;
H. R. 15240. An act granting an increase of pension to James C. Baker;
H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T.;
H. R. 15308. An act granting an increase of pension to Francis M. Prewett;
H. R. 15324. An act granting an increase of pension to Joseph W. Winger;
H. R. 15328. An act granting a pension to William H. H. Simpkins;
H. R. 15344. An act granting an increase of pension to William B. Atwater;
H. R. 15406. An act granting an increase of pension to George W. Carpenter;
H. R. 15411. An act granting an increase of pension to Isaiah Garretson;
H. R. 15415. An act granting an increase of pension to Jonas H. Upton;
H. R. 15431. An act granting an increase of pension to Andrew Pinney;
H. R. 15466. An act granting an increase of pension to Isaac B. Snively;
H. R. 15489. An act granting an increase of pension to Oliver H. Martin;
H. R. 15491. An act granting a pension to Theresa M. Kennedy;
H. R. 15497. An act granting an increase of pension to Patrick H. Oliver;
H. R. 15504. An act granting an increase of pension to Ellen Tuite;
H. R. 15520. An act granting an increase of pension to William P. Dunnington;
H. R. 15535. An act granting a pension to John Crotty;
H. R. 15558. An act granting an increase of pension to Edwin R. Manson;
H. R. 15575. An act granting an increase of pension to Jones Adler;
H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts;
H. R. 15617. An act granting an increase of pension to Aaron S. Gatliff;
H. R. 15631. An act granting an increase of pension to John Brooks;
H. R. 15632. An act granting an increase of pension to Barney Carroll;
H. R. 15633. An act granting an increase of pension to Henry King;
H. R. 15637. An act granting an increase of pension to William A. Smith;
H. R. 15639. An act granting a pension to Mollie Townsley;
H. R. 15645. An act granting an increase of pension to Samuel B. Clark;
H. R. 15657. An act granting an increase of pension to William Tawney;
H. R. 15660. An act granting an increase of pension to Jacob R. Sharretts;
H. R. 15669. An act granting an increase of pension to Matthew C. Danforth;
H. R. 15685. An act granting an increase of pension to Elizabeth Krehbiel;
H. R. 15710. An act granting an increase of pension to Luther W. Cannon;
H. R. 15719. An act granting an increase of pension to Harriet N. Jones;
H. R. 15722. An act granting an increase of pension to David Guthrie;
H. R. 15728. An act granting an increase of pension to Waldron C. Townsend;
H. R. 15729. An act granting an increase of pension to Phaon Hartman;
H. R. 15730. An act granting an increase of pension to Benjamin F. Shireman;
H. R. 15732. An act granting an increase of pension to Edwin O. Pierce;
H. R. 15733. An act granting an increase of pension to Peter Horth;
H. R. 15741. An act granting an increase of pension to John S. Duncan;
H. R. 15746. An act granting an increase of pension to Israel Roll;
H. R. 15747. An act granting an increase of pension to Henry A. Wesson;
H. R. 15760. An act granting an increase of pension to John W. Strayer;
H. R. 15768. An act granting an increase of pension to R. Howard Wallace;
H. R. 15769. An act granting an increase of pension to Henry Peoples;
H. R. 15775. An act granting an increase of pension to Daniel W. Smith;
H. R. 15776. An act granting an increase of pension to Harrison Bail;
H. R. 15781. An act granting an increase of pension to Granville F. Plummer;
H. R. 15782. An act granting an increase of pension to Charles H. Warner;
H. R. 15783. An act granting an increase of pension to Charles J. Richards;
H. R. 15784. An act granting an increase of pension to Joseph Wingate;
H. R. 15786. An act granting an increase of pension to Horatio W. Longa;
H. R. 15835. An act granting an increase of pension to James M. Walker;
H. R. 15848. An act granting an increase of pension to John Reninger;
H. R. 15850. An act granting an increase of pension to Samuel Shadman;
H. R. 15855. An act granting an increase of pension to Loren Austin;
H. R. 15857. An act granting an increase of pension to David Galbraith;
H. R. 15863. An act granting an increase of pension to Mark Wilde;

H. R. 15864. An act granting a pension to Margaret Laparle;
H. R. 15865. An act granting an increase of pension to William H. McClellan;
H. R. 15866. An act granting an increase of pension to Benjamin F. Hopkins;
H. R. 15869. An act granting an increase of pension to Benjamin H. Scrivens;
H. R. 15871. An act granting an increase of pension to John Leonard;
H. R. 15872. An act granting an increase of pension to Marvin Welton;
H. R. 15886. An act granting an increase of pension to William S. Radcliffe;
H. R. 15887. An act granting an increase of pension to George F. Ludwig;
H. R. 15888. An act granting an increase of pension to James E. Andrews;
H. R. 15892. An act granting an increase of pension to Martha F. Field;
H. R. 15893. An act granting an increase of pension to James A. McClung;
H. R. 15903. An act granting an increase of pension to George T. Barker;
H. R. 15918. An act granting an increase of pension to Thomas Cullen;
H. R. 15922. An act granting an increase of pension to William J. Cheney;
H. R. 15924. An act granting an increase of pension to William Shadrick;
H. R. 15927. An act granting an increase of penison to Freeman C. Witherby;
H. R. 15929. An act granting an increase of pension to Anna E. Brown;
H. R. 15930. An act granting an increase of pension to William H. Cray;
H. R. 15941. An act granting an increase of pension to Israel V. Hoag;
H. R. 15946. An act granting an increase of pension to Oliver Marcus Bump;
H. R. 15947. An act granting an increase of pension to Philander S. Wright;
H. R. 15954. An act granting an increase of pension to Ira D. McClary;
H. R. 15962. An act granting an increase of pension to Charles T. Beals;
H. R. 16053. An act granting an increase of pension to Florence Emery Blake;
H. R. 16054. An act granting an increase of pension to Patrick O'Brien;
H. R. 16077. An act granting an increase of pension to Andrew J. Clark;
H. R. 16087. An act granting an increase of pension to Harriet H. Brady;
H. R. 16104. An act granting an increase of pension to Thomas Lanning;
H. R. 16108. An act granting an increase of pension to Andrew S. Ray;
H. R. 16109. An act granting pension to Alice T. Groesbeck;
H. R. 16121. An act granting an increase of pension to Edward Root;
H. R. 16123. An act granting an increase of pension to William Smith;
H. R. 16124. An act granting an increase of pension to John Morgan;
H. R. 16125. An act granting an increase of pension to Eugene C. Moger;
H. R. 16132. An act granting an increase of pension to Mary A. Seele;
H. R. 16140. An act granting an increase of pension to Nelson A. Fitts;
H. R. 16141. An act granting an increase of pension to John Parks;
H. R. 16149. An act granting an increase of pension to Thomas J. Moore;
H. R. 16157. An act granting an increase of pension to Charles W. Martin;
H. R. 16162. An act granting an increase of pension to Charles Muller;
H. R. 16165. An act granting an increase of pension to Francis L. Howard;
H. R. 16166. An act granting an increase of pension to Charles P. Morrison;
H. R. 16167. An act granting an increase of pension to Edward J. Dillon;
H. R. 16171. An act granting an increase of pension to Sarah D. Tarver;
H. R. 16172. An act granting an increase of pension to Georgia A. Warren;
H. R. 16173. An act granting an increase of pension to Allen Riggs;
H. R. 16175. An act granting an increase of pension to Merrick D. Frost;
H. R. 16194. An act granting an increase of pension to James Gwyn;
H. R. 16199. An act granting an increase of pension to Joseph McGuckian;
H. R. 16226. An act granting an increase of pension to William W. Smith;
H. R. 16234. An act granting an increase of pension to Benjamin H. Hartman;
H. R. 16259. An act granting an increase of pension to John Walz;
H. R. 16260. An act granting an increase of pension to Frederick Hark;
H. R. 16263. An act granting an increase of pension to Lewellyn Niles;
H. R. 16303. An act granting an increase of pension to Joseph W. Tyler;
H. R. 16311. An act granting an increase of pension to Morris Del Dowane;
H. R. 16348. An act granting an increase of pension to Johnson Anderson;
H. R. 16385. An act granting an increase of pension to Edwin Vincent;
H. R. 16386. An act granting an increase of pension to Bryan Dunbar;
H. R. 16387. An act granting an increase of pension to Sarah F. Mathison;
H. R. 16390. An act granting an increase of pension to Mortimer C. Briggs;
H. R. 16392. An act granting an increase of pension to John Tusing;
H. R. 16395. An act granting an increase of pension to Josephine A. Smith;
H. R. 16396. An act granting a pension to Edwin A. Sherburn;
H. R. 16409. An act granting a pension to Mary A. Kendall;
H. R. 16420. An act granting an increase of pension to William C. Travis;
H. R. 16424. An act granting an increase of pension to Charles M. Fay;
H. R. 16426. An act granting an increase of pension to Alexander Jones;
H. R. 16442. An act granting an increase of pension to Catherine E. Ray;
H. R. 16443. An act granting an increase of pension to Johanna J. Naughton;
H. R. 16444. An act granting an increase of pension to Henry C. Snyder;
H. R. 16455. An act granting an increase of pension to Elizabeth M. Ketcham;
H. R. 16471. An act granting a pension to Martha C. Watkins;
H. R. 16480. An act granting an increase of pension to Preston Glover;
H. R. 16481. An act granting an increase of pension to Frederick M. Halbritter;
H. R. 16483. An act granting an increase of pension to James H. Silcott;
H. R. 16490. An act granting an increase of pension to Green Yeiser;
H. R. 16502. An act granting an increase of pension to Henry Rader;
H. R. 16503. An act granting an increase of pension to Dillion Asher;
H. R. 16506. An act granting an increase of pension to Samuel B. Gray;
H. R. 16525. An act granting an increase of pension to Henry A. Glenn;
H. R. 16526. An act granting an increase of pension to John H. Caton;
H. R. 16544. An act granting an increase of pension to Varner G. Root;
H. R. 16560. An act to authorize the registration of trademarks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same;
H. R. 16578. An act granting an increase of pension to Caroline Vifquain;

H. R. 16579. An act granting an increase of pension to Isaac Vanatta;
H. R. 16594. An act granting an increase of pension to Jacob A. Kryer;
H. R. 16598. An act granting an increase of pension to John Bryan;
H. R. 16603. An act granting an increase of pension to George S. Williams;
H. R. 16617. An act granting an increase of pension to Jacob Bowers;
H. R. 16618. An act granting an increase of pension to Alfred N. Brown;
H. R. 16619. An act granting an increase of pension to George Meisner;
H. R. 16620. An act granting an increase of pension to Alonzo Ackerman;
H. R. 16666. An act granting an increase of pension to Alfreda B. Coburn;
H. R. 16668. An act granting an increase of pension to Emile H. Brie, alias Ameda Brea;
H. R. 16683. An act granting a pension to Jesse Peters;
H. R. 16704. An act granting an increase of pension to Michael Lewis;
H. R. 16713. An act granting a pension to William Cannon;
H. R. 16715. An act granting a pension to Helen Calvert;
H. R. 16730. An act granting an increase of pension to Daniel Smith;
H. R. 16748. An act granting a pension to Frona J. Wooten;
H. R. 16807. An act granting an increase of pension to Elmer C. Jordan;
H. R. 16809. An act granting an increase of pension to Patrick Cotter;
H. R. 16813. An act granting an increase of pension to Laura A. Hinkley;
H. R. 16842. An act granting an increase of pension to Lydia P. Kelly;
H. R. 16894. An act granting an increase of pension to Jeremiah Connor, alias James Boone;
H. R. 16896. An act granting an increase of pension to Thomas Reynolds;
H. R. 16904. An act granting a pension to Louis Sherard;
H. R. 16945. An act granting an increase of pension to Alvin B. Franklin;
H. R. 16953. An act granting an increase of pension to John Ryan;
H. R. 16962. An act granting an increase of pension to James J. Creigh;
H. R. 17093. An act granting an increase of pension to Felix Monaghan;
H. R. 17100. An act to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss.;
H. R. 17139. An act granting an increase of pension to George W. Jennings;
H. R. 17162. An act granting an increase of pension to Thomas Dukes;
H. R. 17241. An act granting an increase of pension to David A. Miller; and
H. R. 17345. An act to exclude from the Yosemite National Park, Cal., certain lands therein described and to attach and include the said lands in the Sierra Forest Reserve.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the House had passed, with amendments, the following bills; in which it requested the concurrence of the Senate:

S. 4169. An act granting a pension to Galena Jouett; and
S. 5739. An act granting an increase of pension to Adolphe Bessie.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River;

S. 6261. An act permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian; and

H. R. 15320. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented the petitions of Nelson K. Todd and 24 other citizens of Bluffton, L. F. Sprague and 12 other citizens of Hartford City, Elbert S. Guffin and 11 other citizens of Elwood, Walter C. Gaunt and 20 other citizens of Portland, George H. Koons and 75 other citizens of Muncie, James A. May and 7 other citizens of Alexandria, and John W. Macy and 22 other citizens of Winchester, all in the State of Indiana, praying for the enactment of legislation providing for the holding of terms of the Federal courts at Muncie, Ind.; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Bloomington, Centralia, Monmouth, and Rockford, all in the State of Illinois, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Mattoon, Springfield, and Savanna; of Rock Island Division, No. 106, Order of Railway Conductors, of Moline; of Local Division No. 79, Order of Railway Conductors, of Peoria; of Bluff City Lodge No. 481, Brotherhood of Railroad Trainmen, of Upper Alton, and of Viola Lodge, No. 350, Brotherhood of Locomotive Firemen, of Mattoon, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Illinois, remonstrating against the enactment of legislation providing for the admission into the Union as one State of Oklahoma and the Indian Territory; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Illinois, praying for the enactment of legislation providing for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. ANKENY presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the insertion of a clause in the naval appropriation bill providing for a 4 per cent differential in favor of Pacific coast shipbuilders; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Olympia, Wash., praying that an appropriation be made for the improvement of the harbor of Olympia, in that State; which was referred to the Committee on Commerce.

Mr. CLARK of Wyoming presented the petition of J. W. Bryan and 82 other citizens of Poteau, Ind. T., and the petition of Lite Hopkins and 88 other citizens of Wetumka, Ind. T., praying for the enactment of legislation providing for continued prohibition in that Territory according to the recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. NELSON presented a petition of Duluth Branch No. 3, Lake Superior Retail Meat Dealers' Association, of Duluth, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented a petition of the congregation of St. John's Protestant Episcopal Church, of Montclair, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Receivers and Shippers' Association of Cincinnati, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Collingswood, N. J., and a memorial of the Woman's Christian Temperance Union of Sergeantsville, N. J., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. BERRY presented petitions of sundry citizens of Batesville, Ark., praying that an appropriation be made for the continued improvement of upper White River, in that State; which were referred to the Committee on Commerce.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Whitewater, Wis., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Whitewater, Wis., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

Mr. BURROWS presented the memorials of M. J. Frankland and 98 other citizens, of Benjamin Young and 158 other citizens,

of James Long, jr., and 56 other citizens, of S. McDowell and 84 other citizens, of S. D. Chase and 43 other citizens, and of B. S. Rives and 195 other citizens, all in the State of Utah, remonstrating against the practice of polygamy in that State; which were referred to the Committee on Privileges and Elections.

Mr. CLARK of Montana presented a petition of the Butte Central Labor Council, of Butte, Mont., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Christian Temperance Union of Butte, Mont., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. LODGE. I present a petition of the Boston Association of Ministers, praying for the ratification of the pending treaty with Great Britain. The petition is very brief and I ask that it be printed in the RECORD. The treaty has been made public by the order of the Senate.

There being no objection, the petition was ordered to lie on the table, and to be printed in the RECORD, as follows:

To the Senate of the United States:

At a regular meeting of the Boston Association of Ministers, composed of the pastors of Unitarian churches in this city and vicinity, held January 9, 1905, we were instructed by a unanimous vote to represent to your honorable body the earnest desire of said association, and, as we believe, of all our congregations, for the ratification of the pending treaty with Great Britain which provides for the amicable settlement by arbitration of such differences as can not be adjusted by diplomacy, believing this to be a wise and humane public policy for both parties and an important step in the progress of true civilization.

CHAS. GORDON AMES, *Moderator.*
HENRY T. SECRIST, *Scribe.*

BOSTON, MASS., *January 11, 1905.*

Mr. BURNHAM presented petitions of the congregation of the Methodist Episcopal Church of Keene, the Woman's Christian Temperance Union of Epping, and the congregation of the Baptist Church of Milford, all in the State of New Hampshire, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Mrs. Rose M. Tarbox, of Epping, N. H., and the petition of Mrs. E. H. Pearson, of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. McCOMAS presented a petition of sundry citizens of Baltimore, Md., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a petition of Two Rivers Division, No. 151, Order of Railway Conductors, of Monett, Mo., and a petition of Eldon Lodge, No. 641, Brotherhood of Locomotive Firemen, of Eldon, Mo., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the National League of Commission Merchants, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16567) to authorize The Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.; and

A bill (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6115) granting an increase of pension to Edmund B. Kanada;

A bill (S. 139) granting an increase of pension to Solomon Knight; and

A bill (S. 2538) granting an increase of pension to Samuel A. Thomas.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13241) granting an increase of pension to David Deardourff;

A bill (H. R. 5997) granting an increase of pension to James Hammonds;

A bill (H. R. 4627) granting a pension to Annie Young;

A bill (H. R. 6354) granting an increase of pension to George M. Simmons;

A bill (H. R. 14919) granting a pension to Kearney May;

A bill (H. R. 9939) granting an increase of pension to Martha Higgins;

A bill (H. R. 15190) granting an increase of pension to James M. Paul; and

A bill (H. R. 15686) granting an increase of pension to Anna A. Dunn.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4214) granting an increase of pension to Ella M. Roberts;

A bill (S. 5323) granting an increase of pension to William Geyser;

A bill (S. 6224) granting an increase of pension to Anna M. Benny; and

A bill (S. 2895) granting a pension to Benjamin F. Cory.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6087) granting an increase of pension to Salmon S. Matthews;

A bill (S. 5072) granting an increase of pension to S. A. McNeil;

A bill (S. 3467) granting an increase of pension to Emory A. Wood; and

A bill (S. 4215) granting an increase of pension to Henry Berkstresser.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6174) granting an increase of pension to Chittle Chittleson;

A bill (S. 2731) granting an increase of pension to John R. McCullough;

A bill (S. 2977) granting an increase of pension to Andrew J. Larrabee;

A bill (S. 5157) granting an increase of pension to Cellina H. Stephens;

A bill (S. 5669) granting an increase of pension to Alexander Hay;

A bill (S. 5999) granting an increase of pension to William H. White; and

A bill (S. 5391) granting an increase of pension to Lucretia Johnson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5392) granting an increase of pension to William W. Willis;

A bill (S. 3660) granting an increase of pension to Mary Oakley;

A bill (S. 5463) granting an increase of pension to John M. C. Sowers;

A bill (S. 3392) granting an increase of pension to Cyrus N. Bradley;

A bill (S. 3841) granting an increase of pension to John M. Bigger;

A bill (S. 4128) granting an increase of pension to Peter Kaufman;

A bill (S. 459) granting an increase of pension to William H. Trevillian;

A bill (S. 5651) granting a pension to Georgianna Eubanks; and

A bill (S. 2240) granting an increase of pension to Samuel B. Mann.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1565) granting an increase of pension to S. N. Rockhold;

A bill (S. 4548) granting a pension to Betsy J. Northrup;

A bill (S. 5577) granting an increase of pension to La Fayette Smith;

A bill (S. 5539) granting an increase of pension to A. L. Mitchell;

A bill (S. 1562) granting an increase of pension to Riley W. Cavins; and

A bill (S. 2107) granting an increase of pension to A. R. McCurdy.

Mr. McCUMBER (for Mr. BALL), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4775) granting a pension to Garetta L. Hodgkiss;

A bill (S. 4673) granting an increase of pension to Rosette E. S. Grow; and

A bill (S. 41) granting an increase of pension to Sarah E. Gillette.

Mr. McCUMBER (for Mr. BALL), from the Committee on Pensions, to whom was referred the bill (S. 4675) granting a pension to Angeline B. Whitney, reported it with an amendment, and submitted a report thereon.

He also (for Mr. BALL), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13658) granting a pension to Henry Smith; and

A bill (H. R. 8917) granting an increase of pension to Michael Marx.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15244) granting an increase of pension to Rebecca V. Mackenzie;

A bill (H. R. 14936) granting an increase of pension to James T. Wolverton;

A bill (H. R. 3831) granting an increase of pension to John W. Hartley; and

A bill (S. 6155) granting an increase of pension to Matthew F. Locke.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (S. 4025) granting a pension to Mary E. Chamberlain, reported it with an amendment, and submitted a report thereon.

He also (for Mr. SCOTT), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11090) granting an increase of pension to Joseph Reese;

A bill (H. R. 130) granting an increase of pension to Washington I. Cook;

A bill (H. R. 4242) granting an increase of pension to Annie M. Wallace;

A bill (H. R. 11492) granting an increase of pension to Samuel B. Barley; and

A bill (H. R. 12818) granting a pension to Nichols M. Brockway.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6218) granting an increase of pension to Adam E. King;

A bill (S. 4850) granting an increase of pension to Sarah V. Matlack;

A bill (S. 2193) granting a pension to William Penn Mack;

A bill (S. 3731) granting an increase of pension to Arthur F. McNally; and

A bill (S. 6029) granting a pension to Ursula Bayard.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom was referred the bill (S. 4749) granting a pension to Martha J. Patterson, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12254) granting an increase of pension to Matthew H. Bevan;

A bill (H. R. 15762) granting an increase of pension to James L. Olmsted;

A bill (H. R. 14662) granting an increase of pension to Aaron Fanshaw;

A bill (H. R. 1901) granting an increase of pension to Warren F. Barnes;

A bill (H. R. 11015) granting an increase of pension to Joseph Wardle;

A bill (H. R. 1286) granting an increase of pension to John Brasch;

A bill (H. R. 2993) granting an increase of pension to Lewis Townsend;

A bill (H. R. 14889) granting an increase of pension to Alfred W. Dearborn;

A bill (H. R. 11016) granting an increase of pension to Samuel P. Short;

A bill (H. R. 9696) granting an increase of pension to Henry S. Austin;

A bill (H. R. 9621) granting an increase of pension to William Lance;

A bill (H. R. 14799) granting an increase of pension to Napoleon B. Wing; and

A bill (H. R. 10360) granting an increase of pension to Mary Flynn.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom were referred the following bills, to report them adversely on the ground that the claimants thereunder have died since the bills passed the House:

A bill (H. R. 15102) granting an increase of pension to Charles Bergman; and

A bill (H. R. 14887) granting an increase of pension to William P. Davis.

The PRESIDENT pro tempore. The bills will be indefinitely postponed.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 11324) granting an increase of pension to Charles Alfred De Arnaud, to submit an adverse report thereon upon the grounds set forth in the report. I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6134) granting a pension to Mary Elizabeth McClaren;

A bill (S. 5865) granting an increase of pension to Foster W. Gassett;

A bill (S. 3934) granting a pension to Susan E. Bellows; and

A bill (S. 3194) granting an increase of pension to Stephen Gilbert.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4492) restoring the name of Joseph Kelly, late of Troop I, Second United States Cavalry, to the pension roll;

A bill (S. 173) granting an increase of pension to John G. Haskell;

A bill (S. 6414) granting an increase of pension to John Kief;

A bill (S. 3389) granting an increase of pension to Joel V. Carpenter; and

A bill (S. 5240) granting an increase of pension to Hugh R. Barnard.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4927) granting an increase of pension to Eugene P. Tewksbury;

A bill (H. R. 9552) granting an increase of pension to Peter Williams;

A bill (H. R. 9553) granting an increase of pension to Hattie L. Rich; and

A bill (H. R. 13910) granting a pension to Henry E. Wright.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2652) in relation to bonds on contracts with the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 5768) to provide for an additional judge of the district court of the United States for the district of New Jersey, reported it without amendment.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6021) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer in the war of the rebellion, to submit an adverse report thereon. I ask that the bill be placed on the Calendar, and that the report be printed.

The PRESIDENT pro tempore. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed under the rule.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 10680) granting an increase of pension to Samuel B. Coe, reported it without amendment, and submitted a report thereon.

WILLIAM D. WILSON.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from further consideration of the bill (S. 109) granting an increase of pension to William D. Wilson, and that the bill be indefinitely postponed.

The motion was agreed to.

FAYETTE COUNTY, TEX., IN SOUTHERN JUDICIAL DISTRICT.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 16284) to transfer Fayette County from western to southern judicial district of Texas, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE.

Mr. PLATT of Connecticut. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 7299) for an additional circuit judge in the first judicial circuit.

Mr. LODGE. I ask that the bill may have present consideration.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6655) to amend sections 2165 and 2167 of the Revised Statutes of the United States, relative to naturalization; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEWART. I introduce three bills which have been prepared in the Interior Department. I ask their reference to the Committee on Indian Affairs.

The bills were severally read twice by their titles, and referred to the Committee on Indian Affairs, as follows:

A bill (S. 6656) to provide for final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes;

A bill (S. 6657) to create in the Department of the Interior a superintendent of Indian Territory affairs, to define his duties, and for other purposes; and

A bill (S. 6658) to provide for an equal division of the lands and moneys of the Osage tribe of Indians, and for other purposes.

Mr. McCOMAS introduced a bill (S. 6659) to place the name of William Nayden on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. McCUMBER introduced a bill (S. 6660) granting an increase of pension to B. T. Martin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6661) granting a pension to Edwin R. Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON (for Mr. CLAPP) introduced a bill (S. 6662) granting an increase of pension to S. S. McKinley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6663) to amend section 905 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER introduced a bill (S. 6664) granting an honorable discharge to Peter Fleming; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6665) granting an increase of pension to Charles Christy; and

A bill (S. 6666) granting an increase of pension to Christian Trostel.

Mr. MONEY introduced a bill (S. 6667) for the relief of Silas M. Catchings, administrator of the estate of Augustus Catchings, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 6668) granting an increase of pension to Eleanora E. Keeler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6669) for relief of J. B. Barry;

A bill (S. 6670) for the relief of the estate of John Ivey, deceased (with accompanying paper); and

A bill (S. 6671) for the relief of the estate of William H. Hugley, deceased (with accompanying paper).

Mr. BAILEY introduced a bill (S. 6672) to authorize the extension and enlargement of the post-office and court-house building in the city of Tyler, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McLAURIN introduced a bill (S. 6673) for the relief of Shiloh (Presbyterian) Church, near Kossuth, in Alcorn County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6674) for the relief of the heirs of Jarred Reese Cook, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to appropriate $150 to pay C. E. Richardson for extra services for the Secretary of the Senate, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LANDS ON MOBILE POINT, ALABAMA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is directed to send to the Senate a statement showing the title of the United States to the land on Mobile Point, on which Fort Morgan is situated, and the lands adjacent thereto, that are claimed to be the property of the United States; and a copy of any deeds or grants, or other title papers showing the chain of title to the United States for all said lands.

He will also send to the Senate a map of said lands, showing the amount claimed by the United States, in acres or square yards; and he will state the character of any proceedings now pending in any court to condemn any other lands on Mobile Point for the use of the United States, and the size and location of the parcels of lands so sought to be condemned.

THE MERCHANT MARINE.

Mr. GALLINGER. I am informed that the bill (S. 6291) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage is practically out of print, and there are very numerous calls for copies of it. I ask for a reprint of the bill.

The PRESIDENT pro tempore. The Chair hears no objection, and a reprint is ordered.

GREAT FALLS AND OLD DOMINION RAILROAD.

The PRESIDENT pro tempore. If there is no further morning business, the Calendar is in order under Rule VIII.

Mr. MARTIN. I move that the Senate proceed to the consideration of the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of a bill, which will be read.

Mr. BURROWS. I object to the consideration of the bill.

Mr. MARTIN. I move that the Senate proceed to its consideration.

The PRESIDENT pro tempore. The Senator can not make that motion until 1 o'clock has been reached.

Mr. MARTIN. I will, then, when that hour arrives, seek an opportunity to renew the motion.

The PRESIDENT pro tempore. The Calendar is before the Senate.

ADULTERATION OR MISBRANDING FOODS OR DRUGS.

The bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes, was announced as first in order on the Calendar.

The PRESIDENT pro tempore. The bill has been heretofore read in full.

Mr. SPOONER. Has it been reached for action?

The PRESIDENT pro tempore. It is up for action.

Mr. GALLINGER. Under Rule VIII.

The PRESIDENT pro tempore. Under Rule VIII.

Mr. SPOONER. It is absolutely impossible to dispose of that bill this morning, and therefore I object to its consideration.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

BRAKES ON NARROW-GAUGE RAILWAYS.

The bill (S. 4403) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common

carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903, was considered as in Committee of the Whole. It proposes to amend the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approvde March 2, 1893, as amended April 1, 1896, and March 2, 1903, so as to read as follows:

That upon the application of any common carrier operating a narrow-gauge railway the Interstate Commerce Commission may, after full hearing, relieve such common carrier from the duty of equipping its narrow-gauge locomotives with power driving-wheel brakes whenever, in the opinion of said Commission, the safety of employees and travelers on such narrow-gauge railway will be better promoted by the application of some other safety appliance capable of being used as a substitute for such power driving-wheel brake.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE T. HAMILTON.

The bill (S. 1353) for the relief of George T. Hamilton was announced as next in order.

Mr. SPOONER. I am constrained by a sense of public duty to object to the consideration of the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

PENSIONS FOR FAMILIES OF INDIAN POLICEMEN.

The bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, was announced as next in order.

The PRESIDENT pro tempore. This bill has been read in full, and it has heretofore been considered as in Committee of the Whole.

Mr. PLATT of Connecticut. That is the case which the Senator from Wisconsin [Mr. SPOONER] asked some questions about, as to the age of the minor children who were to be pensioned, etc.

Mr. SPOONER. I wished to know whether Madams Bullhead, Shavehead, etc., are still widows and whether these sons are still minors. If they are not, I am opposed to the bill. I suggest that it go over without losing its place.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

B. JACKMAN.

The bill (S. 3790) for the relief of B. Jackman was announced as next in order.

Mr. BURNHAM. The bill may be passed over, retaining its place on the Calendar.

The PRESIDENT pro tempore. It goes over, retaining its place.

JOSEPH A. JENNINGS.

The bill (S. 3067) for the relief of Joseph A. Jennings was announced as next in order.

Mr. SPOONER. This subject on a kindred bill was under debate the other day. The bill requires further discussion, and a yea-and-nay vote if it can be obtained. I object to its consideration.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

FISH-CULTURAL STATION IN RHODE ISLAND.

The bill (S. 130) to establish a fish-culture station in Narragansett Bay, in the State of Rhode Island, was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with amendments, in line 6, to strike out "fish-culture" and insert "fish-cultural;" in line 8, to strike out the words "in Narragansett Bay;" and in line 9, to strike out the words "United States Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at a point in the State of Rhode Island, to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Rhode Island."

ESTATE OF WILLIAM A. HAMMOND.

The bill (S. 1665) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," was announced as next in order.

Mr. DANIEL. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

COMPENSATION OF CRIERS AND BAILIFFS.

The bill (S. 2207) to fix the compensation of criers and bailiffs in the United States courts was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 6, to strike out the words "shall be $3 a day instead of $2 a day, as now provided by law," and insert "now fixed by law at $2 a day, shall be $3 a day;" so as to make the bill read:

Be it enacted, etc., That on and after the passage of this act the per diem pay of all persons employed in any court of the United States under section 715 of the Revised Statutes, now fixed by law at $2 a day, shall be $3 a day.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CONSULAR SERVICE.

The bill (S. 4267) to grade the consular service was announced as next in order.

Mr. PLATT of Connecticut. I wish to call the attention of the Senator from Illinois [Mr. CULLOM], the chairman of the Committee on Foreign Relations, to this bill.

Mr. CULLOM. The bill was reported some time ago by the Senator from Massachusetts [Mr. LODGE]. It is the short consular bill.

Mr. PLATT of Connecticut. I shall not make any objection to its consideration.

Mr. CULLOM. I hope the bill will be passed as it is up for consideration. It was a compromise in the committee between this measure and a general bill. This bill was thought to be one that would not be objected to.

Mr. ALLISON. Let it be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill.

Mr. CULLOM. Mr. President, that bill has been reported to the Senate for some months, I think, but there are several members of the committee, as well as other Senators, who may have forgotten its provisions, who have requested that the bill may be laid over without prejudice. I therefore ask that it may be passed by for to-day.

Mr. HALE. Several Senators want to examine the bill. Why not let it go over?

Mr. CULLOM. That is the suggestion I have made, though the bill has been on the Calendar for a long time. I ask that it go over for the present, retaining its place.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

SARAH K. M'LEAN.

The bill (S. 5053) for the relief of Sarah K. McLean was announced as next in order on the Calendar.

Mr. NELSON. Let that bill be passed over for the present, retaining its place on the Calendar.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

APPRAISERS OF MERCHANDISE.

The bill (S. 4069) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance, with amendments. The first amendment was in section 1, page 1, line 6, after the word "designate," to insert "for a period not exceeding ninety days;" so as to make the section read:

That in case of a vacancy occurring, by reason of death or otherwise, in the office of appraiser or assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate, for a period not exceeding ninety days, some officer or employee within the district to perform the duties of the office, without additional compensation, until the vacancy shall have been filled.

The amendment was agreed to.

The next amendment was, in section 2, page 1, after the word

"designate," in line 13, to insert "for a period not exceeding ninety days;" so as to make the section read:

SEC. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser or an assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate for a period not exceeding ninety days, some officer or employee within the district to act as such appraiser or assistant appraiser, without additional compensation, during such absence: *Provided*, That in no case shall any person enter upon or discharge the duties of appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WESTERN ALASKA CONSTRUCTION COMPANY'S RAILROAD.

The bill (S. 5122) for the relief of the Western Alaska Construction Company's railroad was considered as in Committee of the Whole. It provides for the extension of the time of the Western Alaska Construction Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE LAMBERT.

The bill (S. 3401) for the relief of Florence Lambert was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, after the word "at," to strike out "Frankfort" and insert "Frankford;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankford Arsenal, in the State of Pennsylvania, on or about September 3, 1898, the sum of $2,500.

The amendment was agreed to.

Mr. PLATT of Connecticut. Let the report in that case be read, Mr. President.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. WARREN March 24, 1904:

The Committee on Claims, to whom was referred the bill (S. 3401) for the relief of Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankford Arsenal, in the State of Pennsylvania, on or about September 3, 1898, have carefully considered the same and beg to report it back to the Senate favorably and to recommend its passage with the following amendment:

In line 7 strike out the word "Frankfort" and insert in lieu thereof the word "Frankford."

A similar bill in the sum of $4,000 was favorably reported to the House of Representatives by the Committee on Claims of that body in the first session of the Fifty-seventh Congress, with an amendment making the sum $2,500. (See H. Rept. No. 975, 57th Cong., 1st sess.) The bill which your committee hereby report carries the sum of $2,500.

The facts in the case, briefly stated, are as follows:

Miss Florence Deem, who by marriage is now Mrs. Florence Lambert, was, prior to the 3d day of September, 1898, employed in the cartridge factory in Frankford Arsenal, Philadelphia, and was assigned to the duty of putting small army primers into the machine for inserting them into the pockets made for them in the cartridge cases. While she was thus engaged the primers exploded and Miss Deem was seriously injured. She was immediately taken to the hospital, where it was found necessary to amputate her right hand and part of her right forearm above the wrist. The left hand was badly burned, but it was not necessary to amputate it. Her left eye was so badly injured that she entirely lost its sight, and her face has been very much disfigured as a result of the explosion.

Miss Deem was performing her duty in loading primers in the same manner that it had been usually done, and no explosion of the kind had ever occurred, and it clearly appears that the explosion did not occur by reason of any carelessness on her part.

After the explosion occurred an investigation was made of its causes by the Ordnance Department of the Government, and all the officers who examined into the case recommend that she receive compensation in some form from the Government for the injuries she sustained.

Your committee submitted to the Secretary of War the bill under consideration, requesting that he furnish the committee with all papers, or copies of same, on file in his Department relating to this claim, with his opinion regarding its merits. The letter of the committee was returned, bearing the following indorsements and accompanied by copies of the correspondence hereinafter quoted:

UNITED STATES SENATE, COMMITTEE ON CLAIMS,
Washington, D. C., January 18, 1904.

SIR: Inclosed herewith I hand you copy of bill (S 3401) for the relief of Florence Lambert, now pending before this committee.

Kindly cause to be forwarded, for the use of the committee, all papers or copies of same on file in your Department relating to this claim, with your opinion as to its merits, and oblige,

Yours, very truly,

FRANCIS E. WARREN, *Chairman.*

The SECRETARY OF WAR,
Washington, D. C.

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 22, 1904.

Respectfully referred to the commanding officer, Frankford Arsenal, for report.

The correspondence called for within was furnished to this office by him by second indorsement, dated February 26, 1902, on inclosure 7 of this file number, and was furnished to the Committee on Claims, House of Representatives, by the honorable the Secretary of War. It is now necessary to have the same correspondence to be furnished to the Committee on Claims, United States Senate.

This correspondence, if possible, should be furnished in duplicate.

By order of the Chief of Ordnance:

L. L. BRUFF,
Major, Ordnance Department, U. S. Army.

[Second indorsement.]

FRANKFORD ARSENAL, *January 27, 1904.*

Respectfully returned to the Chief of Ordnance, United States Army, with copies of correspondence on file at this arsenal relative to the case of Florence Lambert, née Deem, in duplicate.

FRANK HEATH,
Lieutenant-Colonel, Ordnance Department, U. S. Army, Commanding.

[Third indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 29, 1904.

Respectfully returned to the honorable the Secretary of War, inviting attention to the inclosed correspondence.

It seems that the injuries sustained by Florence Lambert, née Deem, are accurately described in the inclosed bill; that they were incurred without fault on her part while engaged upon duty for which she was employed by this Department, and the case appears to be one in which relief by the United States would be most properly afforded.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.

[Fourth indorsement.]

WAR DEPARTMENT, *February 2, 1904.*

Respectfully returned to the chairman Committee on Claims, United States Senate, inviting attention to the foregoing report of the Chief of Ordnance, United States Army, and to accompanying copies of correspondence therein referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

FRANKFORD ARSENAL,
Philadelphia, Pa., September 6, 1898.

SIR: I have the honor to inform you that on Saturday, the 3d instant, about 5.15 p. m., as I was passing the machine shop, an explosion took place in the second story of the building near a machine for priming cartridge shells. Miss Florence Deem, an operative, was holding a primer plate in her left hand and rubbing in the primers into the perforations in the plate with her right hand, as has been done here without accident since exterior primed reloading cartridges were adopted for service until this accident occurred. The primers on the plate exploded, also those in the wire tray directly underneath, blowing off most of the operative's right hand and disfiguring her face probably for life, without, it is hoped, destroying her eyesight. She was taken to the post hospital and from thence to the Episcopal Hospital in Philadelphia, where what was left of her right hand was amputated above the wrist. The patient is doing well as far as heard from.

Very respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

The CHIEF OF ORDNANCE, U. S. ARMY,
Washington, D. C.

FRANKFORD ARSENAL,
Philadelphia, Pa., September 7, 1898.

SIR: I have the honor to request that a recommendation be sent to the Congress of the United States when next in session urging that a pension of $30 per month be granted to Miss Florence Deem, 254 North Tenth street, Philadelphia, Pa.

The circumstances of the case are as follows:

Miss Deem has been employed in the cartridge factory at this arsenal since May 2, 1898, at a salary of 90 cents per day. At the time of her employment she gave her age as 23 years.

Between 5 and 5.30 p. m., on Saturday, the 3d of September, 1898, Miss Deem was engaged in putting small-arm primers in a primer plate preparatory to transferring the primers to the machine used for inserting the primers into the pockets made for them in the cartridge cases.

As she was thus engaged the primers suddenly exploded, with the following disastrous result to Miss Deem, as reported to-day from the Episcopal Hospital, Philadelphia, whither she was taken as soon as possible after receiving the injury, viz: After receiving Miss Deem at the Episcopal Hospital it was found necessary to amputate her right hand and part of her right forearm above the wrist. The left hand is badly burnt, but no part of it will have to be amputated. The sight of the left eye has been partially destroyed; the right eye will probably be saved. In addition, Miss Deem will probably be disfigured for life, due to the injury to her face resulting from the explosion.

An explosion of primers in this manner has never before occurred at this arsenal, and it was not due to carelessness on the part of Miss Deem or on the part of others.

Miss Deem is dependent for support upon her own efforts, and the injuries quoted above will make it most difficult, if not impossible, for her to continue to support herself unaided in the future.

In requesting a pension of $30 per month for Miss Deem the following facts are respectfully submitted, viz:

First. It is known to be customary, at least at one private cartridge factory, and presumably at them all, to pension for life such employees as are permanently disabled as a result of explosion or other accident occurring at the factory while the employees are at work therein.

Second. It is felt that Miss Deem, permanently disabled while en-

gaged in the manufacture of cartridges for the use of the soldiers of the United States, has received her injury in the service of her country as truly as any soldier wounded on the field of battle.

Very respectfully, your obedient servant,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

The SECRETARY OF WAR,
Washington, D. C.

FRANKFORD ARSENAL,
Philadelphia, Pa., November 8, 1899.

DEAR MADAM: In reply to your request (verbal) you are informed that on September 7, 1898, I wrote a letter to the Secretary of War, through the Chief of Ordnance, recommending that you be granted a pension of $30 per month.

I have this day written a second letter, inviting attention to the first one and renewing the recommendation contained therein.

Respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

Miss FLORENCE DEEM,
1035 Vine street, Philadelphia.

FRANKFORD ARSENAL,
Philadelphia, Pa., November 8, 1899.

SIR: I have the honor to invite attention to my letter of September 7, 1898, to the Secretary of War, through the Chief of Ordnance. In this letter I recommend a pension of $30 per month for Miss Florence Deem, an employee of this arsenal permanently disabled September 3, 1898, by the explosion of small-arm primers which she was handling in the course of her regular duties.

I was on the spot immediately after the explosion, and by careful examination at that time and investigation afterwards I can state that the explosion was not due to carelessness either on the part of Miss Deem or on the part of those in authority.

Miss Deem was at the arsenal yesterday. She has very recently left the hospital, where her left eye was removed three weeks ago. As the result of the explosion she has now lost her right hand and part of her right forearm and her left eye. She is dependent for support on her own efforts, and in her crippled condition it will be impossible for her to support herself unaided in the future.

As will be seen, Miss Deem's case is a needy one, and, in my opinion, the granting to her of the pension recommended would be an act of justice urgently demanded by the circumstances of the case.

Miss Deem's address at present is 1035 Vine street, Philadelphia, Pa.

Respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

The CHIEF OF ORDNANCE, U. S. ARMY,
Washington, D. C.

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, November 10, 1899.

Respectfully returned to the commanding officer, Frankford Arsenal. Your communications of September 6 and 7, 1898, are found on file in this office.

If Miss Deem could interest a Senator or Representative from Pennsylvania in her case so that a bill could be introduced in Congress appropriating a fixed sum of money for her relief, it would naturally be referred through the Secretary of War to this office, when all the facts in the case could be reported for the information of Congress.

There is no instance known to this office where Congress has granted a pension to any person in civil life for injuries sustained.

A. R. BUFFINGTON,
Brigadier-General, Chief of Ordnance.

[Second indorsement.]

FRANKFORD ARSENAL, PA., *November 13, 1899.*

Respectfully returned to the Chief of Ordnance, United States Army. Miss Deem has been informed of this and previous correspondence in her case, to the end that action indicated by first indorsement hereon may be taken by her.

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

FRANKFORD ARSENAL,
Philadelphia, Pa., November 13, 1899.

DEAR MADAM: I inclose herewith copies of two letters written to the Chief of Ordnance, recommending a pension for you of $30 per month.

You will see by the indorsement on the latter letter that the Chief of Ordnance suggests your interesting a Senator or Representative in your case. Copies of the correspondence are sent to you for the purpose of complying with the suggestions of the Chief of Ordnance.

Respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

Miss FLORENCE DEEM,
1035 Vine Street, Philadelphia, Pa.

Mr. PLATT of Connecticut. I think, Mr. President, that case had better go over until such time as we can consider it and have the vote of a full Senate upon it. It is a case where the record shows that there was no carelessness on the part of anybody—that it was a pure accident.

Mr. ALLISON. This is rather an exceptional case. I know something about it. I do not object to the Senator having the bill go over, for I would not want it disposed of without a further explanation than is found in the report. As I say, I have some knowledge of the case, and I believe that it is thoroughly meritorious and worthy.

Mr. PLATT of Connecticut. From a sympathetic standpoint there is no doubt about that.

Mr. ALLISON. From that standpoint and also from the standpoint of precedent.

The PRESIDING OFFICER. The bill will go over under the rule, without prejudice.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 659. An act correcting the record of Harris Graffen; and

H. R. 5052. An act granting an honorable discharge to Eugene H. Ely.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama; and

H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law.

H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T., was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts was read twice by its title, and referred to the Committee on Interstate Commerce.

H. R. 16560. An act to authorize the registration of trademarks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, was read twice by its title, and referred to the Committee on Patents.

H. R. 17100. An act to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss., was read twice by its title, and referred to the Committee on Commerce.

H. R. 17345. An act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. WARREN, and Mr. COCKRELL were appointed.

REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Philippine Commission, together with the separate reports to the Commission of the civil governor of the islands and of the heads of the four departments.

I also inclose a letter from the Secretary of War, submitting the reports for my consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 16, 1905.*

GREAT FALLS AND OLD DOMINION RAILROAD.

Mr. MARTIN. I now move that the Senate proceed to the consideration of the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on the motion of the Senator from Virginia to proceed to the consideration of the bill named by him. The bill will be read to the Senate for its information.

Mr. HALE. Mr. President, I will, either now or after it shall have been read, move to recommit the bill. Of course that is a motion which takes precedence.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. HALE. Let the bill be read and also the report accompanying it.

The PRESIDING OFFICER. The reading of the report ac-

companying the bill is also called for. The Secretary will first read the bill.

The Secretary read the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Great Falls and Old Dominion Railroad Company, incorporated by the acts of the general assembly of the State of Virginia, shall be, and it is hereby, in addition to the trackage rights now vested in it by existing legislation, authorized to construct and extend into and within the District of Columbia a double-track electric railroad, using the underground system, over the following route: Beginning at the north end of the Aqueduct Bridge and running thence to and into the reservation at the intersection of M and Thirty-sixth streets NW., with such construction as may be necessary to connect with the tracks of the Capital Traction Company; thence east along M street to Thomas circle; thence around said circle on both sides thereof to said M street; thence along said M street to New Jersey avenue; thence southeasterly along New Jersey avenue to Massachusetts avenue at its intersection with First street NW.; thence southeasterly along Massachusetts avenue to north E street; thence east along north E street to east Second street; thence north on east Second street to north F street; thence east on north F street to Maryland avenue; thence northeasterly on Maryland avenue to the Bladensburg road; and thence northeasterly along the Bladensburg road to a point opposite Mount Olivet Cemetery. Also beginning at the intersection of New Jersey avenue and L street NW.; thence along L street to its intersection with Florida avenue and Tenth street; thence south along Tenth street to M street; thence west on M street to east Ninth street; thence north on east Ninth street to Georgia avenue; and thence northeasterly on Georgia avenue to east Tenth street: *Provided*, That if it should be found impracticable to lay a duct line on any of said streets, then the Commissioners of the District of Columbia are hereby authorized, upon the application of said company, to designate such other streets as may be best suited for the purpose of laying said duct line; *Provided further*, That before said railroad company shall have the right to lay its tracks in Bladensburg road between Maryland avenue and Mount Olivet Cemetery said road shall be widened, without expense to the District of Columbia, to a width of 90 feet between building lines, and if condemnation proceedings are necessary to secure such widening said railroad company is authorized to institute the same in the manner provided in the Code of Law for the District of Columbia.

SEC. 2. That where the route provided for in this act coincides with the route or routes of any existing street railway, one set of tracks only shall be used in common with such previously existing railway, upon terms to be mutually agreed upon. In case no agreement can be reached jurisdiction is hereby conferred upon the supreme court of the District of Columbia, in equity, to fix the terms upon which the rights hereby given shall be exercised.

SEC. 3. That the proceeding to fix such terms shall be by bill in equity, which may be filed by any corporation interested against the other corporation, whether owning or using the tracks. The right to use such tracks shall not be delayed by the proceeding for adjudication of such terms, but such rights may be at once exercised, the said court having the right in its sound discretion to impose reasonable terms by requiring bond or otherwise to protect the corporation entitled to compensation.

SEC. 4. That the said railroad shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, location and arrangement of tracks, and so forth, shall be approved by the Commissioners of the District of Columbia.

SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and 2 feet exterior thereto in such condition as the Commissioners of the District of Columbia, or their successors, may direct, and whenever any street occupied by said railroad is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 6. That if the said railroad be operated by overhead wires, the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railroad, or from altering and improving streets, avenues, and highways, and the sewerage thereof. In such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

SEC. 8. That it shall be lawful for said railroad company, its successors or assigns, having first obtained the permission of the Commissioners of the District of Columbia therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States, to the credit of the Washington Aqueduct, such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of its railroad.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within three years from date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

SEC. 12. That the said company may run public carriages propelled by electric power; but nothing in this act shall allow the use of steam power in locomotives, or of overhead trolleys within the limits of the city: *Provided*, That if electric power by trolley be used, that the said company shall be liable for all damages made thereby to subsurface metal pipes and to other public and private property: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route.

SEC. 13. That the said company shall furnish and maintain passenger houses, as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table to be subject to the approval of the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of $50 for each offense, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

SEC. 14. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 15. That said company shall, on or before the 1st of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia in lieu of personal taxes upon personal property, including cars and motive power, each year, 4 per cent of its gross earnings in the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That its tracks shall not be taxed as real estate.

SEC. 16. That said company may receive a rate of fare not exceeding 5 cents per passenger; and the several street railroad companies in the District of Columbia shall enter into mutual arrangements each with the other for the interchange of tickets in payment of fare on their respective lines: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for 25 cents.

SEC. 17. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railroad company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railroad company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 18. That the said railroad company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees for any other case than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 20. That the said Great Falls and Old Dominion Railroad Company, for the purpose only of constructing and equipping its railroad, as herein authorized, shall have the right to issue bonds or other obligations, secured by mortgage or deed of trust upon its right of way, property, and franchises, bearing interest not to exceed 5 per cent per annum and payable at such time as the officers of the company may deems expedient: *Provided, however*, That the issue of said bonds or other obligations shall not in the aggregate exceed the amount neces-

sary for the construction and equipment of its railroad and buildings, in accordance with the provisions of this act: *Provided further*, That no bonds or other obligations shall be issued except the same be fully paid for at not less than their par value in money or its equivalent.

SEC. 21. That Congress reserves the right to alter, amend, or repeal this act.

The PRESIDING OFFICER. The reading of the report is called for.

Mr. PLATT of Connecticut. I suggest that it will not be necessary, in reading the report, to read the copy of the bill which has just been read. It may be omitted.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion of the junior Senator from Virginia, that, notwithstanding——

Mr. BURROWS. I understood that the reading of the report was called for.

Mr. GALLINGER. I make the point that it is out of order to read the report before the bill is before the Senate.

The PRESIDING OFFICER. That request, the Chair understands, has been withdrawn.

Mr. GALLINGER. The Senator from Michigan renews it.

The PRESIDING OFFICER. Therefore, the pending question——

Mr. BURROWS. The Senator from Maine asked that the report be read. I was not aware that the request has been withdrawn.

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the junior Senator from Virginia, that, notwithstanding objection, the Senate proceed to the consideration of the bill.

Mr. BURROWS. I do not understand exactly the situation. I understood the Senator from Maine to call for the reading of the report. Has that request been granted?

The PRESIDING OFFICER. It would hardly be in order at this time, unless by unanimous consent, or until the bill is properly before the Senate. The bill has been read for the information of the Senate.

Mr. BURROWS. I ask unanimous consent that the report be read.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Unanimous consent is asked that the report on the pending bill be read.

Mr. GALLINGER. I must object to that, Mr. President. I think we had better get the bill before the Senate, if there are votes enough so to order, and then the reading of the report will be in order.

The PRESIDING OFFICER. Objection is made to the reading of the report. The pending question is on agreeing to the motion of the junior Senator from Virginia that, notwithstanding objection, the Senate proceed to consider the bill.

Mr. BURROWS. On that I call for the yeas and nays.

Mr. HALE. I move that the bill be recommitted.

The PRESIDING OFFICER. The Chair will state to the senior Senator from Maine that the bill is not yet before the Senate. The question now is whether the Senate will take up the bill and consider it.

Mr. HALE. Then I will make that motion whenever the rules permit it to be made. Let us have the yeas and nays on the question of proceeding to the consideration of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I do not know how he would vote. Therefore I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. TILLMAN. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. FOSTER of Louisiana (after having voted in the affirmative). May I inquire whether the junior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. FOSTER of Louisiana. I have a general pair with that Senator, and therefore, in his absence, I withdraw my vote.

Mr. BAILEY. I have a general pair with the Senator from West Virginia [Mr. ELKINS], and he has not voted on this question. So I think perhaps I ought to withhold my vote.

Mr. MARTIN. There is no doubt that the Senator from West Virginia would vote to take up the bill.

Mr. BAILEY. And I should vote "nay." So perhaps I ought to withhold my vote.

Mr. MCLAURIN. I am paired with the senior Senator from Washington [Mr. FOSTER], and therefore withhold my vote.

Mr. SPOONER. The Senator from Alabama [Mr. PETTUS] is paired with the Senator from Massachusetts [Mr. CRANE]. The Senator from Alabama has voted "nay." I am advised by the colleague of the Senator from Massachusetts that if present he would vote "nay." I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Massachusetts [Mr. CRANE], and will vote. I vote "nay."

Mr. MCCOMAS. I have a general pair with the senior Senator from Kentucky [Mr. BLACKBURN], who is absent. I understand that if present he would vote "yea," and I should vote "nay." But I withhold my vote.

Mr. CLARK of Montana (after having voted in the affirmative). I am paired, and therefore withdraw my vote.

The result was announced—yeas 30, nays 24, as follows:

YEAS—30.

Bacon	Foraker	McCreary	Platt, Conn.
Bate	Gallinger	Mallory	Scott
Burnham	Gamble	Martin	Simmons
Clay	Gibson	Millard	Stewart
Cockrell	Gorman	Money	Taliaferro
Daniel	Hansbrough	Overman	Warren
Dietrich	Kittredge	Patterson	
Dubois	Latimer	Perkins	

NAYS—24.

Alger	Cullom	Hopkins	Pettus
Allison	Dolliver	Lodge	Platt, N. Y.
Bard	Dryden	Long	Proctor
Berry	Fairbanks	Morgan	Spooner
Burrows	Hale	Nelson	Teller
Clapp	Heyburn	Newlands	Wetmore

NOT VOTING—36.

Aldrich	Clark, Mont.	Foster, La.	McCumber
Allee	Clark, Wyo.	Foster, Wash.	McEnery
Ankeny	Clarke, Ark.	Frye	McLaurin
Bailey	Crane	Fulton	Mitchell
Ball	Culberson	Hawley	Penrose
Beveridge	Depew	Kean	Quarles
Blackburn	Dick	Kearns	Smoot
Burton	Dillingham	Knox	Stone
Carmack	Elkins	McComas	Tillman

So Mr. MARTIN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE obtained the floor.

Mr. GALLINGER. Will the Senator from Maine allow me for a moment?

Mr. HALE. Certainly.

Mr. GALLINGER. A few days ago I submitted a proposed amendment to this bill, which was printed. I wish now to withdraw that amendment and to substitute the one I send to the desk.

The PRESIDING OFFICER. The Senator from New Hampshire presents an amendment, which will be read.

Mr. GALLINGER. It is not necessary to read it. It is simply a proposition to run a single track on M street east of Thomas circle, coming back on N street. That is all. It need not be read.

Mr. HOPKINS. Will the Senator from Maine yield to me for a moment?

Mr. HALE. I yield to the Senator from Illinois.

Mr. HOPKINS. I desire to present an amendment to the pending bill.

The PRESIDING OFFICER. The Senator from Illinois presents an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section, to be known as section 3½, the following:

SEC. 3½. That the owners of and those interested as lessees and mortgagees of real estate abutting upon any of the streets, avenues, alleys, and public places along and over which the said railroad company constructs and operates its road in the city of Washington, as provided in this bill, shall have a right of action against said road, its successors, and assigns for any injury or damage arising to any of said real estate or property located thereon by reason of the construction and operation of said road along and over said streets, avenues, alleys, and public places.

Mr. HOPKINS. I do not care to have the amendment taken up until the bill is considered in detail. Then I shall desire to submit some remarks on the amendment.

Mr. HALE. Mr. President, I move that the bill be recommitted to the Committee on the District of Columbia, and on that motion I desire to say a few words.

I have no arraignment to make of the committee that has reported the bill, and I do not know but that it has received fair consideration. But I am impressed by the number of letters and statements that have come to me from parties living upon the scene where this road is projected who have had no opportunity to be heard, and I believe it will be in the interest of good legislation if the bill be sent back to the committee and hearings be renewed and parties who are greatly, seriously, and earnestly interested be permitted to appear before the committee so that all sides and all interests may be properly brought before the Senate for its action.

I do not find either—perhaps I am incorrect, and if so, the Senator reporting the bill will correct me—that the hearings which have taken place, and which cover or should cover the testimony of the parties who have been fortunate enough to get before the committee, have been printed for the use of the committee. It may be they have.

Mr. GALLINGER. To the extent of 124 pages, I will say to the Senator. It was advertised in the newspapers that the hearings would be had, and everybody was invited to come.

Mr. HALE. My point just now is, have these hearings, as contained in this document, been printed for the use of the Senate or simply for the use of the committee? I was not able until this morning to get a copy of it.

Mr. GALLINGER. They were printed for the use of the Senate, I will say to the Senator.

Mr. HALE. I was not able until this morning to get a copy.

Mr. GALLINGER. They have been in the document room and available ever since the date of the hearings, which were in last April.

Mr. PROCTOR. Were they distributed on our desks?

Mr. GALLINGER. I do not do that work, and hence can not answer the Senator. I have no doubt they were. Certainly they were not suppressed by the committee, I will say to the Senator.

Mr. HALE. I have been watching this project, and I have always sought all the information I could get upon it; but I never saw a copy of the hearings until to-day, and from glancing them over I can see, when I consider them in connection with other letters and statements that have been made to me, that they represent only a small portion of the people who are deeply interested in this project.

Mr. GALLINGER. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. GALLINGER. If the Senator had been in the room of the Committee on the District of Columbia this morning he would have discovered a town meeting there on a subject that is of concern to the District. Had he been there last April he would have discovered that room packed with citizens of the District——

Mr. HANSBROUGH. For three or four days.

Mr. GALLINGER. Yes; coming there upon the announcement in the newspapers that hearings were to be had on this subject. Those meetings were held; the committee unanimously reported this bill; the testimony was printed for the use of the Senate; and no criticism will lie against the committee in this respect. It may lie against the judgment of the committee, but not against its procedure.

Mr. HALE. I stated that I had no arraignment to make of the committee. I see now from this report that there have been, as I had known, certain hearings, but there certainly have come to me additional statements, that are entitled to some consideration, of parties who desire further hearings.

I am told also that amendments are contemplated which involve new locations, involve a new development of this plan, which have never been considered in hearings, and that the residents upon the lines which are now by these amendments projected into this bill have not been heard because their localities were not before threatened.

If that is the case, certainly in the interest of good legislation it is not asking too much that the bill shall be recommitted and an opportunity be given to everybody, not only upon the original line as laid out and as heard before the committee, but upon the other streets that have been brought in by amendments, with the sanction of members of the committee, of the chairman, perhaps of the Senator who reported the bill.

My interest in this matter, Mr. President, is general. I know very little about the scheme or the parties who are behind it or what its future value will be; but I do know that we have gone on and gridironed this fair city with railroads in every direction. North and south, east and west, northeast and southwest, and southeast and northwest we have gridironed the city with these roads. There are only comparatively small spaces that are left free. We have gone so far in the privileges that we have granted to railroad companies that nobody now is discommoded. Along the line where this road is projected with its general course from the west to the east every three or four blocks are lined with railroads, running through the city north and south, that accommodate nine-tenths of the people of the city.

There is no demand, Mr. President, none has been shown, and I think, so far as I have been able to-day to look at this document, nothing is shown here as a demand from the residents of the city, the people themselves most interested, in favor of this scheme. It is demanded by the corporation that seeks to extend its road through the city.

Mr. GALLINGER. And combated by the existing corporations.

Mr. HALE. That I do not know anything about. It would be natural enough that they should combat it, but whether they do or not they are not here, so far as I know, in evidence.

Mr. GALLINGER. They appear conspicuously in the testimony.

Mr. HALE. We are called upon to give away unduly a valuable franchise in a tract of the city that has thus far been unmolested by these roads, but which yet is reached by valuable lines for the accommodation of the people, and we ought to hesitate long before we give away another valuable franchise simply at the request of a corporation which has built a road under certain rules and regulations (and I shall touch upon that not now but afterwards in the discussion) which are sought to be enforced in this District, that will be offensive to every man when they are stated and read. We ought to call a halt. In my judgment it is time to call a halt before we give away any more of these franchises.

I have plenty of material that later will be used, but in making this motion to recommit to the committee I have stated only the general proposition. It can do no harm; if it is a good case that this road has it will not be hurt by a rehearing. If it is a bad proposition, it is better to let light into it and let it be seen, and let the Senate know, as it does not know now, all the facts in the case.

Mr. GALLINGER. Mr. President, just a word at the present time. At some future time if this bill is up I shall want to discuss it more fully.

This is a most extraordinary motion of the Senator from Maine. Of course, it is clearly within the rules, and I do not know that anyone should complain of it. Here is a committee trying to do its duty, not seeking this work any more than the Senator from Texas [Mr. BAILEY], who says he has no taste for acting as mayor or councilman of a city. Probably there is not a member on that committee who would not be willing to exchange his place with any other Senator on any other committee of the Senate.

That committee gave very careful consideration to this measure. A hearing was had which in print makes 124 pages. The matter was then referred to a subcommittee, consisting of the Senator from North Dakota [Mr. HANSBROUGH], the Senator from Vermont [Mr. DILLINGHAM], the Senator from South Dakota [Mr. GAMBLE], the Senator from Virginia [Mr. MARTIN], and the Senator from Idaho [Mr. DUBOIS], who went over the route, examined it carefully, and reported to the committee that it was a proper request this corporation had made, and the full committee without a dissenting voice agreed to it and reported the bill to the Senate.

Now, it is proposed to recommit it, the Senator from Maine says, for further hearing, and this motion is made before the report of the committee is read and before the bill is debated. Mr. President, I have on my desk at least twenty requests for hearings from citizens of the District on almost every conceivable bill, but I have not received one letter nor had one suggestion made to me since this bill was reported from any citizen of the District of Columbia that further hearings were wanted on this bill. If the Senator from Maine has made the discovery that the people here are in arms and want another town meeting on this bill he has discovered something that has not come to the chairman of the committee, and I venture to say not to any member of the committee.

Mr. HALE. Let me ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. HALE. Taking the line as projected by the original bill or covered by the amendments that have been introduced and will be urged, how many resident owners of property has the Senator found who are in favor of the bill or the amendments?

Mr. GALLINGER. A great many. I received a letter this morning from the owner of a large apartment house on the corner of M street who says he wants this bill to pass.

Mr. HALE. That is one.

Mr. GALLINGER. That is one. If the Senator will read the testimony he will find a hundred there.

Mr. HALE. Hardly.

Mr. GALLINGER. Certainly. The committee were of opinion, after running over the matter very carefully, that the protestants and advocates of the bill were about equally divided.

Mr. HALE. The statements have been made to me by people whom I have faith in, that the number of resident owners of property upon these streets is very few who are not strongly opposed to the bill.

Mr. GALLINGER. The testimony does not show that. But even if that were so, it would not be different from what it has been when railroads are built in this city or in any other city,

so far is I know. Property owners in this city always protest that their property is going to be destroyed. In their judgment that may be true, but after the road is down the Senator from Maine would not dare to introduce a resolution here to tear up a rod of any of these roads. Not one rod has been laid down without a protest from the property owners along the road, and not a rod could be taken up without a riot.

Mr. HALE. What that means is, that in chartering new roads attention should be paid to the requirements of the corporation seeking the charter and not to the people living on the line of the road?

Mr. GALLINGER. I beg the Senator's pardon; that is an imputation on the committee that the committee will not silently endure.

Mr. HALE. Is not that a fair deduction from what the Senator said?

Mr. GALLINGER. It is not a fair deduction. The Senator probably is not aware of the facts. The Senator has not served on this committee. I have been on it for fourteen years. I have been in favor of this cross-town road during those fourteen years. This city is not gridironed with railroads, as the Senator asserts; far from it. The Senator probably does not know that in the northeast part of this city there are from 30,000 to 40,000 people who have practically no railroad accommodations.

Mr. HALE. Does this road reach them?

Mr. GALLINGER. It does absolutely. The existing roads have refused to extend their lines into that territory, or they have not done it, and this road comes in here and says, "We will give facilities for the northeast part of the city, that to-day is absolutely without any railroad facilities." If the Senator will read the testimony he will find what the Northeast Citizens' Association of this city say about it.

Mr. HALE. I propose to read it if I have time, or get this matter referred back to the committee. I propose to read it very fully.

Mr. GALLINGER. I wish the Senator had done it some time ago.

Now, Mr. President, this committee reported the bill, responding to what they believed to be a demand on the part of men who use street cars in the city of Washington, not on the part of men who, more fortunate than some of us, ride in their carriages, but on the part of ordinary men and women who travel in the District and who want such facilities. There is not a railroad from Georgetown within five blocks of the route projected here to Thomas circle, and there is no railroad running from that point to the northeast part of the city. There are one or two little spurs, but there is not any railroad running across to that part of the city, and the people there are absolutely without railroad accommodation, as will appear, if the Senator will take the trouble to read the testimony which the committee has had printed.

I say, Mr. President, this city is far from being gridironed with railroads. This city has running north and south a railroad on First street, a railroad on Sixth street, on Seventh street, Ninth street, Eleventh street, Fourteenth street, but when you come to the east and west what do you find? We have the Pennsylvania avenue line, the H street line, and we have a line running down New York avenue. We have a little spur running from the U street line across to Seventh street and there it stops. There is no city in my knowledge so inadequately supplied with railroad facilities as the city of Washington is in lines running east and west.

Mr. HALE. There is a line along boundary.

Mr. GALLINGER. On U street, running down to Seventh.

Now, Mr. President, this committee, in trying to find just grounds upon which to legislate, gave this matter very serious and careful consideration, and have reported this bill, which they think ought to pass. Of course we all understand that there are powerful influences against it. The existing railroad corporations are against it, and the bondholders of this consolidated company, who live in New York and elsewhere, are against this bill. There is no question about that. The committee is not ignorant of the opposition that is arrayed against this bill. All you have got to do is to go into the Marble Room to discover it, and we fully understand it. But we are going to advocate it, it being our mature judgment that it ought to pass.

Mr. DIETRICH. I should like to ask the Senator from New Hampshire who has charge of the bill as to section 15. I see that section 15 provides that 4 per cent of the gross earnings shall be paid as a tax. I should like to ask how the other roads now operating are taxed?

Mr. GALLINGER. They pay 4 per cent, precisely the same as is here provided.

Now, Mr. President, I apprehend——

Mr. BAILEY. Mr. President, I rise to a question of order. The Senator from New Hampshire reflects by implication upon every Senator in this Chamber who is opposed to this measure. He declares that certain powerful influences are against it, naming New York bondholders and stockholders of Washington railroads as the ones who are potential in the opposition. He thus implies that the Senators who are opposed to this bill are subjected to that improper influence.

Mr. GALLINGER. Now, Mr. President——

Mr. BAILEY. I wish to ask the Senator from New Hampshire if he means to intimate that that is the only influence that is opposed to the passage of the bill?

Mr. GALLINGER. I am surprised that the Senator from Texas has asked me that question. I had no such intention—not the least in the world. I have received letters on this subject, but they were proper letters. I have had interviews, but they were proper interviews.

Mr. BAILEY. I have had letters from many of the property holders on M street.

Mr. GALLINGER. I will say to the Senator that I had no intention of reflecting upon any living man. I think the bondholders of these roads have a right to protect their interests, if they think them endangered. The existing corporations have a right to protest against this charter if they think it is to their detriment to have it granted, but after these protests have been made it is the duty of Congress to take such action as the welfare of the general public may seem to demand. I do not question the sincerity of anybody, and, as far as Senators are concerned, of course I hope the Senator from Texas knows me well enough to know that that was the furthest from my thoughts.

Mr. HALE. I can say here, Mr. President, that I have never, early or late, day or night, here or elsewhere, heard from a single representative of the interests the Senator refers to. When the Senator says these powerful influences, these bondholders, are behind this opposition he states what I for one know nothing whatever about. My interest in the matter comes not from any communication with them or any knowledge of their existing on the face of the earth. It comes from my objection to chartering more railroads in this city and from appeals from residents whose property is practically confiscated by this bill. I have never known or heard of any other influence.

Mr. GALLINGER. Now, Mr. President, I will proceed, because I have only one minute. I wish I had a little more time to-day; but I will take occasion later on, if this bill shall be before the Senate, to make myself clear on this point.

We had before us Mr. George T. Dunlop, a very worthy man, who has become wealthy in running a railroad here—the most lucrative charter, I think, that perhaps was ever granted in this city. He is a very great railroad man. One of his first remarks to the committee was: "I protest against the passage of this bill on the ground that it invades the rights and privileges granted to my company some forty-two years ago."

Now, I am at a loss to know how we are invading Mr. Dunlop's rights and privileges. He has got his charter, and he is running his road and making a lot of money out of it; and this corporation, in my judgment, will not take a penny out of the coffers of that road if this bill should become a law. He opposed this bill on other grounds. He said, for instance, concerning this proposed road, that "there would not be enough hauled in a year to pay for the oil on the wheels going to the Union Station." To my surprise the Senator from Michigan [Mr. BURROWS], who opposes this bill very strongly, offered a substitute granting Mr. Dunlop's road the right to run over exactly the same route that is provided in this bill. I confess that that is very puzzling to me. I do not quite comprehend that; perhaps the Senator will explain it later on, and perhaps Mr. Dunlop will also explain it.

Now, Mr. Dunlop talked about "our territory;" and on one occasion, if you will read the record, you will observe he says: "Why, that is General Harries's; that is the territory of the other corporation." I do not understand that Congress has divided up the territory of the District of Columbia to street railroad corporations. I do not understand that they have given General Harries a half of it and Mr. Dunlop the other half, and I think it was an impertinence to make that appeal before the committee. Mr. Dunlop went further and said that the Old Dominion Railroad Company, which by law has the right to come across the Aqueduct Bridge—and they spent $50,000 in putting that bridge in repair so that they could come across it, and secure the right to come into the District of Columbia——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. GALLINGER. Mr. President, just one minute more to finish my sentence. Mr. Dunlop said if they had ever asked to extend their lines into the District from the Union Station he

would not have allowed them to get the charter to come across the bridge. Now, I think we have a right to say that there are powerful influences, aggressive influences, potential influences, against this bill. We expected it, and we expect they will find expression in the debate which, I trust, will be had before the bill is finally acted upon, and in saying this I reflect upon no man or corporation.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. HALE. This bill goes to the Calendar?

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. The Chair so understands it, under the rule.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and a State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. I understand that the Senator from North Carolina [Mr. SIMMONS] is ready to address the Senate on the unfinished business.

Mr. SIMMONS. Mr. President, before I had investigated the proposition to make two States out of these four Territories I was disposed to support the pending bill, although, in my opinion, each of the four Territories was prepared for statehood and entitled to separate statehood, because I thought that this proposition was the only one which had a reasonable chance to pass Congress now or at any time in the near future, and I was unwilling to vote longer to deny to the people of these Territories the right of self-government. After hearing the speech of the Senator from California [Mr. BARD] and in consideration of certain statements recently made to me as to the sentiments of the people of Arizona with reference to the consolidation provided in this bill, and as to the conditions which prevail in that Territory by a high official of my own State, a man of large ability and close observation who spent several months during the last summer in that Territory and mingled much with its people, I decided to make an investigation of the subject for myself, and as a result of that investigation I find myself unable to vote for the bill in its present shape without doing violence to what I regard as a settled policy of this Government in the admission of Territories, and without doing, in my judgment, a great wrong to the people of these Territories, especially to the people of the Territory of Arizona.

I feel differently with reference to the proposition to unite the Indian Territory and Oklahoma in one State from the way in which I feel with reference to the proposition to unite New Mexico and Arizona. I believe, as I said, that all of these Territories are prepared and entitled to be admitted into the Union as separate States, and so admitted would, in a comparatively short time, grow into great and powerful Commonwealths. But the people of Oklahoma and the Indian Territory seem to prefer this union, however obnoxious, to continued Territorial government. In deference to that sentiment of the people, and on account of my dislike of the Territorial system of government—a system which I regard as wholly alien to the genius of our institutions, and which, in my judgment, ought not to be continued in any part of the territory of the United States—especially in continental United States—one minute beyond the period of necessary preparation for statehood—if I am reduced to that alternative, I may prefer to vote for joint statehood for these two Territories, as a choice between that and continued Territorial government, though I am not now prepared to say definitely what I will do if that alternative shall, unhappily, ultimately confront me.

I am more favorably inclined to the proposition to consolidate Oklahoma and the Indian Territory, not only because the people of those Territories seem to assent to it, but because for many and, I think, manifest reasons the union of these Territories would be less objectionable than the union of New Mexico and Arizona would be.

For these reasons, Mr. President, I shall direct my remarks, as my investigations have been directed, chiefly to the proposition to unite New Mexico and Arizona. And as New Mexico seems to be willing to the union and Arizona is alone protesting, and as that Territory would undoubtedly suffer most from the consolidation, I shall direct my argument mainly to an inquiry into the rights of Arizona to separate statehood, and to the effect upon its material, social, and political interests of the proposed consolidation.

Now, what are the rights of Arizona in this behalf? Of course, I do not contend that the people of Arizona have any rights in this matter which Congress has not the power to ignore without in any way impinging upon its powers as declared and defined by the Constitution. But I do contend that Arizona has rights in this matter, both in connection with its claim to independent statehood and in connection with its protest against forcible annexation or consolidation with New Mexico, which Congress can not disregard without repudiating a rule of action which it has established by a line of precedents which have ripened into a national policy, upon which the people of Arizona had a right to rely and have relied and do now rely to secure them on the one hand in their claim to statehood, and to protect them on the other hand against the wrong of this proposed annexation.

It is true, Mr. President, the Constitution does not prescribe the requisites of statehood. It is also true there is no positive or written law prescribing these requisites. Undoubtedly, in the absence of positive law prescribing the requisites of statehood, Congress has discretion as to the time, the manner, and the prerequisites for the admission of Territories as States. The material question, then, is what is the extent and scope, what is the character and the nature, of that discretion? Is it an arbitrary and unrestrained discretion or is it a limited and circumscribed discretion?

Mr. President, when power is conferred upon any tribunal or body in the absence of specific provisions for its exercise the discretion thus necessarily created is not ordinarily an arbitrary discretion. It must be exercised with due regard to the principles of human right and universal equity. But after that power has been exercised for a long period of time in a manner reasonably uniform and consistent, even though it may have been by right arbitrarily exercised at first, the discretion may no longer be exercised arbitrarily, but is modified and limited by the line or rule of action which has grown up under its long-continued exercise.

So, Mr. President, Congress is bound in the exercise of its power and discretion to admit Territories to observe the principles and policies which it has itself established as the standard of right and privilege in the admission of the thirty-odd Territories which have become States since the adoption of the Constitution. In short, like any other body possessed of a discretion originally unrestrained, Congress has become bound, in morals, at least, by the limitations it has imposed upon itself in admitting the Territories. The Parliament of Great Britain is omnipotent. It can do what it pleases, yet in practice it holds itself bound by precedents which have ripened into a line of policy as firmly as Congress is bound by the Constitution. Congress may do many things that violate the rights of individuals and communities without impinging upon the Constitution, but in this domain of legislation it is as much bound by precedents which have ripened into a line of national policy as is the British Parliament.

I shall not take up the time of the Senate in discussing the proposition whether during the last one hundred and seventeen years, in the admission of thirty-two Territories into the Union, Congress has established a reasonably uniform and well-defined national policy as to the admission of Territories into the Union. I think that proposition is so well established that it is not necessary to reenforce it with argument. A casual study, Mr. President, of the history of the admission of these thirty-two States into the Union will disclose that Congress, in the exercise of its power and the discharge of its duty in this regard, has established two general propositions which have become a part of our national policy upon this subject. First, when a Territory by reason of extent of domain, size of population, and amount of taxable wealth is reasonably fitted for statehood it is entitled to admission as a separate State; and, secondly, when the Territory applying for admission is so large and unwieldy as to make intercourse between all of its component parts difficult and expensive and government costly, it should be divided into smaller and more compact States in the interest of convenience, community intercourse, and economical government.

Tried by the test of the extent of domain, of population, and of taxable wealth, Arizona undoubtedly is entitled to separate statehood; and tried by the rule looking to the division of large and unwieldy areas into smaller States, both New Mexico and Arizona have a right either to be admitted as separate States or to continue in their present Territorial condition.

Now, let me analyze and apply to the Territories of New Mexico and Arizona these policies, which I contend have been evolved out of the exercise of this power and the discharge of this duty by Congress during the past one hundred and seventeen years. There is nothing in the admission by Congress of

the Territories definitely prescribing the extent of territory required. The areas of the original States were unequal. The areas of the Territories admitted to statehood are unequal; but, Mr. President, a consideration of the size of the various Territories that have been organized into States under the Constitution will, I think, show that Congress has observed what I might describe as a happy medium between very large States on the one hand and very small States on the other hand.

In two instances Congress has given a significant hint as to its conception of the proper size of a State. In the case of the Northwest Territory, covering, I believe, about the same extent of area as is comprised in New Mexico and Arizona, the ordinance of 1787 provided that that Territory should be divided into not less than three and not more than five States. This is a significant provision in the consideration of this question. It shows, to my mind, very clearly the Congressional idea of the size of a State, and it shows a preference on the part of Congress for smaller over larger States, because when Congress subsequently came to exercise the power conferred upon it by that ordinance, instead of creating out of this Territory three States it created out of it five States.

Again, Mr. President, in admitting Texas Congress gave anothe hint of its conception of the proper size of a State. That territory was admitted under exceptional conditions; but when it was admitted so strong was the idea of subdividing large and unwieldy areas into smaller States lodged in the Congressional mind that it was provided that it might subsequently be divided into five States. Texas contains, I believe, about 268,000 square miles, and this proviso for its subdivision into five States may reasonably be construed as showing the opinion of Congress as to the appropriate size of a State.

A study of the several acts of admission and of the size of the Territories admitted will, I think, show that Congress has all along had in mind the idea that small and compact States could better discharge the functions and duties of self-government under our system than States of larger areas, and actual results have, I think, amply justified the wisdom of that policy.

It is admitted that Arizona has a sufficient area of territory—113,000 square miles—to make a great State, even two great States.

But it is contended that a large part of this immense domain is sterile and barren and unproductive, and that when that portion is eliminated possibly there will not be enough left that is capable of productive and profitable use to make a State of sufficient resources to discharge the functions of government without imposing too great a burden of expense upon the people of the Territory. Mr. President, I know it is a popular conception that a large part of the Territory of Arizona is sterile and unproductive, but it is an erroneous opinion. There is no part, or if any part a very inconsiderable part, of this Territory that is not valuable and wealth producing. Its valleys—and there are twenty-one of them, I believe—comprise in themselves an area sufficient to make a great State. It is true that some of this valley land is arid and at present unproductive, but with the success of the scheme of national irrigation which is being applied in that Territory—and that it will be successful I think there is no doubt—every foot of this valley land will not only become productive, but it will become the most wonderfully productive soil in all America; it will become as fertile as the valley of the Nile, which it very much resembles, and it is as large in extent as the valley of the Nile, which, it is said, at one time sustained 60,000,000 people.

Arizona has about 10,000 square miles of forest, but it is not scrubby forest. It is not a forest with trees so small or of such a character that they are not of merchantable value; on the contrary, this whole 10,000 square miles is covered by the finest pine timber to be found anywhere in the United States. It is being worked; it is being felled, and these lands are being reduced to a condition for cultivation just as the territory of the Northwest, which was covered by forests, was reduced to a state of cultivation.

But there is this difference. The men who cut away the forests of the Northwest Territory found its timber practically valueless, because there were no uses to which it could be applied. But the timber from the forests that are being cleared in Arizona is at the same time it is cut manufactured into a product that is in great demand throughout the length and breadth of this country and is a source of immense national wealth.

The balance of that country is highlands. The general idea is that these highlands are deserts and of no value. That is not true. These lands, from one end of the Territory to the other, grow a grass that is the most remarkable grass I have ever read of in history or agricultural bulletins, and I am somewhat of a farmer and give a great deal of study to subjects of that sort. I wish that this particular grass would live and grow in North Carolina. If it could be successfully transplanted to the South and the East and even to the Middle States, it would add greatly, in my judgment, to the value of the grazing lands of those sections. The peculiarity of this grass is that it is not only good pasturage in the spring and summer, but that it cures a magnificent hay without being cut, which may lie upon the ground without losing its nutrition during the whole winter.

These uplands of course are not subject to irrigation. It can not be irrigated. It is too high for that. But it produces this grass from the small rainfall of that section, which I think ranges from six to twenty inches annually, according to altitude. Besides, there are 30,000 square miles of this land which is the receptacle of the richest deposits of gold and silver and copper on the continent. Therefore, Mr. President, there is nothing in the contention that while the area of this Territory is ample in number of square miles, it is not sufficient by reason of its lack of productive value.

Mr. President, are there enough people in Arizona to make a self-governing community according to the American idea? Are they sufficiently thickly settled to admit of the application of the county-government and the township-government systems which obtain in all the States? There are, according to the last census, 123,000 people in this Territory. That is a population of about 100,000, excluding Indians, and I think they ought to be excluded, because they are not taxed, and really in that Territory not civilized. I am not going into the question of the accuracy of these census figures, although I think it could easily be shown that they are incorrect. According to the registration of 1902—and I use the figures of that registration instead of that of 1904, because the hearings before the committee deals with that instead of the registration preceding the last election, and we all know that a great many people who are entitled to vote do not register, and especially is that so where a large part of the people are engaged in mining, as in this Territory—according to the registration of 1902 Arizona had at that time, I believe, about 32,000 registered voters, and, measured by the test of 1 voter to every 5, its population ought to be, I should say, at least 145,000.

Tried by the test of the number of children enrolled in the schools, to wit, 40,000, her population ought to be at least a hundred and fifty or a hundred and sixty thousand. And tried by the numerous local enumerations which have been made, exposing inaccuracies in the census and showing a much larger population in communities and municipalities than the census accord to them, it ought to be, I should say, at least a hundred and sixty thousand.

Moreover, we have the positive statement of the Delegate from that Territory, reenforced by the statement of the governor of the Territory, that there is undoubtedly to-day a population of at least 150,000 people in Arizona.

But, Mr. President, not going into the field of speculative estimates, and relying entirely upon the showing made by the census, I submit that there can be no denial of statehood to Arizona upon the ground of lack of population. Of the thirty-two Territories that have been admitted into the Union since the adoption of the Constitution, twenty-four had a less population, according to the census last before their admission, than Arizona had four years ago, and of the three Territories last admitted into the Union two of them at least—Idaho and Wyoming—had a population at the time of their admission less than Arizona has now, according to the census.

Now, let us consider the question, and to my amazement that question has been raised, Are these people of sufficient virtue and intelligence to entitle them to be invested with the rights and duties of a self-governing community? Let us for a moment consider the nationality and character of the people of this Territory. About 5 per cent of them, according to the hearings, are of Mexican descent, and only about 700 of them are natives of Mexico. These constitute the least intelligent part of the population, but even they are not ignorant. The great majority of them know how to read and write, and speak the English language. Their children attend the common schools, which are taught in the English language.

These Mexicans, of whom it is said they are unfitted to be American citizens, to exercise the functions of self-government under the American Constitution, are the descendants of a people who have a system of government identical with ours and who under the leadership of one of the greatest men in the world to-day are demonstrating their capacity for self-government.

About one-fifteenth of the population, I believe, leaving out the Indians—and I am doing that in all these statements—are foreigners; but they are not that class of foreigners who

to-day are filling the slums of our great cities, who have come to our shores imbued with the principles and spirit of anarchy, and whose greatest concern here, as in the country from which they come, is to disrupt and overthrow the government under which they would live. They are a class of foreigners that any State in this Union would be proud and glad to welcome as a part of its citizenship. They are of a class of foreigners who have come and settled in other Territories and States in this country and have made them in a few years Commonwealths equal in dignity and in wealth to the greatest.

They come from England, from Germany, from Ireland, from Canada, from Sweden, from Scotland, from Austria, from France, from Switzerland, and from Denmark. It is true a number of them come from other countries, but four-fifths of them come from the countries I have named.

There is not a State in the Union to-day that would not be glad to receive into the bosom of its citizenship immigrants from the countries from which they have come.

The remaining 80 per cent of the people who live in this Territory and constitute its citizenship have come from the States or they are the descendants of those who have come from the States—your State, Senators, and my State. Two thousand three hundred and twenty-four came from New York, 2,000 came from Ohio, 1,672 came from Pennsylvania, 3,152 came from Vermont, 5,099 came from California, 2,659 came from Illinois, and more than a thousand of them came from each of the States of Indiana, Iowa, Kansas, and Kentucky.

They are the same class of people who have gone out from the States and settled all the other Territories of this country, whether it was the Northwest Territory or the Louisiana Purchase Territory or the Gadsden Purchase Territory. The same class of our own people who in the past have felled the forests, braved the wild beasts and the insalubrity of climate and other harassing and hampering conditions of frontier and Territorial life, and erected great States and Commonwealths out of these once wild wastes of forest and desolation.

These people, like their predecessors in frontier life, have not left their homes and broken up the associations of a lifetime because of indolence, but because of ambition. They have not gone out there because of their weakness, but because of their strength. They have not gone out there because of cowardice in meeting the conditions of life and battling with them, but they have gone out there because of their courage in dealing with the problems and hardships of life. They may be called adventurers, and in a sense they may be adventurers, but they are men of courage, men of grit, men of determination, men of ambition, men whose ambition and determination for better things would not permit them to stay home and put up with the ordinary, but led them to brave hardships amid new and untried conditions in a strange land in the hope that they might achieve for themselves and their posterity better conditions and things than the old home had to offer to those who had nothing to build upon except brawn and muscle, guided by courage and intelligence and character.

To say that this class of people—and they constitute 80 per cent of the people of the Territory of Arizona to-day—are not capable of self-government, that they do not possess sufficient virtue and intelligence to discharge those functions, is to repudiate and to deny the experience of our whole history in the settlement of Territories and the development out of them of great and powerful Commonwealths.

Mr. President, has Arizona sufficient resources—sufficient taxable property, actual or potential—to support an independent government without imposing too heavy a burden upon the wealth and incomes of her people? At present there is upon the tax books of that Territory forty-three millions of taxable property. But that does not represent the real amount of the taxable property in the Territory, either actual or potential, but even upon that small valuation a revenue is realized, from a rate of taxation not at all oppressive or unusual, sufficient to discharge all the expenses of government, economically administered, and to-day I am advised there is a surplus of $100,000 in the treasury of that Territory belonging to the school fund.

But, Mr. President, it is a fact, thoroughly authenticated in the hearings had upon this subject—and I am speaking entirely from the hearings, so far as this part of the subject is concerned, because my readings have not gone outside of the hearings—property is assessed for taxation in this Territory for only about 20 per cent of its actual value. If the rule for the assessment of property for taxation that obtains, I think, pretty generally throughout the United States—that is, upon a basis of approximately three-fourths of actual value—was applied in this Territory, the taxable property would be nearly four times what it is at present. That four times its present amount would not more than cover the actual value of the property in that Territory is made clear by the undisputed statistics of its presently developed resources. There was in that Territory two years ago—and the mileage has been considerably increased since then—in actual operation, 1,400 miles of railroad, the original cost of which was $70,000,000, and which to-day probably could not be bought in the open market for less than that amount.

According to the statements of all the witnesses examined by the committee in this matter, there was last year in gold and silver and copper taken from the mines of Arizona—which, by the way, are the most extensive and the most valuable, I suppose, of any State in the Union—$43,000,000, to say nothing about the value of its meat and timber and farm products and the resources of its various other occupations and industries. This statement of undisputed resources makes it perfectly manifest that $200,000,000 is not an overestimate of the present taxable value of the property of Arizona. Not one-half of the Territories that have been admitted into the Union had at the time of their admission taxable property equal to that of Arizona. Not one-third of them had upon the tax list as much property as is upon the tax list of Arizona to-day.

Then, Mr. President, why deny these people statehood? What have they done during the years that they have been a Territorial government to demonstrate their capacity for statehood? They have established a system of government there that compares favorably with the system obtaining not only in other Territories, but in the more advanced States of this Union. They have their court-houses, where justice is administered as faithfully and as rigidly and as thoroughly as in the States. They have established splendid public buildings at the capital for the use of the legislative, the executive, and administrative branches of the government. They have erected asylums for the care of the afflicted and the indigent and the bereft, and they have built a penitentiary for the imprisonment of the rascals. They have a university that would be a credit to any State. They have two normal schools, as good as any. They have ten high schools, one of which is said to be in its appointments and equipments the superior of any like institution in the United States, except only one in California and another in New York.

They have a common school system that covers the whole Territory, and there are enrolled in these schools 40,000 pupils.

Better than that, Mr. President, as indicating the interest of the people in education, as indicating the advance that they have made in the direction of universal education, they have what very few States in this Union have—a compulsory system of education. Whoever goes to that Territory and takes his children with him will learn soon after he gets there that he has got to put his children in school and educate them or move on to some other less progressive community.

Mr. President, the people of that Territory are not an ignorant people. They are just as intelligent as any part of the population of the United States. In fact, the governor of that Territory in his testimony before the committee said that, excluding Indians, there was not 1 per cent of illiteracy in the Territory, and that is a very remarkably low rate. The people who have gone there from the States and who are going there every day in the year from the States and filling up the waste places of that Territory are, of course, not all educated people. But it is a fact, authenticated and vouched for by the witnesses, by the statements before the committee, that there are a large number of graduates, of college men, of university men among those who have gone and continue to go into this Territory from the States; and that there are but few who can not read and write in the English language, and who do not actually in the everyday affairs of life transact their own business and do their own writing.

There are, of course, Mr. President, some uneducated men there who have come from the States, but they are not ignorant. They are well posted and informed as to the ordinary affairs of life. They are intelligent.

The class of men who leave home and break their associations and go into a distant and strange land, even though they may not be versed in the learning of the books, in one way or another get to be well-informed people. They pick up and absorb the knowledge necessary to success under the conditions of American life. For this kind of knowledge this class of "rough and ready" people of Anglo-Saxon blood and American bred are always on the alert and of it they are intensely covetous. Among the many other things which they learn in this way are the principles of self-government as applied in this country, and that is the true test in this case and in the consideration of this question. Mr. President, I would hesitate long before I would admit that any man of Anglo-Saxon blood and American raising, however unlettered, did not in a general way under-

stand the principles of self-government. In the absence of book learning, the American boy learns these principles at the fireside or in the court-house and from the hustings. Eighty per cent of the population of Arizona is American born and American reared, and they understand the principles of self-government, and they have imbibed the capacity of self-government from their ancestors. To say people like these are not fit for and are not entitled to the right of self-government is to lose sight of the most patent and the most potent fact in our history.

Now, Mr. President, I desire for a short time to direct my attention to a consideration of the proposition to annex Arizona to New Mexico. I say "annex," for I regard this as a proposition for annexation rather than consolidation; for if Arizona is united with New Mexico under the terms and provisions of this bill it will have no more power, no more influence in determining the policy of that government, its legislation and administration than if it were a small strip of territory attached to it to square and fill in and round out its physical boundaries or supplement its inadequate population. It amounts in actual results, so far as the people of Arizona are concerned, to annexation as contradistinguished from union.

Mr. President, if any one policy more than another has been evolved out of the history of the admission of Territories in the Union it is that Congress will not impose upon the people of a Territory unnecessary burdens by reason of organizing States out of large and unwieldy Territories. That policy has been uniformly pursued by this country throughout its whole history, beginning with Vermont in 1791, when Congress carved that area out of New York because the two made an unwieldy State.

That policy was again applied when later Congress carved Maine out of the State of Massachusetts and made two States; and it was followed again when Congress made Mississippi a State and left Alabama, which at that time was a part of the Territory of Mississippi, a Territory; and it has recently in a very celebrated instance been applied in the organization of two States from the Territory of Dakota.

When the bill came before the Senate to create a State out of the Territory of Dakota this whole subject was exhaustively discussed. Senator PLATT made a speech on that occasion which was exhaustive and illuminating, the crux of which was the cost and inconvenience of administering the affairs of a State of such an immense area. In the course of this speech, after reciting the facts and figures showing the great size this State would be compared with other States, Senator PLATT said:

> The Territory of Dakota contained 149,100 square miles, so that as one State it would embrace, in round numbers, 27,000 square miles more than the United Kingdom of England, Ireland, Scotland, and Wales. It is practically as large as New York, Pennsylvania, New Jersey, Maryland, and Virginia. Just think for a moment of putting all these States into one State.

Mr. President, the Territory of Dakota was but little larger than that of Arizona, and only about one-half as large as the combined Territories of New Mexico and Arizona.

Yet, when it was proposed to erect that into a State it was contended that it was too large, and that contention prevailed and it was divided and admitted as two States. You will find in the RECORD no other reason given for it except the size. There was no suggestion in that case, as in this case, that this Territory was inhabited by people of different classes and different habits. There was no contention that there was any difference in the laws and the customs and the jurisprudence of the people of the two sections of that Territory as is shown to exist in the case of the people of New Mexico and Arizona. They were the same people; they had grown up under the same system of laws; and yet they were separated by Congress for the sole reason that the Territory was unwieldly and too large for economical government.

Mr. President, I do not regard this as an open question so far as the Territory of Arizona is concerned. I think the very question that I am discussing now, the very question that is involved in this proposition, to unite these two Territories into one State, has been decided by Congress and has become, I might say, to use the language of the lawyers, res adjudicata. Arizona was, at the time New Mexico was organized into a Territory, a part of New Mexico. That was in 1850, I think. It remained a part of New Mexico until 1863, I think.

Then a bill came before Congress having the sanction and approval not only of President Lincoln, but of ex-President Buchanan, who some years before that had recommended that the territory now covered by Arizona should be separated and detached from New Mexico and organized into a separate Territory, for the reason that the Territory was too large for efficient and economical administration.

The question was exhaustively considered in both branches of Congress. The bill did not pass during the Congress in which it was first introduced. It was discussed during several sessions of Congress, as I recollect it, by some of the most prominent men in public life at that time, and in all these discussions the argument relied on by the advocates of the dismemberment of New Mexico by detaching the Arizona Territory was its inconvenient and unwieldy dimensions.

Mr. Watts, then the Delegate from New Mexico, stood in the House of Representatives and, for the reasons I have just assigned, asked that his own Territory be partitioned and dismembered. Representing, as he declared, the wishes and the interests of his people, he demanded this partition.

In that debate Senator Wade took an active part. He called attention to the fact that the Territory of New Mexico, including Arizona, was altogether too extensive for any municipal business to be transacted in its extreme portions; that the principal point of population in Arizona was 700 miles from the seat of justice in New Mexico, and he declared that because of the great size of the Territory, it being five or six times larger than the State of Ohio, the bill dividing it should surely pass.

For that reason, Mr. President, and for the additional reason that this Territory was divided by a line of mountain ranges running through the center of it 100 miles wide and with a height ranging from 4,800 to 7,400 feet above the sea, it was divided.

Now, Mr. President, if these were good reasons for the dismemberment of this Territory in 1863, are they not as good, yea, are they not better, reasons why those two Territories should not now be reunited and consolidated into a single State? At that time there was no difference between the system of laws governing the one part and the other part of New Mexico. The Territorial laws were the same on both sides of the great continental divide which separated them. There had not grown up at that time as great racial, social, and political differences, leaving out divergence in laws and jurisprudence, as there exists to-day. The people of both Territories were more nearly in affinity by reason of race and customs and habits and jurisprudence than they are now.

The forty years that have intervened between then and now, during which time each one of these Territories has had a system of Territorial government of its own, has broadened and intensified the original differences in the characteristics of these two peoples and widened the gulf between them. The chief population of Arizona is Anglo-Saxon. A large part of the population of New Mexico is Mexican. More than two-fifths, I believe, of that Territory is Mexican, while only about 5 per cent of that in Arizona is Mexican. On account of the smallness of this element in proportion to the whole population in Arizona, it is easy to assimilate and Americanize it—indeed it has already been largely Americanized. But on account of the large proportion of Mexican to the total population of New Mexico this process has been more difficult and comparatively little headway has been made in that direction, and the Mexican in his natural condition, with his natural instincts and tastes, is a powerful element to-day in that Territory, while in Arizona he has long since ceased to be a factor.

The difference in race and temperament and habits and customs of these two peoples has, during these long years, found expression in their laws and jurisprudence. In one Territory the old common-law system obtains, in the other what is known as the "code" system has long been in force, while the genius and spirit of their laws and administrative methods are widely and radically different.

Think of the confusion and chaos which must ensue from the attempt to harmonize these differences in laws and systems—not to enter upon the larger question growing out of the inevitable temperamental clash. In the conflict one system or the other must succumb, and then what, Mr. President? Contentions, bitterness, hatreds, and "confusion worse confounded."

Tucson, then the chief town of the Arizona Territory, was 700 miles from Santa Fe, then the seat of government of New Mexico, and upon that ground Senator Wade in 1863 demanded the divorcement of these widely separated areas. Since that time the distance between Tucson and Santa Fe has not diminished, but the population of Tucson has multiplied many times, and many other towns and cities quite as far away from Santa Fe, which is again to become the seat of government of the consolidated Territory if this bill passes, have come into existence, and there are now thirteen county seats—court-house towns—in Arizona, whose average distance from Santa Fe is over 500 miles. Mr. President, how much more should the convenience of all of these towns and cities weigh against this scheme of consolidation than the inconvenience of the people of the little village of Tucson weighed in 1863 in bringing about the separation of these Territories?

But, Mr. President, when you consider the fact that in cov-

ering that distance you have got to cross the great Continental Divide, which divides these two Territories, which, as I said a little while ago, is 100 miles wide, and has a height of from 4,800 to 7,400 feet, and which is impassable except at a few places, these distances become appalling. If the proposition before us succeeds, the people of the thirteen counties of Arizona will have to go these distances across this great mountain range to attend the meetings of their legislature or to transact the most ordinary business of the citizen, and there are few citizens who do not have some business with the governor or subordinate officers or departments at the capital.

But there is another reason why Arizona is entitled to separate statehood. It grows out of the act of its admission as a Territory. That is a very peculiar act, Mr. President. That act provides in general terms for the establishment in this Territory of a temporary government. It does not stop there. Immediately following that declaration is a proviso that Congress shall have the power to subdivide this Territory. What does that signify? It signifies that the Congressional mind at that time was not satisfied that Arizona was not in itself too large for one State, and that it might become expedient to divide it into still smaller areas instead of attaching it, as now proposed, to another area larger than itself.

The fact that Congress did not expressly reserve to itself the power to subsequently consolidate this Territory with some other Territory, while expressly reserving to itself the power to subdivide it, shows it had no purpose ever to exercise the power over this Territory proposed in this bill. The people of the Territory had a right to put this construction upon that proviso and to treat it as an assurance and promise that their Territory should never be annexed to another without their consent. They had the right to apply the familiar principle of construction that the inclusion of the one excluded the other power or purpose.

But this remarkable act went further. Immediately following this provision there is another proviso. It is as follows:

> Said Territorial government shall be maintained and continued until such time as the people residing therein shall, with the consent of Congress, form a State.

What does that mean, Mr. President, if it does not mean that this Territorial government, which was established in the very first section of the bill, should never be changed by Congress except by organizing this Territory into a State? It means by every rule of construction that until these people shall come to Congress and knock at the door for statehood and get the consent of Congress to become a separate State the Territorial government provided by that act shall continue in force. It is, Mr. President, a promise of autonomy either as a State or a Territory.

Mr. President, what is the attitude of these people? They want statehood; they have wanted it for long years; they are ready for statehood; they are entitled to statehood by every standard that has been established by the admission of thirty-odd States during a period of one hundred and seventeen years; but they say "Rather than submit to the inconvenience, to the outrage of union with a people foreign in language, foreign in race, foreign in customs, habits, and laws, separated by a barrier a hundred miles in width towering toward the skies—rather than do that we will exercise our rights, secured to us in the act creating us a Territory, to remain a temporary government and a Territory of the Union." The question is, Will they be accorded that right, or will they be forced into this union so obnoxious to them? I want to say for myself, Mr. President, that there are no reasons under the sun that could induce me to vote for such a proposition as that—absolutely none. It would be an outrage. It would be an iniquity.

Mr. President, I have already detained the Senate much longer than I had intended to do. In conclusion, let me say, I presume no one will deny that the central principle of our system of government, the principle from which all its other principles radiate and around which they all revolve, is the principle of self-government. I presume no one will deny that the Territorial system finds uncongenial soil in the United States; that it is alien to the spirit and the genius of our institutions, and that fidelity to those institutions requires that it should be continued not one hour beyond the period of necessary preparation for the application of the rights and principles of self-government, and that ordinarily doubts as to whether that time has arrived in a particular case should be resolved in favor of the paramount principle. When the people of a Territory are ready for statehood according to the standards we ourselves have made and established, whether by positive law or immemorial practice, to deny that people statehood and the resulting right of self-government for political or sectional reasons not only inflicts a wrong upon that people and the country at large, but constitutes an offense against the most vital principles out of which our Government sprang and by virtue of which it exists.

Mr. HEYBURN. Mr. President, we perform no more important function of government than the creation of States from Territories. The responsibility differs from that resting on the founders of the nation only in degree, and the measure thereof can not be fully realized until time and experience shall have demonstrated the relation which the new State is to bear to the nation in the future. A given area of territory possessing natural resources a part of which are known, and an infinitely greater part of which are yet to be discovered, presents a problem in the solving of which we must draw on the history of past experience under like or similar conditions and make large allowance for the progress of knowledge and advancement of method. The past and the present are only suggestions of future possibilities in the growth of new States. A State is a geographical subdivision of this country not based upon personal numbers. The State would exist geographically though every inhabitant left it. We might create it before opening the door to habitation and provide for the formation of its government by the people to be admitted to residence within it. In doing so we would base our action on the natural resources of the area of which the State was comprised and its capacity to attract and maintain a population sufficient in number and capacity to maintain a State government on the footing of other States of the nation, and would admit such State to the Union only when such settlement had reached that point. The Senate differs from the House of Representatives in this, that the representation here is based on geography, and there it is based on population. We must bear this in mind in creating the proposed States or in not doing so. Not only must the geography be considered, but its present and future relations to government and the people must be taken into account; its present capacity to maintain State government, and its natural resources, in which rest the promise of future growth and greatness. It is not new for the present generation to look with skepticism upon the future. In imagination I can see our forefathers, when they met to consider the formation of the Government, regarding with some disdain that great section of this country lying west of the range of mountains and the limit of the then settled portions of the country which now constitute so important a part of the wealth, civilization, and greatness of our country. I believe that had America been discovered on the Pacific coast and the foundation of settlement laid under the warmth of its skies and genial climate, amid its opportunities for comfort of living, rich reward for labor and enterprise, the frontier would have moved more slowly eastward than it has toward the Pacific coast, and the civilization and development of this coast would have been as yet but a hope. I make this statement upon the conditions existing within our country and disregarding exterior conditions of proximity to other countries and trade centers of commerce. In looking at the census of the United States I find that, taking a period of fifty years from the foundation of the Government, what is known as the northeastern group of States but little more than doubled its population. This group is comprised of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

I do not speak in disparagement of those States or their great prosperity and possibilities for the future, but I shall use this illustration as a basis of the argument that I propose to advance in favor of consideration for the possibilities of development in the States under consideration.

The western division of the United States, which by the census is classified as such, comprises Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California. In fifty years that subdivision of the United States went from a population of 178,819 in 1850, when the empire crossed the Mississippi and the Missouri rivers, to 4,091,000—from a population of less than 200,000 to a population of 4,091,000—while the North Atlantic division, which practically constituted the original colonies, in fifty years went from 1,968,000 to 6,761,000. In the first fifty years the growth of this section of our country, of which we are so proud, only went from a little less than 2,000,000 to a little less than 8,000,000. Upon that we base our prophecy and the argument that flows from it as to what we may expect of this new country, which came to us after our Government was perfected.

Something has been said as to the interpretation to be placed upon the provision of our Constitution which permits Congress to admit new States. Upon an examination of the proceedings of the convention, in their discussion of that article of the

Constitution, I find that the debates ended with the concession that it had no application to any existing condition or anything then under consideration before the convention. So whatever interpretation is to be placed upon it must be placed upon it rather in the light of things that have occurred since than of things or conditions which then existed.

Mr. President, I again suggest that in making States we are dealing with the question of representation in Congress, so far as we are concerned. The industrial conditions are something that interest the people there, and to be there, more than they interest us. Taken as an average, every part of the United States, geographically speaking, is as good as every other part. In one section we find one class of natural resource and in another we find the entire absence of that resource, but a substitute for it. So that it is not becoming in us, nor are we justified by the facts, to charge that any section of our country has not the natural resources that may sustain the population and the civilization necessary to constitute a State.

The same discussion that we hear to-day in regard to the relative size or sizes of the States occupied the attention of the framers of our Constitution. Perhaps the most strongly contested question in that convention was that of equal representation in this body, because it was argued that the great State of Virginia, the great State of New York, and others of that class were entitled to a larger representation here in the Senate than was the State of Delaware and other States of that class.

But recognizing the existence of these States as independent political organizations necessary for the convenience of the Government, absolutely demanded, through motives of home or patriotism, by those who represented them, resistance against any possible threat of their dismemberment or absorption, the Constitution came from the hands of the framers as we have it, recognizing that the dignity of a State in this body depended upon its geography and not upon the number of its representatives. When the Senate sat for the first time there was a Senator in this body for every 13,000 people; that was the average representation for each Senator. There was a vast difference in the size of the States. The largest State was no larger than some of the counties in some of the new States; two of the States of the original thirteen were not as large as my neighboring county; but that did not enter into the question as to whether Massachusetts should have a certain number of Senators, Delaware a certain number, or Virginia a certain number. We can not change the Constitution by indirection. We can not avoid its mandates by disregarding the plain principle upon which the Government is to be divided to be represented. We are bound to keep those principles in mind.

We took this territory by treaty. So far as New Mexico is concerned, it came to us by two treaties—the treaty with Texas and the treaty with Mexico. Arizona came to us solely through the treaty with Mexico. By the third article in that treaty it is provided that the people of that Territory shall be admitted to the Union on the same footing as the other States of the United States. It is a solemn compact that we entered into. No time was fixed when this should be done; but it was stated by Albert Gallatin, in discussing the question of Oregon, I believe, that it was a recognized right of a portion of this country to be admitted as a State when the conditions that would sustain a State existed; and he contended that whenever 60,000 inhabitants dwelt within a geographical division of the United States they were entitled ipso facto to statehood. That was his position. There was a contention over it; but in settling the Oregon question it was not necessary to consider the 60,000 rule, because she had over 90,000.

But we are here to deal not with conditions that exist to-day alone; we are here to deal with conditions that will exist in that Territory fifty, one hundred, aye, centuries from now. We have no right to close the door upon the hope and the possibilities of that section of the country. Suppose that our ancestors, in the certainty of their guess that the country lying west of the Allegheny Mountains would always be an Indian reservation, would always be an unproductive and uninhabited country, upon the strength of that assurance had admitted the Northwest Territory as one State, notwithstanding the Articles of Confederation. When the Constitution was adopted it became the supreme law of the land, and Congress had the power to admit the Northwest Territory, which now comprises five of the greatest States in the Union, as one State. Its population was not as large as that of Arizona to-day; its population was less than that of Idaho. Had they stopped with the then existing conditions, and had they adopted the rule that has been urged in the discussion of this question, they would have said: "The Northwest Territory has only about 160,000 people, and even though it is a vast extent of country, it is not entitled to be divided, and we will admit it so that it will have two United States Senators." The result is obvious.

So, going farther west, it may be interesting to compare the figures between the country east and that west of the Mississippi River. In giving these figures I shall not take Texas into consideration, because Texas came to us under a treaty. The fact that she was made a State by an act of Congress still leaves her standing as a section of our country with rights peculiar to herself such as no other State has. She reserved her public lands; she reserved the right to create other States out of her Territory when she chooses to exercise it. We can neither compel her to do it, nor can we deprive her of the right to do it. Thus she stands peculiarly situated among the States.

The average size of the States west of the Mississippi River is upward of 87,000 square miles—that is, those west of the original States—because they all claimed to the Mississippi River. It was rather an indefinite, shadowy claim, but no other country claimed it. Fifty years from now, if the ratio of growth of the last fifty years is maintained in those States, they will have three times the population of the country east of the Mississippi River. We are legislating for fifty years hence in the consideration of this bill.

The population of Arizona at this time is 162,000, in round figures, and she has an area of 113,000 square miles—almost twice as large as the average size of the States west of the Mississippi River, almost as large as all the Middle States. Arizona and New Mexico lack only a little of being as large as all of the thirteen original colonies.

Now, does it become us to stand here and quibble over the number of acres under cultivation to-day, over the number of bushels of wheat that Arizona or New Mexico produces, or the number of cattle that are fed upon her plains and her mountains? The things of to-day are the impossibilities of fifty years ago. One of the greatest statesmen of the country, a man whose name is a synonym of wisdom, political and otherwise, stood in the Senate of the United States and proposed to give away what constitutes to-day the most productive section of the United States. He proposed to give away the great corn fields of our Western States, the great grazing lands, and the mines that have produced the wealth upon which the safety and prosperity of this country has rested for fifty years. He proposed to give all that away. Why? Because he had no criterion by which to measure the possibilities of that country. Because it had not developed, he reasoned that it would not; because its resources had not been exploited, he reasoned that they did not exist. The great granary of this country to-day, the great lumber fields of this country to-day, and the mines and the pasture lands lie within that country that Mr. Webster, on the floor of the Senate, when the Senate was considering a question similar to that which occupies our attention to-day, said was not worth holding. It was not an accidental, irresponsible prophecy or statement; it was one evolved from his consideration, from his standpoint, in the light of that day.

If this Territory has within it the natural resources upon which a State may rest in the fuure, and if the condition of these people is such that they may not at this hour be intrusted with statehood, then our duty is not to press them to statehood, but to allow them to rest and grow until they are fit for statehood.

One of the first considerations that should present itself for our attention is: Are the individuals living within this geographical subdivision fitted to conduct the affairs of States? Have they the personal character, and manhood and womanhood? Have they shown themselves capable of building up the local institutions that constitute civilization, because civilization is simply a question of units and items? It is the public schools and the morals of the home that constitute civilization. Have these people those attributes? If they have, then the next question is: Can they maintain the fixed charges of a State government, because there are duties as well as liberties in self-government? I sometimes think that self-government is more a duty than a privilege. I believe at times that we should compel people to assume the duties of self-government; that it is not a question of yielding to their importunity, but when they have the attributes—when they have around them those things that, by being made proper use of, would constitute a State—they should be compelled to exercise the rights and assume the duties and the burdens of self-government. But in this case the people of the Territories of Arizona and New Mexico do not want statehood. I have here—and I intend to ask the privilege of having it read by the Secretary at the proper time—protests from responsible men and bodies of men and women in New Mexico against statehood under the conditions of the pending bill—not shirking the

responsibility of self-government should it come to them under proper and tolerable conditions, but resisting the formation of a State that will unite them with incongruous and impossible conditions. The same objection comes from Arizona.

The population of these two Territories is as widely different as though they were separate nations. Arizona was comparatively uninhabited when it came to us from Mexico. The result is that such inhabitants as are there went there from the various sections of our country, and they are largely American. New Mexico was largely inhabited when we acquired it. There was a nucleus of a Spanish-American population there that has grown and drawn to itself from below the line until to-day the prevailing sentiment in New Mexico is Mexican. They have a religion peculiar to themselves. It predominates. There is not that freedom of choice, unembarrassed by the results, that flow from the exercise of their choice in New Mexico that there is in Arizona. New Mexico predominates in population to that extent that Arizona would be but a county in New Mexico in the practical operation of the government should they be united.

We have not the right to create a State composed of such incongruous conditions and elements as these. We must consider the result as to statehood from a personal, individual standpoint, so far as the government of the State is concerned. It is the people living within this Territory, of which it is proposed to make a State, who must bear the burden. The State will be a successful and pleasant affair to them according to the harmony that exists in their interests from an individual standpoint. New Mexico can make the constitution for Arizona. She can send a majority of the delegates to the convention. She can send them there of one religion, if she pleases to do so, and Arizona will have to take such a constitution as New Mexico makes for her. If they vote together upon the adoption of the constitution, on the question of their admission, New Mexico can drag Arizona into the Union as a part of her. Is that fair?

It seems to me it is not within the spirit and intent of the law, which says that Congress may make new States. It is not within the spirit or the intent of the treaty with Mexico, the ninth article of which said the United States guaranteed those people admission to the Union on a plane with the other States. Is that admitting them on a plane with the other States? All of the Mexican territory which came to us under that treaty carries with it that guaranty. We are bound to keep the faith. Would it be keeping the faith to constitute of that Mexican cession one State with two Representatives upon this floor?

I want to speak plainly in regard to another feature of this case—that of representation. It was the intention of the framers of the Constitution that the representation in this body should maintain an equilibrium of power. This does not suggest that there is an antagonism between one part of this country and another. It does not necessarily mean that we are contemplating the time when there will be a conflict between the East and the West or the North and the South. But it is nevertheless to be considered in determining the subdivision and the manner of subdivision of this country for the purpose of representation in this body.

The interests of the two oceans by which we are bounded are widely separated and widely different. Great questions arise that have a local tone to the East or the West, to the North or the South—things of interest to the people of the Pacific coast and of no interest to the people of the Atlantic coast, or of conflicting interest. The people of each section of this country are entitled to have it so divided, so far as it results in affecting representation in this body, that the balance of power shall be maintained, whether that power is ever necessarily used or not. It should exist. That was the intention of the framers of the Constitution and the founders of the Government.

The united area of New Mexico and Arizona is larger than any other subdivision of the United States except Texas. The States have been growing larger and larger as they have been coming up for statehood.

The Senator from Minnesota [Mr. NELSON] in opening this discussion went into some detail with reference to the productions of Arizona, and argued from the census reports that Arizona was a small and insignificant subdivision, not worthy of statehood by herself. If that is true, allow her to remain upon the map as she is until her natural resources have been developed. I think I heard someone say in discussing this question that these resources had been developed; that they had practically reached the limit of development. They have thought that of every new section of the Western country since it was first known to exist—that it had reached the limit of development.

The southern portion of Idaho, which has been paraded upon the maps of the United States for the last twelve years as Snake River Desert, with dots over it as they indictate the deserts of Africa, is to-day being placed under water and is destined to be one of the most fertile garden spots of the world. We have 4,000,000 sheep, 500,000 head of cattle, a vast number of horses living upon what has been termed the "desert of Idaho;" and now, through the wise action of Congress, the reclamation act comes to our relief, and we are bringing millions of acres of land under water and under cultivation, storing water for that purpose during the flood seasons of the year.

The same thing will be true of these great southern Territories. They tell you to-day that there is not a sufficient natural water supply to make their development by irrigation successful. The next generation will demonstrate to you that the wisdom of this generation was folly.

The Agricultural Department of the United States is developing new grains that require less water, that flourish under conditions that were impossible twenty years ago. The age of development is not past. The possibilities for to-morrow are greater than those of to-day, because human intelligence moves along like a problem in arithmetical progression and grows with its own growth. The wisdom of to-morrow is the principle that should guide our actions here to-day so far as we can see it.

But let us not discount the future. Let us give it credit for all we know it has, and leave a wide margin for future discovery.

To close the door forever against this area of the United States, as large as four of the great central Mississippi States, in the representation in the United States Senate, would be to do an injustice that you can never undo. You can not unmake a State. Texas stands in a position peculiar to herself. She can unmake herself and divide the State into five States. But no other State can do so. No other State has ever been divided, with the single exception of Virginia, and then under conditions which afford no rule for action in any other case.

The question is, Are you going to close this door upon that section of the country? How many Senators and how many Representatives have ever seen it, and how many seeing it, in the light of their experience, could estimate it correctly as to its possibilities in the future? The people living there went there because they had faith in it, and they stay in it because they have proven their faith. Arizona has shown a larger percentage of growth in the last ten years than any State that lies along this ocean; New Mexico the same. Leave them to grow. Do not close the door on them. Do not do anything with them now if they are not fit for statehood.

I hope that the amendment to this bill, which is proposed by the Senator from California [Mr. BARD], to strike out all reference to Arizona and New Mexico, will be adopted, and let us take up unembarrassed by this proposition of merging the two, at the proper time, the consideration of the question as to whether either or both of them are fitted for statehood and capable of maintaining statehood on the high plane of this country and its civilization.

I might go into a table of comparison between the present population and the production of these geographical divisions of the country with those that represent its origin, the original thirteen States. But I will not do it. I will merely say that they have grown so much more rapidly, that they have made so much more substantial gains in material wealth and products than these States have made, that it should cause us to pause, to think before we act. There is no hurry about admitting them. There is no hurry about passing an enabling act. The great majority of the States have come in without an enabling act. Most of them have made their constitutions and voted upon them before they came to Congress at all. That was the rule. It is only in a few instances—eleven, I think—that Congress has passed enabling acts. One might suppose from the pressure that is brought to bear here for the enactment of this bill that it was necessary, in order to give those people an opportunity to express their wishes, that Congress should grant them that power. If they want statehood and are fit for it, let them meet in convention and bring the result of their wisdom here, present it to us, and we will know from an examination of it whether they are fit for statehood or not.

New Mexico fourteen years ago undertook to frame a constitution, but the people repudiated it at the polls. They will give you all sorts of reasons why they did, but I know why they did it. We in Idaho were engaged in the same occupation at that time. We were making the constitution of Idaho, and Washington was making its constitution, and Montana was making its constitution. So we were all keeping close watch as to what the other was doing. I remember when New Mexico voted down in her constitutional convention a provision requiring the English language to be taught in the public schools

maintained at public expense, and I know that the country denounced them as unfit for statehood and self-government, as dangerous to the liberties and the welfare of the people who would be intrusted to their government. I do not believe they would do it to-day. I know that New Mexico and Arizona and every other part of this country have advanced in intelligent comprehension of the duties of citizenship and of government; that they would not make that mistake again. I only cite the instance, not to belittle the people of New Mexico, but to illustrate the benefit of time in the interest of intelligent action.

Why put them to the expense of holding a constitutional convention—whether the expense fall on them or on the Government makes no difference—and an election for the adoption or rejection of the constitution without knowing whether they will succeed in adopting a constitution and ratifying it? Let them come here with the accomplished work like Idaho and Montana and Washington and a majority of the States; let them come here with the proof of their ability to do so, and we will look at it and consider it, as President Washington did when Tennessee came here with her constitution. He said "it is evident from the documents and papers that they possess the ability to organize a government."

So I would urge upon the Senate that no steps be taken at this time toward the admission of either Arizona or New Mexico. Let them take the responsibility according to their own lights as they exist to-day, frame their constitutions, present them here with the ratification of their people, and we will determine whether they ought to be admitted or not.

As for the Indian Territory and Oklahoma, my own personal judgment is that Oklahoma ought to be admitted without any delay. I have great doubts as to the propriety of uniting the Indian Territory to Oklahoma for the purpose of statehood, because I am afraid when they have the power which statehood gives them the people of the Indian Territory will be a political plaything for the State of Oklahoma—an element to be handled, traded, to do business with. I am afraid of it. I may be wrong. My personal knowledge of the inhabitants of the Indian Territory is not gathered from any residence among them, but only from what I read about them and what I know about Indians. On the principle that none of us can succeed in obtaining everything we want, I should be willing to vote for the admission of Oklahoma with the Indian Territory as a part of it as the least of evils if Congress is determined at this session to admit States. But as to Arizona and New Mexico, there are so many reasons why this bill should not be enacted as it applies to them—and I know of none in favor of it, unless it be a desire which I can not believe exists, to shut the door on the West against future possibilities of representation in this body—that I can not support their admission as one State. I do not believe any Senator is actuated by that desire, but I have on my desk an editorial from one of the leading newspapers of this country demanding that the door shall be closed forever against these western people. That is the spirit—not personal to the Members of Congress—but it is that indefinable thing that helps to form public opinion which finds its way into the minds of all of us.

I believe it would be an unholy thing for Congress to close the door of just representation upon so large a territory. It would be as much of an outrage in this period of the existence of the Government as it would have been to have made the Northwest Territory one State, with two Senators. I speak in no invidious sense when I compare this condition with that of New England, with twelve Senators in this body; and New England is 4,000 square miles smaller than the single State in which I live. I have no desire to lessen the representation or the power of New England in this body or in the other. It has been a great influence and power for the good of the country and the civilization of the world. But we are dealing here with a practical question, and we must rid it of its sentiment. It goes to the future, not to the present. The Territories of Arizona and New Mexico have over 400,000 people within their borders. They have a permanent population almost as large as that of any of the original thirteen States, except Virginia, when they were admitted into the Union, and larger than most of them. Shall we shut it off to-day as though it had no future? That would not reflect credit upon the intelligence of this legislative body.

Mr. President, there can be no other reason for crowding this question of statehood than to get rid of it, as the papers say. I have heard said on this floor, "We want to get rid of this question of statehood." I have read it for years before I came here and I have heard it here repeatedly. We do not want to get rid of any great question like this until we have disposed of it justly. The spirit and intent of the founders of this Government was that there should be harmony between the varying interests and the varying sections of the country.

Before you close your minds to this question and cast your votes, I hope you will take the census report of 1900 and make a comparative analysis of the growth of that country and of this. Make a comparative analysis of the product, the value and the increase in the value of the product of that country and this. I am sure when you have done so you will be convinced that that country represents the future of as great a development, of as great a civilization as you have around you here in the magnificent East. They are entitled to-day to be represented upon this floor, if they are States, because they are States, and not because they are 6,000,000 people. Disassociate in your minds the comparison based upon population. Does it not appeal to you that this body should protect itself against curtailment for the future as well as for the day? Your honor, the credit to your wisdom, rests with the future. They will measure you. They will inquire why their predecessors were so shortsighted that they were willing to include an area as large as that proposed in one State at the expense of the representation and membership of this body.

Mr. President, this is a subject that can not be disposed of in an hour in an argument that would satisfy a body of men such as compose this Senate. But this body gains little from what anyone may say upon such a subject, because they are each and all capable of analyzing and determining the question for themselves. But I could not refrain this afternoon from submitting my views upon this question of proportionate representation, of the balance of power, not only for the day, but for the future, when this new country shall have so advanced that the portion lying west of the Mississippi River will be of equal if not of more importance from the standpoint of wealth and productiveness with that lying east of it.

I have heard some unkind suggestions—perhaps that is putting it too strong—in regard to Nevada, criticising the wisdom of our predecessors in admitting Nevada. I have always had a warm place in my heart for Nevada. She gave us two hundred and fifty-two millions in gold during a period of our history when it was worth five times what that sum would be to-day. She made our credit good. She filled our Treasury with gold, and then she stopped for a breathing spell. She has been standing there quite a while in this breathing spell. But she is starting up again, and to-day in Nevada they are opening up the greatest mines in the world. She will treble her former contribution to the wealth of this country in the next few years.

More than that, the waters are being preserved through reservoirs and other systems there. Great valleys—valleys as big as some of the Eastern States—are being brought under cultivation in Nevada. That is only promise of what her neighboring States and Territories on the south are capable of.

Mr. HOPKINS. Will the Senator allow me?

The PRESIDING OFFICER (Mr. McCREARY in the chair). Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. The Senator is speaking of the wealth that Nevada has produced and what she is liable to produce in future. What does the Senator say about increase in population? As I remember the last election the vote there recorded was less than 12,000 as against twelve hundred thousand and more in States like Illinois, Pennsylvania, and New York.

Mr. HEYBURN. In reply I will say that the time when the State of Illinois was admitted into the Union she could not cast 12,000 votes at an election. We are not considering now how a State will be when it becomes great, not how many votes she can cast in fifty years from now, because Illinois was fifty years old when Nevada was born.

Mr. HOPKINS. But the Senator does not answer my question. When Illinois was admitted as a State she had the soil, the climate, and every other element which indicated that she would have as great a population as the future has demonstrated. The Senator was speaking of the wealth Nevada will produce. I ask the Senator what amount of population she will have?

Mr. HEYBURN. She will produce the population. I remember when Illinois was not very populous. I remember I heard it said when I was a boy what a great State Iowa would be if they could raise corn there. The early settlers in Iowa had their corn frosted the first season or two, and it was not until after a few years that they really began to realize that they could raise corn. Illinois, a splendid State, rich both in the past and in the future possibilities, may be no greater than Nevada. A State, aside from the individual, is great because of that which it produces, and I do not care whether it be wheat or corn or gold or silver or lead, it is the thing that con-

tributes to the wealth of the people. Nevada has area enough in her valleys to support a population as large as that of the State of Illinois. I think there is one county in Nevada about the size of Illinois.

Mr. HOPKINS. If the Senator will allow me, it is not the area or the gold and silver that is produced to which I am calling his attention. Are the climatic conditions, the soil, and everything else relating to Nevada such that in the future she will develop a population of men rather than develop a few millions of money, and will she be enabled to be represented on this floor by an intelligent constituent rather than by a few hundred millions of gold?

Mr. HEYBURN. Well, there is a field for prophecy. Our ancestors indulged in it, and if we were to indulge in it to-day probably we would fail. No man can say to-day what the future of any of those Western States will be in fifty years from now. I went to a State where there were, I think, 14 votes cast in the county where I lived when I went there the first time. We cast 6,000 now, and I have voted there for a little over twenty-one years. I have seen that State make the largest gain between the last censuses of any State in the United States. I do not want to boast of the State that I am from, but I use it to illustrate. I can not use a State for illustration that has not yet proven itself. But Nevada has every variety of climate that exists in the United States. She has her orange groves in the south, and she has her mountains with timber and the mines in the north.

Mr. HOPKINS. But is not her population less to-day than it was when she was admitted as a State?

Mr. HEYBURN. That is true of several States of the Union.

Mr. HOPKINS. Is it not true of Nevada?

Mr. HEYBURN. Yes; and it is true of several other States. But admitting the fact, we naturally inquire as to the cause. I am not here to defend Nevada. I was using that State simply as an illustration.

Mr. HOPKINS. But the Senator has said that it is true of other States. I do not call to mind any other State. I do not call to mind any other State that to-day has a less population than when it was admitted as a State, and if the Senator has the statistics I think he will be doing the Senate a favor by presenting them in his argument at this time.

Mr. HEYBURN. The enlargement of the statement by the Senator, of course, takes it out of the rule of my statement. I did not refer to the time of their admission. I referred——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Mr. President, as Nevada has become a subject of controversy in this debate, I wish to say in response to the inquiry made by the Senator from Illinois it is true that the population of Nevada to-day is not as large as it was a few years after it was admitted as a State; but I wish to state, further, that the period of lowest depression has been passed. It was passed some years ago, and for the last four or five years the population of that State has been steadily increasing. I think it has now 10,000 or 15,000 more in population that when the last census was taken.

Now, the cause of the depression of Nevada was that this State was mainly devoted to mining. The people paid little attention to agriculture. Irrigation was difficult, because of the unequal flow of the streams, torrential in the spring, when the snow on the mountains was melting, and reduced to a mere thread when water was most needed for ripening the crops.

Besides that, the whole spirit of the State was a mining spirit and a speculative spirit, and agriculture was conducted as a mere incident to the supply of the mining camps.

The depression in the price of silver caused by legislation prostrated the mining industry. The result was that Nevada passed through very serious conditions. But she has gathered her energies and is now devoting herself to a proportionate and harmonious development of the entire State, and of every occupation and industry in it; and to-day there is going on a development of railroads, of commerce, of agriculture, and of manufacturing hand in hand with the development of the mines.

The future of the State never looked so bright as now regarding mining, and as the mining camps furnish the best markets in the world for agricultural products we will find that the vast areas of land that are now being opened up by the Federal Government through the storage of water under the national reclamation act will be quickly settled and the products will be sold to the mines and farmers will be prosperous.

I see no reason why, within a reasonable time, Nevada should not support a very large population. I am sure that she has the resources for the support of over 1,000,000 people, and that is the confident belief of all the Government engineers who are engaged in the reclamation service and who are very familiar with the entire State, its topography, and its resources.

I beg the pardon of the Senator from Idaho for so long a digression, but when invidious reflections are made regarding one's State it is only fair that the representatives of the State should be heard.

Mr. HEYBURN. Mr. President——

Mr. HOPKINS. Will the Senator allow me a word?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. I desire to disclaim making any criticism upon the State of Nevada, and I feel sure that if the Senator from Nevada had been present when the colloquy between the Senator from Idaho and myself commenced he would have seen that Nevada was not brought forward by me as an illustration of the small population that is possessed by some of the Western States. It was brought forward by the Senator from Idaho, and then the question came up as to whether that State was in a condition to increase its population to any great extent in the future.

Mr. BATE. Mr. President——

The PRESIDING OFFICER (Mr. MCCREARY in the chair). Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. HEYBURN. Certainly.

Mr. BATE. I do not wish to interfere with the colloquy, but as it is now 5 o'clock and the Senator from Idaho is not through with his remarks it will be perhaps agreeable to suspend until to-morrow, and let us have an executive session.

Mr. HEYBURN. All right.

Mr. SPOONER. I move that the Senate proceed——

Mr. HEYBURN. I will yield to the Senator from Wisconsin. I desire to occupy the floor.

The PRESIDING OFFICER. The Chair was under the impression that the Senator from Idaho yielded to the Senator from Tennessee in order that an executive session might be moved, with the understanding that the Senator from Idaho will have the floor when the bill comes up to-morrow at 2 o'clock.

Mr. BATE. Yes, sir.

The PRESIDING OFFICER. The Chair hears no objection. The Senator from Wisconsin has the floor.

Mr. LODGE. Will the Senator from Wisconsin yield for me to submit a conference report?

Mr. SPOONER. And have it acted upon?

Mr. LODGE. Perhaps it is too late to have it acted upon now. I will let it go over until to-morrow.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 17, 1905, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1905.

COMMISSIONER OF PENSIONS.

Vespasian Warner, of Clinton, Ill., to be Commissioner of Pensions.

APPRAISER OF MERCHANDISE.

Charles F. Ordway, of Florida, to be appraiser of merchandise in the district of Tampa, in the State of Florida.

POSTMASTERS.

OHIO.

Charles C. Dewstoe to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio.

OREGON.

George M. Richey to be postmaster at La Grande, in the county of Union and State of Oregon.

WISCONSIN.

Laurel G. Andrews to be postmaster at Mukwonago, in the county of Waukesha and State of Wisconsin.

Frank J. Salter to be postmaster at Prentice, in the county of Price and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 16, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 9799. An act to remove charge of desertion from military record of John Dorsey.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5944. An act repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 8, 1866;

S. 5763. An act granting certain property to the county of Gloucester, N. J.;

S. 5506. An act to acquire certain grounds for a Government reservation;

S. 5441. An act in relation to the assignment of diplomatic and consular officers;

S. 5439. An act for the relief of Capt. George E. Pickett, paymaster, United States Army;

S. 4699. An act to relinquish and quitclaim to Jacob Leipps, of Pensacola, Fla., his heirs and assigns, and T. E. Welles, of Pensacola, Fla., his heirs and assigns, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Fla.;

S. 3754. An act for the relief of Henry T. Clarke;

S. 3343. An act to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia;

S. 3228. An act making it a felony to make impressions or counterfeit the great seal of the United States;

S. 656. An act providing for the retirement of petty officers and enlisted men of the Navy; and

S. R. 69. Joint resolution to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and other organizations.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16284. An act to transfer Fayette County from western to southern judicial district of Texas; and

H. R. 7279. An act for an additional circuit judge in the first judicial circuit.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4897. An act granting an increase of pension to Reubin Allred—to the Committee on Pensions.

S. 4121. An act granting an increase of pension to James D. Beasley—to the Committee on Invalid Pensions.

S. 5568. An act granting an increase of pension to Flora B. Bonham—to the Committee on Invalid Pensions.

S. 5939. An act granting an increase of pension to George W. Hall—to the Committee on Invalid Pensions.

S. 5938. An act granting an increase of pension to Owen A. Willey—to the Committee on Invalid Pensions.

S. 5940. An act granting an increase of pension to Jason R. C. Hoyt—to the Committee on Invalid Pensions.

S. 5757. An act granting an increase of pension to William A. Luther—to the Committee on Invalid Pensions.

S. 6321. An act granting a pension to Hattie F. Davis—to the Committee on Invalid Pensions.

S. 6092. An act granting an increase of pension to Elijah W. Gordon—to the Committee on Invalid Pensions.

S. 6091. An act granting an increase of pension to William Welch—to the Committee on Invalid Pensions.

S. 184. An act granting an increase of pension to John Bartlett—to the Committee on Invalid Pensions.

S. 355. An act granting a pension to Sarah Jane Simonds—to the Committee on Invalid Pensions.

S. 4239. An act granting an increase of pension to William H. McCann—to the Committee on Invalid Pensions.

S. 6130. A act granting an increase of pension to Charles L. Harmon—to the Committee on Invalid Pensions.

S. 5426. An act granting a pension to Henry O. Kent—to the Committee on Invalid Pensions.

S. 5961. An act granting an increase of pension to Warren P. Tenney—to the Committee on Invalid Pensions.

S. 5958. An act granting an increase of pension to Mary J. Bartlett—to the Committee on Invalid Pensions.

S. 5842. An act granting an increase of pension to Thomas G. Parish—to the Committee on Invalid Pensions.

S. 6004. An act granting an increase of pension to James Hulme—to the Committee on Invalid Pensions.

S. 5841. An act granting an increase of pension to Nelson P. Smith—to the Committee on Invalid Pensions.

S. 5975. An act granting an increase of pension to Lucy Lytton—to the Committee on Invalid Pensions.

S. 1420. An act granting an increase of pension to Gustavus S. Young—to the Committee on Invalid Pensions.

S. 4888. An act granting an increase of pension to Pierpont H. B. Moulton—to the Committee on Invalid Pensions.

S. 2707. An act granting an increase of pension to James M. Clemens—to the Committee on Invalid Pensions.

S. 4760. An act granting an increase of pension to Ezekiel Riggs—to the Committee on Invalid Pensions.

S. 5527. An act granting an increase of pension to John A. Kingman—to the Committee on Invalid Pensions.

S. 5727. An act granting an increase of pension to Jesse Woodruff—to the Committee on Pensions.

S. 6194. An act granting an increase of pension to William S. Moorhouse—to the Committee on Invalid Pensions.

S. 2572. An act granting an increase of pension to Thomas J. Lucas—to the Committee on Invalid Pensions.

S. 141. An act granting an increase of pension to James W. Kinkead—to the Committee on Invalid Pensions.

S. 5943. An act granting an increase of pension to Jared Prindle—to the Committee on Invalid Pensions.

S. 2074. An act granting an increase of pension to James A. Harper—to the Committee on Invalid Pensions.

S. 5698. An act granting an increase of pension to Martin Schubert—to the Committee on Invalid Pensions.

S. 1794. An act granting an increase of pension to Joseph C. Walkinshaw—to the Committee on Invalid Pensions.

S. 6193. An act granting an increase of pension to Jacob O. White—to the Committee on Invalid Pensions.

S. 5670. An act granting an increase of pension to James William Stickley—to the Committee on Invalid Pensions.

S. 5953. An act granting an increase of pension to Charles P. Thurston—to the Committee on Invalid Pensions.

S. 5451. An act granting an increase of pension to George W. Benedict—to the Committee on Invalid Pensions.

S. 5941. An act granting an increase of pension to Alma Yohun—to the Committee on Invalid Pensions.

S. 3635. An act granting a pension to John M. Godown—to the Committee on Invalid Pensions.

S. 4135. An act granting an increase of pension to Jane Francis—to the Committee on Invalid Pensions.

S. 2419. An act granting an increase of pension to Jane M. Black—to the Committee on Invalid Pensions.

S. 6192. An act granting an increase of pension to James McGinnis—to the Committee on Invalid Pensions.

S. 6195. An act granting an increase of pension to Frederick Feigley—to the Committee on Invalid Pensions.

S. 6191. An act granting an increase of pension to Charles R. Van Norman—to the Committee on Invalid Pensions.

S. 6196. An act granting an increase of pension to William C. Dickinson—to the Committee on Invalid Pensions.

S. 4159. An act granting an increase of pension to George W. Gray—to the Committee on Invalid Pensions.

S. 3939. An act granting an increase of pension to James Miller—to the Committee on Invalid Pensions.

S. 4691. An act granting an increase of pension to Leonard L. Lancaster—to the Committee on Invalid Pensions.

S. 5550. An act granting an increase of pension to Martin Mack—to the Committee on Invalid Pensions.

S. 825. An act granting an increase of pension to Jessie Collins—to the Committee on Invalid Pensions.

S. 830. An act granting an increase of pension to Thomas H. Muchmore—to the Committee on Invalid Pensions.

S. 69. An act granting an increase of pension to Francis C. Brown—to the Committee on Invalid Pensions.

S. 104. An act granting an increase of pension to Abner Taylor—to the Committee on Invalid Pensions.

S. 5432. An act granting an increase of pension to Elias Stillwell—to the Committee on Invalid Pensions.

S. 3074. An act granting an increase of pension to Isaac Davisson—to the Committee on Invalid Pensions.

S. 826. An act granting an increase of pension to John C. Bertolette—to the Committee on Invalid Pensions.

S. 5802. An act granting an increase of pension to Luther M. Barlow—to the Commitee on Invalid Pensions.

S. 5812. An act granting an increase of pension to William T. Graham—to the Committee on Invalid Pensions.

S. 5808. An act granting an increase of pension to William Steele—to the Committee on Invalid Pensions.

S. 5892. An act granting an increase of pension to Cyrus Wetherell—to the Committee on Pensions.

S. 6074. An act granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

S. 6152. An act granting an increase of pension to Annie E. Wilson—to the Committee on Pensions.

S. 5766. An act granting an increase of pension to Andrew S. Graham—to the Committee on Invalid Pensions.

S. 4823. An act granting an increase of pension to Mary Martin—to the Committee on Pensions.

S. 5971 An act granting a pension to Cordelia Bird—to the Committee on Invalid Pensions.

S. 3435. An act granting a pension to Mazilla Lester—to the Committee on Invalid Pensions.

S. 4722. An act granting a pension to M. V. Trough—to the Committee on Invalid Pensions.

S. 2828. An act granting a pension to Phoebe E. Lyda—to the Committee on Invalid Pensions.

S. 3517. An act granting an increase of pension to John B. Hammers—to the Committee on Invalid Pensions.

S. 2189. An act granting an increase of pension to Joseph K. Armstrong—to the Committee on Invalid Pensions.

S. 5523. An act granting an increase of pension to James Minnick—to the Committee on Invalid Pensions.

S. 6351. An act granting an increase of pension to Martin T. Cross—to the Committee on Invalid Pensions.

S. 5809. An act granting an increase of pension to Cyrus Wetherell—to the Committee on Invalid Pensions.

S. 5455. An act granting an increase of pension to Jeanie G. Lyles—to the Committee on Pensions.

S. 4075. An act granting an increase of pension to Charles M. Shepherd—to the Committee on Pensions.

S. 159. An act to extend the provisions of sections 5399 and 5406 of the Revised Statutes to the preliminary examinations held before a commissioner lawfully appointed by any court of the United States—to the Committee on the Judiciary.

S. 1284. An act to restore to the active list of the Navy the name of Talleyrand Desaix Myers—to the Committee on Naval Affairs.

S. 2514. An act to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States"—to the Committee on Public Buildings and Grounds.

S. 4699. An act to relinquish and quitclaim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, and T. E. Welles, of Pensacola, Fla., his heirs and assigns, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Fla.—to the Committee on Public Buildings and Grounds.

S. 3754. An act for the relief of Henry T. Clarke—to the Committee on Claims.

S. 3343. An act to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia—to the Committee on the District of Columbia.

S. 3228. An act making it a felony to make impressions or counterfeit the great seal of the United States—to the Committee on the Judiciary.

S. 656. An act providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

S. 5944. An act repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866—to the Committee on Claims.

S. 5439. An act for the relief of Capt. George E. Pickett, paymaster, United States Army—to the Committee on Claims.

S. 5441. An act in relation to the assignment of diplomatic and consular officers—to the Committee on Foreign Affairs.

S. 5506. An act to acquire certain ground for a Government reservation—to the Committee on Public Buildings and Grounds.

S. 5763. An act granting certain property to the county of Gloucester, N. J.—to the Committee on Public Lands.

S. R. 69. Joint resolution to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and other organizations—to the Committee on Military Affairs.

PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. PERKINS. Mr. Speaker, I call up the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes, now on the Speaker's desk.

The SPEAKER. The gentleman from New York calls up a House bill with Senate amendments. The Clerk will report the title.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. PERKINS. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

REPORT OF COMMISSIONER OF CORPORATIONS.

The SPEAKER laid before the House the request of the Senate for the appointment of conferees on the part of the House on the disagreeing votes of the two Houses on the House amendment to Senate concurrent resolution 91, providing for the printing of the report of the Commissioner of Corporations.

Mr. PERKINS. Mr. Speaker, I move further to insist on the amendment of the House and that the committee of conference requested by the Senate be agreed to.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CHARLES B. LANDIS, Mr. PERKINS, and Mr. TATE.

COUNTING THE ELECTORAL VOTES.

Mr. GAINES of West Virginia. Mr. Speaker, I submit the following privileged report and concurrent resolution from the Committee on the Election of President, Vice-President, and Representatives in Congress. I ask for the reading of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. GAINES of West Virginia. Mr. Speaker, I move that the resolution be agreed to.

The resolution was agreed to.

APPOINTMENT OF TELLERS.

Mr. GAINES of West Virginia. Mr. Speaker, I move the adoption of the following resolution:

The resolution was read, as follows:

Resolved, That pursuant to Senate concurrent resolution No. 84, to which this House has agreed, the Speaker be, and he is hereby, authorized and directed to appoint two tellers on the part of the House of Representatives to perform the duties devolving upon such tellers by the act of Congress of February 3, 1887, and said concurrent resolution of the Senate No. 84, upon the assembling of the two Houses of Congress to count the electoral votes, on February 8, 1905.

The resolution was agreed to.

THE HOUSE GALLERY.

Mr. GAINES of West Virginia. Mr. Speaker, I submit the following resolution and move its adoption.

The Clerk read as follows:

Resolved, That on Wednesday, February 8, the whole of the gallery, except that which is designated as executive, diplomatic, and reporters' galleries, and two sections of the east end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and their visitors.

The Doorkeeper shall strictly enforce this order.

The Speaker shall issue to each Senator, Member of the House of Representatives, and Delegate, two cards of admission, and only persons holding these cards shall be admitted.

Mr. BARTLETT. Mr. Speaker, I desire to make an inquiry of the gentleman from West Virginia. As I understand it, this is the occasion simply of the counting of the electoral vote for President and Vice-President of the United States, and the resolution offered by the gentleman from West Virginia is that no one shall witness that performance except those who have cards from the Members of the House for admission to the gallery. Is that the purport of the resolution?

Mr. GAINES of West Virginia. In a sense only that is the purport of the resolution. There is a portion of the gallery which is not reserved. But, Mr. Speaker, this is the customary resolution which has been adopted every four years for a long time for the purpose of determining the seating of the gallery on the occasion of the assembling of the two Houses to count the electoral votes.

Mr. BARTLETT. The gentleman says a portion of the gallery will not be reserved. What portion of the gallery will the public desiring to witness the performance be entitled to use?

Mr. GAINES of West Virginia. The resolution states the portions of the gallery that are excepted. I will say to the gentleman that in order to accommodate those persons who would get the cards given by Senators and Representatives it is impossible, on account of the limitation of the size of the galleries, to reserve a large portion for the public.

Mr. BARTLETT. The gentleman says some portions of the gallery are reserved for the public. As I caught the reading of the resolution, the only parts of the gallery that were excepted were the diplomatic and executive galleries, which the public can not enter.

Mr. GAINES of West Virginia. Let the resolution be read again.

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again read the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

STATISTICS RELATING TO COTTON.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 185, authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton.

The Clerk read the resolution, as follows:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish on the same dates and at the same time he makes publication of the ginners' reports of cotton production provided for in section 9 of an act of Congress entitled "An act to provide for a permanent Census Office," approved March 6, 1902, annual statistics of the consumption of cotton, the surplus of cotton held by the manufacturers, and the quantity of cotton exported.

The following committee amendments were read:

Line 9, after the word "two," strike out the word "annual."

Line 11, after the word "exported," add the following: "the statistics to be summarized as of September 1 each year, so as to show the cotton production and consumption of the preceding year."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CRUMPACKER. Mr. Speaker, this resolution simply supplements this law, so as to require the collection of statistics in relation to the quantity of cotton consumed and exported in order that we may have accurate information in relation to the quantity of cotton in sight. I yield to the gentleman from Texas [Mr. BURLESON].

Mr. MADDOX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDOX. Is this resolution subject to an amendment now?

The SPEAKER. The request is for unanimous consent to consider the resolution at the present time. The Chair is of opinion that if the House gives unanimous consent it will be subject to amendment, in the absence of the previous question. It will be for consideration under the rules of the House the same as any other resolution.

Mr. CRUMPACKER. I understood, Mr. Speaker, that unanimous consent had been given.

The SPEAKER. The Chair was in doubt, and the Chair is informed that it has not been granted. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDOX. Then, Mr. Speaker, I will reserve the right to object.

Mr. CRUMPACKER. I will yield briefly to the gentleman from Texas.

The SPEAKER. It seems to the Chair that the question of consideration ought to be settled before the merits are discussed, unless it is the sense of the House that it should be otherwise.

Mr. CRUMPACKER. I would like to inform the gentleman from Georgia on any question that he is in doubt about in relation to the advisability of the enactment of this resolution. Is there any question that the gentleman wishes to ask?

Mr. MADDOX. I do not know. This resolution says "statistics of cotton held by manufacturers, and the quantity exported." If the gentleman will hear me just a minute, I will say that I do not think the report is full enough to accomplish the purpose the gentleman seeks to accomplish. The manufacturers do not hold all of the cotton. If you want to know the whole thing you must collect the statistics of all the cotton held by everybody.

Mr. CRUMPACKER. The resolution requires the quantity of cotton consumed and the amount exported, and that will cover the whole field. I yield to the gentleman from Texas, who was the author of the resolution.

Mr. BURLESON. Mr. Speaker, in response to the suggestion of the gentleman from Georgia, I submit that having for a given season the amount of cotton grown, the amount consumed by the mills and on hand unconsumed, and the amount exported, it is easy of ascertainment—a mere matter of mathematical calculation—to ascertain the amount of cotton still held at ports ready for shipment by the merchants and in the hands of the producers. This is the sum of information to be had on the subject.

Mr. Speaker, I have heretofore had occasion to direct attention to the fact that no product of the farm is the subject of so much speculation as is cotton. It has been for years the earnest desire of the producer and the consumer of cotton to reduce to a minimum the influence that the immense amount of speculation in this great product exerts on its market price.

The greatest factor in lessening the influence of the speculative element on the price of cotton has been the statistical information in the way of estimates of the crop and ginners' reports prepared and published to the world by the Bureau of Statistics in the Agricultural Department and the Bureau of the Census.

It goes without saying that all statistical information to be valuable must be complete and accurate, and it is only by making it so that the confidence of those interested can be secured. This confidence has now been established, and those best informed accept the estimate of the cotton crop issued by the Chief of the Bureau of Statistics of the Agricultural Department as the most trustworthy given out from any source. The ginners' reports issued by the Director of the Census are also now relied upon by everyone as being approximately correct. This information is, of course, of material value to the growers and consumers of cotton because it serves to eliminate doubt and uncertainty as to the crop conditions, thereby reducing the influence that the cotton speculators can exert on the market. It is the condition of uncertainty that enables the speculator to bring about sudden and violent fluctuations in market prices. The purpose of the measure under consideration is to supplement the work now being done by these two Bureaus and make more complete the statistical information with reference to this most important crop.

Mr. Speaker, one need not think a second time to reach the conclusion that the continued prosperity of the cotton grower depends in a large measure, if not entirely, on the continued growth and development of the cotton manufacturing industry. When the cotton spinner is prosperous and is broadening his field of trade, it follows as a necessary consequence that there will be an increased demand for cotton, and the demand for more cotton means a better price to its producers.

Statistics disclose that there are now at work in America, Great Britain, and Europe 105,000,000 cotton spindles, in round numbers, requiring for consumption every week approximately 235,000 bales of cotton.

And I desire, in this connection, to direct attention to the fact that whereas Great Britain has increased her number of spindles during the last ten years by only 5.1 per cent, and the European continent by only 26½ per cent, that in our own Southern States there has been an increase of spindles amounting to 247.7 per cent; that during the same period the mills of Great Britain and the European continent combined increased their annual consumption of cotton by 1,044,000 bales, the mills of the Southern States during the same period increased their annual consumption of cotton 1,156,000 bales.

During the coming year the South will increase her mill capacity by approximately 900,000 spindles, and this, too, in face of the fact that the demand for cotton goods has decreased fully 70 per cent in China, which has heretofore afforded one of the markets for the products of the southern mill because of

the character of its manufactured goods. During the year 1902–3 China took from the United States, and largely from the South, 277,071,500 yards of cotton cloth, but owing to the disturbed trade conditions in the Far East, occasioned by the Russo-Japanese war, China, during the year 1903–4, took from us only 76,886,534 yards of cotton cloth.

It is a significant fact that notwithstanding this unfavorable trade condition the South continues to increase the number of her cotton spindles.

With raw material close at hand, with an abundance of labor, and with a season always propitious there is no reason why the South should not manufacture the bulk of the cotton she produces. When this time comes the question of cotton supply for foreign mills will become acute indeed, and I believe that the natural advantages the cotton-producing area in the United States has over all other countries will enable it alone to meet this demand.

A careful examination of statistics discloses that the world requires each succeeding year an increase of cotton to the extent of approximately 300,000 bales to meet its necessities. At one time it was thought by some that the production of cotton would not keep pace with its consumption, but such apprehensions are readily allayed when one considers that in Texas, Arkansas, the Indian Territory, and Oklahoma there exists the requisite area of suitable land, easily productive of a 10,000,000-bale crop.

During the present cotton year, 1904–5, the Agricultural Department estimates that there was planted in cotton in the United States 31,730,371 acres, an increase of approximately 3,000,000 acres over the acreage of the year before. In 1903–4 the United States produced 10,014,455 bales of cotton, 670,000 bales less than was made during the year 1902–3. Two short crops in succession brought about a great scarcity of raw cotton. This scarcity of raw cotton last year and the violent fluctuations of its market price, caused by speculation on the part of the New York cotton gamblers, brought together at Zurich, Switzerland, a most remarkable assembly, "The European International Cotton Congress."

The purpose of the congress was, of course, the extension of the cotton supply. It desired to widen the area of cotton cultivation in the colonies and dependencies of European countries, so as to afford an additional supply of cotton to the European mills, thereby making them less dependent on the American supply. Before this the British Cotton Growers' Association had been organized having the same end in view. This work has been actively carried on since then, but the question as to whether their efforts are to be followed with successful and permanent results remains to be seen.

Such efforts as these are by no means new. For years European countries have been endeavoring to promote the cultivation of cotton in new fields, and money has not been spared in the prosecution of the enterprise, subsidies having frequently been offered, and every encouragement furnished to grow cotton wherever it was thought possible.

In an address recently delivered by Mr. A. B. Shepperson, of New York, before the school of commerce of New York University, he discusses this question in a most interesting way.

It may be accepted as a fact that no substantial increase in the production of cotton which will benefit the European spinner may be looked for from India, Turkestan, or any part of the South American continent. The quantity produced in China, Korea, and Japan does not and can not exert the slightest influence on the situation. It remains, then, to ascertain what can be done in this direction on the continent of Africa and in the West Indies. Egypt, under most favorable conditions, assuming that the extensive irrigation proposed by the construction of the great dam at Assouan will result in accomplishing all that is expected, can increase her yield by only 250,000 bales, and the cost of its production will be much greater than the cost of production here.

With reference to other portions of Africa and the West Indies, I shall quote from the admirable address of Mr. Shepperson.

For the efforts of money expended by the European associations to promote the cultivation of cotton in new fields of production, the actual results have been pitifully insignificant.

In reply to my inquiries on the subject, my friend, Mr. Peter Brown, the secretary of the Liverpool Cotton Association, wrote me on March 17 that the receipts of cotton into England from East and West Africa during the year ending August 31, 1903, were 68,180 pounds, or equal to 136 bales of 500 pounds net, while the receipts since that date were 176,400 pounds, or the equivalent of 353 bales. From the West Indies 81,000 pounds, or equal to 160 bales of 500 pounds, were received since September 1, 1903, while no receipts were recorded during the previous season.

Mr. Brown has filled with signal ability his present official position for about twenty-five years, and he compiles the weekly reports of the association, giving the English imports, exports, stocks, and prices of cotton.

Mr. Wilckens, the secretary of the German Colonial Association, writing officially from Berlin on March 24, gives the importation of German colonial cotton into Germany from September 1, 1902, to August 31, 1903, as 112 bales of 500 pounds from Togo, West Africa, and the importations from September 1, 1903, to March 24, 1904, as 88 bales of 500 pounds from Togo, and 96 bales of 500 pounds from German East Africa.

My friend, Mr. F. Dennis, of the Havre Bourse, wrote me on March 17 that the importations into France from all of her African colonies (Dahomey, Soudan, etc.), since the spring of 1903, were 2,428 pounds, or the equivalent of less than 5 bales of American cotton.

Surely the new supplies of cotton are—to use a trite phrase—very backward in coming forward. An amusing feature in connection with my efforts to ascertain the actual quantity of cotton received in England from new sources of supply was the fact that in reply to inquiries on my behalf by my friend, Mr. Richard J. Allen, secretary of the Manchester Cotton Exchange, the secretary of the British Cotton-Growing Association, stated on March 19 that he was unable to furnish the information desired. I have recently received a printed copy of an address delivered in Manchester on February 10 last, by Mr. J. Arthur Hutton, vice-chairman of the British Cotton-Growing Association, in which he discussed at length the past, present, and future work of the association. He refers to the possibilities of cotton production in about every section of Africa and in the British West Indies, but failed to mention the actual receipt in England of a single bale of cotton from any of the prospective sources of production. This omission is the most significant portion of the address, for if any practical results had been achieved, or were likely to be achieved in the near future, Mr. Hutton would undoubtedly have mentioned them.

In a recently published report of Mr. Frank H. Mason, United States consul-general at Berlin, this gentleman writes that "whether we like it or not, the day will come, sooner or later, when the cotton of our southern uplands and valleys will no longer be king beyond the frontiers of the United States."

As the representative of the most strenuous Administration we have ever had in Washington, Mr. Mason seems to have been badly rattled by what he has read in the German and English journals respecting cotton cultivation in the German and English colonial dependencies in Africa and elsewhere. If he had ascertained the actual quantity of cotton received from those sources, I do not think his "courage would have oozed out at his fingers' ends" to the extent indicated by the sentence quoted.

Thus we see that the cotton industry from the standpoint of both the American producer and the American manufacturer is not only one of the greatest importance, but also of immense possibilities.

Mr. Speaker, it can readily be seen that every year there is a necessity for an increased supply of cotton. Every country consuming cotton beyond the amount of its own production, except the United States, is striving to increase the supply. Why it is under these conditions that cotton should go below 8 or 9 cents can only be explained on the theory that this great staple is constantly kept within the domain of wild speculation.

Last year through the port of New York there was shipped only 569,310 bales of cotton, and through Galveston, New Orleans and other southern ports there were shipped abroad 5,681,282 bales. Furthermore, New York manufactures but little cotton compared with other States, yet that State exerts a marked influence on the market price of cotton. Why is it? It if for no other reason than that the necessary market transactions in the actual cotton are very small compared with the stupendous transactions in cotton futures taking place on the New York Cotton Exchange.

The price of wool, silk, and flax are determined by the legitimate and equitable laws of supply and demand, and why it is that of all the textiles cotton alone should be the subject of such reckless speculation is beyond my comprehension.

Climatic conditions of course exert an influence on the price of cotton. From the time the seed is put in the ground it is either too wet or too dry, too hot, or too cold. During the growing season we hear of premature shedding of leaves or the throwing off of fruit. We hear of lice, and boll worms, caterpillars, and sharpshooters, and lastly, the boll weevil. All this information is circulated among those interested with a view of affecting the price, but, Mr. Speaker, many facts about the consumption of cotton, the amount exported, and the amount held by the manufacturer are not known to the grower until it is too late to be of substantial benefit to him.

Mr. Speaker, it is due the producer of cotton that he be given all information necessary for his protection when he is ready to sell his crop.

This resolution was drawn primarily in the interest of the producer of cotton, but it will prove of equal benefit to the consumer of cotton—that is, the manufacturer. It is a measure that has recently been much discussed by those who are engaged in the production of cotton. Every newspaper in the cotton-producing section that has discussed the resolution has approved it. Only a few days ago a meeting of 500 cotton growers in the State of Georgia unanimously indorsed it. It will provide for more complete and accurate information about the cotton crop, and this information will serve to lessen the influence of the speculator on the cotton market. I ask that the joint resolution be permitted to pass.

Mr. CRUMPACKER. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, it seems to me this resolution ought to be amended. It reads this way: "Is hereby authorized to collect and publish on the same dates and at the same time he makes publications of ginners' reports." The gin reports are stopped in January, and unless you provide for ginners' reports by the Census Office beyond January you will get no reports until the next gin report comes out, which is August 1. That is one difficulty in this resolution. The other is in the close of the resolution: "The statistics to be summarized as of September 1 each year, so as to show the cotton production and consumption of the preceding year." That, Mr. Speaker, would break the market every time it is issued. It amounts to this—that the cotton carried over between the ginners' report as to total production and the amount consumed or sold for consumption at the 1st day of September would be the amount of cotton held or carried over from one year to the other by the producers. Suppose this year there should be carried over 2,000,000 bales and that fact is shown in September. I just want to ask the House what effect would that have on the market? Would it not unsettle it; would it not break it? Stability, as much as possible, is one great want by producers. I think, however, the serious objection is the one I first mentioned—that the gin reports expiring by limitation on the 1st of January, no other report being made until August 1, you could get nothing unless you make additional appropriation and authorize the Census Office to continue these gin reports for February, March, April, May, June, July, and August. However, the author of the resolution says that the amendments that I suggest will be made in the Senate. If this is done, I have no objection to the passage of the resolution. I assert again that the cotton producers demand that all cotton reports or estimates should be accurate, frequent, and with as much publicity as to sources of information as possible.

Mr. LOVERING. Mr. Speaker, I am in favor of this measure. I recognize the difficulty of framing a resolution that will accomplish its full intent. What seems desirable is that as complete returns as possible should be obtained of the unconsumed cotton in the country. This is no less in the interest of the planter than of the spinner.

I believe, however, that under this resolution the Director of the Census will find a way to collect the necessary data for a more accurate report of the cotton in the country than we have ever had.

Certainly the manufacturers ought to be willing to aid in this matter as far as possible. It does not mean that each particular cotton spinner will be reported as to his stock of cotton on hand, but the sum of the cotton in the hands of all of the mills of the country will be given at the same time the report of the ginners' output is made.

There is frequently a large amount of cotton that is not in the hands of the planters, or the railroads, or the manufacturers. There is often a large amount of cotton held by factors and bankers, sometimes for their own account and sometimes for the account of spinners who do not care to advance the money for their full year's consumption, and so it happens that this cotton is frequently carried in warehouses by bankers for their account. I believe that the Director of the Census will find a way to have this cotton, whatever it is, included in his report.

Nothing is more in the interest of the speculator than a condition of uncertainty.

Nothing is more in the interest of the cotton grower and the cotton spinner than a condition of certainty. So that unless the planter or the spinner desires to become a speculator he will welcome the fullest and most accurate reports called for in this resolution.

Now, Mr. Speaker, one word about the cotton in the South. All the world to-day concedes that an enormous crop of cotton has been grown and ginned, variously estimated from thirteen to fifteen million bales. The knowledge that this cotton crop is grown sets the minds of the spinners at rest, and they are not in the least anxious because the cotton does not come into sight. The fact is the cotton may be held for some little time.

The spinners of the world have already taken eight-tenths of their year's consumption of American cotton, and it will require hardly two and a half million bales more to carry them to the next crop. They will take their time and pick this up at their leisure, knowing that after they have taken all they need there will be as much more left to be carried over.

Some of the planters, in the first flush of disappointment at not receiving a high price for their cotton, may withhold it, but as sure as the sun sets it is going to be for sale. They are not foolish, and the knowing ones are going to count their own interest, and by no possible calculation can it be for their interest to hold it over to another season.

If they can not get 8 cents they will take less. If they can not get 7 cents they will take less. If they can not get 6 cents they will take less. They know that 6 cents to-day for their cotton is better than carrying it for a year and selling it for 7½ cents. The interest, insurance, and warehouse charges in carrying it and the inevitable shrinkage of 12 pounds per bale on every 500-pound bale in the first year is a very serious consideration for the planter to face in undertaking to carry his cotton.

The spinner realizes this, and knows perfectly well it would be better for him to let the shrinkage and all these carrying charges be borne by the planter.

It is not perhaps generally known that there is a great shrinkage in cotton after it gets into the hands of the spinner, and this always has to be taken into consideration in reckoning the cost of the cotton. The wise cotton trader in the South understands this, and is always anxious to get his cotton off his hands while it is fresh and before it becomes desiccated.

Cotton is not low to-day. It is only relatively low as compared with last year.

We hear a great deal said about a concerted movement to carry cotton in the South. A few days ago I saw a statement that a syndicate with a hundred million dollars was to be formed to "boost" the price of cotton. That was the language.

What is this but a trust? It is a trust, pure and simple. It is in direct violation of the Sherman Act. It is a conspiracy in the restraint of trade, and I do not see how any man who advocates it can ever again stand up on the floor of this House and inveigh against the beef trust or any other trust. What meat is to the stomach cotton is to the back—a necessity of life.

Of course, farmers have a right to hold back their cotton. They have a right to cut down their acreage next season, but we may rest assured they will do neither of these two things to any great extent.

As to cutting down the acreage, that generally means that the other fellow is going to cut down his acreage and I am not going to cut down mine, or, if I am under any pressure induced to cut down a few acres, it means that I shall use every possible means to cultivate and raise the largest crop on the smallest acreage.

I am credibly informed that it is possible to raise a bale to an acre, and in some cases 2 bales to the acre. So I do not look for much reduction in the crop in another year, excepting it may come from the vicissitudes of the weather. It certainly will not come through efforts of individual planters.

Human nature is very much the same the world over. I recall a plan which was entered upon in New England for the curtailment of cloth. The subject was brought up in a meeting of mill treasurers, and one treasurer, while advocating it, said that he could not cut down his own production, as it would increase the cost of his output. Nevertheless he signed the agreement to curtail, and when reminded of his statement that he could not curtail, he said, "I do not intend to cut down, but I signed it for the moral effect," and that is about what these resolutions in the South will amount to among the cotton planters.

But allowing they should cut down the acreage next year even 10 per cent, and that is more than they have ever cut down in any one year, they would still be cultivating 28,800,000 acres, and who believes that any planter will purposely cultivate his crop so poorly as to give him a minimum product, and again suppose that the year should be a favorable one and as much cotton be grown per acre as was in 1898 and 1899, which was 232 pounds on the average, his next crop would amount to over 13,000,000 bales, to which should be added the 3,000,000 bales he will carry over this year, making 16,000,000 bales to market next year, or even suppose that he got no more than 200 pounds of lint to the acre, it would mean about 11,500,000 bales, which added to 3,000,000 bales carried over would amount to 14,500,000 bales next year.

There is absolutely no relief from this situation excepting by selling the crop to-day at the best price obtainable. I believe that cotton raising even at present prices is the best business in the country to-day. What should really be done is to seek new fields for the use of cotton, and nothing will find the new field more surely than a fairly low price.

If the New Orleans convention would address itself to the question of new outlets and new uses for cotton, it would be doing a greater service to the planter than if it spent its time and efforts in merely devising means to hold back the cotton and hold up the price of the present crop.

In the course of some remarks on this subject made here a few days ago I took occasion to point out the possibility of greatly increasing the consumption of cotton through the enact-

ment of legislation removing the tax from alcohol rendered unfit for use as a beverage. The advantages which would result from such legislation in promoting the establishment of many new and important industries and largely increasing our domestic and foreign trade, thus giving additional employment to labor, are probably familiar to you all, and I need not, therefore, discuss the general benefits which would follow the removal of the heavy burden imposed on industry by the present excessive alcohol tax. The absurdity of a law which taxes an important domestic industrial material 1,000 per cent on its original cost is self-evident.

I wish, however, to emphasize my former statement, that in one line of industry, the manufacture of articles in which nitrocellulose compounds are the principal raw material, the increased production of such articles which would directly follow the removal of the tax from denaturized alcohol would require the use of very large quantities of cotton. These articles, which include celluloid in its various forms, artificial leather, smokeless powder, lacquers, artificial silk, artificial rubber, photographic films, etc., are now manufactured in comparatively limited quantities, owing to the high cost of the solvents used in their production. With cheap alcohol prices would be reduced to a point at which their general consumption would be enormously increased.

The present use of cotton in these industries is no criterion of the amount that would be used under the favorable conditions that would be created by an untaxed alcohol law, and I am confident that in a few years after such a law went into effect the quantity annually used for this purpose would be increased one hundred fold.

The only ostensible reason why this country has so long delayed making a distinction between alcohol used in the arts and manufactures and that used as a beverage, a distinction made by the tax laws of all other commercial nations, is the alleged loss in revenue which would, it is said, result from the removal of the tax from industrial alcohol. I am satisfied that the loss in revenue would be inconsiderable, for the sufficient reason that our heavy tax rate has forced manufacturers to use inferior untaxed substitutes, and there is consequently very little taxed alcohol now used except as a beverage, or for manufacturing preparations, in which denaturized alcohol could not be used. It is doubtful whether the total loss in revenue which would follow the exemption of denaturized alcohol from taxation would be more than $1,000,000 annually, and it is probable that it would be considerably less. In any event the slight loss in revenue is of no importance as compared with the widespread advantages which would result from cheap alcohol.

The leading foreign nations, such as France, Germany, Great Britain, Austria, Russia, and Italy, impose no tax on denaturized alcohol, notwithstanding their difficulties in providing revenue are much greater than with us. While every possible source of revenue is resorted to by those countries, no suggestion is ever made of restoring the tax on alcohol, which is regarded as a material being entitled to exemption from internal-revenue taxation for the same reason that pig iron and other domestic raw materials are not taxed. The benefits to our manufacturers, labor, and agricultural interests which would follow an untaxed alcohol law would far outweigh the possible small loss in revenue from this source.

In this connection I may state that the benefits to the farmers of the country alone, through the creation of an additional demand for corn and other farm products from which alcohol is distilled, are of far more importance than any question as to the revenues.

The value to our industries of free alcohol is so clearly set forth in the accompanying statement that I desire to include it in my remarks.

APPENDIX.

GROWTH OF AMERICAN INDUSTRIES AND LARGE INCREASE IN EMPLOYMENT OF LABOR WHICH WOULD FOLLOW THE ADOPTION OF AN UNTAXED DENATURIZED ALCOHOL LAW.

No bill introduced in Congress for many years is of more importance to American labor than the Boutell free-alcohol bill (H. R. 9302) now in the hands of the Ways and Means Committee of the House. This bill provides that alcohol for use in manufacturing and the industrial arts shall be free of tax, when suitably denaturized or made undrinkable by mixture with noxious substances.

In all the leading commercial nations of the world except the United States a distinction is made between distilled spirits intended for beverage consumption and alcohol intended for industrial purposes. While the former is invariably taxed, and often very heavily, it is established as a sound principle of government that alcohol for industrial purposes should be made as cheap as possible, and all European nations have laws permitting the use of alcohol free of tax when denaturized according to official prescribed processes. In Germany (our principal rival, next to England, for the world's trade) the laws governing the industrial uses of alcohol are particularly effective.

In the United States no distinction is made between alcohol used for industrial purposes and distilled spirits intended for beverage consumption. For purposes of taxation they are both classed as distilled spirits and subjected to a tax of $1.10 on the proof gallon of 50 per cent alcohol. This is the normal strength of alcoholic beverages. The strength of commercial alcohol is 94 per cent, and as this is 1.88 times the strength of the proof gallon, the tax on it is nearly $2.07 per gallon.

Alcohol is easily and cheaply produced, the Government chemists of the Department of Agriculture reporting that under present conditions alcohol testing 94 per cent could, if not taxed, be sold profitably for about 15 cents per gallon, and other authorities have asserted that under a large demand and favorable conditions it would be profitable to sell it for 10 cents per gallon.

In certain manufactures where alcohol was formerly employed the manufacturers have been forced to adopt substitutes, usually more expensive than untaxed alcohol would be, generally less advantageous, and in many instances dangerous. Among such substitutes are wood alcohol, benzole, naphtha, acetone, acetic acid, carbon bisulphide, borax and boracic acid, benzine, gasoline, and many others. All these substitutes for grain alcohol are free from internal-revenue tax, and they are resorted to not because they are better than grain alcohol, but solely because of the necessity of using a cheaper agent than tax-paid grain alcohol. Thus we have different domestic materials capable of use for the same purpose in industrial pursuits, all free from taxation except alcohol made from farm products, which is taxed by the Government to the extent of 1,300 per cent. Comment upon the unjust discrimination of such a system seems unnecessary.

VARIED INDUSTRIAL USES OF ALCOHOL.

The industrial uses of alcohol are large and widely extended, and in all countries where it is tax free, and therefore cheap, it is used to an enormous extent and employment for hundreds of thousands of workmen is found in ways not possible in this country, where an internal-revenue tax of $2.07 per gallon practically prohibits the use of grain alcohol in all but a few industries.

Alcohol is a better fuel for the automobile and internal-combustion engines (commonly known as gasoline engines) than gasoline. It is a better fuel for domestic cooking and heating than either coal or gasoline. As an illuminant, when used with the incandescent mantle, it rivals the electric light and is superior to kerosene. Alcohol is necessary in the manufacture of more than a thousand different articles, and is a heavy item of expense in the manufacture of varnishes, lacquers, gilding, and bronzing. It is a solvent for the stiffening of felt hats and straw goods, and the box toes of fine shoes. In the manufacture of the best smokeless powder 1¼ pounds of alcohol are consumed in making 1 pound of powder, and the tax on the alcohol more than doubles the manufacturing cost of the powder.

In the manufacture of celluloid large quantities of alcohol must be used, and it is the same with the manufacture of photographic films[a] and paper, of fulminating powder[b] and many other materials. In the manufacture of the various colors for silk, cotton, and woolen goods, wall paper, printer's inks, etc., it is one of the most important and costly of the necessary raw materials, and in dyeing it is a valuable agent in fixing the colors. There is scarcely a manufacturer in the country who does not use alcohol, a solvent derived from alcohol,[c] or an inferior substitute, to a greater of less extent, in the production of his goods, and aside from manufacturing purposes it has a very wide field as a preservative, and for cleansing, burning, bathing, and other domestic purposes.

In regard to the industrial importance and efficiency of alcohol in manufacturing processes no higher authority need be quoted than that great international body of industrial scientists, the Society of Chemical Industry, which for the first time in its history has this year held its annual convention in the New World, in the city of New York. The annual report of the council of the society having special reference to alcohol states in part as follows:

"The extension of the use of internal combustion engines and the consequent increase in the demand for volatile fuel have also directed attention to alcohol as a source of power, and the employment of denaturized spirit for domestic use and lighting and heating purposes has been found economical and practicable."

In a special reference to the difficulties the British chemical industry has experienced in competing with Germany, the reports states that—

"The concessions by the British Government in respect of the use of untaxed denaturized alcohol for manufacturing purposes have not yet proved of general value in chemical manufactures. There have been some variations in the denaturants used in some instances, notably in the manufacture of fulminates and celluloid, both of which manufactures are under continuous supervision by revenue officials. The

[a] Photography has become a great factor in modern life, and it is estimated (Report of Special Committee of Congress on Alcohol in the Arts, vol. 2, pp. 796) that the people of the United States spend at least $175,000,000 yearly for finished photographs in the form of portraits, views, art, and commercial work. The alcohol tax adds greatly to the cost of the artificial leather used in covering cameras, of the varnishes and lacquers used in finishing them, and of the chemicals used in the manufacture of films, sensitized plates, and papers. Films are made of practically pure collodion, which also forms the coating of the best plates and papers. The cost of collodion is very largely increased by the alcohol tax. In the photographic industry there are 48 factories manufacturing apparatus, 105 manufacturing materials, 7,553 photographic galleries, and 204 photo-lithographing and photo-engraving establishments. Free alcohol would, by lessening their cost, greatly increase the demand for the products of these industries, and would thus give more employment to labor in producing and distributing them.

[b] Fulminate of mercury, the explosive material of percussion caps, is not now made in this country, its manufacture having been driven out by the high tax on alcohol. It is imported from Canada, at a cost of from $1 to $1.50 per pound cheaper than it could be made here at the present cost of alcohol. With tax-free alcohol the manufacture would be resumed, thus giving employment to American instead of Canadian workmen. Large quantities of fulminate are consumed in this country for various purposes.

[c] Fusel oil, one of the most important solvents used in the arts, is a by-product of ethyl alcohol distillation, and the present abnormal price of $1.60 per gallon is entirely due to the heavy internal-revenue tax limiting the production of alcohol. With tax-free alcohol the price of fusel oil would fall to a normal price, estimated by the distillers to be about 25 cents per gallon. The price of amyl acetate, a form in which fusel oil is largely used, would, of course, be correspondingly reduced. These solvents are of especial value in the manufacture of lacquers, celluloid, artificial leather, and in kindred industries, and the reduction in their cost, which would result from tax-free alcohol, would greatly stimulate these industries.

council is of opinion that the range of denaturants should be greatly extended, and that no increase of drinking or 'illicit distillation' is probable as a consequence of granting concessions to British manufactures under guaranty. The council regards with satisfaction the indications that the subject of reductions in the differential duty on British made alcohol, and an alteration in the regulations for the sale of suitably denatured spirit are receiving the sympathetic consideration of the authorities."

If in England, where a denaturized-alcohol law has been in force for many years, the chemical industry finds itself seriously handicapped on account of the conditions of the law being not so favorable as those of the German law, how much more serious is the handicap to the chemical industry of this country is apparent from the fact that the American chemist has not had the advantage of free alcohol in any form. The consequences are that only those chemicals in the making of which alcohol is not necessarily an important item are made in this country, and many fine chemicals have to be imported, to the great loss of American capital and labor. Doctor Schweitzer, the secretary of the American section of the Society of Chemical Industry, states that—

"The tax levied on alcohol most seriously injures chemical manufacture in this country. Alcohol is practically indispensable in our industry, and although American chemists, forced by the great expense, introduced substitutes in the form of wood alcohol, acetone, and other organic solvents, in some branches of manufacture alcohol still remains a sine qua non in the majority of cases. If we were called upon to give an instance of 'blood tax' we would point out the internal-revenue tax on alcohol for manufacturing purposes, and for this reason: Sulphuric ether is one of the most important derivations of grain alcohol, which must necessarily be employed in its manufacture.

"Ether is most extensively employed as an anæsthetic in surgical operations, and the enormous consumption of ether in the United States becomes apparent by the fact that one New York hospital alone used 2,900 pounds last year. The price for ether is 60 cents per pound, whereas in Germany the same quality, made from tax-free alcohol, is sold for 7½ cents per pound.

"Owing to the tax on alcohol a number of articles can not be manufactured here at all and must be imported.

"It is absolutely imperative for our Government to follow the example of Germany if we wish to see the manufacture of fine chemicals as flourishing here as it is there."

HOW TAX-FREE ALCOHOL WOULD PROMOTE MANUFACTURING INDUSTRIES.

It would make this article unnecessarily long to give in detail evidence regarding the effect of cheap alcohol on each particular industry, but such treatment of two or three of the minor industries affected will illustrate the importance of the proposed legislation in developing American industry and enlarging the field of employment for labor. Taking the industries of manufacturing picture frames and transparent soap, the following statements from authoritative sources are submitted:

PICTURE FRAMES AND MOLDINGS.

[From a petition presented to Congress by the picture-frame manufacturers.]

"There are in this country over 130 factories, employing about 12,000 hands, in this industry. Present use of alcohol in the trade is estimated to exceed 650,000 gallons annually, seven-eighths of which is wood alcohol. Grain alcohol is absolutely necessary for some purposes and would be used for all if the tax was removed. Wood alcohol is used because it is cheaper than taxed grain alcohol, and competition makes imperative the use of the cheaper article.

"The foreign trade is almost wholly in the hands of European competitors. Owing to tax-free grain alcohol the manufacturers of Great Britain and Germany are enabled to produce a finish in all grades of work at a cost far below that which is possible in this country. Even under these adverse conditions, however, a limited amount of American goods are now selling in Central America, Mexico, Australia, South Africa, Canada, and even in Great Britain, and a few other points. With tax-free alcohol the advantage would be with the American manufacturers, and under these conditions they guarantee that this country would quickly lead the world in this industry.

"To supply the new markets which free alcohol would open up to American picture frames and moldings would more than double present output and give employment to from five to seven thousand additional hands."

TRANSPARENT SOAP.

[From the testimony submitted to Congress by James S. Kirk & Co. (Senate Report 55–411, pp. 42–47.)]

"Transparent soap is the finest soap manufactured, and the sales throughout the world are enormous; the annual sales of one manufacturer, Pears, of England, in the United States alone have been about 100,000 gross, or 14,400,000 cakes.

"The cost of manufacturing transparent soap in this country is increased over $5 per gross on account of the internal-revenue tax of $2.07 per gallon on alcohol. This is what effectually prevents our competing with foreign manufacturers of transparent soap in our own country, and keeps us from entering foreign markets, where we dispose of many thousands of gross of ordinary toilet soaps annually. Under present conditions Pears can undersell us about $2 per gross, and the saving of the $5 per gross due to the tax would give the American manufacturers the advantage. With free alcohol the home market would be absolutely in the hands of American manufacturers, and they would secure a large percentage of the foreign trade in addition. In soap manufacturing alone free alcohol means the employment of thousands of additional hands."

More than 10,000 factories, representing 30 distinct industries, with an aggregate capital exceeding $500,000,000, and employing 300,000 hands, use alcohol, a solvent derived from alcohol, or an inferior substitute, as a raw material of manufacture. In all these factories the cost of manufacture is greatly increased by the tax on alcohol. In many the cost is more than doubled. The growth of domestic trade is thus greatly hampered and the development of the foreign trade rendered impossible. The cost of alcohol free of tax would not exceed 15 to 20 cents per gallon. The tax of $2.07 per gallon increases the cost twelve to fifteen times.

The removal of this excessive burden of taxation would result in an enormous expansion of both the domestic and export trade in all the alcohol-using industries. The extent of this increase it is, of course, impossible to estimate. In the aggregate it would certainly provide employment for at least 60,000 additional workmen in the alcohol-using industries already established, and in addition to this tax-free alcohol would result in the reestablishment of those industries which have been destroyed or driven to foreign countries by the excessive tax and the creation of thousands of new factories, thus providing employment for many more.

The smaller alcohol-using establishments employing only a few men each are not included in the above. If these were included 20,000 additional establishments would have to be added to those already given, and even this would be far from completing the list, or of those which would find it profitable to use it if free of tax.

In addition to the above the great increase in the use of alcohol as an illuminant, as fuel for cooking and heating, and for the internal-combustion engines, which would follow the removal of the tax, would result in a widespread demand for special lamp apparatus, stoves, and internal-combustion engines of all kinds. The alcohol incandescent lamps would be in demand on the farms and in the rural districts in every section of the country, and to supply this demand the lamp manufacturers would have to employ additional help, and would be rushed with orders for years to come.

It would be the same with stove manufacturers. The 1900 census report states that there were 1,414 factories, with 20,000 employees, in these two industries. Thus in these two industries alone the employment of thousands of additional workmen would be certain.

The influence on the manufacture of incandescent mantles would be even more marked. Opening up the rural districts and making every one of the residents of the smaller cities and towns and the 5,737,000 farmers of the country prospective customers would so extend that industry as to make the present large output of incandescent mantles comparatively insignificant.

CHEAP ALCOHOL FOR USE AS A MOTOR FUEL.

In the motor field the effect of free alcohol in giving employment to thousands of workers is apparent. The industrial value of the internal-combustion engine is now generally recognized, and the importance of facilitating the extension of its use to the largest possible degree is being more and more appreciated. So conservative an authority as the Iron Age, commenting on the steady increase of these engines in small units, especially on the farm, says: "The advantages are so obvious that it is only a question of time when every farmer will have one to aid in all the varied work of the farm." Their use also is extending in manufacturing and for boats and vehicles. In the latter the pleasure machines largely predominate to-day, but in the near future the commercial machines will far outnumber those intended simply for pleasure. Gasoline is practically the only motor fuel available to-day, and the development of this industry is seriously handicapped by the high cost of this fuel, which under the growing demand is steadily increasing in price. Alcohol is in every way a superior fuel to gasoline, being free from all obnoxious qualities and far less dangerous, and with the tax removed would quickly take its place.

It has been estimated that alcohol fuel available for use free of tax would double the power uses of this country. With free alcohol no region would be remote from a cheap fuel supply, and wherever production is now delayed or hampered on account of dear fuel free alcohol will set mechanics at work and the wheels of industry turning. In all parts of the country productive processes will be cheapened, opening up employment for thousands of additional hands.

The effect of free alcohol in opening up the vast arid regions of the great West for settlement must also be considered, as the ultimate increase in wealth and population from such settlement may overshadow all other possibilities combined. The irrigation of these lands, thus making them among the richest and most productive in the world, is largely a question of cheap power, and alcohol will furnish this in unlimited abundance. The alcohol engine would water the ground on which the material for the distillation of its own fuel would be produced. These lands are capable of supporting millions of people.

A Pacific coast engine manufacturer has pointed out that the alcohol engine is the ideal engine for irrigating purposes, and supplies data to show that in California alone the demand for this purpose would not be less than 30,000 engines, and California is only a small part of the territory to be served. In the manufacture of these engines and in their sale and distribution many thousands of men would be employed, and the number who would find homes on the reclaimed lands and those in turn who would be employed to manufacture the articles for their consumption and attend to their commercial necessities would run into the hundreds of thousands.

INDIRECT BENEFITS OF CHEAP ALCOHOL.

To supply the wants of the workmen and their families, for whom free alcohol would create employment, would create a demand for labor in every industry. The makers of houses, of house furnishings, of clothing, of food stuffs, of newspapers and books, would all be benefited. To cater to the wants of such a large increase in population would necessarily mean the employment of many thousands more in trade and in all lines of manufacturing. This in turn means greater prosperity to the farmer. To supply the raw material for making the alcohol and the food supply of this large increase in the population would also call for the employment of many additional thousands on the farm.

All the facts indicate that the consumption of alcohol for its infinitely varied uses would, if made tax free, in the course of time rival that of petroleum, the consumption of which runs into billions of gallons annually. However this may be, it is certain, based on the evidence of present demand and the accomplished facts of other countries which are enjoying the advantages of tax-free alcohol, that the consumption in this country would very quickly reach 300,000,000 proof gallons. To supply this would require the employment of several thousand additional men in the distilleries and the investment of millions of additional capital in improvements.

The transportation problem involved is one of no small magnitude. The carrying of grain and other material to the distilleries, the distribution of the alcohol and by-products, the handling of the finished products of manufacture, and the supplies to feed, clothe, and house the workmen and their families would call for the constant use of thousands of additional freight cars and the employment of many additional train crews, and in the manufacture and maintenance of this new railroad equipment large numbers would be employed.

With the industrial development which would result from the enactment of tax-free alcohol legislation there would be a corresponding growth of the subsidiary industries whose finished products are the raw material of the industries in the alcohol-using group. In the development of the chemical industry, for instance, there will arise great demand for glass bottles and other retaining vessels, and in the increase of the photographic dry-plate industry for glass plates of the highest quality.

The volume of this business is, of course, impossible to estimate, but it is beyond question that the glass production of Germany, incidental

to their great chemical industry, is very large. In the distribution of these chemicals thousands of tons of German glassware are distributed all over the world, a large portion of it being sent to this country. This would cease to be imported, and our own glass manufacturers would soon be sharing with their European rivals the profitable business of supplying the glass needed in the chemical export trade of the world. Small and comparatively insignificant as it is to-day, the glass manufacturers fully appreciate the importance of the present demand for glass by the chemical and other alcohol-using industries, and tax-free alcohol would enormously increase this demand.

The steel and iron industry will be directly and immediately benefited by tax-free alcohol. The resulting industrial development will call for the building of hundreds of new factories and in the enlarging and improving of many old ones. Large quantities of new machinery will be required to equip these factories and to handle and effectively distribute the new industrial material, the equipment of special rolling stock, and the building of warehouses, etc., will be necessary. In all these the principal materials of construction are steel and iron, and there is no question but that the effect of the increased demand on this industry will be a powerful factor in tending to maintain good prices, at least during the years of rapid industrial development immediately following the introduction of free alcohol.

This is far from being all that can be said of the interest of labor in free alcohol, for these estimates are based on the minimum results which may be expected to follow the cheapening of this important raw material and fuel. The actualities may double and even quadruple the above figures. No account has been taken of the large increased demand for labor in the export and shipping industries which will necessarily follow the development of the export trade which will result from tax-free alcohol. This would certainly mean the employment of thousands of workers, to say nothing of the commercial agents and traveling men who would be required to attend to the development of the trade in all parts of the world. Neither has any account been taken of the tendency to increase wages generally that would follow the lessening of the pressure in the labor market, as a result of finding new employment for thousands of men, and making of them buyers of labor products, instead of competitors for jobs.

REMOVAL OF TAX FROM DENATURIZED ALCOHOL WOULD INCREASE PUBLIC REVENUES.

A national expenditure of $100,000,000 would be a small price to pay to secure such possibilities, but instead of it costing the Government anything to free industrial alcohol from taxation, it would result in an increase in the revenues. It is a matter of dispute among experts whether there would be any falling off in the revenues from distilled spirits even, many contending that the increased consumption of tax-paid spirits that would necessarily be a part of such industrial development would more than offset any losses from either tax-reduction or shifting of industrial consumption to the free list. Assuming, however, that there might be some slight loss in the revenues from alcohol, this loss would be more than offset by the increased use of other articles subject to internal-revenue tax, and the increase in customs revenues. These revenues reflect in a large measure the general conditions. In dull times, when the purchasing power of the people is low, revenue receipts fall off heavily.

In times of prosperity, when the purchasing power is large, revenue receipts are large. The chief source of our national income being customs receipts, they are most affected by these changed conditions. The imports from which these revenues are collected are composed largely of articles of luxury and goods which are purchased in large quantities when the purchasing power of the people will permit. Free alcohol would be a powerful factor in stimulating general prosperity, and the national revenues would inevitably be benefited.

Another important fact which will have a marked influence in increasing the customs revenues is that the development of the alcohol-using industries will result in the importation of many dutiable articles. There are many dutiable materials necessary in the manufacture of chemical and other products not now manufactured in this country which our manufacturers would import in large quantities. It is certain that the increase in customs revenues from the increased importation of manufacturing materials alone would be more than sufficient to offset any loss of revenue receipts from alcohol that might possibly occur.

The question of revenue is, however, of minor importance. This is shown by the fact that England, France, Germany, Russia, Holland, Denmark, Norway, Sweden, Austria, Switzerland, Italy, and several other minor European governments, impose no tax on denaturized alcohol. These countries have expensive military and naval establishments which strain their revenue resources to the utmost. In Russia, Italy, France, Germany, and Austria in particular no method which could be safely adopted for increasing the revenues, or of dividing the present enormous burden of taxation, would be neglected. The fact that alcohol is regarded by all these countries as a material equally entitled to freedom from internal-revenue tax as pig iron or other kinds of domestic raw material, and that no matter how pressing the need of revenue may be alcohol required for industrial purposes is never taxed, shows that the advantages to the manufacturing and farming interests of those countries of their liberal alcohol policies far outweigh the benefit from any revenue they might be able to secure from this source.

CONGRESS SHOULD ACT PROMPTLY.

There is no country whose power to raise revenue is so great as that of the United States, and yet the possibility that some loss of revenue might be involved has been sufficient to deter Congress from the enactment of legislation necessary to give our manufacturers conditions as favorable as those enjoyed by their European competitors, which would create employment for many thousands of workmen where none are now employed, and which would promote our foreign and domestic commerce to the extent of hundreds of millions of dollars annually.

The Government will spend more than $100,000,000 in building the Panama Canal. Without in any way reflecting on the desirability or importance of that great work, it is safe to predict that the economic results and commercial gains for the people of this country that will follow the passage of a free alcohol law will be immeasurably greater. Free alcohol means a tremendous expansion of American manufacture; a marked advance toward our control of the world's trade; employment for hundreds of thousands additional workmen; improvement in the condition of every farmer, increasing his comforts, reducing his expenses, and expanding his markets; the guaranty of a cheap, safe, and efficient fuel for the internal combustion engine for all time; the reclamation of arid wastes now inaccessible, and the opening up of millions of acres of land to the settler. To secure these advantages the Government will be called on to make no sacrifice or incur any loss. Congress has simply to enact legislation to modernize our antiquated alcohol laws and place them on a parity with those of the nations which are our rivals for the commerce of the world.

The most important service that can be rendered to labor by Congress is the enactment of legislation which will result in the opening up of new opportunities for employment and the extension of existing industries. This will be accomplished by removing the tax from alcohol used for industrial purposes, thus conferring a great and permanent benefit on the wage-earners and business interests of the entire country.

WISDOM OF THE PROPOSED LEGISLATION DEMONSTRATED BY FIFTEEN YEARS' SUCCESSFUL OPERATION OF A SIMILAR LAW IN GERMANY.

Germany having the most favorable alcohol law leads the world in the industrial use of alcohol, and our consuls in that country have frequently called attention to the resulting benefits. Hon. Frank H. Mason, our consul-general at Berlin, has made a number of special reports on the subject, and after a thorough investigation thus summarizes his conclusions as to the wisdom of this law:

"The law governing the technical uses of alcohol was enacted in 1887, and, by reason of both its underlying causes and practical results, is worthy of study as an example of intelligent, far-seeing fiscal legislation. It was at that period—about fifteen years ago—that German agriculture began to feel severely the effects of competition from the cheaply grown cereals of the United States, Argentina, and Australia. The landowning class urgently demanded legislation which would save the waning profits of husbandry. It was accordingly decided to make alcohol for technical uses as cheap as possible, and to promote by all practicable means its production and consumption in this country.

"The exposition of this year confirms and reenforces the impression made by the display of 1902 that the law of 1887 governing the manufacture and use of untaxed alcohol for technical purposes was one of the wisest and most far-seeing enactments in the legislative record of the Empire."

RESOLUTIONS REPORTED TO THE NATIONAL BOARD OF TRADE AT ITS ANNUAL CONVENTION, HELD IN WASHINGTON, D. C., JANUARY 20–22, 1904, BY M. N. KLINE, ESQ., OF THE PHILADELPHIA TRADES' LEAGUE, AND UNANIMOUSLY ADOPTED.

Whereas alcohol is a necessary material in the manufacture of many important articles of commerce; and

Whereas an important group of American industries has thus far been dwarfed by the lack of free alcohol in the arts and manufactures, and for the ostensible reason that it was difficult for our revenue authorities to prevent its use otherwise than for these purposes; and

Whereas competing nations, notably Germany, France, and England, find no difficulty in prescribing and enforcing regulations to prevent such use.

Resolved, That in the opinion of the National Board of Trade it is the duty of Congress and our revenue authorities to afford our manufacturers equal facilities in this respect with those of competing nations, and at the same time benefit our agricultural interests by affording an increased use for our greatest cereal crop. We therefore favor the passage of the bill introduced by Representative Boutell (H. R. 9302).

[Mr. MADDOX addressed the House. See Appendix.]

Mr. CRUMPACKER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SIMS].

[Mr. SIMMS addressed the House. See Appendix.]

Mr. CRUMPACKER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, a good deal of what my friend from Georgia has just said is the expression of a position correctly taken; but whether this resolution passes or not we are going on collecting these statistics in relation to the production of cotton. This resolution is merely to tabulate at the same time and to publish at the same time statistics of cotton consumption.

Mr. MADDOX. I am in favor of that.

Mr. WILLIAMS of Mississippi. That is all this resolution does. Now, the idea is this: The country ought to have both sides of the equation in order to arrive at an accurate conclusion of a cotton condition. As it is now, while the country gets abundantly the statistics of production, it is perfectly possible for the mills to conceal the status of consumption so as to bear the market, it being evidently to their interest as bears to bear the market in case they are spinners and weavers and have no other interest. They would naturally do that as far as they honestly could. The whole thing, in other words, is to give both sides, so that everybody may arrive at a conclusion, and to give both sides frequently, so that the market may be as stable as possible and not be rushed up and down all at once.

Mr. BAKER. Will the gentleman from Mississippi [Mr. WILLIAMS] yield for a question?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. BAKER. I understood the gentleman to say that the cotton spinners would conceal the amount of cotton they had on hand for the purpose of forcing down the price, and that they would do it "honestly."

Mr. WILLIAMS of Mississippi. I meant legitimately. My father was once asked, "Kit, is So-and-so honest?" and my father replied by saying, "He is law honest." I am talking of keeping within the law. Of course a manufacturer has a perfect right to refuse to give any information about the amount

of cotton he has and the amount he has spun and the amount he has woven, as well as the amount he has exported, and if it was to his interest not to give the information I take it he would not give it; and I see nothing dishonest about one's withholding information relative to his business when the information is not required by law. Now, we desire to require it by law. That is all.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the gentlemen who desire to speak upon this question may have five days in which to print remarks that are pertinent to the resolution that is under consideration.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] asks unanimous consent that the gentlemen who desire to speak upon the resolution now before the House may have five days in which to print remarks pertinent to the same. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CRUMPACKER. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on the amendment.

Mr. CRUMPACKER. Mr. Speaker, I ask that the amendment be again reported.

The Clerk read as follows:

In line 9 strike out the word "annual."

Line 11, after the word "exported," add the following: "the statistics to be summarized as of September 1 each year, so as to show the cotton production and consumption of the preceding year."

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the resolution as amended was passed was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent to take from the Speaker's table the bill H. R. 15895, the legislative bill, disagree with the Senate amendments, and ask for a conference. Is there objection? The Chair hears none. The gentleman from Pennsylvania moves to nonconcur with the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. BINGHAM, Mr. LITTAUER, and Mr. LIVINGSTON.

ANNUAL REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with the accompanying documents, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Philippine Commission, together with the separate reports to the Commission of the civil governor of the island and of the heads of the four departments.

I also inclose a letter from the Secretary of War, submitting the report for my consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 16, 1905.*

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. PALMER. I yield such time as he may desire to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, it is creditable to both the Federal judiciary and to the people of our country that the power to impeach United States judges has been so infrequently invoked. It has been well-nigh forty years since such an officer—Judge Humphreys, of Tennessee—was impeached. The record in the pending case will show that the people of Florida and elsewhere who have had business with Judge Swayne have suffered long and patiently, and it is to their credit. They have suffered long and patiently because of the reverential respect on the part of the people there, as elsewhere throughout the Union, for the judiciary. They have thus endured, furthermore, because they knew the process of impeachment to be long, tedious, and doubtful. But, Mr. Speaker, the people of Florida during the present Congress have paid to the party in power here and in every department of government the highest compliment. In bringing their memorial and this complaint here they have impliedly said to the Congress that they believed no partisan feeling will control the deliberations of this House or the Senate, and that the issue joined between the people and this judge will be fairly and correctly tried. Speaking for myself, knowing the patriotism and the honesty that actuate the membership of this House, I can not doubt that the result here of the pending resolution will be in accordance with the facts as presented and the law and justice in the case. I say this, Mr. Speaker, without regard to what the outcome may be, for whatever conclusion may be reached here, I trust, sir, that it shall not lessen my respect for this House nor my confidence in the correctness of its judgment.

I propose, Mr. Speaker, after these observations, to speak to the case. On the 13th day of December last I had the honor to address this House in this case on its general and preliminary phases. During that discussion I took occasion to read the statute fixing the traveling and attendance expenses of the Federal judges; but, with your kind indulgence, I shall again recite this provision of law. The act of June 11, 1896, provides—

For reasonable expenses for travel and attendance of district judges directed to hold court out of their district, not to exceed $10 per day each.

Specifications 1, 2, and 3 of the articles here charge Judge Swayne with having rendered a false claim and certificate for more money than he expended for travel and attendance. It is not my purpose to make at this time any elaborate argument on this specification. Let me say, however, at the present time that the statute is plain and mandatory, that it is a statute fixing expenses and allowances, and that the well-established rule of law is that such statutes as this are to be construed strictly, and that they are never to be construed equitably, if you please. Now, I have heretofore referred to the authorities in support of that proposition, and I have not heard in the course of this debate anyone to dispute the soundness of the cardinal rule of strict construction which obtains in case of a statute providing for payment of the expenses of a public officer. The testimony—and I shall not read it—shows that Judge Swayne in some cases was guilty of drawing $10 a day for alleged expenses, when the testimony shows that he paid out only $1.25 a day for his board; and further, that his expenses for travel and going to and from that court where he spent only $1.25 a day for board did not exceed $50. It is unnecessary for me to recite in detail the evidence relating to such expenses. That has been done in this debate and the record is here and all who desire to look at the figures can do so in a few moments.

The statute has been violated. The proof has been made and the fact has been admitted by the respondent's champions in this discussion. But excuse has been offered, and that, too, in this case of a judge who is supposed to be an exemplar, who ought to hold up the standard of observance of the law so high that all men might rightly imitate his conduct. And yet there are suggestions made now which were not made at the hearings of this case when the testimony on both sides was adduced. Improper matters have been thrust into this case during this debate, matters that have not come through the regular and legitimate channels, suggestions and hearsay evidence, newspaper stories, and immaterial facts, all thought by Judge Swayne's friends to be exculpatory. In regard to the charge contained in articles 1, 2, and 3, Judge Swayne offered no excuse and no explanation in his two statements made before your committee. Indeed, in his last statement, when this charge was under investigation, he said not a word in reference to it, and we find that even in the printed views of the minority members of the Committee on the Judiciary, including those who have spoken against impeachment, these gentlemen have said, all have said, that the subcommittee and the whole committee were correct in holding that what other judges may have done in like cases was not and is not pertinent. These minority members went further and held that Judge Swayne by his silence, by his refusal to offer any exculpatory explanation, stood convicted, and upon that ground joined in with all the members of such committee and recommended impeachment to this House.

I do not know what has come over the spirit of the dreams of some of these gentlemen, nor do I care. It is no concern of mine what may actuate any gentleman here. As long as his conduct is satisfactory to his own conscience, I have nothing to do with it. But I recite these facts to show that some sort of a strange evolution or revolution has taken place in some minds, and endeavor is now made to excuse a judge in high position from a plain violation of the law, a violation so plain that even his friends here at one time, before they became warmed up with the zeal of advocates, admitted that he stood guilty.

Let me refer to another matter involving at least a grave impropriety. This circular, of which I have a copy here, headed "Swayne not alone," has been handed around here. It is not

a part of the evidence. It was never put before this House in any regular or legitimate way.

Mr. CHARLES B. LANDIS. The committee would not permit it to be presented, would they?

Mr. CLAYTON. This was not offered to the committee.

Mr. CHARLES B. LANDIS. Is not that what Judge Swayne was going to offer?

Mr. CLAYTON. Judge Swayne did offer, through his counsel, to show that other judges had charged $10 per day for expenses. The gentleman from Pennsylvania [Mr. PALMER], chairman of the subcommittee, ruled that what other judges may or may not have done was not pertinent to the issue in the case; that Swayne was on trial, and that it would be time enough to try other judges when articles of impeachment were presented against them. The Judiciary Committee, the majority and minority, all agreed that the ruling of the gentleman from Pennsylvania [Mr. PALMER] and the subcommittee on that subject was correct, and that such testimony could not be brought in here. It was not brought before the committee nor into the case until after this debate was begun. If it was not proper to bring it before the committee in the regular way, it can not be proper to bring it in here now in this irregular way.

Mr. CHARLES B. LANDIS. I was just going to suggest this: That if the committee would not permit him to show that it was the custom of Federal judges to charge up their expenses at the maximum rate, a failure to do that should not be commented upon by the gentleman from Alabama.

Mr. CLAYTON. The gentleman ought to be lawyer enough to know——

Mr. CHARLES B. LANDIS. I am no lawyer.

Mr. CLAYTON. Well, permit me to say sincerely that the profession missed the acquisition of an ornamental member.

Mr. CHARLES B. LANDIS. I grant that if to be a lawyer——

Mr. CLAYTON. Now, Mr. Speaker, I beg the gentleman's pardon. I have given this explanation. If the gentleman thinks proper to take a view different from mine, he is at liberty to do so. I believe any impartial lawyer would assent to the proposition that the ruling of the committee was correct. It has no place in this case, but that is my opinion, and the gentleman can entertain his own view. If he wants to try this case on something that is not properly before this House, some hearsay testimony, some rumor, some document that never was investigated by the committee, the gentleman is certainly at liberty to do it, and I make no complaint; but I say that we appointed a committee to take the testimony in this case upon the assumption that we would try it here upon the testimony taken by the committee, and this committee brought that testimony here. The rulings of the committee bringing in testimony and excluding testimony were approved by the Committee on the Judiciary. The matter has been under investigation repeatedly by the House, and no complaint of any dereliction on the part of the committee was ever made until this time. That is my position.

Mr. CHARLES B. LANDIS. I want to make one further suggestion, and that is, that in view of the fact that the committee would not permit him to show that it was the custom of other judges, it is not fair to Judge Swayne to take him to task for not making that showing.

Mr. CLAYTON. No; for the reasons just stated by me. After several debates and after several hearings when the testimony was printed and considered there was no suggestion of that sort made. The gentleman misapprehends my statement. But let me proceed.

Mr. SHERLEY. I would like to ask the gentleman a question.

Mr. CLAYTON. Yes.

Mr. SHERLEY. Did Judge Swayne ever offer to testify that his construction of the law entitled him to take the $10 a day?

Mr. CLAYTON. No; Judge Swayne never did offer to testify to that. He made no offer to testify himself in regard to this. The question arose when his counsel was cross-examining the witness Bradley. It arose in that connection before Judge Swayne last testifed in his own behalf, and he never offered to make any explanation and never referred to the subject.

Now, Mr. Speaker, the House seemed to have been at one time unanimously of the opinion that Judge Swayne should be impeached upon this ground. All its Members seemed to have concurred in that conclusion at one time, though it is fair to state that during the colloquy, which occurred between the gentleman from California [Mr. GILLETT] and the gentleman from Illinois [Mr. MANN] in December, it did not appear clearly how the gentleman from California, a member of the committee, stood on that proposition. He can answer for himself when his time comes.

Mr. Speaker, I do not desire to dwell further upon this except to say that I repudiate the charge or insinuation that other judges have been guilty of offending like Judge Swayne has. I do not believe that the judges of this country have been in the habit, when they went out of their districts to hold court, of putting up at a dollar-and-a-quarter-a-day boarding house and then charging $10 a day, paying the $1.25 out of their pockets and putting into their pockets $8.75. I repel the charge that the judges of this country are guilty of that. I have no doubt that in many of the cities of our country some of the judges, when holding court there away from home, do spend $10 a day for travel and board. It is perfectly legitimate. If a judge goes to New York City, for instance, it is perfectly right and proper for him to live in the same style that he does at home. It is proper for him to go to a modern hotel; it is proper for him to have not only his bedroom with modern conveniences, but also to have his parlor or place to do that part of his work that is not usually done in the court room, but in an office. For this he would not be censurable.

The gravamen of this charge is, not that Judge Swayne spent $10 a day, not that other judges spend $10 a day, but that, under the guise and pretense of hotel bills and traveling expenses, Judge Swayne has charged and collected in one case $410 for forty-one days, whereas he paid out in that instance only $57.50 for board, and in no event more than $50 for railroad travel for both ways, making $107.50 actually expended by him, if he paid his railroad travel, and I assume that he did, being all told $107.50 that he actually paid out, whereas he drew $410 on his certified statement that he had expended $410. His offense consists of putting into his pocket as private gain the difference between $410 that he certified to and collected and $107.50 that he actually expended. Now, that is the case, and the testimony bears out the facts as stated and that are involved in the contention.

Mr. SMITH of Kentucky. I want to ask the gentleman a question.

Mr. CLAYTON. Certainly.

Mr. SMITH of Kentucky. If Judge Swayne could have shown that a considerable number of other judges, or all of them, were charging $10 a day when they were only expending $2.50 or $5, or any sum less than $10 a day, to what extent would that have justified a modification in the construction of this statute?

Mr. CLAYTON. It would not have justified it at all. The fact that one man has done wrong would not justify another man charged with the same offense at the bar of any court anywhere. Were an accused man to say, "It is true I committed the larceny, as charged, but A and B also committed like larceny, and therefore I ought not to be convicted," would not be considered a good defense, either in law or morals.

Mr. BARTLETT. Is it not true that the only suggestion in the paper that has been exhibited here is that some of the judges have charged the full amount, but that there has never been a suggestion from the parties that any judge had not expended the amount he drew?

Mr. CLAYTON. That is true. I stated that. I may say in this connection that the committee thought if they permitted that sort of wholesale or general allegation or insinuation to be made against the other judges, it would be no more than right and fair to bring the other judges here and give them an opportunity to show that they did expend the $10 a day, and that would have been without authority and would have presented another and protracted investigation of others not under any charge.

Mr. BARTLETT. The record from the Auditor for the State Department which was published in the Post newspaper some time ago, a copy of which you referred to, simply contains the fact that some of the judges, 40 per cent it is said, did charge the full amount?

Mr. CLAYTON. Exactly.

Mr. BARTLETT. But there is nothing in the record to show or no suggestion made that they did not actually expend that amount?

Mr. CLAYTON. No; and I presume that every one is an honest man and that every one of these judges involved in that statement who charged $10 a day actually expended in traveling and hotel expenses that amount of money. That is a correct presumption.

Mr. CHARLES B. LANDIS. There was not anything on record there in the Treasury Department that Judge Swayne did not expend this amount.

Mr. CLAYTON. I don't know what was on record there except what was shown at the committee hearings.

Mr. SMITH of Kentucky. Mr. Speaker, I desire to ask this question: Did Judge Swayne or his counsel offer proof that any other judge was collecting more expense money from the Treasury than he had expended?

Mr. CLAYTON. No; and there was not an insinuation that any judge had charged $10 a day and put the difference, $8.75, as in this case, between that and his expenses incurred and paid, into his pocket.

There was no suggestion of that sort to the committee, and now I understand gentlemen to make that suggestion here—that wholesale indictment against the judiciary of the country. Mr. Speaker, I happen to be informed in a personal way of at least a few of these judges who sometimes charge $10 a day and sometimes do not, but every time they have charged $10 a day I believe they have actually expended it. No complaint can be made of that. If Judge Swayne had expended the $10 a day in traveling and hotel bills, no strictures would be made here, but he did not expend it. He pocketed the difference between his expense and his collections as pecuniary gain without authority of law, contrary to the statute limiting him to his reasonable expenses. That is the vice of his conduct. He converted this business of going about to hold court into a money-making business and profited in a moneyed way by engaging uniformly and persistently in the practice. The law intended that he should go, not at his own expense, but at the expense of the Government, and intended that he should be quite content with his salary and the reimbursement of sums spent by him as reasonable expenses of travel and board.

Mr. PRINCE. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. CLAYTON. Yes.

Mr. PRINCE. I want to ask for information whether Judge Swayne had a private secretary provided by law?

Mr. CLAYTON. Nothing was said about that.

Mr. PRINCE. Well, I ask, as a matter of fact, do district judges have them?

Mr. CLAYTON. Some of them do.

Mr. PRINCE. Is there an appropriation made for that purpose?

Mr. CLAYTON. So far as I am advised, Judge Swayne did not have one to travel around with him.

Mr. PRINCE. I will ask if there is also a stenographer for his court?

Mr. CLAYTON. He uses a court stenographer.

Mr. PRINCE. There is a court stenographer provided?

Mr. CLAYTON. A court stenographer.

Mr. PRINCE. In his court?

Mr. CLAYTON. Yes; he uses him.

Mr. PRINCE. So that if he saw fit to write instructions or make any preparations of any kind with this court stenographer he could be used by him?

Mr. CLAYTON. He did it and it cost him nothing.

Mr. PRINCE. It cost him nothing?

Mr. CLAYTON. It cost him nothing.

Mr. PRINCE. That is the point I wanted to get at.

Mr. CLAYTON. And I assert here that the only expense that Judge Swayne incurred when he went to Texas was possibly his railroad fare and certainly his hotel bill, in one case board and lodging at $1.25 a day, and that he expended nothing else. It was incumbent upon him to show, if he could, that he expended more. The committee went fully into this charge and not a word did he say in reference to it.

Now, then, I commend to gentlemen the reading of the minority views on this proposition, presented by the gentleman from New Jersey [Mr. PARKER], when this subject was under discussion on December 13. There was then no difference of opinion among the members of the committee, and there seemed to have been no difference of opinion in this House on that subject at that time. The whole committee and this House then thought that Judge Swayne should be impeached upon the ground that he had collected more money for alleged expenses than he had in fact expended.

Mr. LONGWORTH. Will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. CLAYTON. Yes.

Mr. LONGWORTH. In the opinion of the gentleman, if a civil suit were brought against Judge Swayne to recover the difference between $10 a day and the amount that he is supposed to have actually expended, could a recovery be had?

Mr. CLAYTON. I think so, and I think furthermore that an indictment would lie against him; but we are neither a civil court nor are we a criminal court, and therefore the gentleman's question is abstract.

Mr. LONGWORTH. Let me go a little further. In the event of such a trial, could Judge Swayne introduce evidence to show that other judges had done the same thing?

Mr. CLAYTON. No, sir; in no court.

Mr. LONGWORTH. Is the gentleman familiar with the case of the United States against Hill, reported in 120 United States?

Mr. CLAYTON. A decision of the Supreme Court?

Mr. LONGWORTH. Yes.

Mr. CLAYTON. I have not read it recently.

Mr. LONGWORTH. If the gentleman will permit me just a moment——

Mr. CLAYTON. Go ahead and read what the gentleman has in mind.

Mr. LONGWORTH. Very briefly, the case was this——

Mr. CLAYTON. I object to the gentleman telling me what the case was. Read from the opinion and I shall listen.

Mr. LONGWORTH. The case was brought to recover fees which were alleged to have been overcharged. It was admitted that it had been the custom for these clerks to charge these fees and to have them allowed. Suit was brought to recover a large amount from this man and his bondsmen. I desire to quote one sentence from the syllabus.

Mr. CLAYTON. Oh, that was an entirely different matter from the one on which we are trying Judge Swayne.

Mr. LONGWORTH. Permit me to read this sentence:

> The statute being of doubtful construction——

Mr. CLAYTON. Ah, exactly. That is one point I make.

Mr. LONGWORTH. Let me continue the reading:

> The statute being of doubtful construction as to what fees were to be returned, the interpretation of it by judges, heads of Departments, accounting officers, contemporaneous and continuous, was one on which the obligors in the bond had a right to rely, and, it not being clearly erroneous, it will not now be overturned.

Mr. CLAYTON. Exactly; where the statute was of a doubtful character and payment had been made, and civil suit was then brought against the obligor on the payee's bond, as well as the payee himself, to recover the money back.

Mr. JAMES. But that decision was predicated upon the right of a third party to protection in a case where he, as surety, bound himself to pay any loss in case his principal should violate his official duty.

Mr. CLAYTON. Exactly; and that case is not on all fours with the one here. I can give the gentleman cases that are more nearly analogous——

Mr. LONGWORTH. I do not mean to say, if the gentleman will permit, I did not say that they are exactly alike. I am simply asking the question whether in this case if it had been the custom of judges to proceed on the theory that they were to be allowed $10 a day—this statute never having been construed by the court and not being absolutely plain on its face—if it was evident that it was the custom of others to do it, exactly as in a case of the United States *v.* Hill, that custom existing for a number of years, it was not competent to show that such was the custom.

Mr. CLAYTON. Now, is the gentleman through with his question? Now, let us see if I can unwind it. The question was so long and full of parenthetical clauses, but I will undertake to unravel it. In the first place, it is not true, in my opinion, that this statute allowing expenses of judges is at all doubtful. It is plain, and especially in view of legislation on this subject. I commend to the gentleman to read the letter of Auditor Timme, published in the testimony here, and there he will see the different acts of Congress relating to the compensation of judges, and he will find that Congress by this act never intended that the judges should have any pay except their salaries.

Mr. PALMER. Excuse me; there is an act of Congress that absolutely prohibits them receiving any compensation except their salaries.

Mr. CLAYTON. Yes, sir; that is the act of 1886; that is my recollection.

Mr. PALMER. Even before that.

Mr. CLAYTON. Yes.

Mr. LACEY. It is the Revised Statutes of 1871.

Mr. CLAYTON. There is an act in the Revised Statutes—I have it here somewhere——

Mr. LACEY. Except in the State of New York.

Mr. CLAYTON. But I will not stop now. Now the case the gentleman has referred to is not like the case here. That involved a construction in a civil suit of a doubtful statute, where the court was doubtful——

Mr. LONGWORTH. I do not desire to take up the gentleman's time, but if the gentleman will read the statute involved in this case I think he will find that it is plain and——

Mr. CLAYTON. Read it. The court said it was doubtful.

Mr. LONGWORTH. I will be glad to do so if the gentleman

will pardon me. There are three statutes governing it. The first is:

Every clerk of a district court shall, on the first days of January and July, in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all the fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such return the fees and emoluments payable under the bankrupt act. Said return shall be verified by the oath of the officer making them.

The next statute is this:

No clerk of a district court shall be allowed by the Attorney-General to retain of the fees and emoluments of his office for his personal compensation, over and above his necessary expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 a year for any such district clerk, or exceeding that rate for any time less than a year.

Again:

Every clerk shall, at the time of making his half-yearly return to the Attorney-General, pay into the Treasury, or deposit to the credit of the Treasurer, as he may be directed by the Attorney-General, any surplus of the fees and emoluments of his office which said return shows to exist over and above the compensation and allowances authorized by law to be retained by him.

Under this statute this clerk collected $3 for every naturalization paper. It was the custom for years——

Mr. CLAYTON. The gentleman will pardon me, but I do not understand what he is driving at. Will you please start your question again?

Mr. LONGWORTH. If the gentleman will permit me to state it again——

Mr. CLAYTON. I yielded to the gentleman for a long time to read his statute; now, if the gentleman is going to make a long statement——

Mr. LONGWORTH. I beg the gentleman's pardon.

Mr. CLAYTON. Now, let the gentleman read the syllabus. The gentleman will have an opportunity in his own time to make an argument.

Mr. LONGWORTH. I will only be too glad. The gentleman yielded to me to read the statute.

Mr. CLAYTON. I hope the gentleman from Ohio [Mr. LONGWORTH] will not thrust into my argument——

Mr. LONGWORTH. I am simply trying to point out the fact that in my opinion evidence should have been allowed as to custom.

Mr. CLAYTON. I do not question the gentleman's purpose. What do you want to know of me?

Mr. LONGWORTH. I want to know——

Mr. CLAYTON. Let the gentleman read the syllabus, and I will see.

Mr. LONGWORTH. It was the custom of the United States courts in Massachusetts, known and approved by the judges, for the clerk to charge $3 as fees in naturalization proceedings. The clerk of the district court never included these fees in his return, although it was provided in statute. This fact was known to the judges, to whom the accounts were semiannually exhibited, and by whom they were passed without objection. And the court held that the statute, being of doubtful interpretation——

Mr. CLAYTON. That does not apply to this case at all. Now, if the gentleman is through, he has his authority injected into the record and has his position stated. I will continue my remarks.

Mr. LONGWORTH. Then the position of the gentleman is that this statute is absolutely plain on its face?

Mr. CLAYTON. It is absolutely plain and admits of no doubt.

Mr. LONGWORTH. And that no other interpretation was made of it by any other judges?

Mr. CLAYTON. No other construction, in my opinion. But if so, that has nothing to do with this case.

Mr. LONGWORTH. By any other judge?

Mr. CLAYTON. I do not think any other judge could put any other construction upon it.

Mr. LONGWORTH. And therefore no evidence ought to be allowed as to the custom?

Mr. WM. ALDEN SMITH. It seems to be a court of final resort.

Mr. CLAYTON. Surely the gentleman from Ohio [Mr. LONGWORTH] will not expect me to answer all his conclusions in my time.

Mr. PRINCE. As I understand, I want to have the gentleman himself clear upon this proposition, that there are no stenographers in the United States district courts.

Mr. CLAYTON. Oh, no; I never said that. Do you say there are?

Mr. PRINCE. I say that in some of the courts they have stenographers, but not under any act of Congress.

Mr. CLAYTON. But they are provided by law?

Mr. PRINCE. I am told that that is the practice in Texas, the State where Judge Swayne is charged with having falsified his accounts.

Mr. HENRY of Texas. If the gentleman will permit me, I will say that his statement in regard to the practice in Texas is correct.

Mr. CLAYTON. I know as a matter of fact that in Alabama the judges do have them.

Mr. HENRY of Texas. Let me say that in the State of Texas we have four district judges, and each one of the district judges is provided with a stenographer. His compensation is fixed, whether allowed or not by the Attorney-General, and I know personally that they have a court stenographer in each one of those courts, and I understand they have them in many other Federal courts.

Mr. CLAYTON. I will say for the benefit of the gentleman from Illinois [Mr. PRINCE] that there is a bill now pending before the Committee on the Judiciary in this House providing for stenographers throughout the country and for the rate of their compensation.

Mr. PRINCE. That was just the point I was getting at.

Mr. CLAYTON. There is no doubt about that, but as a matter of fact, wherever I have been, the judges do have stenographers; and the Attorney-General of the United States, under some allowances intrusted to him, pays them out of that fund, and the judge in no case pays them. Now, is that clear?

Mr. PRINCE. It is clear from your standpoint, but the point I was seeking to show——

Mr. CLAYTON. Let me advert briefly to the question asked by the gentleman from Ohio. In the case cited by him payment had been made under doubtful statutes and suit was brought to recover back, and the court held the statutes (the gentleman from Ohio has just read them) doubtful. And, further, that because the heads of departments and accounting officers had contemporaneously and continuously interpreted them in favor of the payment, the obligor on the principal's or payee's bond had a right to rely on such interpretation.

This is the syllabus of the case of United States *v.* Hill (120 U. S. 169, 170), which has been referred to:

It was the custom in the United States courts in Massachusetts, from 1839 to December, 1884, known and approved by the judges, for the clerk to charge $3 as fees in naturalization proceedings. The clerk of the district court never included those fees in his returns. That fact was known to the judges to whom his accounts were semiannually exhibited, and by whom they were passed without objection in that particular. Relying on that custom, and believing that those fees formed no part of the emoluments to be returned, the clerk of the district court appointed in 1879 did not include those fees in his accounts. This was known to the district judge when he examined and certified the accounts, and his accounts so made out, to July, 1884, were examined and adjusted by the accounting officers of the Treasury. Under a rule made by the district court in 1855 the clerk had charged and received $3 as a gross sum for examining, in advance of their presentation to the court, the application papers and reporting to the court whether they were in conformity with law; and had made no division for specific services according to any items of the fee bill in paragraph 823 et seq. of the Revised Statutes. In a suit brought in December, 1884, on the official bond of the clerk against him and his surety, to recover the amount of the naturalization fees:

Held, (1) the provision in section 823, taken from section 1 of the act of February 26, 1853 (c. 80, 10 Stat., 161), that the fees to clerks shall be "taxed and allowed," applies, prima facie, to taxable fees and costs in ordinary suits between party and party prosecuted in a court; and there is no specification of naturalization matters in the fees of clerks.

(2) The statute being of doubtful construction as to what fees were to be returned, the interpretation of it by judges, heads of departments, and accounting officers, contemporaneous and continuous, was one on which the obligors in the bond has a right to rely, and, it not being clearly erroneous, it will not now be overturned.

It is easy to differentiate the proceedings here from that case. Let me name a few of the salient features involved in the controversy here. This is an impeachment case, and it is sui generis. It is not an action to recover back money voluntarily paid under statute uniformly held by proper authoritiy that the payment was lawful, which statute was afterwards held by the court to be at least doubtful, and that for this reason and under these circumstances the obligor on the defendant's bond should be excused from refunding. The statute providing for expenses of judges is in this language:

For reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payment shall be allowed the marshal in settlement of his account with the United States.

This required Judge Swayne to certify to the amount he had expended for travel and attendance on the court. It provides no sort of fees, perquisites, or compensation. It does not provide $10 per day as commutation for travel and board. It takes care that the judge shall be refunded what he actually paid and no more. There can be no doubt that if Judge Swayne had

certified that he had attended the court in the instance which I have mentioned, forty-one days, and had expended railroad fare, including meals and sleeping-car berth en route, $50, and $57.50 for board and lodging and no more, the Auditor would have allowed him $107.50 and no more. This doctrine would have been approved:

Acts relating to the fees and compensation of public officers are strictly construed, and such officers are only entitled to what is clearly given by law. A law will not be construed as giving an officer additional compensation for past services unless the intent is clearly expressed. A city charter provided that "the aldermen shall not be allowed to receive more than $100 each in any year as compensation for their services." The charter made them ex officio members of the board of registration in their respective precincts and inspectors of election. It was held that they were not entitled to any additional compensation for these ex officio services. (Lewis's Sutherland's Statutory Construction, vol. 2, 2d ed., p. 1298.)

Dunwoody *v.* United States (22 Ct. Cls., 269, 278) and Hereblein *v.* City of New Haven (54 Atl., 298–299; 75 Conn., 545), and United States *v.* Shields (153, 91) lay down the rules governing the construction of the statute allowing expenses and fees to public officers.

Mr. PRINCE. There was no provision of law, no general law, by which the district courts were allowed stenographers.

Mr. CLAYTON. You are correct in that.

Mr. PRINCE. But there is a bill of that character before your committee.

Mr. CLAYTON (continuing). And yet they are provided in the manner in which I have told you, and not at the expense of the judge. So that, coming back to this case and not to any other case, it is a case of a plain statute; and taking the antecedent statutes and taking the statute now on the books, which is no such statute as the gentleman refers to, but a plain statute, prohibits the judges from receiving any compensation except their salaries. To guard against any possible misconstruction on the subject, this statute was made plain, limiting the expense for traveling and attendance. So that this statute does not admit of doubt. There is a section of the Revised Statutes which says that district judges can not take any compensation except their salaries. This statute, under which he drew $10 a day, is itself a statute restrictive in its nature. The words are "reasonable expenses for travel and attendance." I submit if the statute does not mean for reasonable expenses for travel and reasonable expenses for attendance when attending his court out of his district—his expenses of travel and board incurred necessarily in attendance upon court—not compensation. It would be a violent stretch of this statute to put any other construction upon it.

Now, Mr. Speaker, I do not care to dwell longer upon this, the first ground of the impeachment. Of course, if gentlemen of this House think that it is proper for them under this evidence to excuse the judge for the violation of positive law, for taking more money than the law allowed, for putting $8.75 a day in his pocket above his expenses in the face of the provision of the statute fixing the allowance at the reasonable expenses for travel and attendance, and in the face of another statute which requires that his compensation shall be limited to his salary—if you see proper to excuse him, why, that is your concern, not mine. Why not repeal both of these statutes? Why not take the limitation off and say that the judges shall have $10 a day in lieu of their expenses for travel and attendance?

Mr. Speaker, I shall consider now for a few moments the use of a private car of the receiver of a railroad company then being operated under the authority of Judge Swayne and his court. Here let it be noted that in every case where Judge Swayne has been charged with any offending he and his friends have been resourceful in the invention of excuses. The facts charged against him are frequently admitted. This is true, I think, in reference to all of the charges. To meet palpable misbehavior in office, the substantial facts, excuses are interposed. I submit to the Members of this House if in the course of the experience of any man here he has ever heard as many charges and like charges as are here brought forward made against any upright, law-respecting, or law-observing judge? Not one of the judges who have been impeached heretofore had as many accusations made against him as are made here. No one has had as many witnesses against him as are here introduced, and no one has been charged with so many forms of misbehavior in office as Judge Swayne. Why, the misbehavior of Judge Pickering, for instance, was mild as compared with this case, and yet Judge Pickering was impeached and removed from office.

Let us come to the question of the use of the car by Judge Swayne. The minority of your committee seemed to think that a vote of censure should be had, or a censure of some sort in some way and nothing more, should be imposed upon Judge Swayne. The facts are admitted by them substantially in the minority views presented, that he did, improperly, according to their conception, use the car of a receiver of a helpless corporation in his control and power; that he used it from Guyencourt, Del., for himself and his family, and that he used it likewise to and from California. But it is said that it was not used at the expense of the railroad company. At whose expense was the car used and the trips made? He paid nothing for the car or its transportation. The receiver in his court permitted it to be used at the expense of the estate in his hands, in custodia legis, under Judge Swayne's control. It is suggested by some witness in the case or by some gentleman here in this argument that the car was improved by use rather than by standing idle. Well, I suppose if Judge Swayne had taken many, very many, of these trips it never would have cost the railroad company anything is the assertion. That a hundred or a thousand trips never would have been at the cost of the company, and that the car would have been constantly becoming better and better; and then we should have had a curious thing in nature or mechanics—a piece of machinery made by human hands, instead of wearing out by constant use continually becoming better and better. But this is "to reason most absurd."

Of course this use of the car was at the expense of the railroad. It is admitted that the conductor and cook and brakeman on this car, wherever they went, were paid by the company. What remuneration went to the railroad company for the use of these employees by Judge Swayne? If the receiver had no use for the conductor, brakeman, and cook that were on this car with him on the California trip and on the Delaware trip, why did not the receiver, as was his duty, discharge these unnecessary employees and save the amount of their wages to the railroad? No; he kept them and let them draw wages while serving Judge Swayne on his junketing tours on this car of the crippled corporation whose property and assets belonged to the creditors and stockholders and not to Judge Swayne or his creature, his receiver.

Now, some gentleman may think that is a mere impropriety and not an impeachable offense. It is a misbehavior in office, and the judge did not seem to deny the facts in that case. He was asked on cross-examination by Mr. PALMER if he thought he had a right to do it, and he sought to justify his conduct. He went on to say that during a period of six years, while in the office of judge, he had had ten railroads in the hands of receivers in his court; as much as to say, "such use of the assets and employees of the bankrupt estate was a good thing; I have enjoyed such use not only in this case, but I have enjoyed it in nine other cases."

Now, will any man rise up here and tell me that an honorable and high-minded judge of the United States court of this country would indulge in such practice? Will they offer that excuse for Judge Swayne in this misbehavior? I happen to know, Mr. Speaker, that in my own State there is a judge, appointed by the present Chief Magistrate, and we applauded him for the appointment, who not only will not use the private car of the receiver, but who is so circumspect that he will not travel in any way at the expense of any railroad.

The wholesale insinuations that have been made in this debate against the judiciary of the country are improper. I do not believe they would be supported by facts upon examination. If I did think that they could be so supported, I would feel constrained to introduce into this House a resolution of inquiry on that subject, and let the judges be investigated and exposed to the righteous indignation of the country. But I entertain no such belief. I know that many of these men are high minded and above that. For three years, in my humble capacity as district attorney, I came in contact with some of these judges, and that association convinces me that the judges would not engage in the perfidious practice that is here insinuated in this case for the extenuation of Judge Swayne's offending. I think that he has committed a serious misbehavior in office. A man does not have to violate a positive statute, as everybody knows, to be guilty of an impeachable offense. He does not have to commit larceny or any other crime to be guilty of an impeachable offense.

Impeachable misdemeanor means misbehavior—wrongdoing—acts and conduct that would tend to bring reproach and disgrace on the judiciary; acts or conduct that would teach or lead the people to lose respect for the judicial branch of our Government; acts wrong, acts improper, so highly improper, so grossly improper as to bring reproach upon this branch of our public service. When an act like this here charged is committed, colore officii, as in this case, as Judge Swayne did in taking and using this car and employees, a misbehavior of impeachable gravity has been committed. Why, any gentleman

knows that if a private citizen had gone to that receiver and said, "I want to go in this car without pay to Delaware; I want to go to California and take my family with me"—we would all like to go to that great State on the Pacific slope that sends our good friend Mr. GILLETT to Congress—if a private individual had made that suggestion to the receiver, the receiver would have scorned it.

But the judge, who had control of the receiver, auditing his accounts, fixing his compensation, the man in the exercise of his power as judge who could feed the receiver liberally or could feed him poorly, because he was judge, said that he desired to take these trips obtained the car and service free of expense to him. He said he and the receiver had had a previous conversation about one of these trips. Oh, wouldn't you like to be a Federal judge if these things are right and are to be excused? Put a railroad into the hands of a receiver and then tell your receiver you want to go to Niagara Falls and Canada in the summer time, or to the great State of California, or, what is still better, that you want to make a trip into the greater State of Alabama. [Laughter.]

You would say to the receiver, "Fit up your private car with good things, fit it all up, and give me servants and charge it to the railroad." You, not having paid a cent for this grand trip, afterwards come before the public, before the Congress, say that you are excusable upon the puny pretext that it did not cost the railroad anything, or upon the other equally puny pretext that there is no evidence to show that it influenced any of the judge's official conduct. Perhaps not, but it influenced the receiver's official conduct. It influenced the receiver's official conduct by making him take the judge, who had the power to fix his compensation, at the expense of the railroad in the matter of salaries for employees, at the expense of the railroad in the matter of provisions, at the expense of the railroad for the wear and tear of the cars, at the expense of the railroad, it may be, for mileage or trackage—I do not know as to that—all at the expense of the railroad, and it matters not whether the judge was influenced or not, the receiver did wrong to the detriment and injury of the railroad then in his hands, and the judge approved his account of expenses for the wrong. That is the contention. Now, if gentlemen think slightly of that, think there is nothing impeachable in it, that that is not serious misbehavior, that it is to be excused or laughed away, all well and good. This is reasoning of a new kind and the suggestion of morality of a novel variety. I hope if such view is taken here that the high-minded judiciary of this country will never subscribe to such a doctrine and engage in such a practice. Let me confidently assert that they never will.

Mr. Speaker, I have heretofore argued at length the question of nonresidence. This is another misbehavior that is sought to be minimized here. Some of the friends of Judge Swayne have in this debate set up a defense in the nature of confession and avoidance. It seems that in the arguments which have been urged in the contention is that the judge should not be impeached on the ground that he did not reside in his district, it is assumed that Judge Swayne never acquired a residence in the northern district of Florida. He himself may be said to have admitted that, and to have insisted that his nonresidence caused no trouble, inconvenience, delay, expense, or injury whatsoever. Gentlemen in this House argue that no harm came of this nonresidence, and that therefore he should not be impeached. The doctrine de minimis non curat lex has no application here. The plain statute requires a judge to reside in the district for which he is appointed judge, and the failure to do so is made highly penal, and is in express terms a high misdemeanor. The statute allows no discretion or excuse. It can not be violated with impunity upon the claim that no harm comes of the violation. The statute is plain and mandatory, and it really is of no consequence whether or not harm came of its violation. The statute denounces the failure, the simple failure, to reside there as a high misdemeanor and an impeachable misdemeanor.

I regret that it is of no importance whether injury did or did not follow from his nonresidence. But, as a matter of fact, injury did follow on account of it. Let us look at the testimony. C. H. Laney, whose testimony appears on pages 8 and 9 of the volume of testimony printed, says:

Q. Do you know whether he has been here except when he was holding court?—A. I think it has been Judge Swayne's custom to come here in the fall, before he held his court, go from here to Tallahassee, hold court there, come back by here, and then go away, come back, hold the spring term, and then go away for the summer and remain away until he came back to attend court in the fall. That has been varied recently. He has been here more recently—a good deal this year.

Q. Do you know whether or not that has been since the session of the last Florida legislature?—A. Yes, sir; since the resolution passed in the last Florida legislature he has been here a lot more frequently than before.

* * * * * * *

Q. You say Judge Swayne would finish his courts and go away. Do you know whether that resulted in detriment to those having business in his court?—A. I think so.

Q. You only think so?—A. I know so.

Q. State in what way.—A. Well, in admiralty cases I have heard that more as a matter of complaint; I have had very little admiralty practice.

Mr. LITTLEFIELD. What page are you reading from?

Mr. CLAYTON. I am reading from page 9.

Q. How long have you heard that?—A. Oh, off and on ever since I have been knowing him.

Now, I refer to the testimony of W. A. Blount, on pages 19 and 20.

Mr. GAINES of Tennessee. There is a good deal of admiralty practice down there, is there not?

Mr. CLAYTON. The gentleman from Tennessee asks me about the admiralty practice at Pensacola. I may say that Pensacola is one of the leading Gulf ports. I do not myself know the extent of the admiralty practice there, but I assume that there is a great deal. I know that a great deal of Alabama coal finds its seaport at Pensacola. It is a great port for the exportation of lumber and cotton, and a great many ships come from different foreign countries. I assume that there is, or ought to be, a great deal of admiralty practice there; but the testimony of some of the witnesses in this case tends to show that the admiralty practice was diminished because the judge was not there to attend to admiralty business, and the record also shows——

Mr. LITTLEFIELD. What witness states that, please?

Mr. CLAYTON. I said some of the evidence of some of the witnesses tends to show that. Now, for the benefit of the gentleman, I may say he will find that in the printed testimony.

Mr. LITTLEFIELD. Was the gentleman going to read from Mr. Blount's testimony?

Mr. CLAYTON. Yes, presently; but I shall just answer the question of the gentleman from Tennessee first. Now, I will call attention to the testimony of Mr. Coombs. You will find it there. He says he settled a case. I will give you the particular reference when I conclude. There are some other witnesses who say that they could not get a trial, and the case was compromised.

Mr. GAINES of Tennessee. Does not Judge Swayne say somewhere in his testimony that Pensacola was the principal place where he held court?

Mr. CLAYTON. I do not remember that he said it in his testimony; but that is a fact, nevertheless.

Mr. LITTLEFIELD. That is the principal place. I do not know whether he said it or not.

Mr. CLAYTON. The report of the Attorney-General will show that.

Mr. LITTLEFIELD. And the analysis which I made in my speech will show it.

Mr. CLAYTON. Now, I read from the testimony of W. A. Blount, on pages 19 and 20. First, I read from page 20:

Q. Do you know, as a matter of fact, there was complaint of injury being done by his absence?—A. Oh, yes—

Says Blount—

Speaking exactly, I do not know whether there was complaint of injury. I have heard frequent complaints of parties being inconvenienced.

This was Blount, who was amicus curiæ of the court. That is on page 20. Now, I should have read from page 19 first.

Mr. LITTLEFIELD. Where is it that Mr. Blount complains of inconvenience on page 20?

Mr. CLAYTON. Let me give you first, at the bottom of page 19:

Q. Do you know whether his absence has resulted in any detriment or injury to those having business in the court?—A. It has resulted in inconvenience; whether it has resulted in detriment would be dependent, possibly, as to whether matters could be decided as well upon written as upon oral argument, and whether certain matters ought to be decided ex parte instead of inter partes.

Q. Do you know what effect his absence has had upon admiralty proceedings, whether it resulted in delay and expense to parties litigant?—A. Assuming that the cases would have been decided rapidly if he had been present, there has been.

Mr. LITTLEFIELD. Read the balance of it.

Mr. CLAYTON. I am going to do that without suggestion from my friend.

Q. Do you know, as a matter of fact, there was any complaint of injury being done by his absence?—A. Oh, yes; speaking exactly, I do not know whether there was complaint of injury. I have heard frequent complaints of parties being inconvenienced.

Mr. LITTLEFIELD. Has the gentleman any objection to reading the second question on the top of the page?

Mr. CLAYTON. None at all.

Q. Do you know of any cases which have been delayed by his absence?—A. I can not truthfully say that I know of any; possibly there have been; it is impossible for me to go back and locate them.

Mr. SMITH of Kentucky. I would like to call the attention of the gentleman to the statement by Judge Liddon, on page 26, in that connection.

Mr. CLAYTON. I am coming to that. I will come now to the testimony of J. E. Wolf, on page 58:

I don't know of my own knowledge of any particular delay or inconvenience to business.

Q. Do you know anything about the admiralty practice—delay to litigants?—A. Well, I had very little admiralty practice; I can't say I had any trouble about delay; the only thing I could see arising from the judge's absence, where delay would matter much, is where it is necessary to have orders from the judge to arrest property before leaving the district, probably some delays in that way.

Mr. LITTLEFIELD. But he does not specify any delay.

Mr. CLAYTON. I have read the testimony, and the gentleman from Maine can make his own argument. I do not intend to be discourteous to the gentleman, but he can make his comments later.

Mr. LITTLEFIELD. Will the gentleman excuse me for asking him another question?

Mr. CLAYTON. Certainly.

Mr. LITTLEFIELD. Isn't it a fact that Wolfe had been district attorney for two years?

Mr. CLAYTON. Yes; and the gentleman from Maine so stated in his speech the other day.

Now, on page 59 he says:

Q. What proportion of the year would you say Judge Swayne was absent from his office?—A. My recollection is that he held two terms of court in Pensacola and a term in Tallahassee, or the usual course was for us to hold the spring term in April or May and that term would last from ten days to two weeks—sometimes a shorter or longer time. Judge Swayne would generally arrive here a day or two before court met, remain until the business of the court was disposed of and go away; then he would hold a term of court in the latter part of October, of the same length of time. October—ten days or two weeks, possibly a little longer, if the docket was unusually heavy. I should say probably six or eight weeks in the year would represent the time he was in the district. Possibly he would be here a day or two some time in June to approve the accounts of the court officers—be here a day or two, attend to that and go away again.

Now, A. C. Blount, on the top of page 38, was asked:

If that notice was given, where did he say that he could be found? At Guyancourt, Del., at his home, or where he lived?

By Judge PALMER:

Q. Didn't you find it a little bit inconvenient to practice law with a judge up in Delaware?—A. Somewhat.

Q. How long did these absences continue?—A. Well, I should say from the spring term to the fall term. The judge would be here off and on during the winter, as I remember, sometimes holding several terms from November to March of more or less length.

On page 143 is the testimony of Montgomery Marshall, which I will read:

Q. Where do you live, Mr. Marshall?—A. At Pensacola.

Q. What business are you in?—A. The whisky business.

Q. Was there any proceeding brought against you—involuntary proceedings in bankruptcy—in this court?—A. Not right recently; two years ago.

Q. Do you know what attorney brought them?—A. Mr. Tunison.

Q. What time was that?—A. About the last of May or first of June.

Q. Petition filed in involuntary bankruptcy—did you deny your insolvency?—A. Well, I went before the United States court. Mr. Nicholson was referee——

Q. Did you put in your answer denying your insolvency?—A. No, sir.

Q. Why?—A. My lawyers told me the judge was out of the State and I could not get a trial before November, and that they could get a compromise for less than it would cost to carry me over.

Q. Would that break up your business——

Judge AVERY. We object.

Q. Why did you compromise?—A. Because the judge was not here; because I could not get a hearing.

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. CLAYTON. Yes.

Mr. LITTLEFIELD. Does it appear at what time in May or June that was?

Mr. CLAYTON. He says about the last of May or the first of June.

Mr. LITTLEFIELD. Has the gentleman examined the analyses of the times when the judge was holding court in other places, so as to be certain that he was not in some place outside of Florida?

Mr. CLAYTON. Possibly he may have been out at that particular day holding court somewhere else, but he did not stay there the whole summer long and until November. In May or June he may possibly have been away holding court, but the gentleman from Maine would not contend that he held court from the 1st of May up to the 1st of November outside of Florida, or anywhere near that length of time continuously?

Mr. LITTLEFIELD. Oh, no.

Mr. CLAYTON. Of course not; it would have been an impossibility.

Mr. LITTLEFIELD. Is it not a fact, in the practice of that court, that they only try out questions of fact at regular terms?

Mr. CLAYTON. There is nothing in the evidence upon that point.

Mr. LITTLEFIELD. I did not know but that the gentleman might be familiar with the practice.

Mr. CLAYTON. I do not think that is the practice. I think in bankruptcy proceedings where a man's property is involved that they arrange and dispose of that question differently. But I do not know about that.

Mr. LITTLEFIELD. It is a regular jury trial?

Mr. CLAYTON. I so understand.

Mr. LITTLEFIELD. They do not have juries except at regular terms?

Mr. CLAYTON. Not that I know. The gentleman may be right in that contention. I do not undertake to say. I am merely stating what the testimony shows, and I draw my inferences, and of course the gentleman from Maine is at liberty to draw his own inferences. He is as capable of drawing them as I am.

Mr. LITTLEFIELD. My only desire is to have the record show, as the gentleman goes along, what the facts are. I simply suggest this in order that the record may show as the record proceeds.

Mr. CLAYTON. I am much obliged to the gentleman, because I want the whole truth.

Now, I refer to the testimony of E. T. Davis, page 126, beginning toward the bottom, speaking about a case that had been tried, another case, in which he wanted his bill of exceptions. He says:

I prepared my bill of exceptions, presented it to Mr. Blount; he objected to it on account of those documents; they were not included. I then forwarded it to Judge Swayne at Delaware. I made my replication; he came back in June; ordered me to include these documents. Some of these Mr. Blount furnished me and Mr. Fisher; the others were forwarded back to Tallahassee. I had to go there to get transcripts from the records; made transcripts of all I could get hold of. He made his objections; I made my replication. I forwarded the bill to Guyencourt. It had consumed nearly two months, and he retained it, the last time I sent it to him, nearly two months. When I sent it the last time I wrote a letter stating that my time was very short in which to get the writ of error. He sent them back to me. After I had filed them I got a telephone message from Mr. Blount saying he had telegraphed Judge Swayne, objecting to my using the bill of exceptions.

William McCaleb was associated with me at New Orleans; he prepared the writ of error. When I got back from there I found a letter from Judge Swayne, requesting me to submit the bill to Mr. Blount and send it back to him; the bill of exceptions was filed.

* * * * * * *

I sued out a writ of error; Mr. Blount made a motion to dismiss the bill of exceptions on the grounds that the bill was not the bill Judge Swayne had signed, and certain other things which you will see in the record. So afterwards he made affidavit, Judge Swayne made a certificate, I made my affidavit, and after the papers were presented Mr. Blount withdrew his motion; the only things which were changed were those changed at Mr. Blount's instructions; afterwards, Mr. Blount took the bill of exceptions and again compared it with his, which he had changed, and he just struck out the name Chaudon and inserted the name Jeudon; Jeudon was a party at interest who was introduced in these records, and the records showed it was Chaudon instead of Jeudon.

By Mr. GILLETT:

Q. What is the point in this?—A. The point is to show the embarrassment and injury resulting in having to secure this writ of error and prosecute this suit to a trial.

By Judge PALMER:

Q. That was because the judge was not here?—A. Yes.

Q. Corresponding backward and forward, in settling the bill of exceptions?—A. Yes.

Q. After signing it somebody sent a telegram to him to change it?—A. Yes.

Q. But the bill of exceptions was already filed?—A. Yes.

By Mr. GILLETT:

Q. You have lost none of your rights in the courts?—A. We have lost money.

By Judge PALMER:

Q. And you have lost peace of mind?—A. Yes. This was a very expensive case; it cost $2,000 to make up the record—a lot of money.

By Judge CLAYTON:

Q. You were put to great inconvenience?—A. Yes.

Q. If the judge had been here in the district you would not have had to do all this?—A. No, sir.

By Mr. GILLETT:

Q. What expense were you put to?—A. Going before Judge Shelby for writ of error; going to Tallahassee to get records. If the records had been permitted to remain here in court by Judge Swayne—I wrote him a letter to Pensacola after I got to Tallahassee—and if he had been there I would not have had to incur the expense of another trip.

Q. What were the expense you were put to? What did it cost?—A. I think it is $14.70; I was there eight days. In fact, I made two trips.

Q. You mean that the railroad fare was that much?—A. Yes.

By Judge CLAYTON:

Q. If the judge had been there you would have been saved that?—A. Yes.

Q. What was the expense to Huntsville?—A. Thirty-seven dollars, I think.

By Judge PALMER:

Q. And all this extra time and energy. Were you doing this for fun, or was your client paying for it?—A. Yes; they were paying for it.

Q. Was there delay?—A. Yes; I had only two or three days' time before my time would have expired. I will state here that after the writ of error had been issued by Judge Shelby I met Mr. Marsh on the street one day and he told me he had been instructed not to permit me to use that record. I told Mr. Marsh that he had no jurisdiction, as the writ of error had already issued. I had made an agreement with him if I made up the record he would divide the fees with me. The whole amount would be about $300. I think $147 is the fee I paid him in a check. He told me he would not accept the check then; he would see me that evening. I told him I would call that evening; I wanted to take the record with me. When I came back he stated he did not have the record quite finished, but he would send it over, so I paid him his check and the next morning the paper came over.

Mr. LITTLEFIELD. Mr. Speaker, may I ask the gentleman a question?

Mr. CLAYTON. Certainly.

Mr. LITTLEFIELD. Whether or not this instance that Mr. Davis refers to did not occur during the summer vacation?

Mr. CLAYTON. Yes; I think it was some time during the summer. I will state to the gentleman that when I looked the record over and print, if I can, I shall ascertain the date and insert it in the RECORD, or some gentleman opposed to impeachment can do so.

Mr. LITTLEFIELD. Is it not also true that the record substantially discloses that if this Mr. Davis had been diligent in preparing his bill of exceptions at the time the case was tried he could have obviated all the difficulties?

Mr. CLAYTON. I think not. I think he was diligent and did his "everlasting best," to use a vulgarism, to get the record. I think he was put to great trouble and expense and inconvenience on account of Judge Swayne not being there. That is my inference from the testimony.

Mr. LITTLEFIELD. Certainly, I do not complain about it. Is not this substantially the only reasonably well-authenticated, specific instance of inconvenience in the whole record?

Mr. CLAYTON. No; I think not. I think these other cases that I have referred to show that, though they do not go into the particulars that Mr. Davis does.

Mr. LITTLEFIELD. They do not give any specific instance.

Mr. CLAYTON. Well, because, as Mr. Blount says, he made no particular note of these matters as they occurred from time to time. He did not charge his memory with them.

Mr. LITTLEFIELD. Mr. Blount says that he did not know of any case.

Mr. CLAYTON. He said, in effect, that he could not recall any.

Mr. LITTLEFIELD. Well, that is the substance of it, is it not?

Mr. CLAYTON. He could not recall.

Mr. LITTLEFIELD. What a man can not recall he does not know.

Mr. CLAYTON. However, we will have no difference about that, because I have read Mr. Blount's testimony and that will appear in the record.

Mr. LITTLEFIELD. Certainly.

Mr. CLAYTON. And the gentleman will draw his conclusions from it and I shall draw mine. The gentleman will remember that I stated in the outset that whether or not Judge Swayne's absence created cost and inconvenience was, in my opinion, immaterial, but it seemed to weigh with some of the gentlemen here, because of some of the views expressed by them during this trial, and for the benefit of those gentlemen I desire to point out in the record cases where it was alleged inconvenience and expense and trouble had arisen because of Judge Swayne's nonresidence in the district.

Mr. LITTLEFIELD. The gentleman says that it seemed to weigh in their minds during this debate.

Mr. CLAYTON. During this discussion here. Now, I think that is true of the gentleman from New York [Mr. COCKRAN], as evidenced by some of the questions that he asked the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Yes; I think the gentleman is right.

Mr. CLAYTON. About the inconvenience and expense.

Mr. LITTLEFIELD. It was the question that he asked the gentleman from Pennsylvania [Mr. PALMER].

Mr. CLAYTON. And I am citing this testimony and referring to it not because I think it is at all material to the case, but some gentlemen differ from me.

Mr. LITTLEFIELD. I understand the gentleman perfectly.

Mr. CLAYTON. Now, Liddon, on page 22:

Q. During the years you lived in Pensacola state what length of time, approximately, you know Judge Swayne spent in Pensacola.—A. Well, I can't state exactly the amount of time he was here or the time he was gone. I know he was gone a great deal of the time. I have specially in mind a case of libel of an Austrian bark *Captain Steiner*. I think that libel was filed about July. We wanted to get it adjusted. Our firm—the firm of Liddon & Eagan, as it was then—inquired when Judge Swayne would be back, and we ascertained he would not return until November.

Q. What part of the year was that?—A. July, I think; the records will show. Our information was that he would not be back until November. We were forced to compromise the case. The captain said it was absolutely impossible for him to remain here all that time. We had to settle the case. Mr. Tunison brought the suit—libel.

Q. Was there any sum of money paid out by the captain of that vessel for a compromise?—A. Yes, sir.

Q. A large sum?—A. Well, large is a relative term. My recollection is he paid $400. We told him he had a good defense; would not have paid anything if we could have gotten to a judge.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman allow me a moment?

Mr. CLAYTON. Certainly.

Mr. LITTLEFIELD. If the gentleman will look on page 84 he will find that Judge Liddon was recalled for the purpose of cross-examination and he testified to this same libel, and instead of being brought in July it was actually brought January 25, 1897, and the præcipe was filed February 12, 1897.

Let me call the attention of the gentleman to the significance there, where it shows that Judge Liddon was mistaken in the first instance, and if the gentleman will allow me, if he will examine the abstract showing the places where Judge Swayne was holding court, he will find that practically during that period in 1897, January 25, the judge was holding court elsewhere under instruction of the superior court.

Mr. CLAYTON. Does the gentleman also find that he held court continuously elsewhere from January on to November?

Mr. LITTLEFIELD. No; but the gentleman will find in this instance Judge Liddon complained of that the judge was properly and legally away.

Mr. CLAYTON. Probably properly away for the time being—while holding court—but he is away for months and months at a time.

Mr. LITTLEFIELD. But this particular instance falls to the ground, and that is the reason I call the gentleman's attention to it.

Mr. CLAYTON. I do not think so, because the judge was probaly properly away by assignment two or three weeks. That does not show he had the right to stay away three or four months or from January to November.

Mr. LITTLEFIELD. But if he was away and they settled the case during the time he was properly away that could not be charged against his nonresidence.

Mr. CLAYTON. The reason they settled it was he would not come back until November, and that is the reason they complained in January and the suit was brought. Naturally they wanted to try it, but they knew they could not try it until November, because they could not have a special term or special jury without a judge.

Mr. LITTLEFIELD. Now let me call the gentleman's attention——

Mr. CLAYTON. And they were going by his past history, his habitual nonresidence, his staying away. That is the inference I draw.

Mr. LITTLEFIELD. I understand that is the inference, but I am trying to show the gentleman that the inference is contrary to the facts, which do not happen to sustain it.

Mr. CLAYTON. I think they do.

Mr. LITTLEFIELD. On page 84 you will find it appears there was a term of court the following April, and they settled that case before that term; so they did not settle that case because there was no term of court until November.

Mr. GILLETT of California. This was in the spring; he was there shortly afterwards.

Mr. CLAYTON. Perhaps that may explain the Liddon incident. As I stated in the beginning, I do not think whether injury occurred or not has anything to do with this case, but injury has occurred in several cases of the other witnesses whose testimony I have read.

Mr. GAINES of Tennessee. Will the gentleman read the testimony, beginning at the bottom of page 596?

Mr. CLAYTON. The gentleman from Tennessee [Mr. GAINES] calls my attention to the bottom of page 596. This is Judge Swayne's testimony.

By Mr. PALMER:

Q. You say you rented the Simmons cottage in October of what year?—A. 1900.

Q. Now, I recollect before that it was testified you occupied the cottage for a few months, and then went north about Christmas time. Is that correct?—A. That is correct.

Q. How many months, in point of fact, did you and your family live in the Simmons cottage?—A. I do not know.

Q. Can you give us any estimate of the number of months you lived in the Simmons cottage?—A. I can not. I know that my son was taken seriously sick, broke down in college from nervous prostration, and I had to hurry home to him.

Q. You mean, when you say "hurry home," to Guyencourt, Del?—A. He was in Wilmington, Del., with his sister; and I went up there to Delaware, where I was born, and spent all the time I could with him, and came back to hold court.

Mr. GAINES of Tennessee. How far is Guyencourt from Wilmington?

Mr. CLAYTON. I do not know. Delaware is not a very large State and I do not believe it is a great distance, but I do not recall that the testimony shows how far Guyencourt is from Wilmington.

Mr. GAINES of Tennessee. How do you construe that language?

Mr. CLAYTON. It seems that he claimed Delaware as a residence instead of Florida. Some other witnesses stated that he called Delaware his home; A. C. Blount stated that.

Mr. GAINES of Tennessee. It looks to me like he gave here his own construction of where his real home was when he said he had to hurry home to see his sick son in Delaware, and Guyencourt is in Delaware.

Mr. CLAYTON. Mr. Speaker, you will find in my remarks on December 13, 1904, the testimony that Judge Swayne first gave contrasted with the testimony that he last gave before the committee, and inasmuch as the gentleman from Maine made criticism of this on yesterday I am very glad, and it is highly to the credit of the gentleman from Maine [Mr. LITTLEFIELD], that he corrected or permitted the gentleman from California [Mr. GILLETT] in his time to correct the misapprehension that the gentleman from Maine labored under, and on account of which misapprehension he made some strictures upon the subcommittee which took this testimony.

I call attention to this to show that when the gentleman from Maine makes a mistake I believe he will correct it when his attention is invited. On page 807 of the CONGRESSIONAL RECORD of January 13, you will find this about the testimony not being printed:

Mr. GILLETT of California. Mr. Speaker—

And he said this on Mr. LITTLEFIELD'S invitation—

all I have to say in relation to this matter is that when the statement of Judge Swayne was taken before the committee and was transcribed, it appeared to be very inaccurate and garbled, so much so that it was the opinion of both myself and Mr. PALMER that it was not a fair statement of his side of the case, and that a fair statement ought to be made and that that statement should not be published. I find that some part of it has been published, and the part that was in Mr. PALMER'S report, read by Mr. LITTLEFIELD yesterday, was a statement—

And that is the part that I put in my remarks, and upon which he animadverted—

that he made at that time, and the evidence that he gave at that time, and is correctly stated in Mr. PALMER'S report, although it was not edited into the record itself.

Now, it was as the gentleman from Pennsylvania [Mr. PALMER] stated, and as the gentleman from Maine [Mr. LITTLEFIELD] recognized. That was pursuant to an agreement between the gentleman from Pennsylvania [Mr. PALMER], representing the majority, and the gentleman from California [Mr. GILLETT], representing himself, the minority. I am glad that statement has been put in the record.

Mr. LITTLEFIELD. If the gentleman will allow me, I do not understand that the gentleman from California [Mr. GILLETT] said that he agreed that that testimony should be omitted from the record. I do not know as to that, as he is not present at the moment.

Mr. CLAYTON. I said that the gentleman from Pennsylvania [Mr. PALMER] made the statement.

Mr. LITTLEFIELD. I understood you to say the gentleman from California [Mr. GILLETT].

Mr. CLAYTON. The gentleman from Maine [Mr. LITTLEFIELD] misapprehended that statement. I was unfortunate in what I said, perhaps.

Mr. LITTLEFIELD. I beg the gentleman's pardon.

Mr. CLAYTON. What I wanted to call attention to was that that part of the testimony which you recited and which was set out in the report of the gentleman from Pennsylvania [Mr. PALMER] was not "emasculated," using the language of the gentleman from Maine [Mr. LITTLEFIELD]; that it was not "garbled," again using the language of the gentleman, and that it was not "edited," once more using the language of the gentleman. That is what I mean to say.

Mr. LITTLEFIELD. Let me ask the gentleman from Alabama [Mr. CLAYTON] this: How does it happen that testimony got into the report and did not get into the record, when the report was printed after the record was printed? I would like to know how that came about. There is a piece of testimony——

Mr. CLAYTON. I have just explained to you. The gentleman from Pennsylvania [Mr. PALMER] has, I think, told you that. I do not care, with the gentleman's pardon, to renew the controversy on that subject. I merely wanted to call attention to it. I thought it had been settled.

Mr. LITTLEFIELD. Very well.

Mr. CLAYTON. With the gentleman's permission, I would like to proceed with my remarks.

Mr. LITTLEFIELD. I will not press it, if the gentleman does not wish to answer.

Mr. CLAYTON. I have answered it, and have told the gentleman from Maine [Mr. LITTLEFIELD] what the gentleman from Pennsylvania [Mr. PALMER] said.

Mr. LITTLEFIELD. May I ask a further question in relation to it?

Mr. CLAYTON. Certainly.

Mr. LITTLEFIELD. The question is this: Inasmuch as the report was printed after the record was printed, how does it happen that that testimony appeared in the report and did not appear in the record?

Mr. CLAYTON. As I was informed by the gentleman from Pennsylvania [Mr. PALMER] it was by an agreement between himself and the gentleman from California [Mr. GILLETT].

Mr. LITTLEFIELD. That it should be printed in the report and not in the record?

Mr. CLAYTON. No; that is not correct. I do not know why it was left out of the record, but no injury has occurred, because it was printed in the report, and it is here in this case in a regular and legitimate way, and is not garbled, edited, or emasculated.

Mr. LITTLEFIELD. I suppose that the gentleman will concede that the context from which that extract is taken will not appear in the record.

Mr. CLAYTON. I do not concede that there is any context at all upon the subject to which this relates. The rest of Judge Swayne's statement made at that time was his argument and not his testimony. All of his testimony on the subject of residence or nonresidence is embraced in this paper. It is all there. I can recollect one thing that was omitted from that statement. I remember that Judge Swayne appeared there and made a statement, an argument, gave testimony—it would be hard to classify his utterance—and that during the course of it he recited some doggerel, rhymes about a dog and a squirrel, and I recollect that an employee of the Committee on the Judiciary attempted to take stenographically all he said, but he failed to take Judge Swayne's doggerel, and that that did not appear in the transcript.

Now, Mr. Speaker, if you mean that his remarks were garbled, emasculated, or edited, in that his rhymes, not to say poetry, did not appear, that is correct. If the fact that this invocation of the muse can not be found in this printed book of the testimony is going to help Judge Swayne or support your criticism, you are welcome to it.

Now, Mr. Speaker, I have consumed more time than I intended, on account of these interruptions, and I trust that I may have no further interruptions, so that I may conclude, as there are other gentlemen who desire to address the House.

Permit me to call attention briefly to what Judge Swayne himself says in regard to the charge of nonresidence.

It will be remembered that St. Augustine, where he claimed to have a residence in 1894, was put by act of Congress in that year in the other district of Florida. In the first testimony given by him he said that he did not remove his furniture nor his family from St. Augustine for the reason that he thought that the succeeding Congress would restore his district back to its original form during the next two years after the boundaries of the northern district were changed.

The gentleman from New York [Mr. PERKINS] in his unanswerable argument invited your attention to this statement: For two years Judge Swayne said he did not change his residence, and he avowed that he did not intend to change it, and gave as his reason for not changing his residence into his new district and as his reason that he did not even intend to make such change for these two years were that he thought the district would be legislated back by the next Congress to its original form, and that it would, therefore, be unnecesary for him to take up his residence in the northern district as then and as now constituted. Again, he said that he told friends at Pensacola that he had concluded not to move his furniture, and it was well understood by the people there. Now, why this conduct and these statements? The reason I have just stated. He gave the reason for this determined noncompliance with the statute—he thought his district would be changed back to its original form and it would be unnecessary for him to take up residence in the changed district. He says in substance that he was there in Pensacola for a considerable period, sometimes early in October and sometimes a little later, and was there all the time he was needed, unless holding court somewhere else.

Then he afterwards said that he spent his summers in Delaware when he was not holding court somewhere else. In July, 1900, he went with his family to Europe, and in 1900 he held

court in Birmingham; after that went to Pensacola and rented a house. He went North with his wife and son and spent Christmas, and on January 12 he was at Tyler, Tex. He further asserted that:

After two weeks, perhaps, I returned and held court and finished what I had to do and got back to Delaware some time that summer, and was back in Pensacola in October.

But that was after it was well known that the movement to impeach him had been begun, and not until then did he so much as pretend to have taken up residence in the northern district. Again, to be fair, let me quote him:

I resided in St. Augustine with my family, and, about the time when the bill making the change in the district which has been spoken of received President Cleveland's signature, after a consultation with my friends in Jacksonville and vicinity they urged me not to move my furniture nor my family, saying that the next Congress would be Republican and the district would be placed back in its usual form. My furniture was allowed to remain, and I went at once to Pensacola. I found a leading Democratic friend there, and I stated to him that I had concluded not to move my furniture there, and it was all well understood by the people there. I was there for a considerable period, sometimes early in October and sometimes a little later, and I was there all the time I was needed unless holding court somewhere else. By special assignment for five months I was in the court at Dallas. In 1890, in July, I went with my family to Europe. In the spring, in 1900, I was holding court at Birmingham, where I had a great many friends, and after that I went to Pensacola and rented a house.

Mr. GILLETT. Was that in 1890?

Judge SWAYNE. That was in 1900. I think I moved there early in October. I then went North with my wife and son to spend Christmas week in Wilmington. On the 12th of the following January I was in Tyler, Tex., and two days later I got a telegram about the breaking down of my son's health, but I stayed on until February and finished the case and then came back, as his condition was very critical and serious, and, after a week or two, perhaps, I returned and held court and finished what I had to do and got back to Delaware that spring. In February, 1903, I was again in Tyler, Tex., and went early to Wilmington. In the spring we bought the property that had been formerly occupied by Judge A. C. Blount, in Pensacola, and moved in it the 1st of October.

I never was a registered voter and I have not voted in fourteen years. When I left Delaware I moved my domicile, and have taken no part in political questions arising in the State of Delaware or Florida. Mr. Turner, whom Mr. Laney said he did not know, was an attorney for my matters for four years. My father died in 1889 and left property to my mother for life. She is still living, and the property comes to me and my sister as a residuary legatee at the time of her death. But that has never been my home, but I have spent my summers there mostly, arriving sometimes in June and sometimes in July, and from that point I could always reach Pensacola in thirty-six hours, and the record will show I have always been there to attend to anything of a serious nature.

My recollection is that no one has ever suffered because of my absence, and I can offer testimony which will entirely clear up that proposition. My recollection is that, from the testimony taken, the most the committee has on this point before them is that counsel may have been sometimes inconvenienced in the summer time during my absence on vacation. As near as I can recollect, these are the facts which cover the period since I have been on the bench.

Mr. GILLETT. Did the business of the court suffer because of your absence?

Judge SWAYNE. I never heard of it.

Mr. GILLETT. The summer time was the time usually taken for vacations?

Judge SWAYNE. Yes; I so understand it. Another suggestion was that the only way to get rid of me would be to do away with the district entirely. But I do not suppose the parties care very much whether the office is abolished or not, just so long as they can get the individual.

But there is this mandatory statute requiring his residence, and here is his evidence, presented by himself, which shows that he did not live up to this statute.

Now, the gentleman from New Jersey [Mr. PARKER] in his minority views rather seems to suggest some sort of a statute of limitations in defense of Judge Swayne's nonresidence—because the judge claims now to reside and to have resided since 1903 in his district all his derelictions from 1894 to 1903 should be pardoned by this House. Well, there is no statute of limitations. That is one excuse now offered for his failure to comply with the positive requirement; and the other excuse now interposed for such failure is the allegation that no harm or injury resulted from such failure.

Now, again, as to inconvenience and injury, there is not a lawyer in this House who does not know that in a seaport city like Pensacola, with an admiralty practice and large shipping interests, where the business of the court was held in the northern district of Florida and at Tallahassee, inconvenience and injury were suffered by the parties litigant, the people, and the lawyers in that district. Congress knew that the absence of a judge, that the nonresidence of a judge, from his district would cause inconvenience, annoyance, trouble, and expense to the people having business in that court, to the people who might want to have business in that court, to the lawyers, to the parties at interest, and sometimes to the Government itself having business in the court. Congress knew that the nonresidence of a district judge would create inconvenience, trouble, and annoyance and probably unnecessary expense, hence they passed this mandatory statute requiring the judge to reside in his district. The statute does not say that he can be excused upon any ground. He must acquire and maintain this resjdence; not of course that he must stay there every day, but that he must have an actual legal residence, that he must be there a least according to all reasonable demands in that district, so as to be able, ready, and in position to respond to the duties of his office.

It does not meet this positive law to say that since these impeachment proceedings were begun the judge has taken up his residence there. Congress passed the law and it requires residence in the district, and, as if to emphasize this requirement, as I have said, it states that a noncompliance with the statute shall be a high misdemeanor. Perhaps it would have been a high misdemeanor without so stating, but in terms the statute says that it is a high misdemeanor.

I have here a list of witnesses who testified as to his nonresidence: C. H. Laney (pp. 8, 9, 10, 11), W. A. D'Alemberte (p. 18), W. A. Blount (pp. 19, 20, 21), W. H. Northup (p. 66), A. H. D'Alemberte (pp. 21, 22), T. N. Adams (pp. 50, 51), J. J. Sullivan (p. 38), J. C. Keyser (p. 39), J. E. Wolffe (pp. 58, 59, 60), Montgomery Marshall (pp. 143, 144), E. T. Davis (pp. 126, 127, 128), George P. Wentworth (pp. 78, 79), B. S. Liddon (pp. 22, 23).

I come next to the case of Belden and Davis. The facts in the case of Belden and Davis upon an alleged contempt are different in some minor particulars, as the evidence itself will reveal. The facts are that in February, 1901, Messrs. Paquet and Belden, lawyers, residing at New Orleans, brought ejectment in Judge Swayne's court on behalf of Florida McGuire and others, plaintiffs, against the Pensacola City Company and others, including Messrs. Blount and Fisher, lawyers, for a tract of land sometimes called the "Gabriel Rivas" tract and sometimes called the "Cheveaux" tract. I pronounce that name as if it were spelled B-l-u-n-t. It is the same gentleman who was frequently referred to by the gentleman from Maine [Mr. LITTLEFIELD] as B-l-o-u-n-t. He is the lawyer who made the motion for the rule for contempt against Davis and Belden. Blount is a rather common name in some parts of the South. One of the counties in Alabama is named Blount, and it is pronounced as though is were spelled B-l-u-n-t.

Mr. SMITH of Kentucky. Was there not a Congressman of that name?

Mr. CLAYTON. Yes. The first case of impeachment in the United States Senate was that of Senator Blount.

At the spring term of the court, 1901, the case was not ready for trial. Now, Belden says that during the summer of 1902 the rumor was general through the town of Pensacola that Judge Swayne had purchased lot 91 of the Rivas or Cheveaux tract, which was in litigation before him as judge of the circuit court. In his testimony, page 116 of the printed hearings, Belden said that the rumors were so definite and of such form as to leave no doubt in the minds of counsel of the purchase. On October 19, 1901, Belden and Paquet addressed a letter to Judge Swayne requesting him to recuse himself, because he was a party at interest, and to notify Judge Pardee, so that he could assign a disinterested judge at the November term. Judge Swayne made no reply to the letter. On November 5, or during the week—a day or two afterwards perhaps—at the fall term of the court, Judge Swayne announced that a relative of his had purchased the land, and on the following day he said from the bench that the relative he referred to yesterday or the day before was his wife, and that she had paid for it from funds from the estate of her father. Further, in substance, that the bargain for the land had not been consummated for the reason that Edgar had offered a quitclaim deed and not a warranty deed. He never at any stage of the proceedings intimated or insinuated that he declined to recuse himself upon the ground that he had not negotiated for, or that he did not know that block 91 was involved in litigation in his court.

The testimony shows that Watson & Co., Edgar's agents, with whom Judge Swayne negotiated the purchase of lot 91 and another lot, wrote to him at Guyencourt, July 19, 1901, that Edgar refused to give a warranty deed to this block, but gave a quitclaim deed, and that they had recently made an abstract of title to this lot, and that they would just as soon have one deed as the other. On the 21st Judge Swayne replied:

You may omit block 91 and send papers for the others along, and oblige.

Afterwards the agents wrote him:

In reply to yours of the 20th instant, we herewith inclose you new mortgage and note for you and Mrs. Swayne to sign, leaving the amount blank in both mortgage and note.

Neither Belden nor Davis knew of this correspondence between Watson & Co. and Swayne.

In October, 1901, when the letter to Judge Swayne asking him to recuse himself was sent, there was a suit pending in the State court against Edgar for commission on the sale of this block 91 to Judge Swayne. In July, 1901, Edgar's agent had taken Judge Swayne over the tract of land and agreed upon the

terms of sale. At this November term, 1901, the criminal business of the court was concluded, about 5 o'clock on Saturday afternoon. Judge Swayne then took up the case of Florida McGuire and declined to recuse himself, and stated that the case would be heard on the following Monday, unless legal grounds for postponement could be shown.

Paquet, for the plaintiff, asked that the case be set for trial on the following Thursday, claiming that it was too late to summon witnesses that night, and that they could not be summoned on Sunday, and therefore the case could not be ready for trial on Monday. Judge Swayne ruled that the case would go on on Monday. Shortly after this the court adjourned for the day. Neither Belden nor Davis was present in the court at the time Judge Swayne made any of these statements. Belden was sick and was at his hotel, and Davis says he was not there, and the only witness who undertakes to show Davis was there or had any connection with it is Marsh, clerk of the court, who is dependent for his place upon the good wishes of Judge Swayne, and even Marsh does not say so positively. Davis was not an attorney or counsel in the case. His name had not been attached to any pleadings, his name was not on the appearance docket of the court, he was not an attorney of record, and he says he was not an attorney in the case in any wise. Now, it is very strange, if Marsh is right and Davis is wrong—that he was an attorney—that his name was not entered as an attorney in the case, that his name was not signed to any of the pleadings. He states positively that he had no connection with this case up to the time the court adjourned on Saurday. He states that on Sunday morning after that Paquet telephoned to him that he had a telegram calling him home on account of illness in his family, and remarked upon the fact that Belden was too feeble and ill to go to the court-house the next day—Monday—and requested Davis to take an order of dismissal for him. This is, in substance, the conversation, and Davis says he told Paquet he would go to the court room next morning—Monday—on account of this request of Paquet, not because he had been an attorney in the case, and take the order of dismissal, and that, accordingly, on Monday, the day the court met, he arose in his place and got an order from Judge Swayne dismissing the case. Now, then, going back to Saturday night, Paquet drew up the papers in this action of ejectment against Judge Swayne in the State court, and had the papers all ready before Davis went to Pryor's store, where they were drawn.

The contention was, on the part of Davis and Belden, that they had the right to sue Charles Swayne for lot 91 upon the theory that he had contracted for the land with Edgar, who claimed to own it. Neither Belden nor Davis had been in court and heard Swayne's disclaimer. They knew that a suit had been brought against Edgar for commissions on account of selling the land to Swayne. Belden had heard the rumor, persistent and general in the town, that Judge Swayne had bought lot 91. He was wholly ignorant of Judge Swayne's disclaimer, and so was Davis. If there was any counsel for plaintiffs in the McGuire case who knew of Judge Swayne's disclaimer it was Paquet. Belden says that upon the theory that Judge Swayne had contracted for the land with Edgar and claimed to own it—Edgar had admitted that he was in possession and the contract was existing between them—that the title of the alleged owner could be tried in the State court, Swayne standing in the shoes of Edgar. That is in substance what Belden says. At the time on Saturday night when this suit against Swayne was brought it was agreed that the case of Florida McGuire against the Pensacola City Company, pending in Swayne's court, should be dismissed on Monday morning. Pursuant to such agreement, Monday morning at the opening of the court Davis for the first time appeared in the case and asked for and obtained from Judge Swayne an order dismissing the suit. I have stated about the facts leading up to his appearance in the case on Monday morning. The reason that Davis made the motion was, as I have said, because Paquet was called home on Sunday and had requested him, over the telephone, to do this.

After the order of dismissal was made—mark you, after dismissal, and not before—W. A. Blount, one of the defendants to the suit which had been dismissed, and who was an attorney in the case—the McGuire case—arose and suggested that Paquet, Belden, and Davis had been guilty of a contempt of the court by bringing the suit in the county court of Escambia County against Charles Swayne. Paquet was the man who drew the papers in the suit against Swayne and was the leading counsel in the McGuire case.

Mr. SMITH of Kentucky. Where did Belden live?

Mr. CLAYTON. In New Orleans, La., and he was an old man of 70 years and was suffering from facial paralysis.

Mr. SMITH of Kentucky. Did Mr. Paquet live there also?

Mr. CLAYTON. Mr. Paquet lived at New Orleans. Previous to this action on the part of Blount he and Judge Swayne had a conference before the court met on Monday. Swayne called Blount up on Sunday over the telephone and asked him if he had seen a statement of an action against him in the State court published in the morning paper, and called Blount's attention to it and they discussed it. Now, as to what conclusion was arrived at can be, perhaps, inferred from the testimony. All that they said we do not know; what they may have agreed upon or not have agreed upon we do not know.

In an unsworn statement prepared and presented to him by Blount, Judge Swayne ordered a ruling to show cause to be served on Paquet, Belden, and Davis. Paquet had gone home to New Orleans on Sunday. Davis and Belden appeared and submitted an answer purging themselves of contempt and averring their right to bring the suit against Charles Swayne.

I do not agree with my learned friend from Maine [Mr. LITTLEFIELD] that they did not purge themselves. If I understood his argument correctly, his idea is that before a man can purge himself of an offense he must under oath deny the facts. In other words, that one can not in a contempt proceeding admit his conduct as charged and justify upon the ground that it was righteous conduct; that that would not be purging. If he takes that view I dissent. Any judge might cite a lawyer to show cause why he should not be punished for doing a perfectly lawful and proper thing. Would any man say that because the lawyer came in and admitted and asserted his right to do this lawful and proper thing that he had not purged himself?

Mr. LITTLEFIELD. Does the gentleman from Alabama [Mr. CLAYTON] claim that the purging was done in the answer filed?

Mr. CLAYTON. I hope the gentleman from Maine [Mr. LITTLEFIELD] will not interrupt me now, because I desire to finish this statement.

Mr. LITTLEFIELD. Very well; then I will not do so.

Mr. CLAYTON. There was testimony to show that the suit had been brought against Judge Swayne and process had been served on him Saturday night at about 8 o'clock, and that Paquet had written an article which was printed in a newspaper at Pensacola on Sunday. Neither Davis nor Belden wrote that article. After the trial of the contempt case of Belden and Davis, lasting about thirty minutes, Judge Swayne adjudged them guilty. Belden says it was a very short trial—I believe his language was it was a very summary or perfunctory trial, lasting about thirty minutes. Judge Swayne adjudged them guilty of the charge, because he contended that they had violated the dignity and good order of the court and were in contempt thereof. Now, that is the language of the judgment.

Mr. LITTLEFIELD. May I interrupt the gentleman from Alabama [Mr. CLAYTON]?

Mr. CLAYTON. Yes.

Mr. LITTLEFIELD. I was going to ask the gentleman this: It is a fact, is it not, that neither Belden nor Davis testified?

Mr. CLAYTON. I think that is true.

Mr. LITTLEFIELD. If they were not guilty of the charge, and their answer raised the issue, why did they not testify?

Mr. CLAYTON. They introduced other witnesses.

Mr. LITTLEFIELD. You concede first that their answer was not on oath?

Mr. CLAYTON. Certainly, and neither was the charge.

Mr. LITTLEFIELD. It did not have to be on oath.

Mr. CLAYTON. It did not have to be on oath where the offense was committed in facie curae, but the almost universal practice is, if it is an indirect contempt, to require it under oath.

Mr. LITTLEFIELD. Well, now, then, the Supreme Court of the United States has held that it was not necessary.

Mr. CLAYTON. I know what the Savin case is; I understand that case, but I am talking about the general rule.

Mr. LITTLEFIELD. I ask the gentleman this, inasmuch as this question involved in the declaration of the answer was in relation to the judge's own declaration on the record of the 11th of November, 1901, does not the gentleman think it a fair proposition involving control of the question of fact, that the respondents should have made that answer on oath or by their own testimony, and failing to do that the judge could only have found one way?

Mr. CLAYTON. The gentleman has shown throughout this question that he is a most excellent critic, and if I had been Davis's and Belden's lawyer I should certainly have agreed with the gentleman from Maine. I would have put it in that form; but they did not put it in that form. If I had been Blount I would have had the motion for the rule verified by affidavit. If I had been the judge I would have required that

this be done. But it was not. He treated Blount's motion and treated Belden's and Davis's answer as complete.

Mr. GILBERT. Forming an issue.

Mr. CLAYTON. Forming the issue; and evidence was introduced for and against the contention of Belden and Davis in the case.

Mr. LITTLEFIELD. Yes.

Mr. CLAYTON. And he heard it in great haste.

Mr. LITTLEFIELD. If the gentleman will pardon me, the case shows that evidence was introduced in relation to the publication of that notice in the paper made by Paquet and Prior, who was associated as counsel, thus making that part of the statement——

Mr. CLAYTON. I hope the gentleman will not burden my speech.

Mr. LITTLEFIELD. I am not going to interrupt the gentleman without his consent.

Mr. CLAYTON. I want to complete the statement. I was glad to hear you the other day. I am always pleased to listen to you speak. You spoke for something like four hours and thirty-five minutes the other day, and you certainly ought not to want to make me speak that length of time. If I could speak as well as you, then I would not mind speaking so long.

Mr. LITTLEFIELD. On that basis you are entitled to talk ten hours.

Mr. CLAYTON. Thank you. Now, I am not going to try this case, with due deference to the gentleman from Maine, upon any fine-spun theory about pleadings. I want to get at the merits of this case of wrongful imprisonment and imposition of fine. I want to get at the facts. Perhaps if I were hair-splitting and refining I could find fault with the judge's judgment. He uses language not used in the statute. He adjudged them guilty of "a substantial contempt of the dignity and good order of this court." Now, the statute does not use such language as that. If I was going to be precise and wanted the pleadings all to conform with the best practice, and wanted judgment to conform to the letter of the law, I would criticise the judge's order of contempt, because the statute of 1831 specifies the cases in which a man may be punished for contempt. The judge finds them guilty of some sort of omnibus charge and does not specify. The first section of the statute of 1831 is embodied in section 725 of the Revised Statutes, in this language:

The said courts shall have the power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance of any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

And the second section of the act of 1831 is found in Revised Statutes, section 5399, in the following language:

Every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness, or officer in any court of the United States, in the discharge of his duty, or corruptly or by threats or force obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice therein, shall be punished by a fine of not more than $500, or by imprisonment not more than three months, or both.

The leading exposition of section 725 of the Revised Statutes is the case of ex parte Robinson, 19 Wallace. There the statute is analyzed and construed. There it is said:

The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms, applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt. But that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice. Second, where there has been misbehavior of any officer of the courts in his official transactions; and, third, where there has been disobedience or resistance by any officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts. As thus seen the powers of these courts in the punishments of contempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to enforce obedience to their lawful orders, judgments, and processes.

In Rapalje on Contempts, page 14, it is said:

The tendency of legislation in this country, however, has been to narrow the definition of the offense, diminish the class of persons to whom it can be imputed, and restrict the power over it of the courts, especially by limiting their power to fine and imprison.

This statute defined the authority of the district and circuit courts, but Judge Swayne did not follow that statute, and I do not see where under that statute he could have found in this case that Davis or Belden was guilty of any contempt of the court, as I shall undertake to show further along.

In sentencing Belden and Davis Judge Swayne used very harsh language.

In passing judgment upon Judge Swayne in the matter of the punishment of Belden and Davis it is our duty to consider the law under which it is asserted he acted and the facts antecedent to and existing at the time of his pronouncement. It is also our duty to consider his manner and language used at the time he sentenced the alleged offenders. By this we can better judge of the reasons, the motives of Judge Swayne, and whether his conduct was a misbehavior in office. If he convicted and sentenced these men merely because of some personal grievance, real or imaginary, or because of some pique or feeling of spite, then he was guilty of seriously wrong conduct. He did use harsh language, and this tends to show his reason and motive for finding them guilty. The testimony of Davis and Belden on this point is, in effect, uncontradicted.

Davis said (page 124 of testimony):

E. T. Davis, witness for the complainant.

Direct examination by Judge LIDDON:

Q. What is your name?—A. E. T. Davis.
Q. Your residence?—A. Pensacola.
Q. What is your profession?—A. I am a lawyer.
Q. How long have you resided here?—A. I have been here about three and a half years—I think it is about that long.
Q. Now, you have heard of the case of Florida McGuire *v.* Blount, Fisher, et al.—one of these cases was discontinued, according to the testimony—did you have any connection with it?—A. The one that was discontinued I had no connection with except to dismiss the case Monday morning.
Q. When was the first time you were spoken to and retained in that case?—A. On Sunday, I believe it was. On Saturday I was called over to Mr. Pryor's store; Judge Paquet told me he wanted to associate me with him in a case against Charles Swayne in the State court; they employed me in that case. The other case I had no connection with until Monday morning; on Sunday Judge Paquet telephoned for me to come down, showed me a telegram he had received from some of his family in New Orleans; some one was ill, and General Belden was very feeble, could hardly talk; he wanted me to present the motion. I had it signed by the judge and filed by the clerk.
Q. You say Judge Paquet was called away?—A. Yes.
Q. He was out of town?—A. Yes.
Q. Now, in what capacity were you in that case, as a courtesy to Judge Paquet?—A. Yes, sir.
Q. You filed the motion to discontinue?—A. Yes, sir.
Q. That was your first and only connection with that case?—A. Yes.
Q. Then you were connected with the case in the State court?—A. Yes. They afterwards employed me in the suit which was tried in association with Judge Paquet and General Belden.
Q. Now, speaking of these contempt proceedings, had you been employed in an ejectment suit or in the United States court before that time?—A. No, sir; I had not been employed.
Q. All the service you had rendered was to discontinue the case as a courtesy to Judge Paquet?—A. Yes.
Q. Now, you have seen the record of this contempt proceeding?—A. Yes. Immedfately upon my filing the motion, the court stated to Mr. Blount, who was sitting there on that side; he said the case is withdrawn. Mr. Blount immediately raised up and made a motion to punish the counsel for contempt; upon his motion the court appointed him and Mr. Fisher to prepare the motion. I believe he said it should be in writing. The rule was served next morning, to show cause why we should not be punished for contempt. We filed our answer; there was some testimony. He sentenced us to pay a fine of $100, be imprisoned for ten days in the county jail, and two years disbarment. Mr. Blount stepped up to the bench and said something; I understood him to say he could not disbar in a proceeding of this kind. After that the penalty of disbarment was withdrawn and we were taken to prison.
Q. You were imprisoned?—A. Yes; I got Mr. Tunison to represent us in the matter of habeas corpus. He took it up before Judge Pardee. At that time we had some discussion of the jurisdiction of Judge Pardee, and Mr. Tunison said he had looked the matter up, and would carry it through all right. Judge Pardee allowed us to give bond. The case was set for hearing in New Orleans, I think, about two weeks afterwards. We went down there for the hearing. After the hearing Judge Pardee withheld his decision. Later on, he rendered his decision, saying he had no jurisdiction, but as Judge Swayne had exceeded his jurisdiction, he would leave it to our preference, to serve out the time in jail or pay the fine. To get the matter straight, I went down and paid my fine, and General Belden served his term of imprisonment.
Q. You? He was actually imprisoned?—A. Yes.
Q. How long?—A. Three days.
Q. What service did you say was rendered by Mr. Tunison?—A. Yes; he represented us as counsel.
Q. Was that before the penalty was imposed or afterwards?—A. Afterwards.
Q. Who represented you in the habeas corpus proceedings?—A. Mr. Tunison. He obtained the writ.
Q. Then what happened?—A. A few days after Mr. Tunison came back I found a letter on my desk stating that he had abandoned the suit. I took the letter to him; asked him what it meant. He said he understood there was going to be some black linen washed over this thing. He said, "Judge Swayne is a friend of mine; I won't go back on him for anything."
Q. Did he return you the fee?—A. No, sir.
Q. You had paid the fee?—A. Yes; I had paid him a hundred dollars.
Q. He refused to represent you and did not give you back your money?—A. No, sir.

Q. At the time of imposing this sentence, what was Judge Swayne's manner?—A. Very abusive.

Q. Can you state what he said?—A. I don't know that I can state it in so many words. He called us ignorant; said our action was a stench in the nostrils of the people, and a good many other things I can not repeat.

Q. His manner was very harsh and abusive?—A. Extremely so.

Q. Do you know whether Judge Belden paid Mr. Tunison anything?—A. It was paid together. I paid Mr. Tunison $50, and I afterwards gave him a check for $50. On his return I paid him $50.

Q. What was the specific contempt he said you were guilty of?—A. He said, "You have as much right to sue me as anybody elese. It is not the fact of your suing me, but the manner in which it was brought."

Q. He did not claim contempt in open court?—A. Not a bit. The suit was brought in the State court. The answer was, he had no jurisdiction in the State court.

Q. Did he claim that it hindered in any way the ends of justice?—A. He did not claim that from the bench.

Q. Did he claim that there was any misbehavior of you or Judge Belden in the presence of the court?—A. No, sir.

Q. Nor near thereto—obstructing the administration of justice?—A. No.

Q. You say he did not object to being sued, but it was the method in which you did it?—A. He made that statement from the bench.

Q. Did you make any reference to the suit in the State court at the time you discontinued the other suit?—A. No.

Q. Then these contempt proceedings were begun after the case in the Federal court was discontinued?—A. Yes; immediately after.

Q. Did you make it known to the judge that you had no connection with the suit in this court?—A. Yes.

Q. On what theory did he punish you?—A. I can't say what theory.

Q. You are curious to find out, I presume?—A. Yes.

Belden said (page 115 of testimony):

Q. What is your name?—A. Simeon Belden.

Q. Where do you live?—A. In the State of Louisiana, city of New Orleans.

Q. What is your business or profession?—A. Attorney at law.

Q. Now, you have lived in New Orleans how long?—A. I am a native of Louisiana, resided in the city of New Orleans thirty-five years.

Q. Have you ever held any official position in the State of Louisiana?—A. Well, one or two only.

Q. What are they?—A. I was a member of the house of representatives there. After that I was attorney-general of the State.

Q. What are you in politics?—A. I am a Republican politically. Always have been ever since we have had a party in our State.

Q. In the State of Louisiana?—A. Yes.

Q. Back to what year?—A. Before the death of Mr. Lincoln.

Q. Have you had any business in Judge Swayne's court here?—A. Yes; I have had off and on here, at long intervals, for the last eighteen years, business in the United States circuit and district courts here.

Q. Were you connected with the case of Florida McGuire *v.* Blount, Fisher, et al.?—A. I was employed to assist Judge Paquet—Louis Paquet—an attorney from New Orleans.

an attorney from New Orleans.

Q. You were employed to assist him?—A. Yes; he being an heir to the Gabrial de Rivas tract of land in the eastern portion of this corporation, Judge Paquet brought suit in equity; then we brought the suit referred to; it developed it should have been a suit at common law; we then instituted suit in ejectment.

Q. Were you present in court at the time Mr. Marsh has testified about, when Judge Swayne called the case?—A. Yes.

Q. At what time of day was it called?—A. At 5, or perhaps a little later, Saturday afternoon.

Q. State what occurred then.—A. Well, it was the close, at that moment, of the criminal term of court, and he had supposed at least a day would be fixed for the trial of the civil suit, by which we could have time to subpœna our witnesses, but objection was made to the continuance longer than the following Monday morning. Sunday intervened, which left us without an opportunity of securing our witnesses, and we had to discontinue the case.

Q. How many witnesses were there?—A. Forty or 50.

Q. Upon what ground did the court refuse to set it for any certain day?—A. No; we wanted to set the case for the Thursday following, to have time to get our witnesses and evidence before the court, but he declined, and ordered us to be prepared on the following Monday morning at 10 o'clock. Sunday intervening, forced us to discontinue the case in order to avoid a defeat.

Q. Do you know anything about Judge Swayne or his family becoming interested in the lands involved in this litigation?—A. Why, yes; the Florida McGuire case against Blount et al. was instituted early in the year but was not ready for trial at the spring term. During the summer of 1902 the rumor was general through the town that Judge Swayne had purchased lot 91.

Q. Lot or block?—A. Well, it is a block—some call it a lot—block 91 of the De Rivas tract, which was in litigation before him as judge of the circuit court here. The rumors were so definite and of such form as to leave no doubt in the minds of counsel of the purchase. So, the 19th day of October, Judge Paquet and myself addressed a letter to Judge Swayne requesting him to recuse himself, for the reason I have just stated, being a party at interest; to recuse himself and notify Judge Pardee, so he could assign a disinterested judge at the November term. He never replied to the letter at all, and so far as I know, never informed Judge Pardee, the circuit judge, of the circumstances surrounding himself and the case. The November term I was sick—had an attack of facial paralysis—but our clients telegraphed me to come over, though I could not appear before the court. Later, on the 9th or 11th, he replied to our communication, in which he declined to recuse himself, and went on to state he had not purchased the land, that a relative of his had purchased the block of ground in question, and that he had got hold of the deed and returned the deed to the vendor of the deed. The vendor of the deed was C. H. Edgar, a party defendant in the suit in question, and he being a party defendant, made Judge Swayne a party defendant through him, as we supposed. He stated that the deed had been sent on to this relative at Guyencourt, and he returned it, as he had no interest whatever. The following day, without any reference to the case whatever, the judge called up this, and in his statement he said: "The relative I referred to yesterday, or the day before, is my wife." He went on to say that his wife had paid for it from funds from the estate of her father in Delaware.

Q. He said she had paid for it with these funds?—A. Yes; that is my recollection. It was so positive that she had purchased it, and we also learned that a suit had been brought by Watson & Co. *v.* Edgar for commissions due them by Edgar; the records will show it. Now, upon that we brought suit against Judge Charles Swayne; the first thing we did in the morning, before any business was transacted, was to discontinue the suit. In the meantime Judge Paquet had prepared the pleadings to eject him from that property. We sued him as Charles Swayne, but I was brought up here for contempt.

Q. Did you file your answer—purge yourself?—A. Yes; there were three of use—Paquet, Davis, and myself; we were condemned to pay a fine of a hundred dollars, ten days in the county jail, and disbarred from practicing for two years in this district.

Q. Were you sentenced?—A. Yes. Mr. Blount told him he could not impose the sentence of disbarment—that was withdrawn. That left the sentence of fine of $100 and ten days' imprisonment. From that I took habeas corpus. Mr. Tunison took it to Judge Pardee, and he decided that he had no jurisdiction in the matter except in so far as Judge Swayne had exceeded his authority as judge; that he could not impose imprisonment and fine both, so Judge Pardee left it discretionary with us as to whether we paid the fine or were imprisoned, having no jurisdiction in that. So there being no relief, I, in my paralyzed condition, served out my time in the county jail.

Q. You said you filed answer purging yourself of contempt?—A. Oh, no; I knew I had committed no offense, and I did not apologize. I would have stayed in jail until now before I would have apologized.

Q. How old are you?—A. Seventy—nearly 71 years old.

Q. When was that?—A. In December, as I recollect.

Q. In what year?—A. 1901 or 1902—the record will show the date.

Q. Did you protest against the jurisdiction of Judge Swayne?—A. We had thought so; that was my opinion; I was sick at the time; I thought he should have been sued, he taking the place of Edgar, who was a defendant in the suit, but I think it was generally understood that it was doubtful if we could get justice for the heirs. First, we brought it to see if he had bought the property, to proceed to find conclusion and ascertain the title. But these contempt proceedings he instituted—we could not proceed without going to jail.

Q. The sentence penalty was $100, ten days in the county jail, and two years suspension from the practice in court here?—A. Yes; the suspension from practice was revoked.

Q. Do you know why?—A. I understood that it was suggested by counsel here that he had transcended his authority.

Q. Now, I will ask you what was the manner of Judge Swayne when he was inflicting this penalty?—A. Well, it was gross and offensive; he entered into a slanderous attack on the attorneys.

Q. Very slanderous?—A. Yes.

Q. Tell what he said?—A. I don't recollect his words exactly; it was published in the newspapers here.

Q. It was harsh and offensive?—A. Very, indeed.

And if it were proper for us to consider the matters de hors the record or outside of the testimony brought here by the committee, I think the newspaper accounts of the conviction of Belden and Davis by Judge Swayne, which accounts were read by the gentleman from Maine [Mr. LITTLEFIELD] during this debate, corroborate Davis and Belden in the statement that Judge Swayne did use very harsh and insulting language. No man can read these newspaper articles and conclude that the judge, in sentencing these lawyers, used rhetorical boquets or flowers. He used such language and manner toward them as was wholly unnecessary—harsh, offensive, and vindictive—such language as no man in his private place would undertake to use toward any brave man, such as is my friend from Maryland [Mr. WACHTER], who pays me the compliment of listening to my remarks. It is true that Judge Swayne says that the language was not unnecessarily harsh.

Q. You used no harsh language in imprisoning them?

Judge Swayne says:

A. I say I used no unnecessarily harsh language. I think I spoke to them as they deserved to be spoken to by a judge speaking to lawyers under those circumstances. I can not recall my words.

Q. You say it was not unnecessarily harsh?—A. I say not unnecessarily harsh.

Well, let us say reverently God forbid that we should know what sort of language Judge Swayne thinks unnecessarily harsh, if he thought that this was not unnecessarily harsh.

Although it might have been too harsh, I generally speak to a prisoner when I sentence him as I think he deserves. It must be at all times very unpleasant for the prisoner, there is no question about that. But that is not the fault of the court.

I should like to have the gentleman from Maine [Mr. LITTLEFIELD] interrupt me now, because he is my biblical authority. I believe it is said somewhere in the Scriptures that "out of the abundance of the heart the mouth speaketh." Now, if I am in error in that quotation, I will thank our theologian to correct me. [Laughter.]

Mr. LITTLEFIELD. If the gentleman will give me the page of the Concordance that he found it on, I will look it up.

Mr. PALMER. You had better look at your own concordance.

Mr. CLAYTON. And then there is another quotation that "the tree is known by his fruit." [Laughter.] I know that is right, because I once quoted it to a distinguished divine and he said: "You are wrong; you used the masculine gender." I said, "I am not wrong." And I went and got my Bible and looked it up, and it says, "the tree is known by his fruit." You laughed too soon over there. You ought to study the Bible a little more and laugh less. Imitate my brother from Maine [Mr. LITTLEFIELD] and my brother from Missouri [Mr. CLARK]

and study the Bible more and laugh advisedly. There is more wisdom in it than can be found in any other book.

I cite as my law in this case the decisions that I have read, the Statutes and Constitution of the United States, and the wisdom of the Bible, and assert that all combine to support the contention that Charles Swayne is not a just and upright judge.

There is another quotation: "When the wicked rule, the people mourn."

The people of Florida have mourned while this man has ruled all these years. They have mourned and forborne until patience ceased to be a virtue, and they have come to you, gentlemen, knowing your political complexion and knowing the political complexion of the Senate, conscious of the fact that the great House of Representatives would bury out of sight the despicable suggestion of partisanship and would vote upon this question according to the law and the facts. They did it knowing that should this case go to the Senate as a high court of impeachment that august tribunal would do justice to itself and to all concerned and would pass upon this case according to its facts and merits, not upon newspaper articles, not upon suggestions made outside, but in the light of the law and the evidence given. The majority here bring you sworn testimony. They have examined it and weighed it. They bring it and ask you to predicate these impeachment charges upon that and not upon newspaper suggestions, and they are confident that you will be guided by the testimony and not by any extraneous suggestions or matters.

Now, for the benefit of some of our brethren who are not lawyers—I have tried to be one for some years myself—I want to make a brief suggestion about the habeas corpus case that went before Judge Pardee. That went off purely upon the question of jurisdiction. Whatever the court may have said in the opinion which has been read to you, other than as to the mere question of jurisdiction, had nothing to do with the decision and was mere dicta. They did not undertake to go into the merits of the controversy. It is an anomaly under our free institutions in this country that there is one sort, contempt, of a case in one tribunal, the judicial, and only one sort of a case and in only one sort of a tribunal where there is no power to review on the merits the conduct of the man making the decision. That is in a direct and what is called a "criminal contempt" proceeding before a United States judge, where jurisdiction is conceded. The courts will not go into the merits of it. If they find that the court below had jurisdiction according to the facts and the subject-matter involved, and did not exceed his jurisdiction, they will not disturb the findings on the facts. The poor miscreant who suffers by the unjust judgment of a malevolent or vicious judge can never have the merits of his case looked into. The answer is that it is a contempt proceeding, sui generis, and the appellate court will not inquire into it. They say simply that the judge had jurisdiction, acted within it, and that he found the facts against the prisoner, and the facts, if true, as the court below found them, which is assumed, show a contempt, and we will not review the case further.

Let me quote Rapalje on Contempts (page 198):

> Every superior court of record being at common law the sole judge of contempts against its authority and dignity, it naturally results that the judgment of every such court in cases of contempt is at common law final and conclusive and not reviewable by any other tribunal (which in other cases would lawfully exercise appellate jurisdiction), either on writ of error or appeal, unless specially authorized by statute. Nor can such decisions be reviewed upon certiorari, except in a few States where, upon this writ, the question of jurisdiction may be looked into; which question, however, is most frequently and more properly raised by means of the writ of habeas corpus.
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> In Hunter *v.* State there is a dictum to the effect that where one is injured by such judgment his modes of redress are (1) by habeas corpus, in which a void commitment for contempt will be disregarded and the party discharged from custody; (2) by impeachment of the judges wrongfully exercising the power; (3) perhaps by civil suit against those inflicting the wrong.
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> In California it has been held that an appeal will lie from an order putting a party in contempt. But as a general rule an interlocutory order in these proceedings is not appealable, such an order being merely intended to bring the party before the court. In Connecticut an adjudication of contempt by a court of competent jurisdiction, where the proceeding is according to the common law practice, is final, and can not be reviewed by a court of error. But when the question of contempt is tried upon an issue of law tendered by the party moving in the proceeding, and decided upon such an issue, the decision must be regarded as a judgment upon which a writ of error may be brought. In Maine a review may be had upon exceptions. In Michigan an appeal will lie from an order punishing a party for a contempt for violating an injunction; for such an order is final. In Minnesota it is held that fraud of the defendant in disposing of a trust fund can not be reached and punished by proceedings for contempt in not obeying the order to pay it over to the receiver. Such proceedings can only extend to punishing the defendant for contumaciously refusing to obey the order. Therefore an appeal lies from an order committing the defendant for such contempt.
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> In Nebraska a judgment for contempt may be reviewed on error in the supreme court in the same manner as in criminal cases. In New York and several other States final orders punishing a party in remedial proceedings for contempt, e. g., orders imposing a fine in the nature of an indemnity to a party suffering injury by reason of the alleged contempt, are appealable. And in several States final orders or judgments in proceedings for criminal contempts are also appealable. In New York an order of the general term of the supreme court reversing an order of the special term, which adjudged a person guilty of criminal contempt of court in obstructing the execution of a warrant for arrest on a charge of crime, is not reviewable by the court of appeals. Otherwise, of an order adjudging a person guilty of criminal contempt in violating an order granted in a civil action, as it is a civil special proceeding within Code of Civil Procedure, sections 1356, 1357. Where proceedings have been commenced after September 1, 1880, to punish for contempt in not complying with a surrogate's decree made before September 1, 1880, requiring the payment of a sum of money, such proceedings, not being a continuance of the original proceedings, are subject to review on appeal. In North Carolina, where a judge of the superior court orders the costs in a case to be taxed against the counsel as a punishment for contempt for negligence occurring in another court at a previous time an appeal lies. And where, at the instance of a party litigant, judgment of imprisonment is rendered against the adverse party for a contempt in wilfully disobeying an order of court, the party aggrieved is entitled to an appeal. In Tennessee the supreme court is declared to have jurisdiction to revise the action of the chancery court in cases of contempt for violation of orders and process of the latter tribunal. In Virginia it is held that a judgment of a court imposing a fine upon an attorney for aiding his client in obstructing the execution of a decree of such court is appealable. But it is also held in that State that a contempt of court is in the nature of a criminal offense, and the proceeding for its punishment is in the nature of a criminal proceeding. The judgment in such a proceeding can be reviewed by a superior tribunal only by writ of error, and not always in that way.

And further, note this:

> The Supreme Court of the United States have decided that proceeding in the court below for contempt of court is not reviewable on appeal or writ of error. (Hayes *v.* Fischer, 12 Otto, U. S., 121; ex parte Kearney, 7 Wheat., U. S., 38; New Orleans *v.* Steamship Co., 20 Wall., U. S., 387.)

What is the remedy? It is impeachment where the judge knowingly and unlawfully adjudges a person guilty of a contempt of court and in such wrongful case imposes fine and imprisonment. The object is to remove the judge who would be guilty of such conduct, so that he may not offend again and so that the punishment in his case may be an example to deter others from a like offending.

Now, on the habeas corpus proceedings by Belden and by Davis the sentence imposed by Judge Swayne was modified to the extent that they were allowed to take punishment in the alternative, the statute being in the alternative. It is strange that Judge Swayne and Mr. Blount should have been so hasty in taking away the personal liberty of these men and rushing them into jail that they seem not to have stopped to read the statute of 1831. They seemed not to have stopped to consider what the Supreme Court has uniformly held from the Robinson case down. They seem not to have proceeded orderly, properly, legally, understandingly, but they seem to have proceeded harshly, hastily, and vindictively; they were both doubtless boiling with indignation.

Blount says that the case had been tried eleven times before, and I take it that Blount had become irritated over it, and Judge Swayne seems to have angered. They acted hastily and without due consideration and deprived these men of their liberty unjustly. A sentence was pronounced which was not authorized by law—two years' disbarment. Why, any man that had looked at the statute—any tyro—would have said that not only was disbarment not authorized, but that fine and imprisonment both could not be imposed. Blount, apparently without having scrutinized the statute, suggested that the disbarment was without authority in such proceedings. If he had examined the statute, or if the judge had done so, the lack of power to inflict the double punishment—fine and imprisonment—would have been manifest. But the statute was not examined. The judge seemed to have been ignorantly or knowingly willing to trample the law and the rights of these defendants under foot.

A judge not only ought to be the personification of integrity, of honor, of uprightness, but he ought to be an example of calmness, of patience; a man exhibiting a love of justice. He should be such a man, when he comes to try the rights of his fellow-man, as to be without passion, without emotion, without irritation. He ought to try the accused as if it was the law that had been offended, not he himself, not a mere personal grievance to be considered, but an offense against the majesty of the law. He ought to carry the idea in his mind that is embraced when we typify justice as a blind goddess holding the scales, blind to extraneous matters, blind to all improper things, and holding a steady hand, unswerved by the vibrations of human passion, so that justice may be administered according to his best judgment, uninfluenced by malevolence. [Applause.]

Now, I have stated the connection of Belden and Davis with this matter. I want now to refer briefly to the statute of 1831. We have heard it stated here during the debate as to the origin of this statute. At the conclusion of Judge Peck's trial in 1831 the old statute was deemed not satisfactory by Congress, and a bill was framed and introduced, I believe, by Mr.

Draper, but reported by Mr. Buchanan, and it is published in the bound volume of the Peck trial. This act is embodied in sections 725 and 5399 of the Revised Statutes. This is the original act:

SEC. 1. That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in the official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

SEC. 2. That if any person or persons shall corruptly, or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer, in any court of the United States, in the discharge of his duty, or shall, corruptly, or by threats or force obstruct, or impede, or endeavor to obstruct or impede the due administration of justice therein, every person or persons, so offending, shall be liable to prosecution therefor, by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500 or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

It was to meet wrongs that had been done in the Peck case; it was to abridge the power of judges in the matter of contempts. It defines and limits the power of the United States circuit and district courts to punish for contempt. It had been contended, as in the Peck case, before the passage of this act that these courts had the almost unlimited power of the English or State courts in contempts. Therefore this restrictive statute was enacted.

The Supreme Court, in Ex parte Robinson (19 Wallace), says that it limits the power of the judges and that Congress had the right to impose this restriction on the circuit and district courts, but leaves it a query as to whether Congress could so limit the power of the Supreme Court of the United States, that having been created by the Constitution, the other courts having been created by Congress.

That is upon the theory that what Congress had created could be regulated and controlled by Congress, but that the Supreme Court being of equal constitutional rank with Congress, created by the Constitution just as Congress was, can not have its authority abridged by Congress. But I will not stop to discuss this query, as it has nothing to do with this case.

Now, section 1 of this act of 1831 is found in the Revised Statutes (sec. 725), as follows:

SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

Now, take the case of Davis. Of what particular act or offense was he held guilty? In a habeas corpus proceeding and elsewhere, the testimony shows, Judge Swayne held that Davis had been guilty of contempt of court on account of some act committed by Davis in his official capacity as an attorney of the court. Let me repeat that. The contention was that Davis was guilty of contempt of court because he had violated his official duty as attorney toward the court in an official transaction. Now, let us see. He had not been an attorney of record in the Florida McGuire case. He had not been in court when Judge Swayne made his disclaimer. He had no connection with the Florida McGuire suit at all, except to dismiss it on Monday morning. He had no official conduct as an attorney in Judge Swayne's court in regard to this case, except in one particular, and that is to take a respectful order of dismissal. That is all that Davis had to do with this case. That is the only thing as an attorney that he did in the Florida McGuire case or in Swayne's court or in any case or matter therein. Then, in his official transactions as an attorney of Judge Swayne's court, tell me where and how and when he was guilty of any official misconduct. It will not do to defend Judge Swayne on the plea of offended dignity. It will not do to defend him upon the idea that a newspaper publication had been made. Judge Swayne dared not predicate his decision in this case upon the idea that the press had no right to publish the account or story that gave him umbrage. Doubtless he knew the error of Judge Peck in a similar instance. Besides, what Davis may or may not have printed in a newspaper—and the evidence shows that Paquet wrote that and not Davis—it was not done in his capacity as an attorney. That was not a misbehavior of an officer in an official transaction. It was unofficial. It was not in his capacity as an attorney of Judge Swayne's court.

How can it be said that Davis's conduct made him guilty of any wrongdoing in his official capacity in Judge Swayne's court? Judge Swayne said in his statement that they had a right to sue him. Of course they had a right to sue him, but he objected to the manner of suing him. Now, I desire to submit this proposition to any lawyer: If Davis had the right to bring that suit, how could he commit a wrong in bringing it at the nighttime or at the noonday? If he had the right to institute that suit, how does the fact that he brought it at 8 o'clock at night—and the testimony shows that Paquet prepared all the papers—alter the case? Suppose he had the right to bring the suit, as Judge Swayne said he had, and that he had waited until Monday, would it have been wrong? Or if he had brought it in the noonday of Saturday, would it have been wrong?

No, gentlemen; the fact is that Judge Swayne's bosom was filled with unjudicial feelings and wrath on Monday morning on account of that publication. He dared not punish them for the newspaper publication. He knew he could not uphold that. He knew he would be on dangerous ground, so he adjudged them guilty in general and unspecified terms of contempt of court. What did Davis do that was a contempt of court? It did not consist in his bringing the suit. It could not have been in printing the newspaper article, because Judge Swayne did not predicate his judgment upon that. Then, tell me where and how in his official capacity Mr. Davis was guilty of contempt of court. He brought the suit in a State court. The publication was in a newspaper and written by Paquet.

Let me quote again from the statute:

That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, etc.

It was not done in the presence of the court. It was not done so near thereto as to obstruct the administration of justice. Mr. Blount, Judge Swayne's friend, in his testimony says that the bringing of the suit would not have hindered Judge Swayne from trying the McGuire case. It could not have obstructed him. But it was some sort of indignity, more imaginary than real, that actuated the Judge. Now, let us examine a little more into that matter. How did Davis, in his official transaction as an attorney of Judge Swayne's court, commit an offense? Let me refer again to the statute:

That the power of the several courts of the United States * * * shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts * * * in their official transactions, etc.

Now, that means the official transactions of a receiver in a case, of a master in a case, of a clerk in his business as clerk, of an attorney in his conduct in some case in a court, and misbehavior by the marshal, etc. I am not now considering that part of the section which refers to the misbehavior in the presence of the court, for there is no contention here that it was in the presence, actual or constructive, of the court, and it was not so near thereto as to obstruct the administration of justice, but that it was the misbehavior of an attorney in his official capacity in that court. Tell us where, when, and how that occurred.

Mr. Speaker, I had intended to say something about the O'Neal contempt case. That is the other question involved in this matter. But I have already consumed more time than I intended to take and I shall therefore have to leave that part of the subject for others to discuss, contenting myself with saying that if O'Neal was liable to any punishment by Judge Swayne's court he was liable by indictment under the second section of the act of 1831, embodied in section 5399 of the Revised Statutes, being the second section of the act of 1831 and intended to cover such cases. I have read it in your hearing. And that if O'Neal committed any offense he could have been tried under an indictment and not otherwise.

And I want to say right here and now to this House that if the gentleman from Maine has been zealous, or if I have been zealous, that zeal comes from the fact that we entertain certain convictions as to what should be done in this case. It does not come from any spirit or desire on the part of either to appear as an advocate on either side of this controversy. We want justice done. Your committee, whom you instructed to bring in articles after you had voted with practical unanimity to order impeachment of this judge, has brought in these charges and the evidence to sustain these charges, and your committee is of opinion that if these articles are adopted by this House that relevant evidence can be introduced under them, and that the true character and picture and representation of Judge Swayne and his misbehavior in office can be presented to the Senate. They can judge him as he was and as he is. That is the only power that can judge of him. The people judge us by what we do and say.

Let the Senate take this record, let the Senate hear all the

testimony—because the case will be tried de novo—let them examine the witnesses, and let them pass upon it. We have brought here charges which we think can be sustained. We have offered evidence which we think warrants that conclusion, and I ask this House to exercise its impartial judgment, listening to the appeal of no man. I would not be vain enough to suggest that any Member of this House would upon any feeble persuasion of mine cast any vote contrary to his convictions. The gentleman from Maine was careful to disclaim that he would advise any man how he should vote on these articles. I am not vain enough to imagine I could advise any man how he should vote. I trust, gentlemen, the rest of this debate may be continued on the high plane upon which it has been pitched, and that this House and the Senate of the United States may reach a just and fair conclusion. [Applause.]

Mr. PALMER. Mr. Speaker, how does the time stand now?

The SPEAKER pro tempore (Mr. POWERS of Maine). The Chair will give it to the gentleman from Pennsylvania in a moment. Seven hours and eight minutes have been consumed by your side, and upon the other side six hours and forty-five minutes. You have consumed twenty-three minutes more than the other side.

Mr. PALMER. Will the gentleman from California use some of his time now?

Mr. LITTLEFIELD. The gentleman from California is out, but he told me the understanding was you were to use time enough to even up.

Mr. PALMER. We have evened up and more, too.

Mr. LITTLEFIELD. I do not know how that may be. I think that he had a misapprehension about it, because I got the impression from him that you were to occupy perhaps all of the afternoon.

Mr. GROSVENOR. The gentleman from California told me the gentleman from Texas [Mr. HENRY] would go on.

Mr. HENRY of Texas. I suggest that Mr. GILLETT is coming; he was up in the gallery, and he is coming now.

The SPEAKER pro tempore. The Chair would say to the gentleman from Pennsylvania that upon going over the time again the Chair has been informed that the majority has been charged with one hour too much; that the amount the majority has consumed is six hours and eight minutes and the other side six hours and forty-five minutes, so that the majority has thirty-eight minutes more.

Mr. LITTLEFIELD. That the majority have thirty-eight minutes more?

The SPEAKER pro tempore. That the minority has consumed thirty-eight minutes more.

Mr. PALMER. I now yield to the gentleman from Georgia [Mr. BRANTLEY] one hour.

Mr. BRANTLEY. Mr. Speaker, I ask the indulgence of the House while, as briefly as I can, I present some of the legal phases of this case as they occur to me. I feel, Mr. Speaker, although I am perfectly willing to concede that I may be mistaken in it, that as a member of the committee having in charge this matter, and having devoted some time and given some thought and consideration to it, I should make to the House my contribution, however small it may be, to this discussion. I shall not attempt to discuss this case in its entirety—my time is too limited to do that. I shall not attempt to go into detail as to all the various specifications, but I wish to state in the outset that I indorse the report of the majority of the committee. I believe that Judge Swayne should be impeached upon each and every specification set forth by the majority of the committee.

As I understand the situation, the House on December 13 last passed this resolution:

Resolved, That Charles Swayne, judge of the district court in and for the northern district of Florida, be impeached of high crimes and misdemeanors.

The Senate was notified of this action and a committee was appointed to prepare articles of impeachment, so that all that remains to be done by the House is to agree upon these articles. Shall we present to the Senate in this case a complete picture of Judge Swayne? Shall we present him to the Senate for his judicial acts and judicial conduct, or shall we limit our presentation to the mere ministerial act upon his part in falsely certifying his accounts?

This charge of false certification only came into the record a few weeks ago. It is not the thing that provoked the hostility and aroused the people of Florida. They did not complain of it, for they knew not of it, but they have complained and do complain of his judicial acts and his judicial conduct, and it seems to me, upon the record as it is here made, that this House can not afford by simply voting for one specification—to wit, that of a false certification of his accounts—to thereby indorse all the judicial acts and conduct of Judge Swayne about which complaint has been made.

I know that it is a serious matter to impeach a judge, but in my judgment it is a more serious matter to continue in office an unworthy, unjust, and corrupt judge. If we will turn to the Constitution, we find that the purpose of an impeachment is not to punish anybody. The purpose of an impeachment is to protect the people and the punishment that falls, in the shame and humiliation to the officer impeached, is but an incident to and is not the purpose of the impeachment.

The framers of our Constitution were zealous for the independence of the judiciary, and so they deemed it advisable to make the term of office long, but they did not make it for life; they made it during good behavior. The framers were zealous in many ways for protecting the judiciary, and so they provided not only for long terms but provided also that the compensation of our judges should not be diminished during their continuance in office. They did not provide that it should not be increased. Their intention was that a hostile legislature should never punish a judge by reducing his salary for some opinion that he had rendered. But zealous as these men were for the independence of the judiciary they were equally as zealous for the protection of the liberties of the people. And while they threw these safeguards around the judiciary, they were careful to provide that the tenure of office of a judge should be only during good behavior and, then, to provide that any civil officer might be impeached and removed from office for treason, bribery, or other high crimes and misdemeanors.

Mr. Speaker, the only provision in the Constitution of the United States for the removal of a judge is the provision for impeachment. Many of the States, perhaps a majority of them, have provisions for removing an unjust judge in other ways than by impeachment; but the framers of the Constitution of the United States provided no other way for removing an unjust judge than by impeachment. It seems to me, therefore, that it would be a waste of words and a waste of time to undertake to demonstrate that the term "high crimes and misdemeanors," as used in the Constitution, comprise and include, broadly speaking, everything that is not good behavior upon the part of a judge.

The term of a judge, as fixed by the Constitution, is during good behavior. The moment the good behavior ceases, under the very letter of the Constitution, the term of office expires, and the Constitution provides, by impeachment, that the term of office shall be declared at an end and the incumbent removed. Many authorities could be cited to sustain these propositions, but I will not detain the House long enough to cite more than a few of them.

Article II, section 4, of the Constitution provides:

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

Article I, section 3, provides:

The judges, both of the superior and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services compensation which shall not be diminished during their continuance in office.

Article I, section 3, provides:

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

In the writings and speeches of Samuel J. Tilden, volume 1, page 474, this language occurs:

Impeachment, as it exists in the United States, under the Federal Constitution and State constitutions, is a proceeding for the removal from public office of a public officer, if cause therefor is found to exist. Its object is not to punish the individual, but to protect the people. Even a disqualification to hold office, if it be superadded to the removal, is more preventive than penal.

And on page 480 we find this:

Any conduct in a judicial office which degrades it in the public esteem, which scandalizes the administration of justice, or which justly impairs the respect and confidence of suitors of the bar and of the people generally in the impartiality, purity, and trustworthiness of the court is an impeachable offense.

In the History of the Constitution of the United States, by George Ticknor Curtis, in volume 2, page 260, is found this language:

The purposes of an impeachment lie wholly beyond the penalties of the statute or the customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that, either in the discharge of his office or aside from its functions, he has violated a law or committed what is technically denominated a crime. But a cause for removal from office may exist when no offense against positive law has been committed, as when the individual has from immorality or imbecility or maladministration become unfit to exercise the office.

In the Commentaries on the Constitution of the United States, by Roger Foster, volume 1, page 569, this statement is made:

The object of the grant of the power of impeachment was to free the Commonwealth from the danger caused by the retention of an unworthy public servant.

Again on page 586, this statement:

The Constitution provides that "the judges, both of the Supreme and inferior courts, shall hold their office during good behavior." This necessarily implies that they may be removed in case of bad behavior. But no means, except impeachment, is provided for their removal, and judicial misconduct is not indictable by either a statute of the United States or the common law.

Again on page 591, this statement:

An impeachable offense may consist of treason, bribery, or a breach of official duty by malfeasance or misfeasance, including conduct such as * * * an abuse or reckless exercise of a discretionary power.

In Rawles on The Constitution, page 201, in speaking of the court of impeachment, it is said:

The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust.

In Story on The Constitution (5th edition), section 796, it is said:

Is the silence of the statute book to be deemed conclusive in favor of the party until Congress have made a legislative declaration and enumeration of the offenses which shall be deemed high crimes and misdemeanors? If so, then, as has been truly remarked (citing Rawles on the Constitution), the power of impeachment, except as to the two expressed cases, is a complete nullity and the party is wholly dispunishable, however enormous may be his corruption or criminality. It will not be sufficient to say that, in the cases where any offense is punished by any statute of the United States, it may and ought to be deemed an impeachable offense. It is not every offense that by the Constitution is so impeachable. It must not only be an offense, but a high crime and misdemeanor.

Now, bearing in mind that the purpose of impeachment is simply to remove an unworthy public officer and not primarily to punish anyone, it will not be amiss for this House to consider for a moment the situation as it exists in the State of Florida. Gentlemen may take this record, and if they read it through they will find throughout its pages the statements of attorneys and other citizens that Judge Swayne bears the reputation in that State of being an unjust and being a partial judge. Every lawyer knows—and the majority of the membership of this House is made up of lawyers—every lawyer knows the great power that a Federal judge possesses, and members of the bar for more reasons than a proper desire to observe the respect and decorum due to the court are careful not to needlessly antagonize him. When volunteers are called for to give the death stab to the pride and honor of a judge by preferring articles of impeachment against him there are not many to respond; and to my mind it is a thing of vast significance that lawyers with large interests to protect have come before our committee and testified as to the bad character and the bad reputation of this judge.

It is, to my mind, strong evidence that the complaints made in this case have a solid basis of fact to rest upon. But going a step farther, we find that the legislature of Florida on two occasions, at an interval of, I believe, about ten years have declared that this judge bears the reputation of being a corrupt judge, and they have asked the Congress of the United States to remove him. I know that gentlemen upon this floor have said that these resolutions were "lobbied" through the Florida legislature, but I do not know where they get authority to attack the honesty and the integrity and the virtue of the highest law-making body of one of the sovereign States of this Republic.

It seems to me that it is beneath the dignity of a Member of this House to stand in his place upon the floor and assert upon this record now before us that these resolutions were lobbied or were corruptly or improperly passed through the Florida legislature.

A sovereign State, through its chosen Representatives, has placed upon its permanent records and given broadcast to the world the statement that the people of Florida doubt the integrity of this judge and believe that his official actions are susceptible to corrupt influences and that they have been corruptly influenced. The Congress, the only body on earth possessing the power to grant relief, is petitioned for that relief.

Will the Congress spurn the petition and deny the relief?

Will Congress add to a condition already deplorable and desperate a charge of dishonesty and corruption against the law-making body of the State?

Can we who love our Government and love the law as its mainstay and support send this judge back to the people of Florida and expect the law, as represented in his person, to be respected? Can we expect the people to believe that he will hold the scales of justice evenly? Will we not, by such a course, make of a situation already bad a situation infinitely worse?

I do not ask this House to impeach Judge Swayne because the Florida legislature passed these resolutions, but I do ask the House to bear these resolutions in mind, as furnishing further and convincing proof of the bad reputation that this judge by his walk and his conduct builded for himself in the State of Florida. If gentlemen upon this floor would bear in mind this reputation, known to all the bar and all the people of his State, they would be at no loss in understanding all that was said and done in the contempt proceedings complained of, as well as in the other proceedings concerning which charges are made.

FALSE CERTIFICATIONS.

Now, as I said, I am not going to take the time of the House to discuss all of the specifications. So far as the specification for making false certifications of his expense account is concerned, I believe the House is practically a unit in agreeing that dishonesty is a ground for impeachment. I hope the House with nearly the same unanimity will agree that dishonesty ought to be impeached.

The law provides that judges of the United States courts shall not receive other compensation than the salary provided by law. It also says that judges when holding court outside of their districts shall receive "for reasonable expenses for travel and attendance" a sum "not to exceed $10 per day," to be paid on the certification of the judge. The record shows that Judge Swayne invariably certified for the $10, and that his actual expenses were far below $10. The record shows that during his incumbency of office he has added to his salary an average sum of $1,000 per year by these false certifications.

Now, I do not intend to discuss this ground. It has been discussed fully and completely already. I want to make one suggestion with reference to it. We have had circulated among the Members of this House the statement that other judges certified to the full $10. Well, suppose they did. As has been well said, it is no evidence that they did not expend the $10. But my suggestion goes beyond this. This same paper furnishes us with the evidence that many of the judges, a very large percentage of them, never certified for the $10. Now, Mr. Speaker, with these facts before us, that many of the judges never certified for the $10, that Judge Swayne invariably certified for the $10, and invariably never expended it; shall we, by refusing to impeach him on that ground, say to all those judges who have never certified for the $10 that they have been fools to be honest, and that they have made a mistake in not taking the money themselves? Shall we slap their honesty in the face, because, at least as to them, their honesty is established by the record?

NONRESIDENCE.

In reference to the specification as to nonresidence a great effort has been made to becloud what is a very simple issue. Section 551 of the Revised Statutes reads:

"A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Now, Judge Swayne either complied with this law or he did not. The issue presented is not one of presumption, of intention, or of law. It is one of fact. Judge Swayne either resided in his district or he did not reside in it. The record before us shows that from 1894, the year in which Congress changed the lines of his district, to 1900, a period of six years, he was physically not in his district but about sixty days a year, or was there only during the actual time in which he was engaged in holding his court. He had no family in the district, no home, nor place of residence. He had no property and paid no taxes in the district. He did not vote, nor was he on the list of voters. There was no place in the district where service of legal process on him could be perfected by leaving at his most notorious place of abode. There was no post-office in the district known as the one where a letter would reach him. When out of the district the general understanding was that mail would reach him at Guyencourt, Del. In 1900 he and his wife occupied a rented house in Pensacola, in his district, for two or three months, and from then on until in 1903, when the Florida legislature passed its resolutions of impeachment against him, he made no pretense of residing in the district. He did not possess, from 1894 to 1900 and from 1900 to 1903, one single attribute of citizenship in his district. On this record, therefore, I submit that he should be impeached and sent before the Senate, there to submit for the consideration of the Senate the various excuses he has offered for not residing in his district.

THE USE OF THE PRIVATE CAR.

In reference to the use of the private car it has been said by some gentlemen that this did not involve much cost to the bankrupt estate. One gentleman, I believe, said that the use of the car from Delaware to Florida did not cost the bankrupt

estate more than $20; but the question before us is not how much it cost the bankrupt estate, but did this judge engage in practicing a waste to any extent of the bankrupt estate submitted to his care? To my mind it is bad enough and unpardonable enough in a judge if he permits others to commit waste upon a bankrupt estate committed to his care, but it is simply inexcusable if he commits the waste himself. This specification has been so fully discussed by others that I will not consume time in discussing it.

THE HOSKINS CASE.

As to the Hoskins bankruptcy case I shall not take up the time of the House in detailing the facts or in discussing it. I assume every Member of this House is now familiar with the case, but if he is not, he can easily make himself so by taking this record and going through it. We have disclosed in the record of the Hoskins case the baleful, corrupt, and demoralizing effects of Judge Swayne's administration of the law in the State of Florida.

We have here a case where a man worth $40,000 and owing only $10,000 is forced into bankruptcy by conspirators, who demand blood money from him. He is forced into bankruptcy over his protest, over the protest of his lawyers, and over the protest of his largest and principal creditor, and all because he will not pay blackmail or blood money. We have disclosed the most remarkable ruling, the most remarkable deduction of law or of administration, that it has ever been my fortune to read or to hear. We have here this judge declining to take up the Hoskins case and dispose of it, declining to hear Hoskins's witnesses, because, as he announced from the bench, he would not believe them if they testified.

Mr. Speaker, the great wrong done in this case happened either through the stupidity, or ignorance, or corruption, or indifference of this judge, and it matters not to us which one. To my mind, where such things are possible under the administration of any judge, that judge ceases to be a fit man to hold the office longer.

THE DAVIS AND BELDEN CONTEMPT CASE.

I wish now to discuss a trifle more at length, but still briefly, the contempt cases that have been brought into this matter, because to my mind they furnish the most serious of all the cases alleged against Judge Swayne. They deal with the deprivation of human liberty, which, next to life, is the most sacred possession of each citizen of this Republic.

I will not weary the House with recounting the history in detail of the law with reference to punishments for contempt, but I will call to the attention of the House the fact that from 1789 up to 1831 there was no law providing what was or was not a contempt of court. The courts were left to exercise their free, unlimited discretion in defining and in punishing contempts.

Under the law as it thus stood a judge out in Missouri, Judge Peck, sentenced a young lawyer to twenty-four days in jail and to disbarment from the practice of the law for two years because he had published in a newspaper an anonymous letter criticising an opinion that the judge had handed down, an opinion, by the way, that the Supreme Court subsequently reversed. Because of this act of that judge he was impeached by the House of Representatives and impeached notwithstanding the fact that there was no law defining a contempt of court; that there was no law limiting the power of the judge to punish for contempt. The House impeached him, but in the Senate he was acquitted by a vote of 22 for conviction to 21 for acquittal, and immediately afterwards the Congress, in 1831, passed the present law of contempt.

That law as originally passed read as follows:

CHAP. XCIX.—*An act declaratory of the law concerning contempts of court.*

Be it enacted, etc., That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

SEC. 2. *And be it further enacted*, That if any person or persons shall, corruptly or by threats of force, endeavor to influence, intimidate, or impede any juror, witness, or officer in any court of the United States in the discharge of his duty, or shall, corruptly or by threats of force, obstruct or impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500 or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

Approved, March 2, 1831.

The first section thereof is now known as section 725 of the Revised Statutes and the second section as section 5399 of the Revised Statutes.

At the time of the passage of this act there was another law somewhat akin to the second section of said act in force. It is found in section 5398 of the Revised Statutes, and reads as follows:

Every person who knowingly and willfully obstructs, resists, or opposes any officer of the United States in serving, or attempting to serve or execute any mesne process or warrant or any rule or order of any court of the United States, or any other legal or judicial writ or process, or assaults, beats, or wounds any officer or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, shall be imprisoned, etc.

The act of 1831 was construed by the Supreme Court in the Robinson case (19 Wallace, 505) to limit and define the powers of the court to punish for contempt. It was held that a judge could not, under said act, punish for contempt except in three classes of cases. He could punish, first, where there was misbehavior in the presence of the court, or so near thereto as to obstruct the administration of justice. He could punish, second, the misbehavior of an officer of his court in his official transactions; and, third, he could punish the disobedience to or resistance of any lawful writ or command or decree of his court.

Now, the power of the courts to punish was by this act limited to these three specific instances.

Before we can undertake to say whether Judge Swayne went beyond the power given to him and violated this law, we must look to the record and see what these defendants charged with contempt were charged with doing. We must take the rules that were issued by the court against them, and we must square them by the law in order to see whether or not the judge kept within the limits of his power. It will not do to allow this judge to come before us two or three or more years after this incident happened and assign a reason why he punished these men. The record is made up, and that record shows why he punished them, and what he charged them with having done.

Now, so far as I recall, the rule that was served upon Davis and Belden, the two lawyers who were punished for contempt, has not been called to the particular attention of this House. I want this House to take this rule and see what the court said these lawyers did, and then square it with the law and see if the judge did not exceed the power given him under the law. Now, the rule was:

And now comes W. A. Blount, an attorney and counselor at law of this court, and practicing therein, and as amicus curiæ, and moves the court to cite Simeon Belden, Louis Paquet, and E. T. Davis, attorneys and counselors of this court, to show cause before this court at a day and hour to be fixed by the court, why they shall not be punished for contempt of the court in causing and procuring, as attorneys of the circuit court of Escambia County, Fla., a summons in ejectment, wherein Florida McGuire is plaintiff and the Hon. Charles Swayne is defendant, to be issued from said court and served upon the judge of this court, to recover the possession of block 91 in the Cheveaux tract, in the city of Pensacola, Fla., a tract of land involved in a controversy in ejectment then pending in this court in a case wherein the said Florida McGuire was plaintiff and the Pensacola City Company et al. were defendants, upon the grounds:

1. That the said suit in ejectment against the judge of this court was instituted after a petition to this judge to recuse himself in the said case of Mrs. Florida McGuire *v.* Pensacola City Company et al. had been submitted to the court on November 5, 1901, and denied, and after the said judge had stated in open court and in the presence of the said counsel, Simeon Belden and Louis Paquet, that an allegation of the said petition, that he or some member of his family were interested in or owned property in said tract, was untrue, and had stated that he had refused to permit a member of his family to buy land in said tract because the said suit of Florida McGuire, involving the title to the said tract, was in litigation before him, the said judge.

2. That after the said declaration of the said judge, the said counsel were aware that neither the said judge, nor any member of his family, were the owners of or interested in any part of the said tract, and had no reason whatever to believe that he or they were so interested, and knew, or could easily have known, that the said block was not in the possession or control of anyone, but was entirely unoccupied.

3. That the said suit against the said judge was instituted on Saturday night, the 9th instant, after 6 o'clock, and after the court had overruled the motion of the said attorneys to postpone the trial of the case of Florida McGuire *v.* Pensacola City Company et al. for a week or more, and after the said judge had announced to the said counsel that he would call the case for trial on Monday, November 11, 1901, and would then try the case, unless counsel for plaintiff made a showing why he should not so try, and the said counsel had announced that they would make such showing.

4. That the said E. T. Davis was, before the instituting of the said suit against the said judge, cognizant of all the facts herein set forth.

This is signed by W. A. Blount, attorney of record, and following that is a rule directed to the respondents to show cause why they should not be committed for contempt.

Mr. BARTLETT. I would like to ask the gentleman if the application is sworn to?

Mr. BRANTLEY. It is not sworn to. Now, this rule states all the alleged grounds of contempt. When you come to put them together, striking out the superfluous words, there is nothing in the grounds except the allegation that these attorneys,

after 6 o'clock one evening, entered suit against this judge in a State court. That is the first allegation. The second is that the judge had no interest in the property for which they sued him, and therefore there was no foundation for the suit; and third, that the judge had previously declared to them that he had no interest. In other words, the sole and only allegation in this rule is that these attorneys sued this judge after this judge had stated in open court that he was not subject to be sued. That is the sum and substance of the rule brought against them. There is no allegation in the rule that bringing this suit was conduct constituting misbehavior in the presence of the court. There is no averment in this rule that it was misbehavior so near the court as to interfere with the proper administration of justice. There is no averment that it did so interfere. There is no averment in this rule that the bringing of this suit by these attorneys was misbehavior on their part in their official conduct. There is not an averment bringing the rule within the act of 1831.

There was absolutely nothing in the rule except the recital of the facts, that these attorneys sued the judge, and sued him after the judge had announced that he was not subject to be sued. Now, when these attorneys came to answer, some discussion has arisen as to why they did not purge themselves, as to why they did not make a denial. If you will but read the rule, you will see that they were charged, in the first place, with having sued the judge. Surely they could not deny that, because they had sued him. It was charged in the rule that the judge had announced in court that he was not subject to be sued. That appears to have been a fact also, and they could not enter a denial to that. They were also charged in the rule with having had notice of a disclaimer of title or a disclaimer of interest by the judge, and that they did deny, and that charge was the only averment of fact in the rule that gave the court any pretense of justification to punish them for contempt, and it did not give him jurisdiction to do so.

I take it, Mr. Speaker, that their answer was more in the nature of a demurrer than it was an answer. They came into court, and this was their answer:

Before the Hon. Charles Swayne, judge circuit court United States, northern district of Florida.

In re matter of contempt proceedings against Simeon Belden, Louis Paquet, and E. T. Davis.

And now comes Simeon Belden and E. T. Davis, and for reasons why they should not be punished by contempt, showeth:

First. That the grounds upon which the said contempt is based, to wit: Summons in ejectment issued from the circuit court of Escambia County, Fla., wherein Florida McGuire was plaintiff and the Hon. Charles Swayne was defendant, that said proceedings is in the jurisdiction of the circuit court of Escambia County, Fla., and that this court is without jurisdiction thereof.

Second. That the petition to recuse referred to in said motion they had nothing to do with before this court, nor were they present on the 5th day of November, when submitted, as stated in said motion, nor present when any statement made by the judge concerning his connection with any of the property, except the statement made by said judge on November 11, after court convened and after the motion to discontinue the case of Florida McGuire *v.* Pensacola City Company et al. was made.

Third. To the second paragraph showeth: As above stated, they heard no declaration made by the judge referred to in said paragraph, and as for reasons to believe that he, Judge Swayne, or some member of his family was interested in block 91, Rivas tract of land named in said summons, we simply refer to the declaration made by Hon. Charles Swayne on November 11, 1901, when said motion was made by the Hon. W. A. Blount, and that after hearing said declaration, believe that there is in existence a deed to Mrs. Charles Swayne, uncanceled, and that they have no knowledge of its repudiation, and as the negotiation for the property named in said deed was one made by Mrs. Charles Swayne in her individual right, that no act of the said Hon. Charles Swayne would repudiate or render null and void any transaction made by Mrs. Charles Swayne with her own money or property.

Fourth. That E. T. Davis for himself showeth: That this court had no jurisdiction over him in said matter of Florida McGuire *v.* Pensacola City Company et al., until he requested the court to mark his name as attorney for plaintiff on the morning of November 11, when he presented the motion to discontinue the aforesaid suit.

SIMEON BELDEN.
E. T. DAVIS.

Now, here was a complete denial of the only allegation of fact in the rule that could have furnished the basis of any justification or claim of justification by the court to punish them. I can not find, so far as my research goes, that the conduct of these lawyers, as alleged in the rule, constitutes any contempt, under the definition of "contempt" as laid down in the act of 1831. Surely we have not reached that point where it is a contempt of court to sue a judge. Does the fact that a man is judge of a court put him beyond the pale of the law that he is bound to enforce? Ah, Mr. Speaker, when a lawyer sues a judge who says he is not the subject of a suit, is the lawyer in contempt because he does not believe him and brings the suit anyway?

These lawyers were denounced by this judge as being a stench in the nostrils of the people. They were fined $100 each and sentenced to ten days in jail, and in the original sentence they were disbarred for two years. This latter sentence was withdrawn when another lawyer, better informed than the judge, advised him he could not disbar as a punishment for contempt. These men were thus sentenced for what? For suing Charles Swayne, after Charles Swayne had said he was not subject to be sued. Mr. Speaker, if the lawyer representing a plaintiff brings a suit against any ordinary defendant after that defendant has told him he is not subject to suit, does the lawyer become a stench in the nostrils of the people and become a criminal? If not, why does he become so because the defendant chances to be a judge? Gentlemen upon this floor have stood in their places and extolled the conduct of Judge Swayne in this matter as being the conduct of a brave and a righteous and a noble judge. Let us see what he proposed to do, and did do. He issued a rule that these men having sued him, after he had announced that he was not subject to be sued, should show cause why he should not punish them for contempt, and then before their trial on the rule takes place he solemnly adjudicates the case in advance of the hearing by spreading upon the records of his court the statement that he was not subject to be sued. Before he arraigns them he puts upon the records of his court a finding of fact against them.

I will not weary you by recounting all that took place prior to the suit in the State court, because my purpose is to limit the discussion to the question whether or not the rule issued against these lawyers stated a case of contempt. I contend that it does not. What went before the filing of the suit in the State court, however, but adds to the awkward and unenviable position of the judge. Unquestionably he had been personally dickering for the purchase of some of the land in controversy in the suit before him, whether for himself or wife is immaterial. A sale had been actually agreed upon. Some of the lawyers wrote him before court convened asking him to recuse himself. He did not answer the letter. Bearing in mind the reputation he bore, and even without this reputation, this failure to write seemed suspicious. If he had purchased the land, he was disqualified to try the case. If he had not purchased it, but had passed upon the title with a view to purchasing he was disqualified. It was common rumor that he had actually purchased—I ask Members of this House if, under these circumstances, there is any Member here, if he had been judge, who would have tried this case? With such facts existing, and with the lawyers questioning his competency, his fairness, and his impartiality, do you know any judge, save Judge Swayne, who would have insisted on trying the case?

At the time Davis and Belden were punished for contempt the other lawyer, Paquet, was not tried, because he had gone to New Orleans, where he resided. Some months later he filed in Judge Swayne's court this statement:

That upon full and mature consideration of his actions and conduct in the matter referred to in the motion made as the basis of the above-entitled proceedings, through excessive zeal in behalf of his clients he did so act that this honorable court was justified in believing that the said actions were committed in contempt thereof and as showing disrespect therefor: This respondent regrets exceedingly the course taken by him in this matter, and now appears in court and requests that he be permitted to apologize for his behavior and file with the records in the above-entitled cause this paper.

Whereupon Judge Swayne did not punish him, and much capital is sought to be made for the judge out of this statement and his action thereon. All that I get out of it is that Paquet had before him the experience of Belden and Davis and he profited by it. It is to be noted also that he does not admit that he had been in contempt or had done anything that would justify the court in punishing him. He admits only that the judge was justified in thinking or believing that disrespect to him was intended.

Mr. Speaker, I do not subscribe to the view that some Members of this House have expressed about contempts. It seems to me, if I understand them correctly, that some Members are of the opinion that if some other court had sustained this judge in this matter that is the end of it. I do not subscribe to that proposition. We might just as well say that Judge Swayne passed upon it and rendered a judicial opinion construing the law of contempt, and therefore that is the end of it. Why has not his court as much standing as any other court? My view about this matter is that the Congress of the United States had the jurisdiction and the right and the power to define by law what shall constitute a contempt. They did so define by law what constitutes a contempt.

How are we going to get away from this law? Are we going to allow a judge to construe the law away? If so, we might as well never have enacted it, and, in these contempt cases, if we can not call Judge Swayne down, what judge can we call down? If one judge can interpret the law of contempt to suit himself, if he can punish that which the law does not authorize him to punish, another judge may do likewise, and the protection to liberty that Congress intended to provide is gone. Mr. Speaker,

if we can not rebuke this judge for this perversion of the law we might as well wipe out the law in reference to contempt.

THE O'NEAL CONTEMPT CASE.

Let us look a moment at the O'Neal case. The gentleman from Alabama [Mr. CLAYTON] who just preceded me stopped for want of time when he reached that case and could not discuss it. I will not discuss it at much length, but let me call the attention of this House to the fact that in that case we now have, through the industry of the gentleman from Maine [Mr. LITTLEFIELD], I believe, or perhaps the gentleman from California [Mr. GILLETT], the complete transcript of the trial of O'Neal. It is printed in the RECORD, I believe, of last Saturday, and each member can read it for himself. I wish that every member of this House would read it. If the members will read that transcript, they will get a pretty clear idea how Judge Swayne administered the law in the State of Florida.

Now, let us see about O'Neal. O'Neal was a banker. A man by the name of Greenhut, a director, or who had been a director, in O'Neal's bank, was appointed a trustee in bankruptcy. Greenhut, in the administration of his bankruptcy estate, brought a suit that involved some property rights of the bank of which O'Neal was president. It is immaterial what they were. O'Neal met Greenhut. They had some words and a difficulty, and O'Neal, with a knife, cut Greenhut. Now, the district court was not in session. Judge Swayne was not even in the State of Florida. Some months later, when he returned, Greenhut made an affidavit, and upon that affidavit O'Neal was arraigned for contempt. And right here, as in the other case, we want to look at the affidavit of Greenhut, which was the basis of the rule to show cause in order to see whether or not Judge Swayne followed the law giving him the authority to punish for contempt.

Mr. GILBERT. Was Greenhut an officer of the court?

Mr. BRANTLEY. He was a trustee in bankruptcy and to that extent I suppose was an officer of the court. Let us turn to Greenhut's affidavit. He alleges that he was advised by his counsel to bring a certain suit, and that upon the advice of counsel he brought the suit. Then he alleges that this assault upon him was made by O'Neal to interfere with and prevent him from executing and performing his duties as such officer of said court. He says that the said O'Neal did, by the said murderous assault, interfere with the management of the said trust by him as an officer of said court, and that for a long period of time, to wit, from the 20th day of October up to the present time (the time of the affidavit), by reason of the injuries inflicted by O'Neal upon him, as aforesaid, he was prevented and deterred from performing the duties incumbent upon him as such officer. Now, upon that affidavit the rule was issued. The averments are that O'Neal assaulted Greenhut for the purpose of interfering with him in the performance of his duties.

Now, the statute in reference to contempt has no provision of that sort in it. The statute in reference to contempt reads that where there is a disobedience to or a resistance of a lawful writ of the court the court may punish for contempt. As a matter of fact, there was no interference with the suit filed by Greenhut. It was not delayed a moment, nor was it alleged to be.

There was no decree or order of the court that was resisted or disobeyed, and none was alleged to have been.

Mr. SHERLEY. Will the gentleman permit a suggestion right there?

Mr. BRANTLEY. Yes, sir.

Mr. SHERLEY. In the original act defining contempt was there not a second paragraph which did cover such cases as this, and which provided for punishment by indictment and not by proceeding in the court for contempt?

Mr. BRANTLEY. The gentleman is entirely correct, and I have already called attention to said act. I call attention now to the fact that in this affidavit, which is the affidavit upon which Judge Swayne sentenced O'Neal to sixty days' imprisonment, there is not a single averment that brings the act of O'Neal within the contempt law. Now, it may be true, as suggested by the gentleman from Kentucky, that if the contentions of Greenhut were correct O'Neal may have violated a section of the Revised Statutes. He may have violated section 5398 or section 5399 of the Revised Statutes, already quoted, or he may have committed a breach of the peace, for which the State courts could punish him, and, as a matter of fact, he was arrested under a State warrant.

If O'Neal violated either section 5398 or 5399 of the Revised Statutes, he was entitled to a trial by jury and a conviction by jury before he could be punished therefor. I submit that the rule that was served upon him made no averment and no allegation that brought his act within the rule of the law with reference to contempt.

Now, if the Members of this House will turn to the transcript of the trial of O'Neal, as put into Saturday's RECORD, the first thing you will notice there is that the prosecution opened the case by offering a record to prove that after the suit was filed by Greenhut that Greenhut went to the court and got an order especially authorizing him to bring the suit in order to make it appear before Judge Swayne that O'Neal was violating an order of the court. There was not a single averment in the rule or in the affidavit that there had been any order or mandate of the court disobeyed or resisted. The only averment in the rule and in the affidavit is that Greenhut was advised by his counsel to bring the suit, and yet Judge Swayne admits the record as asked for. The next move that the prosecution made was to proffer witnesses to prove that Greenhut was a man of good character and of good reputation for peace and orderliness. Counsel for O'Neal objected to that testimony. They said: "We have not sworn a witness; nobody is attacking the character of Mr. Greenhut." I know of no law that admitted the testimony, and yet Judge Swayne admitted it. Then the prosecution proceeded to prove by witnesses the bad reputation of Mr. O'Neal for peace and good order.

Mr. PALMER. My friend, I think, is mistaken in that they did not call witnesses to testify to his bad character; they made O'Neal testify to that himself. That is what that judge did.

Mr. BRANTLEY. I accept the correction. When O'Neal was on the stand they asked if he had not pleaded guilty to carrying a concealed pistol and to shooting across the street. The question was objected to, and properly, but it was allowed, and O'Neal furnished, as the gentleman from Pennsylvania states, all the evidence that was offered in reference to his character. Now, take that transcript of the record and go a step further and read the opinion of Judge Swayne if you want to understand how he administered the law. You will find that he proceeded to sum up the testimony. He found that there was a conflict between O'Neal and Greenhut as to whether O'Neal acted in self-defense or not. Then he recounted the law about self-defense and told how a man must retreat and retreat before he uses a deadly weapon, and then he finally finds that the record shows O'Neal to be a man of bad character and Greenhut to be a man of good character, and therefore he must believe Greenhut, and find that O'Neal did not act in self-defense in cutting Greenhut, and he therefore sentences him to sixty days in jail. We know that it made no difference in the case before Judge Swayne whether O'Neal acted in self-defense or not. The sole and only issue was as to whether or not he committed an attempt, and yet Judge Swayne apparently tried the case upon the issue of the guilt or innocence of O'Neal in making the assault.

When O'Neal filed his answer in this case, he swore as positively as a man could swear that he intended no contempt or disrespect to the court, that it was purely a personal disagreement that he had with Mr. Greenhut, and if you take all the record you will not find a syllable of testimony that contradicted O'Neal. The vital point, the only point, the only thing that was before the judge was, Did O'Neal commit contempt in this matter? and that phase of the question escaped the attention of the judge entirely.

Mr. MADDOX. Did this fight occur in the presence of the court?

Mr. BRANTLEY. Oh, no. My friend from Georgia was not present just now or he would have heard that this occurred when the district court was not in session and when the judge was not even in the State of Florida. It was during a vacation.

Mr. Speaker, if there ever was a violation of this statute with reference to contempt by any judge it was committed by Judge Swayne in the O'Neal case. These gentlemen who were arraigned and convicted by Judge Swayne did not submit uncomplainingly to his rulings. They undertook to appeal their case to the higher courts, but they found that they could get no relief.

In Ex parte Fiske (113 U. S., p. 118) the Supreme Court said:

There can be no doubt of the proposition that the exercise of the power of punishment for contempt of their orders by courts of general jurisdiction is not subject to review by writ of error or appeal to this court. Nor is there in the system of Federal jurisprudence any relief against such orders, when the court has authority to make them, except through the court making the order, or possibly by the exercise of the pardoning power.

In Hayes *v.* Fischer (102 U. S., 122), the Supreme Court said:

If the proceeding below, being for contempt, was independent of and separate from the original suit, it can not be reexamined here, either by writ of error or appeal. This was decided more than fifty years ago.

In construing the act creating the circuit court of appeals with reference to its power to review contempt proceedings, the Supreme Court, in 194 United States, 338, said:

On such a writ only matters of law are considered. The decision of the trial tribunal, court or jury, decides the facts, is conclusive as to them.

In Ex parte Kearney (7 Wheat., 45) the Supreme Court said:

Wherever power is lodged it may be abused. But this forms no solid objection against its exercise. Confidence must be reposed somewhere; and if there should be an abuse it will be a public grievance for which a remedy may be applied by the legislature, and is not to be devised by courts of justice.

In American and English Encyclopedia of Law, vol. 3, page 800, it is said, in reference to contempts:

The exercise of the power lies solely in the discretion of the judge before whom the contempt is committed, and will not be examined or reexamined by any other court except when the proceedings are so grossly defective as to be void. The only other remedy according to the English and more generally received American doctrine, for any error, injustice, abuse of discretion, oppression, or corrupt conduct on the part of a judge of a court of the superior order is by resort to an impeachment before the legislature.

When Davis got his case before the circuit court of appeals that court said, in Ex parte Davis (112 Fed. Rep., 142):

To hear and decide whether the relator was guilty of such contempt, and if found guilty, to punish him for such conduct, was clearly within the jurisdiction of the court, and the court having exercised such jurisdiction and found the relator guilty of contempt, its finding against the relator can not be reviewed on habeas corpus.

When O'Neal got his case to the Supreme Court the court said, in 190 United States, page 38:

And while proceedings in contempt may be said to be sui generis, the present judgment is in effect a judgment in a criminal case over which this court has no jurisdiction on error.

Mr. Speaker, I submit that where a judge of a court of general jurisdiction abuses his power in this matter of contempt there is but one remedy, and that is the remedy of impeachment. These gentlemen who were mistreated by Judge Swayne appealed to the courts above, and they were dismissed with the statement that "We can not review the facts in the case." They told O'Neal that Greenhut was an officer of the court, and Belden and Davis that they were officers of the court, and that it was for the trial court to say whether or not they were in contempt.

These various matters have come now to the court of last resort. Under the system of jurisprudence builded up by the courts this Congress is the only body that seems to have the power to review the facts in these contempt cases.

The SPEAKER pro tempore. The time of the gentleman from Georgia [Mr. BRANTLEY] has expired.

Mr. BRANTLEY. May I have a few moments more?

Mr. PALMER. I yield to the gentleman from Georgia [Mr. BRANTLEY] fifteen minutes more.

Mr. BRANTLEY. I thank the gentleman from Pennsylvania [Mr. PALMER].

Mr. Speaker, this House has the power to review the facts in these contempt cases. We have not the power to undo the wrong that was done to O'Neal, for, as has been said in this discussion, he has gone to his final reward. We have not the power to undo the wrong done to that old gentleman, Mr. Belden, who served his imprisonment in jail. But we can condemn these wrongs and prevent their being done to other people by removing Judge Swayne from office.

To my mind we are not concerned in this House with what the Senate may do. It is no matter of concern to us whether we think the Senate will or will not sustain a particular article of impeachment. It is no concern to us what the views of the Senate may be. Our concern is, What is our view? Let us do our duty and assume that Senators will do theirs. Mr. Speaker, I submit that the framers of this Constitution, who were endeavoring to safeguard the liberty of the freest people on the face of the earth, never dreamed of or intended to provide for them the greatest engines of oppression possible to be devised, to wit, courts that could arbitrarily, without a jury and without being subject to review, take away the liberties of the people.

There is a great question involved in this case, and that question is whether or not the enactment of this Congress, limiting the power of a judge to punish for a contempt, shall be enforced or shall we allow it to be set at naught.

Now, I do not wish to consume further time, but in conclusion I want to submit that in this prosecution there is no attack upon the Federal judiciary. This prosecution is in defense and in protection of the judiciary. We would all maintain and preserve this great arm of the Government in all of its strength and in all its purity and in all its independence; but there is but one way to preserve it, and that is by purging it of its unworthy members.

Mr. Speaker, the powers of the judiciary are too vast; its responsibilites are too great for us to permit any swerving from the straight path of duty by its members.

We should hold to the strictest accountability those in whose keeping we have placed our lives, our liberties, and our fortunes. We should honor and praise without stint those who keep inviolate the sacred trust confided to them, and pour out unlimited condemnation upon those who prove unworthy. Jefferson declared, in his disappointment at the failure of the Senate to convict Judge Chase, that "impeachment is the scarecrow of the Constitution." Shall we who come upon the stage an hundred years later be forced to the same conclusion by reason of the verdict arrived at in this case? Rather let us hope, as I hope and believe, that impeachment will prove to be the sword of Goliath, ever kept in the temple and brought out only on great occasions, but when brought out cutting smooth and clean corruption from incorruption, tyranny from liberty, and oppression from justice.

Mr. Speaker, I thank the House for its attention. [Loud applause.]

Mr. GILLETT of California. Mr. Speaker, I yield fifteen minutes to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, in the brief time allotted to me I want to confine myself to one legal proposition involved in this case, and that is the question as to the allowance of $10 a day. As I understand, the Committee on the Judiciary are very much at variance in their opinion as to all the other charges; but upon this one charge the majority, at least, of them think Judge Swayne ought to be impeached.

I want to call the careful attention of this House to the law as contained in the statutes.

In the first place, the Revised Statutes (the act of 1871 was included in these statutes) provided that when a district judge was assigned to duty outside of his circuit (sec. 596) he shall hold court without other compensation than his regular salary, except as provided in the southern district of New York, in which district $10 was the maximum of expense for those who sat in that district. That was the statute from 1871 to 1881 and embraced in Revised Statutes of 1873. In 1881 that section was repealed, and in lieu thereof a provision was made giving actual compensation for expenses incurred by a district judge in holding a court outside of his district.

Mr. PALMER. Will you not please quote the statute that gives actual expenses?

Mr. LACEY. I will cite the section, and I will incorporate in my remarks a digest of every one of these statutes, so that gentlemen who want to get at the truth in this matter from the record need not take the word of anybody upon the floor of the House, but can go to the statutes themselves and ascertain precisely what the law was. In 1891 there was a law passed creating the court of appeals, and in that act there was a provision allowing to the circuit judges their expenses. The language was "their reasonable expenses of travel and attendance, not to exceed $10 a day." That was the statute of 1891. In 1881 the statute had been passed giving to the district judges their actual expenses when outside their districts.

Subsequently a district judge was permitted to participate as a member of the court of appeals. So the district judge found himself in this situation: When he was sitting in the court of appeals he could certify to $10 a day. When he was holding circuit or district court outside of his district he had to itemize his expenses, but might draw more or less than $10 a day. So the question was presented to the Comptroller of the Currency (2 Reports of Comptroller of the Currency), before Mr. Bowler, in which District Judges Wood, Jenkins, and Showalter are said to have made this statement, as recited by Mr. Bowler:

The contention of these judges is that when district judges hold court outside of their own districts by order of the Supreme Court they are entitled to be paid for their expenses a per diem of $10, evidenced by their own certificate, and not required to furnish any itemized statements of their expenses.

That was in December, 1895. Mr. Bowler held that that law applied only to the circuit court of appeals, and did not apply to the judges when they were holding district or circuit court outside of their circuits. I commend to the attention of the House this decision of Comptroller Bowler. I will insert it in my remarks.

In 1896 the subject was brought up before the House Committee on Appropriations and they put into an appropriation bill (29 Stats., 451, June 11, 1896) the following language; or, rather, this is the language as it remained when both Houses finally got through with it:

Reasonable expenses of travel and attendance of district judges directed to hold court outside their districts, not to exceed $10 per day each, to be paid on written certificate of the judges, and such payment shall be allowed to the marshal in the settlement of his accounts with the United States.

That is the law to-day. It reads the same as the statute for the court of appeals. Now, it is instructive to find out how that act got into the statutes. We in the House passed that law without the provision as to the marshal's accounts and sent it to the Senate. When the bill came up in the Senate, the Senate put in an amendment providing that—

Such payments shall be allowed the marshal in the settlement of his accounts with the United States.

The committee put that in and reported the bill to the Senate, and on April 24, 1896, it was being debated in the Senate.

Senator Allen, then a Senator from the State of Nebraska, a Populist, an economist, and a former judge, and an able lawyer, called attention to the situation. He said:

Mr. President, I desire to call the attention of the Senator from Iowa—

That is, Senator ALLISON—

to a fact which came to my knowledge the other day, and it is to the effect that under this law, or laws similar to this which have been passed, where Congress allows compensation to judges who hold courts outside of their particular districts, and especially the United States appellate judges, that in all instances they certify to $10 a day, regardless of the actual expenses to which they are put. The evident policy of the law was to cover the actual expenses of the judges at hotels and for traveling expenses, not to exceed $10 per day.

A little later on he says that he does not mean to assert that all of them do it. He says:

Not all, I do not say all, but I say that there are judges who do it—district judges holding, for instance, courts of appeal. Some of them do certify uniformly to $10 a day and take $10 a day out of the Government in cases where their legitimate expenses are not, and in the nature of things can not be, to exceed three or four dollars a day.

Then he made a motion to put in the following amendment:

Which certificate shall state in all cases that the judge has actually incurred the different expenses therein stated.

Senator ALLISON replied to that. Said he:

The object of the provision, as I stated a while ago to the Senator from Nebraska, is to equalize the judges when they travel outside of their circuits or districts to hold court. If there are abuses of the provision as respects circuit judges (there can not be abuses with respect to district judges), if the circuit judges are in the habit of certifying to more than they ought to certify, it would be wiser and better to allow the equality to be established, and then let the Judiciary Committee of this body take cognizance of the whole question and make such modifications of the statute of 1891 as will cure the defect or the evil which seems to be in the mind of the Senator from Nebraska. I hope that will be satisfactory to the Senator and that he will allow the amendment to go in without objecting to it.

But Senator Allen insisted on his amendment, and the amendment went in, as follows:

Which said certificate shall state in all cases that the judge has actually incurred or paid the expense therein stated.

The bill went to conference with that amendment in it from the Senate, and this House, which is now sitting in judgment on Judge Swayne, struck that provision out in conference, that the judge should certify that he had actually spent this money. This House struck that out, and on page 5821 of the CONGRESSIONAL RECORD, May 27, 1896, first session, Fifty-fourth Congress (here is the entry), and this conference report was signed by JOSEPH G. CANNON, E. J. Hainer, and J. D. Sayers, conferees on the part of the House, and W. B. ALLISON, EUGENE HALE, and A. P. GORMAN, conferees on the part of the Senate:

That the House recede from its disagreement to the amendment of the Senate No. 177, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "And such payments shall be allowed the marshal in the settlement of his accounts with the United States;" and the Senate agree to the same.

That is the parliamentary history of the statute. That is how it got there. It first became the law in 1891. Senator Allen said that the judges—first he said all of them and then many of them—took the straight $10 per diem. Three district judges submitted the proposition to Mr. Bowler, contending that they understood that the $10 allowance applied to them, and that they were entitled to the $10 per diem. That was in 1895. In 1896 the Committee on Appropriations took up the matter and copied literally—verbatim—the language of the act of 1891, making an allowance of $10 a day to the judges of the court of appeals, and that became the law as to the district judges. When the Senate asked to make that perfectly plain by requiring that the judges certify that they had actually spent the money or incurred the expenses the House refused to concur, and struck it out. And now, Mr. Speaker, we are asked to sit in judgment upon this judge, who simply followed the precedent that was stated by Judge Allen in the Senate of the United States.

We have since that time made the appropriation year after year for the payment of this same money provided for in the act of 1896, and have copied the same identical language inserted in the act of 1896, which was copied literally from the act of 1891.

This is the situation, and I do not care to discuss whether, as an abstract proposition, it is properly an allowance of $10 a day or not; that is not the question. We are here to determine that this judge should be impeached, and when the accounting officer of the Treasury, Mr. Bradley, was before the Judiciary Committee, which was investigating this matter, and Judge Swayne's counsel asked him if it was not usual for the judges, substantially all of them, to put the same construction upon it, the committee refused to allow that question to be answered, and have presented the present impeachment before this House and ask us to find that that which we had in our minds and refused to put into the statute was binding upon these judges, and that they should be held criminally responsible.

Edmund Burke once said, "You can not indict a nation;" and I say you can not indict an entire bench. We can not indict more than half of the judges who uniformly adopted this rule which the district judges contended applied to them in 1895, and which we subsequently applied to them by the appropriation bill of 1896.

We should not convict these men of malfeasance in office, moral turpitude, and wickedness. We should not send this charge to the Senate without this committee taking up the question as to other judges. If Swayne is to be convicted, the whole question should be investigated. If this judge goes out, the other judges should be tried too, if they made the same mistake. On the other hand, if it is a question of construction and it has been misconstrued, why dismiss the judge?

We have just now heard the decision in the BURTON case, and the judges, five to four, say that the court below made a mistake in the law. It is a well-settled rule that every man is presumed to know the law except the judge, and the judge is excused from that presumption, for he has the court of appeals to correct him. If there is a controversy between one of these gentlemen and myself about a contract in which a statute is connected, we are both conclusively presumed to know the statute and to know exactly what it means, but there is no such presumption in favor of the judge who tries the controversy between us. The court of appeals sits to correct him. To err is human, and the errors of courts may be reviewed and corrected.

Mr. CLAYTON. It is presumed that the judge is learned in the law.

Mr. LACEY. Yes, and it is presumed that my friend is also learned in the law, but he made a mistake in not going into the history of this statute. The committee made a mistake in presenting this charge before the House without investigating the source of this statute, and that, too, on a new charge. This is a new charge; it was a snap shot taken at the close; after everything else was all in doubt. They say here and now that no matter whether it is proven or not, whether other judges put the same construction on the law, it shall not be considered by this House. But you will take legislative notice of the debates of the Senate and House, you will take notice of the debates under which this statute was adopted, you will take notice of the action in this House upon the report of its own conference committee, and if you do, can you say that Judge Swayne violated the law to such a degree as to render him criminally responsible and liable to removal from the office he now holds?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GILLETT of California. I yield five minutes more to the gentleman from Iowa.

Mr. WM. ALDEN SMITH. I want to ask the gentleman a question.

Mr. LACEY. Very well.

Mr. WM. ALDEN SMITH. The legislative history of that amendment, as I understand the gentleman, discloses the fact that the House insisted upon the provision which now appears, and rejected the provision which qualified it.

Mr. LACEY. And which would have made it perfectly plain and clear.

Mr. WM. ALDEN SMITH. We not only made the law, but we construed it.

Mr. LACEY. We refused to put in the statute that which constitutes the position taken by my friend from Alabama [Mr. CLAYTON], and with a knowledge of the fact that many judges have been drawing the $10 a day on the assumption of the law, whether it was a mistaken assumption or not.

Mr. BURLESON. Mr. Speaker, the gentleman from Iowa spoke of a certificate from the Treasury Department. Does this certificate state that any judge has certified for $10 a day when he has spent only $1.25?

Mr. LACEY. Oh, no, it could not do that; but the certificates show absolute uniformity in more than half the cases—absolute uniformity—fixing the exact amount at $10 a day, and that, too, in localities where we all know the current hotel rate

is $3 and $4 a day. So that, Mr. Speaker, it seems to me that this House is practically precluded by its own action from standing a moment on the first charge. As to the others, I have neither the time, the opportunity, nor the inclination to discuss them. They have been discussed at length. Upon those other propositions the committee is absolutely divided. The very committee of seven that brings in the charge does not come in by a two-thirds vote. There is only a four-sevenths vote, which is two twenty-firsts less than a two-thirds majority, and yet they want to take this case to the Senate of the United States, where we have to convict by a two-thirds vote, and when they could not agree by a two-thirds vote of the committee in framing the charges. [Applause.]

Mr. MANN. Mr. Speaker, the gentleman referred to a decision of the Comptroller. I did not quite get what the decision was. May I ask the gentleman whether the decision is law?

Mr. LACEY. Well, it is his construction of the law.

Mr. MANN. Whether it could be printed?

Mr. LACEY. It is printed in the volume which I read from here. He holds that they were not entitled to the $10 a day—the district judges—and that was before the act of 1896. Before the act of 1896 they might draw more. They might draw $20 a day, provided they expended it.

Mr. MANN. The gentleman commented upon it to us and I thought possibly it might be printed.

Mr. LACEY. I have no other copy except in this volume, which I will pass to the reporters and let them copy it in my remarks.

The decision referred to by Mr. LACEY is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
December 6, 1895.

SIR: I am in receipt of yours of November 25, inclosing a copy of a letter from United States Circuit Judge Woods, Jenkins, and Showalter, of the seventh circuit, with copies of letters addressed to them from United States District Judges Bunn and Seaman, of the two Wisconsin districts, relating to the payment of the expenses of district judges while holding court outside of their own districts.

The contention of these judges is that when district judges hold court outside of their own districts by order of the circuit judge they are entitled to be paid for their expenses a per diem of $10, evidenced by their own certificate, and are not required to furnish an itemized statement of their expenses. You ask my decision whether the marshals of the United States are authorized to pay to district judges so holding court $10 per day upon their own certificates only. For an intelligent answer to this question a review of the legislation in regard to the holding of court by district judges outside of their own districts is necessary.

The act of July 29, 1850 (9 Stat., 442), authorized the circuit judge to designate a district judge to hold court in another district under certain circumstances therein enumerated. Section 5 of said act provided that such district judge "shall be allowed his reasonable expenses of travel to and from and of residence in such other district necessarily incurred by reason of such designation and appointment and his obedience thereto; and such expenses shall, when certified by the clerk and the district attorney of his judicial district within which such services shall have been performed, be paid by the marshal of such district, and allowed him in his accounts with the United States."

It will be noticed that this act provided for the expenses of the judges without limit as to the amount, and provided that such expenses should be evidenced by the certificate of the clerk and district attorney.

Section 3 of the legislative, executive, and judicial appropriation act of March 3, 1871 (16 Stat., 494), provided for the salaries of certain judges of the United States, and further enacted: "And all provisions of law providing for additional compensation or allowance to any judge for traveling expenses are hereby repealed." And further, that district judges holding court outside of their districts should do so "without any other compensation than his (their) regular salary as established by law." This provision clearly repealed the provisions of the act of 1850, allowing actual traveling and other expenses of district judges while holding court outside of their districts.

The act of March 5, 1872 (17 Stat., 36), provided that whenever "a district judge from another district shall hold a district or circuit court in the southern district of New York his expenses, not exceeding $10 per day, certified by him, shall be paid by the marshal of said district, as a part of the expenses of the court, and be allowed in his account."

By this act not a district judge holding court in the southern district of New York was put upon a different footing from district judges holding courts elsewhere, and payment was authorized to such judges, not of a per diem of $10, but of their expenses not exceeding $10 per day, and which expenses should be evidenced by the certificate of the judge.

These various statutes were incorporated into the Revised Statutes as sections 596 and 597, section 596 providing for the designation of district judges to hold court outside their districts and providing that they should do so without any other compensation than their regular salaries, and section 597 providing for the payment of expenses, not exceeding $10 a day, to a district judge holding court in the southern district of New York, upon his certificate.

In the sundry civil appropriation act of March 3, 1881 (21 Stat., 454), the following clause was enacted: "And so much of section 596 of the Revised Statutes as forbids the payment of the expenses of district judges while holding court outside of their districts is hereby repealed." And in the same act specific appropriation was made "for payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold a circuit or district court."

This provision manifestly was enacted to allow to district judges when holding court outside of their districts their actual expenses, which had been previously prohibited, but did not reenact the provision in the act of July 29, 1850, which required that these expenses should be evidenced by the certificate of the clerk and district attorney. Had it not been for the prohibition upon the payment of expenses to district judges when holding court outside of their districts, such expenses would probably have been allowable under the well-established rule that where civilian officers or employees of the Government are obliged to travel from the place where their regular duties are performed their actual expenses may be paid. It has always been required that these actual expenses should be itemized and supported by vouchers when the expenses are of such a character that proper vouchers can be obtained, and generally, by regulations to that effect prescribed by the various departments, sworn to. When the clause in the act of 1881 allowing expenses to be paid to district judges holding court outside of their districts was enacted, it was construed by the accounting officers as authorizing the payment to these district judges of their actual expenses without limitation as to the amount, and that these expenses should be evidenced in the same manner as the expenses of other civil officers or employees of the Government were required to be evidenced, viz, by an itemized statement supported by vouchers where possible, the provisions of section 597, Revised statutes, relating to the holding of court in the southern district of New York, both as to the limit of $10 per day and the manner in which the expenses should be evidenced therein contained, not having been considered applicable to district judges when holding court outside of their districts elsewhere than in the southern district of New York.

That construction has been consistently maintained up to the present time, and in consequence thereof district judges have always been required when holding court outside of their districts, other than in the southern district of New York, to evidence their expenses by an itemized statement, supported by vouchers where possible, and have been allowed such actual expenses even if the same exceeded $10 per day. As this construction seems to have conformed to the letter of the law and has been consistently followed by the accounting officers ever since its enactment, I see no reason why the construction should be changed so as to allow district judges to receive their actual expenses upon their own certificates only and at the same time to limit those expenses to $10 per day, such limitation not having been specifically made by Congress. It may well be that Congress intended to limit the expenses of the district judge, while holding court in the southern district of New York, to $10 per day, for his traveling expenses could not be very great, while it was not intended to limit the expenses of a district judge while holding court outside of his district in many of our Western States, where the actual cost of transportation in many cases would exceed the total amount allowable to him at the rate of $10 per day, in the event that he only held court for a few days consecutively.

No trouble seems to have been experienced in regard to this matter until after the creation of the circuit courts of appeals by the act of March 3, 1891 (26 Stat., 826), which authorized district judges to sit in said court in certain cases, and section 8 of which provided that any justice or judge who "shall attend the circuit court of appeals held at any place other than where he resides shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance, not to exceed $10 per day." As a result of this enactment district judges when sitting in the circuit court of appeals were allowed their expenses upon their own certificates, but such expenses were limited to $10 per day. District judges found themselves, therefore, in this position, that when they sat in the circuit court of appeals they were entitled to receive their expenses, not exceeding $10 a day, evidenced by their own certificate; but when they held a circuit or district court outside of their districts they were entitled to their reasonable actual expenses without limit, but which could only be evidenced by an itemized statement, supported by vouchers where possible. No doubt they have been unable to see why such a distinction should be drawn, nor is the Comptroller able to see why any such distinction should be drawn; but the distinction seems clearly to have been made by the various enactments above cited, and the Comptroller finds himself unable to make any changes in the laws passed by Congress. The remedy lies with Congress.

For the reasons above stated district judges, when holding courts outside of their districts, elsewhere than in the southern district of New York, are not authorized to be paid $10 a day upon their certificate, but are authorized to receive actual expenses upon itemized statements, supported by vouchers where possible. Whether these statements should be sworn to is a matter for the discretion of the Attorney-General, under whose control the appropriation for their payment is placed.

In the letters of Judges Bunn and Seaman it is stated that until recently they were not required to make itemized statements of their expenses when holding court outside of their districts. In this they are mistaken, for the practice of requiring such itemized statements has prevailed, as above stated, since the clause in the act of 1881 was passed, and an examination of the accounts of the marshal for the northern district of Illinois shows such itemized statements, although in one case it appears that Judge Seaman was allowed his expenses upon his certificate, apparently inadvertently, by the clerk who settled the account of the marshal, for that particular certificate was with some twenty other certificates of judges who were sitting in the circuit court of appeals.

DIGEST OF THE STATUTES.

The following is the language of the statute which Judge Swayne is charged with violating:

For reasonable expenses for travel and attendance of district judges directed to hold court outside their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States. (29 Stat. L., 451, approved June 11, 1896.)

When this law was proposed in the sundry civil bill in 1896, it was passed nearly in the above form in the House. It was amended in the Senate April 24, 1896, on motion of Mr. Allen of Nebraska, by adding the following:

Which said certificate shall state in all cases that the judge has actually incurred or paid the expense therein stated. (CONGRESSIONAL RECORD, 54th Cong., 1st sess.; p. 4364.)

Mr. Allen said (ib., 4363) that under this form of statute the circuit judges in all instances certified $10 a day, and offered above amendment to prevent it.

In each subsequent appropriation bill the law was reenacted, as follows:

Of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, etc. (same as 1896). (30 Statutes at Large, 644, approved July 1, 1898.)

Of reasonable expenses for travel and attendance, etc. (same as 1896). (30 Statutes at Large, 1116, approved March 3, 1899.)

Of reasonable expenses for travel and attendance, etc. (same as 1896). (31 Statutes at Large, 641, approved June 6, 1900.)

Of reasonable expenses for travel and attendance, etc. (same as 1896). (31 Statutes at Large, 1183, approved March 3, 1901.)

Of reasonable, etc. (same as 1896). (32 Statutes at Large, 476, approved June 28, 1902.)

Of reasonable, etc. (32 Statutes at Large, 1141, approved March 3, 1903.)

Of reasonable, etc. (same as 1896). (33 Statutes at Large, 508, approved April 28, 1904.)

The following is the present law as to the courts of appeals:

SEC. 8. That any justice or judge who, in pursuance of the provisions of this act, shall attend the circuit court of appeals held at any place other than where he resides shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance not to exceed $10 per day, and such payments shall be allowed the marshal in the settlement of his accounts with the United States. (26 Statutes at Large, 828, approved March 3, 1891.)

The Revised Statutes of 1873 forbade the payment of expenses of a district judge in holding court outside his district. (Rev. Stat., 596.)

This was repealed March 3, 1881, in sundry civil bill (21 Stat. L., 454, approved March 3, 1881), and the following provision inserted:

For payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold circuit or district court, and for other miscellaneous expenses, $300,000.

This remained the law until the act of 1896 hereinbefore cited.

The following is the exception of the Revised Statutes as to New York southern district. (Rev. Stat., 597.)

Whenever a district judge from another district holds a district or circuit court in the southern district of New York, in pursuance of the preceding section, his expenses, not exceeding $10 a day, certified by him, shall be paid by the marshal of said district, as a part of the expenses of the court, and shall be allowed in the marshal's account. (Originating in ch. 35, act of Mar. 5, 1872, 17 Stat. L., 66, and put in Rev. Stat. as sec. 597.)

Under the act of 1881, as to expenses of district judges, the following appropriation acts were passed:

For payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold circuit or district court (same as 1881). (22 Statutes at Large, page 336, approved August 7, 1882.)

22 Statutes at Large, 661, approved March 3, 1883, was the same as page 336, 1882.

In 23 Statutes at Large, 224, approved July 7, 1884, the verbiage was slightly changed as follows:

Expenses of district judges who may be sent out of their districts to hold court.

23 Statutes at Large, 511, approved March 3, 1885, was the same as 1884.

24 Statutes at Large, 254, approved August 4, 1886, was the same as 1884.

24 Statutes at Large, page 541, was the same as 1884 (March 3, 1885.)

25 Statutes at Large, page 545, October 2, 1888, was the same as 1884.

25 Statutes at Large, page 878, March 2, 1889, was the same as 1884.

26 Statutes at Large, page 410, approved August 30, 1890, was the same as 1884.

26 Statutes at Large, 987, approved March 3, 1891, was the same as 1884.

In 27 Statutes at Large, 386, approved August 5, 1892, it was slightly changed again as follows:

Of expenses of district judges to hold court outside of their districts, and judges of the circuit courts of appeals.

27 Statutes at Large, 609, approved March 3, 1893, was the same as 1892.

28 Statutes at Large, 417, approved August 18, 1894, was the same as 1892.

28 Statutes at Large, 910, approved March 2, 1895, was the same as 1892.

Mr. PALMER. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I did not hear all of the remarks of the gentleman from Iowa [Mr. LACEY], and I am informed that he did not quote all of the RECORD touching upon this very matter, and upon the assumption that he did not quote all of the RECORD I desire to make a few remarks. I will ask the gentleman whether he read it all?

Mr. LACEY. Oh, no; I had only fifteen minutes and could not do it.

Mr. GAINES of Tennessee. From whom did the gentleman quote?

Mr. LACEY. Senator Allen and Senator ALLISON.

Mr. GAINES of Tennessee. Why did not the gentleman go a little further?

Mr. LACEY. Oh, the gentleman can go as far as he wishes.

Mr. GAINES of Tennessee. Very well. I read from the RECORD at page 4363, April 24, 1896:

Mr. ALLISON. Does the Senator [Mr. Allen] believe that any district judge or circuit judge is likely to violate the law by making a false certificate? The Senator must remember that this includes all traveling expenses as well as expenses while at the place of holding court.

Mr. ALLEN. I say some of them do, according to my information. A judge is a human being. He is no more of a man after he becomes a judge than he was at the time he became a judge. If he had frailties at that time, he carries them to the bench with him.

The proposed statute fixes the maximum in these words:

"Of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges."

That carries the implication, which is as clear as language can make it, that he shall not receive $10 a day unless his actual expenses amount to $10 a day.

Mr. GRAY. His reasonable expenses.

Mr. ALLEN. His reasonable expenses. Reasonable expenses include hotel bill and railroad fare.

Senator Chandler, in construing this $10 per day provision, said:

The provision is that the judge shall be paid his reasonable expenses for travel and attendance, not to exceed $10 per day. The judge of a United States court has to certify that that is an expense; that that is what he has paid out. Does the Senator mean to say that there is a judge anywhere in the United States holding court in that way who if his expenses were $7 or $8 or $5 a day would certify that they were $10 in order to get the additional pay?

Now, then, Mr. Speaker, Senator ALLISON further on, at the bottom of the page, went on to say:

The object of the provision, as I stated a while ago to the Senator from Nebraska, is to equalize the judges when they travel outside of their circuits or districts to hold court. If there are abuses of the provision as respects circuit judges (there can not be abuses with respect to district judges), if the circuit judges are in the habit of certifying to more than they ought to certify to, it would be wiser and better to allow the equality to be established, and then let the Judiciary Committee of this body take cognizance of the whole question and make such modification of the statute of 1891 as will cure the defects or the evils which seem to be in the mind of the Senator from Nebraska. I hope that it will be satisfactory to the Senator, and that he will allow the amendment to go in without objecting to it.

Mr. ALLEN. I suggest to the Senator from Iowa the propriety of inserting after the word "judges," in line 21, on page 111, the words "which said certificate shall in all cases contain a statement that expenses therein certified have actually been incurred and paid."

This amendment was adopted, but it was stricken out in conference, because every judge who sits on the bench is there upon his honor and so honorable that when he spends $1.50 a day he will not certify to $10 a day.

Mr. Speaker, I now read from the sundry civil report of 1896, prepared by the present Speaker of this House [Mr. CANNON], as follows:

In presenting to the House the bill making appropriations for sundry civil expenses of the Government for the fiscal year 1897, the Committee on Appropriations submit the following in explanation thereof.

In "explanation" thereof, if you please——

The SPEAKER. The time of the gentleman has expired.

Mr. PALMER. I yield five minutes more to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Now listen. Mr. CANNON further said in this report:

The following limitations touching certain branches of the public service for which appropriations are made and not heretofore imposed—

That is, not imposed on district judges—

are recommended in the bill, namely: On page 95 the appropriation for pay of bailiffs and criers and other expenditures of the United States court is made available to pay the reasonable expenses of travel and attendance of district judges directed to hold court outside of their district, not to exceed $10 per day each, to be paid on written certificates of the judges.

The words in parentheses are in italics. The distinguished gentleman who presides over this body, in effect, said: "Gentlemen, there is a penalty already fixed by a criminal statute that makes it a fine for a judge to falsify a certificate to get money from the Government, hence the Allen amendment is unnecessary. Let us not reflect upon the honor of the judges of our great country by adopting this unnecessary amendment," and it was defeated in confenence. Let us keep the judiciary above suspicion, but let the judges, each and all, help to do so. So the conferees did not agree to the Allen amendment.

In substance, Senator ALLISON said we should not suspect a Federal judge, a man who is sworn to support the Constitution and the laws, which prohibit such acts, will come along and by

his false certificate reach a long hand into the Treasury and take a miserable little pittance of $10 from the Government, when he had only spent a few dollars per day. That is the gist of this whole debate on this subject in the RECORD. Senator ALLISON, whom everybody loves, said the judges were too honorable to thus act. That is the short of it. They are too honorable to falsify a certificate.

"Where is the judge who has done it?" the old man said, and the great judge, George Gray, who so long adorned the United States Senate, said that the language means "reasonable expenses." So said in effect Senator Chandler. So said Senator Allen. And I heard the gentleman from Iowa [Mr. LACEY] in his speech compliment Senator Allen as being a great lawyer, and he is a great lawyer, and he said: "We all are human beings when we go on the bench and some of us do not take as much humanity and common decency on the bench as we ought. Let us put it down in black and white that the judge is to certify to the items of his actual expenses—so many miles of travel, so much for hotels, and, if you please, so many cigars, so many cocktails—put down every detail and certify them." But, Mr. Speaker, you then said in reply: "I have put in new restrictions." Here are your own words, "new limitations." The amendment is unnecessary. Those are the words our distinguished Speaker put in his report, which is to be found here in the archives of this House.

We will give, they argued, the district judge who may chance to spend $10 that which the circuit judges get, coupled with the limitation that the expense must not be over $10, if at all. Senator HALE and Senator ALLISON, Mr. CANNON, Governor Sayers, who was sitting here a while ago, and Mr. Hainer, the Senate and House conferees, said: "Let us not reflect upon the judiciary." Great God! these judges, they argued, will not, in the face of a criminal statute, certify they have spent $10 a day when they only spent a dollar and a half. That is the whole contention on this subject, as the RECORD will show, and this report; but the way my friend from Iowa [Mr. LACEY] read the RECORD the judgment of these Senators was exactly the other way. [Applause.]

Mr. Speaker, I ask unanimous consent to have the whole of this Allen-Allison-Gray-Chandler debate printed in the RECORD to-morrow, so we can all read it. I do not want to do anybody an injustice in any way.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to have the debate in the Senate to which he refers printed in the RECORD as part of his remarks. Is there objection? [After a pause.] The Chair hears none.

The extract referred to is as follows:

Mr. ALLEN. Mr. President, I desire to call the attention of the Senator from Iowa to a fact which came to my knowledge the other day, and it is to the effect that under this law, or laws similar to this which have been passed where Congress allows compensation to judges who hold courts outside of their particular districts, and especially the United States appellate judges, that in all instances they certify to $10 a day, regardless of the actual expenses to which they are put. The evident policy of the law was to cover the actual expenses of the judges at hotels and for traveling expenses not to exceed $10 per day.

I have information from a source that I am not permitted to disclose that in many instances where the legitimate expenses and hotel bills are not to exceed three or four dollars a day, where a judge has gone to a city and stayed there perhaps for a month or two months——

Mr. WOLCOTT. We can not hear the Senator.

Mr. ALLEN. In cases where the judge has gone to a place where the court is to be held, and has no expense except the mere expense of hotel bills, remaining there for a month, or, possibly, all winter in some cases, or for several months at least, uniformly he certifies to $10 a day, which is the full maximum allowed by the law. I call the attention of the Senator from Iowa to this fact, so that this bill may be amended and the law not be abused by the very officer whose duty it is, above all others, to see that the law is observed. This bill provides:

"That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges.

There is a maximum fixed. There may be days when $10 would be required to cover the expenses of the judge, and it would be perfectly proper for him to draw that sum and certify to it; but I submit that it is improper and in violation of the spirit, if not of the language, of the statute that the judge, simply because he has the power to certify, will be enabled to take from the Treasury of the United States $10 for every day to cover his expenses when his actual expenses do not exceed four or five dollars a day.

It may be a small item; probably it is a small item, but it is not small in so far as it develops a disposition upon the part of high judicial officers of the country to violate the spirit of a law which they themselves are engaged in enforcing against criminals and other violators of the law.

Mr. CHANDLER. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CHANDLER. The provision is that the judge shall be paid his reasonable expenses for travel and attendance, not to exceed $10 a day. The judge of a United States court has to certify that that is an expense; that that is what he has paid out. Does the Senator mean to say that there is a judge anywhere in the United States holding court in that way who, if his expenses were $7 or $8 or $5 a day, would certify that they were $10 in order to get the additional money?

Mr. ALLEN. I mean to assert, according to my information, and I look upon it as reliable, and I think inquiry at the Department of Justice would disclose the fact, that there are Federal judges in the United States—there is where they belong—who uniformly certify to $10. They take the maximum under a certificate covering their expenses.

Mr. GRAY. Do I understand the Senator to say that all the judges certify to $10 a day?

Mr. ALLEN. Not all. I do not say all. But I say that there are judges who do it—district judges holding, for instance, courts of appeal. Some of them do certify uniformly to $10 a day and take $10 a day out of the Government in cases where their legitimate expenses are not, and in the nature of things can not be, to exceed three or four dollars a day.

Mr. CHANDLER. Let me ask the Senator from Nebraska where on this footstool of ours where there is United States jurisdiction a judge going from one district to another can stop at a hotel, get a bedroom and a parlor (because he has to be where the attorneys can call upon him, where he can maintain the dignity and the decency befitting a Federal judge), with board, the poorest board the Senator would be willing to feed a district judge on, for three or four dollars a day?

Mr. ALLEN. It can be done in almost every city and town in this Union.

Mr. CHANDLER. Would the Senator be willing, if he were counsel, to go and wait on a judge holding court and find him living on $3 a day? What sort of accommodations could he get? He could not for that price get a room big enough to take the Senator in to make his call. I do not think the Senator, who I know is for economy in public affairs, as I am, is disposed to be mean and to cut down the judges under such conditions. I certainly do not think the Senator means to say that there is a single judge in the United States who would make a false certificate for any such purpose.

Mr. ALLEN. If I had a decent-sized room and a very small-sized closet, I could take care of the Senator from New Hampshire and myself, There would be no trouble about that.

Mr. ALLISON. The Senator from Nebraska will observe that the only object of this provision is to place the district judges upon an equality with circuit judges as respects their expenses.

Mr. ALLEN. Yes, sir; I observe that they are put upon an equality. What I am contending for, and what I hope the honorable Senator from Iowa will remedy, is that these men shall not be permitted to violate the law themselves.

Mr. ALLISON. Does the Senator believe that any district judge or circuit judge is likely to violate the law by making a false certificate? The Senator must remember that this includes all traveling expenses as well as expenses while at the place of holding court.

Mr. ALLEN. I hope the Senator from Iowa will not put me in the attitude of making the charge that all Federal judges violate the law, for I do not make it.

Mr. ALLISON. I certainly would not put the Senator in any such attitude.

Mr. ALLEN. I say some of them do, according to my information. A judge is a human being. He is no more of a man after he becomes a judge than he was at the time he became a judge. If he had frailties at that time, he carries them to the bench with him.

The proposed statute fixes the maximum in these words:

"Of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges."

That carries the implication, which is as clear as language can make it, that he shall not receive $10 a day unles his actual expenses amount to $10 a day.

Mr. GRAY. His reasonable expenses.

Mr. ALLEN. His reasonable expenses. Reasonable expenses include hotel bill and railroad fare. I do not suppose it includes the purchase of a new suit of clothes or a box of cigars, but the reasonable, ordinary expenses of travel, including hotel bills.

Now, in answer to the honorable Senator from New Hampshire [Mr. Chandler] I wish to state that so far as my section of the country is concerned any district judge, or any other judge, for that matter—any gentleman who wants to be entertained with reasonable liberality and have clean and decent, commodious quarters—can sustain himself at the best class of hotels, with the best class of food and the best class of service, for not to exceed $2.50 a day. There is no hotel where he will be charged more than that, and he ought to be compelled to take that amount, because it is enough for any decent, respectable man.

Why, under the circumstances, should the judges be permitted to certify—a mere formality—that their expenses have been $10 a day? I regret very much to feel it my duty to call attention to this matter. It would be much more pleasant to me, especially in view of the fact that I am in trouble here half the time with Democrats and Republicans and skirmishing between lines, trying to establish the Populist party as the respectable party of this country, to let the matter pass over and say nothing more about it. I may sometimes feel the weight of the remarks I am making when I go into one of the Federal courts to try a cause. At least if the judge should be against me I should have some suspicion that by something I had said here I had incurred his enmity, especially if the honorable Senator from Iowa concludes to accept my position as right, that the certificate should state that the actual expenses covered by the certificate were incurred and paid by the judge. I hope that will be done.

Mr. ALLISON. The object of the provision, as I stated a while ago to the Senator from Nebraska, is to equalize the judges when they travel outside of their circuits or districts to hold court. If there are abuses of the provision as respects circuit judges (there can not be abuses with respect to district judges), if the circuit judges are in the habit of certifying to more than they ought to certify to, it would be wiser and better to allow the equality to be established, and then let the Judiciary Committee of this body take cognizance of the whole question, and make such modification of the statute of 1891 as will cure the defect or the evil which seems to be in the mind of the Senator from Nebraska. I hope that will be satisfactory to the Senator, and that he will allow the amendment to go in without objecting to it.

Mr. ALLEN. I suggest to the Senator from Iowa the propriety of inserting, after the word "judges," in line 21, on page 111, the words "which said certificate shall in all cases contain a statement that the expenses therein certified have actually been incurred or paid."

Mr. ALLISON. I think on reflection the Senator from Nebraska will not care to have that amendment inserted in the bill. It is an imputation upon the good faith of the judges, and I should greatly prefer that the Senator would not press the amendment to the amendment.

Mr. ALLEN. I do not myself look upon it as an imputation at all. I dislike very much to disagree with the chairman of the Committee on Appropriations, for which position I have high respect, but there is altogether too much of a disposition to take money from this Government upon the thought that the man who occupies the position holds a

very high official position, and therefore it would be wrong to impugn either his motives or his purpose. I do not regard this as an imputation upon the character of the judges. I do not think any honest, conscientious man can object to it. I am speaking now of the judges. I do not think any clear-minded man can object to it. It does not require the specification or itemizing of his expenses or anything of the kind. It simply requires that he shall state in the certificates that the amount has actually been incurred or paid by him. What can there be wrong about that? I do not see wherein it is wrong. Wherever a man draws mileage he is required to certify under oath what he has paid. Marshals are required to certify and so are bailiffs, and the fact that one is a judicial officer and the other an executive officer, it occurs to me, should make no difference.

The disposition which has been fallen into in our Government, and especially in certain branches, that some man is to be offended by legislation, and therefore the disposition to trust too much to his sense of honor rather than to trust it to statute, has brought about much of the extravagance in this country. Take, for instance, the case which the honorable Senator from New Hampshire [Mr. Chandler] spoke of a moment ago. Here we have in every Federal court in the United States 23 jurymen summoned at every term of court. We could very well dispense with 7 of them and come within the common-law rule as to the grand jury. The grand jury, according to common law, can not be less than 16 nor more than 23, so that 12 shall always constitute a majority. What objection is there or what objection has there been in the last twenty-five or thirty years to cutting off 7 of those grand jurymen at each term of court? They are as worthless as the fifth wheel to a wagon and are a great source of expense. Senators talk about expenses increasing constantly, and they are increasing to the great detriment of the debt-ridden and debt-burdened people. Why not take hold of this matter at a sensible and reasonable point and cut off expense? If we keep up the work of paring off a little here and a little there, where the expense is useless, in the course of time the expenditures will be brought down to a reasonable sum.

Mr. ALLISON. I will say to the Senator that I will agree, so far as I am concerned, to accept his amendment to the amendment.

Mr. ALLEN. I hope the Senator will not only yield at this time, as I feel he ought to do, but that he will not be in a yielding mood in the committee of conference.

Mr. ALLISON. That is rather anticipating what may be done hereafter, I suggest to the Senator. I always insist upon every amendment which the Senate insists upon.

Mr. ALLEN. I beg the honorable Senator's pardon for the remark, but I have been the victim, four or five times, of conference committees, and a burnt child always takes warning.

I move, then, to insert after the word "judges," in line 21, page 111, the words:

"Which said certificate shall state in all cases that the judge has actually incurred or paid the expense therein stated."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. COCKRELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4075. An act granting an increase of pension to Charles M. Shepherd—to the Committee on Invalid Pensions.

S. 2913. An act granting an increase of pension to Elizabeth F. Givin—to the Committee on Invalid Pensions.

S. 535. An act for the relief of Charles R. Hooper—to the Committee on Claims.

S. 5815. An act granting an increase of pension to James McKim—to the Committee on Invalid Pensions.

S. 5712. An act granting an increase of pension to Sally Dickinson—to the Committee on Invalid Pensions.

S. 5705. An act granting a pension to Mary L. Faunt Le Roy—to the Committee on Pensions.

S. 5678. An act granting a pension to Margaret McKee Pentland, formerly Margaret McKee—to the Committee on Invalid Pensions.

S. 5540. An act granting an increase of pension to Jerome Bradley—to the Committee on Invalid Pensions.

S. 5509. An act granting an increase of pension to Susie C. G. Seabury—to the Committee on Pensions.

S. 4660. An act granting an increase of pension to Nellie B. Newton—to the Committee on Pensions.

S. 6116. An act granting an increase of pension to Francis M. Sams—to the Committee on Invalid Pensions.

S. 6268. An act granting an increase of pension to Adria M. S. Moale—to the Committee on Pensions.

S. 5947. An act granting an increase of pension to Florence O. Whitman—to the Committee on Pensions.

S. 5856. An act granting an increase of pension to William V. Morrison—to the Committee on Invalid Pensions.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1513. An act for the relief of the estate of George W. Saulpaw;

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River;

H. R. 6351. An act to pay J. B. McRae $99 for services as hospital steward, etc.;

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;" and

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River, near the town of Fulton, in the said county and State.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Foreign Affairs was discharged from the further consideration of so much of the estimates of the Secretary of the Treasury as refers to the boundary between Alaska and Canada and the boundary line between the United States and Canada, and the same was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, Mr. ESCH was granted leave of absence, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. AIKEN was allowed to withdraw from the files of the House, without leaving copies, the papers in the case of M. C. Dickson, Fifty-eighth Congress, third session, no adverse report having been made thereon.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned, to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting, in response to the inquiry of the House, a statement of facts relative to the dismissal of James C. Keller, Frank Cunningham, Warren Tumber, and H. W. Aldrich—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a detailed statement of the expenditures of the Revenue-Cutter Service for the fiscal year ended June 30, 1904—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for the completion of the new legation building at Peking, China—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for furnishing the legation building at Peking, China—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Connecticut River between Hartford and Holyoke—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5798) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., reported the same without amendment, accompanied by a report (No. 3588); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17297) granting an increase of pension to Joseph C. Prosser, reported the same with amendment, accompanied by a report (No. 3543); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11114) granting an increase of pension to William D. Leek, reported the same with amendment, accompanied by a report (No. 3544); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17452) granting an increase of pension to Franklin Savage, reported the same without amendment, accompanied by a report (No. 3545); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15043) granting an increase of pension to James R. Ferson, reported the same with amendment, accompanied by a report (No. 3546); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12349) granting an increase of pension to Thomas D. Horner, reported the same without amendment, accompanied by a report (No. 3547); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17017) granting an increase of pension to Joseph S. Thompson, reported the same with amendment, accompanied by a report (No. 3548); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16501) granting an increase of pension to George Jaggers, reported the same with amendment, accompanied by a report (No. 3549); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16177) granting an increase of pension to Chauncey L. Guilford, reported the amendment, accompanied by a report (No. 3550); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17272) granting an increase of pension to Chauncey L. Guilford, reported the same with amendment, accompanied by a report (No. 3551); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17084) granting an increase of pension to Alonzo P. Spooner, reported the same without amendment, accompanied by a report (No. 3552); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16932) granting a pension to Louisa E. Cummings, reported the same with amendment, accompanied by a report (No. 3553); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16364) granting an increase of pension to Gustav Tafel, reported the same with amendment, accompanied by a report (No. 3554); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions to which was referred the bill of the House (H. R. 17147) granting an increase of pension to James A. Gossett, reported the same with amendment, accompanied by a feport (No. 3555); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16551) granting an increase of pension to William Morris, reported the same with amendment, accompanied by a report (No. 3556); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15861) granting an increase of pension to Charles O. Lapham, reported the same with amendment, accompanied by a report (No. 3557); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16731) granting an increase of pension to W. W. Hicks, reported the same with amendment, accompanied by a report (No. 3558); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16472) granting a pension to Frances A. McQuiston, reported the same with amendment, accompanied by a report (No. 3559); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15751) granting an increase of pension to Aglae Bache, reported the same with amendment, accompanied by a report (No. 3560); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16687) granting an increase of pension to M. Helen Orchard, reported the same with amendment, accompanied by a report (No. 3561); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17244) granting an increase of pension to John Winemiller, reported the same with amendment, accompanied by a report (No. 3562); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15616) granting a pension to C. C. Krepps, reported the same with amendment, accompanied by a report (No. 3563); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16574) granting an increase of pension to Leonard C. Davis, reported the same without amendment, accompanied by a report (No. 3564); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16968) granting an increase of pension to John H. Ladd, reported the same with amendment, accompanied by a report (No. 3565); which said bill and report was referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17443) granting an increase of pension to Oscar Hinkley, reported the same with amendment, accompanied by a report (No. 3566); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15950) granting an increase of pension to Edward J. Lewis, reported the same with amendment, accompanied by a report (No. 3567); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16215) granting an increase of pension to Fitz Allen Gourley, reported the same with amendment, accompanied by a report (No. 3568); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16684) granting an increase of pension to Lena Loeser, reported the same with amendment, accompanied by a report (No. 3569); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17290) granting an increase of pension to John W. Grove, reported the same with amendment, accompanied by a report (No. 3570); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17161) granting a pension to C. J. Walton, reported the same with amendment, accompanied by a report (No. 3571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17164) granting a pension to Solomon Carpenter, reported the same with amendment, accompanied by a report (No. 3572); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1551) to increase the pension of Edward S. Clithero, reported the same with amendment, accompanied by a report (No. 3573); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3080) granting a pension to David P. Foster, reported the same with amendment, accompanied by a report (No. 3574); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3239) granting an increase of pension to Daniel Ford, reported the same with amendment, accompanied by a report (No. 3575); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4461) granting an increase of pension to Fredrick Baker, reported the same with amendment, accompanied by a report (No. 3576); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11501) granting a pension to Sarah S. Mulcahay, reported the same with amendment, accompanied by a report (No. 3577); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15293) granting an increase of pension to John P. Davis, reported the same with amendment, accompanied by a report (No. 3578); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14108) granting an increase of pension to Timothy L. Taylor, reported the same with amendment, accompanied by a report (No. 3579); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15252) granting an increase of pension to Maria Edmundson, reported the same with amendment, accompanied by a report (No. 3580); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16573) granting an increase of pension to Jonathan Wiggins, reported the same with amendment, accompanied by a report (No. 3581); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15960) granting an increase of pension to David N. Lee, reported the same with amendment, accompanied by a report (No. 3582); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16920) granting an increase of pension to Stilwell Truax, reported the same with amendment, accompanied by a report (No. 3583); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15919) granting an increase of pension to Joseph Fike, reported the same with amendment, accompanied by a report (No. 3584); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16105) granting an increase of pension to Cyrus B. Allen, reported the same with amendment, accompanied by a report (No. 3585); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14909) granting an increase of pension to Albert E. Barnes, reported the same with amendment, accompanied by a report (No. 3586); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6607) granting an increase of pension to John Blair, reported the same with amendment, accompanied by a report (No. 3587); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 17759) granting an increase of pension to Thomas P. Stephens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17762) to correct the record of discharge of Capt. Amos Dahuff—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 17777) granting an increase of pension to Charles B. Drinkard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8113) for the relief of Agnes W. Hills and Sarah J. Hills—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 16864) granting an increase of pension to George M. Tuley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17638) granting a pension to Andrew Barr—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17757) to increase the rank of William Edwin Taylor, United States Navy, retired—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 17780) to regulate the practice of dentistry or dental surgery in the Indian Territory—to the Committee on Indian Affairs.

By Mr. ESCH: A bill (H. R. 17781) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. MINOR: A bill (H. R. 17782) to authorize the establishment of a fish-cultural and biological station on the west shore of Lake Michigan, or east shore of Green Bay, in the State of Wisconsin—to the Committee on the Merchant Marine and Fisheries.

By Mr. TOWNSEND: A bill (H. R. 17783) to establish a court of transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 17784) to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 17785) to increase the efficiency of the United States Navy by building cruisers and torpedo boats after the design of Richard B. Painton—to the Committee on Naval Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 17786) to empower the Interstate Commerce Commission to fix transportation rates in certain contingencies—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Arkansas: A bill (H. R. 17787) to grant to the public school board of Hot Springs, Ark., the right to use and occupy block 114 of said city as a site for a school building—to the Committee on the Public Lands.

By Mr. HINSHAW: A bill (H. R. 17788) extending the time of homestead entry in the irrigable portions of Sioux, Cheyenne, and Scotts Bluff counties, in the State of Nebraska—to the Committee on the Public Lands.

By Mr. BOWERS: A bill (H. R. 17789) to amend an act entitled "An act to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi"—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 17790) granting a pension to Martha L. H. Spurgin—to the Committee on Invalid Pensions.

By Mr. BADGER: A bill (H. R. 17791) granting an increase of pension to John D. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17792) granting a pension to William H. Wiseman—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 17793) for the relief of Mrs. R. E. Miller—to the Committee on Claims.

By Mr. BROUSSARD: A bill (H. R. 17794) for the relief of the estate of Louis C. De Blanc, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17795) for the relief of the heirs of Jean

Delille, deceased, and Amelia Olivier, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17796) for the relief of the estate of Edward Sigur, deceased, late of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17797) for the relief of Jean Baptiste Cheppert, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17798) for the relief of Sylvester Chevalier, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17799) for the relief of Julien Semere, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17800) for the relief of the estate of Hiram Anderson, deceased, late of St. Mary Parish, La.—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 17801) granting a pension to Catherine Ann Wright—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17802) granting a pension to Delos Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17803) granting a pension to Henry Gilham—to the Committee on Pensions.

Also, a bill (H. R. 17804) granting a pension to Francis W. Edgerly—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 17805) granting an increase of pension to Ferdinand David—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 17806) to correct the record and to remove the charge of desertion standing against Thomas J. Shapshire—to the Committee on Military Affairs.

By Mr. CROFT: A bill (H. R. 17807) for the relief of the heirs of Richard Reynolds, deceased—to the Committee on War Claims.

By Mr. DARRAGH: A bill (H. R. 17808) granting an increase of pension to Edward Delaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17809) granting an increase of pension to William Ostermann—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 17810) granting an increase of pension to Cyrus Van Cott—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 17811) granting an increase of pension to John G. Penrose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17812) to remove the charge of desertion from the military record of Samuel D. Myers—to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17813) granting a pension to Samuel J. Langdon—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 17814) granting an increase of pension to John Carmical—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17815) granting an increase of pension to David Bethurum—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 17816) granting an increase of pension to Edward J. Mills—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 17817) granting an increase of pension to Sion B. Glazner—to the Committee on Pensions.

Also, a bill (H. R. 17818) granting an increase of pension to Thornton L. Stigler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17819) granting an increase of pension to Robert W. Callahan—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 17820) granting an increase of pension to Samuel B. Spinning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17821) authorizing the Secretary of War to grant an honorable discharge to Mathew Logan, late a member of Battery H, First Regiment Rhode Island Light Artillery—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 17822) granting an increase of pension to Charles R. Korn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17823) granting an increase of pension to William Menke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17824) granting an increase of pension to William H. Oatman—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 17825) granting an increase of pension to Christian Reister—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 17826) granting a pension to James H. Rainey—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 17827) granting an increase of pension to Logan Dunbar—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 17828) granting an increase of pension to Patrick Haney—to the Committee on Pensions.

Also, a bill (H. R. 17829) to correct the military record of James Donovan—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 17830) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works—to the Committee on Claims.

By Mr. LITTLEFIELD: A bill (H. R. 17831) granting an increase of pension to Helen S. Wright—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17832) granting an increase of pension to Malinda Peak—to the Committee on Pensions.

Also, a bill (H. R. 17833) for the relief of the estate of W. G. Hoge, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17834) for the relief of the estate of George P. Carmichael, deceased—to the Committee on War Claims.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 17835) for the relief of H. S. Hawkins—to the Committee on Military Affairs.

Also, a bill (H. R. 17836) for the relief of J. Ford Kent—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 17837) for the relief of the estate of J. J. Brison, deceased, late of Wayne County, Tenn.—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 17838) for the relief of Everett Wroe—to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 17839) for the relief of Alonzo L. Boyer, of Avoyelles Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17840) for the relief of Floriment Izard, of Avoyelles Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17841) for the relief of the estate of George Neck, sr., deceased, late of Avoyelles Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17842) for the relief of the estate of Emile Lambert, deceased, late of Avoyelles Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17843) for the relief of the estate of Jean Marie Tatin, deceased, late of Avoyelles Parish, La.—to the Committee on War Claims.

By Mr. RANSDELL of Louisiana: A bill (H. R. 17844) for the relief of the estate of Martha Keller, deceased, late of East Carroll Parish, La.—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 17845) for the relief of the vestry of the Episcopal Church of The Plains, Fauquier County, Va.—to the Committee on War Claims.

By Mr. SMITH of Pennsylvania: A bill (H. R. 17846) granting a pension to Peter Washington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17847) granting an increase of pension to William C. Smith—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 17848) granting a pension to Alice E. Miller—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 17849) granting an increase of pension to James Freeman—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17850) to correct the military record of Jacob M. Hames—to the Committee on Military Affairs.

Also, a bill (H. R. 17851) for the relief of Dr. Rudolph Schiffman—to the Committee on Insular Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17852) granting an increase of pension to Thomas S. Coley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17853) granting an increase of pension to Hiram Wallace—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 17854) granting an increase of pension to Ebenezer Gill—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 17855) granting an increase of pension to Nancy W. Holmes—to the Committee on Pensions.

Also, a bill (H. R. 17856) granting an increase of pension to Joseph J. Martin—to the Committee on Pensions.

Also, a bill (H. R. 17857) granting an increase of pension to James T. Butler—to the Committee on Pensions.

By Mr. BIRDSALL: A bill (H. R. 17858) for the relief of Lieut. D. W. Blamer, United States Navy—to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 17859) granting a pension to James W. Ralls—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Petition of citizens of Reading, Mass., favoring a constitutional amendment against polygamy in the United States—to the Committee on the Judiciary.

By Mr. BADGER: Paper to accompany bill for the relief of David Bowen, of Columbus, Ohio—to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of John S. Gill, of Columbus, Franklin County, Ohio—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: Papers to accompany bill for relief of Mrs. R. E. Miller—to the Committee on Claims.

By Mr. BROUSSARD: Papers to accompany bill for the relief of estate of Edward Sigur, of St. Mary Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Jean Baptisfe Cheppert, of Lafayette Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Sylvester Chevalier, of Lafayette Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Julien Semere, of St. Martin Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Hiram Anderson, of St. Mary Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Louis C. De Beane, of Iberia Parish, La.—to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of Jean Delille, deceased, and Amelia Olivier, deceased, of Iberia Parish, La.—to the Committee on War Claims.

By Mr. BURKE: Petition of citizens of South Dakota, against bill H. R. 7874—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Papers to accompany bill for relief of Allen L. Penny—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Edw. R. Penny—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Papers to accompany bill for relief of Delos Marsh—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Henry Gilham—to the Committee on Invalid Pensions.

Also, resolution of inquiry relative to military record of Francis W. Edgerly—to the Committee on Military Affairs.

By Mr. CASSINGHAM: Petition of the Ohio State Board of Commerce, favoring international arbitration—to the Committee on Foreign Affairs.

Also, petition of Francis Ankeny et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petition of the executive committee of the Woman's Christian Temperance Union of New Hampshire, against the sale of intoxicating liquors on Government premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. DE ARMOND: Papers to accompany bill for relief of Lee W. Putnam—to the Committee on Invalid Pensions.

By Mr. DRESSER: Paper to accompany bill for the relief of Arabella M. Marks—to the Committee on Invalid Pensions.

Also, petition of Washington Camp, No. 537, Patriotic Order Sons of America, of Curwensville, Pa., favoring more stringent laws relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 455, Patriotic Order Sons of America, of Brisbin, Pa., favoring a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of the Grand Camp of the Arctic Brotherhood, asking legislation giving Alaska adequate representation in Congress—to the Committee on the Territories.

By Mr. FULLER: Petition of Receivers and Shippers' Association of Cincinnati, Ohio, favoring Government regulation of freight rates and abolition of rebates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Russell C. Paris, favoring bill H. R. 3586—to the Committee on Naval Affairs.

Also, petition of Burson Knitting Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. E. West, of Rock Island, Ill., favoring regulation of freight rates by the Government—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Heating Company, of Rockford, Ill., favoring giving greater power to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas M. Durking, favoring bill H. R. 15770, increasing the pension of the widow of Gen. Thomas Francis Meagher—to the Committee on Invalid Pensions.

Also, petition of Bradt & Shipman, of Dekalb, Ill., favoring appropriations for good roads—to the Committee on Agriculture.

Also, petition of the Millers' National Federation of Chicago, favoring the Lovering bill—to the Committee on Ways and Means.

By Mr. GIBSON: Petition of Stephen Long, for estate of Nicholas H. Long, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of James R. Moore, of Knox County, Tenn., asking reference of his claim to Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Henry J. Kinsel, of Knox County, Tenn., asking reference of his claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of James R. Moore, praying reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GILLESPIE: Petition of the Christian Endeavor Society of Azle, Tex., for an international peace congress—to the Committee on Foreign Affairs.

By Mr. GRIFFITH: Papers to accompany bill for relief of Charles R. Horn—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William Menke—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William H. Oatman—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of State Legislative Board of the Brotherhood of Railway Trainmen of Illinois, indorsing bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Moline Business Men's Association, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ohio State Board of Commerce, of Columbus, Ohio, favoring international arbitration—to the Committee on Foreign Affairs.

By Mr. KLINE: Petition of Weirnersville Council, No. 99, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Agricultural and Horticultural Society of Berks County, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of the Board of Trade of San Francisco, asking construction of an additional tug for the revenue service at San Francisco—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: Petition of Bay State Lodge, No. 88, Brotherhood of Railway Trainmen, of Worcester, Mass., indorsing bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: Papers to accompany bill H. R. 17682, for relief of William Ross Hartshorne—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of David C. Hammill, of Hamilton County, Tenn.—to the Committee on War Claims.

Also, papers to accompany bill H. R. 13833, for relief of F. A. De Georgis—to the Committee on War Claims.

Also, papers to accompany bill for relief of Malinda Peak—to the Committee on Pensions.

Also, petition of the Retail Grocers' Association of Chattanooga, Tenn., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of the Seattle Chamber of Commerce, asking the usual 4 per cent differential in next naval appropriation bill—to the Committee on Naval Affairs.

By Mr. PADGETT: Petition of A. A. Ezell, of Giles County, Tenn., asking for reference of his claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, paper to accompany bill for relief, asking reference of claim to Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, paper to accompany bill for the relief of estate of J. J. Brison, of Wayne County, Tenn.—to the Committee on War Claims.

Also, petition of Andrew L. Grimes, of Wayne County, Tenn., asking reference of his claim to Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. RANSDELL of Louisiana: Papers to accompany bill for relief of estate of Martha Keller, deceased—to the Committee on War Claims.

By Mr. REEDER: Petition of G. B. McBurney et al., favoring acknowledgment of the authority of Christ and of the law of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. RIXEY: Paper to accompany bill for the relief of vestry of Episcopal Church of The Plains, Fauquier County, Va.—to the Committee on War Claims.

By Mr. RUPPERT: Petition of the Washington teachers, asking for increase of salaries—to the Committee on the District of Columbia.

Also, petition of the Colorado beet-sugar manufacturers, against reduction of duties on sugar—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Red Jacket Lodge, No. 88, Brotherhood of Locomotive Firemen, of Buffalo, N. Y., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of J. J. Marlin—to the Committee on Pensions.

Also, paper to accompany bill for increase of pension for James T. Burter—to the Committee on Pensions.

Also, papers to accompany bill for relief of Mrs. Nancy W. Holmes—to the Committee on Pensions.

By Mr. SMITH of Pennsylvania: Petition of citizens of Rothmel, Pa., favoring more stringent laws relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Reynoldsville, Pa., for more stringent laws governing immigration—to the Committee on Immigration and Naturalization.

By Mr. SNOOK: Papers to accompany bill for relief of Alice E. Miller—to the Committee on Invalid Pensions.

Also, petition of the Ohio State Board of Commerce, favoring international arbitration—to the Committee on Foreign Affairs.

By Mr. SPALDING: Petition of the Commercial Club of Fargo, N. Dak., indorsing the bill providing for a tariff commission—to the Committee on Ways and Means.

By Mr. TALBOTT: Petition of William Hall, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. THAYER: Petition of the Brotherhood of Railway Trainmen, indorsing bill H. R. 7041—to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of Bellville Grange, No. 331, of Michigan, against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. UNDERWOOD: Petition of the business men of Birmingham, Ala., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of the Silt Brothers Company et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petition of Washington Camp, No. 641, Patriotic Order Sons of America, of Pottstown, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEBBER: Petition of the Epworth League of the First Methodist Church of Oberlin, Ohio, against the passage of the bill to restore the sale of beer or other intoxicants in army canteen—to the Committee on Alcoholic Liquor Traffic.

By Mr. WEISSE: Petition of the board of directors of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring granting of more power to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Colorado beet-sugar manufacturers, against any reduction of duty on sugar—to the Committee on Ways and Means.

By Mr WILEY of Alabama: Petition of citizens of Montgomery, Ala., advocating the ratification of all arbitration treaties pending in the Senate of the United States—to the Committee on Foreign Affairs.

Also, petition of citizens of Andalusia, Covington County, Ala., advocating the ratification of all arbitration treaties pending in the Senate of the United States—to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Papers to accompany bill for relief of Thomas S. Coley—to the Committee on Invalid Pensions.

By Mr. ZENOR: Papers to accompany bill H. R. 2465, for the relief of Mary A. Craig—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Austin C. Hemphill—to the Committee on Invalid Pensions.

Also, petition of Rev. J. L. Mills and others, of Marengo, Crawford County, Ind., favoring exclusion of intoxicating liquors in Indian Territory—to the Committee on Alcoholic Liquor Traffic.

SENATE.

TUESDAY, *January 17, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

CLERK HIRE AT THIRD-CLASS POST-OFFICES.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, pursuant to law, the method of application of the sum appropriated for clerk hire at post-offices of the third class, and all of the circumstances under which the sum appropriated, $700,000, has been disbursed; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Presbyterian Church of Petersburg, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Methodist Episcopal Church South, of Fox Hill, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate relative to the counting of the electoral votes for President and Vice-President of the United States at a meeting of the two Houses of Congress on February 8, 1905, at 1 o'clock p. m.

The message also announced that the House had passed a joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to correct and publish additional statistics relating to cotton; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a joint resolution of the legislature of California, relative to the levying of a minimum tax upon the grape brandy now used in the fortification of sweet wines manufactured within the United States, etc. I ask that the joint resolution be read and referred to the Committee on Finance.

There being no objection, the joint resolution was read, and referred to the Committee on Finance, as follows:

[Telegram.]

CAPITOL, SACRAMENTO, CAL.,
January 16, 1905.

Senator GEORGE C. PERKINS,
Washington, D. C.:

Senate joint resolution No. 1, relative to levying a tax on grape brandy:

Whereas Commissioner Yerkes, of the internal-revenue service of the United States, in his annual report to the Congress of the United States, recommends the levying of a minimum tax upon the grape brandy now used in the fortification of sweet wines manufactured within the United States, amounting to 25 cents per proof gallon; and

Whereas undeniable proof has been presented to this body that such tax is exorbitant, unjust, and that, in effect, it would absolutely destroy that part of the viticultural interests of this State; and

Whereas California is the largest grape-growing State in the Union, and the largest producer of sweet wines manufactured within the United States; and

Whereas the viticultural interests, both growers and manufacturers, in all parts of the State, have unanimously protested against any measure being enacted into law by the National Congress providing for such tax: Therefore, be it

Resolved, That the senate and the assembly jointly requests the Senators of the State of California, and hereby requests the Representatives of the State of California in the National Congress at Washington, to energetically and unalterably oppose the enactment into law of such an act, or of any act having any such tendency; be it

Resolved, That the secretary of the senate is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California in Washington; and be it further

Resolved, That the secretary of state is hereby directed to send by mail, fortwith, certified copies of this resolution to each of our Senators and Representatives in Washington.

And I do hereby certify that the foregoing is a true and correct copy

of senate joint resolution No. 1, as adopted by the senate and assembly of the State of California.

LEWIS A. HILBORN,
Secretary of Senate.

Mr. LODGE. I present resolutions adopted at the Chamber of Commerce of Boston by a public meeting of business men of Massachusetts, favoring the ratification of international arbitration treaties. I ask that the resolutions be printed in the RECORD. They are very brief.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolutions adopted at the Boston Chamber of Commerce by a public meeting of business men of Massachusetts.

Whereas it is of the greatest importance to the business interests of the country that the settlement of all national differences should be accomplished by arbitration through an impartial tribunal rather than by appeal to force; and

Whereas this method of settling international disputes is in accord with the sentiments of a Christian civilization and the high moral and humane precepts that should govern nations; and

Whereas a world court at The Hague has been established by the civilized nations of the world for the purpose of securing justice and adjusting all controversies that may arise, thus to avoid the horrors and the barbarities of war; and

Whereas the United States had the honor of opening The Hague court and has been foremost in referring causes of dispute to a peaceful settlement by arbitration; and

Whereas arbitration treaties have been negotiated between the United States and other nations, providing for arbitration of disputes: Now, therefore, be it

Resolved, By this meeting of business men of this Commonwealth, held under the auspices of this International Arbitration Committee of Massachusetts, that we are heartily in favor of the ratification of these treaties as soon as practicable, and we earnestly request our representatives in the United States Senate to exert their influence in behalf of said treaties and of their prompt consideration and approval by the Senate; and it is further

Resolved, That copies of these resolutions be sent to the President of the United States, the Secretary of State, to the Senate Committee on Foreign Relations, and to the Senators from this State.

BOSTON, MASS., *January 10, 1905.*

Mr. ANKENY presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the adoption of an amendment in the naval appropriation bill providing for a 4 per cent differential in favor of Pacific coast shipbuilders; which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented a petition of the Retail Grocers' Protective Association of Wheeling, W. Va., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Students' Literary Club of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Wheeling, W. Va., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Huntington, W. Va., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented the petition of Angie B. Grout and sundry other citizens of Atlantic, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of H. B. Mahan and sundry other citizens of Guthrie County, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented petitions of the Corn Belt Meat Producers' Association, of Sac County; of the Commercial Club of Council Bluffs, and of sundry shippers and stock raisers of Greene County, all in the State of Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Confidence Lodge, No. 102, Brotherhood of Locomotive Firemen, of Des Moines; of Fraser Division, No. 131, Brotherhood of Locomotive Engineers, of Sanborn, and of Ne Plus Ultra Lodge, No. 12, Brotherhood of Railroad Trainmen, of Ottumwa, all in the State of Iowa, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. BACON presented a memorial of the Woman's Christian Temperance Union of Greene County, Ga., remonstrating against the passage of the so-called "statehood bill;" which was ordered to lie on the table.

Mr. PROCTOR presented a petition of Killington Lodge, No. 297, Brotherhood of Railroad Trainmen, of Rutland, Vt., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Melrose, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also for the enactment of legislation providing for the protection of Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Council of Civic Center, of Washington, D. C., and a petition of the Washington Branch of the Association of Collegiate Alumnæ, of Washington, D. C., praying for the enactment of legislation providing for compulsory education in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Brightwood Park Citizens' Association of the District of Columbia, remonstrating against the attitude of Congress in the matter of not making appropriations for necessary current expenses of the District of Columbia, and praying for the passage of the so-called "Commissioners' railroad bill;" which was referred to the Committee on Appropriations.

He also presented a petition of Local Lodge No. 537, Brotherhood of Railroad Trainmen, of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. McCUMBER presented a petition of the Legislative League of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

AFFAIRS IN KONGO FREE STATE.

Mr. MORGAN. Mr. President, I have two memorials to present relating to a subject which was brought before the Senate at the last session of Congress. The character of the memorials is presented in a brief letter, which was written to me, and I ask that it may be read, so that the Senate may be informed as to the memorials.

There being no objection, the Secretary read as follows:

WASHINGTON, D. C., *Monday, January 16, 1905.*

Senator JOHN T. MORGAN,
Washington, D. C.

MY DEAR SIR: Since the presentation to the Senate of the memorial of the conference representing American organizations conducting missionary and philanthropic work in the Independent State of the Kongo, on the 19th day of April, 1904, additional information has been received in relation to the conditions affecting the well-being of the people of that State. By request of representatives of that conference, I send to you the inclosed papers "A," in which this information is in part presented. The facts referred to in these papers are supplementary to and in support of the memorial, and are stated upon the authority of men whom the conference believes to be thoroughly informed and worthy of confidence. They relate to events of recent occurrence in the Kongo State, for the most part subsequent to those referred to in the memorial.

I send also certain papers put in my hands for transmission to you by the Kongo Reform Association. This association, having a constituency throughout the country, has its headquarters and a local committee of conference in Boston, Mass. It has also a general committee of 150 gentlemen, representing all sections of the country.

The enclosed paper "B," bearing the imprint of the Kongo Reform Association, is signed by the president and secretary of the conference of societies presenting the original memorial. It presents a brief, formulating the views of that conference with respect to existing conditions in the Independent State of the Kongo, the rights of its people under the laws of nations and under treaties entered into by that State, and a statement of the grounds upon which the conference believes it to be the duty of the United States to promote an investigation of the existing conditions. This brief is accompanied by supporting citations from State papers and other sources. It is asked that you will present this paper to the Senate, with the request that it shall be referred to the appropriate committee.

The other papers which I herewith transmit are two independent memorials, one of which is signed by citizens of many sections of the United States; the other, by a committee of nine, representing citizens of the United States residing in New York City. These memorials I am asked to send you, with the request that you will submit them to the Senate.

I have the honor to request that you will present these several papers to the Senate of the United States and request such action thereon as that honorable body may consider just and proper.

With great respect,

THOMAS S. BARBOUR,
For the Conference of Missionary Societies and the Local Committee of Conference of the Kongo Reform Association.

Mr. MORGAN. I now present the two memorials mentioned by Doctor Barbour, with the accompanying exhibits, papers "A" and "B."

The first is a memorial signed by citizens of many sections

of the United States, and the second is a memorial signed by a committee of nine, representing citizens of the United States residing in New York City.

I ask that the memorials and accompanying papers be printed and referred to the Committee on Foreign Relations.

There being no objection, the memorials and accompanying papers were referred to the Committee on Foreign Relations, and ordered to be printed.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with amendments.

Amendment numbered 2, section 3, page 4, line 4, after the word "legislation," insert the words "to be approved by the President of the United States."

Page 4, line 14, change colon to a period and strike out the words "*Provided further*, That no such municipality shall exercise the power to issue such bonds without the prior approval of the President."

Amendment numbered 3, section 4, page 6, line 15, strike out the words "chief executive" and insert in lieu thereof the words "governor-general."

Page 7, after line 10, insert the following: "Fourth. That after the construction and equipment of said railroad in accordance with the foregoing provisions and all others of the contract of guaranty the railroad shall apply its gross earnings as follows: First, to the necessary operating expenses, including reasonable expenses of the corporation; second, to the necessary and ordinary repairs of said railroad and its equipment; third, to such betterments and extraordinary repairs of said railroad or equipment as may be first by the governor-general of the islands, in writing, expressly consented to; fourth, to the payment of the interest on the bonds, the interest on which to any extent shall have been guaranteed by the Philippine government under this section; fifth, to the repayment to the Philippine government of any moneys paid to it under said contract of guaranty, and, sixth, to the payment of dividends on stock or for any other lawful purpose."

Page 7, line 13, strike out the word "same" and insert in lieu thereof the words "said contract of guaranty."

In the same line strike out the words "signed and delivered" and insert in lieu thereof the word "executed."

Page 8, strike out line 11 and insert in lieu thereof the words "said government."

Page 8, line 20, after the word "the," insert the word "Philippine" and strike out the words "have the power to."

Page 9, after line 2, insert the following: "The supreme court of the Philippine Islands shall have original and exclusive jurisdiction in all actions, proceedings, or suits at law or in equity brought by the Philippine government against any person or corporation involving the construction of this section or any right existing under, duty enjoined, or act prohibited by said section or any contract made in pursuance thereof; and jurisdiction is hereby vested in the supreme court to make such order, to enter such judgment or decree, and to take such proceedings in enforcement thereof as may be proper. During the vacations of said court the chief justice or any judge thereof shall have all the power to grant restraining orders, orders of injunction, to appoint receivers, or to do any other act under authority herein granted that a judge of a court of general jurisdiction may do in the vacation of court."

Page 9, line 6, after the word "purposes," insert the words "approved July 1, 1902, so far as the same is not in conflict with the provisions of this section."

Same line, after the word "corporations," insert the words "the interest upon."

Page 9, line 7, after the word "bonds," insert the words "or any part thereof."

HENRY CABOT LODGE,
EUGENE HALE,
C. A. CULBERSON,
Managers on the part of the Senate.
HENRY ALLEN COOPER,
J. A. TAWNEY,
E. D. CRUMPACKER,
W. C. JONES,
JOHN W. MADDOX,
Managers on the part of the House.

Mr. TELLER. I tried to follow the report as the Secretary read it, but it was impossible to do so. I ask that it may be printed.

Mr. LODGE. Mr. President, the report can be very simply stated. It sounds much more complicated than it is.

All the amendments made to the Senate amendments and agreed to by the Senate conferees are verbal amendments with two exceptions. The House conferees offered two amendments to the Senate amendment relating to railroads, which were substantial amendments and which were agreed to by the Senate conferees. One of them regulates the distribution of earnings and profits, when there shall be any. The other provides that the government in all suits arising out of contracts with railroads or involving them in any way shall be cognizable by the supreme court of the islands. The purpose of that amendment is simply to put it before the supreme court and remove it from the courts of first instance.

The Senate conferees did not suppose there would be the slightest objection to either amendment. The first amendment of the House makes the Senate amendment more restrictive than when it left the Senate. The other is merely a provision for bringing the cases before the supreme court directly.

Mr. TELLER. It seems to me that anyway the best course to pursue is to have the report printed. I do not suppose the Senator expects to take it up now.

Mr. LODGE. I have no objection to having it printed, of course, if the Senator desires it. I suppose if it is printed in the RECORD it will answer the purpose the Senator desires.

Mr. TELLER. I suppose printing it in the RECORD will answer the purpose. We can, of course, see it in the RECORD.

The PRESIDENT pro tempore. The report will appear in the RECORD.

REPORTS OF COMMITTEES.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 6490) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6450) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the City of Yankton, S. Dak.," reported it without amendment, and submitted a report thereon.

INDEX OF CONGRESSIONAL DOCUMENTS RELATING TO FOREIGN AFFAIRS.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, at the Government Printing Office, 1,000 copies of an Index of Congressional Documents relating to Foreign Affairs, prepared under the direction of Mr. John L. Cadwalader, Assistant Secretary of State, from July, 1874, to March, 1877, and offered to the Department of State to be placed at the disposal of the Government for the purpose of publication, of which 300 shall be for the use of the Senate, 600 for the use of the House of Representatives, and 100 for the Department of State.

BILLS INTRODUCED.

Mr. McCUMBER introduced a bill (S. 6675) granting an increase of pension to Halsey S. Curry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6676) granting an increase of pension to Albert S. Hopson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER (for Mr. QUARLES) introduced a bill (S. 6677) further to define the duties and powers of the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. LODGE introduced a bill (S. 6678) for the relief of

Aimee H. Keller; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6679) to define the term "registered nurse," and to provide for the registration of nurses in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6680) to authorize the Commissioners of the District of Columbia to regulate the business of employment agents and employment agencies; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. ANKENY introduced a bill (S. 6681) granting an increase of pension to John L. Kiser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6682) granting an increase of pension to Jesse D. Cosgrove;

A bill (S. 6683) granting an increase of pension to Joseph Bisser (with accompanying papers); and

A bill (S. 6684) granting an increase of pension to Patrick H. H. Jennings.

Mr. SCOTT introduced a bill (S. 6685) granting an increase of pension to Ferdinand Hercher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6686) for the relief of the heirs of Edmund H. Chambers; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 6687) granting a pension to Mary P. Docker, guardian of minor of Guy Docker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced the following bills; which were severally read twice by their titles, and referred to to the Committee on Pensions.

A bill (S. 6688) granting an increase of pension to Thomas J. Abercrombie (with an accompanying paper);

A bill (S. 6689) granting an increase of pension to Wilson Robert Bratton (with an accompanying paper);

A bill (S. 6690) granting an increase of pension to Thomas A. Mounts (with an accompanying paper); and

A bill (S. 6691) granting an increase of pension to William A. Routh (with an accompanying paper).

Mr. PETTUS (for Mr. MORGAN) introduced a bill S. 6692) for the relief of the Mobile Dock Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also (for Mr. MORGAN) introduced a bill (S. 6693) for the relief of Sarah A. Delashmutt, formerly Sarah Drury; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6694) for the relief of Samuel H. Alexander; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6695) granting an increase of pension to William E. Anderson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of Connecticut. I introduce a bill relating to the extradition of fugitives from justice from the Philippine Islands. It was sent to me with the idea that it might be referred to the Committee on the Judiciary, but I think it should be referred to the Committee on the Philippines.

The bill (S. 6696) extending to the Philippine Islands, so far as applicable, certain sections of the Revised Statutes relating to the extradition of fugitives from justice was read twice by its title, and referred to the Committee on the Philippines.

Mr. DANIEL introduced a bill (S. 6697) for the relief of Lucy L. Bane; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6698) granting an increase of pension to Charlotte Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6699) granting an increase of pension to Moses Frost; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO STATEHOOD BILL.

Mr. CLAY and Mr. DOLLIVER submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT of New York submitted an amendment authorizing the purchase, at the rate of 5 cents per square foot, of all the property lying between the Government Hospital for the Insane and the ravine west of Congress Heights School, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $300,000 to enable the Secretary of Agriculture to analyze food and drinks transported into any State or Territory of the United States or the District of Columbia, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Manufactures, and ordered to be printed.

He also submitted an amendment authorizing the Postmaster-General, when, by reason of unusual conditions, it would be for the good of the service, to make such additional allowances for rent, heat, light, and clerk hire as in his judgment the exigency demands, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. LONG submitted an amendment authorizing the accounting officers of the Treasury Department to reopen and restate the accounts of the clerks of the United States district courts for the Indian Territory from May 31, 1900, to March 3, 1901, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

BRAKES ON NARROW-GAUGE RAILWAYS.

Mr. FORAKER. Yesterday, when the Calendar under Rule VIII was under consideration, Senate bill 4403 was reached, considered, read the third time, and passed. No vote was taken on it and nothing was said in regard to it to attract my attention. We are still taking testimony in committee on the bill, and I should have objected to its consideration if I had known at the time that it was about to be disposed of. In view of that, and in order that the bill may be retained here until all the testimony is taken, I move a reconsideration, and ask that the motion may lie on the table.

The PRESIDENT pro tempore. The Senator from Ohio moves to reconsider the vote by which Senate bill 4403 was passed.

Mr. PLATT of Connecticut. What is the title of the bill?

Mr. FORAKER. It is a bill to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903.

Since the bill was reported from the committee the committee have resumed the taking of testimony with respect to it, and I think the bill should not be acted on here until that has been concluded. I do not press my motion, because the Senator from New Jersey [Mr. KEAN] who reported the bill is not present in the Chamber at this time.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

STATUE OF FRANCES E. WILLARD.

Mr. CULLOM. I offer a resolution and ask for its immediate consideration. Before the resolution is read, I ask that a letter addressed to the President of the Senate by the governor of my State may be read.

The PRESIDENT pro tempore. If there is no objection, the letter will be read. The Chair hears none.

The Secretary read as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, January 10, 1905.

DEAR SIR: Governor Deneen is in receipt of a letter from the chairman of the Illinois board of commissioners for the Frances E. Willard statue, informing him that the sculptor, Helen Farnsworth Mears, reports that the model will reach Washington, D. C., on February 11. The commissioners express the desire that Governor Deneen advise the Senate of the United States and House of Representatives of the completion of the statue, in order that a date may be immediately fixed for its acceptance by Congress. I am directed by Governor Deneen to communicate this fact to you for your information and such action as Congress may see fit to take.

Yours, truly, J. WHITTAKER,
Secretary.

Hon. WILLIAM P. FRYE,
President United States Senate, Washington, D. C.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Illinois will be read.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Illinois of the statue of Frances E. Willard, erected in Statuary Hall, in the Capitol, be made the special order for Friday, February 17, at 3 o'clock.

REPORT OF GOVERNOR OF ALASKA.

Mr. NELSON. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 2,000 additional copies of the Report of the Governor of Alaska for 1904, for the use of the Department of the Interior.

Mr. NELSON. I wish to say that the superintendent of the folding room states that the cost of the printing will be less than $500.

The resolution was considered by unanimous consent, and agreed to.

WESTERN ALASKA CONSTRUCTION COMPANY'S RAILROAD.

Mr. NELSON. Yesterday the Senate passed the bill (S. 5122) for the relief of the Western Alaska Construction Company's Railroad. A similar bill came from the House at the last session and was passed, so that this bill is unnecessary; there is already a law covering it. I therefore move to reconsider the vote by which Senate bill 5122 was passed yesterday, and ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the various votes by which Senate bill 5122, for the relief of the Western Alaska Construction Company's Railroad, was passed may be reconsidered. The Chair hears no objection. The votes are reconsidered, and the bill will be indefinitely postponed.

USE OF MONEY IN FEDERAL ELECTIONS.

Mr. STONE. Mr. President, I desire to give notice that tomorrow, after the routine morning business, I shall ask leave to call up the resolution submitted by me on the 4th instant for the purpose of submitting some remarks thereon.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to correct and publish additional statistics relating to cotton was read twice by its title, and referred to the Committee on the Census.

ADOLPHE BESSIE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5739) granting an increase of pension to Adolphe Bessie.

The amendment of the House was, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. McCUMBER. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

PERSONAL EXPLANATION.

Mr. MITCHELL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon for that purpose.

Mr. MITCHELL. Mr. President and Senators, recent events, with which you are all familiar, make it incumbent on me to come into your presence at this time and make answer to charges made against me in the public press and by a grand jury, and which charges, if true, unfit me to occupy this seat longer.

The charges, as spread broadcast through the public press, throughout the length and breadth of the United States—and this is in substance and effect the indictment reported—are to the effect that in January, 1902, in the State of Oregon, I entered into a conspiracy with Binger Hermann, then Commissioner of the General Land Office, and with one S. A. D. Puter, Horace G. McKinley, D. W. Tarpley, Emma L. Watson, Salmon B. Ormsby, Clark E. Loomis, William H. Davis, and others, to defraud the United States out of a portion of its public lands, situated in township 11 south, of range 7 east, Willamette meridian, in the State of Oregon, by means of false and forged applications, affidavits, and proofs of homestead entries and settlement; and, further, it is charged, that in furtherance of said alleged conspiracy, and to effect the objects thereof, said S. A. D. Puter did on the 9th day of March, 1902, pay and deliver to me the sum of $2,000 in money of the United States, the same being paid to me, as asserted by Puter, in two bills of the denomination of $1,000 each, to induce me to use my influence as a Senator with the said Binger Hermann, Commissioner of the General Land Office, to induce him, as such Commissioner of the General Land Office to pass to patent 12 homestead entries, then pending before the General Land Office, covering lands in the State of Oregon, and each and all of which entries, it is alleged, were based upon false and forged homestead applications, affidavits, and proofs, and that in pursuance of such corrupt conspiracy, it is alleged, I did use my influence with said Binger Hermann, Commissioner of the General Land Office, to induce him to pass to patent said 12 homestead entries, knowing they were fraudulent.

These are the charges made against me, and which I am called upon to answer. My answer is as follows:

I assert in the most positive and unqualified manner, that each and every one of these charges, in so far as they relate to or involve me, are absolutely, unqualifiedly, and atrociously false, and I here and now indignantly and defiantly denounce their authors, and each and every one of them, and brand them publicly as malicious and atrocious liars.

But I desire to be more specific, and therefore I further deny, in terms the most absolute and unqualified which I am capable of using, that I ever, either in the month of January, 1902, in the State of Oregon, or at any other time or place, unlawfully or feloniously, or otherwise, conspired with Binger Hermann, then Commissioner of the General Land Office, and S. A. D. Puter, Horace G. McKinley, D. W. Tarpley, Emma L. Watson, Salmon B. Ormsby, Clark E. Loomis, and William H. Davis, or with either or any of them, or with any other person or persons, to defraud the United States out of any part of its public lands located, either in township 11 south, of range 7 east, in the State of Oregon, or any other public lands either in the State of Oregon or elsewhere.

I assert, furthermore, in the most absolute and unqualified manner, that any and all statements by any person or persons to the effect that I ever, at any time or place, entered into a conspiracy with all or any of said persons, or they, or any of them, with me, to defraud the United States out of any part of its public lands in the State of Oregon or elsewhere, either by false or forged homestead applications, affidavits, or proofs are absolutely, unqualifiedly, and atrociously false, and I defy my defamers and challenge them to produce any evidence, other than that of condemned thieves, forgers, and perjurers, to sustain any such charges.

I further deny in the most absolute and unqualified terms that said S. A. D. Puter did, either in the city of Washington, on March 9, 1902, or at any other time or place, offer me, or pay to, or give me—nor did I on March 9, 1902, in Washington, D. C., or at any other time or place, accept or receive from said S. A. D. Puter—the sum of two thousand dollars ($2,000) or any other amount whatever, either in two one thousand dollar ($1,000) bills, or any other denomination or amount whatever, as an inducement to use my influence with Binger Hermann, then Commissioner of the General Land Office, to induce him as such Commissioner to pass to patent twelve certain homestead entries, or any homestead entries whatever, or for any other purpose.

And I here indignantly, with all the force I can command, denounce the public statement of S. A. D. Puter, that he, on March 9, 1902, at Washington, D. C., paid me two thousand dollars ($2,000), in two one thousand dollar bills ($1,000), as willfully, maliciously, unqualifiedly, and atrociously false, and I denounce the said S. A. D. Puter—this self-confessed and duly convicted land thief, forger, and perjurer, who, with his associates, facing the penitentiary, as having under promise of leniency or clemency, made by Francis J. Heney, prosecuting officer representing the Government, made this infamous and atrociously false charge against me for the purpose and with the expectation of saving himself and his convicted partners in crime from deserved punishment.

Now, Mr. President, having said this much by way of general and specific denial, it is proper I should state precisely what connection I ever had with this man Puter and the lands in question, and also some of the circumstances connected with the actions of the grand jury, and publications in the press of the country, of these false charges.

I now state, I have not the slightest recollection of having ever seen or heard of S. A. D. Puter until about March 1 or 2, 1902, when he called at my hotel in Washington, D. C., and presented to me a letter of introduction from Hon. F. P. Mays, a prominent attorney of Portland, Oreg., and for many years former United States district attorney for the district of Oregon, and against whose high character I had never heard a word or former United States district attorney for the district of Oregon, and against whose high character I had never heard a word or

insinuation. This man Puter, it must be remembered, in his statsment to the press asserts that he and I had, prior to March, 1902, been intimate personal and political friends and that he had, as he says, aided me in my political campaign for Senator in 1898. And yet he, at the same time, admits he brought to me a letter of introduction when he came to see me in Washington in March, 1902. It is known to all that I was not engaged in any political campaign in the year 1898.

This was a brief letter from Mr. Mays, introducing Mr. Puter to me as a reputable citizen of Oregon, the letter stating, as I now remember, that he, Puter, had some business in the Department and he desired my aid, or words to that effect.

Mays, in his letter, did not state the character of Puter's business. Puter had with him, at that time, a woman whom he introduced to me as Mrs. Emma L. Watson, a widow, as he said, also a citizen of Oregon.

On the presentation of this letter, I said in substance to Mr. Puter, "What can I do for you?" He then told me there were twelve homestead entries in Oregon, taken up some considerable time before, by as many entrymen, and that this woman, whom he introduced as Mrs. Emma L. Watson, a widow and a citizen of Oregon, had, some months before, after all the entrymen had received their certificates, purchased all these homesteads from the different entrymen, and that in making these purchases Puter said he had acted as the agent of this woman Watson, and that he, Puter, had made examination as to the condition of the lands, title, etc., and had reported to her as to the safety and advisability of the investment, and that on this report by him as her agent she had invested something over eight thousand dollars ($8,000) in the twelve homesteads, which included in all one thousand nine hundred and twenty (1,920) acres.

Puter said to me further that the woman Watson had obtained the greater amount of this money—this eight thousand dollars ($8,000)—by borrowing it, and had given her notes for the same months before, and had secured them by a mortgage on other lands owned by her.

He further stated that these notes were now coming due, that the holders were pressing her for payment, and that she was in great distress, as she could not raise the money to meet the notes until she had received patents for the twelve homesteads she had purchased.

Puter further stated to me at that time that he was being placed in a very unpleasant position, as Mrs. Watson was now blaming him as her agent, as he had assured her when she made the purchases the patents to these lands would be issued in regular course of business before a great while, and certainly before the notes she had given for the borrowed money would become due.

Puter further stated to me that it would be several months yet before the cases would be reached in their regular order in the Land Office, and that his purpose in calling on me was to know if I could aid him in getting them advanced for early consideration. I told Puter certainly; I would help him in case I found them in a condition to be taken up, and inquired of him whether the field reports were all in. Puter replied that he thought the cases had been fully investigated by agents in the field and reported on favorably.

I had not of course the slightest suspicion that there was anything wrong about the homestead entries, or any of them, and I told Puter I would go up to the Land Office at once and ascertain the status of the cases, and asked him to go along with me. He went with me, first giving me an abstract—a paper containing a statement of the twelve different entries, the names of the respective entrymen, and description of the land in each, and the dates of the alleged sales by each to Mrs. Watson, together with the amount alleged to have been paid by her for each claim.

We found Commissioner Hermann in his office. Puter went in with me and I introduced him to Commissioner Hermann. Mr. Hermann said, "I know Mr. Puter; I have met him before," and shook hands with him. I then handed the written abstract I have just described to him, and asked him the present status of the entries and whether the field examinations had been completed. Hermann replied, "I think they have, but can not tell you certainly. I believe, however, the reports are all in, but," said he, pointing up in the direction of the division having that class of cases in charge, "go up and see Mr. Harlan"—I think it was Mr. Harlan, that is my best recollection—"chief of the division, and he can tell you all about it."

I immediately went up and saw the chief, either Mr. Harlan or whoever it was in charge, handed him the list of homestead entries I have hereinbefore described, and asked as to their present status; he said he would ascertain. He called in and consulted one of the clerks in that office, whose name I do not recollect, and I was then told the field reports were all in and the cases were ready for examination in the General Land Office as soon as reached in their regular order, but that it would be some considerable time before they would be reached. I was further told at that time that there had been three reports, all favorable, made on all the twelve entries, one by the register and receiver, Hons. C. B. Moores and William Galloway, at Oregon City, Oreg.—one a Republican, the other a Democrat, both men of the very highest character—and two reports of special agents in the field, and that these reports were all favorable.

I then said, "Will you go downstairs and tell the Commissioner just what the present status of the claims is?" Mr. Harlan, or whoever it was that was acting as chief, then said, "Certainly;" and then either he or one of his clerks, I am not certain which, went down with me to the Commissioner's office and stated to the Commissioner just what had been stated to me upstairs, namely, that the reports were all in and all favorable, and that the cases were ready to be taken up for consideration by the General Land Office as soon as reached in their order, but that it would be several months before they were reached in their regular order.

Commissioner Hermann then said to me, "Senator, you know the rule. I can not make a case special unless some good reason is shown by affidavit why the case should be advanced;" and then turning to Mr. Puter, who was standing beside me, having gone into the room with me, he said, "What reasons have you, Mr. Puter, in asking that the cases be expedited?"

Puter then told Hermann the sympathy story he had told to me at my room, namely, that the woman Watson had on his advice as her agent invested over $8,000 in the purchase of these twelve homestead entries, including an area of 1,920 acres; that she had borrowed the greater amount of this, giving her notes, and secured the same by mortgage on other lands of hers; that the notes were now coming due, payment was being pressed, and that she was in great distress, not being able to raise the money unless she could get patents for these lands.

To this the Commissioner replied, "Put your reasons in the form of an affidavit and I will then consider if it is proper to advance them."

Puter then asked me where he could get a stenographer and typewriter. I told him my secretary, Mr. Robertson, was a good stenographer and typewriter, and that he would put what they had to say in form, and it would cost them nothing.

Then he came to our office, the statements were then given to Mr. Robertson, part of them dictated by myself, just as they were given to me and Mr. Robertson by Mrs. Watson and Puter. When completed they took them and went away. Shortly afterwards returned, Puter having signed and sworn to his, and Mrs. Watson to hers, before a notary public. The following are exact copies of these two affidavits:

AFFIDAVIT OF MRS. EMMA L. WATSON.

CITY OF WASHINGTON, *District of Columbia ss:*

Before me, the undersigned, a notary public, personally come Mrs. Emma L. Watson, of Portland, Oreg., who being first duly sworn, says that she is the owner by purchase of the following described lands: The northwest quarter of section seventeen, the east half, and the east half of the west half of section nineteen, the southwest quarter of section twenty-four, the north half of section twenty-five, and the east half of section thirty-two, all in township eleven south, of range seven east, of the Willamette meridian, containing in the aggregate one thousand nine hundred and twenty (1,920) acres, Oregon city land district, Oregon. That she purchased the same at different times, as hereinafter stated, and from the different persons hereinafter named, that is to say, as will more fully and at large appear from No. 1, abstract of title, hereto attached, marked "Exhibit A," and made a part of this affidavit.

That she paid in the aggregate for said lands to said persons from whom she purchased a little over eight thousand dollars ($8,000) in cash, the same having been paid from time to time to the persons from whom she purchased respectively, as of the dates of the respective purchases, as appears from the abstract hereto attached.

That at the time of such purchases respectively this affiant was advised that the title of these parties respectively to the lands described in the attached abstract was good except that the patents had not yet issued, but would be issued, as she understood, at a very early date in the regular course of business.

That in orer to raise the money to purchase said lands, your affiant borrowed the greater portion of said eight thousand dollars ($8,000), giving her note and mortgage to secure the same on other property owned by her; that said mortgages are now rapidly coming due and the parties are demanding their money, and unless there can be speedy action in the Department, determining the right of said respective entrymen,

your affiant will suffer great and irreparable injury and loss in her financial affairs.

That all of said entries referred to in the attached abstract were under the homestead laws, and your affiant is firm in her belief, from all the information she obtained before making said purchases, as well as information obtained in regard to the same since date thereof, that each and all of said entries were free from any fraud or other cause which would stand in the way of the issuance to them, respectively, of patents for said lands.

Wherefore, your affiant prays that each of the twelve cases referred to in the attached abstract may be made special, to the end that there may be a speedy examination and determination of the rights of the parties in the premises from whom this affiant purchased said lands, respectively, and your affiant will ever pray.

EMMA L. WATSON.

Subscribed and sworn to before me, this 3d day of March, 1902.

(Notary's seal.) JOHN J. MCGRAIN,
Notary Public for the District of Columbia.

AFFIDAVIT OF S. A. D. PUTER.

CITY OF WASHINGTON,
District of Columbia, ss:

Before me, the undersigned, a notary public, personally came S. A. D. Puter, of Portland, Oreg., who being first duly sworn, says: I have examined the affidavit of Mrs. Emma L. Watson, this day made by her in connection with her claim to twelve separate and distinct homesteads described in the abstract of title attached to her affidavit, and I know the statements therein contained to be true.

I further state that I acted as the agent and representative of Mrs. Emma L. Watson in investing her money and in making said purchases, as described in her affidavit, and before doing so I made as thorough an investigation as in my power, and a very careful investigation, with a view of ascertaining the bona fides of the various homesteaders described in said abstract, and that I became fully convinced that they had all been made in good faith, and on the strength of this conclusion on my part I advised Mrs. Watson to invest her money in the same, assuring her at the same time that all was regular and right, and that the title to the several homesteads was perfect, except that the patents had not yet issued, but that I had no doubt patents would issue at an early date in the regular course of business in the Land Office.

I am now being placed in a somewhat embarrassing position growing out of the fact that I am being held responsible by Mrs. Watson, inasmuch as there has been some delay and some attacks made, as I understand, by certain parties on a portion of the entries described.

It is therefore a matter of much importance, not only to Mrs. Watson but to myself personally, that as speedy a determination of these several homestead entries should be made as possible.

I therefore join with her in asking that these twelve several homestead entries be made special, and that there may be a speedy determination of the same.

(Signed) S. A. D. PUTER.

Subscribed and sworn to before me this 3d day of March, 1902.

(Notary's seal.) JOHN J. MCGRAIN,
Notary Public for the District of Columbia.

These affidavits I inclosed in a letter addressed to Hon. Binger Hermann, Commissioner of the General Land Office, which letter I sent to him by mail on March 3, 1902. The following is a copy of that letter:

"WASHINGTON, D. C., *March 3, 1902.*

"Hon. BINGER HERMANN,
"*Commissioner General Land Office, Washington, D. C.*

"SIR: Based upon the inclosed affidavits of Mrs. Emma L. Watson and S. A. D. Puter, of Portland, Oreg., I respectfully and earnestly ask that the twelve cases of homestead entries referred to in abstract attached to and made a part of the affidavit of Mrs. Emma L. Watson may be made special, and that consideration thereof may proceed without delay, to the end that speedy determination as to the rights of the parties respectively may be had.

"Please advise me of action taken. I am,
"Yours, respectfully,
(Signed) "JOHN H. MITCHELL."

On the 6th of March, three days after mailing the above letter to Commissioner Hermann, I received from him an acknowledgment of the receipt of the same and of his action thereon, of which letter the following is an exact copy:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 6, 1902.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, inclosing affidavits of Mrs. Emma L. Watson and S. A. D. Puter, of Portland, Oreg., relative to twelve homestead entries in Oregon City, Oreg., land district.

For reasons set forth in said affidavits you ask that the consideration of these cases proceed without delay.

Action on these entries has been suspended awaiting reports from a special agent as to certain charges which have been made to the effect that the entrymen had not complied with the requirements of the homestead law. These reports have recently been received and will be acted upon at once.

Very respectfully,

BINGER HERMANN, *Commissioner.*

DEAR SENATOR: It will be seen that the case has been made special, as per your request.

B. H.

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

I heard nothing more of the matter until two days afterwards, March 8, 1902, when S. A. D. Puter came again to my room and said to me in substance: "I have been up to the Department and I find the Commissioner has made our cases special." I said, "Yes; I have received a letter from the Commissioner to that effect," and showed him the letter.

He then said, "Senator, I fear it is going to be a long time yet before our cases are considered." I asked him why. He then said, "I have been up to the Department, and although it is now two days since they were ordered special," or words to that effect, and said, "I do not think they have been taken up yet for consideration."

He further said that Mrs. Watson was very much worried, as she was being pressed for the money secured by mortgage, and if they could be satisfied that the cases would be considered soon and without any great delay, they would remain here until action had been taken, otherwise they would return home at once, and he asked me if I could not ascertain about how long it would be before conclusion was reached, or words to that effect.

I replied to him by saying in substance that I thought they were giving themselves unnecessary worry, that, as the cases had been made special, I had no doubt that they would be taken up, considered, and acted upon at an early date. "But," said I, "I am about to go up to the Capitol, and if you will come along with me, we will step into the Department and find out, if we can, about how long it will be before the cases will be considered."

He went with me; we went to the Department; he remained in the corrider; I went in and saw Commissioner Hermann, who was at his desk.

When I went in the Commissioner said to me, "Senator, I have advanced the consideration of the cases in reference to which you wrote me." I said, "Yes, I received your letter advising me of the fact, but," said I, "this man Puter is worrying; he seems to fear it will be some considerable time yet before the cases are considered, and I came in to find out about when the cases will be taken up, and about how long it would take in their consideration." To this the Commissioner replied in substance, "It will not take a great while, but," said he, "Senator, I am very busy, myself, and I think I will turn these cases all over to the Governor for consideration." By "the Governor" he meant the Hon. W. A. Richards, former governor of Wyoming, and then Assistant Commissioner of the General Land Office, and now Commissioner of the General Land Office. Saying this, Hermann rang a bell and called in Governor Richards, and said to him, in substance, "Governor, I have made these twelve homestead entries special, on what seemed to be good grounds, but I am extremely busy, myself, and I wish you would take the cases, make a thorough examination of them, and ascertain if there are any reasons why patents should not issue," and with this he handed the Governor the papers in the case.

During this conversation Puter was waiting in the corridor outside, and I went out and told him what had transpired, telling him the cases were then in the hands of Assistant Commissioner Richards, and would be taken up, as I understood, by him at once. I said to Puter, "Do you know, or are you ac-

quainted with Governor Richards?" He said, "No;" when I said to him, "If you would like to be introduced to him, I will take you in." He said he would, so I took him in and introduced him to Assistant Commissioner Richards as a respectable citizen of Oregon—which I had then every reason to believe him to be—and the man interested in the cases who was anxious for as early consideration as possible.

I left Puter with Commissioner Richards, proceeding on to the Capitol. This is my whole connection with Puter and with these lands.

I had not the slightest idea, in doing what I did, that there was anything wrong about the entries or any of them. I did understand that someone had made some objections to some of the entries at one time, months before, but the same had been thoroughly examined and reported on favorably by the register and receiver at Oregon City and by two special agents in the field.

For what I did before the land office in connection with these twelve entries, as I heretofore stated, I was not offered, neither did I receive at any time, either two thousand dollars ($2,000), or any other amount of money, or any other thing of value, from S. A. D. Puter, or any other person.

I further state that not until more than two years after the consideration of these cases in the land office, as above mentioned, had I any knowledge or information to the effect that there was any claim upon the part of any agent of the Government or anyone else, that any of these twelve homesteads had been acquired wrongfully or fraudulently.

I think it was in April, 1904, or about that time, that I learned that S. A. D. Puter, Emma L. Watson, Horace G. McKinley, Marie Ware, and one or two other persons were indicted in the district court of the United States for the district of Oregon, charged with conspiracy to defraud the United States out of a portion of the lands included in these homesteads. They all, except Marie Ware, were in December, 1904, after trial, and a plea of "not guilty" on their part, convicted of the conspiracy as charged in the indictment.

In this connection, I call attention to the fact that S. A. D. Puter, in his statement, published in all the leading papers of the United States, asserts that I had no knowledge whatever when aiding him to get the consideration of the cases expedited that there was anything wrong with any of the homestead entries.

In the past three years I have been overwhelmed with letters from all over the State of Oregon, from individual entrymen under the homestead and timber and stone acts, and from purchasers from these entrymen, and from attorneys in all parts of the State, appealing to me in their interest, requesting me to ascertain the status of their entries, and seeking my aid very frequently in getting the consideration of their cases expedited in the General Land Office and before the Secreatary of the Interior. I have invariably responded to these requests, by either writing to the Commissioner of the General Land Office, or to the Secretary of the Interior, if the case was pending in the Department, or going personally to see them and ascertaining the status of the cases, and frequently urging the expedition of their consideration. And I believe I would have been a most unworthy representative of my State had I not done so. I have done this, moreover, of course invariably without making any charge or accepting any compensation of any kind or character, and so long as I remain one of Oregon's Senators I shall continue to do these things for my constituents, so help me God, even at the risk of one hundred indictments.

It is possible I may have at times been imposed upon by letters from men engaged in fraudulent entries, and, being ignorant of the fact, I may have written letters of inquiry and urged the expedition in some unworthy cases. I have no doubt there are on the files of the Department to-day hundreds of my letters, in which I have sought to aid persons who have thus written me in regard to their claims. But it is only by the grossest distortion and misconstruction that any of those letters or any of my acts in reference to them can be construed as badges of fraud or corruption.

In this connection I desire to call attention to the fact that on the trial of that case Francis J. Heney, assistant district attorney of the United States, in his argument to the jury, representing the Government, made the following remarks to the jury, as reported in the Portland Oregonian in its issue of December 7, 1904. I quote:

"Since the opening of this trial Judge O'Day has been trying to inject into the case another issue. He has tried to get me to attack Senator Mitchell." Judge O'Day was the attorney for the defendants—Puter and others in the case.

"You will remember the letter I read, which the Senator had written to Mr. Hermann, but which the latter had forgotten, and which had a bearing on the connection of the defendants Puter and Watson in this case. You all know that the actions of the Senator were simply those of a public officer serving one of his constituents who had been recommended to him. And if on that evidence I had tried to bring Senator Mitchell into this case I would have been open to the censure which Judge O'Day has heaped upon me."

This, it will be observed, had reference to the letter I wrote to Binger Hermann on March 3, 1902, inclosing affidavits of said S. A. D. Puter and Emma L. Watson.

And now this same man Heney, now representing the Government in the land-fraud cases in Portland, Oreg., goes before a grand jury and insists in the most strenuous manner and in a way altogether unprofessional, remaining, as I am advised, in the jury room while the jury was deliberating, arguing and insisting, as I am advised he did, that what I did in aiding the advancement of the consideration of these homestead entries was a crime, although less than a month before he had stated to a jury in open court that my actions in the matter were simply those of a public officer serving one of my constituents who had been recommended to me, and stating further that if he, on that evidence, had tried to bring me into the case he would have been open to censure.

And I further assert that subsequent to such conviction and before sentence (not one of them having yet been sentenced), that Francis J. Heney, assistant United States district attorney for the district of Oregon (an importation from California), engaged with United States District Attorney John H. Hall in representing the Government in the prosecution of said case, entered into an agreement with the said S. A. D. Puter, Emma L. Watson, and others included in said conspiracy, by which they were offered clemency or leniency of some kind or character provided they would, by their evidence, involve myself, Mr. Hermann, and others in these frauds.

What, therefore, is the case against me? Here is the statement in open court by the prosecuting officer of the Government, on the trial against Puter, Watson, and others, that what I had done for Puter and Watson, in getting their cases advanced for consideration, was simply that of a public officer serving one of my constituents who had been recommended to me, and which action on my part is now construed into a badge of crime, and this construction of my action is sought to be supported by the testimony of a condemned land thief, forger and perjurer, seeking to save himself and his partners in crime from the punishment they deserve.

In conclusion, permit me to state I have for the last forty-four and one-half years been a citizen of the State of Oregon. For about one-half of that time I have been a member of this Senate, and now in my seventieth year of age, I am nearing the close of my fourth full term in this body. Until this time, not to my knowledge, either openly or by innuendo, has any charge ever been made against my integrity, either as a man, member of the bar, or as a member of this Senate.

I am deeply humiliated and inexpressibly grieved when I realize that acts of kindness on my part for persons I supposed, and whom I had a right at that time to suppose, were honorable citizens of my State and respected constituents of mine, and who had been recommended to me by a letter from a friend of mine, a former United States district attorney for the district of Oregon, and who at that time stood as one of the leaders of the Oregon bar, with a reputation without a stain, should be considered a crime on my part, and that my acts should be thus wholly misconstrued and sought to be supported by the testimony of a convicted and perjured land thief and my name placarded in every newspaper in the land as a conspirator and bribe taker.

It may be thought or said by some that I have violated precedent in coming here at this time, but let me tell you, Mr. President and Senators, while I am the subject of serious charges, I have not been proven guilty of any of them. I am an innocent man, and I have at this stage of the proceedings the same right as any other Senator to come here in defense of my character, which is as dear to me as that of any other Senator on this floor.

Were it proper at this time to ask an investigation of the charges against me by this body, I would gladly move in that direction, but, in view of the fact that an indictment has been reported against me, I deem it my duty to first respond to the claims of the court. But I trust and believe the time will come when I can with propriety demand of this Senate a thorough investigation of every one of the charges made against me.

Mr. President and Senators, I am not here appealing for your sympathy, nor am I seeking in any manner to embarrass the course of justice, either in any court or elsewhere. On the contrary, I am here because my character, which is dearer to me than my life, has been ruthlessly and unjustly assailed.

I have been declared by unproven charges to be unworthy to

remain longer as your associate, and, being conscious of the absolute rectitude of my actions and of my innocence of all wrong, I have deemed it not only my right, but my duty to myself and to the members of this Senate, that I should come here and thus publicly deny all charges which I know to be absolutely false, and also to explain publicly the acts upon my part which I admit, and which are now invoked by the prosecuting officer of the Government, and by a portion of the public press, as badges of crime.

What public man, I inquire, is safe? What private character, however free from stain, is secure, if such innocent public acts upon the part of a public man may be distorted and misconstrued into badges of corruption and fraud?

It is the duty of the Government, I concede, with all its energy and power to investigate, convict, and duly punish all violators of the law, all corruption in office, in both low and high places. But I emphatically insist it is no part of the duty of the Government or any of its public officers and conservators of the public virtue, to knowingly misconstrue the public acts of a public man and thus seek to distort and convert them into badges of dishonesty. And this, I positively assert, has been done and is being done in my case.

In conclusion, permit me to declare that the representatives of any government who will tolerate or permit this, much less sanction it, are unworthy of the exalted positions they occupy.

As for myself I defy them here and now to produce any evidence, worth a moment's consideration, which will connect me in any wrongful manner whatever with any land frauds in Oregon or elsewhere.

Now, having said this much in explanation of, and in answer to the charges against me, and thanking you all sincerely for your courteous attention, I will not further intrude on your presence.

[Applause on the floor and in the galleries.]

The PRESIDING OFFICER (Mr. FORAKER in the chair). The occupants of the galleries must not applaud. If there is any further interruption of that character, the galleries will be cleared.

OMAHA NATIONAL BANK.

The PRESIDING OFFICER. The Calendar under Rule VIII is now in order. The Secretary will state the first case on the Calendar.

The bill (S. 1422) for the relief of the Omaha National Bank was stated as the first case on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury to pay to the Omaha National Bank, of Omaha, Nebr., $826.24, with interest thereon from the year 1878 at the rate of 6 per cent per annum to date, for and on account of a United States Indian voucher issued to D. J. McCann and cashed by the Omaha National Bank and refused by the United States Government.

The PRESIDING OFFICER. The bill has been read and is now open for amendment.

Mr. PLATT of Connecticut. I wish the Senator who reported the bill would make a short statement of the facts in relation to it.

The PRESIDING OFFICER. The Senator who reported the bill is temporarily absent from the Chamber.

Mr. PLATT of Connecticut. The report is not very long, and I ask that the report may be read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. FULTON March 24, 1904:

The Committee on Claims, to which was referred the bill (S. 1422) for the relief of the Omaha National Bank, having had the same under consideration, respectfully report the same back, and recommend that it do pass.

In the year 1878, one D. J. McCann, a Government contractor, delivered certain supplies, pursuant to his contract, to the acting Indian agent at the Red Cloud Indian Agency, in the State of Nebraska, for which supplies said Indian agent issued to him a voucher for the sum of $826.24. The voucher was presented to the Omaha National Bank in the regular course of business and said bank, in good faith, purchased the same, paying therefor the sum of $826.24.

Thereafter said McCann defaulted on other Government contracts, and when the voucher was presented to the proper department for payment, payment thereof was refused on the ground that said McCann was such defaulter, and the amount to his credit was applied on his indebtedness under the contract on which he had defaulted.

In view of the fact that the defalcation of McCann occurred under and on account of other contracts than the one upon which the voucher was issued, your committee is of the opinion that the claim should be paid.

The bill was referred to the Secretary of the Interior, who, in turn, called on the Commissioner of Indian Affairs for a report, and the Commissioner reported thereon as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 31, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference of the 15th instant, of S. 4402 for report, said bill being for the relief of the Omaha National Bank, and introduced by the Hon. J. H. MILLARD.

In the preamble of the bill it is set forth that the Omaha National Bank, of Omaha, Nebr., doing business in said city and State, in the year 1878, in good faith and for the full face value thereof, cashed and paid one United States Indian voucher for the sum of $826.24, issued to D. J. McCann, a Government contractor, for and on account of supplies furnished to the Government by the said D. J. McCann, as shown by the receipt of Lieut. C. A. Johnson, the acting Indian agent at Red Cloud Agency, in the State of Nebraska; that said voucher, so cashed, having been presented to the proper department for payment, was refused on the grounds that the said D. J. McCann had become a defaulter to the United States on account of other contracts with the United States, and the same was applied on account of the said D. J. McCann with the United States to the total loss of the said Omaha National Bank, and D. J. McCann then and there became insolvent and continued so to the time of his death.

By reason thereof the Omaha National Bank has been unable to recover from him the said amount advanced on the strength of the said voucher, which money was advanced in good faith, and the United States Government received value therefor.

The bill provides for an appropriation of $826.24, out of any money now in the Treasury not otherwise appropriated, and interest on the same from 1878 to date at 5 per cent per annum.

In submitting a report on this bill I desire to refer you to office letter of February 26, 1902, which was a report on S. 3664 for the relief of A. H. Reynolds, who cashed two vouchers for D. J. McCann, amounting to $2,390.66. Senate bill 4402 is similar, excepting as to names and amounts. I think the bill is in error as to the year 1878 and as to the amount of the voucher. The year was 1877 and the amount was $897.20.

Under date of September 29, 1876, a contract was awarded to D. J. McCann for Indian supplies for certain agencies of the Indian Service, and on January 17, 1877, he was awarded a contract for 500,000 pounds of flour for Red Cloud and Spotted Tail agencies. He used his transportation contract as a means of robbing the Indian Service of large amounts of beans, corn, and other supplies, diverting them from where they were consigned to other points and there disposing of them for his own personal gain. For such acts he was indicted and sentenced to the penitentiary. On his flour contract he defaulted, having furnished about 100,000 pounds thereof, and the Government had to buy the balance in the open market at greatly advanced rates, paying for most of it at $5.25 and $4.25 per hundredweight against McCann's prices of $3.075 for 200,000 pounds and $2.55 for 300,000 pounds, and, in addition thereto, the regular freight rates by wagon on the same.

The Government lost a large sum of money and recovered only such amounts as came into its possession through vouchers due McCann for transportation and such supplies as he had furnished.

The records of this Office show that the Omaha National Bank transmitted here for payment a voucher in favor of D. J. McCann for transporting 22,430 pounds of Indian freight from New York to Ogden, Utah, amounting to $897.20, and that settlement was deferred for the reason that D. J. McCann was in default of his contract. On November 20, 1877, the Hon. A. S. Paddock was informed of this fact.

Under date of November 21, 1883, the Second Auditor for the Treasury Department requested this Office to furnish him with any unpaid claims due the said McCann which might be used as an offset of his indebtedness to the United States by reason of the nonfulfillment of his contract. Such papers and claims were transmitted to the Auditor on December 6, 1883, and the voucher in question was forwarded to him, as requested, and used for the purpose indicated by the Auditor.

Section 3477, Revised Statutes, provides:

"All transfers and assignments made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void * * *."

The bank, in negotiating this paper of McCann's, assumed all risks in the matter. In violating the above section it assumed the full responsibility and consequence thereof. It accommodated Mr. McCann, no doubt, for such consideration as is usually demanded by banking firms, trusting implicitly in the character of the paper it had negotiated for reimbursement, not taking into consideration the possible fact that McCann might then have been dishonest. The entire transaction, in my opinion, was a personal one between the parties concerned. One received an accommodation and the other, no doubt, the profits accruing from the discount. As a matter of equity the bank is entitled to recovery, not from the Government, but from the party to whom the money was advanced. That party being insolvent up to the day of his death, the bank was compelled to ask relief through Congress.

The money was, no doubt, paid out in good faith, not for the Government, but for the immediate accommodation of Mr. McCann. I can see no good reason why the Government should be called upon to pay an obligation incurred by Mr. McCann, although the paper from which the payment was made was properly authorized and executed by an officer of the United States Indian Service.

I return the bill without the approval of this office.

Very respectfully,

W. A. JONES, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PRESIDIO MILITARY RESERVATION, SAN FRANCISCO.

The bill (S. 3168) making an appropriation for the improvement and beautification of the grounds within the Presidio Military Reservation, at San Francisco, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 6, after the word "im-

provement," to strike out "and beautification;" so as to make the bill read:

Be it enacted, etc., That there be, and there is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, the same to be used under direction of the Secretary of War, for the improvement of the grounds within the Presidio Military Reservation, at San Francisco, Cal.

The amendment was agreed to.

Mr. PERKINS. I move, in line 5, to strike out "fifty" and insert "twenty," so that it will read "$20,000" instead of "$50,000."

I am advised by Major-General MacArthur, commanding the Pacific Division, that that sum only can be advantageously expended during the present year, and in the following year the remainder can be appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making an appropriation for the improvement of the grounds within the Presidio Military Reservation, at San Francisco, Cal."

RED RIVER BRIDGE, MARSHALL COUNTY, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak. It is very important that it should be passed soon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST RESERVES.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Forest Reservations and the Protection of Game with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section 24 of the act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

SEC. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom as any other wood or wood pulp.

SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of Agriculture, and subject to the laws of the State or Territory in which said reserves are respectively situated.

SEC. 5. That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States as a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ESTATE OF WILLIAM A. HAMMOND.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 1665) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late surgeon-general of the Army."

The PRESIDENT pro tempore. The bill has heretofore been read.

Mr. PLATT of Connecticut. I should like to hear the bill read again.

The PRESIDENT pro tempore. The bill will again be read.

The Secretary again read the bill.

Mr. PLATT of Connecticut. I do not myself make any objection to the bill, but when it was up in the Senate yesterday the Senator from Virginia [Mr. DANIEL] objected to it.

The PRESIDENT pro tempore. The Senator from Virginia objected to the bill yesterday.

Mr. PLATT of Connecticut. I do not know whether it ought to be brought up in his absence.

Mr. SCOTT. I was not then in the Senate Chamber, and was not aware of that fact, or I should not have called it up. Mrs. Hammond reported to me that the objection of the Senator from Virginia had been withdrawn, or I should not have called up the bill at this time. I ask that it go over without prejudice.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

EDWARD H. OZMUN.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 5209) for the relief of Edward H. Ozmun.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Edward H. Ozmun $775.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT MILITARY CAMP GROUNDS.

The bill (S. 5177) to establish four permanent military camp grounds in the States of Texas, Wisconsin, Pennsylvania, and California, and for the enlargement of the Chattanooga and Chickamauga National Park, was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. The bill involves a very large question, and I do not think it can be considered under the five-minute rule.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

ALASKA MINING LAWS.

The bill (S. 4603) to modify the mining laws applicable to the district of Alaska, and for other purposes, was announced as the next business in order.

Mr. TELLER. I think the bill had better go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

JOHN. L. SMITHMEYER AND PAUL J. PELZ.

The bill (S. 4144) for the relief of John L. Smithmeyer and Paul J. Pelz was announced as the next business in order.

Mr. PLATT of Connecticut. Let the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

PROTECTION OF THE PRESIDENT.

The bill (S. 5093) for the protection of the President of the United States, and for other purposes, was announced as the next business in order.

Mr. PLATT of Connecticut. I hope to call up the bill at some suitable time, but the Senator from Georgia [Mr. BACON] from the Committee on the Judiciary wishes to be heard, and in opposition to it. Therefore I ask that it may go over this morning.

The PRESIDENT pro tempore. The bill will go over.

SOLICITOR FOR THE POST-OFFICE DEPARTMENT.

The bill (S. 4162) providing for the appointment of a Solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department was considered as in Committee of the Whole. It provides that there shall be in the Department of Justice a Solicitor for the Post-Office Department, to be appointed by the President, by and with the advice and consent of the Senate, who shall be entitled to a salary of $4,500 per annum, and shall perform such duties as have heretofore been performed by the Assistant Attorney-General for the Post-Office Department, which office is abolished.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WITNESSES IN UNITED STATES COURTS.

The bill (S. 4306) relating to the competency of witnesses in the United States courts was considered as in Committee of the Whole. It provides that a person convicted of any crime shall be a competent witness in any cause or proceeding, civil or

criminal; but the conviction may be proved for the purpose of affecting the credibility and the weight of the testimony of the witness either by the record or by cross-examination, upon which the witness must answer any proper question relevant to that inquiry, and the party cross-examining shall not be concluded by the answer to such question.

Mr. TELLER. From what committee does the bill come?

The PRESIDENT pro tempore. It was reported by the Senator from Massachusetts, Mr. Hoar.

Mr. PLATT of Connecticut. It was reported by Senator Hoar. I have no very particular recollection of its discussion in the Judiciary Committee, but I think Senator Hoar deemed it to be important.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN LIBERTY MARKET CLAIMS.

The bill (S. 3532) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved July 19, 1897, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 6, after the word "approved," to insert "January 26, 1897, and as amended;" on page 2, line 8, after the name "Stello," to insert "upon proof of their;" in line 13, after the name "Healey," to insert "upon proof of their;" in line 17, after the name "Haase," to insert "upon proof of their;" in line 21, after the name "Reed," to insert "upon proof of their;" on page 3, line 1, after the name "Brundage," to insert "upon proof of her being the;" and in line 10, after the name "Stinzing," to insert "upon proof of their;" so as to make the section read:

That the auditor of the supreme court of the District of Columbia is hereby empowered and directed to examine and audit for settlement, in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, the claims of the following persons, as named below, for property taken, injured, or destroyed by reason of the destruction or removal of the Northern Liberty Market, in the city of Washington, D. C., in September, 1872, as also all claims for payments made for the purchase, rent, or use of any stall privilege in said market house and for license for conducting any business therein, to the extent of the unexpired term of said purchase, rent, use, or license. The names of the persons whose claims are to be audited are: Louisa A. Berger, Henry Stello, Charles H. Stello, and Theodore J. Stello, upon proof of their being the widow and heirs of Henry Stello, deceased, who was the stall owner, the compensation for the loss of stalls in this case not to exceed the sum of $300 for any one stall; Catherine E. Shreve and Nellie M. Healey, upon proof of their being the widow and daughter of William H. Shreve, deceased, who was the stall owner, the compensation for loss of stall not to exceed the sum of $200 for any one stall; Elizabeth Haase and Rosa Haase, upon proof of their being the widow and daughter of Henry Haase, deceased, who was the stall owner, the compensation for the loss of stall not to exceed the sum of $300; Harriet Dover, William G. Reed, and Ida V. Reed, upon proof of their being the only heirs of Armistead Reed, deceased, who was the stall owner, the compensation in this case not to exceed the sum of $200 for the loss of any one stall; Isabella Brundage, upon proof of her being the sister and only heir of William E. Ward, deceased, who was the stall owner, the compensation in this case not to exceed the sum of $200 for any one stall; Alexander P. Gray, who was the stall owner, the compensation in this case not to exceed the sum of $300; Jacob N. Leapley, who was the stall owner, the compensation in this case not to exceed the sum of $300 for any one stall; Annie F. Ward, Eva M. Eppley, Mamie M. Leimbach, Lydia Baptista, and George J. Stinzing, upon proof of their being the only heirs of Frederick Stinzing, deceased, who was the stall owner, the compensation for the loss of stalls in this case not to exceed the sum of $300 for stall.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 18, after the word "him," to insert "and the total amount of allowances, not to exceed the sum of $2,000;" on page 4, line 1, after the word "services," to insert "which shall not exceed $300;" and in line 3, after the word "same," to insert "which shall not exceed $250;" so as to make the section read:

SEC. 2. That when the auditor has ascertained the amount of the loss, as above described, in any case growing out of the removal or destruction of the market as aforesaid, he shall report such claims, so far as allowed by him, and the total amount of allowances, not to exceed the sum of $2,000, to the Commissioners of the District of Columbia, who shall, in case they approve of said claims, order the same paid to the above-named parties or their legal representatives. A sufficient amount to pay the awards of the auditor in the above cases, as well as a sufficient amount to pay him for his services, which shall not exceed $300, as well as expenses incurred in auditing the same, which shall not exceed $250, is hereby appropriated, to be paid wholly from the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the payment of certain claims against the District of Columbia in accordance with the acts of Congress approved January 26, 1897, and as amended July 19, 1897."

DISTRIBUTION OF THE REPORTS OF COURTS.

The bill (S. 4196) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and district courts was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to procure complete sets of the Federal Reporter and digest and the current volumes of the same as issued, containing reports of the decisions of the circuit courts of appeals and of the circuit and district courts of the United States, and distribute the same among the officers of the United States in accordance with the laws governing the distribution of the reports of the Supreme Court of the United States, so that one set, with the continuations, shall be placed with each officer and in each office or room or court room entitled by law to receive the said reports of the Supreme Court. And the Secretary of the Interior shall distribute to the reporter of the Supreme Court of the United States one set of the Federal Reporter and digest and the current volumes of the same as issued.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to procure and distribute to any officers of the United States now entitled by law to receive the reports of the Supreme Court of the United States, whose set of said report is incomplete, such volumes as will make a complete set for such officer.

SEC. 3. That the volumes of the Supreme Court reports and of the Federal Reporter, distributed under the provisions of this and prior acts, shall be and remain the property of the United States, and before distribution shall be plainly marked on their covers "The property of the United States," and shall be transmitted by the officers receiving the same to their successors in office.

SEC. 4. That such sum of money as is required to pay for the Federal Reporter and for the digest thereof, the purchase and distribution of which are provided for in this act, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That not to exceed $2 per volume shall be paid for the back volumes of such reports in sets and for the current volumes of the Federal Reporter, and $5 per volume for the digest, the said money to be disbursed under the direction of the Secretary of the Interior; and the Secretary of the Interior shall include in his annual estimates submitted to Congress an estimate for the current volumes of reports the distribution of which is provided for in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes."

STREETS AND ALLEYS IN THE CITY OF WASHINGTON.

The bill (S. 2654) to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia" was considered as in Committee of the Whole.

Mr. MALLORY. I should like to inquire if the bill was reported by the District of Columbia Committee?

The PRESIDENT pro tempore. It was reported from the committee and relates to the opening of side streets and minor alleys. The amendments of the committee will be stated.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 2, to strike out from line 16 to the word "unnecessary," in line 20, in the following words:

That in the opening, extension, widening, or straightening of an alley or minor street said Commissioners are authorized to close any alley or alleys or parts of alleys which in their judgment are thereby rendered useless or unnecessary.

And in lieu thereof to insert:

That if in the opening, extension, widening, or straightening of an alley or minor street, or in the extension or widening of public streets or highways, an alley or part of an alley may have been, or may hereafter be, in the judgment of the said Commissioners, rendered useless or unnecessary, said Commissioners are authorized to close the same.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the word "so," to strike out "may" and insert "shall;" so as to read:

SEC. 1608f. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and, in addition to such public notice, said court, whenever in its judgment it is practicable to do so, shall cause a copy of said notice to be served by the United States marshal for the District of Columbia, or his deputies, upon such owners of the fee of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 7, line 7, after the word "street," to strike out the words "and the court, in its discre-

tion, may direct such hearing to be held in its presence" and insert "but all such hearings shall be in the presence of the court and under its supervision and direction;" so as to read:

SEC. 1608g. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of five judicious, disinterested men, not related to any person interested in the proceedings and not in the service or employment of the District of Columbia or of the United States, to be summoned by the said marshal, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the opening, extension, widening, or straightening of said alley or minor street and the condemnation of lands for the purposes thereof, and assess the benefits resulting therefrom as hereinafter provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the opening, extension, widening, or straightening of said alley or minor street; but all such hearings shall be in the presence of the court and under its supervision and direction. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount found to be due and payable as damages sustained by reason of the said opening, extension, widening, or straightening under the provisions hereof, and of the pieces or parcels of land benefited by such opening, extension, widening, or straightening, and the amount of the assessment for such benefits against the same.

The amendment was agreed to.

The next amendment was, on page 10, line 7, after the word "That," to strike out:

when damages are awarded and benefits assessed by said jury to the same person the amount of benefits shall be first deducted from the amount of damages and the residue paid said person;

And insert:

in all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. DENNIS.

The bill (S. 1456) to carry out the findings of the Court of Claims in the case of James H. Dennis was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out the words "twenty-five thousand six hundred" and insert "twenty-six thousand five hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the personal representative of James H. Dennis the sum of $26,538, being the sum found by the Court of Claims to be due to him by reason of certain contracts for the improvement of the Tennessee River.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. HEYBURN] is entitled to the floor.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. HEYBURN. Certainly; I yield to the Senator from Minnesota.

Mr. NELSON. I ask that the bill may be reprinted with all the amendments that have been adopted. The last reprint does not show all the amendments.

The PRESIDENT pro tempore. The Senator from Minnesota asks for a reprint of the bill as amended.

Mr. BATE. With all the amendments?

Mr. NELSON. With all the amendments. I want to have it reprinted so that it will show all the amendments which have been adopted.

Mr. BATE. Some of the amendments have not been adopted, as the Senator knows.

Mr. NELSON. Those that were reported from the committee and agreed to will be printed.

Mr. BATE. But we do not want to have the others printed as though they were adopted; that is all.

The PRESIDENT pro tempore. No; the request which the Chair repeated, as made by the Senator from Minnesota, was that there should be a reprint of the bill with the amendments already adopted.

Mr. BATE. Yes, sir; that is correct.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

Mr. HEYBURN. Mr. President, preliminary to my remarks this morning I send to the desk to have read an expression from some of the citizens of the proposed State of Arizona. I ask that the papers be read by the Secretary.

The PRESIDENT pro tempore. If there be no objection, the papers will be read. The Chair hears none.

The Secretary read as follows:

Territorial Teachers' Association of Arizona.

The Territorial Teachers' Association of Arizona, which represents every section and every important institution of public education in the Territory, in annual session in Flagstaff, Ariz., December 28–31, 1904, hereby expresses by unanimous voice the strongest and most urgent opposition to the union of Arizona and New Mexico in one State under any circumstances whatever. The differences of educational organization and social conditions, the size of the proposed State, and the difficulties of intercommunication between the different sections, are unanswerable arguments against such union.

A. H. MCCLURE, *President.*
MARY B. POST, *Secretary.*

ROSWELL, N. MEX., *5th.*

Hon. W. B. HEYBURN, *United States Senate,*
Washington, D. C.

DEAR SIR: Please use every effort to defeat the joint statehood bill. We will not accept it if passed.

Roswell Commercial Club, G. A. Richardson, president; E. A. Cahoon, vice-president; Morris Price, second vice-president; H. W. Morrow, E. L. Bedell, Robert Kellahin, C. C. Tannehill, A. M. Robertson, R. F. Barnnett, directors.

LAS VEGAS, N. MEX., *January 5, 1905.*

Hon. W. B. HEYBURN, *United States Senate,*
Washington, D. C.

In name of majority people San Miguel County, I protest against passage Hamilton joint statehood bill.

EUGENIO ROMERO.

SANTA FE, N. MEX., *January 4, 1905.*

Hon. W. B. HEYBURN, *United States Senate,*
Washington, D. C.

As members-elect of the upper house of the thirty-sixth legislative assembly of New Mexico, representing the third council district and a constituency of more than 30,000 people, we protest in their behalf against the passage of the Hamilton joint statehood bill. Our people object to being united with Arizona as one State—first, because the area would be unreasonably large; second, because it means a disfranchisement of our representation in the United States Senate; third, because the people of the two Territories have nothing in common. The laws of irrigation are entirely different. There are no transportation or commercial facilities which tend to bind the two Territories together, and a deep-rooted feeling existing with the citizens of each Territory which would make a unity of the two Territories repugnant, no constitution providing for the creation of one State out of the two Territories can possibly pass. We want statehood within our present boundaries or nothing.

ALEXANDER READ,
MALAQUIAS MARTINEZ,
Members Elect Upper House, Third District.

I concur in the above statement.

GRANVILLE PENDLETON,
Member Elect Lower House, Eighth District.

Mr. BATE. Where is that from, Mr. President?

The PRESIDENT pro tempore. It is dated Santa Fe, N. Mex., January 4, 1905.

Mr. BATE. It said something about the legislature.

The PRESIDENT pro tempore. "As members-elect of the upper house of the thirty-sixth legislative assembly of Oklahoma."

Mr. BATE. That is what I wanted to know.

The Secretary resumed the reading, as follows:

CARLSBAD, N. MEX., *January 12, 1905.*

Senator W. B. HEYBURN,
Washington, D. C.:

The undersigned business men of Carlsbad protest against the passage of the Hamilton joint statehood bill. The merger of New Mexico and Arizona is neither practical nor desirable.

John J. Joyce, president the First National Bank; L. O. Fuller, attorney; W. T. Reed, publisher the Argus; Francis G. Tracy, president Pecos Irrigation Co.; F. F. Doepp, M. D.; A. A. Beeman, merchant; M. S. Groves, lumberman; C. O. Hoffman, druggist.

LAS CRUCES, N. MEX., *January 7, 1905.*

Senator W. B. HEYBURN,
Washington, D. C.:

The undersigned protest against passage of joint statehood bill. If passed believe constitution will be rejected by vote of people.

Hadley, Richards, Hagerty, Foster, educators; Bowman, banker; Holt, lawyer; Mitchell, capitalist; Stoes, Seligman, Frenger, Day, Bascom, merchants; Lynch, surveyor; Snow, Fountain, farmers; Castaneda, Center, clerks; Lohman, chairman county central committee; Irias and Ames, carpenters; Gerber, physician; Lucero, sheriff; Armijo county clerk; McCullough, Gill, mine owners; Miller, member legislature council.

SANTA FE, N. MEX., *January 4, 1905.*

Hon. W. B. HEYBURN,
United States Senate, Washington, D. C.:

On behalf of the Territorial organization of the Territory of New Mexico I protest against the passage of the Hamilton statehood bill providing for the creation of one State out of the Territories of Arizona and New Mexico. The provisions of this bill are repugnant to the people of our Territory and no constitution thereunder can possibly pass. Our people object to a curtailment of their just representation in the United States Senate. The area of the new State proposed would be unreasonable and so large that on account of the mountainous character and lack of transportation facilities great inconvenience would be caused our people. The two Territories have not feeling in common, either commercially, socially, or politically, and are practically united upon the proposition that no jointure of any sort will be satisfactory or accepted. The statement that only a few office-holders are opposed to the passage of this bill is entirely erroneous. The Delegate-elect at the recent election was elected with the positive written pledge over his signature, which was mailed to every voter in this Territory, that he would favor the passage of a statehood bill for New Mexico within her present boundaries. No candidate for Congress dared to openly champion joint statehood for the two Territories for fear of annihilation at the polls. The Territorial debt of Arizona is nearly four times that of New Mexico. To saddle this burden on our people would be manifestly unjust.

H. O. BURSUM,
Chairman Territorial Republican Central Committee.

I concur in the above statement.

SOLOMON LUNA,
Member National Committee for New Mexico.

Mr. HEYBURN. Mr. President, I have sent those communications to the desk to be read, as indicating the wishes of the people within the proposed State on the question of uniting Arizona and New Mexico. While the wishes of those people are not binding and should not of necessity be binding upon Congress in legislating upon this question, yet they should be heard and considered.

As I said yesterday, I believe that self-government is more a duty than a privilege, and looking at it from that standpoint Congress might very properly say that the time had come when those people should assume this responsibility. Various considerations have actuated Congress in forming new States. It was one of the first questions taken up after the organization of the Government. The formation of the State of Vermont first directed the attention of Congress to the power and the intent of the provision in the Constitution relating to the creation of new States.

The second proposition for the creation of a new State was decided upon entirely different grounds from that which moved Congress in determining the question of the admission of Vermont. Vermont was a part of New Hampshire. New Hampshire, when the Constitution was adopted, was given two Senators. By dividing her territory she got four Senators. It is worth while to consider that question. It was not because the population of New Hampshire was so great that they could not conveniently administer the government of New Hampshire. It was not because an increased population of New Hampshire demanded that that State should have a larger representation in this body. It was not that which actuated Congress. And yet, when we consider the question in the light of the discussion which took place in the Constitutional Convention as to the basis of representation in this body, it may be that it did influence the minds of a portion of Congress.

Then again, Virginia, with only two Senators and a territory as large as the entire area of the original thirteen States, according to their present boundaries, ceded her northwest territory to the United States with the provision that it should be created into States. Thus Virginia, as it was known to the Constitution at the time it became one of the States of the Union, secured for herself by this cession fourteen Senators, ten from the northwest territory which was ceded by Virginia to the United States and out of which was created five States, and two from Kentucky.

Now, in settling the conflicts of authority between North Carolina, Virginia, and Georgia, and in casting off from Massachusetts and New Hampshire, we find that the original thirteen colonies added to their representation in this body twenty-two Members. That was in the early days of the formation of the Government, and it is instructive upon this question as to the rule that shall govern us, if I may call it a rule, as to the motive that we shall observe in dividing up territory that came to us just as naturally and legitimately and under the same pledge as came the territory from Virginia and North Carolina.

Mr. President, the original plan of government was that the territory should be divided into areas of convenient size for the purposes of local government, not alone as they were then situated as to population and conditions, but taking into consideration the future destiny of that territory. That was the original plan or scheme of government. When they divided New Hampshire they did it because they considered that the territory of New Hampshire was too large for convenient government. In that day they had no railroads; they did not have the conveniences for communication that they have now; and it is natural that they should consider a smaller area of territory appropriate for the purposes of convenient government on the part of the State.

As the facilities have increased, as railroads have been builded, extending out into the newly acquired territory, Congress has, still considering the question of convenience of local government, made from time to time larger areas into States, and we have no complaint to make as to the size of those great States lying in the Mississippi Valley, because increased facilities of transportation and communication make them no more difficult to govern from a local standpoint than were the little States along the Atlantic coast at the time they were created. That is reasonable; but there is a limit beyond which this rule can not be carried, and this bill proposes to exceed that limit. Petition after petition comes from the people on the ground, familiar with the conditions as to the convenience of communication between one part of this Territory and another, representing facts and presenting conclusions for our consideration which would establish absolutely that the proposed legislation would be unfair, even taking into consideration all we know and all that is promised in the way of improved methods of communication between the different parts of Arizona and New Mexico.

The distance from the capital of Arizona to the capital of New Mexico as they are to-day located is nearly as great as the distance from New York to Chicago by the recognized route of travel. Just consider that question for a moment as to the convenience of those people. It is not over a water grade or a level country, as is the line between New York and Chicago, but is over range after range of mountains through differing climate and country that make it impossible to economically and successfully conduct a State government that comprises the area represented by those two Territories. The expense of government would be intolerable, unbearable. Witnesses summoned to attend United States courts and juries summoned for that purpose, which are drawn from the entire district, would have to travel a thousand or more miles and would be paid mileage in proportion. Litigants desiring to go to the center of government for any purpose would be burdened with this expense. Members of the local State government, of the legislature, and those called to the capital would be burdened with this great expense.

Those were questions that were taken into consideration in organizing and determining the size of the original States. Has any condition arisen which would make it inappropriate for us to take into consideration and be governed by the same rules?

It would seem to me, aside from the reasons which I presented yesterday, that this is one which should be especially taken into consideration—the question of economical and convenient government.

Again, it has been objected by those favoring the bill that these Territories, considered separately, do not contain the natural recources that would entitle them to recognition standing alone. That may be. We have States on the Atlantic coast—everywhere between the two oceans—that in themselves do not contain a very large scope of natural resources; but the greatness of a nation depends upon the aggregate producing capacity of all parts of it taken or considered together. One State is great in the production of corn, another in timber, another in coal, another in the precious metals, and so on, until the great harmonious combination of States affords, when taken together, a self-supporting Government that contains within itself all the elements of prosperity and greatness. The State of Illinois can not say to the State of Nevada, "Because you do not produce corn, because you do not produce the agricultural products of our State, you are unworthy to be considered," any more than Nevada can say to Illinois, "Because you do not produce the hundreds of millions of wealth in gold and silver and precious and useful metals you are not to be considered." So the illustration might be carried to other States of the Union. We

need the undeveloped resources of Arizona and New Mexico to help fill out and round out, if not the present, then the future greatness of this country.

As I said yesterday, we have scant knowledge of the capacity of this unexplored and undeveloped area to contribute to the permanent welfare and greatness of this country, and for that reason I protested then, and I protest now, against the closing of the door upon the consideration of the question as to what we are to do with these undeveloped possibilities at this time. If we are to act, let us act within conservative lines, as our forefathers did. Let us not create enormous areas of territory into a State merely to get rid of this question. It is not a question that we need to be impatient to be rid of. It is one of the most important that ever comes before this body for its consideration. The making of a State is the making of a nation, inasmuch as the State is a part of it and the extent to which it shall contribute is unknown.

Mr. President, the question of population is one of minor importance. If these Territories have not sufficient population to justify their admission as separate States to-day, then wait until they have, because had the rule that is sought to be applied to the consideration of this question prevailed seventy-five years ago the States that now constitute the bulk of the wealth of this country would have been created into one vast State.

This question affects this body more than it affects any other branch of the Government. Aside from the consideration of local conditions within the State after it is organized, as to its capacity to maintain a State government and pay the fixed charges of such government—aside from that the General Government has little interest in this question outside of this Chamber. Members of the Senate are not Senators for the State from which they come, but they are Senators of the United States, each one of them representing as much one State as another. We want to bear that in mind. We have State pride for the State from which we come. Men are proud to represent the oldest Commonwealth in the Union in this great body; they are proud to represent the richest Commonwealth in the Union, and it is a just pride, but behind it all they are no more Senators for one State than for another. This division into States is merely for the marking out of Senatorial districts in the United States.

Mr. HOPKINS. Will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. I heartily concur in the statement made by the Senator from Idaho that the members of this body represent the entire country, and on that basis I should like to know if he insists that it would be proper and right to permit 40,000 people in one section of the country to have the same consideration in this body as have 6,000,000 people in another section of the country?

The Senator has spoken of Nevada, with a population of less than 50,000, which has the same representation in this body as the State of New York, with its eight or nine millions, and the State of Illinois, with its 5,000,000.

Mr. HEYBURN. The difficulty with the Senator's position is that he assumes that the Senator from Nevada represents only Nevada. The Senator from Nevada represents the State of New York as much as he represents the State of Nevada in dealing with questions that come before this body, and it is only a question as to the location from which Senators shall be selected and the medium of their selection.

Mr. HOPKINS. There is the very point I desire the Senator from Idaho to develop. The Senator from Nevada, he says, represents New York as much as do the New York Senators; and yet I find that from day to day the Sentor from Nevada, who is elected by a constituency of 50,000 people, is voting against the interests of New York, as represented by the New York Senators, who have back of them eight or nine million people.

Mr. HEYBURN. I was not advised of that, and accepting the Senator's statement for the fact that the Senator from Nevada is voting against the interest of New York, that is a question that I can leave to those Senators.

Mr. HOPKINS. If the Senator please, I must not be misrepresented in my statement.

Mr. HEYBURN. I did not intend to misrepresent the Senator.

Mr. HOPKINS. I said the Senator from Nevada is voting against the interest of the people of New York as represented by the Senators from New York, whom the people of that State elected United States Senators, assuming that they represent fairly and honestly their constituencies. How can the Senator reconcile that condition by permitting a Senator who has only 50,000 constituents back of him to have the same vote on this floor that the eight or nine million people have?

Mr. HEYBURN. Assuming this statement to be correct—I do not know how the Senator from Nevada will vote on this question. I know that in the other House they have passed this bill and sent it to us, which would seem to express the sentiment of the Members that are elected directly from the people—it is utterly immaterial whether the Senator from Nevada, who was born in the State of New York and educated there and then went to Nevada, and comes from Nevada to this body, votes for the sentiments or against the sentiments that are expressed by the New York delegation in this body. Neither of those Senators have, so far as I know, expressed any opinion upon this question. For aught I know they may be intending to oppose the joint admission of these Territories. The Senator from Illinois would seem to have some intimation of their views upon this question. I do not think it material to the point to which I was addressing my remarks. I was merely expressing the sentiment that Senators in this body are not Senators of the States from which they come, but they are Senators for all the States—Senators of the United States as to everything that belongs to the United States; and the question of pride, of location, and the question of pride of State should not be carried very far in this body except where local interests are up for consideration, and then it may properly be expected that Senators from the constituents whose interests are to be affected will have more knowledge and their voice will be more potent here than that of Senators living in some other part of the country.

Mr. HOPKINS. I take no issue, Mr. President, with the Senator in the statements he is making about the nationality that should be displayed by Senators on this floor. But the point I am making is that he is insisting upon legislation being adopted here that will permit forty, fifty, or a hundred thousand people in one section of our country to have the same representation upon this floor that five millions in Illinois have, or that eight or nine millions have in the State of New York.

Mr. HEYBURN. I will again remind the Senator that when his State came into the Union and was given two Senators in this body it had a population of but 34,620.

Mr. HOPKINS. Mr. President——

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Mr. HEYBURN. Mr. President, I would not like to be thought to be inveighing against the State of Illinois. I did not select it as a target in this debate.

Mr. HOPKINS. Illinois can stand anything the Senator may say.

Mr. HEYBURN. But the Senator has brought forth the greatness of his State as a comparison, and I am compelled to direct my remarks to it. At the time Illinois was admitted to the Union, with 34,620 population, the State of New York had 1,372,812, and the proportionate difference was greater between those two States than it is to-day between Arizona and New York.

Mr. HOPKINS. But those facts as presented by the Senator do not give a fair statement of the situation. Anybody who is familiar with the history of our country when Illinois was admitted knows that the increase of population there was marvelous from year to year, and that while her population was in

accordance with the figures that are presented, it was then apparent that she was to be one of the great States of the Union.

The Senator has referred to Nevada. The point I am making is that everybody understood that Illinois was susceptible of sustaining and developing a great population, whereas the State of Nevada has to-day a smaller population than she had when she was admitted into the Union; and we all know that the Territories of Arizona and New Mexico have had a small increase in population during the last twenty or thirty years.

Mr. STEWART. Will the Senator allow me——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I yield.

Mr. STEWART. I would say to the Senator from Illinois that Nevada has a very much larger population to-day than she ever had before. It is a permanent population, and it is an increasing population. The Senator is very liable to disparage the Western States.

Mr. HOPKINS. I beg the Senator's pardon.

Mr. STEWART. I have heard it said that there was nothing west of the Mississippi of any value. I have heard all that section of country derided in this Chamber, except perhaps California, and have heard it said that States could not be made from it. Yet see how States grew up there in a little while. There are North and South Dakota, and Nebraska. I remember Nebraska when it did not have 5,000 inhabitants, and people thought that it did not amount to much.

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Mr. HOPKINS. I hope the Senator does not mean——

Mr. STEWART. By those who are not familiar with the State at all?

Now the Senator is speaking of Arizona and disparaging that Territory. Arizona has more resources than many imagine. The ruins of Arizona in the part of the Territory that was formerly inhabited show that it once had a large population and old cities, when its waters were used in ancient times, so long ago that the memory of man or history runs not to the contrary. Arizona will have more water than most of the Western States when it is conserved. She has the largest body of fine land of any State in the Union and a great watershed that will furnish moisture to reclaim a country much more fertile than any part of Illinois—I beg the pardon of the Senator from Illinois.

The irrigated land of Arizona will produce more than the lands of any State where they depend on rainfall. One acre of that irrigated land is equal to three or four acres of your best land in the East. They raise two crops yearly on the irrigated land, and they raise crops in their perfection when they do it properly.

Furthermore, in regard to this arid country, I wish to say that I have investigated the subject of arid countries considerably, and I find that there have been more agricultural products produced by irrigation in countries the greater part of which is arid than have been produced in countries where there is a rainfall; and I predict for Arizona that it will be a great State, and the Senator from Illinois, if he ever goes out there, will be proud of it.

I protest against disparaging Arizona because I know that Territory, and I know it has natural resources almost unsurpassed. The amount of land that can there be brought under cultivation is very great and is generally underrated. The war between man and the desert has been going on always. Let alone, the desert will triumph; but if irrigated annually a very small amount of water will spread out over a large country. A stream of water that will irrigate fifty or a hundred acres the first year will irrigate 10,000 acres in a few years. I can show you that in Utah and along the Cache Valley.

There was only a little stream that would irrigate at first a few acres, on which they raised vegetables, but now they have built cities and have got millions of acres under cultivation from these small sources. So it will be in Arizona, and so it will be in all that country.

The great population of India is on lands that have been reclaimed, and most of it has been reclaimed by raising waters with buckets. You would not think that they could do very much in that way, but after the land has been irrigated and become soaked with water they can get along and carry on cultivation with little water. I tell you that that arid country of Arizona will some time astonish you. If you go there now and see the fruits and vegetables that they have produced you will be agreeably surprised, I think, and you will not think it is an inferior country at all or that it may not be an ornament as a State.

The impossibility of dividing territory up so as to have the population of States equal does not militate against our system, because there was great inequality of population when the Union was formed. Delaware was very small, Rhode Island was very small, and some of the States had very little population at that time. But those States came in, although that inequality existed. That inequality has not been exaggerated. As time has gone on the Western States which have been admitted with small populations, like Illinois, have developed enormously and will continue to do so. I am glad to say that Illinois is a great State, but because one State happens to be greater than another is no reason why there should be but one State or why one State should monopolize everything.

It is better that the whole country should be represented in this body. The Senate is made up of representatives of the States. That system has worked well, and it is more conservative than it would be to have two Houses of Representatives.

There is talk about electing Senators by direct vote of the people. That would be a great mistake. It would be in violation of that principle which the Constitution provided and has preserved.

The Senate has been a conservative element; it has represented the States; and to say that the Territories of Arizona and New Mexico should not be represented here because they do not have the same population as Illinois or New York is contrary to the theory of our Constitution. The same thing was said against North Dakota, since I have been a member of the Senate; against South Dakota, against Montana, against Idaho, against Washington, and against Nebraska. Nebraska was not a State when I first came to the Senate. It was said that it had not population enough to become a State. The same arguments were then used in the case of the State of Nebraska, and see how that State has grown up and what changes have taken place.

Now, I hope the Senator from Illinois will get out of the way of progress and keep quiet a little while and let that country grow. It will grow in spite of his protest against it.

Mr. HOPKINS. Mr. President, with the indulgence of the Senator from Idaho——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. I yield.

Mr. HOPKINS. I desire to say to the Senator from Nevada that he has entirely misapprehended my position. I was not inveighing against the State of Nevada, and I have no prejudice against the West; far from it. I was born and bred in the West. I take pride in being a Western man, and I can say to the Senator that during all the years of my service in the other branch of Congress—if he will take pains to look up my record—he will find that I have always voted on all questions in which the West has been interested in favor of the Western interests. I voted for the irriagtion scheme that is so dear to the heart of the Senator from Nevada, which we all expect will produce such splendid results in that mountainous country.

The reason the Senator's State was mentioned was not because of anything that the Senator from Illinois said, but was an illustration that was brought in by the Senator who now has the floor, the Senator from Idaho [Mr. HEYBURN]. Then it was that I called attention to the fact that the State of Nevada, that has been in the Union so long, according to the statistics had not increased in population; and I then asked the question as to whether the limited number of people in that mountainous country should have the same rights and the same privileges that millions of people should have in a larger State, like New York or Illinois.

I have never taken exception to the vote that admitted Nevada into the Union. She has been splendidly represented upon this floor and in the other branch of Congress all the time she has been a State, and the class of people within her borders are among the best in the United States; but when we are talking about adding new States to the Union, does the Senator believe that it is a wise policy for us to admit into the Union a section of country where the prospects are indicative of the fact that a still smaller population will have the same representation in this body that the States of Illinois, Ohio, Pennsylvania, and New York have?

Mr. STEWART. Would the Senator keep them out until they have a population equal to that of any of the States he has named?

Mr. HOPKINS. I would either keep them out or I would unite them so that there would be a respectable population

need the undeveloped resources of Arizona and New Mexico to help fill out and round out, if not the present, then the future greatness of this country.

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The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. I yield.

Mr. HOPKINS. I desire to say to the Senator from Nevada that he has entirely misapprehended my position. I was not inveighing against the State of Nevada, and I have no prejudice against the West; far from it. I was born and bred in the West. I take pride in being a Western man, and I can say to the Senator that during all the years of my service in the other branch of Congress—if he will take pains to look up my record—he will find that I have always voted on all questions in which the West has been interested in favor of the Western interests. I voted for the irriagtion scheme that is so dear to the heart of the Senator from Nevada, which we all expect will produce such splendid results in that mountainous country.

The reason the Senator's State was mentioned was not because of anything that the Senator from Illinois said, but was an illustration that was brought in by the Senator who now has the floor, the Senator from Idaho [Mr. HEYBURN]. Then it was that I called attention to the fact that the State of Nevada, that has been in the Union so long, according to the statistics had not increased in population; and I then asked the question as to whether the limited number of people in that mountainous country should have the same rights and the same privileges that millions of people should have in a larger State, like New York or Illinois.

I have never taken exception to the vote that admitted Nevada into the Union. She has been splendidly represented upon this floor and in the other branch of Congress all the time she has been a State, and the class of people within her borders are among the best in the United States; but when we are talking about adding new States to the Union, does the Senator believe that it is a wise policy for us to admit into the Union a section of country where the prospects are indicative of the fact that a still smaller population will have the same representation in this body that the States of Illinois, Ohio, Pennsylvania, and New York have?

Mr. STEWART. Would the Senator keep them out until they have a population equal to that of any of the States he has named?

Mr. HOPKINS. I would either keep them out or I would unite them so that there would be a respectable population

down there to ask for representation in this body. I do not believe that when a few thousand people have settled in a section of country that is now a Territory they are entitled to statehood simply because they demand it. I think they should present to us some of the elements of statehood before they can successfully ask for admission into the Union.

Mr. STEWART. On that principle the whole region west of the Mississippi if admitted into the Union would have been admitted as one State when I came to the Senate.

Mr. HEYBURN. Mr. President, about the time to which the Senator refers—when he first inhabited Illinois—the States of Illinois and Indiana together did not have as large a population as Oklahoma has to-day. I have the census reports before me. Suppose the Senator were to place himself back, for the consideration of their admission, where those States stood at that time, would he insist that Indiana and Illinois should be admitted jointly as one State because of their population?

Mr. HOPKINS. I can say to the Senator that if the States of Illinois and Indiana had not increased in population over what they possessed when they were admitted into the Union, I would insist that they be admitted as one State.

Mr. HEYBURN. The State of Illinois in forty years after its settlement, according to the census on the desk before me, did not have as much population as Oklahoma has to-day. After forty years of possibilities and development of those magnificent prairies, it had less population than has the Territory of Oklahoma.

Mr. HOPKINS. The Senator has not heard me say——

The PRESIDENT pro tempore. Senators must obtain permission of the Chair and be recognized by the Chair before interrupting a Senator.

Mr. HOPKINS. I beg pardon, Mr. President.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. I yield.

Mr. HOPKINS. The Senator from Idaho is evading the proposition—I do not use that term in an offensive way—when he speaks of Oklahoma. The population of Oklahoma is entirely different from that of New Mexico. The climate and the conditions for statehood in Oklahoma are quite different from what they are in either of the Territories he mentioned, and that called forth the colloquy between himself and me.

Mr. HEYBURN. I will then take the comparison suggested by the Senator from Illinois, and in forty years Arizona has increased in population at a greater percentage than Illinois did in the first forty years.

Mr. HOPKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. I should like to finish the comparison, and then I will yield.

Mr. HOPKINS. I want to say, if you make your comparisons, make them in numbers and not in percentages. There is nothing so illusive as percentages and nothing that leads to such false results.

Mr. HEYBURN. And yet, Mr. President, there is nothing so accurate as percentages when you are considering a question of this kind. Take the entire State. Take the population of the entire State, based upon the growing capacity of the entire State, and estimated by the percentage of growth, and you have the true standard by which to estimate the future capacity for growth—what has it been in the past. Unless the Senator will contend that it has reached the limit of its development and from this time forward there exists no capacity for growth in the future, he must concede that what Arizona has done in the way of percentage in growth she may do in the future.

Take any other State. I am not going to refer to the State of Illinois as a basis for comparison any more, because we have carried that far enough. The official records of the Government of the United States show that the growth of Arizona or New Mexico has been as great as that of Illinois at the same period. These States grow on their growth, and about the time to which the Senator refers, when he came to the State of Illinois, that State stood at the threshold of its greatness and its growth. Having a nucleus of three hundred and odd thousand of population, then it for the first time, though evidently possessed in itself of the energy and the enterprise, was equal to the occasion to take advantage of the natural resources of the State and develop them, and by their development, the example of their development, draw to their State people from other parts of the country. That is what Arizona and New Mexico and Oklahoma and all of the Western States and Territories are doing. When they get to a certain period in their growth they, for the first time, attract attention, the attention of those who are looking for new lands, new homes, and when the attention of the people is once drawn to them it draws the attention of other people. That is why they grow.

So with Arizona and New Mexico. They stand to-day on the threshold of their development and their greatness. Give them an opportunity to demonstrate separately that they possess within themselves the elements of prosperity, the capacity to maintain a State, and they will do just what these other States have done. They will spring forward from that time, when they once have the confidence of the people, with strides more rapid than those that belonged to the earlier States.

In the first hundred years of the existence of the New England and the Middle and Southern States they had not attained altogether the population of one of the States to-day. At the time of the Revolution there were only 3,000,000 people along the Atlantic coast, between the Mississippi River and the Atlantic coast. And they had been 160 years acquiring that population.

You have to consider those conditions in determining the question under consideration. We must deal with the past. We have to demonstrate our confidence in the future, not only with the future that lies buried in the land, in the mountains, but in the future of the people—the American citizenship. Do you know that in Arizona a larger percentage of the people own their own homes than in Massachusetts or in Pennsylvania or in New York? Do you know that by more than twice a larger percentage of those homes are free of debt? Do you know that a larger percentage of people in Arizona are engaged in gainful occupations than there are in the Middle States of the Union?

The ownership of the home is the guaranty of the future greatness of a country. Much depends, of course, on what men do with their homes. But these people have managed to acquire them and to keep them free from debt, and to make them yield, in the earliest stages of their existence and development, a proportion as great of the gainful things that come from the land as those of any other State. There is the test of capacity, Mr. President.

These are American citizens who have made their homes in Arizona and New Mexico—in the main, I mean; not all of them. But in Arizona it is especially true that it is the American citizens who have gone there from homes in the East. It is your surplus sons. It is the ambitious of your family, those who are not content to dwell in idleness or in lack of opportunity. They have gone to that land of promise to make it their home, to lay the foundation for the State, and they are simply asking you to give them the fullest opportunity to do that, not by bunching them up and making one State out of so vast a territory merely to get rid of something. We are not here to get rid of these questions. We are here to dispose of them as they should be disposed of, however much time it may take or how earnest may be the consideration of these questions.

There is no demand now before us for statehood from these people who have made their homes in Arizona and New Mexico, and the occasion does not demand at our hands that we should thrust statehood upon them. If they were a populous and prosperous section of our country, equipped to-day for statehood, and refused to assume the responsibility of self-government, then there might be some reason, some basis for argument, why we should say to them "You shall assume this burden, whether you want to or not." But under existing conditions, they not wanting it, we should merely strike out that portion of the bill which relates to Arizona and New Mexico, and then take up for consideration the question as to the manner of dealing with Oklahoma and Indian Territory.

I have not devoted any time to the consideration of Oklahoma and Indian Territory because, as I understand the manner of proceeding, the amendment which proposes to exclude Arizona and New Mexico from the operation of this bill will be first acted on. Then we will be face to face with the question as to the manner of dealing with Oklahoma and Indian Territory.

I will say at this time, however, that it seems to me Oklahoma should be admitted. Oklahoma is asking for admission. She comes to us with the developed resources that give assurance of her ability to maintain State government. We should admit her.

My present impression is against uniting Indian Territory and Oklahoma, because Indian Territory contains a population unaccustomed to self-government, even of a Territorial character, unaccustomed to participating in self-government, except to the extent of their tribal or semitribal relations, and they are in a minority as against Oklahoma. So Indian Territory might possibly be used merely as a political plaything by the majority of the new State.

However, I do not desire at this time to embarrass the consideration of the question as it relates to Arizona and New Mexico by a consideration of the Oklahoma and Indian Territory

proposition. I hope the Senate will consider first the fact that there is no demand for the admission of these Territories singly or separately; second, that because of the area proposed to be incorporated into this State it is an unfair division of the territory of the United States as it affects the representation in this body; third, because it is a mortgage that can never be satisfied upon the records of this Government when we close the door by admitting these two Territories as one. You can not undo it. It becomes a sovereign State, and without its consent it could not be divided.

The last phase of the question deals with the future, and we will be held responsible for it when that Territory contains a population as great as that of any other State represented on this floor. It may; it will; for the growth of the Pacific coast States indicate that they all possess within themselves the material out of which great States are made.

They possess our own blood, the intelligence of the East, the capacity to build a nation, just as able, just as keen as that which made these States. Nature has been as kind and bountiful to them in dealing out material out of which to make States as it was here in the East.

Mr. President, I hope at the proper time the amendment proposed by the Senator from California [Mr. BARD] will be adopted, and that the consideration of Arizona and New Mexico will be dropped, and then let the bill stand before the Senate on the question of Oklahoma and Indian Territory.

I would favor the amendment offered by the Senator from Ohio [Mr. FORAKER] but that it puts these Territories to the trouble and expense of doing that which we know beforehand will be futile; that is all. If we say to them, "You may vote separately," we know what the result will be. If we say to them, "You may vote unitedly," New Mexico may drag Arizona in as a county of New Mexico and force statehood upon her under conditions that would be intolerable. In this body we must deal with the question not only as it affects the people of those two Territories and the people of the nation, but as it affects this body on the basis of its representation and the distribution of power, the distribution of the right of selection to this body.

I say, without anticipating strife or contention between the East and the West, that in fairness to that great portion of the country lying west of the Mississippi River there should be no State created of the size proposed by this bill. There should be no lessening of the representation as indicated by the geographical divisions already formed. Admit Arizona and New Mexico as one State and it loses to the West forever two Senators in this body. It never can be undone. Why was Dakota divided? It was because it would have been unreasonable to admit it as one State.

Mr. President, I repeat that no graver question comes before this body than the one now under consideration. It has been spoken of lightly in the press as though it were a joke—the making of Western States. Where is the West to-day? We used to talk about the backwoods of Ohio, and then beyond the Mississippi, and then the Rocky Mountains, and then the Pacific slope. The march of progress has gone out to the ocean and started back again. The frontier to-day does not lie on the Pacific coast, but it lies between here and there. The West holds as great promise for the future greatness of this country as any portion of its territory ever held at any period of its existence, and it is with the future and the promise based upon experience that we are to deal in determining this question.

Mr. CLAY obtained the floor.

Mr. NELSON. I understand that the Senator from Georgia is going on to-day.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). The Senator from Georgia has been recognized.

Mr. CLAY. I am not anxious to speak this afternoon. I should speak for a short time only, at any rate. If there is some other business to be transacted I am not in a hurry to proceed.

Mr. NELSON. On behalf of the committee I offer the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 15, line 15, after the word "Muscogee," to insert "one term at South McAlester;" in line 16, after the word "more," to strike out "alternately;" and on page 16, line 3, after the word "act," to strike out "on the first Monday in January and the first Monday in June" and insert:

At Muscogee on the first Monday in January; at South McAlester on the first Monday in May; at Ardmore on the first Monday in October; at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in June.

Mr. NELSON. In a word I can explain the effect of the amendment. It is simply to add a term of the United States court at South McAlester, in the Indian Territory, and it is an amendment of the committee.

Mr. CULLOM. Does the Senator desire to have it acted upon now or later?

Mr. NELSON. I should like to have it acted upon now.

Mr. BAILEY. What is the effect of the amendment?

Mr. NELSON. To establish a term of the court at South McAlester, Ind. T.

Mr. BAILEY. Would the Senator from Minnesota object to providing at the same time for a session of the court at Chickasha?

Mr. NELSON. I could not do so without consulting the committee. This is a committee amendment. I should not like to have the other proposition brought up at this time. I will simply say that if such an amendment is presented, I have no doubt the committee will give it consideration.

Mr. BAILEY. Of course I would not embarrass this, for I think it is a very proper amendment.

Mr. NELSON. I only offer this at the present time because it is a committee amendment and undisputed. I will ask that this amendment be incorporated in the reprint of the bill ordered this morning.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 18, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 17, 1905.

COMMISSIONER OF IMMIGRATION AT THE PORT OF NEW YORK.

Robert Watchorn, of New York, to be commissioner of immigration at the port of New York, N. Y., in the Department of Commerce and Labor, to take effect February 11, 1905.

UNITED STATES ATTORNEY.

William G. Wheeler, of Wisconsin, to be United States attorney for the western district of Wisconsin. A reappointment, his term having expired January 10, 1905.

SURVEYOR-GENERAL OF LOUISIANA.

James Lewis, of Louisiana, to be surveyor-general of Louisiana, his term having expired January 19, 1903. (Reappointment.)

REGISTER OF LAND OFFICE.

Albert Wheelon, of South Dakota, to be register of the land office at Pierre, S. Dak., his term having expired December 20, 1904. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Henry E. Cutting, of South Dakota, to be receiver of public moneys at Pierre, S. Dak., his term having expired December 20, 1904. (Reappointment.)

John E. Adams, of Aberdeen, S. Dak., to be receiver of public moneys at Aberdeen, S. Dak., vice Morris H. Kelly, deceased.

POSTMASTER.

ALABAMA.

John R. Carter to be postmaster at Birmingham, in the county of Jefferson and State of Alabama, in place of James W. Hughes, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 17, 1905.

DISTRICT JUDGE.

John E. McCall, of Tennessee, to be United States district judge for the western district of Tennessee.

AUDITOR OF PORTO RICO.

Thomas W. Hynes, of New York, to be auditor of the island of Porto Rico.

ASSOCIATE JUSTICE OF SUPREME COURT, PHILIPPINE ISLANDS.

Charles A. Willard, of Minnesota, to date from January 13, 1905, to be an associate justice of the supreme court of the Philippine Islands.

REGISTERS OF LAND OFFICES.

Bryson P. Blair, of Colorado, to be register of the land office at Montrose, Colo.

Lon E. Foote, of Colorado, to be register of the land office at Hugo, Colo.

Frederick C. Perkins, of Colorado, to be register of the land office at Durango, Colo.

RECEIVERS OF PUBLIC MONEYS.

John E. Adams, of South Dakota, to be receiver of public moneys at Aberdeen, S. Dak.

Daniel L. Sheets, of Colorado, to be receiver of public moneys at Durango, Colo.

POSTMASTERS.

MISSISSIPPI.

Robert S. Golden to be postmaster at Hollandale, in the county of Washington and State of Mississippi.

Henry L. Rhodes to be postmaster at Ackerman, in the county of Choctaw and State of Mississippi.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 17, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. GILLETT of California. Mr Speaker, I yield to the gentleman from Iowa [Mr. LACEY] ten minutes' time.

Mr. PALMER. Mr. Speaker, I would like, before the debate begins, to ask the gentleman on the other side if we can not take a vote on this question at 4 o'clock this afternoon. In my judgment the mind of the Members of the House has been practically made up, and there will not be very much change made by the debate should we debate here for a month. I am willing to take the vote now, and be satisfied to ask unanimous consent to have the vote taken this afternoon.

Mr. GILLETT of California. Mr. Speaker, it seems to me from the way in which this matter has been arranged, and from the fact that certain gentlemen have prepared to make speeches, the arrangement suggested by the gentleman from Pennsylvania [Mr. PALMER] would absolutely preclude them from doing so. I understood when this debate was started it was to be absolutely fair and unlimited, and I think by to-morrow afternoon we can close this matter, and in the meantime give the gentlemen who have made preparation opportunity to be heard on matters that have not yet been entirely and fully discussed.

Mr. PALMER. If there is objection, of course I can not get unanimous consent. The responsibility is on these gentlemen to continue this debate, but I am ready for a vote.

Mr. GILLETT of California. Mr. Speaker, I object.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. PALMER] yield to the gentleman from California [Mr. GILLETT], who proposes, as the Chair caught it, to make an agreement to close the debate and vote at a certain hour to-morrow?

Mr. GILLETT of California. Yes, sir.

Mr. PALMER. Mr. Speaker, to put the matter in form, I ask unanimous consent of the House to vote on this proposition on these articles at 4 o'clock this afternoon.

Mr. GILLETT of California. Mr. Speaker, I object.

The SPEAKER. The Chair understood the gentleman from California [Mr. GILLETT] to propose a counter proposition to the effect that we now fix to-morrow for a vote.

Mr. PALMER. I think that "sufficient unto the day is the evil thereof." If it is to go over until to-morrow, when to-morrow comes we will try and agree.

Mr. GILLETT of California. Mr. Speaker, I ask unanimous consent that the vote be taken on this matter at 3.30 o'clock p. m. to-morrow.

The SPEAKER. The gentleman from California [Mr. GILLETT] asks unanimous consent that to-morrow at 3.30 o'clock p. m. a vote be taken upon the articles of impeachment.

Mr. MACON. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York [Mr. COCKRAN] is recognized.

Mr. COCKRAN of New York. Mr. Speaker, I wished to put a parliamentary inquiry, but the question is now withdrawn and that disposed of it.

Mr. CLAYTON. Mr. Speaker, in behalf of the majority of the committee that brought in these articles I hope the gentleman from Arkansas [Mr. MACON] will withdraw his objection.

Mr. MACON. Will you allow me to say this. I only objected as my friend the gentleman from California is endeavoring to run this thing himself, and whenever I find a man trying to do that, I nearly always object.

Mr. CLAYTON. That is merely a personal matter, and I hope that the gentleman will withdraw that, and let us dispose of some public business.

The SPEAKER. Is there objection?

Mr. COCKRAN of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCKRAN of New York. By giving unanimous consent to the request of the gentleman from California, the House does not surrender the right to vote on each of these articles separately, does it?

The SPEAKER. Of course not. All rights touching that matter will be preserved, unless there is unanimous consent as to how the vote shall be taken.

Mr. PALMER. In order to facilitate business, I will say I will join with this request of the gentleman from California that we begin voting to-morrow at half past 3.

The SPEAKER. Is there objection?

Mr. NEVIN. Mr. Speaker, what is the proposition?

The SPEAKER. That the voting begin on the articles of impeachment to-morrow at half past 3 o'clock. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa is recognized.

Mr. LACEY. Mr. Speaker, just before adjournment last evening I had an opportunity to read to this House the debate in the Senate when this proposition (the $10 law) was first adopted. In 1898 the Committee of Appropriations put the same provision in an appropriation bill, and then there was debate in the House, to which I wish to call the attention of this body. The same provision was put in the sundry civil bill, and it was debated at some length. I will incorporate in my remarks what was said by Mr. UNDERWOOD and by Mr. CANNON in reference thereto. I will call the attention of the House to Mr. UNDERWOOD'S statement on page 2283, of the Fifty-fifth Congress, second session. He says:

Mr. UNDERWOOD. Mr. Chairman, on Saturday last I raised the point of order to that part of the sundry civil bill on page 104, that comes in after the word "*Provided*," down to the end of line 22. This provision of the sundry civil bill refers to section 715 of the Revised Statutes, that reads as follows:

"SEC. 715. The circuit and district courts may appoint criers for their courts, to be allowed the sum of $2 per day, and the marshals may appoint such a number of persons, not exceeding five, as the judges of their respective courts may determine, to attend upon the grand and other juries, and for other necesary purposes, who shall be allowed for their services the sum of $2 per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. Such compensation shall be paid only for actual attendance, and, when both courts are in session at the same time, only for attendance on one court."

Now, this section in the bill very materially changes the provisions of section 715 of the Revised Statutes. In the first place, it provides a compensation of $10 a day to the district judges during the time they are traveling from their homes to the places where they hold extra courts. The statute already gives them $10 a day compensation during the time they are holding courts, but this gives them an additional compensation of $10 a day while traveling back and forth.

If any gentleman has made up his mind to vote for the impeachment of Judge Swayne on the $10-a-day proposition, he should do it with a full knowledge of what took place in this House in 1898, when the same provision was put into the appropriation bill, two years following the adoption of the existing law.

Mr. UNDERWOOD continues:

Now, these judges receive $5,000 a year salary from the United States, and the law provides for their being paid mileage and traveling expenses. So that I see no reason why their compensation or salary should be increased in this way.

Mr. CANNON. If my friend will allow me.

Mr. UNDERWOOD. Yes.

Mr. CANNON. It seems to me that he has got his point of order to the whole of the section, from line 5 to line 20, inclusive.

Mr. UNDERWOOD. I have made it from page 7 to line 22, inclusive. After the word "*Provided*," on line 7, down to the end of the paragraph.

Mr. CANNON. Now, from line 7 to 10, it seems to me that has nothing to do with the judges, but it is for the fees of the criers, and in the shape of a limitation.

Mr. UNDERWOOD. I beg my friend's pardon. I do not think it is a limitation anywhere. I think it extends the amount of fees that shall be paid in the United States courts all along the line.

Mr. CANNON. But does not section 715—I want to ask as a question of fact—apply to criers?

Mr. UNDERWOOD. Section 715 applies to criers, and is a limitation. This is an extension.

Mr. CANNON. Lines 7 to 10 provide that "all persons employed un-

der section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the orders of the court."

Mr. UNDERWOOD. Lines 5, 6, and 7 provide for the pay of the bailiffs and criers, not exceeding 3 bailiffs and 1 crier in each court. I have no objection to that.

Mr. CANNON. I think my friend's point of order should be made from line 10, *"And provided further"*——

Mr. UNDERWOOD. The language of lines from 7 to 10 is already in the statute. The lines that they shall be paid only when in actual attendance are already in there. There is no necessity for reenacting it.

Mr. CANNON. My friend does not desire to strike out from line 5 to 10, inclusive, down to where the word "courts" occurs in line 10. You make the point of order commencing in line 10 after *"Provided further,"* and how far do you go?

Mr. UNDERWOOD. In stating the case I went down to the end of line 22, but I see that line 22 carries the appropriation, so I have no point of order to strike that out.

Mr. SHAFROTH. Why would it not be well to make the point of order only after line 11, so as to include "no such person shall be employed during vacation?" That is a wise limitation, it seems to me.

Mr. UNDERWOOD. The statute already contemplates that, because the statute says that it shall not be paid only for actual attendance upon the courts, and a judge can not attend on a court in vacation.

Mr. CANNON. My friend from Alabama is after the $10 a day to cover the expenses of traveling and attendance of the district judge when attending district courts——

Mr. UNDERWOOD. As I understand, the judge gets $10 a day after he gets to the place where he is going to hold the court.

Mr. CANNON. Not the district judge, but the circuit judges.

Mr. UNDERWOOD. When a new district judge is sent to hold court when another judge is sick, he gets, under the law, $10 a day.

Mr. CANNON. I do not so understand it. Let me give my understanding, so as to get the exact difference between us. I understand the district judge gets his $5,000 a year, if that is it——

Mr. UNDERWOOD. Yes.

Mr. CANNON. When he goes outside to hold court, he does not get anything.

Mr. UNDERWOOD. My friend from Illinois, I think, is mistaken. When he goes to attend court he gets $10 a day compensation for holding that court during the days he is there, and I think that is sufficient, for he already gets $5,000 a year, and to pay him $10 per day while at court will more than cover his expenses and it is sufficient compensation without giving him the additional amount in this bill.

Mr. CANNON. Commencing on line 16, "expenses of judges of the circuit courts of appeals"——

Mr. UNDERWOOD. That excepts the circuit court judges, and they would not receive it anyway, for it is their duty now.

Mr. CANNON. I understand when the circuit court is held away from the residence of one of the circuit judges—I mean the appellate court—they get $10 a day.

Mr. UNDERWOOD. I do not so understand it if it is within the circuit of the judge.

Mr. CANNON. Yes; if it is away from the place of his residence. The truth is, if there is any abuse it is as to the judges that perform appellate duty. Two of them always are away from their homes. They get their full salary and then $10 a day besides, whereas, it seems to me, there is no abuse as to the district judge, because he only goes away on special occasions and ought to have $10 a day.

Mr. UNDERWOOD. My friend and I do not agree. I insist that the law is that when he gets to the court outside of his district that he is going to hold he gets his $10 a day. This proposes to give him $10 a day during the time he is traveling.

Mr. CONNOLLY. This provision in the bill is in precisely the same language as the law stands to-day. There is no change. Here is the law as it was passed by the last Congress:

"Provided further, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court."

Mr. UNDERWOOD. Does the gentleman say that became a law in the last Congress?

Mr. CONNOLLY. That is the law. Let me say, the act of March 3, 1891, provided for the creation of the court of appeals and for the payment of an additional circuit judge in each judicial circuit, provided that where the judges attended that court away from their places of residence they should be entitled to compensation, and ever since then the law has made appropriation to carry out the letter of the law creating the circuit court of appeals. I investigated that matter myself at the Department of Justice this morning, and spent an hour there with the officials that have the accounts under their supervision, and I find that the law has been so since the circuit court of appeals was established.

Mr. UNDERWOOD. I looked up the law in the Revised Statutes. I will say candidly that I did not look at the acts of the last Congress, and, if the act was passed by the last Congress, then I may be in error.

Mr. CONNOLLY. It was enacted before the last Congress, but how long ago I do not remember; I think probably about 1891, the time of the creation of the court of appeals.

Mr. POWERS. If I understand the gentleman from Alabama [Mr. UNDERWOOD] correctly, his criticism applies to this allowance to the district judges when they are called away from their districts to attend court?

Mr. UNDERWOOD. Yes, sir.

Mr. POWERS. For the information of the gentleman, let me say that for more than twenty or twenty-five years this statute has been in force. Many years ago the language of the statute relating to allowances of this kind was that the judges should be allowed their "reasonable expenses."

That wide latitude of language was greatly abused. Sometimes the judges charged as high as $40 a day. For that reason Congress cut down the allowance to $10 a day and made it apply in terms both to travel and to attendance upon court. The object of the allowance was to indemnify the judges for their expenses in leaving home, and included, of course, expenses of transportation as well as expenses while attending court. Our district judge in the State of Vermont does more work probably in the city of New York than he does in our State. When he leaves home for the purpose of holding court in New York he is allowed $10 a day from the time when he leaves until he returns, the allowance of $10 covering his transportation expenses and his expenses while in New York. As the gentleman will readily see, the allowance is not a very liberal one.

Mr. UNDERWOOD. As I understand, the law at present does not apply to the time taken up by the judge in traveling from his home to the place where he is going to hold court.

Mr. POWERS. Oh, yes, it does. The language of the act is "expenses for travel and attendance, not to exceed $10 per day;" that is, $10 per day for traveling or $10 per day while in attendance at court.

Mr. UNDERWOOD. I understand that such is the provision of this bill; but I do not understand that it is the existing law.

Mr. POWERS. It has been the law in this same form for a great many years.

Mr. UNDERWOOD. The gentleman from Illinois [Mr. Connolly] and the gentleman from Vermont [Mr. Powers] insist that this provision is now existing law as passed by the last Congress. I therefore wish to ask the gentleman from Illinois [Mr. CANNON] why the provision has been incorporated in this bill at this time?

Mr. CANNON. I will tell the gentleman exactly how I understand this matter, and I want to be entirely frank with him and the Committee of the Whole.

Ten dollars a day is the allowance now for travel and expenses to the circuit judges. When one of these judges does appellate duty away from home, he certifies his account for expenses upon the basis of $10 a day. And that is right enough. When a circuit judge of Indiana or the southern district of Illinois goes to Chicago for the purpose of holding court (and there is work enough there for three judges), all he has to do is to certify his account for expenses at the rate of $10 a day, and upon his certificate the allowance is made. But this provision of the existing law does not apply to a district judge. He must make out a detailed account of his expenses. If, for instance, he pays 10 cents for blacking his boots, or if he buys a breakfast at a restaurant for 50 cents or a dollar, he must include such items in the detailed statement of his expenses.

That statement is sent down here and must pass the approval of the accounting officers of the Treasury, who must decide as best they can whether the charges are reasonable. Now, the provision in this bill, as we have reported it, will allow these district judges $10 a day upon their certificates in the same way that the circuit judges get their allowances (which we can not prevent them from getting) at the rate of $10 per day. If this provision goes out of the bill, these district judges must continue to render an account of expenses in detail. That is the state of the case as I understand it, and I think I understand all there is in it.

Mr. SHAFROTH. And the effect of allowing these judges $10 a day will be to save money to the Treasury.

Mr. CANNON. In effect it does that, because when one of these judges is away from home, holding court in Chicago or New York City or Dallas or anywhere else outside of his district, an allowance of $10 a day for expenses is not extravagant.

Mr. UNDERWOOD. Upon the statement which the gentleman from Illinois now makes, he is probably right, so far as that matter is concerned; but the further provision in this paragraph, in the language "of meals and lodgings for jurors in United States cases," is not embraced in the present law, I know.

Mr. LIVINGSTON. Permit me to inquire of the gentleman from Iowa, just there before he goes further, was not the contention of Mr. CANNON of Illinois simply this: That it was a change from allowing an itemized account as theretofore, and a certificate from the judge?

Mr. LACEY. That is not the point.

Mr. LIVINGSTON. The point was that they had not rendered a certificate theretofore, but had to make an itemized account, and that is all there is in that.

Mr. LACEY. That is not all there is in it, as the gentleman will find if he will simply read all this debate that then took place. The proposition as originally gave $10 a day to the circuit judges, and the chairman of the Committee on Appropriations, Mr. CANNON of Illinois, said that the same allowance ought to be given to the district judges then. [Reading:]

Mr. CANNON. No, it is not; but appropriations for that purpose have been made time out of mind, because of the necessity of making provision for such expenses. I am reminded of the fact that this matter was especially brought to the attention of the Committee on Appropriations and the Committee of the Whole House five or six years ago, and upon the necessity of such an appropriation being shown it went in the bill. In reporting such a provision in the present bill your committee has simply followed the precedents. I think a point of order would lie to the clause "of meals and lodgings for jurors in United States cases." But the gentleman knows what that means. In certain protracted cases, where you have to keep the jury together, they must be fed and lodged.

Mr. UNDERWOOD. The Judiciary Committee, in connection with a bill before them, have considered the very proposition put in here. I think there ought to be some provision made as to the feeding of jurors in Government cases. But there is no limitation upon the provision here. It leaves it absolutely within the control of the judge. I think it is better to put a bill through Congress providing for the feeding of these jurors, which bill has been carefully considered by the Judiciary Committee, than it is to put through a loose provision in this way.

Mr. CANNON. Then there must be an appropriation if the bill is put through. Now, if my friend could secure the passage of the bill this appropriation would only be available according to the terms of the bill that would be passed.

Mr. UNDERWOOD. But I do not think we ought to pass laws that will leave it entirely to the discretion of the Treasury Department and of the judges to construe how and when these jurors shall be fed.

Mr. CANNON. If my friend wants to apply his point of order to the meals and lodgings of jurors in United States cases, of course the provision will go out.

Mr. UNDERWOOD. I shall be compelled to insist on that portion of it. Now, as to this provision:

"And of bailiffs in attendance upon the same, and of the compensation of jury commissioners—"

I will say that, as I understand it, the United States Government has been to no expense concerning jury commissioners heretofore.

Mr. CANNON. Oh, yes; that is provided for by law, and has been in ever since jury commissioners were authorized, I am informed.

Mr. DOCKERY. I desire to ask the gentleman whether he has made——

Mr. CANNON. The gentleman's point of order would run to these words, commencing in line 17:

"Of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court."

It has been called to my attention in reference to this paragraph——

The CHAIRMAN. Does the gentleman from Alabama make a point of order on that whole paragraph?

Mr. UNDERWOOD. The first provision does not limit this payment to the judges of $10 a day to the time they are actually holding court. Now, if the gentleman from Illinois will amend that part of the provision so that it shall apply to the judges, so that it shall only pay them $10 a day on the days they are actually holding court, I will withdraw the point of order.

Mr. CANNON. Well, I think it ought to so apply. I think the accounting officers would so construe it; but I have no objection to its going in, if the gentleman desires.

Mr. UNDERWOOD. Then, Mr. Chairman, as to that part of the section, from line 7 down to the word "appeals," I move to amend it by adding that compensation shall be allowed to such judges only when the court is in actual session.

Mr. DOCKERY. You ought to use some more specific language than that.

Mr. HULL. Make it "in actual attendance."

Mr. CANNON. We can agree on that, I think.

Mr. QUIGG. Mr. Chairman, a parliamentary inquiry. I want to know what is the status of this proposition? Is there a point of order pending?

The CHAIRMAN. When the matter is settled by the gentleman from Alabama as he desires to present it, it will be reported by the Clerk.

Mr. CANNON. I suppose the shorter way to do it, really——

Mr. DOCKERY. Let me suggest to the gentleman from Alabama, and the gentleman from Illinois, to insert in line 14, page 104, after the word "each," the words:

"Not to exceed $10 per day each, during the time the court is in actual session."

Then finally they adopted the law for 1898 exactly as it was in 1896. The fact, then, is simply this, that the Senate had debated the proposition in 1896, the House debated it in 1898, and it was stated in the open House by the chairman of the Committee on Appropriations that it was a rate of $10 a day.

Now the House proposes to say that anyone who drew that money in accordance with the understanding as stated by the chairman of the Committee on Appropriations is a criminal and ought to be impeached at the bar of the Senate of the United States. We can see very easily why the committee would never have done this if they had investigated it, but at the close of the contest in the Committee on the Judiciary this matter was brought forward as an entirely new item. The committee declined to investigate it, declined to allow any testimony to go in as to what the actual facts were and as to the construction put upon the law, and brought in the articles of impeachment, thus securing a majority of that committee on this one charge, which they never would have done if they had fully understood it, if they had examined the debates, if they had examined the legislative history of the original statute and the universal, or well-nigh universal, usage of the various judges in the construction of this law.

Now, this House does not want to place itself in an absurd attitude before the Senate. We do not want to go there with the charge that the judge had shown himself a criminal by doing that which we knew that he and others were doing when we absolutely refused to amend the law so as to prevent it. Therefore this first paragraph of the charges should go out and the second paragraph, which is upon the same subject, should likewise be voted down.

Mr. Speaker, I will ask that the full debate on the occasion to which I have already referred be printed in the RECORD.

Mr. WILLIAMS of Mississippi. Will the gentleman at the same time print the statute?

Mr. LACEY. The statute is in the debate, word for word.

Mr. WILLIAMS of Mississippi. I should like to see it go side by side with what he is now trying to impress upon the country as the construction of the statute.

Mr. LACEY. The statute is in the debate and is going to be printed.

Mr. WILLIAMS of Mississippi. I understand that, but if the gentleman is going to ask unanimous consent I am compelled to ask that he print the statute also.

Mr. LACEY. I printed it yesterday.

Mr. WILLIAMS of Mississippi. I wish them both to go in together in deadly parallel with what the gentleman has just said.

Mr. LACEY. Well, there is no deadly parallel. It is merely printing the statute twice, once as it was in 1896 and next as it was when we again passed it in 1898. They are as much alike each time as two peas. There is not even a comma difference.

Mr. WILLIAMS of Mississippi. The gentleman, however, is trying to convey to the country a construction of the statute which the language of the statute will not bear.

Mr. LACEY. No; that is not the question at all.

Mr. WILLIAMS of Mississippi. And he is quoting the gentleman from Illinois [Mr. CANNON] and the gentleman from Alabama [Mr. UNDERWOOD] in their notions of what the statute meant.

Mr. LACEY. Very well.

Mr. WILLIAMS of Mississippi. Now, I merely ask that the statute itself shall go side by side with the construction of their notions.

Mr. LACEY. Certainly; I will do that, with pleasure, because without the statute my remarks would cut no figure whatever. The fact was that the same identical statute, copied out of the act of 1896, was put in the act of 1898, and it was stated as I have read what construction was being put upon it by the judges, and the gentleman from Alabama [Mr. UNDERWOOD] only proposed to change that clause so as to provide that the per diem should be limited to the number of days that they actually held court, which would cut out the time occupied in coming and going. That afterwards was stricken out on the point of order as new legislation.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. PALMER. I yield to the gentleman three minutes for the purpose of answering an inquiry which my colleague [Mr. OLMSTED] desires to make.

The SPEAKER. The Chair desires to be advised. The gentleman from Iowa made a request for unanimous consent?

Mr. LACEY. I want to print the full debate on the occasion I referred to.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I said I would object unless the gentleman would print the statute side by side with the debate.

Mr. LACEY. I will certainly print the statute. It has already been printed, but I will print it twice, in parallel columns, as follows:

THE ACT OF 1896.	THE ACT OF 1898.
Reasonable expenses of travel and attendance of district judges directed to hold court outside their districts, not to exceed $10 per day each, to be paid on written certificate of the judges, and such payment shall be allowed to the marshal in the settlement of his accounts with the United States.	Reasonable expenses of travel and attendance of district judges directed to hold court outside their districts, not to exceed $10 per day each, to be paid on written certificate of the judges, and such payment shall be allowed to the marshal in the settlement of his accounts with the United States.

Mr. WILLIAMS of Mississippi. The gentleman consents to do that, and therefore I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. LACEY. I have three minutes more time, and I yield to the gentleman from Pennsylvania [Mr. OLMSTED] for a question.

Mr. OLMSTED. I want to ask the gentleman from Iowa if he understands that Judge Swayne did claim this compensation or allowance upon a construction of the statute? And I call his attention to the certificate, or what purports to be a copy of Judge Swayne's certificate, at the bottom of page 1 in this report containing the articles of impeachment, from which it appears that he certified—now this is quoted:

That my reasonable expenses for travel and attendance amounted to the sum of $230.

That is not at a rate per day, but he certifies that his actual expenses were that much.

Mr. LACEY. What Judge Swayne claims does not appear, because he was not permitted to make a showing before the committee. What he claimed in the certificate, of course, shows for itself. That is a printed form of certificate that was signed by every judge who drew $10 a day, signed by the various circuit judges as referred to by the chairman of the Committee on Appropriations in the debate.

Mr. OLMSTED. He says only "my actual expenses."

Mr. LACEY. Ten dollars a day for 23 days is $230. Reasonable expenses—not actual expenses.

Mr. SHERLEY. Will the gentleman from Iowa permit a question?

Mr. LACEY. Certainly.

Mr. SHERLEY. Does not the gentleman know that Judge Swayne never offered to testify as to his construction of the statute, that it entitled him to $10 a day?

Mr. LACEY. I know that he did a good deal better; he questioned the Treasury expert and offered proof by that expert, a disinterested witness, that the construction he put upon it was the construction that was usual, and I know that the

committee refused to permit him to do that, and I say that was not right. It was a mistake on the part of the committee; they should have given him an opportunity to prove it by other witnesses rather than by himself.

Mr. SHERLEY. Will the gentleman permit another suggestion?

Mr. LACEY. Yes, sir.

Mr. SHERLEY. Does not the gentleman know as a lawyer that there could not be introduced this other evidence of what other judges did until a basis for it had been made by a statement that that was the construction of Judge Swayne?

Mr. LACEY. The basis of it was made by counsel for Judge Swayne. He said he offered to prove the construction put upon this law by other judges, and thereupon the chairman of the committee at once informed him that he would not be permitted to do it; that they would not permit him to go into that question.

Mr. PALMER. Let me ask the gentleman from Iowa, if the Committee on Appropriations meant that this should be a lump sum covering all expenses of travel and attendance, why did not they say so? Why did they adopt the most inapt language they possibly could have taken? Why did they say he shall have for expenses, travel, and attendance not to exceed $10 a day? Why not, "in lieu of all expenses, travel, and attendance he shall have $10 a day?"

Mr. LACEY. That would have been a good idea. That proposition was made by the Senate of the United States. The Senate brought in an amendment exactly to that effect. This House—the gentleman from Pennsylvania was not then a Member—refused to put any such provision in the statute.

Mr. PALMER. Does the gentleman mean the Allen amendment?

Mr. LACEY. Yes.

Mr. PALMER. The gentleman is mistaken; the Allen amendment did not do any such thing.

Mr. LACEY. The gentleman from Pennsylvania will have plenty of time to explain, and when he does explain I will ask him to explain why the committee did not give an opportunity to Judge Swayne to explain how it came about that he drew $10 a day.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GILLETT of California. Mr. Speaker, how does the time stand?

The SPEAKER. The majority has had five minutes more than the minority.

Mr. GILLETT of California. I now yield thirty minutes to the gentleman from Ohio [Mr. GROSVENOR.]

Mr. GROSVENOR. Mr. Speaker, I trust that at the end of the brief time that has been assigned to me I may retire from this discussion with no damage done to whatever position I may occupy as a lawyer in the estimation of this House. I have never in the same space of time been so shocked and so doubtful of the high character of the profession of which I am proud to be a member as I have been at some of the exhibitions of bad temper and bad legal proposition that have been made to this House. Gentlemen who have argued for the persecution have given out in advance that there was nothing to consider, so far as facts are concerned, but if there is anything to consider, it is bound up in the printed record in this case.

And yet I submit to the House of Representatives here assembled if nine-tenths of the argument has not been based on matters wholly dehors the record in this case. Let me give you an illustration. One of the gentlemen makes this statement:

> The track of this man since the time he was appointed a judge in Florida down to this date is spread all over with bankruptcies, scandals, and suicides. I believe he has not a friend on earth in the northern district of Florida. The strong witnesses against him were of his own political party. It is not for one offense or for two offenses that the people engaged upon the task of impeaching a judge. It is long; it is tedious; it is uncertain, and if it fails, then those who undertake it are in the jaws of the lion. Therefore it is not the first nor the second nor for many subsequent offenses that the judge is impeached.

Now, there is a statement that comes to the House of Representatives totally, absolutely unsupported by any evidence in this case. He says that this persecuted individual had no friends in Florida. The record shows that every lawyer of respectability, so far as I am personally acquainted in that State, have at one time or another signed strong testimonials as to the efficiency, competency, and credit of this judge. If not all, then certainly a great many of them. Not only so, but they have asked the President of the United States to appoint him, not, as the gentleman from Pennsylvania said, an appointment that would get rid of him, but to give him an appointment that would put him in the court of appeals to review the judgment of the Democratic judge that was forced upon Florida some years ago.

I have here—and I shall put them into my remarks, if there be no objection—a long list of distinguished gentlemen who have testified on their oaths as members of the bar, for when a lawyer puts his name to the recommendation of a judge it is the oath of a man, and if he lied about it then he shall not be heard to contradict his statement now.

I copy from the record in this case:

No. 214 WEST WASHINGTON SQUARE,
Philadelphia, November 18, 1897.

His Excellency WILLIAM MCKINLEY,
President of the United States.

Mr. PRESIDENT: It gives me very great pleasure to unite with the many friends of Hon. Charles Swayne, of Florida, in warmly recommending him for appointment to the Supreme Court of the United States.

Judge Swayne has for many years administered justice not only in Florida, but by assignment in the United States courts of Louisiana and Texas.

He has established a reputation for industry, integrity, learning, and all the virtues which should adorn the bench. His patriotism and courage are undoubted. You may rely upon it that his appointment would reflect great credit upon you and on the judiciary.

With highest regard, I have the honor to be, your most obedient servant,

F. CARROLL BREWSTER.

SUPREME COURT OF PENNSYLVANIA, JUDGES' CHAMBERS,
Philadelphia, November 19, 1897.

The PRESIDENT.

SIR: Permit me to suggest the appointment of Hon. Charles Swayne as a justice of the Supreme Court of the United States.

Judge Swayne's service in the northern district of Florida, and in other districts by assignment, has met the approval of the profession of the whole country, and has shown him to be learned, able, and safe.

Respectfully,

D. NEWLIN FELL.

ORPHANS' COURT,
Philadelphia, November 20, 1897.

Hon. WILLIAM MCKINLEY, *President.*

DEAR SIR: In the matter of the appointment of a successor to Mr. Justice Field upon the bench of the Supreme Court of the United States, I beg to commend to your favorable consideration the application on behalf of the Hon. Charles Swayne, now judge of the United States courts of Florida, fifth circuit. Prior to his judicial service Judge Swayne was a member of the bar of Philadelphia, in excellent repute professionally and otherwise.

In his subsequent career he has shown in a marked degree the qualities of an able jurist, and his abilities have been tested and acknowledged by his frequent assignments to the circuit and district courts of States outside of Florida. I am able to speak with confidence of Judge Swayne's fitness for the office from personal knowledge and observation.

Yours, very respectfully,

W. N. ASHMAN,
Judge of Orphans' Court.

OFFICE OF UNITED STATES DISTRICT ATTORNEY,
SOUTHERN DISTRICT OF FLORIDA,
Jacksonville, Fla., November 26, 1897.

The PRESIDENT, *Washington, D. C.:*

It is currently reported that a vacancy will soon occur upon the Supreme Bench, in which event I beg to call your attention to the claims of Hon. Charles Swayne, at present judge of the northern district of Florida. I have known him for many years, and can testify to his learning and ability as a lawyer. I have seen a great deal of him upon the bench under the most trying circumstances, and he has always had the courage to discharge his duties faithfully, fearlessly, and impartially. His private life is above reproach, and I believe that his appointment would secure not only an able and fearless jurist, but give general satisfaction.

Very respectfully,

J. N. STRIPLING.

OFFICE OF UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF TEXAS,
Dallas, Tex., November 22, 1897.

Hon. WILLIAM MCKINLEY, *President.*

SIR: Learning that the friends of Judge Charles Swayne, of Florida, will make an effort to secure his appointment to fill the vacancy which will probably soon occur on the Supreme Court bench, it affords me pleasure to add my indorsement.

I have for two years constantly practiced in the courts over which Judge Swayne presided and I know him well.

His private life is pure, and as a lawyer and judge his ability can not be questioned.

Very respectfully,

W. O. HAMILTON,
United States Attorney, Northern District of Texas.

[Department of Justice, United States circuit and district courts for the northern district of Texas, J. H. Finks, clerk.]

WACO, TEX., *December 6, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States.

SIR: As there is at this time a vacancy on the Supreme Bench of the United States, I desire most earnestly to recommend to Your Excellency's favorable consideration to fill this vacancy the name of the Hon. Charles Swayne, United States district judge for the northern district of Florida.

Judge Swayne has for a number of years presided over the United States courts in Florida with eminent success and commendation. He has proven himself to be industrious, faithful, fearless, and an eminent jurist. His private life is absolutely above reproach.

Judge Swayne has not only served in the United States courts in his

own district, but he has also presided with like success and commendation by designation in the circuit and district courts of this, the northern district of Texas, and also in Louisiana. In this public service he has necessarily acquired a wide and varied judicial experience, which has amply qualified him to fill with honor and credit the exalted position of justice of the Supreme Court of the United States.

Very respectfully,

J. H. FINKS.

FRESNO, CAL., *December 11, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States:

Understanding that there at present exists a vacancy among the justices of the Supreme Court of the United States, I desire to recommend to Your Excellency's consideration Judge Charles Swayne, of Florida, for the appointment to fill the vacancy suggested.

Judge Swayne for a number of years past has presided over the United States courts in the northern district of Florida—in the fifth circuit—with eminent success. He has proven himself to be an industrious, faithful, fearless, and impartial jurist, and his private life is absolutely without reproach.

Judge Swayne has served not only in the United States courts in his own district, but has also presided with like success, by assignments, in the circuit and district courts in other States than his own, notably in the States of Louisiana and Texas.

In all this additional public service he has necessarily acquired a wide and varied judicial experience that has amply qualified him for a future successful career in the exalted position of a justice of the Supreme Court of the United States, to which he now aspires.

Very respectfully, yours,

L. L. CORY, *Attorney at Law.*

[Bomar & Bomar, attorneys and counselors.]

FORT WORTH, TEX., *December 4, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

DEAR SIR: Understanding that there is now a vacancy among the justices of the Supreme Court of the United States caused by the retirement of Justice Field, I desire most earnestly to recommend to Your Excellency's consideration for the appointment to fill the vacancy suggested Judge Charles Swayne, of Florida.

Judge Swayne for a number of years has presided over United States courts in the northern district of Florida, in the fifth district, with excellent success and commendation. He has proven himself to be an industrious, faithful, fearless, and most impartial jurist, and in his private life he is absolutely above reproach.

Judge Swayne has not only served in the United States courts in his own special district, but he has also presided with like success and commendation by assignment in the circuit and district courts of other States than his own, notably in the States of Louisiana and Texas. In all of his public service he has necessarily acquired a wide and varied judicial experience that has amply qualified him for a future successful career in the exalted position of a justice in the Supreme Court of the United States.

Very truly, yours,

D. T. BOMAR.

[Law offices Kearby & Muse, 239 Main street, opposite St. George Hotel.]

DALLAS, TEX., *December 7, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States:

Understanding that there is likely to occur very shortly a vacancy among the justices of the Supreme Court of the United States, the undersigned desire most earnestly to recommend to Your Excellency's consideration for the appointment to fill the vacancy suggested Judge Charles Swayne, of Florida.

Judge Swayne for a number of years past has presided over the United States courts in the northern district of Florida in the fifth circuit with eminent success and commendation. He has proven himself to be an industrious, faithful, fearless, and most impartial jurist, and his private life is absolutely above reproach.

Judge Swayne has not only served in the United States courts in his own especial district, but he has also presided with like success and commendation by assignments in the circuit and district courts of other States than his own, notably in the States of Louisiana and Texas.

In all this additional public service he has necessarily acquired a wide and varied judicial experience that has amply qualified him for a future successful career in the exalted position of a justice of the Supreme Court of the United States.

Very respectfully, yours,

KEARBY & MUSE.

[Law offices of J. D. Johnson, Temple Building, corner Broadway and Walnut street.]

ST. LOUIS, MO., *November 20, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States:

Understanding that there is likely to occur very shortly a vacancy among the justices of the Supreme Court of the United States, the undersigned desires most earnestly to recommend to Your Excellency's consideration for the appointment to fill the vacancy suggested Judge Charles Swayne, of Florida.

Judge Swayne for a number of years past has presided over the United States courts in the northern district of Florida in the fifth circuit with eminent success and commendation. He has proven himself to be an industrious, faithful, fearless, and most impartial jurist, and in his private life he is absolutely above reproach.

Judge Swayne has not only served in the United States courts in his own especial district, but he has also presided with like success and commendation by assignments in the circuit and district courts of other States than his own, notably in the States of Louisiana and Texas.

In all this additional public service he has necessarily acquired a wide and varied judicial experience that has amply qualified him for a future successful career in the exalted position of a justice of the Supreme Court of the United States.

Very respectfully, yours,

J. D. JOHNSON.

[Charles H. Pennypacker, attorney at law.]

WEST CHESTER, PA., *November 20, 1897.*

DEAR SIR: Judge Charles Swayne, of Florida, is a fit man to be appointed to the Supreme Bench. He is capable, is honest, has the respect and esteem of the bar, and as a lawyer writing to a lawyer, I can assure you that his appointment would gratify the profession and strengthen the bench. I am a member of this court of last resort and I think I know something of its needs, and I am sure that Judge Swayne's long experience would serve him well in this place.

Very respectfully,

CHAS. H. PENNYPACKER.

WILLIAM MCKINLEY,
President of the United States.

[Law offices of William M. Hayes.]

WEST CHESTER, PA., *November 20, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States:

To fill the vacancy caused by the resignation of Mr. Justice Field, I take pleasure in recommending to your favorable consideration Judge Charles Swayne, of Florida.

Having known him personally for many years, I most cheerfully testify to his high character and great personal worth.

I can readily believe, by what I have learned from those who have had the best opportunity for knowing, that he is well equipped for the exalted duties devolving upon a justice of the Supreme Court of the United States.

Very respectfully,

WM. M. HAYES.

[Law office of Anthony Higgins, 834 Market street, Wilmington, Del.]

NOVEMBER 29, 1897.

SIR: I respectfully beg to recommend the appointment of Hon. Charles Swayne, at present United States district judge for Florida, to the position of justice of the Supreme Court of the United States, about to be made vacant by the retirement of Mr. Justice Field. Judge Swayne is a native of Delaware, of this county of Newcastle. His father was one of the 300 who voted for Fremont; a man of sterling worth and integrity, and several times sent by his neighbors to our legislature. The son took his education in Philadelphia and came to the bar there. I recommended his appointment as district judge in Florida to President Harrison and secured his confirmation at that time by the Senate. I have noted with much interest his fearless discharge of judicial duty in his present position and the high rank he has taken as a jurist, and I feel that you will make no mistake in appointing him to this important position.

Very truly, yours,

ANTHONY HIGGINS.

The PRESIDENT.

OFFICE OF THE MAYOR,
Philadelphia, November 29, 1897.

The PRESIDENT, *Washington, D. C.:*

Allow me to indorse for appointment to the Supreme Court of the United States, Hon. Charles Swayne. He is now United States district court judge for the northern district of Florida. I have known him for years, personally; before his appointment to his present position he practiced law in this city. He has a sound legal mind and in every way is well equipped for the bench of the Supreme Court.

Very respectfully,

CHAS. F. WARWICK.

[Law offices of Jones, Carson & Beeber, 426–432 Drexel Building.]

PHILADELPHIA, *November 26, 1897.*

His Excellency WM. MCKINLEY,
President of the United States.

SIR: I have learned with much pleasure of the suggestion of the name of Hon. Charles Swayne, the present district judge of the United States of the northern district of Florida, for the position soon to become vacant in the Supreme Court of the United States.

I have known Judge Swayne well for many years. I knew him at the Philadelphia bar as a reputable and able practitioner, and I have watched with interest and pleasure his deportment as a judge. He is of the judicial temperament and amply qualified.

Very respectfully and truly, yours,

HAMPTON L. CARSON.

[Office of the City Attorney.]

SAN JOSÉ, CAL., *December 10, 1897.*

His Excellency WILLIAM MCKINLEY,
President of the United States.

DEAR SIR: I take great pleasure in recommending Judge Charles Swayne, of the northern judicial district of Florida, to fill the position on the Supreme Bench lately made vacant by the resignation of Justice Field. Judge Swayne has for many years adorned the bench by the judicial learning displayed by his decisions, and has endeared himself to his professional brethren by uniform courtesy and a display of those qualities which characterize a dignified gentleman.

The selection of Justice Swayne for the position of justice of the Supreme Court would be an evidence to the country at large that the reputation of our highest judicial tribunal was being maintained.

Very respectfully,

WM. B. HARDY.

SHERIFF'S OFFICE,
Philadelphia, November 20, 1897.

The PRESIDENT, *Washington, D. C.:*

Understanding that there is likely to occur, very shortly, a vacancy among the justices of the Supreme Court of the United States, the undersigned desires most earnestly to recommend to your favorable consideration, for the appointment to fill the vacancy suggested, Judge Charles Swayne, of Florida.

Judge Swayne, for a number of years past, has presided over the United States courts in the northern district of Florida, in the fifth circuit, with eminent success and commendation. He has proven himself to be an industrious, faithful, fearless, and most impartial jurist, and in his private life he is absolutely above reproach.

Judge Swayne has not only served in the United States courts in his own especial district, but he has also presided with like success and commendation by assignments in the circuit and district courts of other States than his own, notably in the States of Louisiana and Texas.

In all this additional public service he has necessarily acquired a wide and varied judicial experience that has amply qualified him for a future successful career in the exalted position of a justice of the Supreme Court of the United States.

Very respectfully, yours, W. GREW.

[Miller Lock Company.]

PHILADELPHIA, *November 26, 1897.*

His Excellency WILLIAM MCKINLEY, *President:*

It gives me pleasure to assure you as to Judge Charles Swayne, whose friends, I am told, are pressing his name for the honor of your nomination to fill the vacancy now looked for in the Supreme Court.

I have known him intimately since boyhood. His character and patriotism are beyond reproach. His father was twice a member of the Delaware State legislature, and was an eminently patriotic and highly honored citizen.

Judge Swayne's preceptor was the late distinguished Eli K. Price, of the Philadelphia bar. He also studied and graduated in the law department of the Pennsylvania University.

He is a true and tried Republican of the conservative class. If you name him for the place in view I am confident the appointment will redound to your honor and to the welfare and happiness of our country.

Yours, very truly,

MILTON JACKSON.

[Jackson & Sharp Company, Delaware Car Works.]

WILMINGTON, DEL., *December 4, 1897.*

The PRESIDENT:

I am pleased to commend the Hon. Charles Swayne, of Florida, judge of the United States court, to your consideration for the vacancy soon to occur by the retirement of Justice Field from the United States Supreme Court.

Very respectfully, JOB H. JACKSON.

[Idaho Daily Statesman, Editorial Rooms, Boise, Idaho.]

BOISE, IDAHO, *November 27, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States.

DEAR SIR: I desire to recommend Judge Charles Swayne, of Florida, for appointment to the Supreme Bench to fill the vacancy occasioned by the retirement of Justice Field. Judge Swayne for a number of years has been the presiding judge for the northern district of Florida with distinguished success. He has proved himself able and impartial, faithful to the high interests committed to him, and fearless in the discharge of duty. In his private life he is a model of exalted American citizenship; and both as a jurist and as a gentleman he would be an ornament of the bench of the most august tribunal in the world—the Supreme Court of the United States.

Very respectfully,

WM. BALDERSTON.

[Office of E. G. Shortlidge, M. D., 1812 Market street.]

WILMINGTON, DEL., *November 29, 1897.*

The PRESIDENT OF THE UNITED STATES.

DEAR SIR: Understanding that there is likely to occur very shortly a vacancy among the justices of the Supreme Court of the United States, the undersigned desire most earnestly to recommend for your favorable consideration the appointment of Judge Charles Swayne, of Florida, to fill the vacancy.

Judge Swayne for a number of years past has presided over the United States courts in the northern district of Florida, in the fifth circuit, with eminent success and commendation. He has proven himself to be an industrious, faithful, fearless, and most impartial jurist. In his private life he is absolutely above reproach. Judge Swayne has not only served in the United States court in his own especial district, but has also presided with like success and commendation by assignment in the circuit and district courts of other States than his own—notably in the States of Louisiana and Texas. In all this additional public service he has necessarily acquired a wide and varied judicial experience that has amply qualified him for a future successful career in the exalted position of a justice of the Supreme Court of the United States.

Very respectfully, yours, EVAN G. SHORTLIDGE.

[F. K. Ledyard, dentist, No. 53 South First street.]

SAN JOSE, CAL., *December 10, 1897.*

Hon. WILLIAM MCKINLEY,
President of the United States:

We feel justified in our determined move in bringing before Your Excellency the name of Judge Charles Swayne, of Florida, as a candidate for one of the justices of the Supreme Court of the United States.

His father repeatedly represented his little State—Delaware—in the assembly, and was one of those old-line Quakers which we so much admire. Judge Swayne has a goodly share of those sterling qualities, and his past experience well fits him for the exalted position of Chief Justice of the Supreme Court.

Very respectfully, F. K. LEDYARD.

EXHIBIT FF.

Letters recommending Hon. Charles Swayne, judge of the district court of the United States for the northern district of Florida, for appointment as judge of the circuit court of the United States, fifth circuit.

Benjamin S. Liddon, ex chief justice State of Florida; Hon. John Eagan, United States attorney, Pensacola, Fla.; Hon. J. Emmet Wolfe, late United States attorney, northern district of Florida; Benjamin C. Tunison, esq., Pensacola, Fla.; F. W. Marsh, esq., Pensacola, Fla.; Buckner Chipley, esq., Pensacola, Fla.; R. P. Reese, esq., Pensacola, Fla.; A. A. Fisher, esq., Pensacola, Fla.; J. W. Landrum, esq., Pensacola, Fla.; E. K. Nichols, esq., Pensacola, Fla.; Wm. Fisher, esq., Pensacola, Fla.; Judge E. D. Beggs, Pensacola, Fla.; C. M. Coston, esq., Pensacola, Fla.; Geo. P. Wentworth, esq., Pensacola, Fla.; John D. Cody, esq., Pensacola, Fla.; Hon. Daniel Campbell, De Funiak Springs, Fla.; S. K. Gillis, De Funiak Springs, Fla.; Judge D. G. McLeod, De Funiak Springs, Fla.; Messrs. Calhoun & Farley, Marianna, Fla.; E. P. Aaxtell, esq., Jacksonville, Fla.; Wm. H. Harwick, esq., Jacksonville, Fla.; Hon. H. L. Anderson, Ocala, Fla.; Hon. H. C. Coke, Dallas, Tex.; Mark D. Brainard, jr., esq., Montgomery, Ala.

[Liddon & Eagan, attorneys and counsellors at law.]

PENSACOLA, FLA., *February 1, 1899.*

The PRESIDENT:

We most earnestly urge the appointment of Hon. Charles Swayne, our present United States district judge for the northern district of Florida, to the position of circuit judge of the fifth circuit, under recent act of Congress creating an additional circuit judge.

Judge Swayne has served in his present position for the past ten years and made a most excellent judge, so that he is well qualified by experience for the circuit judgeship. We feel sure his appointment to the position would meet with the hearty approval of the bar and people of our circuit.

Very respectfully, LIDDON & EAGAN,
Attorneys at Law.

[Department of justice, northern district of Florida, J. Emmet Wolfe, late United States attorney.]

PENSACOLA, FLA., *January 31, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: The friends of Hon. Charles Swayne, judge of the United States district court for the northern district of Florida, will present his name for your consideration in connection with the recently created office of additional circuit judge for the fifth judicial circuit.

Judge Swayne has presided over our district and circuit courts for several years with great satisfaction, both to the members of the bar and the public, evidencing in his decisions a finely discriminating mind and great judicial knowledge.

He has also repeatedly been called upon to sit as a member of the circuit court of appeals for this circuit, and the decisions he has delivered as a member of that court fully sustain the high reputation he has established in this district.

I cordially indorse Judge Swayne for this position and earnestly urge his appointment, and in so doing feel that I voice the sentiment of all who have knowledge of his character and ability.

Respectfully,

J. EMMET WOLFE.

[Benjamin C. Tunison, attorney and counselor at law, Pensacola, Fla.]

FEBRUARY 2, 1899.

The PRESIDENT, *Washington, D. C.*

SIR: I desire to join with many of the citizens of the fifth judicial circuit in recommending to Your Excellency for appointment as circuit judge Hon. Charles Swayne, of Florida.

From a long acquaintance with Judge Swayne and close observation of him I unhesitatingly say that he is most excellently well equipped to perform the duties of this exalted office. Judge Swayne is a man of sterling integrity and purest possible life; he is a patriotic American and an enthusiastic admirer of our grand Union; a believer in our Constitution as expounded by the great lights of our party, with a strength of character that enables him to do his duty as he sees it, regardless of consequences. As a lawyer he is well read, careful, logical, quick, and perceptive. As a judge he is calm, deliberate, dignified, impartial, and kind. His is peculiarly the judicial temperament.

Since June 1, 1889, Judge Swayne has been the presiding judge of our United States district court. Throughout that time I have been an active practitioner before him. Shortly after his appointment several hundred election cases were brought into this court, and Judge Swayne was compelled to pass thereon. These cases were bitterly fought. The leading lawyers of the State, as well as the newspapers thereof, were engaged in arraigning the public opinion against the court. Excitement ran high, and a condition existed almost analogous to rebellion against the authority of the United States. Two deputy marshals were killed by the lawbreakers, and in numerous counties of the State process from the United States court could not be served on account of the armed resistance. Judge Swayne had just been elevated to the bench; but, notwithstanding the conditions existing throughout his district and the assaults made upon him, he never for one moment deviated from that just course that in a judge wins the admiration of all.

During the first few years of his judicial life he was "tried in the fire;" he went through the ordeal, and from out this season of trouble he won the highest position in the hearts and minds of the people of our State, irrespective of party affiliations. He has always been a just and upright judge.

During his incumbency in this district he has, by assignment, frequently held court in Texas and Louisiana, and to my personal knowledge he has there met with the highest commendation from those who were honored by making his acquaintance. He has also sat on several occasions upon the bench of the court of appeals of this circuit, and his opinions there rendered demonstrated his peculiar fitness therefor.

In every position in life Judge Swayne has acted with honor and credit, and the Government of the United States would be benefited should he be elevated to a position embracing a larger territory than that now occupied by him. As one looking to the maintenance of an exalted judiciary, I commend for the appointment above referred to Judge Charles Swayne.

Very respectfully, B. C. TUNISON.

[Marsh & Chipley, attorneys and counselors at law, Pensacola, Fla.]

FEBRUARY 2, 1899.

The PRESIDENT, *Washington, D. C.*

SIR: We respectfully indorse the application of the Hon. Charles Swayne for the position of circuit judge for the fifth judicial circuit, which position we understand it will soon become incumbent upon Your Excellency, with the consent of the Senate, to fill.

We can conceive of no more appropriate appointment than this would be, reflecting credit upon the United States judiciary, and being a just

promotion of one who has so efficiently and ably served the interests of the people throughout this portion of the United States. As district judge he has received the respect of every person who has had the pleasure of his acquaintance, and his personal attributes are well fitted for the position.

Very respectfully,

F. W. MARSH.
BUCKNER CHIPLEY.

[R. Pope Reese, attorney at law.]

PENSACOLA, FLA., *January 31, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: I would respectfully recommend for your favorable consideration the name of Charles Swayne for appointment as additional judge of the fifth judicial circuit of the United States. I think his experience well qualifies him to fill said office with credit to himself and the Government.

Respectfully,

R. P. REESE.

[A. A. Fisher, attorney and counselor, Pensacola, Fla.]

FEBRUARY 2, 1899.

Hon. WM. MCKINLEY,
President, etc., Washington, D. C.

SIR: Allow me to recommend to your favorable consideration for appointment as United States circuit judge for the fifth circuit Hon. Charles Swayne, the present judge of our United States district court.

Judge Swayne is in every way admirably qualified and equipped for this exalted position, and his appointment thereto would be eminently satisfactory to the bar and laity of this circuit. Judge Swayne's character, learning, and judicial disposition are unquestioned and unquestionable.

Very respectfully,

A. A. FISHER.

[James R. Landrum, attorney and counselor at law and marine notary public.]

PENSACOLA, FLA., *February 1, 1899.*

His Excellency WM. MCKINLEY,
Executive Mansion, Washington, D. C.

SIR: I have the honor of respectfully indorsing Judge Charles Swayne for judge of the United States circuit court, fifth judicial circuit.

Judge Swayne has given eminent satisfaction as judge of this district. Of deep learning and keen perception, his decisions are looked upon with real, as contradistinguished from ostensible, respect, and I believe that his preferment would meet with the hearty approval of the professional and business interests of the fifth judicial circuit.

Very respectfully,

JAMES R. LANDRUM.

[E. K. Nichols, attorney and counselor at law, 14 East Government street, Pensacola, Fla.]

FEBRUARY 2, 1899.

His Excellency the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

SIR: Permit me, respectfully and most earnestly, to urge upon your favorable consideration the name of the Hon. Charles Swayne, now judge of one of the district courts in this State, for appointment as the additional circuit judge provided for in the fifth circuit.

I have known Judge Swayne intimately for many years—while at the bar and since his elevation to the bench. He was always eminent while in the practice of his profession for honesty, erudition, and industry. He is a man whose private life has been clean and irreproachable.

All the while since he has been a judge he has been distinguished for his learning in the law; for his untiring industry; for his suavity of manners, alike to lawyer and to litigant; for his absolute impartiality, and for his fearlessness in the administration of justice.

I verily believe that Judge Swayne's promotion to this higher court would prove a creditable act on the part of your excellency, for whom personally, and for the success of whose Administration, I entertain the most profound regard and offer the most fervent prayer.

Your obedient servant,

EGBERT K. NICHOLS.

[Wm. Fisher and E. D. Beggs, attorneys and counselors at law, Pensacola, Fla.]

FEBRUARY 2, 1899.

His Excellency WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

SIR: Having learned that the Hon. Charles Swayne, judge of the United States district court for the northern district of Florida, would be suggested to you for appointment as circuit judge of the fifth circuit of the United States under the recent act of Congress, we desire to respectfully recommend Judge Swayne to your favorable consideration for that position, and to add our indorsement of him to the many others which will be presented to you in his behalf.

We have the honor to remain, with great respect,

Yours, very truly,

WM. FISHER.
E. D. BEGGS.

[Charles M. Coston, attorney and counselor at law, No. 14½ East Government street, Pensacola, Fla.]

FEBRUARY 2, 1899.

Hon. WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

DEAR SIR: It affords me pleasure, as member of the bar, practicing before the United States district court for the northern district of Florida, to indorse the Hon. Charles Swayne for the position of judge of the United States circuit court, fifth circuit.

His established reputation as a jurist, his consistent courtesy to the members of the bar practicing before his court, and his long and meritorious services as a member of the judiciary entitle him to the promotion he now desires.

I have the honor to be, yours, very respectfully,

CHAS. M. COSTON.

[Geo. P. Wentworth, attorney at law.]

PENSACOLA, FLA., *February 2, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: It is with great pleasure that I have the privilege of recommending Hon. Charles Swayne, judge of the district court of the United States for the northern district of Florida, to the position of circuit judge for the fifth judicial circuit.

Respectfully,

GEO. P. WENTWORTH.

[John D. Cody, attorney and counselor at law, Pensacola, Fla.]

FEBRUARY 2, 1899.

The PRESIDENT, *Washington, D. C.*

SIR: I am advised that Judge Swayne's name will be proposed to you as a suitable one for appointment as United States circuit judge. His appointment would be a just recognition of a learned, upright, fearless, and patriotic judicial officer; would be eminently satisfactory to our people, and would reflect great credit upon your honored Administration.

I commend his appointment.

Very respectfully,

JNO. D. CODY.

DE FUNIAK SPRINGS, FLA., *January 30, 1899.*

Hon. WILLIAM MCKINLEY,
President United States.

MY DEAR SIR: I take pleasure in recommending Hon. Charles Swayne for appointment to the judgeship of the fifth circuit.

I have known Judge Swayne, and have practiced in his court, and can recommend him as a man of spotless character, and in my opinion of sufficient judicial experience and legal knowledge as to fit him for the important office of circuit judge. I am not of his political household, hence can have no sinister motives in making this recommendation.

Very respectfully submitted.

DANIEL CAMPBELL,
Attorney at Law.

DE FUNIAK SPRINGS, FLA., *January, 1899.*

The PRESIDENT:

It gives me great pleasure to indorse the application of Hon. Charles Swayne for appointment to the position of judge of the circuit court of the United States, fifth circuit. I know Judge Swayne to be a "whole-soul" Christian and an able judge.

Respectfully,

S. K. GILLIS, *Attorney.*

DE FUNIAK SPRINGS,
Walton County, Fla., January 30, 1899.

The PRESIDENT:

I take pleasure in indorsing the application of Hon. Charles Swayne for appointment to the position of circuit judge, United States circuit court.

Judge Swayne's splendid record as judge of United States district court in Florida has clearly demonstrated his fine fitness and high attainments for the responsible position to which he aspires.

Respectfully,

D. G. MCLEOD, *County Judge.*

[Calhoun & Farley, lawyers.]

MARIANNA, FLA., *January 31, 1899.*

His Excellency WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

DEAR SIR: It has come to our attention that His Honor Judge Charles Swayne is a candidate for the office of circuit judge of the fifth United States circuit. In regard to his appointment we beg leave to say that we regard Judge Swayne as one of our ablest and most efficient judicial officers in the South, and we feel that his appointment would meet the unanimous approval of the whole bar.

Trusting that you may see fit to bestow upon him the further honors which his high attainments so justly merit, we are, indeed,

Very respectfully,

CALHOUN & FARLEY.

[Jacksonville, Tampa and Key West Railway, E. P. Axtell, general attorney.]

JACKSONVILLE, FLA., *January 31, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: I am advised that the Hon. Charles Swayne, United States district judge for the northern district of Florida, is being urged for the position of United States circuit judge for the fifth circuit.

I beg to say that during President Harrison's Administration I occupied the position of assistant United States attorney for said district, and had full opportunity of judging the qualifications of Judge Swayne. In my opinion he is thoroughly qualified in every particular to discharge the duties of a circuit judge. During the last two years he has frequently occupied a position upon the bench of the United States circuit court of appeals for this circuit, and is, therefore, eminently qualified for the position.

I heartily indorse Judge Swayne for this position, as I believe his appointment will be a creditable one.

Respectfully,

E. P. AXTELL.

[Office of William H. Harwick, attorney at law.]

JACKSONVILLE, FLA., *January 31, 1899.*

Hon. WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

DEAR SIR: Having just learned that Hon. Charles Swayne, judge of the district court of the United States for the northern district of Florida, has been suggested for the circuit judgeship of this (fifth) circuit created by recent act of Congress, I take this first opportunity to indorse Judge Swayne for the position, feeling confident that his appointment as circuit judge for the fifth circuit of the United States would give a universal satisfaction to the members of the bar thereof.

The past record of Judge Swayne must satisfy every impartial person that in learning, judicial experience, and character he is eminently fitted to fill the position suggested.

Not only as a member of the bar, but as a Republican, deeply interested in all that pertains to the welfare of our party, I feel that Judge Swayne's appointment would be to the best interests of and meet the approval of the organization in this section of the country.

Very respectfully, yours,

WM. H. HARWICK.

[H. L. Anderson, attorney at law, Ocala, Fla.]

JANUARY 30, 1899.

The PRESIDENT, *Washington, D. C.*

SIR: I take pleasure in recommending to you for appointment to be judge of the fifth circuit of the United States the Hon. Charles Swayne, now district judge for the northern district of Florida. The high character, learning, and judicial experience of Judge Swayne peculiarly fit him to discharge the duties of this high office, and I feel quite well assured that the bar of this State will be glad of an opportunity to support the claims of Judge Swayne to this appointment.

Respectfully,

H. L. ANDERSON.

[Law offices of Coke & Coke, Dallas, Tex.]

JANUARY 31, 1899.

BENJAMIN C. TUNISON, Esq., *Pensacola, Fla.*

DEAR SIR: I am in receipt of your favor of the 28th instant in reference to the candidacy of Judge Charles Swayne for the circuit judgeship of the fifth circuit.

I regret extremely that I did not hear from you earlier. Some four or five days ago a friend of mine called on me in behalf of Judge Aleck Boarman, of Louisiana, and, more in deference to his request than otherwise, I wrote a letter to the President in behalf of Judge Boarman. The letter, however, consisted of a plain statement that Judge Boarman, while presiding in the courts of the northern district of Texas, has received the esteem of the bar of this district, and was regarded by the bar as an upright and intelligent judge. This was in substance the letter.

If there is anything I can do to assist the cause of Judge Swayne without putting myself in a wrong position after writing this letter for Judge Boarman, I will take the greatest pleasure in doing so. I would rather see Judge Swayne in the position than any man I know. I entertain for him the highest respect. I saw much of him while holding the courts in this district, and not only conceived a friendship for him, but I believe that he is one of the most upright and honest men that has ever presided in the Federal courts in Texas. It would afford me the greatest possible pleasure to be of any assistance to him in obtaining this appointment. If there is any way in which I can do so without inconsistency, it would be a pleasure to do it. I have no idea that Judge Boarman has any sort of chance of the appointment, and if he should be eliminated from the contest I will take pleasure in writing to the President in Judge Swayne's behalf or doing anything else in my power, for I could write a very complimentary letter without going beyond what I believe to be the truth and his deserts.

Very truly, yours,

HENRY C. COKE.

JANUARY 31, 1899.

Hon. WILLIAM MCKINLEY,
President of the United States.

SIR: I take pleasure in suporting Hon. Charles Swayne, judge of the district court of the United States for the northern district of Florida, as the proper appointee of yourself as the additional circuit judge of the fifth circuit.

Judge Swayne is a gentleman of unimpeachable character, learning, and is peculiarly adapted for the position.

Respectfully,

MARK D. BRAINARD, Jr.,
Land Attorney for the S. & N. A. R. R. and L. & N. R. R.

EXHIBIT GG.

PENSACOLA, FLA., *February 4, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: I beg to join with numerous members of our profession in recommending to your favorable consideration for appointment as judge of the circuit court of the United States, fifth circuit, Judge Charles Swayne.

I am satisfied that this appointment would meet with the approval of the people of this circuit.

Very respectfully,

A. C. BLOUNT, Jr.,
Judge Criminal Court of Record, Escambia County, Fla.

[O. T. Lyon & Sons, lumber.]

SHERMAN, TEX., *January 3, 1899.*

His Excellency WILLIAM MCKINLEY,
President of the United States.

SIR: We take pleasure in commending to your notice for appointment as additional judge of the fifth circuit the Hon. Charles Swayne, at present Federal judge in Florida.

We have known Judge Swayne both in Florida and while sitting here (during the illness of late Federal Judge Rector), and feel sure in saying that the people of Texas would be pleased to see Judge Swayne receive this appointment; for his many friends here think that it would be but just recognition of his services and talents.

Very respectfully,

O. T. LYON.
CECIL A. LYON,
Member State Republican Executive Committee.

PENSACOLA, FLA., *February 4, 1889.*

His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: Having been a practitioner at the bar for a great number of years, both in this State (Florida) and in Alabama, and particularly in the United States district court for the northern district of Florida, I take great pleasure in recommending Judge Charles Swayne for the position of circuit judge, recently provided for in the fifth circuit.

Judge Swayne's judicial and executive abilities fit him preeminently for the new position suggested, therefore I would kindly ask Your Excellency to consider his application and the letters of those recommending him and make his appointment, for I voice the sentiments of the people of this section of the Union in this respect.

Yours, very respectfully,

Judge JAS. E. GREEN.

[John C. Avery, attorney and counselor at law, Pensacola, Fla.]

JANUARY 31, 1899.

President WILLIAM MCKINLEY, *Washington, D. C.*

SIR: Congress having passed an act providing for an additional circuit judge in the fifth circuit, I wish to recommend for said position the Hon. Charles Swayne, now judge of the district court of the United States for the northern district of Florida.

Judge Swayne has filled the office which he now holds to the entire satisfaction of the bar of this district, regardless of politics. He enjoys the confidence and good will of all who have had business before him, and his promotion to a circuit judgeship would be generally regarded as a bestowal of honor upon one who justly deserves it and is thoroughly qualified for the duties of the place.

Respectfully,

JNO. C. AVERY.

PENSACOLA, FLA., *February 4, 1899.*

His Excellency WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

SIR: Having known Judge Swayne for the last eight years as a practicing attorney in the United States court, I take pleasure in recommending him for appointment to the judgeship of the fifth circuit of the United States. I think Judge Swayne is well qualified as a lawyer for the position, and I am satisfied that the bar and the people will be well pleased at his selection for the place.

Respectfully,

C. H. LANEY, *Attorney at Law.*

[Law offices Bruce S. Weeks, rooms 1 and 2, Bank Building.]

EUSTIS, FLA., *February 1, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: I have the honor of joining with others of the bar in suggesting the very especial fitness of Hon. Charles Swayne for the additional circuit judge of this (the fifth) circuit. Judge Swayne is known to every member of the southern Federal bar as a man above reproach and as a jurist of preeminent qualities. His deep learning, wide experience, and the respect he commands strongly commend his especial fitness for the position, and he would doubtless be an honor to the bench of the circuit court, as he has been to that of the district.

Very respectfully,

BRUCE S. WEEKS.

[Law office of Beggs & Palmer, Orlando, Fla.]

FEBRUARY 1, 1899.

His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: I take pleasure in indorsing Hon. Charles Swayne, judge of the northern district of Florida, as a gentleman of high personal standing and a lawyer of fine legal attainments, and am sure that he would fill the position of circuit judge in a manner acceptable to the members of the bar.

Yours, truly,

J. D. BEGGS.

[Law office of Anthony Higgins, 834 Market street, Wilmington, Del.]

FEBRUARY 8, 1899.

The PRESIDENT.

SIR: I beg to recommend the appointment of Hon. Charles Swayne as United States district judge for the fifth judicial circuit.

I was largely concerned in favor of Judge Swayne when appointed to the United States district bench by President Harrison.

He is a native of this State and county. His father was one of our most estimable citizens, and a leading Republican in the Fremont days when they were numbered by only hundreds in the State.

Mr. Swayne is a man of upright character, good heart, quiet and sound judgment, and of thorough learning.

I do not think you would go wrong in appointing him to this responsible position.

Very respectfully,

ANTHONY HIGGINS.

NASHVILLE, TENN., *February 9, 1899.*

The PRESIDENT, *Executive Mansion.*

SIR: Through general sources of information (the public press) I learn there is to be an additional circuit judge appointed for the fifth circuit, and I desire to add my tribute (like the widow's mite) to the character and fitness of a man in the line of promotion, and seemingly the logical appointee. I first met the Hon. Charles Swayne, judge of the district court of the United States for the northern district of Florida, in my official capacity as special examiner of the United States Pension Office. I was impressed with his ability and firmness in exercising the functions of his position. Subsequently, I met Judge Swayne personally, and my admiration was increased with the knowledge of his purity of character and his universal courtesy and kindness. I believe I voice the sentiment of all who know him, friends or opponents alike, that he is eminently qualified in every particular to fill a position where integrity, honesty of purpose, and legal ability is absolutely required.

I have the honor to be, very respectfully, your obedient servant,

J. A. DAVIS.

[Law office Robbins & Graham Co.]

TITUSVILLE, FLA., *February 1, 1899.*

His Excellency WILLIAM MCKINLEY,
President, Washington, D. C.

DEAR SIR: In the matter of the appointment of an additional circuit judge for the fifth circuit we would state that from our personal knowledge of the Hon. Charles Swayne, present district judge of the northern district of Florida, he would in our opinion be excellently fitted to discharge the duties of that important office.

Very truly, yours,

ROBBINS & GRAHAM.

[Office of Judge First Judicial Circuit, State of Florida.]

PENSACOLA, FLA., *February 11, 1899.*

Hon. WILLIAM MCKINLEY,
President, Washington, D. C.

SIR: Hon. Charles Swayne, who is being urged for appointment to the office of circuit judge for the fifth judicial circuit of the United States, is a gentleman of much ability and industry, with ten years' experience on the Federal bench, and I take great pleasure in indorsing him for appointment to said office.

Respectfully, E. C. MAXWELL.

[Clark & Bolinger, Attorneys at law.]

WACO, TEX., *February 4, 1899.*

His Excellency the PRESIDENT,
(Through the Attorney-General.)

SIR: I beg to commend to Your Excellency the appointment of Hon. Charles S. Swayne, present judge of the district court of the United States for the northern district of Florida, for appointment as circuit judge of the fifth circuit created by the recent bill to that effect.

Judge Swayne presided in this district for two or three terms, by allotment during the incapacity of Hon. John B. Rector, late judge of this district. His suavity and learning, combined with his great administrative ability, commended him most favorably to the bar of the district, and his lifelong devotion to the Republican party would, in my judgment, not only justify his appointment to this vacancy, but such appointment would be as acceptable to the bar of the circuit as any that could be made under present conditions.

Respectfully, GEO. CLARK.

[Law office of Sayles & Sayles.]

ABILENE, TEX., *February 10, 1899.*

The PRESIDENT, *Washington, D. C.*

SIR: Permit us to suggest that Hon. Charles Swayne, judge of the United States district court for the northern district of Florida, would, in our judgment, be a proper appointee as the additional circuit judge of the fifth circuit.

Judge Swayne is a gentleman of culture and refinement, and has had a wide and varied experience as a lawyer, and is thoroughly conversant with the questions that arise in litigation in the South. We have tried cases before Judge Swayne, and this letter is based upon our personal acquaintance with him and our observations of him while on the bench.

Respectfully, SAYLES & SAYLES.

OFFICE OF UNITED STATES DISTRICT ATTORNEY,
SOUTHERN DISTRICT OF FLORIDA,
Jacksonville, Fla., February 16, 1899.

The PRESIDENT, *Washington, D. C.*

SIR: It affords me pleasure to add my testimony to that of many members of the bar as to the character, fitness, and ability of Hon. Charles Swayne, who is now being urged by many of the most prominent lawyers for judge of the fifth judicial circuit. As United States attorney I have practiced before him for years and have had better opportunity, perhaps, than anyone else for observing his conduct and measuring his ability.

I have no hesitancy in saying that he is fully equipped for the position, and you may feel assured that if he is appointed the duties of the office will be faithfully and promptly discharged.

Respectfully,

J. N. STRIPLING.
United States Attorney.

WASHINGTON, D. C., *February 7, 1899.*

The PRESIDENT:

I have the honor to join in the indorsement of Hon. Charles Swayne for appointment as judge of the United States circuit court for the circuit comprising the States of Florida, Georgia, Alabama, Louisiana, and Texas.

In my judgment, the appointment of Judge Swayne to this position would redound to the credit of the Federal judiciary and the Administration. His experience and his mental and personal qualifications are all in line with the duties of the office.

Asking your careful consideration of the matter, I am, with great respect,

JOHN E. STILLMAN,
Late Chairman Florida Republican State Committee.

[Law offices of Charles B. Parkhill.]

PENSACOLA, FLA., *February 8, 1899.*

Hon. WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

SIR: I desire to add my recommendation and indorsement of Hon. Charles Swayne, United States district judge, for the northern district of Florida, for the appointment to the office of circuit judge for the fifth circuit, as created recently by act of Congress.

Judge Swayne is fully qualified to discharge the duties of this office, and I think his appointment would meet with favor of the people of Pensacola.

Respectfully, C. B. PARKHILL.

PENSACOLA, FLA., *February 4, 1899.*

His Excellency WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

SIR: I take great pleasure in recommending for appointment to the position of circuit judge for the fifth circuit of the United States, Hon. Charles Swayne, the present judge of the district court for the northern district of Florida. I regard Judge Swayne as being thoroughly competent and qualified for said position, having practiced before him and knowing him as I do, think his appointment will be satisfactory to all who have come in contact with him.

Respectfully, C. M. JONES,
Attorney at Law.

Over and over again, during the progress of this trial, Judge Pardee has been cited as an eminent authority who sat in judgment upon the findings of this judge. All of the appeals that went up from the decisions of Judge Swayne went to the tribunal over which Judge Pardee presided. All the assignments that were made to him, covering a long and laborious career as a judge, were made by Judge Pardee, and now, Mr. Speaker, I am going to adopt as a part of my address on this occasion a letter which I received from Judge Pardee, dated on the 24th day of March, and received one day later, which I shall ask the Clerk to read, so that the entire House may hear the testimony of the gentleman who has been so often invoked by the gentleman from Pennsylvania [Mr. PALMER].

The Clerk read as follows:

[Personal and confidential.]

UNITED STATES CIRCUIT COURT OF APPEALS, FIFTH CIRCUIT,
New Orleans, La., March 24, 1901.

Hon. CHARLES GROSVENOR,
House of Representatives, Washington, D. C.

DEAR SIR: I feel called to write you a personal letter in regard to the proceedings now pending in the House looking to the impeachment of Judge Charles Swayne, of the northern district of Florida. I was very much surprised to learn through the papers that the Judiciary Committee of the House had voted, six Democrats and two Republicans, to present articles of impeachment against Judge Swayne. As I have known Judge Swayne personally, and have known many of the court proceedings in his district since he was appointed judge, I want to present my view of his case to you. Judge Swayne, born in Delaware, settled in Florida about 1880, and entered upon the practice of the law. On the death of Judge Settle there was a protracted contest for the appointment of his successor, which resulted in throwing over all the more prominent candidates and the selection of Judge Swayne. This was in the early days of the Harrison Administration, and following an election in Florida in which it was generally reported and currently believed there had been the grossest sort of election frauds perpetrated against the Republicans.

The first time I met Judge Swayne after his appointment he told me that the President and the Attorney-General were very much concerned to have the laws of the United States vindicated in the State of Florida, and that the parties who were charged with committing the election outrages should be prosecuted, and particularly that the Attorney-General had impressed upon him the great importance of providing early terms of court with a view that those cases could be taken up. Immediately following this, a great many prosecutions were instituted, indictments found, etc., to bring about the trial and conviction of parties charged with violating the election laws. The election frauds had been so numerous and so many people were involved therein that these prosecutions engendered an intense feeling against the judge and all the officers of the court; particularly was the judge singled out as the prime mover. The feeling was so intense that I know from information received at the time that Judge Swayne's friends regarded it as extremely hazardous for him to travel about his district. On one occasion on which I went to Pensacola to sit in the circuit court I found that Judge Swayne had not arrived on time, but through the agency of his friends had traveled up through Georgia in a roundabout course to come to Pensacola to avoid traveling on the direct road, where it was feared he would be insulted, if not worse treated. Anyhow, the matter resulted in Judge Swayne from that time on being persona non grata with the Democrats in Florida; and I think that those political troubles, accompanied by a certain lack of tact in dealing with hostile lawyers, is the true cause of Judge Swayne's present difficulties. Following this unpopularity, Judge Swayne's district was changed, largely for the purpose of punishing him. The change of the district resulted in his being, as it were, legislated out of his district. He had established a residence in St. Augustine and was there living with his family, consisting of a wife and four or five children. After his district was changed, in order to comply with the alleged spirit of section 551 of the Revised Statutes, it became necessary for him to dispose of his residence in St. Augustine and acquire and move to a residence in the western part of the State. In this respect, I am informed that he at once declared a residence and domicile in the western part of the State and followed that up with more or less activity by acquiring a house and other things, all taking four or five years. I understand that nonresidence in the district, as changed by law, is the main ground of his proposed impeachment. Section 551 reads as follows:

"A district judge shall be appointed for each district, except in the cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

There is no doubt Judge Swayne resided in the district for which he was appointed, and under the circumstances I think it would be an extraordinary hardship on Judge Swayne to hold him to a very rapid compliance with the alleged spirit of section 551 by removing his residence, when Congress saw fit, as a matter of punishment, to change the limits of the district for which he was appointed. Exactly what proof he will be able to make upon this line I am not fully advised, but being satisfied as I am that the original motive of the prosecution is based on political grounds, and that his district limits were changed to his prejudice, I do not think that a Republican House should vote impeachment against him. About the time also that the district was changed a partisan legislature in the State of Florida passed resolutions calling for Judge Swayne's impeachment on the ground of absence from his district, incompetence, and partisanship. It is practically these resolutions, passed about ten years ago, that now reenacted by the legislature of the State of Florida are, as I understand, considered as evidence against Judge Swayne by the House committee.

When Judge Swayne's district was changed it left him only the business at Pensacola and Tallahassee; it was very little and gave him a good deal of spare time, resulting in his being called to other parts of the circuit more frequently, perhaps, than any other judge. During every business season Judge Swayne has been called to hold court in other parts of the circuit, Alabama, Louisiana, Texas, and in the circuit court of appeals, and the performance of this duty, in accordance with the laws of the United States, has resulted in his being a good deal absent from his district, and much of the absence complained of by the legislature of the State and by interested parties can be ex-

plained on this ground. The difficulties resulting from the trial and conviction of one O'Neal, who was charged with contempt of court for having assaulted and dangerously wounded a trustee in bankruptcy (see O'Neal v. U. S., 190 U. S., 36), intensified feeling against Judge Swayne, and at the time great complaint was made that Judge Swayne was out of his district, while then he was holding court in Texas on my designation at the suggestion of the Attorney-General, and was engaged in trying some very important national-bank cases in which the local judge was recused.

I have been thrown a good deal with Judge Swayne in the trial of cases, and I think the charge of incompetency is an outrage. He has a good legal mind and is instructed in law, and I am satisfied he is fully as competent as the average United States judge. One particular charge I noticed made against him is that in nearly all the appeals from his decisions to the circuit court of appeals he has been reversed—only affirmed in about 25 per cent. I have had some examination made of the records of this court of appeals, and I find that out of 68 cases appealed from Judge Swayne's decisions 28 were reversed and the balance affirmed—in other words, about 41 per cent of reversals. Considering that only involved and difficult cases are as a rule carried up on error or by appeal, this showing should be very satisfactory to Judge Swayne and his friends. But such a test is wholly fictitious, for only difficult and involved cases are appealed, and they constitute only a small percentage of the decisions actually rendered by a judge of a court of first instance.

I have written this long letter because I really feel that without the political prejudices against Judge Swayne there would be no impeachment, and that in justice to a southern judge who was a Republican before he was appointed, and who was appointed because he was a Republican, as there are no Republican Congressmen from the South, some of the northern brethren ought to look carefully into the case and be sure that an impeachment ought to be voted before putting a judge to the disgrace of an impeachment, consequent expenses, trial, and tribulation to himself and family resulting therefrom.

You are the only Congressman that I know well enough to write this letter to. I hope under the many pressing duties and engagements which you have you will find time to look into the real merits, if there are any, in Judge Swayne's case.

With continued best wishes,

Very truly, yours,

DON A. PARDEE.

Mr. COCKRAN of New York. Mr. Speaker, will the gentleman from Ohio permit a question in relation to that letter which has just been read?

The SPEAKER. Will the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. COCKRAN of New York. Was that letter written with the knowledge by the author it would be read here; had the writer of that letter sanctioned its reading here?

Mr. GROSVENOR. The gentleman from New York ought to wait until the episode is closed before he comes with a criticism.

Mr. COCKRAN of New York. I do not criticise; I merely ask for the fact.

Mr. GROSVENOR. Mr. Speaker, it will be seen that the letter was addressed to me as a confidential communication in last March. Knowing Judge Pardee as well as I did; knowing him as a splendid soldier and a faithful, true man, as he was and has often been described here, I did not believe that he would hesitate to permit me under the extreme circumstances surrounding us here to make public use of that letter, but I did not feel authorized to do it and I may say to the gentleman from New York that he will never have occasion to catechise me upon a question of good faith in the matter of correspondence——

Mr. COCKRAN of New York. I hope the gentleman will not think for a moment that I am in the slightest degree criticising. I merely wanted the House to know whether the letter was intended to be publicly read or was private correspondence. I knew that whatever the gentleman gave would be given with a high spirit of chivalry——

Mr. GROSVENOR. I thank the gentleman very much. I thought the gentleman reflected a criticism which under the circumstances would have been a just one.

Mr. COCKRAN of New York. No; not on the gentleman.

Mr. GROSVENOR. I sent on last Friday a telegram, which I will read in full:

JANUARY 13, 1905.

Hon. DON A. PARDEE, *New Orleans, La.:*

Will you consent that I make public your letter to me about Swayne's case? Very desirous to do so. Answer.

C. H. GROSVENOR.

Very shortly, the same evening, I received this answer:

NEW ORLEANS, *January 13, 1905.*

Have no copy at hand. Remember only general purport. Use your discretion in my behalf and I will be satisfied.

DON A. PARDEE.

I hope that satisfies the gentleman from New York and everybody else who feels that I ought not to have made public that letter.

Mr. COCKRAN of New York. I beg the gentleman will not for a moment think that I in any way questioned his conduct. All I desired was to get the actual facts before the House.

Mr. GROSVENOR. In this connection I wish to deflect for a moment. If I got the trend of the gentleman from Alabama [Mr. CLAYTON] in his speech yesterday, he said that the Davis and Belden cases could not be reviewed by the court above, and therefore a tyranny and an outrage was manifested by the refusal of the judge to treat these distinguished shysters properly and was putting a final judgment upon them when they could have no review.

Now I will read to the gentleman a telegram that came to me voluntarily from one of the best judges in the United States, and I hope that he will make correction in the RECORD. I see his speech has not appeared, or I should have been able to quote him exactly. If I am right and he was wrong, I hope he will, in behalf of maintaining the high character of the bar, correct his mistake. The following is the telegram to which I refer:

Since your wire I feel bound to say judgment for contempt against Davis, Belden, and O'Neal were reviewable in the circuit court of appeals by proper writ. See cases decided at the last term of the Supreme Court.

DON A. PARDEE.

Nobody undertook to review them that way, and they come here and whine, and a great lawyer with an enormous amount of force as an orator tells this unsuspecting and innocent body of gentlemen there was no relief for these men, and that they could not have tested whether or not Judge Swayne made a proper disposition of those cases and had to submit to the tyranny.

Now, I desire in this connection to refer to some of the indications of the very curious character, that I think will strike any lawyer, in the progress of the taking of this testimony.

A MEMBER. Can you conveniently recite those cases referred to?

Mr. GROSVENOR. I can; yes, sir. Judge Swayne is attacked on this floor for not having dignity enough, for not being fluent enough, and because he did not explain sufficiently. He stood as silent as a sheep "is dumb before her shearer," and he opened not his mouth. I desire to read the sort of a chance he had to open his mouth in the presence of one of his shearers. Judge Swayne was charged with using abusive language, for stating that he would not believe a man under oath in connection with the Hoskins case, and it is said that Judge Swayne never made any explanation of that. Now, let us see what sort of a chance he had. On page 593 of the hearing is a question put to him by the distinguished prosecuting attorney, as follows:

Q. You did say that you would not believe your brother if he swore to the story of the books?—A. I have heard that story so often that I will not testify that I said it or I will not testify that I did not say it. I can testify as to what my impression was at that time.

Q. I do not want your impression, but I want your language.

Mr. BUTLER of Pennsylvania. Who said that?

Mr. GROSVENOR. The prosecuting attorney, Liddon. Then follows:

A. I will not undertake to swear to-day whether I said that or not.

Q. You did say emphatically that you would not permit parol testimony about the books?—A. At that time.

Q. Did you limit your statement that you would not hear it at that time, and give any indication that you might hear it thereafter?—A. I can not recall what intimation I gave.

So he undertook to tell what his impression was, and he was simply choked off by the action of a single member of a subcommittee, acting doubtless for himself and the others.

Let me show you how this record appears to an average citizen who is not a lawyer, if you please. Great stress has been laid upon a letter that was forced into this record and makes its appearance here, signed by one Boone, whoever he may be and whatever figure he may cut. When the letter was produced, a member of the committee [Mr. PALMER] put the document in the face of Tunison and said:

Q. Do you admit the signature of Boone?

A letter was sought to be put in evidence written by Boone to Tunison to establish a conspiracy between Tunison and Boone and Swayne. Now, then, there is the fundamental proposition, gentlemen, and some of you are lawyers—all of you are men of common sense. I only read this to get at a characterization, a fair illumination, of every step that has been taken in this prosecution. This question was put to Tunison, who is said to have been the writer of this letter:

Q. Do you admit the signature of Boone?—A. No; I do not admit the signature of Boone.

Mr. MARSH. Who says that?

Mr. LITTLEFIELD. Tunison, representing the respondent.

Mr. GROSVENOR. Then Mr. PALMER said:

We will accept the letter.

You might as well have brought the picture from one of the dead walls of Washington advertising Johnny Dewar's Scotch whisky. "We will accept the letter." They were foiled in the attempt to prove its authenticity.

Judge CLAYTON was not quite satisfied with that sort of acceptance. I will read:

Judge CLAYTON:

Q. Can you tell how you came in possession of that letter?

Now, this is the fellow who received the letter, or who is said to be one of the coconspirators by whom they are trying to prove the authenticity of this letter. This question was put to Judge Liddon.

A. I will state that I do not know that it was ever in the possession of Mr. Tunison.

Now, would not that have put an end ordinarily to a pursuing of that line of consideration? Here was a lawyer representing the prosecution. It purported to be a letter written by a coconspirator and delivered to a coconspirator. Failing to prove that it had ever been received by the coconspirator, or written by the coconspirator, they accept the letter first, and then Judge Liddon says he does not know that it was ever in the hands of Tunison.

Mr. CRUMPACKER. If the gentleman will allow me to interrupt him, is that letter copied into the original report of the committee?

Mr. LITTLEFIELD. Yes.

Mr. GROSVENOR. This letter is one of the buttresses, one of the abutments, one of the eternal principles to save the judiciary of the United States from scandal, in the language of the gentleman from Massachusetts [Mr. POWERS].

Mr. GILLETT. I object to the receiving of it. Counsel says he does not claim that Tunison ever received it. I object to receiving of matters of that kind in evidence. It would not be received as evidence in any court in the world, and I want to go on record as objecting to it.

Now, here is the judicial opinion rendered by which that letter became a formidable weapon in the hands of the prosecution—a formidable piece of evidence. Here is the judicial opinion. If you can find in all the history of the case that Judge Swayne ever looked at that letter, I will vote for impeachment.

A MEMBER. On what page is that?

Mr. GROSVENOR. On page 153.

Judge PALMER. As I understand it, this Boone attempted to oppress this man Hoskins, as a bankrupt in Judge Swayne's court, and Judge Swayne would not permit any proof of his solvency; said he would not believe his own brother; would not allow any trial of Hoskins as to his solvency. We admit this Boone letter.

I wanted to find out now, and Mr. GILLETT wanted to see whether Judge Swayne ought to be assailed even if this halfway proposition was sustainable.

Mr. GILLETT asked:

Was it ever seen by Judge Swayne? I object to it.
Letter from Boone to Tunison & Loftin marked Exhibit ——.
[At this time the letter had not been given to the stenographer.]

God knows where that letter came from; I do not know anything about it. Now, from an absurd performance of that kind we can obtain very little knowledge of its whereabouts.

Now, that is the evidence with which this prosecution is buttressed. A conspiracy is alleged between Tunison, said to be a special favorite of Swayne, and Boone, who conspires with Tunison to do some act. I do not know what it was, and I do not care what it was.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT of California. I yield fifteen minutes more to the gentleman from Ohio.

The SPEAKER. The gentleman is recognized for fifteen minutes more.

Mr. GROSVENOR. But when it is traced around, first, the writing of the letter is not proved; second, the delivery of the letter is absolutely negatived; and thirdly, it is shown in the record that Swayne never heard of the letter. That is the basis, I say, upon which a united vote of one side of this House will probably be given to impeach a United States judge for having conspired to prosecute somebody by the name of Hoskins.

Now, I have got very little to say about these other matters of impeachment. I have grown up, in a degree, with all this case. I was a Member of this House when this district was cut in two. I know it was a matter of general notoriety that there was no possible necessity for the additional judge; that it was done for the purpose of injuriously affecting Judge Swayne; and that it did injuriously affect him is instanced by the question now being raised here, whether he resided there or not. The statement made by Judge Pardee explains all that question. When that bill was passed, it undertook to drive him out of the district to which he had been appointed, and in which it is admitted he had been located. When the bill was passed, another judge entered into that end of the district and Judge Swayne had a good deal of trouble in getting a domicile. No doubt he had sacrificed the property that he had lived in. No doubt he was refused accommodation in Pensacola; and the Colorado case, brought into this matter by the distinguished gentleman from Maine, absolutely states the law in the case as clearly and distinctly as it is possible that it should be stated, in which the judge says that he had resided in the district for which he was appointed, and complied absolutely with the section of the statute under which this prosecution is brought.

Now, I have but one little word to say about a very small matter. When I spend a great deal of time trying to impeach a judge of the United States court because he has accepted $2.50 or $3 worth of victuals of an unknown character, of an unknown value, I will turn that prosecution absolutely over to the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. CLAYTON]. Look at the magnitude of it, gentlemen; look at the size of this transaction. Judge Swayne was up here some place in the State of New Jersey, and the receiver of that railroad in Florida, in the dead of summer, wanted him in Florida for some purpose, and sent after him, and probably fed him on the way down. Now, I want to point out to the gentlemen on the other side one of the strong points of their case. They say it was not a matter of very much importance. I understand some of the gentlemen on the other side are absolutely shocked at the idea that such a thing would be insisted upon as the impeachment of a judge for a matter of that character. But they say this judge approved the accounts of the receiver, and that he put into those accounts the bread and butter, and beer, pretzels, and sauerkraut. Point me, gentlemen of the prosecution, to the place in that record where there is any evidence that the receiver ever charged for it or that the judge ever approved an account that covered it, and I will vote for this impeachment. The whole thing is a mere piece of assertion that has not a shadow of foundation in the record. Why, they say presumably the receiver charged for that bread and butter and presumably Swayne approved it. Presumably, gentlemen, he did not charge a cent for it, and presumably he did not approve it, for he did not know anything about it. Now, there is not a shadow of evidence. Search that record and find it if you can. You will find that the naked fact remains that the judge was up here where he had a right to be and he was wanted down there by the receiver of that railroad, who sent for him, and all else is left to the imagination of the prosecuting attorneys.

So much for that. Now, as to the $10 a day matter, I want to say that the gentleman from Iowa [Mr. LACEY] did not leave a button on the coat of anybody who talks about that ten-dollar transaction. I do not want to go into any reminiscences, and I do not want to talk about what the judges of the courts of the United States have done. The gentleman from Pennsylvania [Mr. PALMER] stood up here the other day and said that there was not a shadow of evidence that any of the judges had decided that they had a right to this $10 a day. And yet the gentleman made statement after statement on matters that came to his knowledge, and then said there was no proof in the record. Why was not that proof in the record? Why were not the reasons and grounds upon which Judge Swayne took that $10 put into the record? Why not? I say that if a convict stood in the presence of a court, any civilized court on earth that understood the first principles of the law of this country, with a record such as was made upon that question in this record, he would get a new trial as quickly as the judgment of the court could grant it to him.

Gentlemen, what is the gravamen of this offense of Judge Swayne? What is it? It is the scienter. It is that he knowingly, corruptly, and unlawfully took money that was not coming to him. You can not make a technical violation of a law and punish a judge for it any more than you can punish a Member of Congress for it. Would not a Member of Congress feel rather cheap if somebody should want to impeach him for having drawn $22.50 as his allowance of mileage when in fact he had not paid out a cent of it? Well might the gentleman who spoke the other day say, Let him that is without fault among you cast the first stone.

But let us see now. This judge is charged with the wicked, the criminal, the highly criminal charge of having purloined money out of the Treasury of the United States. He is called upon to account for why he did it, and he makes the attempt, and here is the answer he got:

Mr. LIDDEN. We offer that paper which has just been read, Exhibits B and C.

I do not know what they were.

By Mr. HIGGINS:

Q. The accounts of all the judges pass through your division of the United States Treasury Department?—A. Yes, sir.

Q. And as chief of that division you have supervision, and it is your duty to inspect all of them?—A. Yes, sir.

Q. I observe here that the charge as certified by Judge Swayne for

any particular number of days seems to be at the rate of $10 a day?—A. Yes, sir.
Q. Is that usual?
Mr. PALMER—

Now, they had reached the point of time when Judge Swayne could have said, first, I construe the law of my country as giving me that $10 a day; second, every Department of this Government from the day of the passage of this act has given a united, a unanimous, consecutive, and sustained construction of that statute. Furthermore, the House of Representatives, and ultimately the Senate of the United States, after having agreed upon this law, put their own construction upon it and I want to offer evidence of it. And then he might have gone forward and said 64½ per cent of the judges of the United States have put this construction upon this statute, and I have joined in that construction; and, gentlemen of the committee, before you charge me with a crime, let me tell to my tryers that I have acted upon the construction given during all the period of time, yea, from the time it was enacted and before it was enacted, given in the controversy between the two sides of the House.

"But," says the gentleman from Pennsylvania [Mr. PALMER], "I don't think that of any consequence." A man charged with taking money undertakes to explain it; undertakes to prove, as the Supreme Court says, what was absolutely conclusive answer to the whole of it, and a single member of the subcommittee says: "I don't think that amounts to anything; get out." [Applause.]

Mr. PALMER. Will the gentleman allow me to interrogate him?

Mr. GROSVENOR. Yes.

Mr. PALMER. Is the gentleman aware that the entire Judiciary Committee, including the gentleman from Ohio, who handed him the book, said that the ruling was right?

Mr. NEVIN. Mr. Speaker, may I interrupt the gentleman from Pennsylvania for a moment? The gentleman from Pennsylvania is utterly mistaken as to that. I never said it was right, I never believed it was right, and I know it was wrong. [Applause.]

Mr. LITTLEFIELD. The gentleman from Ohio [Mr. NEVIN] did not sign the minority views.

Mr. PALMER. I am mistaken about that; the gentleman from Maine did sign them.

Mr. LITTLEFIELD. He did, and he has not changed his views.

Mr. PALMER. So we have sixteen out of the seventeen members of the Judiciary Committee declaring that the ruling was right, and any man who made the pretense of being a lawyer, with two grains of gray matter in his brain, would know that it was right. [Laughter and applause.]

Mr. NEVIN. If it is a question of gray matter, we had better weigh our brains. I thought it was a question of logic.

Mr. GROSVENOR. The utterance of the gentleman from Pennsylvania is characteristic of his entire record and of his entire career in this persecution. [Laughter and applause.] I have no answer to make to such an attack as that. The gentleman from Pennsylvania will find out at the end of this persecution—he will ascertain distinctly by the record of the two bodies of the Congress where the gray matter is, and where the vicious spirit of persecution and bitterness is assumed by a person claiming to be a lawyer, and who palms himself off as a fair trier of fact. [Laughter and applause.]

Now, suppose Judge Swayne had made that ruling under the decision here of the Supreme Court that covers this whole question.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GILLETT of California. Mr. Speaker, I yield ten minutes more to the gentleman from Ohio.

Mr. GROSVENOR. Now, what was Mr. Higgins trying to do? Let us see whether Higgins and the Supreme Court of the United States are the equal of the opinion rendered by the committee.

Mr. HIGGINS. The point that I make, if the committee pleases, is that the action of the several and respective judges in the courts of the United States are practically a judicial interpretation of the statute—as to what it means—and that if the judges are informed to furnish the certificates at the rate of $10 a day, it is their interpretation of its being proper and right under the statute.

Mr. PALMER. It follows that because some other judge expended $10 a day that Judge Swayne expended $10 a day.

"Some other judge," see? "Some other judge." They were trying to prove that there had been a continuous and uniform and universal interpretation of this law, and it is cut in pieces by the gentleman from Pennsylvania, who says, "some other judge," a single judge.

Now, my distinguished friend from Ohio, who, for a young man, has some gray matter and some knowledge of the law, and will be heard from in this House in the future, brought to me and the House this decision in the United States court. I do not want to tell where he found it, or how he happened to be cited to it, but I may say this, that it was the foundation upon which the great body of the judges of the United States based their opinion, upon which Judge Swayne acted. When the gentleman from Ohio presented this book yesterday the gentleman from Alabama [Mr. CLAYTON] said that this statute was a hard statute to understand; that was the effect of what he said. He said that the one under consideration now was a very plain statute; that it did not need any construction.

Now, the statute under which this controversy grew up in the case of United States against Hill (120 U. S. Reports), reported from the circuit court of Massachusetts, involved a construction of the statute that was as simple and as plain as the English language, it seems to me, could have made it. It provided that the clerks of court should turn into the public treasury all of their fees above a certain sum of money. The clerk held that the $3 each for naturalization papers was not a fee within the meaning of the statute.

It went on and on and was considered by the departments here and payments made under it just exactly as was done in the Swayne case, and the Supreme Court of the United States, without spending any more time upon the subject, said that the contemporaneous rulings of the departments and the contemporaneous appropriations by Congress and the contemporaneous rulings of the courts settled the construction of the statute, and the statute stands to-day unrepealed, unamended, and in full force; and it was that law, that decision, laid down by the highest court in the United States or in the world, under which Judge Swayne acted, and if he is to be impeached here these gentlemen, these purifiers of the bar and the bench and the country, ought to proceed at once to assail the United States judge for the district of Massachusetts and the United States Supreme Court. [Applause.]

United States *v.* Hill.

Error to the circuit court of the United States for the district of Massachusetts.

Argued December 29, 1886; decided January 31, 1887.

It was the custom in the United States courts in Massachusetts, from 1839 to December, 1884, known and approved by the judges, for the clerk to charge $3 as fees in naturalization proceedings. The clerk of the district court never included those fees in his returns. That fact was known to the judges to whom his accounts were semiannually exhibited and by whom they were passed without objection in that particular. Relying on that custom and believing those fees formed no part of the emoluments to be returned, the clerk of the district court appointed in 1879 did not include those fees in his accounts. This was known to the district judge when he examined and certified the account, and his accounts so made out to July, 1884, were examined and adjusted by the accounting officers of the Treasury. Under a rule made by the district court in 1855 the clerk had charged and received the $3 as a gross sum for examining in advance of their presentation to the court the application papers and reporting to the court whether they were in conformity with law, and had made no division for specific services, according to any items in the fee bill in sections 823 et seq. of the Revised Statutes. In a suit brought in December, 1884, on the official bond of the clerk, against him and his surety, to recover the amount of the naturalization fees: Held—

(1) The provision in section 823, taken from section 1 of the act of February 26, 1853 (chapter 80, 10 Stat., 161), that the fees to clerks shall be "taxed and allowed," applies, prima facie, to taxable fees and costs in ordinary suits between party and party prosecuted in a court, and there is no specification of naturalization matters in the fees of clerks.

(2) The statute being of doubtful construction as to what fees were to be returned, the interpretation of it by judges, heads of departments, and accounting officers, contemporaneous and continuous, was one on which the obligors in the bond had a right to rely, and, it not being clearly erroneous, it will not now be overturned.

This was an action at law to recover from the defendants in error fees which it was claimed the clerk of the district court of the United States for the district of Massachusetts should have accounted for, the defendants being the clerk and his bondsman. Judgment for defendants, to review which this writ of error was sued out. The case is stated in the opinion of the court.

Mr. Assistant Attorney-General Maury for plaintiff in error.

Mr. John Lowell for defendant in error.

Mr. Justice Blatchford delivered the opinion of the court.

On the 5th of February, 1879, Clement Hugh Hill was duly appointed clerk of the district court of the United States for the district of Massachusetts by the judge of that court. On the same day he and William Goodwin Russell and another person executed a joint and several bond to the United States in the penal sum of $20,000, conditioned that Hill, "by himself and by his deputies," should "faithfully discharge the duties of his office, and seasonably record the decrees, judgments, and determinations of the said court, and properly account for all moneys coming into his hands, as required by law." The statute requiring a bond, in force at the time, as section 3 of the act of February 22, 1875, chapter 95, 18 Stat. L., 333, which required the clerk to give a bond, with sureties, "faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk."

This suit was brought by the United States against Hill and Russell on said bond by a writ dated December 4, 1884, claiming $22,000 damages. The declaration alleges, as a breach of the bond, that Hill "has not properly accounted for all moneys coming into his hands, as required by law, according to the condition of said bond." The answer of the defendant denies that allegation, and avers that Hill "has made full and sufficient returns of all moneys received by him, as required by law, and that he owes no sum of money to the said United States."

The following agreed statement of facts was filed July 1, 1885, signed by the attorneys for the respective parties, and upon it the case was, by written agreement, submitted to the decision of the court:

"The defendant Hill was appointed clerk of said court on the 5th day of February, 1879, and duly qualified as clerk, and the defendants gave the bond, a copy of which is annexed to the declaration. As clerk he has made half-yearly returns of fees and emoluments received by him, but he has not included in the same the amounts received by him for the naturalization of aliens in the district court.

"It has been the custom in the United States courts in the district of Massachusetts for a long time, not less than forty-five years before the date of the writ in the present action, and known and approved by the judges, for the clerk to charge $1 as a fee for a declaration of intention to become a citizen, and $2 as a fee for a final naturalization and certificate thereof; and the clerk of the district court has never included these in the fees and emoluments returned by him, and this has been known to the judges to whom the accounts have been semiannually exhibited, and by whom they were passed without objection in this particular. Following this custom, and believing and being informed that these fees formed no part of the emoluments to be returned to the Government, the defendant Hill has not included these amounts in his accounts, and this was known to the judge when his accounts were enamined, and he made on each a certificate in the form annexed; and his accounts so made out, up to July 1, 1884, have been examined and adjusted by the accounting officers of the Treasury Department.

"The clerks of the several courts of the State of Massachusetts made similar charges for like services and made no returns to the treasurers of the counties of the fees so received until the passage of the statute of the State of 1879, chapter 300.

"If, upon the facts before stated and agreed, the court shall be of the opinion that the said fees charged by the defendant Hill in respect to naturalizations, or any part thereof, should have been returned in his accounts to the United States as part of the emoluments of the clerk, from which his compensation is to be taken, in accordance with section 833 of the Revised Statutes, and that the settlements and adjustments of his several accounts, as above mentioned, constitute no defense to this action, the case shall be sent to an assessor to ascertain the amount due the United States in accordance with the law laid down by that court, unless the parties shall, within fifteen days after the announcement of the opinion of the court, agree upon the amount.

"The blanks used for the report of clerks' fees and emoluments, and the blanks used in naturalization of aliens, may be considered as part of the record of the case.

"The instructions of the Department of Justice to the several clerks, dated January, 1879, may be read for any purpose for which they are properly applicable; but neither the defendant Hill nor his deputy, Mr. Bassett, has any recollection of receiving or seeing such a circular before October, 1884.

"The court may draw such inferences from the above facts as a jury might."

Section 833 of the Revised Statutes provides that every clerk of a district court shall, "on the 1st days of January and July in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all the fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such return the fees and emoluments payable under the bankrupt act * * * Said returns shall be verified by the oath of the officer making them."

Section 839 of the Revised Statutes provides that "no clerk of the district court * * * shall be allowed by the Attorney-General * * * to retain of the fees and emoluments of his office * * * for his personal compensition, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 a year for any such district clerk, * * * or exceeding that rate for any time less than a year."

Section 844 provides that every clerk shall, "at the time of making his half-yearly return to the Attorney-General, pay into the Treasury or deposit to the credit of the Treasurer, as he may be directed by the Attorney-General, any surplus of the fees and emoluments of his office which said return shows to exist over and above the compensation and allowances authorized by law to be retained by him."

Section 845 provides that in every case where the return of a clerk "shows that a surplus may exist the Attorney-General shall cause such returns to be carefully examined and the accounts of disbursements to be regularly audited by the proper officer of his Department and an account to be opened with such officer in proper books to be provided for that purpose."

The foregoing provisions of sections 833, 839, 844, and 845 were taken from section 3 of the act of February 26, 1853 (ch. 80, 10 Stat., 165, 166), the supervision being changed from the Secretary of the Interior to the Attorney-General by section 15 of the act of June 22, 1870 (ch. 150), establishing the Department of Justice (16 Stat., 164).

Section 846 provides that the accounts of clerks "shall be examined and certified by the district judge of the district for which they are appointed before they are presented to the accounting officers of the Treasury Department for settlement. They shall then be subject to revision upon their merits by said accounting officers, as in the case of other public accounts." This provision was taken from section 1 of the act of August 16, 1856 (ch. 124, 11 Stat., 49).

* * * * * * *

On the foregoing facts and statutes it was contended by the United States before the circuit court, held by the circuit judge and the district judge, that the sums received as fees in naturalization proceedings were "fees and emoluments" within the meaning of section 833, and ought to have been included by the clerk in his returns, on the ground that they were received for services rendered by the clerk in his official capacity, and he was therefore bound to account for them, whether they were or were not chargeable under section 828, prescribing fees for clerks. The circuit court held that the action could not be maintained, and entered a judgment for the defendants, to review which the United States have brought a writ of error.

The opinion of the circuit court, which accompanies the record, and is reported in 25 Federal Reporter, 375, gives the following statement as to the former and the existing legislation of Congress on the subject and as to the action of the courts and of the Executive Departments of the Government: "By the act of March 3, 1791 (1 Stat. L., 217, sec. 1), the compensation of the clerks was fixed at $5 a day for attending court and their travel. To this was added by the act of May 8, 1792 (1 Stat. L., 277, sec. 3), such fees as were allowed in the supreme courts of the State, with a provision that for discharging duties not performed by the clerks of the State courts and for which the laws of the State made no allowance, the court might allow a reasonable compensation. Under these acts the clerks were allowed to retain all their fees and were not required to render any account of them to the Government. The first law requiring returns to be made was the act of March 3, 1841 (5 Stat. L., 427). This act established the compensation of clerks of courts at $4,500 a year, above clerk hire and office expenses, payable from fees only, and required them to pay the overplus into the public Treasury, under such rules and regulations as might be prescribed by the Secretary of the Treasury.

"The next in order of time was the act of May 18, 1842, (5 Stat., 483). That act required the clerks to make to the Secretary of the Treasury semiannual returns, embracing all the fees and emoluments of their office of every name and character, distinguishing those received or payable under the bankrupt acts from those received or payable for any other service. It authorized the clerk of the district courts to retain from the fees and emoluments of his office, above office expenses and clerk hire, as his personal compensation, $3,500 a year, and required him to pay the surplus into the Treasury. It has been stated that the provision in this act as to bankruptcy fees was inserted to change the law, as ruled by Judge Story, that the clerks were not bound to account for fees earned under the bankrupt act of August 19, 1841. The act of March 3, 1849 (9 Stat., 395, sec. 4), establishing the Department of the Interior, transferred the supervision of the accounts of clerks to the Secretary of the Interior. Until the act of February 26, 1853 (10 Stat., 161), the official fees of the clerks remain in substance as fixed by the acts of 1791 and 1792. The act of 1853 was the first uniform statute regulating the fees of the clerks and other officers of the courts throughout the United States. It established the present fee bill, and is reproduced in section 1823 to section 857 of the Revised Statutes. Its provisions in regard to returns to be made by the clerks were the same as in the act of 1842, except that they were to be made to the Secretary of the Interior, as directed by the act of 1849, instead of to the Secretary of the Treasury. Since the act of June 22, 1870, creating the Department of Justice, the returns have been made to the Attorney-General, and supervision of these accounts has been exercised by that officer of the Government."

Referring then to the fee bill of February 26, 1853, as found in section 823 et seq. of the Revised Statutes, the court proceeds: "Upon an examination of the statute it will be seen that it applies to taxable costs in all ordinary litigation, whether at law or in equity or admiralty, and undoubtedly governs the taxation in all actions, suits, and proceedings, civil and criminal, in personam and in rem, in the courts of the United States. But it has not usually been considered, at least in this district, as applying to certain special and peculiar cases, of which the courts have jurisdiction, where only the party asking for the right or privilege is before the court, and from the nature of the case no costs are taxable as in ordinary litigated suits. Of such a character are proceedings under the naturalization laws, under the shipping commissioners' act, and applications to be admitted to practice as an attorney. Thus Judge Shepley early refused to allow the clerk to tax costs by the fee bill on applications under the shipping commissioners' act of June 7, 1872 (17 Stat., 272; Rev. Stat., sec. 4544), for the money and effects of deceased seamen deposited in the circuit court by the shipping commissioner.

"In respect to the naturalization cases, it has never been hitherto understood, either by the judges or the Departments, that the fees of the clerk were for services rendered in his official capacity. At times, especially before elections, these applications are extremely numerous. The papers are usually prepared by the parties themselves or their friends, or more frequently by agents of candidates. The hearings are ex parti, at no stated times, and it is rare that any person appears in opposition. It has, therefore, been necessary, both in the interest of the applicants and for the due and orderly execution of the law and to enable the court to dispose of the cases, that the papers should be looked over and corrected by some person familiar with the law and practice, and in many instances that the witnesses should be examined before the cases were presented to the court for final action. It was for this service that the clerk has been allowed to make these charges to the parties. These are duties which the court has the undoubted right to have performed by some other person than the presiding judge.

"In these cases the clerk acts rather as a person appointed to assist the court in exercising its functions, like a master or examiner in an equity cause, or an assessor in admiralty, or an auditor in a suit at law. It is the universal practice of all courts of large jurisdiction to appoint special officers at the expense of the parties, to make inquiries, investigate details, examine papers, take accounts, make computations, and to perform ministerial acts. Their reports when returned into court and accepted become part of the case, and form the basis of the orders and decrees of the court in the cause.

"It was with this view, to regulate the practice in naturalization cases and define the duties required of the clerk, that Judge Sprague in 1855 adopted the following rules, which have ever since been in force:

"*Ordered*, by the court, that applications by aliens to be admitted to become citizens of the United States shall be presented to the court while in session, and that proof of the facts whereof the court is required by law to be satisfied shall be made by at least two credible and disinterested witnesses, who are citizens of the United States, to be produced and examined in open court.

"*Ordered*, that before such applications are presented, all necessary papers shall be filed with the clerk, who shall report to the court when the application is made, and that he has examined the same, and whether they are all in due form and in conformity with the requirements of law or how otherwise."

This fact, as to these rules made in 1855, was not made a part of the agreed statement of facts, but the counsel in the cause, in this court, stipulated in open court that the facts should be taken as agreed.

The opinion of the court then proceeds: "It is for services rendered under these rules, and as a special officer of the court, and not as clerk, that these fees have been permitted. They were not duties pertaining to the office of clerk. They could have as well been performed by any other person designated by the court for the purpose; as by the district attorney or a commissioner of the circuit court, or an attorney, or any suitable person not an officer of the court."

Reference has been made to the circular of Attorney-General Devens of January 14, 1879, issued to the clerk. In it he says, referring to section 833: "This language embraces every possible fee or emolument accruing to you by reason of your official capacity and does not allow the withholding of any. Whatever is done for you that you

could not do if out of office has an official color and significance that brings it within the compass of the language of the statute." This is undoubtedy a forcible and accurate statement of the meaning of the statute. But the naturalization fees do not come within this rule. They did not accrue to the clerk by reason of his official capacity, and were for work which might as well have been done by him when out of office as when in. It is also to be noticed that this circular calls upon the clerk for "a statement of sums received for searches, for all copies of naturalization papers and oaths, and all other sums received through your office," but makes no mention in terms of naturalization fees. (Regulations Department of Justice, 1884, p. 223.)

No complaint of these fees ever came to the ear of the court from any quarter. On the contrary, this service performed by the clerks has been of great advantage to those seeking to be admitted as citizens. It has had the effect, as originally intended, to simplify the process of becoming a citizen and to make it more expeditious and inexpensive. It saves the parties the expense of employing an attorney, and the fee charged therefor is much less than would be allowed by the fee bill, if the application is to be treated and entered on the docket of the court as an ordinary suit. In rejected cases no fee has been charged. This practice has prevailed for more than forty years, ever since the act of 1842, which first required returns, and has been perfectly well known to everybody conversant with the courts. It was begun by Judge Story and Judge Sprague and has had the approval of all the judges of this district since their day. It has also had the sanction, successively, of the Department of the Treasury, the Department of the Interior, and the Department of Justice. Until this suit was brought it has never been called in question by any accounting officer of the Government; nor has Congress seen fit to put a stop to it by legislation. This construction of the statute in practice, concurred in by all the departments of the Government and continued for so many years, must be regarded as absolutely conclusive in its effect. (Edwards's Lessee *v.* Darby, 12 Wheat., 206; United States *v.* Temple, 105 U. S., 97; Ruggles *v.* Illinois, 108 U. S., 526; United States *v.* Graham, 110 U. S., 219.)

It was stated at the bar that a bill was introduced in the last Congress to require the clerks to make returns of all fees which they should receive for naturalizations and as masters and commissioners, but failed to become a law. If a change in the practice should be thought desirable, it is obvious that it should be made by Congress and not by the courts.

"It is also to be noticed as significant that the clerks of the courts of Massachusetts, under a fee bill much like ours, and a statute requiring them to make to the county treasurer yearly a return 'of all fees received by them for their official acts and services,' were never required to include in their returns the fees received in naturalization cases. (Rev. Stat. of 1836, chapter 88, sec. 15; Gen. Stat. of 1860, chapter 121, sec. 22.) This was changed by the act of 1879 (chapter 300), which defined what the fees in such cases should be, and directed the clerks to include them in their return.

"The decision of the court is that, upon the agreed facts in this case, this action can not be maintained."

Viewing the whole subject in the light in which it appears on the face of the statute, in regard to the fees of the clerks, we are met by the fact that section 823 of the Revised Statutes, taken from section 1 of the act of February 26, 1853 (chapter 80, 10 Stat., 161), provides that "the following and no other compensation shall be taxed and allowed" to clerks of the district courts. This applies prima facie to taxable fees and costs in ordinary suits between party and party, prosecuted in a court. There is no specification of naturalization matters in the fees of clerks. From as early as December, 1839, the practice set forth in the agreed statement of facts has been obtained in the district court in Massachusetts of charging the fees of $1 and $2 as gross sums, in naturalization proceedings, without any division for specific services, according to any item of the fee bill. The act of March 3, 1841, before referred to, the first one on the subject of returns, implied that there should be reports of "fees and emoluments" by the clerk to the Secretary of the Treasury. The act of May 18, 1842, provided for semiannual returns to that officer, and included, specifically, fees and emoluments under the bankrupt act, but the clerk never has included in these returns his fees and emoluments for naturalization proceedings, and his action from 1842 to and including 1884 has been with the knowledge of the successive district judges, to whom his accounts have been semiannually exhibited.

From 1842 to 1849 these accounts went to the Secretary of the Treasury; from 1849 to 1870 to the Secretary of the Interior, and since 1870 they have gone to the Attorney-General. From 1856 the statute has required that these accounts before going forward "shall be examined and certified by the district judge," and that after being sent to the several heads of departments they shall be subject to revision on their merits by the accounting officer of the Treasury Department. The agreed statement of facts shows that this course has been pursued; that the district judge has examined and certified the accounts, knowing that they did not include naturalization fees, and that those accounts had been revised on their merits by these accounting officers for this long series of years, and been examined and adjusted by them with the naturalization fees not included.

With this long practice, amounting to a contemporaneous and continuous construction of the statute, in a case where it is doubtful whether the statute requires a return of the disputed fees, judges of eminence, heads of departments, and accounting officers of the Treasury having concurred in an interpretation in which those concerns have confided, the surety and the present bond, as well as his principal, had a right to rely on that interpretation in giving the bond; and the semiannual accounts of the principal having been actually examined and adjusted at the Treasury, with the naturalization fees excluded, down to and including the one last rendered five months before this suit was brought, a court seeking to administer justice would long hesitate before permitting the United States to go back, and not only as against the clerk, but as against the surety on his bond, reopen what had been settled with such abundant and formal sanction.

This principle has been applied, as a wholesome one, for the establishment and enforcement of justice, in many cases in this court, not only between man and man, but between the Government and those who deal with it, and put faith in the action of its constituted authorities, judicial, executive, and administrative.

In Edwards's Lessee *v.* Darby (12 Wheat., 206, 210) is was said: "In the construction of a doubtful and ambiguous law, the contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect, is entitled to very great respect." To the same effect are United States *v.* Dickson (15 Pet., 141, 145); United States *v.* Gilmore (8 Wall., 330); Smythe *v.* Fiske (23 Wall., 374, 382); United States *v.* Moore (95 U. S., 760, 763); United States *v.* Pugh (99 U. S., 265, 269); Hahn *v.* United States (107 U. S., 402, 406), and Five Per Cent cases (110 U. S., 471, 485). In the case of Brown *v.* United States (113 U. S., 568) the same doctrine was applied, the cases in this court on the subject being collected, and it being said, that a "contemporaneous and uniform interpretation" by executive officers charged with the duty of acting under a statute "is entitled to weight" in its construction, "and in a case of doubt ought to turn the scale." A still more recent case on the subject is United States *v.* Philbrick (ante, 52), where this language is used: "A contemporaneous construction by the officers upon whom was imposed the duty of executing those statutes is entitled to great weight; and since it is not clear that that construction was erroneous, it ought not now to be overturned."

Judgment affirmed.

Now, then, a single point further—what was this change made for—and then I am through. I admit that the statute itself before the change did not say that the judge should be paid his "actual expenses," but by the same rule of construction prior to this time we always did construe it to mean that he had to set up the items of his account showing how much money he had expended. The law was changed and the word "reasonable" was put in—not exceeding $10—his reasonable expenses. From that time to this that is the construction we claim has been put upon that statute, and now we are asked to say that the legislative body of this country passed a law that did not mean anything, made a change in the phraseology of the statute that it is claimed will have no effect, and that Judge Swayne shall be punished for having understood one of the first canons of construction of the law, viz, that when the legislature changes the phraseology of a statute the court shall hold, must hold, that it is done for some purpose, and that the statue amended does not stand as the statute before it was amended.

I cite a case that came to my mind the other day, and I went over to the Supreme Court and put my hand on it in a minute, for I remembered it thirty years ago when I came up against the question and got far the worst of it, standing in the position that the gentleman from Pennsylvania [Mr. PALMER] now stands. I refer to the case of the State, on the Complaints, etc., *v.* Gray (8 Blackford's Indiana Reports, p. 273), where the court lays down the rule that in every case where the phraseology of a statute has been changed the court will construe it to have been done for a purpose. That case is as follows:

The State, on the complaint, etc., *v.* Gray.

Appeal from the Tippecanoe circuit court.

DEWEY, J.—This was a prosecution for bastardy against Gray. The complaint was made by Mary Anne Welch before a justice of the peace of Tippecanoe County; it charges Gray with being the father of a bastard child, of which the complainant had been delivered; that she was an unmarried woman, and was, at the time of making the complaint, a resident of Tippecanoe County, and that the child was with her. The justice issued his warrant; the defendant was taken, and an examination was had before the justice. It appeared in the course of the examination that the complainant arrived in Lafayette, in Tippecanoe County, on the day on which she made complaint, and that she came from New York, where she had previously resided. The justice found the defendant guilty, and ordered him to give bond, etc., which not being complied with, he was recognized to appear before the circuit court. He appeared accordingly; and, on his motion, the prosecution was dismissed for want of jurisdiction in the justice of the peace and in the circuit court.

It is urged, in vindication of the decision of the circuit court, that it did not appear that the complainant was a resident of this State.

As the law stood, previously to the late revision of the statutes, the objection was valid. The language of the former statutes was, "that on complaint made to any justice of the peace in this State by any unmarried woman resident therein," etc., the justice should proceed as therein stated. (R. S., 1831, p. 285; R. S., 1838, p. 330.) The first section of the present statute provides, that when any woman who had been delivered of a bastard child, or who is pregnant with a child, which, if born alive, will be a bastard, shall make complaint to any justice of the peace against the person whom she accuses of being the father of the child, the justice shall issue his warrant, etc. (R. S., 1843, pp. 363, 364.)

It is contended that the change in the phraseology of the statutes is so slight that it shows the legislature did not mean to change the law as regards the residence of the complainant. We can not think so. The qualification of the residence of the complainant in this State, essential to the support of a prosecution under the former acts, is omitted in the present statute, and we are not at liberty to view the change as unmeaning. We are bound to believe that the remedy was designedly enlarged.

But it is further contended that if any change of the law was meant to be made by the late revision the complainant is now required to be not only a resident of the State, but to have a legal settlement in the township where the prosecution is commenced.

This position is attempted to be sustained by the provision of the third section of the bastardy act, which is that if the accused person shall be adjudged by the justice to be the father of the bastard he shall, among other things, "enter into bond to the overseers of the poor of the proper township in the county where such woman (the complainant) has her legal settlement" conditioned to save the county harmless, etc., and by the provision of the twenty-ninth section, that the money on the judgment against the putative father, in a prosecution carried on by the overseers, shall be paid to the overseers of the poor of the township where the complainant shall have "her legal settlement."

We do not view these provisions as having any bearing on the question of jurisdiction. They are directory as to proceeding subsequent to the commencement of the prosecution and must be followed where the facts of the case will admit of it. If the complainant must have a legal settlement before she can institute a prosecution for bastardy, a

year's previous residence in some county of the State will, in general, be necessary. Such a construction of the statute would, in many instances, defeat what we conceive to be its object—the extension of the remedy afforded by the former statutes. It would certainly be inconsistent with the first section, which points out the description of persons entitled to prosecute and which confers jurisdiction on justices of the peace. The residence of the complainant is immaterial. The circuit court erred in dismissing the cause.

Per curiam.—The judgment is reversed with costs.

Cause remanded, etc.

D. Mace for the appellant.

E. H. Brackett and A. M. Crane for the appellee.

Now then, what have we? This statute provided for the payment of the expenses of the judges. It had been construed and acted upon as though the word "actual" were in the statute, and then came the legislature and practically struck out the word "actual" and put in the word "reasonable." Now, I say there is not one particle of legal testimony in this record that shows any action under the charge. I say that every particle of that testimony that went to show what Judge Swayne did expend and what he did not expend was illegal, incompetent, and futile. Why? Because the statute provides that he shall be paid his reasonable expenses, and there is no evidence tending to show that he took a dollar in excess of his reasonable expenses. So, Mr. Speaker, instead now of protecting the courts of this country by impeaching this man, the argument is made here that if somebody comes around in your dooryard and slanders you and says you are a liar or that you have cut down a shade tree or are a thief, you must go and hunt up the prosecuting attorney—that is the argument of the gentleman from Pennsylvania [Mr. PALMER]—and say: "For God's sake, Mr. Prosecuting Attorney, indict me in the grand jury room, so that I may have an opportunity to clear my skirts." That is the argument that is made here—tarnish this man, put him to an expense that will be ruinous, blackmail him to the extent of his expenses in any event, so that he may have a chance to clear his skirts! That is the argument. If you would protect the courts of the United States in the dignity in which they stand, if you will add another period of seventy years to a period of nonimpeachment in the United States, teach the little people who are disappointed at the judgments of the judges of the courts of the United States that their remedy shall not be, first, in a political convention [applause], then in a political legislature, and then in an impeachment of his character—an impeachment begged for, plead for, prayed for. God alone knows the efforts that have been made. I do not say that any of them are illegitimate, but I do say that if there was here a worthy case for this impeachment there would be no necessity for this personal appeal to Members. [Prolonged applause.]

Mr. PALMER. Mr. Speaker, I yield thirty minutes to the gentleman from New York [Mr. COCKRAN].

[Mr. COCKRAN of New York addressed the House. See Appendix.]

Mr. GILLETT of California. I yield fifteen minutes to the gentleman from Pennsylvania [Mr. MOON.]

Mr. NEVIN. Mr. Speaker, will the gentleman yield to me five minutes now?

Mr. GILLETT of California. Yes.

Mr. BRANTLEY. Will the gentleman yield to me to make a request of the House?

Mr. NEVIN. Yes; I yield for a request.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks that I delivered yesterday.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. NEVIN. Mr. Speaker, although a member of the committee to which this matter was referred, and although I have followed it carefully from its inception until now, I purposed to say nothing to the House on the question until the gentleman from Pennsylvania [Mr. PALMER] this morning mistakenly quoted me as favoring at least three of these articles of impeachment. He said that when the question had been asked before the subcommittee as to what was the custom of the judges on the Federal bench as to certifying to $10 a day or their actual expenses, and when he had held that that question had nothing to do with this case, that the members of the Judiciary Committee, myself among the number, had agreed to the correctness of that holding. I want to say that I disagreed with his holding then, and I differ from him now.

If this statute were so clear, so explicit, so open to but one construction and conclusion as that anyone who did anything other than to certify the actual and necessary expense of each day would plainly violate the law, then I concede the gentleman's proposition that it would make no difference whether one judge or a hundred judges or all the judges together had done so, they would have in such case violated that statute. Such a construction of the law being conceded, it is true that their action and conduct would throw no light upon the question as to Judge Swayne. But the very question at issue before that subcommittee was, did he violate the law; did other judges understand and so construe the statute; did other Federal judges certify as did Judge Swayne? To hold that you could not prove this to be the custom was simply begging the question. The gentleman from New York [Mr. COCKRAN], who has just spoken, says that he does not believe that Judge Swayne is liable to impeachment or that he should be impeached because he construed the statute in the way suggested, viz: That for each day a judge held court as set out in the statute he might receive for his expenses $10 a day upon so certifying to the same. The gentleman from Pennsylvania [Mr. PALMER] differs from that construction. Now, the question that was presented before this subcommittee by that question was, "How have other Federal judges construed it?" This was the very question submitted.

I read from the printed record of the case:

Q. I observe here that the charge certified by Judge Swayne for any particular number of days seems to be at the rate of $10 a day.—A. Yes, sir.

Q. Is that usual?

Then said Mr. PALMER:

I do not think that is of any consequence—

And proceeds to rule it out. Now, was that question proper? In my judgment unquestionably so. There can be no doubt as to its competency. Its weight is a different matter. The object of the question was to show what the judges believed that statute meant. If it had been a contract coming up before some nisi prius court, and the question had been presented, What does the contract mean? the court would say, "How have the parties construed the contract? How have they acted and operated under it? If it is so clear there can be but one construction, that is the end of it; but if it is open to two or more constructions, then the question always arises, What have the parties themselves done?"

Here was a statute open to more than one construction. Now, what have the judges held as to it? They might have passed upon it by a judicial decision. They can just as well determine it by their acts; and if it be true that a large majority of them—64½ per cent the gentleman from Ohio [Mr. GROSVENOR] said this morning—have construed the law to permit them to certify $10 a day, day in and day out, as their legitimate expense, that would clearly show that Judge Swayne had been guilty of no corrupt practice, and had in his mind no corrupt intent. And yet the gentleman bases three articles of impeachment upon the fact that Judge Swayne has certified $10 a day instead of his actual itemized expenses.

Mr. PALMER. I call the attention of the gentleman from Ohio to the fact that the gentleman from Pennsylvania does not base the articles on that, but that the Judiciary Committee have presented these three articles. I do not care to be held up to odium alone. I want my brethren on the Judiciary Committee to help share some of it with me.

Mr. NEVIN. Oh, certainly.

Mr. PALMER. There seems to be some question here whether Judge Swayne or myself is on trial.

Mr. NEVIN. I did not mean that the odium should be borne by you alone. Let all those who are responsible for the act accept the responsibility. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. MOON of Pennsylvania. Mr. Speaker, I desire at the beginning to congratulate this House on the fact that we are now reaching the end of this dicsussion, and to express my judgment that the three or four days already consumed have done much to render clear and lucid the voluminous amount of testimony taken by the subcommittee in the case. I believe we are reaching nearer and nearer to the vital facts involved therein, and I trust when the time arrives to-morrow for taking a final vote that all that exists in this mass of testimony will have been thrashed out to the absolute comprehension of every Member of this body who is called upon to vote upon these important resolutions. I confess, Mr. Speaker, that I approached the consideration of this case, as I believe a great many Members upon the floor of this House did, prejudiced against, not Judge Swayne, but against any man who should be so accused. I have been educated in so absolute a belief in the purity of the judiciary that I look naturally with distrust upon any man against whom accusations of this kind could be made, and when the gentleman from Florida [Mr. LAMAR] in his first resolution recounted the various crimes committed by Judge Swayne, when

I found therein the allegation that he was entirely unfit to be a judge by reason of incapacity, by reason of his mental and judicial incapacity, and by reason of his alleged flagrant disregard of every principle of justice, I was disposed to look with distrust upon him and believed that his conduct ought to be inquired into.

When I hear on the floor of this House the declaration of the gentleman from Florida that Judge Swayne is the most lawless man in that State; when I read his interview with an Atlanta reporter in which he gives to the world the warning that Cæsar had his Brutus, Charles the Second his Cromwell, and finished it with the intimation that if we refused to impeach Judge Swayne he will find lurking in the glades of Florida the arrow of a Tell or the dagger of a Corday; when the distinguished gentleman from New York [Mr. COCKRAN] in his concluding remarks to-day added the last degree of infamy to his name, crowning him as the American Jeffreys, it seems to me absolutely necessary, as a preliminary inquiry, to inquire who Judge Swayne is.

Mr. Speaker, we have before us only the printed testimony in this case, and I have had some experience in the investigation of such testimony. I have always found it to be very unsatisfactory as compared with the testimony of the living witnesses. It is cold, neutral, and impersonal.

We do not see the characters; we do not understand the motive of their testimony, and I have made it a cardinal principle of investigation, first, in inquiries of a judicial nature, to discover first who are the parties involved, and, second, to discover what is the accusation contained in the testimony upon which we are called to decide.

Therefore, proceeding, Mr. Speaker, to the investigation of who Judge Swayne is, and to the examination of his record for the purpose of ascertaining whether he is the most lawless man in the State of Florida, whether he is the American Jeffries, my attention was attracted at the outset by this fact, as it appears, in that in 1897 the most distinguished gentlemen in the city of Philadephia, which I have the honor in part to represent here—her most distinguished citizens and most eminent lawyers thought that Judge Swayne was a fit man to adorn the Supreme Bench of the United States. I find a group of letters written by famous men in the judicial history of the State of Pennsylvania recommending him to this position. I find a letter written by F. Carroll Brewster, at one time an eminent judge in our State, subsequently our attorney-general, and a brother of Benjamin Harris Brewster, the Attorney-General of the United States under the Arthur Administration—I find a letter written to President McKinley saying that he would honor his Administration in appointing this man to that eminent position. I find a letter to the same effect from the Hon. Hampton L. Carson, the present eminent attorney-general of Pennsylvania, in 1897. I find that Judge Fell, of our supreme bench, a gentleman whose career all of my colleagues from that State will admit is an honor to the State and who has adorned the judicial history of Pennsylvania, a man from whom no money, no position, and no influence could purchase a recommendation, and I find that he said to President McKinley that this man Judge Swayne was fit to occupy a seat upon the Supreme Court Bench of the United States.

Mr. LITTLEFIELD. "Learned, able, and safe."

Mr. MOON of Pennsylvania. Yes; among them was Judge Ashman, a man of distinguished character, and other men of broad prominence, including the mayor of Philadelphia, all eminent men in our judicial and civic history, who urged the appointment of this man to that exalted position.

And, Mr. Speaker, I find from the investigation of this testimony—and I would like to commend the careful reading of these pages to every Member on the floor of this House before he assumes the solemn responsibility to say by his vote that this man is a lawless man—I find that in 1899, after Judge Swayne had discharged his judicial duties in this district for ten years, the entire bar of the city of Pensacola, Fla., sent separate individual letters to the President of the United States urging the appointment of Judge Swayne to the position then vacant on the circuit court judgship in that district—the judicial district including the State of Florida.

That was in 1899, ten years after this man had lived among them and had discharged his duties in his official capacity, and I desire to take the time of the House for a moment, even at the risk of tiring Members, to read one or two extracts from those letters, extracts that bear upon the very question under consideration, the character of the man. I desire to read one from the very prosecutor in this case, the man whose hand never left the grip of these charges until they were ushered into the door of this House. Mr. Liddon, of the firm of Liddon & Egan, on February 1, 1899, wrote as follows:

> We most earnestly urge the appointment of Hon. Charles Swayne, our present United States district judge for the northern district of Florida, to the position of circuit judge of the fifth circuit, under recent act of Congress creating an additional circuit judge.
>
> Judge Swayne has served in his present position for the past ten years and made a most excellent judge, so that he is well qualified by experience for the circuit judgeship. We feel sure his appointment to the position would meet with the hearty approval of the bar and people of our circuit.

I pick one other at random, from Messrs. F. W. Marsh and Buckner Chipley, in which they say:

> We can conceive of no more appropriate appointment than this would be, reflecting credit upon the United States judiciary, and being a just promotion of one who has so efficiently and ably served the interests of the people throughout this portion of the United States. As district judge he has received the respect of every person who has had the pleasure of his acquaintance, and his personal attributes are well fitted for the position.

Mr. Speaker, there were at that time twenty members of the bar of Pensacola, and exactly twenty members of that bar wrote these letters—absolutely every member of the bar of the city of Pensacola. [Applause.] I therefore felt, Mr. Speaker, justified in saying that, in so far as the character of the man attacked was concerned, we have been misled. I therefore stand here and say upon the basis of this testimony that I shall proceed to its investigation with the belief that Judge Swayne is a man of probity, that he is a man of honor, that he is a man of great judicial fitness and of the highest personal character, and I challenge any man among this representative body upon the floor of this House to establish his own character by more complete testimony than this. So much, therefore, for the personal and judicial character of the respondent. Now, let us proceed in the second place to consider the charges against him and the motive of the parties preferring them. Because, bear in mind, the investigation here, in its last analysis and in its final disposition, must depend absolutely upon the motive that prompts both the actors and the accused in this proceeding. Bear in mind that it is an uncontradicted fact that Judge Swayne is 62 or 63 years of age. At the time these letters were written he was then 57 years of age, and, Mr. Speaker, it is a historical and a moral fact that men at the age of 57 do not change so suddenly. It seems to me to challenge human credulity that Judge Swayne should within two years have become the monster that he is depicted.

I say, Mr. Speaker, it seemed to me incredible that this man, in this brief period of two years, could have fallen from the high estate that these gentlemen have given him to a position like that, and I began to make an investigation as to what had brought about this revolution of feeling. I discovered that something had happened, but it had not happened to Judge Swayne. In 1902—and I speak now historically, though I may talk more fully on this subject if the time permits—Judge Swayne inflicted a just and a deserved punishment upon a wealthy man in the city of Pensacola, a bank president named O'Neal. I repeat I shall not now speak of the details of the O'Neal prosecution further than to state that O'Neal then and there began to put into effect an avowed intention of punishing Judge Swayne for having dared to inflict upon him the justice of the law, and I desire to call the attention of the House particularly to what followed. I speak entirely by the record when I say that O'Neal employed counsel at first, three of them, Messrs. Laney, Liddon, and Wentworth; that Mr. Liddon framed the resolutions to be passed by the legislature of Florida; that Mr. Liddon was employed with Mr. O'Neal's money to go before the judiciary committee and make a speech, and Mr. Liddon personally solicited and lobbied with, he says, from ten to twelve members of the legislature to secure the passage of these resolutions; that Mr. O'Neal employed what might be termed a professional lobbyist for that purpose; he employed a man who had been transcribing clerk in the house, employing him because of his large acquaintance with men of the house and particularly because his uncle was an influential member of that body. He employed him for sixteen days and paid him $10 a day for lobbying that bill through the Florida legislature.

Mr. O'Neal, in addition to that, was upon the ground during all this period of time. He was giving champagne suppers to the members of the legislature. He spent from two hundred to three hundred dollars in champagne for that purpose, and actually sent champagne individually to particular members of the house for the purpose of influencing this legislation. All this is clearly established by the testimony. Now, therefore, Mr. Speaker, it seems to me that I am justified here in saying that these charges against Judge Swayne were conceived in personal malice; they were born and brought forth in legislative debauchery; that they were nursed and cradled in a spirit of virulent political animosity, and that they are now brought to the floor of this House with the threat that if we shall refuse to adopt them and refuse to clothe this illgotten, illborn child of sin with our name,

and present it to the bar of the Senate as our legitimate offspring the citizens of Florida will resort to assassination to accomplish his removal. I protest against it, and I will not be a party to such a proceeding. [Applause.] Now, Mr. Speaker, of course, I am perfectly willing to agree that this contaminated origin does not necessarily damn these charges. It causes us certainly to look upon them with suspicion rather than upon the man with suspicion. I say that it does not damn them absolutely. We know that history, both sacred and profane, has taught so that great good may come even out of Nazareth, and it is still possible that there may be some foundation for accusations, notwithstanding the corrupt sources from which they emanate, and I therefore now proceed to discuss the only two remaining, in which there seems, at this stage of the discussion to be any vitality left, viz, that of residence and that covered by the Belden and Davis contempt proceedings.

It seems to me that a popular misconception, a widespread misunderstanding of the testimony upon the question of residence has gained a footing in this House. I have heard a great many people say, and it has been argued here with great earnestness, that Judge Swayne admitted that for two years he was not a resident of his new district. I say that Judge Swayne never admitted anything of the kind, and I want to correct a popular misconception or misapprehension upon that point.

Judge Swayne said, and I challenge you to show that he did not, that when he went from St. Augustine to Pensacola in 1894 he stored his furniture; that he would not move his furniture there because he believed that Congress would restore his district, but that he immediately acquired a residence in the city of Pensacola, the chief city in his circumscribed district, and that in all the various assignments made by him throughout these various four States contiguous to his territory he always registered himself as from Pensacola, and that he began at that time to take steps to establish a home at that place. I refer to this particular point because I happen to know, from conversations with very many Members of this House, that that impression has gotten abroad, that while he believed that a subsequent Congress would restore his district he did not attempt to acquire residence in his new district. That is not true and there is no vestige of testimony in this case of any kind or nature upon which it can be truthfully based. Legally and actually, residence is a question of intention, and nonresidence by a judge in the district over which he presides is made a high crime and misdemeanor, and in order to convict this judge of that crime at the bar of the Senate we must establish by this testimony, beyond a reasonable doubt, that he did not reside in his district.

Does there exist a doubt on this subject here? If so, the legal consequence and effect of that doubt is that the charge falls. Why, Mr. Speaker, can it be seriously argued that there is no reasonable doubt upon that question in this House when the Judiciary Committee itself, from whom these charges emanate, stood 8 to 8 upon that subject, and a powerful minority report contends that his residence is fully established?

Mr. LITTLEFIELD. Nine to eight.

Mr. MOON of Pennsylvania. Well, I am safe in saying they stood at least eight to eight. Therefore, so far as the Judiciary Committee were concerned, there was certainly a reasonable doubt. I am safely within my right when I say to-day either a majority, or at least a respectable minority, here believe that his residence was in Pensacola during that time, and therefore the present attitude of this House establishes the fact that there is reasonable doubt. And, gentlemen, in the solution of that reasonable doubt, if you wish it solved what testimony would you like to have to solve it? I confess if I were upon the bench as a judge I would say, "Bring me testimony of his neighbors; bring me testimony of the people with whom he lived, testimony of the people who did business with him, of the people who knew his coming in and going out from day to day, and let us know what these men understood about him." That would resolve all reasonable doubts in my mind, and I propose to bring you that testimony. I refer again to these letters. When in 1899 the united bar of Pensacola said to President McKinley, "This man is a man of the highest attainment, this man is a man fit to adorn the circuit bench, this man is a law-abiding citizen," no argument in the world can convince me of the fact that they knew at that time that he was a criminal, and that instead of being advanced to the circuit court bench he ought to be advanced to the bar of the Senate for trial for high crimes and misdemeanors. They never dreamed for a moment at that time that he was not a citizen of the State, and that, gentlemen, was in 1899, five years after the district was changed.

I say, therefore, upon that point, resolving that reasonable doubt, the testimony of the neighbors of Judge Swayne, the lawyers of his court, given before any question arose of impeachment, is conclusive. Therefore I ask you to say, gentlemen, that upon this specification, whatever you may do with regard to the others, you can not present him to the bar of the Senate for trial against the protest, against the united evidence of the members of the bar of Pensacola. Of course everybody concedes that immediately after 1899 he did acquire a residence and without any doubt complied with all the requirements, even to the minds of the most skeptical, and I repeat that beyond all reasonable doubt his legal residence, his strict compliance with all the requirements of the law, has been fully and absolutely established.

Respecting the contempt proceedings, the second important charge in this proposed indictment, I suppose there is nothing about this whole case that has attracted so much attention as the punishment of Hoskins, Davis, and Belden for contempt of court in 1901, and it does seem to me, Mr. Speaker and gentlemen, there never was a clearer case presented, and that there has never been any legal question that I have heard discussed in which I have seen so much misapprehension existing as upon that. The gentleman from Ohio [Mr. GROSVENOR], I think, fittingly and aptly stated this morning that upon a legal proposition this body, largely composed of lawyers, does seem to be very much astray. Now, let me give you a simple narrative of what occurred; but first of all, gentlemen, let me show to you what the testimony reveals. Why, the case of Florida McGuire is the most remarkable case in this country. It is the Jarndyce *v.* Jarndyce of American judicial history. It has been in litigation, according to the books, for twenty years. Prior to the time Judge Swayne was called upon to try it it had been tried eleven times. The time that they discontinued it made twelve times, and they subsequently retried it, which made thirteen. And let me tell you another thing, that every other judge that attempted to try that case was maligned and blackened by these people. They accused every judge who previously tried that case of holding property in that tract. They accused Judge Maxwell and Judge McClellan and assailed them with the same bitterness with which they assailed Judge Swayne.

The carried the previous cases to the circuit court of appeals, and every time they lost their case, and let me tell you further that, after discontinuing this case and beginning it again, when the time for trial arrived they did what they did not attempt to do here—they filed of record a charge that Judge Swayne was a party in interest upon the same testimony presented to us—they made it a question of fact in the cause. It was decided against them, and it was carried by them to the circuit court of appeals, and the circuit-court judge sustained the decision of Judge Swayne and said that the testimony revealed that he had no interest to disqualify him; that he dare not under the facts recuse himself, and that he ought to try the case.

Therefore all this speculation, all this dramatic oratory upon the question of the necessity for Judge Swayne's recusing himself in that case, is settled by the decision by the highest court of appeal to which it has yet gone. Now, with that knowledge of the facts in this famous case, let me tell you what occurred in this court in that November term about which so much has been said. I appeal to the record to establish what you know, that in October they wrote a letter asking him to recuse himself, telling him that intangible rumors were floating about town. You know that he came to Pensacola on the 5th, and on the day after his coming he replied to their letter, giving them all of the facts of the case and establishing fully his right to try the case. The question has been asked here, Why did he not answer that letter before? Why, if you stop to reason for a moment, gentlemen, you will wonder almost why he did not punish them for contempt for writing that letter. That is not the way to take a step in a legal proceeding to write a personal letter to a judge. The law of the State of Florida points out clearly the steps that are to be taken in order to get a judge to recuse himself. You must follow the practices of the court; you must substantiate with affidavits all allegations; you must reduce floating, intangible rumors into solid substances; you must affix your affidavit to that protest, so that in case of misrepresentation you will be guilty of perjury. And these men did what? They wrote a personal letter, in violation of every principle of judicial ethics and in violation of every principle of practice. They wrote a personal letter to Judge Swayne asking him to recuse himself.

Gentlemen, they knew how to obtain his recusation. They had tried it on a previous occasion in this case. They tried it subsequently, and made a record; but on this occasion wrote a letter. When he came he called them before the bar of the court and after stating fully that he had no interest, either legal or equitable, in this property, he notified them that there was no formal motion of record for him to recuse himself, and there-

fore when the case was reached he should try it, indicating to those people that if they wanted to make a legal record upon this point, there was plenty of time to do it. He said in effect, "You have only written to me personally; you have appealed only to the judicature of my own mind. Now I tell you I do not own the land. I tell you all the circumstances, that I attempted to purchase the land, or my wife did. I found there was a quit-claim deed instead of a warranty deed, and on inquiry I found that it was in the tract involved in my court, and I abandoned all thought of the purchase instantly. If you desire to raise this question in the case you have not appealed to the jurisdiction of the court by proper pleadings." Why, any lawyer upon the floor of this House will admit that in so solemn a proceeding as that, which refers to the jurisdiction of the court, to try a cause it must be put upon the record by formal and regular proceedings and can not be left to chance and to loose letters and vague rumors.

Now, one thing seems to have been lost sight of. They did not content themselves with writing a letter to Judge Swayne, but also wrote to Judge Pardee. They told Pardee what they had done. Pardee gave them instructions. Pardee said to them: "All right, go on and make your record. It is a matter reviewable; you can not suffer any injury by it." And yet in the face of this positive direction from Judge Pardee, of the circuit court, and this plain intimation of Judge Swayne, the trial judge, what did they do? They did nothing.

They abandoned then and there all steps toward requesting that he recuse himself. They accepted as absolute verity his statement in regard to the title and did not indicate any doubt of his statement at all. Thus matters proceeded until Saturday afternoon, when the case was called for trial, and, when application was made for a continuance until Thursday ensuing, Mr. Davis says Judge Swayne was disposed to permit it. He wanted to grant upon their motion the delay requested, but Mr. Blount, representing the defendant, bitterly opposed it. He said, "I have tried this case eleven times; here I am prepared to try it now, and I have subpœnaed my witnesses. I know that the witnesses for the plaintiff, or 90 per cent of them, live in Pensacola and can be produced in court forthwith," and he opposed any continuance, except under the rules of the court. Blount was within his legal rights, and Judge Swayne was compelled to deny the motion for continuance except for cause shown. He did not, however, order the case to be tried, but said "Come in on Monday and make your application under the rules of the court—show proper grounds and I will grant your request." His conduct was in the highest sense judicial and fair. He refused their groundless request for a continuance because the opposing counsel insisted upon his legal rights and gave them an opportunity on Monday to show cause and evidenced a disposition to comply with their request.

This closed their proceedings in court—they did not then resume their protest against his right to try the case, and they had not filed any petition or made any record to that end—they had legally and wholly acquiesced in the truth of his statements and recognized his absolute qualification to proceed with the case, and they left the court room with the agreed purpose of coming into court on Monday morning and of resuming their application for a postponement to Thursday under the rules of court.

Now, Mr. Speaker, before proceeding to draw any deductions from these facts, let me call attention to a fundamental principle of law that has been entirely overlooked in this discussion. I regard it of controlling importance because in the minds of a substantial number of the Members here there exists this thought: Why did not Judge Swayne recuse himself, anyhow?

It was a delicate question; they had raised it, and whether they had any right to do so or not, he could very easily have acquiesced and had another judge try the case. There was no difficulty in that, and at the utmost it was a matter of indelicacy on the part of Judge Swayne.

And I fear there are people here who are of the opinion that the unlawful and revolutionary conduct of these attorneys is in some sense justified by that belief. Let me tell you, gentlemen, that that is not the law. I shall show you that the law required Judge Swayne to try that case, if there was no ground to recuse himself, as absolutely as it required him to refuse to try it if grounds for disqualification existed. He is appointed and sworn to try the cases in that district, and there can be no legal trial of any case in that district by any other judge under the act of 1850, providing for the assignment of judges, except for two causes, which must appear of record, namely, the illness of a judge or his disqualification to try the case.

Mr. LITTLEFIELD. You mean there could be no legal failure on his part, except for those two causes?

Mr. MOON of Pennsylvania. Yes; except for his disqualification or his sickness. And I tell you that in order to have recused himself from the trial of that case Judge Swayne would have been obliged to certify to Judge Pardee that he had an interest in that property which prevented him from trying the case, and then, gentlemen, there would have been a false certificate in this case, of infinitely more significance than those about which so much has been said. The law upon that point is clear and unmistakable. It is not left to the whim or the caprice or the mere judgment of the judge. He must be convinced of the fact that there are reasons for him to recuse himself, and bear that in mind, that any verdict rendered by a substituted judge where the ground for the transfer did not lie would be a mistrial.

Mr. LITTLEFIELD. The defendant had a right to insist that he should go on with the trial of the case.

Mr. MOON of Pennsylvania. Yes. Now, therefore, Mr. Speaker, this is the legal view of the situation. Now, as to the legal form of procedure for disqualifying a judge, the statutes of the United States have no provision upon this subject, and every lawyer knows that where the statutes of the United States are silent upon a point of procedure the statutes of the district in which the court is held prevail; and the statutes of Florida provide a method by which a judge shall be called to recuse himself, and under the rule of law of which I have spoken that method was the law of this case upon that point; and the law of the State of Florida provides that the application must be made by affidavit setting forth the facts relied upon, an affidavit by which the party making the application is responsible for their truth. It provides for a trial of this fact before the judge, the making of a record in the case upon this point, and the establishment of fact thereon by a judicial finding, which involves the question of the jurisdiction of the court, and is reviewable by the court of appeals.

Now, with this view of the duty of these attorneys and with this review of what they did, I will ask you to go with me, gentlemen, to that little grocery store in Pensacola on that November night; see that little corner grocery, ordinarily the scene of petty merchandising, transferred for some inexplicable reason into the consulting chamber of a counselor; see gathered around that counter these three lawyers engaged in what I shall consider a criminal conspiracy to defeat justice.

Mr. WM. ALDEN SMITH. Will the gentleman kindly name the three lawyers?

Mr. MOON of Pennsylvania. Mr. Belden, Mr. Davis, and Mr. Paquet. At that hour of night a writ was issued, after the courts were closed, at nearly 8 o'clock in the evening. First of all a præcipe was issued, which is the custom there. Mr. Belden, who was sick in bed, was brought down from his hotel to sign that præcipe, and instantly a scurry was made for the clerk of the court. The clerk had gone home, of course. The courts were closed. The clerk of the court was found and told that that writ must be issued that night, apparently, as the testimony disclosed, against his protest. He was told it must be issued that night, and after the writ was obtained, bearing the seal of the court, a seal imposed at an hour, I venture to say, the parallel of which does not exist in the judicial history of Florida, the sheriff was sent for. The sheriff was found somewhere, and positive instructions were given to the sheriff that that writ must be served that night.

Mr. LITTLEFIELD. The case shows that Monday would have been ample time.

Mr. MOON of Pennsylvania. It does not need any argument to prove that, because Judge Swayne was to sit there on Monday to hear this case. They had an engagement in court with him on Monday to try the case. But, Mr. Speaker, and gentlemen, here is the significant sequel of that remarkable proceeding: As soon as the sheriff has departed and the service was guaranteed, then little Mr. Prior paddled down to the newspaper office, with a paper scarcely yet dry, written by Paquet, which is heralded to the world the next morning, in flaming headlines, that there is a new move made in the Florida McGuire case, and which, in effect and in language, says that suit has been brought against Judge Swayne to test the title to a piece of ground, a suit for the possession of which is then pending in his court. Now, I want to state this proposition: If among any ten candid men of ordinary intelligence nine of them will not decide absolutely that the object of that suit was that newspaper publication, then I will vote for the impeachment of Judge Swayne upon this article. Bear in mind, gentlemen, that suit never was proceeded with any further. Bear in mind that the very præcipe itself was stolen from the office of the clerk, and to this day has never been returned. To use the language of the distinguished gentleman from Mississippi, whom I see before me,

that famous lawsuit died a-borning. It was intended as the basis for the newspaper publication, and when the newspaper publication had been secured it died then and there.

I repeat, if it is not the judgment of every man of intelligence uninfluenced by partisan bias, the sole object of that suit, at that witching time of night, when churchyards yawn, was to give basis to the newspaper publication, I will vote for this article of impeachment.

Now, our opponents say, why did they discontinue the suit? It is very apparent to me. On the calm of that cool November Sunday morning, that quiet day in Pensacola, when these three conspirators looked calmly upon their nefarious work of the night before, when they saw what they had done to prepare a record for the continuance of that suit, they were aghast at their own handiwork. Why, the devil himself would not have had the hardihood to go in on Monday morning before Judge Swayne and say, "We have made a record, we have given you grounds to recuse yourself, we have asserted that you are the owner of this land in order to obtain a continuance, and brought suit against you." It may be said to the credit of these men that when they saw the position in which they were placed they had but one thing to do. Paquet quietly gets out of town. Paquet shakes the dust of the Commonwealth off his feet and hies into Louisiana.

Mr. PALMER. Will the gentleman state that Paquet went home because his family was sick?

Mr. MOON of Pennsylvania. Oh, he didn't have to go before 8 o'clock the night before. His family was not so sick but that they could wait while he could join in the conspiracy on that Saturday night. [Laughter and applause.]

Now, gentlemen, that is the history of that case, and the decision of the circuit court of appeals in this case has left us but one question to decide. Bear in mind that these contempt proceedings in the lower court were fought on the ground that the court had no jurisdiction; that the bringing of the suit in the State court was not a violation of any rule of procedure that this judge could punish for.

The circuit court of appeals took that thing from under their feet; the circuit court of appeals said: "Yes, they were officers of the court, the court had jurisdiction of the parties and of the subject-matter, and the only thing that was left to the discretion of the court was to say, was this action maliciously done, and was it intended to impede the course of justice?"

Now, if there is any man on the floor of this House who does not believe that it was maliciously done and done for the purpose of impeding the administration of justice, I do not comprehend his process of reasoning.

Another error of law has caused serious misapprehension here, for it is said by some Members here that, while up to this time Judge Swayne was clearly within his right, he is susceptible to impeachment because he exceeded the law in inflicting punishment. Never was a more dangerous and a more insupportable legal proposition advanced than that. I grant you that if that excess of punishment was done maliciously, or with a corrupt purpose, if you can show that he had hatred against these men, and that he distorted legal processes for the punishment of individual hatred and with corrupt mind, then it is an impeachable offense, but I want to say to you that there is nothing in this testimony upon which it can be based, and certainly the fact that he made a mistake of the law is not a scintilla of evidence in that respect.

I want to quote to you, Mr. Speaker and gentlemen, the leading case of impeachment in this country. There has never been an impeachment of a judge but that this has been cited, and if, perchance, this case should go to the bar of the Senate, as I hope it will not, I venture to say that the case I am about to cite will be regarded as the leading case on this question. Almost every lawyer acquainted with impeachment proceedings knows the case of Yates against Lanning, reported in 9 Johnson, New York.

The facts are these: Yates was a man of importance in New York. He was a master in chancery, he was a man of dignity and standing, and a member of the bar. For some contempt of court Chancellor Lanning imprisoned him. He immediately sued out a writ of habeas corpus before Judge Spencer and Judge Spencer discharged him. Judge Spencer held that the commitment was illegal. Chancellor Lanning declared that the discharge was illegal and imprisoned him again. He went back to Judge Spencer and he again discharged him. Again Chancellor Lanning, declaring that the judge had no right to do it, imprisoned the man the third time, whereupon Mr. Yates appealed to the supreme court of the State of New York, and the supreme court held that the commitment was legal and that the discharge on the habeas corpus was illegal; but Yates, not content, appealed from the supreme court of the State of New York to the court of errors and appeals, and that court of last resort said the man ought to have been discharged under the habeas corpus proceedings, that he never ought to have been imprisoned, and discharged Yates from custody. Now, if there ever was a case in the history of judicial proceedings where there was an evidence of malice in repeated imprisonment it existed in that case.

Yates brought suit against Lanning to recover damages for false imprisonment, and Chancellor Kent—that man whose name adorns the pages of American judicial history; that man at whose feet you sat and I sat in instructions in American law—delivered an opinion which has been a standard ever since, in which he said it was absurd to say that a judge could be punished for ignorance of the law; that if Judge Lanning believed that Yates was guilty it was his duty to punish him seven times or seven times seven if he believed it honestly, and if he believed judicially, that the discharge on habeas corpus was illegal and that it was absolutely beyond the power of any man to sue a judge under those circumstances. He did say that for a corrupt abuse of judicial power the court of impeachment was the place, but that this showed no ground for any such course.

Mr. LITTLEFIELD. That the case did not show any corrupt conduct on the part of the judge.

Mr. MOON of Pennsylvania. Yes. Now, this triumvirate of legal conspirators—Belden, Davis, and Paquet—were sworn officers of that court. They were pledged to uphold its dignity and its honor. They were high priests in that temple of justice and with unhallowed hands they profaned its sacred altars, and I say that if Judge Swayne did not in sentencing them for contempt say that their conduct was an offense in the nostrils of justice he lost an opportunity of saying what he ought to have said. I say that their conduct absolutely justified it and nothing can convince me that the good people of Pensacola, Fla., do not look with disdain upon such chicanery and shyster practice as that. We are dealing with a coordinate organic department of this Government—the judiciary—the weakest division of the three great powers; a department that has no patronage to dispense; that neither carries the purse nor wears the sword; whose sole power for its protection is the summary power to punish for contempt. In every judicial district of this land, upon the bench with the judge, sits enthroned the dignity of the United States, and whosoever touches with the finger of contempt the least one of these judges touches us; and that it is our duty, as members of the legislative department of the country, to guard and protect with jealous care the dignity and honor of the judiciary, as it is to protect ourselves from contumely and contempt. [Prolonged applause.]

Mr. GILLETT of California. Mr. Speaker, I now yield thirty minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, the time is passed in this debate when it seems proper to go into a detailed discussion of the various articles presented by the special committee for adoption by the House in the impeachment of Judge Swayne. The various charges have been discussed in detail and at great length by members of the special committee and members of the Committee on the Judiciary, who formulated the charges and who are thoroughly familiar with the record. The views of the members of that committee, conflicting and antagonistic as they are, have been given to the House in elaborate detail. The gentleman from Pennsylvania [Mr. MOON] who just preceded me, made an exceptionally strong argument against the adoption of any of the articles of impeachment presented by the special committee. My mind has been running along in the same channel with his argument.

In conversation with Members of the House I have heard many say that the House had already committed itself to the policy of impeaching Judge Swayne and it only remained to formulate the charges. The gentleman from Pennsylvania [Mr. PALMER], who is in charge of the majority report of the committee, in his able speech said that it was within the power of the House to vote down all of the articles of impeachment and discontinue the proceeding altogether. He said the House might stultify itself and make itself a laughing stock before the country if it so desired. It occurs to me, Mr. Speaker, that each Member of this body must determine his action upon the standards of justice and policy he has in his own mind. Each one must determine his duty for himself. The House is familiar with the discussion that occurred at the time of the adoption of the resolution for impeachment before the holiday recess. There was practically but one side of the question presented to the House.

I believe every Member who spoke on that occasion had signed a report or a statement that appeared in the record declaring that the resolution for impeachment ought to be adopted. If

now, on further investigation, a member of this body who voted for the resolution originally should conclude that he made a mistake, that the charges presented against Judge Swayne are not of such a grave character as to justify this extraordinary proceeding, let me ask him whether he regards it his duty, in the face of his new-born conviction, to still vote to fix upon the name of an innocent judge the brand of infamy that will stand through all the generations to come in order that he may appear to be consistent. It occurs to me that no member of this body, if he sincerely believes that the charges are not worthy of the high consideration that gentlemen are attempting to give to them, can conscientiously support them regardless of what his attitude may have been upon the original resolution. In my judgment, the Member who votes for any article of impeachment against his conviction stultifies his conscience and his manhood.

The gentleman from Pennsylvania [Mr. MOON] discussed in a measure the general aspects of this case. What kind of a man and a judge is Judge Swayne? He has been characterized upon this floor as "utterly corrupt," as "utterly tyrannical," as "the most lawless man in the State of Florida," a man in whose career lingers bankruptcies, scandals, and suicides. Is he such a monster as he has been characterized? It is impossible. He went to the State of Florida about twenty years ago and took up his home there in good faith. In May, 1889, after having lived there about five years, he was appointed United States district judge for the district of Florida. He has continued in his office under that appointment ever since, and in 1897, after having served as judge for the district for eight years, members of the bar of that State, men who had practiced before him, men who knew all about him as a judge, and men who knew him personally, recommended him for the important and responsible position of justice of the Supreme Court of the United States to succeed the late Justice Field, who was expected shortly to retire.

In 1899 these same men, including all the members of the bar at Pensacola, lawyers and business men all over the State of Florida, recommended him for promotion to the United States circuit bench for the fifth judicial district. During the last ten years of his official service most of his time has been spent in holding court outside of his district. He has held court in Texas, Louisiana, and Alabama, and the record shows that 50 per cent more of his time was devoted to work outside of the State of Florida than was given to work in the State of Florida. He has held court at the suggestion and by the designation of the circuit judges of that circuit all over the Southern States, and yet, Mr. Speaker, not a single criticism of Judge Swayne, either as a citizen or judge, has come from Texas, Louisiana, Alabama, or any other place where he held court outside of the northern district of Florida. Is not that significant? If he were such a monster, if he were so thoroughly corrupt and absolutely tyrannical as he has been described upon the floor of this House, would there not have been some exhibition of his viciousness, some complaint from the States of Texas, Louisiana, and Alabama, where he devoted most of his time to his court duties during the last ten years of his official career?

During that time, Mr. Speaker, the circuit judges who sat with him, who saw the character of his work, who reviewed his decisions, and knew more about him as a judge than anyone else could know, selected him to go into those other States and administer justice. Is it possible that the circuit judges of that circuit would select and send out a judge so utterly unfit, so thoroughly corrupt, to administer the most important rights of the people into those other States? I say it is impossible to believe they would do such a thing. The record shows that this judge sat in thousands of cases involving large amounts of property and the most important questions, and yet after a most zealous and vigilant and thorough investigation of his record for a period of fifteen years not a word of criticism has been made in relation to a single decision, a single judgment he rendered, excepting two inconsequential, unimportant contempt cases.

Let me ask of this House if there is a district judge in the United States who has been as long on the bench and has done as much business as Judge Swayne against whom as much could not be discovered upon a much less thorough and zealous investigation than has been made in this case? In respect to these two contempt cases that have been discussed so exhaustively upon the floor of this House, the debate here itself is convincing evidence of the fact that Judge Swayne was not and could not have been influenced by any improper motives in his decision in either of them. The merits of those cases has been the subject of honest debate and honest difference of opinion here. The distinguished, eloquent, and dramatic gentleman from New York [Mr. COCKRAN] criticised Judge Swayne in relation to his conduct in the Belden and Davis case, while my friend from Maine [Mr. LITTLEFIELD], equally as honest, equally as able, and equally as eloquent, if not quite as dramatic, justified the action of the judge in that case from beginning to end, disclosing an honest difference of opinion between two eminent, able lawyers and statesmen in relation to the merits of the case. One claims that the decision of the judge was wrong and the other claims that if he had not decided as he did he would have been wrong.

Why, Mr. Speaker, I believe if it were submitted to this House fully one-half of the membership—aye, I believe that if not involved in this question of impeachment, nine-tenths of the House would justify the entire conduct of Judge Swayne in the disposition of the Belden and Davis contempt case. We are not here to impeach Judge Swayne because he may have made a mistake, if it were admitted that he did make one. This proceeding, Mr. Speaker, is not criminal; it is not penal. It is not instituted for the purpose of punishing a judge for any violation of law or any mistake he may have made in administering the law. It is a political proceeding brought for the sole purpose of determining whether this United States judge is longer fitted to occupy the responsible and honorable position he now fills—that and nothing more. I believe in the maintenance of a high standard for the judiciary of this country, but an ideal standard is not to be expected. We can have practical standards only. Judges make mistakes in relation to the law every day in the year, as the reports of the Supreme Court of the United States disclose. Cases are reversed almost every day that that court is in session and the inference is that the trial court made a mistake in every case that is reversed.

Mr. FOWLER. And in decisions of 5 to 4.

Mr. CRUMPACKER. And even, Mr. Speaker, decisions in the most important cases of that high tribunal are rendered by a bare majority of 1. Is the dissenting minority impeachable for being on the wrong side of the law? It does not follow that because a decision may have been reversed the judge who rendered it is guilty of misconduct.

This debate illustrates that honest minds may differ respecting the two decisions of Judge Swayne involved in this proceeding. One honest judge might have discharged the defendants in both cases, and another equally honest judge might have convicted them in both cases, as Judge Swayne did.

The question is, Does this record show that Judge Swayne was corrupt, that his official conduct was prompted by improper and unworthy motives? The gentleman from New York [Mr. COCKRAN] put the question to the House in this way: He said, "Here are certain transactions shown by the record that Members have said were in bad taste and possibly reprehensible in some degree. Now," he says, "the question is for the House to determine. If it votes against impeachment, it not only condones but approves conduct that may be reprehensible." According to his logic the only way one can disapprove the conduct of a civil officer is to vote to impeach him!

The Constitution of the United States provides that civil officers may be impeached for high crimes and misdemeanors. There may be irregularities in the conduct of a public officer that do not approach the dignity of high crimes and misdemeanors, and consequently would not authorize impeachment. Impeachment is an extraordinary proceeding, it has been resorted to only a few times in the history of this country, and the fact that it is so rarely invoked, Mr. Speaker, is convincing evidence that it is only invoked in cases where the misconduct is of such a grave nature as to require a resort to extraordinary proceedings.

There is no judge in America or anywhere else whose conduct is absolutely upright and correct in every particular and upon all occasions. The question is, Does Judge Swayne measure up to the ordinary standard of district judges throughout the country? That is the question for the House to determine. The charges, Mr. Speaker, are of a flimsy nature. The record presents to the House for consideration a mass of chaff, and when it is sifted, when the chaff is separated from the wheat, there is practically nothing left. The question of residence has been thoroughly discussed.

In my judgment there is no court in christendom that would not decide upon this record that Judge Swayne has made not only a technical but a substantial compliance with the residence requirement of the statute from the time he first went to Pensacola, Fla., to make his home, until the present time. There is no question about it in my mind. Of course, he was absent from the State of Florida a good portion of each year, but it must be borne in mind that during the court season of the year 50 per cent more of his time was occupied in holding court outside of that State than in it. He was necessarily absent then. The evidence showed that he was absent from his own

district only during the summer vacation, with one exception or two, when during the holiday season he went to his ancestral home in Delaware, except when he was ordered to be away in other parts of the country attending to his official duties by direction of his superior officers.

Mr. WM. ALDEN SMITH. Does not the record show that he actually attended court and held court there more frequently than judges of many other districts?

Mr. CRUMPACKER. I do not know. The work of judges in other districts is not gone into in the record.

Mr. LITTLEFIELD. It shows an annual average of holding court of one hundred and seventy-nine days in and out his district.

Mr. CRUMPACKER. That is assuming that he held court six days in the week?

Mr. LITTLEFIELD. Oh, no; the actual number of days on which he held court.

Mr. CRUMPACKER. And that does not include days during terms when there were no cases ready for trial, when the judge might be engaged in looking up law questions or in the preparing of opinions or in writing instructions, and some courts only hold sessions five days in the week regularly. That is the common custom out in the State of Indiana, particularly among State courts.

Then there was the time occupied in going to and returning from the place of holding court, and when all the facts are fairly considered it appears quite satisfactorily that Judge Swayne was engaged in his official work in the northern district of Florida and elsewhere under the direction of the circuit judges all of the time for the last ten years excepting during his proper summer vacation.

Mr. LITTLEFIELD. On an average of three months in a year.

Mr. CRUMPACKER. On an average of three months a year. Now, some reference has been made to the state of feeling against Judge Swayne in Florida. What is the reason for it? He was appointed judge in May, 1889, and shortly after his appointment a series of election prosecutions occurred. The grand jury impaneled during that fall returned a large number of indictments for election frauds. That action created a great deal of excitement throughout the State of Florida. The feeling was intense, and opposition to the confirmation of Judge Swayne's appointment was made before the Committee on the Judiciary in the United States Senate at the following session of Congress.

The question of his confirmation was held up by that committee for four months. A thorough investigation was had. Judge Swayne was charged with intense partisanship, with partiality, with improper conduct in impaneling the grand jury; and after a thorough investigation his conduct was fully vindicated, and he was confirmed. Questions growing out of the election cases were the subject of several very acrimonious personal debates on the floor of the Senate, which illustrated the intensity of the feeling existing on account of the election cases.

In the meantime, deputy marshals who attempted to serve the warrants and writs were assassinated, witnesses were shot and intimidated and kept away from the court, and, finally, in June or July, 1891, the court-house at Jacksonville, containing the indictments and the records of the cases, was burned by an incendiary, and by that means the prosecutions were disposed of forever.

The feeling was intense and persistent, and in 1893, after Mr. Cleveland became President, supported by a Democratic Congress, a new district was created in the State of Florida, taking away from Judge Swayne's court practically all of the business it had. There is no man who will take the pains to go back and study the history of this judgeship, involving the appointment and confirmation of Judge Swayne, the assassination of deputy marshals, the murder of witnesses, and the destruction of the court-house at Jacksonville, who will not conclude that the feeling against the judge was most bitter and vindictive. He had lived there only about five years when he was originally appointed. He was characterized as a "carpetbagger." I am not criticising anybody, but simply relating the history of this judgeship, with the view of finding an explanation of the feeling that is said to exist against Judge Swayne in Florida at this time.

After the new district was created and in the course of time the feeling growing out of the election cases largely subsided, and the judge was getting on fairly well with his court until the O'Neal contempt case occurred. That man, who was justly punished for a gross contempt of court, swore vengeance against Judge Swayne, and with his wealth and influence he had but little difficulty in fanning the old slumbering prejudice against the "carpetbag judge" into an active flame, and the result was the adoption of the resolutions on the part of the legislature of Florida during the winter of 1903 demanding Swayne's impeachment.

I believe, Mr. Speaker, that if it had not been for those election prosecutions, those unfortunate indictments against men charged with frauds against the ballot in 1889, there would have been no thought of instituting impeachment proceedings against Judge Swayne. This entire proceeding, this persecution, is the result of an attempt of officers of the law to punish election frauds in Florida. This is the only way to account for the feeling now existing against Judge Swayne in that State. His conduct as judge does not deserve it.

But I doubt if it exists in the degree that has been depicted by the gentleman from Florida and other Members on the floor of this House. No man has spoken a single word against the private character and standing of this judge. No man has questioned his integrity except in connection with the per diem and the private car transactions. The private car transaction occurred ten or eleven years ago, under a receiver, my recollection is, who was not appointed by Judge Swayne at all. I understand that the original receiver appointed by Judge Swayne was a Mr. Mason, and Judge Pardee came down and they consulted together, and Mr. Durkee was made receiver at the suggestion of Judge Pardee, succeeding Mr. Mason, a man of eminent standing and integrity. During the course of the receivership the private car was sent to bring Judge Swayne from Guyencourt, Del., to Pensacola. The record shows that without any suggestion on the part of Judge Swayne the receiver, upon his own motion, sent the private car to Guyencourt to bring him down to hold his court in the fall of 1893.

Possibly that was a transaction that may be entitled to some degree of reproach, that may be in some degree reprehensible, but I submit, Mr. Speaker, it was a transaction which, having occurred eleven or twelve years ago, does not now reach the importance of grave irregularity or a high misdemeanor such as to justify the House of Representatives in impeaching the judge. He did not pass upon the accounts of the receiver. The new district was created in 1894, and the chief seat of justice in the district of Florida prior to that time was at Jacksonville, possibly at St. Augustine. The receivership was being administered at Jacksonville, and in 1894, about a year after, or within a year from the time of the appointment of that receiver, the new law went into effect, Judge Swayne was sent over to Pensacola and Tallahassee, and his successor administered and closed up the receivership and passed upon the accounts of the receiver.

I do not know that that would make any difference in the principle involved in the question, but I do submit that it is too inconsequential to justify the grave and extraordinary proceeding of impeachment.

Then, during that same summer, Judge Swayne desired to take a trip to California for his health, and the receiver said to him, "Take the private car; it is not in use, we do not need it, it will not cost anything to operate it; there is a standing custom among all the railroads throughout the country to transport private cars without charge, and we will have to carry just as many private cars over our lines if you do not use this one as if you do," and Judge Swayne accepted his hospitality. Perhaps he ought not to have done it. I do not justify the conduct of Judge Swayne in using the private car, but at the same time I take the position that it is not a high misdemeanor. It may be a misfeasance, it may be one of those common irregularities that many well-disposed men, upright, just, and able judges, would commit. It does not demonstrate such a degree of corruption and unfitness as would justify the Senate of the United States, as an impeaching court, in convicting Judge Swayne and removing him from office.

Mr. PALMER. Will the gentleman allow an interrogation?

Mr. CRUMPACKER. I will.

Mr. PALMER. What do you think about the proposition that he had a right to use that car because the railroad was in the hands of a receiver?

Mr. CRUMPACKER. I think about that proposition as I do about a good many other things that are in this record; it is one of the things that incidentally came about, and Judge Swayne afterwards said he did not take any such position at all. [Applause.]

Mr. PALMER. I beg your pardon.

Mr. CRUMPACKER. Judge Swayne said he did not take the position and did not want to be understood as claiming that he had a right to use property that was within his custody through a receivership appointed by him, and the gentleman, I think, will remember that——

Mr. PALMER. I think I remember this: I think I remember distinctly what occurred and I think I remember distinctly what is in the record. When Judge Swayne made his written state-

ment, twenty-three pages of typewriting, occupying thirteen pages of this record, he distinctly put his use of the private car on the proposition that he had a right to use it. That was a proposition so astounding that I cross-examined him afterwards on that subject.

Mr. CRUMPACKER. Of course now——

Mr. PALMER. Wait a minute. Then he distinctly said he had a right to use it and understood that he had the right to use it, and he answered that way twice or three times. If he did not mean it, of course——

Mr. CRUMPACKER. When he said he had a right to use it, he doubtless thought he was doing no wrong, when the receiver suggested that he take it and use it.

Mr. PALMER. I give Judge Swayne the credit for being a man having common sense and a man able to understand a plain question.

Mr. CRUMPACKER. I do not believe that when Judge Swayne accepted the hospitality of the receiver, or accepted the suggestion of the receiver to ride in the private car, that he thought for a moment he was doing a wrong thing. Whatever may be thought about his conduct now, it did not occur to him that it was wrong. If it was not wrong, he thought it was a right and proper thing to do, and that is the interpretation of Judge Swayne's testimony in regard to his alleged right to use property that was in the custody of a receiver appointed by him.

Now, these contempt cases, as I said just a moment ago, have been debated sufficiently here upon the floor to disclose the fact that there is room for honest difference of opinion in relation to the judgment of the court in each of them. Honest, well-meaning, conscientious men occupy both sides of the question. Therefore there is absolutely no justification in attempting to impeach Judge Swayne because he did not interpret the law the same as some of us might have interpreted it under the same circumstances.

Mr. THAYER. Mr. Speaker, will the gentleman allow me a suggestion?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CRUMPACKER. Yes.

Mr. THAYER. I would like to ask what the gentleman thinks were the acts of Belden and Davis for which they were committed for contempt?

Mr. CRUMPACKER. The acts of Belden and Davis were the acts of men who entered into a conspiracy——

Mr. THAYER. The gentleman, I take it——

Mr. CRUMPACKER. Let me answer the question. They were the acts of men who entered into a contemptible conspiracy, in the nighttime, to bring a suit, not in good faith at all, but for the purpose of bringing the court into contempt and ridicule and compelling the judge to do a thing that under the law he was not required to do and that he ought not to have done.

They were the acts of common shysters, and if Judge Swayne had had the power to suspend these men from practice during the balance of their lives he would not have overstepped the bounds of propriety if he had done so. Their act was a deliberate act; it was not a thing done in the heat of passion, through excess of zeal, but it was a deliberate conspiracy entered into by these lawyers of large experience to bring that court into contempt and ridicule, and compel it to do a thing that it could not be compelled to do otherwise.

Mr. THAYER. Does the gentleman claim that nonsuit in the suit in his court was one of the acts for which they should be punished?

Mr. CRUMPACKER. Does the gentleman mean the asking for the dismissal of the case?

Mr. THAYER. The fact that they did become nonsuit on the Monday following Saturday?

Mr. CRUMPACKER. That was after the crime had been committed, and they had to be there to answer.

Mr. THAYER. They had a right to become nonsuit.

Mr. CRUMPACKER. They had no intention of dismissing the suit at the time they entered into this conspiracy on Saturday. In their answer, in their attempt to purge themselves, they made no reference to anything of that kind. They never claimed it at all.

Mr. THAYER. I do not know as I quite apprehend the gentleman's position. I understand the gentleman from Indiana to say that it is the conspiracy for which they were committed for contempt. Does the gentleman mean that a part of that conspiracy was the discontinuance of the suit, which they had a perfect right to do any minute before judgment?

Mr. CRUMPACKER. I do not claim that; they had no idea of discontinuing the suit before Judge Swayne when they brought that suit in the State court on Saturday night. It was to compel Judge Swayne to recuse himself and retire from the bench and give them a continuance until Thursday. They had no idea when they brought the suit of discontinuing it on the next Monday.

Mr. THAYER. From what part of the record here does the gentleman say that on Saturday night they did not conclude that on the following Monday they would become nonsuit?

Mr. CRUMPACKER. Because when they went into court to defend their conduct they never claimed any such thing.

Mr. THAYER. They were not obliged to.

Mr. CRUMPACKER. If it had been the fact, it would have been a part of their justification. It is all a part of one transaction. Now, if the gentleman will go to the record and read the record——

Mr. THAYER. I have read it as thoroughly as the gentleman from Indiana.

Mr. CRUMPACKER. I think if his mind is fair, as it ought to be—and I have no reason to believe otherwise—he will reach the conclusion that Judge Swayne was justified in doing everything he did in that case except adding imprisonment to the fine; and it will be found in the decisions of the court of appeals that other judges have made the same mistake, and yet nobody ever proposed to impeach them for the mistake.

Mr. THAYER. Then the gentleman comes to the conclusion that they were committed for contempt for bringing the suit against the judge, and that alone?

Mr. CRUMPACKER. No, sir. I claim they were committed for contempt for bringing a bad-faith suit in the State court for the purpose of bringing the Federal court into contempt and ridicule and coercing the judge to do a thing that they could not legally procure him to do and had no right to have him do.

Mr. THAYER. Now you characterize his act.

Mr. CRUMPACKER. I decline to yield further. I have answered the gentleman as fully as I can. The standard of the judiciary in this country is as high as in any other country in Christian civilization.

It is not perfect, but I want to say that if the judges of the Federal court are to be impeached because they do not construe the statutes of the United States in the same manner that we would the necessary independence of the judiciary will have departed from our civilization. In English history, notwithstanding the Magna Charta, the petition of rights, and the acts of settlement, there was no liberty of the person until the independence of the judiciary became a fixed, a solemn, and a permanent fact. Courts in this country must preserve and protect their own dignity. They must have a sufficient degree of latitude to do that or they will lose the respect of the citizens everywhere.

I repeat, Mr. Speaker, that Judge Swayne has not been guilty of more mistakes or irregularities, considering the long period of service that he has given to the country, considering the large amount of work he has done, than could be discovered against the ordinary district judge, and I shall vote against every single article of impeachment proposed by the committee. [Applause.]

[Mr. LAMAR of Florida addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2207. An act to fix the compensation of criers and bailiffs in the United States courts;

S. 130. An act to establish a fish-cultural station in the State of Rhode Island;

S. 4069. An act to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise; and

S. 3152. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5739) granting an increase of pension to Adolphe Bessie.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

The message also announced that the Senate had passed the

following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 93.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, at the Government Printing Office, 1,000 copies of an index of Congressional documents relating to foreign affairs, prepared under the direction of Mr. John L. Cadwalader, Assistant Secretary of State, from July, 1874, to March, 1877, and offered to the Department of State to be placed at the disposal of the Government for the purpose of publication, of which 300 shall be for the use of the Senate, 600 for the use of the House of Representatives, and 100 for the Department of State.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2151. An act granting an increase of pension to Samuel H. Hunt;

H. R. 15688. An act granting an increase of pension to Augustus H. Haines;

H. R. 15071. An act granting an increase of pension to Matilda L. Curkendall;

H. R. 15680. An act granting an increase of pension to Isaac Hanson;

H. R. 14879. An act granting an increase of pension to Benjamin Dillingham;

H. R. 808. An act granting an increase of pension to George Deland;

H. R. 11148. An act granting an increase of pension to George W. Stanfield;

H. R. 14875. An act granting an increase of pension to Seeley Earnest;

H. R. 2558. An act granting an increase of pension to John Cummings;

H. R. 9115. An act granting an increase of pension to Merritt Mead;

H. R. 15785. An act granting an increase of pension to Charles E. Young;

H. R. 14601. An act granting an increase of pension to William Scheall;

H. R. 8996. An act granting an increase of pension to Diah Lovejoy;

H. R. 6857. An act granting an increase of pension to Lorenzo D. Jameson;

H. R. 6543. An act granting an increase of pension to Robert Liggatt;

H. R. 14951. An act granting an increase of pension to Benjamin F. Watts;

H. R. 8166. An act granting an increase of pension to Martha A. Johnson;

H. R. 5692. An act granting an increase of pension to John Shanley;

H. R. 12576. An act granting an increase of pension to William M. Kitts;

H. R. 13501. An act granting an increase of pension to James L. Townsend;

H. R. 11788. An act granting an increase of pension to Henry L. Kyler;

H. R. 14774. An act granting an increase of pension to Albert S. Graham;

H. R. 5461. An act granting an increase of pension to Preston D. Roady;

H. R. 15634. An act granting a pension to Harriet A. Orr;

H. R. 14576. An act granting an increase of pension to Evelyn M. Dunn;

H. R. 9771. An act granting an increase of pension to Mary E. Weaver;

H. R. 4948. An act granting a pension to Wilson H. Davis;

H. R. 15207. An act granting an increase of pension to Amos Jones;

H. R. 6948. An act granting an increase of pension to Joshua Parsons;

H. R. 10945. An act granting a pension to Lola Qualls;

H. R. 11661. An act granting an increase of pension to William H. McClurg;

H. R. 11178. An act for the relief of Miss Lelia G. Cayce;

H. R. 5436. An act granting a pension to Hiram Baird;

H. R. 3287. An act granting an increase of pension to Orin Plaisted;

H. R. 14855. An act granting an increase of pension to Henry C. Thayer;

H. R. 12577. An act granting an increase of pension to James Graves;

H. R. 13064. An act granting an increase of pension to John K. Tyler;

H. R. 5245. An act granting an increase of pension to William A. Helt;

H. R. 6832. An act granting an increase of pension to Nathaniel Cayes;

H. R. 12859. An act granting an increase of pension to James Donnelly;

H. R. 12397. An act granting an increase of pension to Alfred Chill;

H. R. 11984. An act granting an increase of pension to Edward C. Jones;

H. R. 6961. An act granting an increase of pension to Thomas E. Rice;

H. R. 11451. An act granting an increase of pension to Alexander Morrison;

H. R. 6129. An act granting an increase of pension to Edwin M. Raymond;

H. R. 9798. An act granting an increase of pension to Isaac W. Sherman;

H. R. 12052. An act granting a pension to Walter P. Mitchell;

H. R. 10272. An act granting an increase of pension to Lorenzo Streeter;

H. R. 15269. An act granting a pension to Anna C. Owen;

H. R. 15791. An act granting a pension to Mary Suppes;

H. R. 14184. An act granting an increase of pension to James Ginnane;

H. R. 5089. An act granting an increase of pension to Charles W. McKenney;

H. R. 2353. An act granting an increase of pension to Sophia C. Hilleary;

H. R. 15779. An act granting an increase of pension to Lucinda M. Reeves;

H. R. 7367. An act granting an increase of pension to John M. Barron;

H. R. 1099. An act granting an increase of pension to Lewis O. Marshall;

H. R. 10686. An act granting an increase of pension to Michael Kurtz;

H. R. 10554. An act granting an increase of pension to John McGregor;

H. R. 912. An act granting an increase of pension to John F. Dorsey;

H. R. 3359. An act granting an increase of pension to Cyrus E. Salada;

H. R. 5037. An act granting an increase of pension to Richard H. Stillwell;

H. R. 15743. An act granting an increase of pension to Desire Leglise;

H. R. 4112. An act granting an increase of pension to Elizabeth Wynne;

H. R. 11402. An act granting an increase of pension to Agnes B. Hesler;

H. R. 12058. An act granting an increase of pension to John W. Dickey;

H. R. 1907. An act granting an increase of pension to Wyman J. Crow;

H. R. 11235. An act granting a pension to Clarissa E. McCormick;

H. R. 4655. An act granting an increase of pension to Henry Jeffers;

H. R. 7241. An act granting an increase of pension to Philip H. Strunk.

H. R. 15473. An act granting an increase of pension to James W. Capron;

H. R. 10969. An act granting an increase of pension to Joseph H. Shay;

H. R. 15387. An act granting an increase of pension to William Hall;

H. R. 15744. An act granting an increase of pension to Edward L. Russell;

H. R. 6506. An act granting an increase of pension to Edward M. Rhoades;

H. R. 14150. An act granting an increase of pension to John J. Carberry;

H. R. 15144. An act granting an increase of pension to William J. Reynolds;

H. R. 15404. An act granting an increase of pension to John A. Hayward;

H. R. 3712. An act granting a pension to Frederick W. Tappmeyer;

H. R. 4211. An act granting an increase of pension to Elijah Roberts;

H. R. 6640. An act granting an increase of pension to John A. Courtney;

H. R. 5841. An act granting a pension to Jennie Petteys;

H. R. 7279. An act for an additional circuit judge in the first judicial circuit;

H. R. 16160. An act granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.;

H. R. 16582. An act to authorize the Union Trust and Storage Company to change its corporate name;

H. R. 11584. An act for the protection of wild animals and birds in the Wichita Forest Reserve;

H. R. 1679. An act providing for the extension of the national cemetery, on Williamsburg turnpike, near the city of Richmond, Va.; and

H. R. 16284. An act to transfer Fayette County from western to southern judicial district of Texas.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3152. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails—to the Committee on Claims.

S. 4069. An act to provide for the performance of the duties of appraisers and assistant appraisers of merchandise—to the Committee on Ways and Means.

S. 130. An act to establish a fish-cultural station in the State of Rhode Island—to the Committee on the Merchant Marine and Fisheries.

S. 2207. An act to fix the compensation of criers and bailiffs in the United States courts—to the Committee on the Judiciary.

Senate concurrent resolution 93:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, at the Government Printing Office, 1,000 copies of an Index of Congressional Documents relating to Foreign Affairs, prepared under the direction of Mr. John L. Cadwalader, Assistant Secretary of State from July, 1874, to March, 1877, and offered to the Department of State to be placed at the disposal of the Government for the purpose of publication, of which 300 shall be for the use of the Senate, 600 for the use of the House of Representatives, and 100 for the Department of State—

to the Committee on Printing.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 15320. An act to amend an act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, approved June 3, 1896.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET, from the Committee on Appropriations, reported the bill (H. R. 17865) making appropriations for the services of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIAMS of Mississippi and Mr. MOON of Tennessee reserved all points of order.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General, submitting an estimate of deficiency appropriation for the Post-Office Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication submitting recommendation as to the claim of James W. Schaumburg—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint, submitting recommendations as to use of a portion of the appropriation for parting and refining bullion—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report as to the application of the appropriations for clerk hire at third-class offices; also as to the regulations governing the allotment of the appropriations for unusual business—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eleanor McWilliams, administratrix of estate of Henry McWilliams, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Matilda J. Smith, widow of Melvin J. Smith, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Warham Easley against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5763) granting certain property to the county of Gloucester, N. J., reported the same without amendment, accompanied by a report (No. 3631); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13188) granting an increase of pension to Charles H. Donihue, reported the same with amendment, accompanied by a report (No. 3590); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4636) granting an increase of pension to Martin J. Severance, reported the same with amendment, accompanied by a report (No. 3591); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3908) granting an increase of pension to Jacob Troutman, reported the same with amendment, accompanied by a report (No. 3592); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4390) granting an increase of pension to Francis W. Seeley, reported the same with amendment, accompanied by a report (No. 3593); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5331) granting a pension to Jesse Bacus, of Unionville, Mo., reported the same with amendment, accompanied by a report (No. 3594); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9271) granting an increase of pension to William Dyas, reported the same without amendment, accompanied by a report (No. 3595); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11399) granting an increase of pension to James Sleeth, reported the same with amendment, accompanied by a report (No. 3596); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12158) granting an increase of pension to L. L. Smith, reported the same with amendment, accompanied by a report (No. 3597); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11303) granting an increase of pension to Robert Balsking, reported the same without amendment, accompanied by a report (No. 3598); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10081) granting an increase of pension to William A. Russell, reported the same with amendment, accompanied by a report (No. 3599); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12157) granting an increase of pension to Asher D. Bice, reported the same without amendment, accompanied by a report (No. 3600); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15655) granting a pension to Mattie M. Bond, reported the same with amendment, accompanied by a report (No. 3601); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16701) granting an increase of pension to Emanuel F. Brown, reported the same with amendment, accompanied by a report (No. 3602); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15679) granting an increase of pension to James G. Butler, reported the same with amendment, accompanied by a report (No. 3603); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12479) granting an increase of pension to Lucretia Cartmell, reported the same with amendment, accompanied by a report (No. 3604); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9335) granting an increase of pension to Joseph N. Croak, alias Joseph N. Croke, reported the same with amendment, accompanied by a report (No. 3605); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15529) granting an increase of pension to James M. Elkinton, reported the same with amendment, accompanied by a report (No. 3606); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14481) granting an increase of pension to Albert H. Estes, reported the same with amendment, accompanied by a report (No. 3607); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15390) granting an increase of pension to Augustus C. Foster, reported the same with amendment, accompanied by a report (No. 3608); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13305) granting an increase of pension to Amos L. Griffith, reported the same with amendment, accompanied by a report (No. 3609); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15210) granting an increase of pension to Isaac N. Hawkins, reported the same with amendment, accompanied by a report (No. 3610); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14125) granting an increase of pension to Joel Hudson, reported the same without amendment, accompanied by a report (No. 3611); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15968) granting an increase of pension to James Luther Hodges, reported the same with amendment, accompanied by a report (No. 3612); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2927) granting an increase of pension to James C. Hall, reported the same with amendment, accompanied by a report (No. 3613); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16232) granting an increase of pension to Charles D. Jenkins, reported the same with amendment, accompanied by a report (No. 3614); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15874) granting an increase of pension to John Kingdon, reported the same with amendment, accompanied by a report (No. 3615); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9580) granting an increase of pension to John Knight, reported the same with amendment, accompanied by a report (No. 3616); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16046) granting an increase of pension to Frederick Lahrman, reported the same with amendment, accompanied by a report (No. 3617); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16310) granting an increase of pension to Hugh McKenzie, reported the same with amendment, accompanied by a report (No. 3618); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16457) granting an increase of pension to Herbert S. Nelson, reported the same with amendment, accompanied by a report (No. 3619); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15718) granting an increase of pension to James Parmele, reported the same without amendment, accompanied by a report (No. 3620); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17300) granting a pension to Charles H. Penoyer, reported the same with amendment, accompanied by a report (No. 3621); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1263) granting an increase of pension to David Phillips, reported the same with amendment, accompanied by a report (No. 3622); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16614) granting a pension to Jacob Repsher, reported the same with amendment, accompanied by a report (No. 3623); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13654) granting an increase of pension to Thomas H. Soward, reported the same with amendment, accompanied by a report (No. 3624); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9517) granting an increase of pension to Joseph Starr, reported the same with amendment, accompanied by a report (No. 3625); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5887) granting an increase of pension to William H. Swinney, reported the same with amendment, accompanied by a report (No. 3626); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16312) granting an increase of pension to Alpheus C. Townsend, reported the same with amendment, accompanied by a report (No. 3627); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12558) granting an increase of pension to George Van Horn, reported the same with amendment, accompanied by a report (No. 3628); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16370) granting an increase of pension to Henry H. Wright, reported the same with amendment, accompanied by a report (No. 3629); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 17136) granting a pension to A. N. Stamm—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16732) granting a pension to Andrew N. Stamm—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1011) for the relief of J. B. Chandler and D. B. Cox—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11858) granting an increase of pension to Henry Arey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 17860) to authorize the Commissioners of the District of Columbia to regulate the business of employment agents and employment agencies—to the Committee on the District of Columbia.

By Mr. KINKAID: A bill (H. R. 17861) to grant to Charles H. Cornell the right to abut a dam across the Niobrara River, on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation—to the Committee on Military Affairs.

By Mr. BASSETT: A bill (H. R. 17862) relating to making oath in cases of affirmation and affidavits before United States commissioners, and so forth—to the Committee on the Judiciary.

By Mr. HAMILTON: A bill (H. R. 17863) to further prescribe the duties of the secretary of the district of Alaska, and for other purposes—to the Committee on the Territories.

By Mr. KINKAID: A bill (H. R. 17864) to restore homestead rights to certain persons who made entries within a certain area in Nebraska between the 28th day of April and the 28th day of June, 1904, upon conditions—to the Committee on the Public Lands.

By Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes—to the Union Calendar.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 17866) fixing a date for the assembling of the Congress of the United States—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: A bill (H. R. 17867) providing that the Interstate Commerce Commission shall declare and publish a uniform classification of freight—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: A bill (H. R. 17868) to amend the civil-service act known as "An act to regulate and improve the civil service of the United States"—to the Committee on Reform in the Civil Service.

By Mr. RANSDELL of Louisiana: A bill (H. R. 17869) relating to the Monroe and Lake Providence Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A joint resolution (H. J. Res. 197) to award to James H. Cook, of Agate, Nebr., a bronze medal for valiant services in the Geronimo campaign—to the Committee on Military Affairs.

By Mr. SHERMAN: A joint resolution (H. J. Res. 198) providing for the appointment of a committee on the inauguration of the President of the United States—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A resolution (H. Res. 447) directing the Secretary of the Interior to transmit to the House a copy of a report made by Arthur D. Kidder—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BASSETT: A bill (H. R. 17870) granting an increase of pension to Sylvester N. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17871) granting a pension to Margaret O'Neill—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 17872) granting an increase of pension to John J. Hughes—to the Committee on Pensions.

Also, a bill (H. R. 17873) granting an increase of pension to James B. Barry—to the Committee on Pensions.

Also, a bill (H. R. 17874) granting an increase of pension to Martin Ellison—to the Committee on Pensions.

By Mr. BRANDEGEE: A bill (H. R. 17875) granting an increase of pension to Franklin C. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17876) granting an increase of pension to Moses H. Sawyer—to the Committee on Invalid Pensions.

By Mr. CAPRON (by request): A bill (H. R. 17877) granting a pension to Joseph E. Green—to the Committee on Pensions.

By Mr. COCKRAN of New York: A bill (H. R. 17878) granting a pension to Agnes Cooper—to the Committee on Pensions.

Also, a bill (H. R. 17879) granting a pension to Julia Davis—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 17880) for the relief of Wilhelmina Sharp—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 17881) for the relief of the trustees of the Methodist Episcopal Church at Keyser, formerly New Creek, W. Va.—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 17882) for the relief of Howell H. Shute, of Lancaster County, S. C.—to the Committee on War Claims.

By Mr. FOSS: A bill (H. R. 17883) granting an increase of pension to Mary Virginia Taylor—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 17884) for the relief of the estate of Benjamin F. Myers, deceased, late of Davidson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 17885) for the relief of the heirs of Hugh McGavock, deceased, late of Davidson County, Tenn.—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 17886) granting a pension to Martha M. Helton—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 17887) to complete war record of B. R. Trull—to the Committee on Military Affairs.

Also, a bill (H. R. 17888) to pay B. R. Trull for money advanced and services rendered United States—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 17889) granting an increase of pension to John G. McFarlane—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 17890) granting a pension to S. M. Carson—to the Committee on Pensions.

Also, a bill (H. R. 17891) granting a pension to Robert M. Alexander—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 17892) granting an increase of pension to John M. Moore—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 17893) granting a pension to Helen M. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17894) granting a pension to Bishop L. Aldrich—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 17895) granting an increase of pension to John Hopper—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 17896) granting a pension to T. P. Allmond—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 17897) for the relief of Charles H. Stockley—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 17898) for the relief of W. E. Gorton—to the Committee on the Public Lands.

By Mr. PEARRE: A bill (H. R. 17899) granting an increase of pension to Loulie A. Sterick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17900) granting an increase of pension to Edward M. Mobley—to the Committee on Invalid Pensions.

By Mr. PINCKNEY: A bill (H. R. 17901) granting an increase of pension to Elenor L. Deadrick—to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 17902) for the relief of the estate of Joseph Gradengo, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17903) for the relief of the estate of Jean Baptiste Rabot, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17904) for the relief of the estate of François Meuillon, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 17905) for the relief of the heirs of Jabez Tanner, deceased, and estates of Z. York and Elias J. Hoover,

deceased, late of Rapides Parish, La.—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17906) for the relief of the estate of James F. Phillips, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17907) for the relief of the heirs of William Pepper, deceased—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 17908) granting a pension to Elisha T. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17909) granting an increase of pension to Lytle McCracken—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17910) for the relief of the estate of John S. Burrows, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17911) for the relief of the estate of Hudson Muse, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17912) for the relief of the estate of Walter W. Melton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17913) for the relief of the estate of John Sanford, deceased—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 17914) granting a pension to Maria W. Shaul—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17915) granting an increase of pension to John J. Cox—to the Committee on Pensions.

Also, a bill (H. R. 17916) granting an increase of pension to Lafayette D. Stone—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 17917) granting an increase of pension to Lewis Hammack—to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 17918) granting a pension to Hiram H. Terwilliger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17919) granting a pension to William Bronson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17920) granting a pension to Fannie A. McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17921) granting a pension to Hannah M. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17922) granting a pension to Ann E. Snyder—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17923) granting an increase of pension to Annie Crawford—to the Committee on Invald Pensions.

By Mr. TRIMBLE: A bill (H. R. 17924) granting a pension to Samuel McMannus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17925) granting a pension to John M. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17926) granting a pension to William R. Robinson—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 17927) granting an increase of pension to C. William Rehfeld—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17928) granting an increase of pension to James MacDonald—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17929) granting a pension to William W. Garvin—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 17930) granting a pension to Eliza B. Wilson—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 17931) granting an increase of pension to Perry R. Nye—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Lutheran Ministers' Association of Philadelphia, asking investigation into barbarities in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. ADAMSON: Petition of W. A. Woodall, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of Atlanta Division, Order of Railway Conductors, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. BEALL of Texas: Paper to accompany bill for relief of James B. Barry, of Walnut Springs, Tex.—to the Committee on Pensions.

Also, paper to accompany bill for relief of J. J. Hughes—to the Committee on Pensions.

Also, papers to accompany bill for relief of Martin Elleson, of Walnut Springs, Tex.—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: Petition of the Derby and Shilton (Conn.) Board of Trade, favoring removal of duty on alcohol for manufactures—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Mystic, Conn., against Senate resolution 5703—to the Committee on Military Affairs.

By Mr. BURLEIGH: Papers to accompany bill for relief of Edward R. Penny—to the Committee on War Claims.

Also, papers to accompany bill for relief of Allen L. Penney—to the Committee on War Claims.

By Mr. CAMPBELL: Papers to accompany bill for relief of Henry Gillham—to the Committee on Pensions.

By Mr. CAPRON: Papers to accompany bill for relief of Joseph E. Green—to the Committee on Pensions.

By Mr. FRENCH: Petition of Luke Williams et al., of Indian tribes and also various white people, favoring the Hamilton bill—to the Committee on Indian Affairs.

Also, petition of the Rigley Hardware, Lumber, and Manufacturing Company et al., favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Farmers' Mill and Lumber Company et al., of Troy, Idaho, supporting the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Heath & Milligan Manufacturing Company, of Chicago, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hibbard, Spencer, Bartlett & Co., favoring the Russell bill (H. R. 15600)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Andrews Wire and Iron Works, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, favoring abolition or material reduction of duties on products from Philippine Islands—to the Committee on Ways and Means.

Also, petition of the Calaveras Big Tree Committee, favoring the Calaveras big-tree bill—to the Committee on Agriculture.

By Mr. GAINES of Tennessee: Papers to accompany bill for relief of heirs of Hugh W. McGavock, of Davidson County, Tenn.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Benjamin F. Myers, of Davidson County, Tenn.—to the Committee on War Claims.

Also, petition of heirs of Charles W. Moorman, deceased, asking reference of their claim to Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of W. W. Randolph, administrator of Mrs. I. H. Randolph, asking reference of claims to Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of the Farmers' Institute of Pleasantville, Ohio, favoring rural free delivery, postal banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of citizens of Allegan County, Mich., against repeal of law imposing tax on colored oleomargarine—to the Committee on Agriculture.

By Mr. HARDWICK: Petition of Atlanta Division, No. 180, Order of Railway Conductors, in support of bill H. R. 7014—to the Committee on Pensions.

Also, papers to accompany bill for relief of Nelson Stuckey—to the Committee on Pensions.

Also, papers to accompany bill H. R. 16861, granting increase of pension to Mary F. Walker—to the Committee on Pensions.

By Mr. HEARST: Petition of citizens of Peoria, Ill., favoring passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of merchants and citizens of Taylor County, Iowa, against enactment of parcels-post law—to the Committee on the Post-Office and Post Roads.

By Mr. HITT: Petition to discharge the Committee on Foreign Affairs from further consideration of so much of the estimate of the Secretary of the Treasury as refers to the boundary between Alaska and Canada and the boundary line between the United States and Canada—to the Committee on Appropriations.

By Mr. HOUSTON: Petition of C. W. Sheffer and 20 others, protesting against change or repeal of Grout law—to the Committee on Agriculture.

Also, petition of Carrie E. Rankin et al., favoring bill prohibiting liquor selling on Government premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Petition of the United Confederate Veterans, asking appropriate action looking to care and preservation of graves of Confederate dead—to the Committee on Military Affairs.

By Mr. KNAPP: Papers to accompany bill granting an in-

crease of pension to John M. Moon—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of the Pennsylvania State Grange, at Erie, Pa., indorsing bill H. R. 8678—to the Committee on Agriculture.

By Mr. LITTAUER: Papers to accompany bill granting a pension to Bishop L. Aldrich—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of 64 citizens of Hamilton, Mo., protesting against a reduction of the tariff on tobacco imported from the Philippine Islands—to the Committee on Insular Affairs.

By Mr. LORIMER: Papers to accompany bill for relief of John Hopper—to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of M. H. Nichols et al., against repeal of the Grout law—to the Committee on Agriculture.

By Mr. McMORRAN: Petition of F. W. Pohly et al., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of the Brown City Grain Company, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. C. Ricer & Son and others, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Petition of heirs of Andrew R. Humes, asking reference of their claims to Court of Claims—to the Committee on War Claims.

By Mr. PINCKNEY: Petition of Eleanor L. Deadrick, widow of Thomas S. Deadrick, for increase of pension—to the Committee on Pensions.

By Mr. RICHARDSON of Tennessee: Petition of heirs of John McGill, deceased, of Coffee County, Tenn., asking reference of their claim to the Court of Claims under Bowman Act—to the Committee on War Claims.

Also, paper to accompany bill for the relief of heirs of William Pepper, of Bedford County, Tenn.—to the Committee on War Claims.

Also, petition of Moyas & Consaul, asking that claims of Joseph B. Johnson, of Flora, Tenn.; James Price, of Coffee County, Tenn., and W. J. Winsett, of Glimp, Tenn., be referred to the Court of Claims—to the Committee on War Claims.

Also, papers to accompany bill for the relief of James F. Phillips, of Coffee County, Tenn.—to the Committee on War Claims.

Also, petition of Jacob C. Herndon, of Rutherford County, Tenn., asking reference of his claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. RUPPERT: Petition of Interstate Commerce Law Convention, favoring legislation for the enforcement of the requirements of the existing act—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Receivers and Shippers' Association of Cincinnati, favoring amendment to interstate commerce law increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Cigar Makers' Union, No. 2, of America, against a reduction of duty on cigars and tobacco from the Philippine Islands—to the Committee on Ways and Means.

Also, petition of the Kellog-Mackay-Cameron Company, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Papers to accompany bill for relief of Wilhelmina Sharp—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: Petition of Asa Newman et al., of Portland, Mich., favoring enactment of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of the Childress Division, No. 574, Brotherhood of Locomotive Engineers, favoring legislation requiring a locomotive engineer to have served three years as fireman on a locomotive—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLIVAN of New York: Petition of the board of directors of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring National Government regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Annie Woernley et al., against legislation regarding the Sabbath day in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of L. J. Walsworth et al., against legislation respecting the Sabbath day in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of the Carriage Builders' National Association, favoring increased powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, favoring legislation to permit the regulation of towing in New York Harbor—to the Committee on Rivers and Harbors.

Also, petition of the Yale & Towne Manufacturing Company et al., against the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Trades Association, for favorable consideration of House bill 9302—to the Committee on Ways and Means.

Also, petition of the Alaska Club, of Seattle, asking representation in the lower House of Congress for Alaska—to the Committee on the Territories.

Also, petition of the Grand Camp of the Arctic Brotherhood, asking adequate representation for Alaska in Congress—to the Committee on the Territories.

Also, petition of J. E. Linde Paper Company, favoring the Henry bill relative to third and fourth classes of mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petition of the Journeyman Stonecutters' Association, favoring sandstone in the Government building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, petition of the Presbyterian and Methodist churches, relating to the Hamilton statehood bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. TRIMBLE: Papers to accompany bill for relief of Samuel McMannus, of Eminence, Henry County, Ky.—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of John M. Lawrence, of Eminence, Henry County, Ky.—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Papers to accompany bill for relief of Perry R. Nye, of Zanesville, Ohio—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: Petition of citizens of Camden, Ala., favoring ratification of all treaties pending on arbitration—to the Committee on Foreign Affairs.

By Mr. WYNN: Petition of the Pomona Board of Trade, favoring recession of Yosemite Valley and Mariposa big tree grove to the United States Government—to the Committee on Agriculture.

Also, petition of the Los Angeles Chamber of Commerce and other organizations, favoring the Yuma project relative to Colorado River—to the Committee on Irrigation of Arid Lands.

SENATE.

WEDNESDAY, *January 18, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. DOLLIVER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

COUNTING OF ELECTORAL VOTE.

The PRESIDENT pro tempore appointed Mr. FORAKER and Mr. GORMAN as tellers on the part of the Senate under the concurrent resolution providing for the appointment of tellers at the counting of the electoral vote for President and Vice-President of the United States.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Muhlenberg Evangelical Lutheran Church, of Harrisonburg, Rockingham County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Samuel F. Ryan *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 808. An act granting an increase of pension to George Deland;

H. R. 912. An act granting an increase of pension to John F. Dorsey;
H. R. 1099. An act granting an increase of pension to Lewis O. Marshall;
H. R. 1907. An act granting an increase of pension to Wyman J. Crow;
H. R. 1979. An act providing for the extension of the national cemetery on Williamsburg turnpike, near the city of Richmond, Va.;
H. R. 2151. An act granting an increase of pension to Samuel H. Hunt;
H. R. 2353. An act granting an increase of pension to Sophia C. Hilleary;
H. R. 2558. An act granting an increase of pension to John Cummings;
H. R. 3287. An act granting an increase of pension to Orin Plaisted;
H. R. 3359. An act granting an increase of pension to Cyrus E. Salada;
H. R. 3712. An act granting a pension to Frederick W. Tappmeyer;
H. R. 4112. An act granting an increase of pension to Elizabeth Wynne;
H. R. 4211. An act granting an increase of pension to Elijah Roberts;
H. R. 4655. An act granting an increase of pension to Henry Jeffers;
H. R. 4948. An act granting a pension to Wilson H. Davis;
H. R. 5037. An act granting an increase of pension to Richard H. Stillwell;
H. R. 5089. An act granting an increase of pension to Charles W. McKenney;
H. R. 5245. An act granting an increase of pension to William A. Helt;
H. R. 5341. An act granting a pension to Jennie Petteys;
H. R. 5436. An act granting a pension to Hiram Baird;
H. R. 5461. An act granting an increase of pension to Preston D. Roady;
H. R. 5692. An act granting an increase of pension to John Shanley;
H. R. 6129. An act granting an increase of pension to Edwin M. Raymond;
H. R. 6506. An act granting an increase of pension to Edward M. Rhoades;
H. R. 6543. An act granting an increase of pension to Robert Liggatt;
H. R. 6640. An act granting an increase of pension to John A. Courtney;
H. R. 6832. An act granting an increase of pension to Nathaniel Cayes;
H. R. 6857. An act granting an increase of pension to Lorenzo D. Jameson;
H. R. 6948. An act granting an increase of pension to Joshua Parsons;
H. R. 6961. An act granting an increase of pension to Thomas E. Rice;
H. R. 7241. An act granting an increase of pension to Philip H. Strunk;
H. R. 7279. An act for an additional circuit judge in the first judicial circuit;
H. R. 7367. An act granting an increase of pension to John M. Barron;
H. R. 8166. An act granting an increase of pension to Martha A. Johnson;
H. R. 8996. An act granting an increase of pension to Diah Lovejoy;
H. R. 9115. An act granting an increase of pension to Merritt Mead;
H. R. 9771. An act granting an increase of pension to Mary E. Weaver;
H. R. 9798. An act granting an increase of pension to Isaac W. Sherman;
H. R. 10272. An act granting an increase of pension to Lorenzo Streeter;
H. R. 10554. An act granting an increase of pension to John McGregor;
H. R. 10686. An act granting an increase of pension to Michael Kurtz;
H. R. 10945. An act granting a pension to Lola Qualls;
H. R. 10969. An act granting an increase of pension to Joseph H. Shay;
H. R. 11148. An act granting an increase of pension to George W. Stanfield;
H. R. 11178. An act for the relief of Miss Lelia G. Cayce;
H. R. 11235. An act granting a pension to Clarissa E. McCormick;
H. R. 11402. An act granting an increase of pension to Agnes B. Hesler;
H. R. 11451. An act granting an increase of pension to Alexander Morrison;
H. R. 11584. An act for the protection of wild animals and birds in the Wichita Forest Reserve;
H. R. 11788. An act granting an increase of pension to Henry L. Kyler;
H. R. 11984. An act granting an increase of pension to Edward C. Jones;
H. R. 12052. An act granting a pension to Walter P. Mitchell;
H. R. 12058. An act granting an increase of pension to John W. Dickey;
H. R. 12397. An act granting an increase of pension to Alfred Chill;
H. R. 12576. An act granting an increase of pension to William M. Kitts;
H. R. 12577. An act granting an increase of pension to James Graves;
H. R. 12859. An act granting an increase of pension to James Donnelly;
H. R. 13064. An act granting an increase of pension to John K. Tyler;
H. R. 13501. An act granting an increase of pension to James L. Townsend;
H. R. 14150. An act granting an increase of pension to John J. Carberry;
H. R. 14184. An act granting an increase of pension to James Ginnane;
H. R. 14576. An act granting an increase of pension to Evelyn M. Dunn;
H. R. 14601. An act granting an increase of pension to William Scheall;
H. R. 14774. An act granting an increase of pension to Albert S. Graham;
H. R. 14855. An act granting an increase of pension to Henry C. Thayer;
H. R. 14875. An act granting an increase of pension to Seeley Earnest;
H. R. 14879. An act granting an increase of pension to Benjamin Dillingham;
H. R. 14951. An act granting an increase of pension to Benjamin F. Watts;
H. R. 15071. An act granting an increase of pension to Matilda L. Curkendall;
H. R. 15144. An act granting an increase of pension to William J. Reynolds;
H. R. 15207. An act granting an increase of pension to Amos Jones;
H. R. 15269. An act granting a pension to Anna C. Owen;
H. R. 15387. An act granting an increase of pension to William Hall;
H. R. 15404. An act granting an increase of pension to John A. Hayward;
H. R. 15473. An act granting an increase of pension to James W. Capron;
H. R. 15634. An act granting a pension to Harriet A. Orr;
H. R. 15680. An act granting an increase of pension to Isaac Hanson;
H. R. 15743. An act granting an increase of pension to Desire Leglise;
H. R. 15744. An act granting an increase of pension to Edward L. Russell;
H. R. 15779. An act granting an increase of pension to Lucinda M. Reeves;
H. R. 15785. An act granting an increase of pension to Charles E. Young;
H. R. 15791. An act granting a pension to Mary Suppes;
H. R. 16160. An act granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.;
H. R. 16284. An act to transfer Fayette County from western to southern judicial district of Texas; and
H. R. 16582. An act to authorize the Union Trust and Storage Company to change its corporate name.

PETITIONS AND MEMORIALS.

Mr. GORMAN presented a petition of the Lafayette Square Woman's Christian Temperance Union, of Baltimore, Md., and a petition of the Woman's Christian Temperance Union of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in public buildings, grounds, and

ships; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 38 citizens of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Forest Glen, Thurston, Takoma, Kensington, and Comus, all in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of the Woman's Christian Temperance Union of Camden, N. J., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Camden, of the congregation of the Baptist Church of Hightstown, and of the Woman's Christian Temperance Union of Elwood, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. STONE presented a petition of the Wholesale Saddlery Association of Kansas City, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Hamilton-Brown Shoe Company of St. Louis, Mo., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented petitions of Two Rivers Division, No. 151, Order of Railway Conductors, of Monett; of Local Union No. 513, Brotherhood of Railroad Trainmen, of Monett; of Bridge and Tunnel Division, No. 327, Brotherhood of Locomotive Engineers, of St. Louis; of Local Lodge No. 641, Brotherhood of Locomotive Firemen, of Eldon, and of Easter Lodge, No. 481, Brotherhood of Locomotive Firemen, of St. Louis, all in the State of Missouri, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. CULLOM presented petitions of the State Legislative Board of the Brotherhood of Railroad Trainmen; of F. W. Arnold Lodge, No. 44, Brotherhood of Locomotive Firemen, of East St. Louis; of Lincoln Division, No. 206, Order of Railway Conductors, of Springfield; of Local Division No. 1, Order of Railway Conductors, of Chicago, and of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a memorial of sundry citizens of Cambridge, Minn., and a memorial of sundry citizens of Grandy, Minn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. GALLINGER presented the petition of Mrs. Lelia C. Piper, of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Frances Fairchild Abbott, of Washington, D. C., praying for the enactment of legislation to change the name of Thirteen-and-a-half street in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Methodist Episcopal Church of Rochester, N. H., praying for the enactment of legislation providing for the opening and improving of Massachusetts and Boundary avenues NW., in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Women's Health Protective Association of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the congregation of the Calvary Baptist Church of Washington, D. C., and the petition of Bishop Henry Y. Satterlee, of Washington City, praying for the enactment of legislation providing compulsory education in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Leonardsville, N. Y., and a petition of sundry citizens of Brookfield, N. Y., praying for the enactment of legislation providing continued prohibition in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Railroads, to whom was referred the bill (S. 6361) to authorize the construction of a public railway for the transportation of the mails, troops, and munitions of war of the United States, and to aid in the regulation of interstate commerce, asked to be discharged from its further consideration, and that it be referred to the Committtee on Inerstate Commerce; which was agreed to.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with an amendment, and submitted a report thereon.

IRRIGATION AND RECLAMATION WORKS.

Mr. BARD. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 6312) providing for the construction of irrigation and reclamation works in certain lakes and rivers, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior to construct any irrigation or reclamation works which may be found advisable under the provisions of the reclamation act of June 17, 1902, in and along the shores of the bodies of water hereinafter named, to lower the levels thereof to any extent that may be necessary, and to utilize the same for the storage, distribution, restraining, or pumping of water: Lower or Little Klamath Lake, Tule or Rhett Lake, and Goose Lake, all lying upon the boundary between Oregon and Claifornia, and any river or other body of water connected with said lakes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF LANDS UNDER THE RECLAMATION ACT.

Mr. BARD. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 6313) providing for the disposal of lands acquired under the provisions of the reclamation act, to report it favorably with amendments, and I submit a report thereon. I ask for the present consideration also of this bill.

The Secretary read the bill.

Mr. CLARK of Wyoming. As the bill will probably lead to debate, I ask that it may go over.

Mr. BERRY. What committee reported the bill?

The PRESIDENT pro tempore. The Committee on Irrigation and Reclamation of Arid Lands.

Mr. BERRY. It was reported this morning?

The PRESIDENT pro tempore. It was just reported.

Mr. BERRY. Let it go over.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar.

PURCHASE AND CONDEMNATION OF IRRIGABLE LANDS.

Mr. FULTON. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 6406) providing for the purchase and condemnation of irrigable lands in certain cases, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

The Secretary read the bill.

Mr. GORMAN. I ask that it may go over.

The PRESIDENT pro tempore. The bill will go to the Calendar.

Mr. FULTON. Mr. President, perhaps I should explain the nature of the bill, and then I think there will be no objection to its present consideration.

It simply provides that where the Irrigation Bureau finds it necessary, in order to carry out a project of irrigation in a certain district, to condemn or appropriate tracts of land, it is authorized to do so. The payment for the lands which it condemns is to be made from the irrigation fund. It does not require the payment of any money from any fund other than the irrigation fund.

This legislation has been rendered necessary by cases such as

the one I will state. In the State of Oregon an irrigation project under contemplation is being held up by a wagon road land-grant company, the owners of the land-grant company refusing to participate, and by refusing to come in under the conditions of the irrigation law they can stay the whole project, which, if carried out, would be a great benefit for a wide tract of country and a great number of people.

The bill authorizes the Irrigation Bureau to condemn such a tract of land, to pay the cost out of the irrigation fund, and then throw the land open to settlement and sell it and replace the money in the irrigation fund. It is unanimously reported by the committee and recommended by the Department. The Department is very anxious that this law shall be passed, because certain projects can not be proceeded with until such a measure has been enacted.

The PRESIDENT pro tempore. The bill goes to the Calendar.

Mr. FULTON. Is there objection to its consideration?

The PRESIDENT pro tempore. Objection was made by the Senator from Maryland [Mr. GORMAN].

Mr. FULTON. I did not hear it.

BILLS INTRODUCED.

Mr. DRYDEN introduced a bill (S. 6700) granting an increase of pension to William E. Blewett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6701) granting a pension to Charles B. Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6702) granting an increase of pension to Charles McAllister; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 6703) granting a pension to John Broad; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6704) granting a pension to Mary E. Kilburn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6705) authorizing the extension of W street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6706) granting an increase of pension to Jacob Ormerod; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6707) creating an additional land office in the State of Utah; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CLAPP introduced a bill (S. 6708) granting a pension to Isabella McGookin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6709) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and to further prevent the payment of commissions or rebates on freight; which was read twice by its title, and re-referred to the Committee on Commerce.

Mr. HALE introduced a bill (S. 6710) granting an increase of pension to Mary Virginia Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 6711) for the relief of J. E. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment authorizing the Commissioners of the District of Columbia to credit the assessment for benefits in the matter of the widening of V street NW., under the act approved April 28, 1904, with the sum of $1,050 against certain lots in squares Nos. 139, 140, 141, and 142, in the subdivision of Burleith, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ANKENY submitted an amendment proposing to increase the appropriation for the support and civilization of the Dwamish and other allied tribes in Washington from $4,000 to $5,000, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to authorize the issuance of patents in fee to Henry G. White, Annie B. White, and Mary White, members of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to them in the State of South Dakota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,600 to pay $200 each to certain Indians of South Dakota and North Dakota to reward them for services and sacrifice of ponies in accomplishing the rescue of Mrs. Julia Wright, Mrs. Emma Deely, and six children, in November, 1862, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $50,000 for surveys in the mining regions of Nevada situated south of the first standard parallel north of Mount Diablo base line, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

AMENDMENTS TO STATEHOOD BILL.

Mr. STONE submitted two amendments intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table and be printed.

LAURA A. WAGNER.

The PRESIDENT pro tempore. If there is no further morning business the morning business is closed, and the Calendar is before the Senate under Rule VIII.

The bill (S. 2171) for the relief of Laura A. Wagner was announced as first in order on the Calendar, and the Secretary read the bill.

Mr. DANIEL. Mr. President, I rise to a parliamentary inquiry. Is the bill on its passage, or was it just called up?

The PRESIDENT pro tempore. It is on its passage, unless objected to.

Mr. DANIEL. I object to it, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. GALLINGER. Before the bill goes over, I wish to call attention to the fact that in the report two amendments are recommended, one striking out $5,000 and substituting $2,000, which are not incorporated in the bill. I call attention to it for the benefit of the Senator who reported the bill.

SUNFLOWER RIVER (MISSISSIPPI) BRIDGE.

Mr. STONE. Mr. President——

Mr. MONEY. Will the Senator from Missouri yield to me for one moment to call up for passage a bridge bill? It will take only about a minute.

Mr. STONE. I yield to the Senator from Mississippi.

Mr. MONEY. I ask leave to call up the bill (H. R. 16992) to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi. It is a House bill authorizing the county of Sunflower to build a bridge across a stream wholly within the State, and therefore within the authority of the State, but the law requires that plans and specifications shall be submitted to the Secretary of War. That has been done and approved.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF MONEY IN FEDERAL ELECTIONS.

Mr. STONE. Mr. President, I gave notice yesterday that I would ask leave at this time to call up the resolution submitted by me on the 4th instant.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Missouri, which will be read.

The Secretary read the resolution submitted by Mr. STONE on the 4th instant, as follows:

Whereas Thomas W. Lawson, a prominent citizen of Boston, Mass., and a capitalist of reputed large fortune, in a signed article published in Everybody's Magazine, a responsible and widely circulated publication, has specifically charged that he conspired with certain other well-know capitalists to raise a large corruption fund to be used to promote the election of the Republican candidates for President and Vice-President in 1896, and that they did raise $5,000,000 to be expended to "turn at least five of the doubtful States;" and

Whereas during the campaign of 1904 it was directly and emphatically charged by Judge Alton B. Parker, a prominent candidate for the office of President, and by other citizens of great prominence and high

repute, belonging to both the Republican and Democratic parties, as well as by many important and responsible journals, that large sums of money had been contributed by, or extorted from, numerous trusts and corporations, to be used to influence the election then ensuing for President and Vice-President of the United States; and

Whereas the President, in his last annual message, sent to Congress on December 6, 1904, took official cognizance of the growing tendency to corrupt the electorate, and did in direct terms recommend the enactment of a law against bribery and corruption in Federal elections: Now, therefore, be it

Resolved, That the Judiciary Committee of the Senate be, and is hereby, authorized, empowered, and directed to make inquiry into the matters stated in the foregoing preamble, and also, generally, into the subject of the use of money in Federal elections, so as to ascertain as far as possible the extent of the evil, and to report to the Senate at the first session of the Fifty-ninth Congress, by bill or otherwise, the legislation said committee may deem necessary to prevent or suppress bribery and corruption in such elections. Said committee may sit during the vacation of the Senate, and shall have authority to send for persons and papers and to compel the attendance of witnesses.

Mr. STONE. Mr. President, the first preamble to the resolution I have proposed relates to the election of 1896; the second preamble relates to the election of 1904. I will consider them inversely.

On October 31, 1904, just a week preceding the election, Judge Alton B. Parker delivered a notable speech at Madison Square Garden, New York. He denounced the use of a corruption fund, which he declared the Republican organization had raised to debauch the electorate, and denounced also the methods employed to produce it. Among other things he said what I will now ask the Secretary to read.

The PRESIDENT pro tempore. If there is no objection to reading the paper, the Secretary will read it.

The Secretary read as follows:

The spectacle of demanding campaign funds now presented to this country, when rightly regarded, is of a character to shock the moral sense.

We shall do well to pause a moment to ask whither we are drifting in our indifference to right standards and to our old-fashioned sense of propriety in such matters.

Congress creates a new Department of Commerce and Labor. Of that Department the President appoints a Secretary. That Secretary was his private secretary. Within that Department provision is made for the collection from large corporations, including the so-called "trusts," of information which, it is to be borne in mind, is to be submitted to the President for public or private use as he may direct. By grace of the same Executive, this Secretary, through whose Department this information is collected, becomes the chairman of the National Republican Committee. His chief duty it has been and still is to collect funds for the purpose of securing the election of the President. And it is now notorious that there has resulted from this organized importunity—whatever may be the precise way in which it is made effective—an overflowing treasury to the committee, of which boast is openly and continually made. * * *

The whole performance is a shameless exhibition of a willingness to make compromise with decency in order that sums of money may be gathered together sufficiently vast to justify the insolent boast even now that there is no question as to the success which, by such a course, the Republican managers so confidently predict. The performance is entitled only to the credit that it in no sense partakes of hypocrisy. It is as bold as it is improper and indefensible.

Mr. STONE. This charge Judge Parker repeated in subsequent speeches, with additions and amplifications. On one occasion he used language which I quote, and ask the Secretary also to read.

The Secretary read as follows:

When the present campaign opened, the Secretary of Commerce resigned his office, and at the request and as the personal representative of the President became the chairman of the Republican National Committee to bring about, if it might be so, the election of his patron to the Presidency. And lest any should err, it was at the time of his resignation authoritatively announced that at the termination of the campaign he would be summoned again to the Cabinet to fill another Cabinet office. * * * We do not want a Department of Commerce and Labor whose Secretary shall go out from it every four years, after he had filled his brain and his notebook with the secrets of all the great corporations and combinations which depend upon the Government for business or favors, in order not to serve the people, but to raise money to corrupt them.

Mr. STONE. These frightful accusations, Mr. President, were repeated by others and scattered broadcast, but what I have quoted contains the sum of it all and is sufficient. There are two counts in this indictment: First, that a corruption fund was raised by Mr. Cortelyou, and, secondly, that contributions to that fund were, in effect, extorted or induced from trusts and corporations through the force of secret information possessed by Mr. Cortelyou concerning the business affairs of the corporations, which information he had officially obtained as Secretary of Commerce and Labor, and which could be made public and used, or kept secret and suppressed, at the will of the President, then a candidate to succeed himself. That is the charge. Mr. Cortelyou has not answered it. He stands mute, wrapped in grim silence. But Mr. Elihu Root, recently of the President's Cabinet, and the Administration's recognized fidei defensor, has answered it, and the President himself has answered it. From Mr. Root I quote what I send to the Secretary and ask him to read. After quoting what Judge Parker charged, Mr. Root said what I send to the Secretary and ask him to read.

The Secretary read as follows:

Now, if that means anything, it means that the President of the United States made Mr. Cortelyou chairman of the Republican national committee in order that he might use the secrets to the possession of which he had come as Secretary of Commerce to blackmail the corporations. It means that the President and Mr. Cortelyou were engaged together in that vile conspiracy.

* * * * * * *

Now, observe that the charge which Mr. Parker makes can not be supported by mere pretense or the statement of the fact that the managers of corporations have contributed to the Republican fund. Democratic corporation managers have contributed to the Democratic fund and Republicans to the Republican fund. * * *

The mere fact of contributions in no way and to no extent and to no degree whatever sustains this foul and infamous charge.

There must have been some improper motive or means in the contribution—motive for making it or means of getting it.

Mr. STONE. And from the President of the United States I quote what I ask the Secretary to read.

The Secretary read as follows:

Mr. Parker's charges are, in effect, that the President of the United States and Mr. Cortelyou have been in a conspiracy to blackmail corporations, Mr. Cortelyou using his knowledge, gained while he was Secretary of Commerce and Labor, to extort money from the corporations, and I, the President, having appointed him for this especial purpose.

The graveness of these charges lies in the assertion that the corporations have been blackmailed into contributing, and in the implication, which in one or two of Mr. Parker's speeches has taken the form practically of an assertion, that they have been promised certain immunities or favors, or have been assured that they would receive some kind of improper consideration in view of their contributions.

That contributions have been made to the Republican committee, as contributions have been made to the Democratic committee, is not the question at issue. Mr. Parker's assertion is, in effect, that such contributions have been made for improper motives, either in consequence of threats or in consequence of improper promises, direct or indirect, on the part of the recipients. * * *

Mr. Parker's accusations against Mr. Cortelyou and me are monstrous. If true they would brand both of us forever with infamy.

Mr. STONE. Thereupon the President proceeded vehemently to denounce the Parker charges as "wicked falsehoods." To these fulminations Judge Parker made reply. I make a brief extract from his reply, which I will ask the Secretary to read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

He [the President] is in a position to know what contributions have been made to the Republican national committee by the trusts. If there had been no trust contributions, he could easily have said so. He did not say so. He can not say so. He has waited until the closing hour of the campaign to make easier the pretense of an answer. But it is not an answer. It is a confession, with a plea in avoidance, addressed to a kindly and generous people.

If there had been any doubt of the source of this great campaign fund it is no longer a matter of suspicion, for Mr. Elihu Root, former Secretary of War, frankly admitted last night that trusts and corporations were heavy contributors.

CHARGES ANALYZED.

Mr. STONE. Mr. President, this makes up the substance of this wretched controversy. Does it not present a splendid, inspiring spectacle for the world to gaze at? As you feast your eyes upon it are you not thrilled with pride and with the very ecstasy of patriotism? Let us look closely at it lest we miss some of its excellencies or resultant beatitudes. First, it is charged that a vast Republican campaign fund was raised for corrupt purposes by contributions from the trusts and great corporations, and the President and Mr. Root admit that such contributions were made. What is it they admit? Disguise it as you may, in substance they admit the acceptance of financial aid from corporations which exist in contravention of law for the purpose of establishing industrial monopoly by destroying competition, and which ordinarily expects favors, directly or indirectly, from the Government. From such as these the President of the United States admits contributions were obtained to promote his election. Mr. President, under the circumstances this act of the Republican chairman was an act of gross public immorality, if nothing worse. Could anything be more despicable? To what level have we fallen if the American people can look upon such conduct with complaisance? Aye, and to what level have we fallen if the American Senate can contemplate this national shame with indifference? This confession made by the President and Mr. Root is monstrous. There is no need to decry or condemn it; it speaks for itself.

In the second place, it was charged that Mr. Cortelyou had used secret official information to extort or induce these contributions from the trusts. This charge both the President and Mr. Root denied. Indeed, they denounced it in such florid diction and with such superb frenzy that the very souls of their followers were harrowed up, and no wonder the preceding confession was forgot when partisan feeling was thus wrought upon and so adroitly stirred to fever heat. Whether this ter-

rible indictment is true I neither affirm nor deny; I do not know. I only know that the damning admission stands that the trusts did supply Mr. Cortelyou with campaign funds. Moreover, Mr. Cortelyou has never made answer to this charge. The only answer he has ever vouchsafed, so far as I have seen or heard, is a statement attributed to him to the effect that the collections made by the Republican committee in 1904 were not so large as the collections made by that committee in 1896. If that means anything it is a cry for leniency on the ground of party precedent, and because he had not sinned so grievously as others. Why Mr. Cortelyou stands dumb under this dishonoring arraignment I will not conjecture. That man is said to be wise who knows when and how to hold his tongue. Perhaps the good name of the country would have been better served if the President and Mr. Root had also sought shelter under the same kindly wing of silence. Mr. President, it is hard to believe that Mr. Cortelyou, or that any man of character, would prostitute official opportunities to partisan ends so base. I am loath to believe it; and yet a charge so specific as this, and from a source so high and responsible as this, and which so deeply concerns the public honor and welfare, can not be silenced by contemptuously pooh-poohing and ignoring it. It is a stain upon national honor and it will not be washed out, but will return again and again to plague us, until the charge has been shown to be false, or until it has been avenged if shown to be true.

CORTELYOU'S SELECTION.

Why did the President select Mr. Cortelyou to be chairman of his committee to manage his campaign? Only a little while ago this chairman was a Department clerk under the civil service, and a Democrat. During Mr. Cleveland's last term as President he was assigned for duty as an executive clerk. This assignment was continued under Mr. McKinley, by whom he was afterwards promoted to the post of private secretary, and this position he retained after Mr. Roosevelt became the President. When the Department of Commerce and Labor was created the President named Mr. Cortelyou for Secretary. In this position he was clothed with inquisitorial authority to spy into the secrets of the trusts, and power was also given to make his discoveries public at the discretion of the President. It may be that it was wise to grant this extraordinary inquisitorial power, but also it was a dangerous power to confer upon an executive officer. It is a power easily abused, and the temptation to abuse it was apt to come to a man with Mr. Cortelyou's environments, even though he should have strength to resist it. This man and this official the President himself selected for chairman of the Republican national committee. He was without political experience or familiarity with party management, and his designation for the chairmanship was received with universal surprise. Mr. President, the circumstances of this appointment were curiously significant, if not sinister, and the suspicions inevitably excited by them have provoked a situation greatly to be regretted. Like Banquo's ghost, this question will not down. Why did the President select this inexperienced new convert to be the head of his party organization? Moreover, this accusing fact will not down, that the trusts did fill Mr. Cortelyou's campaign coffers to overflowing. Happily we have the comforting assurance, vouchsafed both by Mr. Root and the President, that the trusts had no improper motive in making these contributions, and that no improper means were used to induce them.

The country is asked to believe, what no doubt a good part of it innocently will and does believe, that the trusts brought their gold to Cortelyou out of purely unselfish and patriotic considerations and that they expect nothing in return. These were virtuous trusts, and theirs an idealistic, self-sacrificing patriotism. Here is a sublime and most affecting exhibition of incorporated altruism. These particular trusts sought only to serve the country and to exalt it. They scorned all base expectation of favors to come, and scouted the very thought that their gold would be used to corrupt. This is what we are expected loyally to believe. Mr. President, are we to accept this theory without questioning? The Senate should know, and the country should know, beyond cavil or doubt, whether a Cabinet officer, holding a secret power over great corporations and placed at the head of a political committee, sought contributions from those corporations; and the Senate and country should know whether enormous sums of money, collected from corporations, were expended to corruptly influence the election. These charges should be investigated, and the Senate should be informed as to the extent and exact nature of this evil.

THE COUNTERCHARGES.

But, thirdly, I turn now to the countercharge made by the President and Mr. Root. They plead what lawyers term an "estoppel." They denied Judge Parker's right to criticise Mr. Cortelyou for taking trust contributions for the reason, as they alleged, that similar contributions were made to the Democratic committee. In other words, they said the Democratic party was as bad as the Republican party.

To this charge Judge Parker replied as follows:

> I requested the Democratic national campaign managers that they should not receive, directly or indirectly, from any trust money for campaign purposes. I notified them that I proposed, if elected, to enter upon the discharge of the duties of that great office unhampered by any obligation to interests or men. * * * And I am advised by them that my request has been scrupulously respected.

That statement, it must be conceded, is straightforward, explicit, and comprehensive. It leaves the President and Mr. Root standing on an empty charge, confronted by complete and sweeping denial, with nothing proved or admitted. The burden of making good is upon the accusers. At present the case against the Democratic committee rests upon a bare assertion made under the stress of party exigency. I doubt if the assertion is well founded. I do not believe it is. Nevertheless, this charge has been made, and the fact that it comes from the President of the United States gives to it potency and makes it a powerful argument in favor of the investigation I have proposed. These charges have been made by Alton B. Parker and Theodore Roosevelt. They are not vague, irresponsible, vulgar campaign rumors; they are definite charges from responsible sources. We can not ignore them. Let the investigation go on. If the Democratic party has also been recreant, as Mr. Root says; if it is also guilty of this monstrous crime against good government, as the President says, let it suffer the consequences. "Hew to the line, let the chips fall where they may."

THE ELECTION OF 1896.

Mr. President, I turn now from the election of 1904 to the election of 1896. During the campaign of 1896 I represented my State on the Democratic national committee, and had the honor to serve as vice-chairman of that body. I had some personal familiarity, therefore, with the circumstances and incidents of that memorable struggle.

Mr. President, many eminent men, well qualified to speak and whose sincerity can not be doubted, have repeatedly expressed the belief that the result of the election of 1896 was brought about by the corrupt use of money, and that belief is shared by thousands. In other words, these people believe the Presidency was bought. This belief may be unfounded, but that it exists is undoubted. And, Mr. President, it can bode no good to have a large proportion of the people believe that Presidential elections are determined by fraud or force. We have all been taught the patriotic lesson of prompt acquiescence in the popular verdict, but if the belief should become deep rooted and widespread that the Presidency is ever in any way made the subject of barter it would shake the foundations of public order. No greater danger could threaten or evil befall American institutions that that of corrupting the electorate, for that is to pollute the very foundation of political power. Therefore it follows that no greater service could be rendered the country than that of guarding it against that danger and that evil.

The election of 1896 was characterized by scenes and events unexampled in our history. Apparently, and I think undoubtedly, there was a popular uprising which, under Mr. Bryan's leadership, promised to sweep all opposition before it. To check this uprising many great financial interests, and interests enjoying unjust or unlawful privileges, and interests dependent on the Government for favors, were effectually organized and knit together in a bond offensive and defensive. It was the most powerful combination of the kind ever organized in America. It was omnipotent, irresistible. I will not provoke acrimony by recounting the numerous expedients to which this combination resorted to accomplish its ends. I will speak of one thing only—the use of money. And even as to that I shall not exploit the stories, however well authenticated, which poured in upon us in 1896. I shall leave all that alone; I shall not testify; I will make no charge of my own. It is enough to speak only of that appalling story with which Thomas W. Lawson has startled the country. His confession is a corroboration, and comes like a climax to a tragedy. The story is brief, but comprehensive; condensed, but complete; it is all-sufficient.

Mr. Lawson is a citizen of Boston. He is reputed to possess great wealth and to be a man of large affairs. I have heard nothing to his disparagement, and, so far as I know, his personal standing is good. True it has been said that he is a stock gambler, and that he delights in sensational performances, and his motives for making his disclosures have been denounced with lurid expletives in great variety. All this, however, is not surprising; it was sure to come; it would be

expected. But stock gambling, so called, is not a crime; it is only the common vocation of capitalists; and as to Mr. Lawson's motives, that is unimportant.

LAWSON'S STORY.

Under the title of "Frenzied Finance" Mr. Lawson printed an article in the current January number of Everybody's Magazine, in which his story is narrated. It is unnecessary to quote this article in extenso. It has been scattered throughout America and Europe, and has been quoted and commented upon in thousands of publications. I presume every Senator has seen it. With blunt frankness the author tells of conferences held with leading financiers and politicians in New York shortly preceding the election of 1896. One gentleman, a high official of the Standard Oil, at one of these conferences declared that "the chances of a McKinley victory looked pretty bad and that the latest canvass of the States showed that unless something radical were done Bryan would surely win." He said that "half a dozen of the biggest financiers in Wall street" had held a consultation, and that "it was decided to turn at least five of the doubtful States." To do this a fund of $5,000,000 was raised and turned over to the Republican national committee. Mr. Lawson tells this story with great circumstantiality, giving names, dates, and places in detail. In naught is he obscure or evasive. He unfolds a scheme planned within a circle around him, and in the execution of which he had a part. It was a scheme for public debauchery, the like of which was never seen before. It was a scheme for wholesale bribery; a conspiracy to buy the electoral vote of States. And this foul treason one of the conspirators justified with this sophistry:

If Bryan is elected—

He said—

there will be such a panic in this country as the world has never seen, and with his money ideas and the crazy-headed radicals he will call to Washington to administer the nation's affairs, business will surely be destroyed and the working people suffer untold misery. * * * It's a case of some of us sacrificing something for the country's good. Bryan's election would set our country back a century, and I believe it's the sacred duty of every honest American to do what he can to save his land from such a calamity.

Mr. President, what think you of that for an example of public duty? What need is there now of a Cincinnatus or a Washington? For unadulterated, patriotic self-sacrifice, ought not the Standard Oil henceforth to supply the American model? Proclaim it in the class room, herald it from the pulpit, that it may be an inspiration forever. The other day I read where General Stoessel, the Russian hero of Port Arthur, had asked the great Japanese commander who conquered him if it were true, as he had heard, that General Nogi had lost two sons in the siege. With deep emotion General Nogi replied that his two boys had been killed, but that he felt compensated for the loss by what they had accomplished. Mr. President, the sacrifice of that grim old warrior was nothing as compared to the sacrifice of the Standard Oil. His was only the sacrifice of blood; the other, the sacrifice of gold. The beauty and pathos of that scene at Port Arthur pales before the greater glory of Wall street rushing to save the country by buying an election.

What particular five States the $5,000,000 were raised to purchase has not been disclosed, except that several hundred thousand dollars of the fund were sent to Delaware. Lawson quotes one of the conspirators as saying to a representative of the Republican national committee that whatever was necessary to carry Delaware should be sent. This conspirator said to the committee's representative: "You had better have the committee ready to put in between $350,000 and $400,000 (in Delaware) if we call for it. I will see that it is kept down as low as possible." And the committee's representative replied "that the committee would do what was decided best." Lawson declares that a large sum was afterwards sent to Delaware in suit cases. This Delaware money concerned a stock deal as well as a political deal, but, if Lawson speaks the truth, it came from the Republican national committee, out of the corruption fund raised on Wall street and turned over to the committee. This part of Lawson's story has been in the main corroborated by Elverton R. Chapman, head of the firm of E. R. Chapman & Co., New York. In a recent statement Mr. Chapman said:

It is the first time I have told this story to anybody except my business partners. I remember well that it was Saturday before the election when I started for Wilmington, Del., with something like $225,000 in suit cases. The money was all currency in small bills, because the bunch down there will not stand for checks or big bills. We reached Wilmington all right, etc.

The remainder of Chapman's story concerns the distribution of the money pursuant to instructions.

Mr. President, this is enough. There is no need to prolong this recital. Here we have a statement, positive and unequivocal that $5,000,000 were raised to be used by the Republican national committee in five doubtful States. A million dollars to the State! For what was it used? For what could it be used? This testimony of Lawson's is not based on hearsay, but on personal knowledge. Is it true? As the case now stands we are compelled to accept it as true. It is impossible to believe that a reputable man would promulgate a story like this if it is false. Men of character do not viciously lie for the mere love of it. I can not see that any advantage could possibly accrue to Lawson by a fabrication of this kind. On the contrary, his statement, whether true or false, was certain to excite hostile criticism and to array powerful influences against him. It is hard to believe that a sane man, to say nothing of his integrity, would deliberately lie without an apparent object to his own detriment. For the sake of those whose good names are involved, for the sake of the public weal, and for the sake of truth itself, this story should be sifted.

The senior Senator from New York has proposed a bill to reduce the Congressional representation of the Southern States for the reason that those States, or some of them, have imposed qualifications upon the right to vote. Why the Senator should confine his reformatory crusade to the South is remarkable, since Northern States have prescribed like qualifications upon the suffrage right. If it can be shown that fraud or force is employed in any Southern State to control elections the evil should be eradicated. However, in the meantime it might advantage the honorable Senator from New York to hold the small end of the telescope to his critical eye. If he is searching for crimes against the suffrage there is no need of a distant view. The conspiracies formed in New York to debauch the electorate are not only a crime against the suffrage, but a crime immediately subversive of representative government, and to its suppression the Senator from New York might profitably devote his solicitous attention. He might put his own house in order before inspecting the domicile of his neighbor. To the suppression of this crime we should all consecrate ourselves without division. Partisan considerations should not restrain or influence us. The extent of the evil should be known and drastic remedies should be applied.

PRESIDENT'S RECOMMENDATIONS.

Finally, Mr. President, I call attention to the third preamble to the pending resolution. This preamble relates to a passage in the President's last message, of date December 6, 1904. In that message the President used this language, which I will request the Secretary to read.

The Secretary read as follows:

The power of the Government to protect the integrity of the election of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. I recommend the enactment of a law directed against bribery and corruption in Federal elections. The details of such a law may be safely left to the wise discretion of the Congress, but it should go as far as under the Constitution it is possible to go, and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector; and provisions for the publication not only of the expenditures for nominations and elections of all candidates, but also of all contributions received and expenditures made by political committees.

Mr. STONE. What the President here asserts is true and what he counsels is wise. While applauding what he says, I confess to some surprise at his frank deliverance. Under the circumstances I am not surprised that the President should be impressed with the prevalence, perhaps even with the enormity, of the crime he denounces; but I am surprised that he should, so soon after the election, denounce this particular crime in language so explicit and defiant. If Judge Parker spoke truly, then the President himself is the conscious beneficiary of the very crime he condemns. That Judge Parker spoke truly, in part at least, the President admitted; whether he spoke truly throughout is a question. The President's intrepidity puzzles me to determine whether he was in fact advised, and to what extent advised, as to the immoral means employed to promote his election. I would prefer to believe that the President was ignorant of many things done for his profiting. Theodore Roosevelt is instinctively an honest man. But he is also inordinately ambitious, and I have thought that ambition had so blurred his native honesty as to blind him momentarily and to make him do things, or suffer things to be done, that would otherwise have been repulsive. And may not this in fact be the true conception? May it not be, now that his battle is won and his intrenchment in power sure, that the President looks abhorrent upon the orgies out of which his triumph grew, and that he has resolved to expiate the offense by making its repetition impossible?

True it has been irreverently suggested that this loud alarum

from the White House was only a stroke of smart practical politics intended to checkmate a threatened move on the same line by a distinguished Democratic Representative from New York. But, although it will be generally admitted, and by none more readily than by that disconsolate band of recalcitrant Republican leaders whom the President has coerced into submission, that he is an adroit and most accomplished politician, I repudiate the suggestion that the President has been instigated by partisan considerations to uplift this banner of reform. I prefer to believe the best of him, and, all things considered, the best I can believe is that the President, being an honest man, smarting under the sting of remorse, and being himself no longer interested in campaign contributions, has resolved unselfishly to exert his strength to promote the public welfare in this behalf. However, it profits nothing to question the President's motives for championing this reform. Whatever his motive, his strenuous leadership should be accepted and his powerful advocacy applauded. I am willing to follow his lead in this particular. I am willing to proceed on the lines he has indicated. But first let us have the whole subject investigated by a committee of trained lawyers, so that we may proceed informedly and intelligently. Will Republican Senators follow the President's lead in this matter? Have they any reason for holding back? With any of them will prudence prove the better part of valor?

I hope Senators will vie with each other in running this accursed treason down. Guard the Republic against this crime which strikes at the root of national life. Corruption is like a worm in the bud. If not plucked forth it will destroy the flower of liberty. Let us make our elections a true expression of the free, intelligent, unbought will of the American people. Let us give to the maxim "Vox populi, vox Dei" a vital meaning in American public life.

Mr. President, that is all I care to say now. I ask that the resolution lie upon the table.

Mr. HANSBROUGH. Mr. President, I do not assume to speak for the President of the United States on a matter of this kind, or any matter, so far as that is concerned, but I think, in view of what the Senator from Missouri has said, and in view of the fact that he has quoted only partially from the reply of President Roosevelt to the charges made by Judge Parker, that the reply of the President should be read at the desk at this time. I ask unanimous consent that it may be read.

The PRESIDING OFFICER (Mr. NELSON in the chair). It will be read if no objection is made. The Chair hears none. The Secretary will read as requested.

The Secretary read as follows:

WHITE HOUSE,
Washington, D. C., Friday.

Certain slanderous accusations as to Mr. Cortelyou and myself have been repeated time and again by Judge Parker, the candidate of his party for the office of President.

He neither has produced nor can produce any proof of their truth, yet he has not withdrawn them; and as his position gives them wide currency I speak now lest the silence of self-respect be misunderstood.

Mr. Parker's charges are, in effect, that the President of the United States and Mr. Cortelyou, formerly Mr. Cleveland's executive clerk, then Mr. McKinley's and my secretary, then Secretary of Commerce and Labor, and now chairman of the Republican national committee, have been in a conspiracy to blackmail corporations, Mr. Cortelyou using his knowledge gained while he was Secretary of the Department of Commerce and Labor to extort money from the corporations, and I, the President, having appointed him for this especial purpose.

The graveness of these charges lies in the assertion that the corporations have been blackmailed into contributing and in the implication which, in one or two of Mr. Parker's speeches, has taken the form practically of an assertion that they have been promised certain immunities or favors or have been assured that they would receive some kind of improper consideration in view of their contributions.

That contributions have been made to the Republican committee, as contributions have been made to the Democratic committee, is not the question at issue. Mr. Parker's assertion is in effect that such contributions have been made for improper motives, either in consequence of threats or in consequence of improper promises, direct or indirect, on the part of the recipients. Mr. Parker knows best whether this is true of the contributions to his campaign fund which have come to his trusted friends and advisers who represent the great corporate interests that stand behind him.

But there is not one particle of truth in the statement as regards anything that has gone on in the management of the Republican campaign. Mr. Parker's accusations against Mr. Cortelyou and me are monstrous. If true they would brand both of us forever with infamy; and, inasmuch as they are false, heavy must be the condemnation of the man making them. I chose Mr. Cortelyou as chairman of the national committee after having failed successively to persuade Mr. Elihu Root, Mr. W. Murray Crane, and Mr. Cornelius M. Bliss to accept the position. I chose him with extreme reluctance, because I could ill spare him from the Cabinet. But I felt that he possessed the high integrity which I demanded in the man who was to manage my campaign.

I am content that Mr. Parker and I should be judged by the public on the characters of the two men whom we chose to manage our campaigns; he by the character of his nominee, Mr. Thomas Taggart, and I by the character of Mr. Cortelyou. The assertion that Mr. Cortelyou had a knowledge gained while in any official position whereby he was enabled to secure and did secure any contributions from any corporation is a falsehood.

The assertion that there has been any blackmail, direct or indirect, by Mr. Cortelyou or by me is a falsehood. The assertion that there has been made in my behalf and by my authority by Mr. Cortelyou or by anyone else any pledge or promise, or that there has been any understanding as to future immunities or benefits in recognition of any contribution from any source, is a wicked falsehood.

That Mr. Parker should desire to avoid the discussion of principles I can well understand; for it is but the bare truth to say that he has not attacked us on any matter of principle or upon any action of the Government save after first misstating that principle or that action.

But I can not understand how any honorable man, a candidate for the highest office in the gift of the people, can take refuge merely in personalities, but in such base and unworthy personalities.

If I deemed it necessary to support my flat denial by any evidence I would ask all men of common sense to ponder well what has been done in this campaign by Mr. Cortelyou, and to compare it with what Mr. Parker himself did when he was managing Mr. Hill's campaign for governor, and to compare what has been done as regards the great corporations and moneyed interests under this Administration with what was done under the last Democratic Administration, when Mr. Olney was Attorney-General. I would ask all honest men whether they seriously deem it possible that the course this Administration has taken in every matter from the Northern Securities suit to the settlement of the anthracite coal strike, is compatible with any theory of public behavior save the theory of doing exact justice to all men without fear and without favoritism. I would ask all honest and fair-minded men to remember that the agents through whom I have worked are Mr. Knox and Mr. Moody, in the Department of Justice; Mr. Cortelyou, in the Department of Commerce and Labor, and Mr. Garfield, in the Bureau of Corporations, and that no such act of infamy as Mr. Parker charges could have been done without all those men being parties to it.

The statements made by Mr. Parker are unqualifiedly and atrociously false.

As Mr. Cortelyou has said to me more than once during this campaign, if elected I shall go into the Presidency unhampered by any pledge, promise, or understanding of any kind, sort, or description save my promise made openly to the American people, that so far as in my power lies I shall see to it that every man has a square deal, no less and no more.

THEODORE ROOSEVELT.

The PRESIDENT pro tempore. The resolution will go to the Table Calendar if the Senator from Missouri desires no other disposition made of it.

Mr. STONE. I ask that it may lie on the table.

The PRESIDENT pro tempore. It will go to the Table Calendar. The Secretary will report the first case on the Calendar.

RESERVE MILITIA.

The bill (S. 5094) to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof was announced as the first bill in order on the Calendar.

Mr. HALE. Let the bill go over. It is a very great, enormous scheme, involving millions of dollars. I object to the bill, and ask that it go to the Calendar under Rule IX. I do not want to leave it in a situation where it can come up any day, and, in the absence of Senators who are opposed to it, pass by unanimous consent. Therefore, I make such an objection as will carry it to the Calendar under Rule IX.

The PRESIDENT pro tempore. The bill will go to the Calendar under Rule IX.

PENSION ORDER OF INTERIOR DEPARTMENT.

Senate resolution No. 152, submitted by Mr. CARMACK, instructing the Committee on the Judiciary to inquire and report whether there is authority of law for a recent order of the Secretary of the Interior that all persons who served in the Army or Navy during the war of the rebellion, etc., who have reached the age of 62 shall be presumed to have incurred such disabilities as to entitle them to receive pensions under act of June 27, 1890, was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. I think the resolution may as well go over under Rule IX.

Mr. BATE. Mr. President, I ask that the resolution may be laid over until the return of the Senator from Tennessee [Mr. CARMACK], who introduced it. He is not here, but will be in a day or two.

The PRESIDENT pro tempore. The Senator from Connecticut objects, and asks that it go to the Calendar under Rule IX. It is so ordered.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

The bill (S. 599) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, was announced as the next business in order.

Mr. HALE. This is a very important bill, and it will lead to large debate. It ought to go to the Calendar under Rule IX.

The PRESIDENT pro tempore. The Senator from Maine objects, and asks that the bill go to the Calendar under Rule IX. That order is made.

LODE CLAIMS IN ALASKA.

The bill (S. 5183) to modify the law pertaining to the acquisition and holding of lode claims in the district of Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Mines and Mining with amendments.

The first amendment of the Committee on Mines and Mining was, in section 1, page 1, line 6, after the word "made," to insert "at the point of discovery;" so as to make the section read:

That within ninety days after the location of any lode claim in the district of Alaska, and before notice of such location is filed for record, a shaft at least 10 feet deep shall be sunk on a lode in said claim, or an open excavation shall be made at the point of discovery not less than 10 feet long and exposing such lode at least 10 feet in depth. An affidavit, sworn to by the owner, or some one on his behalf, who has knowledge of the matter, stating the nature and extent of the work, and upon what part of the claim, and by whom it is performed, shall be filed with the location notice.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 3, after the word "than," to strike out "twenty days'" and insert "two hundred hours';" and in line 5, after the word "shall," to strike out "before the 1st of January each year" and insert "within three months after the performance of the annual labor;" so as to make the section read:

SEC. 2. That the work required by law to be performed upon each lode claim each calendar year shall in no part of Alaska represent less than two hundred hours' labor. That the owner of any lode claim heretofore or hereafter located in the district of Alaska shall, within three months after the performance of the annual labor, file for record with the recorder in the recording district where the claim is situated an affidavit, subscribed and sworn to by himself, or some one on his behalf, who has knowledge of the facts, stating the value of such work, the nature and character of the work, on what part of the claim it has been performed, the name or names of the persons who performed it, together with the dates upon which each performed the work.

Mr. HOPKINS. I should like to ask if any members of the committee having the bill in charge are present. It is a bill of a good deal of importance.

The PRESIDENT pro tempore. The bill was reported by the Senator from Idaho [Mr. HEYBURN] from the Committee on Mines and Mining.

Mr. HOPKINS. I suggest that the bill be laid aside temporarily until the Senator from Idaho comes in.

Mr. HALE. Will the Senator withhold that suggestion for a moment——

Mr. HOPKINS. Certainly.

Mr. HALE. And let the Secretary read that part of the bill referring to prosecutions for perjury where no oath had been administered. That seems to be an innovation, so far as I know.

The Secretary read as follows:

SEC. 5. That any person who shall swear to or sign any affidavit required by this act knowing such affidavit to be false in whole or in part, or without knowing the statements therein contained to be true, shall be guilty of perjury, and shall, upon conviction thereof, be punished by imprisonment in the penitentiary for a term of not more than five years. It shall be no defense to a prosecution for perjury under this section that an oath was not administered, or that it was taken in an irregular manner, or that the affidavit does not comply with all the requirements of this act.

Mr. HALE. It is a very remarkable innovation in a criminal law applied to a prosecution for perjury to declare that it can be sustained although no oath has been administered. I think the bill had better go over at any rate.

Mr. HOPKINS. There is another point to which I desire to call the Senator's attention. If there is an honest mistake on the question of boundary the bill makes it perjury, the same as though it were willfully and knowingly done.

The PRESIDENT pro tempore. The bill will go over on objection, retaining its place.

GREAT FALLS AND OLD DOMINION RAILROAD.

The bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia was announced as next in order.

Mr. MARTIN. Just let that bill go over without prejudice. Of course I do not expect to ask that it be taken up now, as only fifteen minutes remain before the unfinished business would displace it.

The PRESIDENT pro tempore. The Senator from Virginia asks that the bill may go over without prejudice.

Mr. HALE. Let it go to the Calendar under Rule IX. Of course it will have to be debated, as it was before.

Mr. MARTIN. I have no objection to that course; it makes no difference which Calendar it goes to. It will have to be taken up by motion, I know, whenever it is taken up.

The PRESIDENT pro tempore. The bill will go to the Calendar under Rule IX.

PENSIONS TO SURVIVORS OF INDIAN WARS.

The bill (S. 3642) to extend the provisions, limitations, and benefits of the act of July 27, 1892, as amended by the act of June 27, 1902, was announced as next in order on the Calendar.

Mr. PLATT of Connecticut. I think the bill may as well go over under Rule IX.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar under Rule IX.

RESTORATION OF AMERICAN CITIZENSHIP.

The bill (S. 4438) to restore American citizenship to any woman whose citizenship has been lost or suspended by marriage with a foreigner was announced as next in order.

Mr. PLATT of Connecticut. That bill was up the other morning, and its further consideration objected to. I think the Senator who objected to it is not in his seat, and I ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice.

ACCEPTANCE OF DECORATIONS.

The bill (S. 4947) granting permission to George W. Hill, Henry E. Alford, G. B. Brackett, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Shulte, all of the Department of Agriculture, to accept decorations tendered them by the Government of France, was announced as next in order.

Mr. PLATT of Connecticut. That bill and the next, the bill (S. 5269) to authorize Mr. Herbert W. Bowen, minister of the United States to Venezuela, to accept a gift conferred upon him by the Shah of Persia, and some other bills on the Calendar, authorize our ministers and persons in the employ of the Government to accept decorations. I think they all ought to go over. Let this bill and the next go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over. The next bill, being the bill (S. 5269) to authorize Mr. Herbert W. Bowen, minister of the United States to Venezuela, to accept a gift conferred upon him by the Shah of Persia, will go over.

OWNERS OF PRIVATE DIES.

The bill (S. 1387) to refund internal-revenue taxes paid by owners of private dies was announced as next in order.

Mr. PLATT of Connecticut. That claim has been put on the omnibus claims bill. It is not by any means sure that the omnibus claims bill will pass, and, therefore, perhaps the bill had better remain on the Calendar under Rule IX until that is determined.

The PRESIDENT pro tempore. The bill goes to the Calendar under Rule IX.

CHARLES L. PERKINS.

The bill (S. 4276) for the relief of the estate of Charles L. Perkins was announced as next in order.

The Secretary read the bill.

Mr. PLATT of Connecticut. Let the report be read.

Mr. ALLISON. Let the bill go over for the present, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over—retaining its place?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. Retaining its place.

JURISDICTION OF COURT OF CLAIMS.

The bill (S. 4499) to extend the jurisdiction of the Court of Claims was announced as next in order.

Mr. ALLISON. Let the bill go over without prejudice.

The PRESIDENT pro tempore. It will go over without prejudice.

SOUTHERN JUDICIAL DISTRICT OF WASHINGTON.

The bill (S. 2521) to detach certain counties from the United States judicial district of Washington and to create a new judicial district, to be called the southern district of Washington, was announced as next in order.

Mr. PLATT of Connecticut. I desire to offer an amendment to that bill, but it has not been prepared at this time. Bills of this nature, I will say, have hitherto failed to provide for the trial of offenses committed within that portion of the district which is put into a new judicial district, and that has created some considerable annoyance and led to a failure of justice. I should want to add such an amendment to this bill if it is to pass. Therefore I ask that it may go over, keeping its place.

The PRESIDENT pro tempore. The bill will go over without prejudice.

FOREST RESERVATIONS.

The bill (S. 4429) relating to the creation of forest reservations on the public domain, and for other purposes, was announced as next in order.

The Secretary read the bill.

Mr. SPOONER. I think it would be well enough to lay the

bill aside until the Senator who reported it comes in. I ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill goes over without prejudice.

MILITARY TELEGRAPH OPERATORS.

The bill (S. 982) amending the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," was announced as next in order.

Mr. ALLISON. Let the bill go over without prejudice.

The PRESIDENT pro tempore. It will go over without prejudice.

JOHN M. HILL.

The bill (S. 4277) for he relief of John M. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in lines 7 and 8, to strike out "$1,248.50" and insert "$750;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to John M. Hill, late register of the United States land office at Walla Walla, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $750, the amount paid by him out of his own funds for clerk hire during his term of office as such register prior to the appointment of a clerk in said office from an eligible list furnished by the Civil Service Commission of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE RESERVATION, WASH.

The bill (S. 5187) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, was announced as next in order.

Mr. ANKENY. The Senator from Michigan [Mr. BURROWS] objected to the bill when it was up before, and I ask that it may go over without losing its place until he may appear.

The PRESIDENT pro tempore. The bill goes over without prejudice.

INFORMATION AND DISPLAY BUREAU FOR IMMIGRANTS.

The bill (S. 4118) authorizing the Commissioner-General of Immigration, under the direction of the Secretary of Commerce and Labor, to establish in connection with the immigrant station at Ellis Island an information and display bureau for the purpose of aiding in the distribution of immigrants, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read and considered as in Committee of the Whole.

Mr. PLATT of Connecticut. Let it be read again.

The Secretary proceeded to read the bill.

The PRESIDENT pro tempore. The Secretary will suspend the reading. The hour of 2 o'clock having arrived——

Mr. HALE. Let the bill go to the Calendar under Rule IX.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar under Rule IX. The Chair lays before the Senate the unfinished business, which is House bill 14749.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BERRY. I desire to offer an amendment to the bill, and if it is not in order to offer it now I wish to give notice of it and have it printed. Let it be read.

The PRESIDENT pro tempore. The amendment will be read, there being no objection.

The SECRETARY. In line 11, page 22, after the words "United States," insert:

That the consent of the United States is hereby given for the State of Arkansas to extend her western boundary line so as to include all that strip of land in the Indian Territory lying and being situate between the corporate limits of the city of Fort Smith and the Arkansas and Poteau rivers, and extending up the Poteau River to the mouth of Mill Creek: *Provided,* That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said part of said Indian Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed.

The PRESIDENT pro tempore. The amendment will lie on the table and be printed.

Mr. BERRY. Mr. President, I desire to say just a word in regard to that amendment. Of course I understand that the amendment is not now before the Senate.

There is at Fort Smith, Ark., east of the Poteau River and south of the Arkansas River, a small strip of land which belongs to the Choctaw Nation. It constitutes a part of the city of Fort Smith, and by consent of the Choctaws and Chickasaws the Fort Smith city government has been exercising police powers over it for some time. This is a proposition for the Government to consent that Arkansas may attach that strip of land to her territory. There are about 15 acres of it, I think. There are some 12 blocks; they are irregular blocks, and I do not know the amount of land in each block, but there are in the neighborhood of 15 acres. It is now a part of the city of Fort Smith, and called Western Fort Smith. The Poteau River lies between that strip of land and the nation, and it ought to be under the jurisdiction of Arkansas and the city of Fort Smith.

Mr. SPOONER. This is one of the instances where the Senator from Arkansas is in favor of expansion.

Mr. BERRY. I am not in favor of expansion so far as the Choctaw Nation is concerned, but I want to expand Arkansas to the extent of this reservation. That is all there is in it.

Mr. NELSON. I understand the amendment is not now offered for action, but simply submitted.

The PRESIDENT pro tempore. The amendment lies on the table.

Mr. NELSON. It lies on the table.

Mr. CLAY. Mr. President, the pending bill proposes to combine the two Territories, Oklahoma and the Indian Territory, and to make one State of the same, and to unite the two Territories, Arizona and New Mexico, thus forming one State to be called "Arizona." I will not interpose any objection to the union of the former, but desire to discuss and present the objections I entertain against the admission of the latter two Territories as one State. I believe that under the platforms of the two great political parties we are bound to admit each of the four Territories as separate and distinct States. I will not undertake to present the platforms of the two great political parties as set forth in national conventions heretofore, for this has already been done during the progress of the debate time and again. I wish to urge the many objections which I consider serious in their nature against the union of New Mexico and Arizona as one State. We have owned these two Territories for more than fifty years. Arizona was formerly a part of New Mexico. President Buchanan recommended a division along the mountain range so as to form two Territories.

The purpose of such recommendation was clearly to give to the people then residing in New Mexico and the county of Arizona local self-government so that they could transact the business necessary to carry on their local affairs without traveling from seven hundred to a thousand miles to the capital of New Mexico. He sought to give them a more economic form of government, where the capital of the Territory would be within easy reach of the people of Arizona, and to enable them to administer their affairs at the least possible cost. A bill was introduced in Congress in 1861 by the Delegate from New Mexico providing for a temporary government for Arizona and dividing the Territory of New Mexico as nearly as practicable into halves, drawing a line directly north and south through New Mexico and following the Continental Divide, shedding the waters to the east, on the New Mexico side, to the Atlantic Ocean, and those on the Arizona side to the Pacific Ocean. A critical examination of this bill will show that it provided that temporary government should be maintained and continued in Arizona until such time as the people residing therein shall, with the consent of Congress, form a State government. This bill became a law, and from that time to the present period Arizona has been a Territory, with a Territorial government, seeking admission into the Union as a State. From that period to the present time New Mexico and Arizona have been separate and distinct Territories. The debate preceding the passage of this bill separating the two Territories will be found to be interesting and sets forth clearly and forcibly the reason why the division was made.

The principal reason urged for the passage of this bill was on account of the great inconvenience necessarily caused to those residing in Arizona by traveling to Santa Fe, the capitol of New Mexico, more than 700 miles. It was insisted in the debate that the Territory of New Mexico ought to be divided, that it was large enough for four States, and that it was the established policy of this Government to form compact States for the convenience of the people residing in such Territory. Senator Wade called special attention to the fact that the Territory of New Mexico, including Arizona, was altogether

too expensive and too inconvenient to the people to transact public business. He also called attention to the fact that New Mexico and Arizona constitute a country larger than half of Europe, and that the seat of justice in New Mexico, where the people must go to transact public business, was more than 700 miles from the principal place of business of Arizona.

The very identical question which we are to-day discussing was then maturely considered by Congress, and both branches of Congress reached the conclusion that New Mexico was too large for one State, that in the interest of economic government, and to satisfy the needs and convenience of the people, the division was made. It was contemplated that these two Territories should remain separate and distinct until qualified for statehood, and when so qualified should be admitted as separate and independent States. The act of Congress specially provides that Arizona shall enjoy a Territorial government until such time as the people residing therein should form a State government. Congress may have the legal and constitutional right to unite the two and to deny to each separate statehood, but I doubt if we have the moral right to do so. Such legislation violates the spirit of the act separating these two Territories.

This bill, now before the Senate, proposes to undo the former action of Congress and to blend them together, against their will and over their protest, and to impose upon the people of Arizona all of the inconveniences the act separating them was intended to obviate. Clearly, to my mind, such legislation breaks the faith the law separating them bore to these people. The Committee on Territories do not contend that the people of New Mexico and Arizona desire to become united and come into the Union as one State.

I wish to call the attention of the Senator in charge of the bill—the Senator from Minnesota [Mr. NELSON]—to the fact that we have not been furnished in the Senate with any evidence taken before that committee showing that any considerable per cent of the people of either Arizona or New Mexico desire this union.

Mr. BATE. If the Senator will pardon me, I wish in this connection to state that we wanted to get the bill back to the committee, so as to get the testimony that he is now calling for, but it was denied us. No testimony was taken before the Senate committee, and hence we have to rely upon testimony taken in the House.

Mr. CLAY. Strange to say, Mr. President, the Committee on Territories had this bill before them for a long while, and the Committee on Territories report a bill proposing to unite four Territories into two States and admit them as two States into this Union, and the Senate has not been furnished with any evidence to show the wishes and desires of the people of either Territory. There is no report from the Committee on Territories showing that the people desire this union.

It does strike me, Mr. President, that when we attempt to unite these two Territories into one State we ought to have some evidence from the Committee on Territories showing that the people residing in Arizona, or some per cent of those people, at least, desire this legislation. I stand here in my place and say that the Committee on Territories has not furnished to the Senate any proof from a single witness residing in either New Mexico or Arizona to show that the population of those two Territories desire this union. The Committee on Territories has not furnished any proof or any report to the Senate to guide us in ascertaining the wishes of those people in regard to this unnatural union. I do not believe a single member of that committee can furnish to the Senate proof that there is any sentiment in New Mexico or Arizona desiring such union.

I pause, Mr. President, and say now I do not believe it can be shown that 5 per cent of the people of Arizona and New Mexico desire this union. I believe that if separate statehood was granted to these people that unanimously they would prefer it to the union, provided they could get separate statehood.

The Delegate nominated by the Republican party to represent New Mexico in the next Congress accepted the nomination and set forth as a part of his platform the early admission of New Mexico as a separate and distinct State. I quote as follows from his platform.

Now, mark you, the Delegate who has been elected to represent New Mexico in the next Congress was elected on a platform favoring separate statehood for New Mexico, and he pledged himself to act in accordance with that platform.

Mr. President, let us see what the Republican convention which had met to nominate a Delegate to represent New Mexico in the next Congress said:

> Statehood is the most important question before the people of New Mexico at this time. Our loyalty to the General Government, our great progress in natural wealth, our system of magnificent schools, our code of civil and criminal laws, our freedom from mob law, our respect for the courts, the extent of our great Territory, and the intelligence of our people entitle us to an equal status among the States of this Union under its present name and boundaries.

I want to call the attention of the Senator in charge of this bill to the fact that that plaform demanded the admission of New Mexico in its present name and with its present boundaries. Mr. Andrews, who defeated Mr. RODEY, a most excellent representative from that Territory, who, as we are told now, is in favor of single statehood, said, when he accepted the nomination for Delegate in the Fifty-ninth Congress:

> If elected, I will have introduced and will work earnestly for the passage by Congress of a bill granting statehood to New Mexico—

How?—

> under its present name and within its present boundaries and donating to the Territory a liberal amount of public land and money for its public schools, institutions, and other public purposes.

I lay down the proposition, Mr. President, and I will prove it, that every Delegate elected during the last twelve years to represent New Mexico in Congress has been elected on a platform in favor of statehood for New Mexico with her present boundaries and and her present name.

Mr. BATE. Before the Senator passes from that point, I should like to ask from which one of these platforms he is reading?

Mr. CLAY. I am reading from the Republican platform.

Mr. BATE. I know; but of what year?

Mr. CLAY. I am reading from the Republican platform of last year, the platform of the Republican convention which elected the Delegate who is to take his seat when the next Congress meets.

Mr. BATE. Is the Senator reading from the platform on which that Delegate was nominated?

Mr. CLAY. Yes; the platform which was adopted at the time he was nominated and when he accepted that nomination.

Mr. BATE. Not the national platform?

Mr. CLAY. No; not the national platform.

Mr. President, to show the unanimity of the people of New Mexico in favor of single statehood, I desire to call attention to the fact that both political parties, in nominating Delegates to represent that Territory in Congress, have declared with unanimity in favor of statehood for New Mexico. If you will examine into what has occurred in Arizona you will find the same thing to be true there. The Republican party and the Democratic party in that Territory have both declared in favor of single statehood. I lay down the proposition that during the last twelve years all conventions, both Republican and Democratic, held in Arizona and in New Mexico have declared with unanimity in favor of single statehood.

Mr. President, it may be true that the people of New Mexico may be driven to union with Arizona because we decline to give them statehood in any other way, but such action on our part, in my opinion, is not in keeping with the spirit of our American institutions. We ought at least to pay some attention to the wishes and desires of the people to be affected by this legislation.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from Georgia if, in his opinion, there is any sentiment worthy of mention, even in New Mexico, in favor of joint statehood, except as a choice between joint statehood and a continuance in their present Territorial condition?

Mr. CLAY. I will say to the Senator that the information I have is that the people of New Mexico and Arizona are unanimous in favor of separate statehood. Probably a majority of the people of New Mexico would prefer union statehood of the two Territories rather than to be denied statehood altogether, and Mr. RODEY, in his statement here, only contends for statehood for the two Territories as one State for the reason that he sees no hope of getting single statehood in accordance with the wishes and desires of the people residing in those Territories. I do not believe the committee has furnished to this Senate any evidence that there is any widespread desire amongst the population residing in either Territory for a union of the two Territories into one State.

The present Delegate from Arizona and the Delegate elected to succeed him are zealously opposing the union of these two Territories, and they tell us that the population of Arizona are unanimous against the admission of the two Territories as one State. They know the wishes and desires of their constituents, and we ought to listen to their arguments and heed their counsel. What evidence has a majority of the Committee on Territories presented to the Senate to show that there is any sentiment in Arizona or New Mexico in favor of this union? They

may accept it, because they are extremely anxious to enjoy the advantages of statehood. But no one will deny that the population of both Territories prefer with unanimity separate statehood for each Territory.

Mr. SIMMONS. Mr. President, with the permission of the Senator from Georgia——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. CLAY. With pleasure.

Mr. SIMMONS. I do not know whether the Senator's attention has been called to a paper, placed, I believe, upon the desk of almost every Senator, which contains an article entitled "New Mexico Stands Pat for Joint Statehood." An examination of the article shows exactly what the Senator is stating, that, while it is claimed on behalf of New Mexico that its people are unanimous for statehood, they are only in favor of it, as the Senator has stated, as a choice between two evils when failing to get separate statehood. If the Senator will permit me, I should like to read an extract from the article.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. CLAY. I have no objection to yielding to the Senator to have him read the article.

Mr. SIMMONS. With the Senator's permission, I will now read an extract from that article, which shows the truth of his statement and of my statement. It is as follows:

> An overwhelming majority would like to have single statehood, but failing of that, would be willing to accept and would vote for joint statehood with Arizona.
> There are a large number who favor joint statehood alone and who would be against single statehood.

But the overwhelming majority, according to this article which has been placed upon our desks as an argument, I take it, in favor of joint statehood, are in favor of joint statehood only as a choice between evils.

Mr. CLAY. I have not heard that proposition denied by any member of the committee.

Under our popular institutions, in dealing with such grave problems we certainly should consult the wishes and conveniences of those so deeply and vitally interested. Whatever we do can not be undone. This bill proposes the formation of two States out of four Territories—legislation of the greatest importance—and the Senate thus far has not been furnished with the slightest evidence giving the desires of the population of the Territories in regard to the pending measure. I oppose the blending of these two Territories into one State because nature has separated them by a great natural barrier. The mountain range, known as the Continental Divide, rising from 5,000 to 10,000 feet in height, with practical crossings at only a few places, separates these two Territories. The present Delegate from Arizona tells us that this natural barrier would render it extremely burdensome for most of the people of Arizona to pass from their homes to the capital of the new State, should it be established as now outlined. I oppose the blending of the two States because a large per cent of the people of New Mexico are Mexicans, while the population of Arizona, with the exception of the Indians, is almost entirely American. The population of New Mexico and Arizona have different habits and customs, and such union would undoubtedly create friction in the event they are united against their will. Statistics show that New Mexico is a Catholic country and Arizona a Protestant country; and the information furnished me leads me to believe that the two are not likely to come together in brotherly love.

Experience and observation have taught me that racial differences and antagonisms are hard to overcome. We might say they ought not to exist, that separate and distinct races ought to exercise more charity and forbearance. This may be true, but it becomes the duty of those who legislate for the good of the country to look great truths in the face, and to deal with men, their passions and prejudices, as we find them. If we can avoid race antagonisms we ought to do so. We should not attempt to unite in one State separate and distinct races, with different habits and customs, entertaining hostile feelings and incapable of living together in peace. Each Territory, when joined together in statehood, would be jealous of the other, always striving to control and shape the legislation of the new State. The laws made to meet the demands of the people of New Mexico might not give satisfaction to the people of Arizona. I predict, if this bill shall become a law, that a legislative war will begin when these two Territories meet in convention to form a constitution, and will never end, resulting in a bitter and continuous feud between the population of the two Territories. In my judgment it is far better to let them remain Territories than to attempt to unite them against the wishes of the people of the two Territories. No one having authority to represent either the people of Arizona or New Mexico contends that this union would be satisfactory to those directly interested in this legislation. Mr. RODEY, the Delegate from New Mexico, is reluctantly supporting this bill because he fears, unless he accepts statehood for the two Territories, that legislation providing for statehood in any form whatever will be defeated. I have read with some interest the argument he made in favor of this union, and this argument thoroughly convinces me that he would rejoice to see separate statehood for each Territory.

Mr. BATE. I would ask the Senator if he does not know, speaking of the present Delegate from that Territory, that at the last session his position was just the reverse of what it is at present; that he has changed his position, and is now willing to accept joint statehood, because, as he stated in his speech, he fears they will have to take that or nothing. He has formerly advocated the other proposition.

Mr. CLAY. I am glad to do him justice, and I would not be willing, under any circumstances, to do him an injustice. It is true that at the last session of this Congress Mr. RODEY zealously advocated single statehood; it is also true that now he is in favor of single statehood, and that he simply accepts this measure for joint statehood because he can not get what his people want. That is the only reason for his doing so.

He accepts this bill solely for the reason that he is convinced that he must do so or nothing will be done by this Congress to gratify the people of the Territory he represents. He knows that the population of the Territory, which he so well represents, has sought for nearly fifty years to become a member of the Union, and, while seventeen different bills have passed the House granting statehood to New Mexico, still their fondest hopes have been crushed, either in the Senate or conference committee. He says himself that he has seen every bill that has been before Congress for statehood where more than one State was involved go down in defeat. This situation his people have faced for a half century. I read with sorrow his speech favoring the measure. I could see clearly between the lines that it was with humiliation and sorrow that he accepted the terms unjustly demanded by a majority of the Committee on Territories. Mark you, he proclaims that this bill is not an unmixed evil. It gives statehood, which his people so much desire, but in such a way as to wound the pride and destroy the history of New Mexico. This Territory has a remarkable history, which records the struggles and triumphs of her people for more than a half century, but after the passage of this bill this ancient and honorable Territory will no longer exist in name and character, but will be merged with Arizona, and her people will be deprived of the honorable name they have so long enjoyed. I am not surprised that they should receive this legislation with shame and humiliation; I am not surprised that they are ambitious to become a member of the Union, clothed with all the rights and powers of statehood, that they may make for themselves and their posterity a name and character in the sisterhood of States that would redound to the honor and glory of this Republic.

It is wrong, wickedly and cruelly wrong, to deprive New Mexico of the name which she has so long enjoyed, and which she is entitled to enjoy as a member of this Union. Mr. RODEY, in answer to a question asked him by Mr. WILSON, the Delegate from Arizona, which was to the effect: "Was it not true that these two Territories were large enough for two States, and ought, in fact, to be two States?" replied, in substance: "Yes; but we in New Mexico have made up our minds that a half loaf is better than no bread." Shame that the American Congress should deprive these Territories of a whole loaf when they are justly entitled to it. Shame that the American Congress should force these Territories to accept single statehood by declining to give them anything unless they do so, when in justice they are entitled to and desire to be admitted into the Union as separate and independent States. The people of these Territories have waited long and patiently for separate statehood, and Mr. RODEY himself only accepts this measure because the prospect of separate statehood is so remote that he fears Congress will not grant it. I am glad to say that those of us on this side of the Chamber are ready to redeem our party pledges and do justice to the population of these two Territories. Mr. RODEY said: "I reluctantly acquiesce in the inevitable, and on behalf of the long-neglected, good Christian people of the great Territory of New Mexico, whom I have the honor of representing as a voteless Delegate, advocate the passage of this measure." Why does he advocate it? Why does he accept it? Why does he acquiesce in the decision of the majority of the Committee on Territories? Why is he willing to merge New Mexico into Arizona? Why is he

willing for the name of New Mexico to be dropped from the history of his country? Why is he willing to see her deprived of the honor and glory connected with independent statehood? I will tell you why. Because the majority of the Committee on Territories has denied to his people the right and privilege which legally and morally belongs to them. It is absurd to presume that the support which he gives this bill is any evidence whatever that the people of those two Territories desire this union.

I do not believe that any Senator on the Committee on Territories will say for a minute that the people of either Territory desire this union. I do not believe—and I challenge them to produce the evidence—that 10 per cent or 5 per cent or 2 per cent of the population of either Territory are in favor of this union, provided they can get single statehood. You can not produce the evidence.

Well does Mr. RONEY say that the people of these Territories have battled for a half century, until now, failing to secure all they were expecting, they accept the only measure of self-government which the powers that be in this nation seem willing to accord them. I believe this bill ought to be amended, striking out every section relating to the union of New Mexico and Arizona and inserting the legislation necessary to give statehood to both New Mexico and Arizona. I have offered such an amendment. This amendment is the identical bill that passed the House almost unanimously at the last session of Congress and was defeated in the Senate by continuous debate. I do not believe that any Senator will deny that had we reached a vote on this bill before the adjournment of Congress this measure would have received the approval of a majority of the Senate and would have given statehood to each of these Territories.

The identical bill passed the House practically without opposition and had a fair majority in the Senate during the last session of Congress, and there has been no change in the membership of either the House or the Senate.

It is not necessary to refer to the methods adopted to defeat this legislation, neither do I desire to criticise those who saw proper, in the discharge of their official duties, to defeat the measure. I simply desire to call attention to the fact that this amendment, which I now offer at that time met the approval of a majority of both Houses of Congress. In passing upon this important question, Mr. President, we should resort to argument, and not abuse; we should appeal to reason, and not to passion and prejudice; we should consider the welfare of the population of these Territories and the interests of the American people. We should critically examine the resources of each Territory and the character of the population residing therein and ascertain the capacity of the people to carry on State government. We should see if they are likely to be able to bear the burdens of taxation and to carry on all the functions of State government. We should ask the question, What is likely to be the future of these States in wealth and population in comparison with sister States? These are imporant inquiries, but how often in legislating we neglect important inquiries and are governed by passion and prejudice.

I shall now address myself, Mr. President, to these inquiries, and I do so believing that I am right, believing that these two Territories ought to come in as one State—that they are entitled to do so legally and morally.

Arizona has less population than New Mexico. This Territory embraces an area of 113,929 square miles, 42,000,000 acres of grazing land and 10,000,000 acres of agricultural land. The timber belt alone contains nearly 10,000 square miles. The last census shows 1,840 patented mines now in operation in Arizona. The output from these mines annually, in round numbers amounts to $43,000,000. Tell me a Territory like this is not capable of discharging the duties of statehood!

The mining interest in this Territory is still in its infancy. The testimony furnished me points to the fact that in Arizona there are nearly 30,000,000 acres of mineral lands. It is true that agriculture is maintained there almost entirely by irrigation, but we have every reason to believe that irrigation will be a success. I have read with interest the report of the minority of the House committee. This report shows 152,000 acres of land in cultivation in Salt River Valley, producing annually hay valued at $1,200,000; fruits valued at $80,000; stock fattened and sold from pastures valued at $1,500,000; honey valued at $80,000; butter and cheese, $76,000; poultry and eggs, $50,000; total, $2,906,000—nearly $20 per acre.

It is absurd to talk about Arizona not having sufficient resources to meet the expenses incident to statehood, to be able to put in operation a magnificent system of schools, to erect her public buildings, and to pay her taxes. The American Union in the future will be proud of Arizona as a State.

Irrigation, it is true, is expensive, but the soil is deep and has wonderful productive power. When irrigated the soil yields an annual return per acre as follows: Almonds, $75 to $150; canteloupes, from $75 to $100 net; alfalfa, from $36 to $56 per acre net, and so forth, clearly showing the productive power of the soil to be wonderfully great. The census shows three great lumber plants located in Arizona, cutting daily 200,000 feet of first-class lumber. I am informed by a gentleman who is perfectly reliable that the census was taken last year by the Territory to ascertain the population, and that the Territory at that time contained a population of 178,600, and has probably now reached 200,000. If that be true, under every rule of construction Arizona is entitled to single statehood, and she would be entitled to a Representative in Congress under any rule we have ever laid down. This population, leaving out the Indians, is almost entirely American. In the face of these facts who will dare say that these people are not entitled to enjoy the blessings of statehood? Who will dare say that they are not able to meet the expenses and discharge the obligations of a sovereign State? We can say even more of the resources of New Mexico. Compare the census of 1890 with 1900, and see what rapid strides these people have made in a period of ten years. Number of farms in 1890 4,458; in 1900, 11,834. We find that in 1890 787,882 acres were in cultivation, and in 1900 5,130,178 acres. The value of farm lands in 1890 amounted to $8,140,800; in 1900, $20,888,824.

Take the value of farm implements—and that is the highest evidence of the thrift of a people. Go into a county or a State where you find the farmers using improved machinery; it means progress; it is the highest evidence of thrift that they are keeping up with the progress of the age. The value of farm implements in 1890 was $291,240, and in 1900 $1,151,610. The value of farm products in 1890 was $2,000,000 and had increased in 1900 to $10,000,000. In the year 1900 New Mexico had 326,873 acres of land under irrigation. In considering the resources of a State or Territory we should not undervalue the mineral productions or mineral lands. Coal and iron have made Pennsylvania rich and powerful, and have been the sources of great wealth in West Virginia and Alabama. In 1903 New Mexico produced gold, $384,685; silver, $148,659; copper, $860,733; lead, $94,936. The area of her coal lands amounted to one-half million acres. She produced from June 30, 1900, to June 30, 1903, 3,710,000 tons of coal, valued at $5,011,281.70. I am informed that thirty coal mines are now in operation in New Mexico. This Territory now owns 1,123,000 cattle, 5,674,000 sheep, 113,000 head of goats, and 97,500 head of hogs. Its wool crop in 1902 amounted to 22,000,000 pounds. In the past three fiscal years 553 companies have filed incorporation papers, with a capitalization of $309,711,966. Give New Mexico the right to statehood, and with a good State government capital from all over this country will go there and develop that Territory and make it a great American State.

The House committee tells us that the Territory maintains fifteen Territorial institutions; that the value of her hospitals, orphan asylum, and public school property amounts to more than $3,000,000.

To state these facts and figures answers every argument made by the enemies of separate statehood charging that the population and resources of these Territories can not meet the demands of two separate and distinct States. I am informed that the population of New Mexico will now exceed 300,000 people. New Mexico contains 122,580 square miles of territory. Combine these two Territories into one State and this new State will be larger than any State in the Union except Texas. It will not do to cite Texas as a precedent for the union of these two Territories. Conditions are entirely different. The joint resolution for annexing Texas to the United States had in view the great inconvenience likely to follow by the creation of a State containing such vast area and made provision for the creation of new States out of territory within the boundary of Texas. The resolution annexing Texas provides that new States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. The people of Texas, with the consent of Texas, not with the consent of Congress, can divide the State into five States, to be represented by ten Senators on the floor of this Senate; they can do this without any further legislation by Congress. I predict that the time will come when the people of Texas will divide and form four additional States, represented by ten votes in the higher branch of Congress.

Texas came into the Union by treaty; we recognized the fact that she contained 269,000 square miles; we recognized the fact that she had then only a population of 150,000, but Congress clearly saw that the time might come, and that the

time would likely come, when Texas would desire to be divided into five States, and Texas was given the authority to do so without any action of Congress, and that provision was a wise one, in my opinion.

I do not know whether my friends from Texas agree with me in the prediction I have made, but Congress certainly has provided that in an emergency, if the people are dissatisfied with the present arrangement, on account of any inconvenience, they may divide themselves into five States and come into the Union. There is no such provision in the bill now before us, providing for the union of New Mexico and Arizona. If they come in as one State, regardless of inconvenience, wealth, or population, the fate of the people, so far as statehood is concerned, is forever settled.

Why was it that Congress divided the Territory of Dakota into South and North Dakota? When the bill was first introduced in 1887 by Senator Manderson, of Nebraska, it was intended to create out of the whole Territory of Dakota a State, but it was amended, changing the boundaries so as to create two States. This was done for the reason that the whole of the Territory was entirely too large for a single State. I have been handed extracts from the CONGRESSIONAL RECORD giving in substance the arguments made in favor of division. The basis of the argument was that Dakota was entirely too large for a single State.

I have never found any argument in favor of division except that Dakota was too large for one State. The debate lasted for days. The bill was pending in Congress for weeks and months, and the ablest men who have ever represented States in this Union stood here and pleaded in favor of division, and they never gave any other reason than that the Territory was too large for one State.

It was stated during the debate that the Territory of Dakota contained 149,100 square miles, so that as one State it would embrace, in round numbers, 27,000 square miles more than the United Kingdom of England, Ireland, Scotland, and Wales. Those in favor of division contended that Dakota was as large as New York, Pennsylvania, New Jersey, Maryland, and Virginia. These arguments were so strong and convincing that the division was made, and as a result of such division we now have two States formed out of the Territory of Dakota—North and South Dakota.

What are we proposing to do now? To unite Arizona and New Mexico as one State, which will give nearly 100,000 square miles more in the new State than were contained in all Dakota. Join these two Territories together and you have, in round numbers, 241,000 square miles in area. South Dakota has 77,000 square miles and North Dakota, 72,100 square miles, while the new State to be created out of New Mexico and Arizona will contain an area of 241,000 square miles. We divided Dakota because the Territory was too large for one State, and we are uniting Arizona and New Mexico because they are not large enough for two States.

Well have the friends of double statehood asked the question, When has the principle changed that it is wrong to cut up large Territories into small States, or that it is right to unite large ones into still larger ones?

Well has it been said that it was contrary to the policy of this nation, so long established, in almost every instance to cut up large Territories into small States that they might be administered more conveniently and more economically.

The reason for division in the present instance is much stronger than it was in the division of Dakota. The population possessed the same habits, were living under the same form of government, and had no conflicting interests. The population of Arizona and New Mexico are different in nationality and have different customs, habits, and laws, and many antagonisms are sure to arise by this unnatural union. A comparison of these two propositions ought to defeat the pending measure. Why should Congress make any distinction between these two Territories seeking statehood and other Territories heretofore admitted to statehood? Why should we lay down a different and more drastic rule for Arizona and New Mexico than has been applied since the organization of our Government? The ordinance of 1787, providing for the admission of new States into the Union, set forth that when any State shall have 60,000 free inhabitants therein such State shall be admitted, by its Delegates, into the Congress of the United States on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent constitution and State government. Congress was empowered to admit a Territory with less population and frequently did so, but when a Territory acquired a population of 60,000 inhabitants this fact alone entitled such Territory to statehood.

This number of inhabitants gave the undoubted right to admission, and Congress had the discretion to admit them earlier. I know of no other act of Congress prescribing the qualification for statehood. All of the territory acquired by Congress heretofore, with the exception of Alaska, Philippine Islands, and Porto Rico, was intended to be organized into States. The treaties whereby we acquired the Louisiana Purchase, the Floridas, and the treaty with Mexico, whereby we acquired the Pacific slope, the identical territory we are considering, expressly provided that the inhabitants thereof shall be incorporated into the Union of the United States, and admitted as soon as possible according to the principles of the Federal Constitution.

Mr. BATE. I will ask the Senator from what he reads.

Mr. CLAY. I stated the substance of the treaties.

Mr. BATE. Does the Senator refer to the Gadsden treaty or the Guadalupe-Hidalgo treaty?

Mr. CLAY. The latter.

No one will deny that this Government has contracted with the powers from which we obtained ceded territory that the people residing in such territory should be admitted into the American Union at the earliest practicable day, and should enjoy all the rights, privileges, and immunities of American citizens. Our fathers never thought of acquiring territory, either by treaty or conquest, for any other purpose except to be organized into States and to be clothed with all the rights and powers enjoyed by the original thirteen States. We have kept in good faith those sacred promises, with the exception of New Mexico and Arizona, and there is no sound reason why we should not extend to them the blessings which we have heretofore extended to all of the territory heretofore acquired. Vermont was the first State to come into the Union after the formation of our Government with a population of only 85,485, and New Mexico now has a population more than four times the population of Vermont when admitted into the Union. Indiana, the home of the junior Senator from that great State, who now so ably protests against the admission of New Mexico and Arizona as separate States, came into the Union with only 24,000 population, while New Mexico has a population of more than 300,000. Minnesota came into the Union with a less population than either of the Territories now seeking statehood possess.

Thirty-two States have been admitted into the Union since the organization of our Government, and only six of them had a population larger than the population of either New Mexico or Arizona. Kentucky, 73,677; Tennessee, 60,000; Ohio, 42,366; Louisiana, 76,506; Indiana, 24,520; Mississippi, 75,444; Illinois, 53,211; Alabama, 127,901; Maine, 298,375; Missouri, 66,586; Arkansas, 52,240; Michigan, 160,000; Florida, 72,000; Iowa, 153,000; Wisconsin, 300,000; California, 92,507; Minnesota, 172,053; Texas, 150,000. Mark you, the great State of Texas, with more than 260,000 square miles of land, came into the Union with less population than now reside in either New Mexico or Arizona. Oregon came into the Union with 52,465; Kansas, 107,206; West Virginia, 440,000; Nebraska, 122,993; Nevada, 42,491; Colorado, 122,993; North Dakota, 135,000; South Dakota, 328,808; Montana, 132,159; Washington, 340,390; Wyoming, 60,703, and Utah, 276,746.

It will thus be seen that we have heretofore admitted into the Union twenty-six States with less population than either of the Territories now seeking statehood possess. A critical examination of our history will clearly show that our policy has always been to consult the wishes and interest of the population seeking statehood, and to make small States when desired, easily and economically governed, above all keeping in view the convenience of the people desiring statehood.

I have heretofore contended that the only expression by Congress fixing the qualification for statehood was the ordinance of 1887, providing that 60,000 inhabitants shall entitle such Territory making the application to statehood. It is true that a different rule was adopted in the admission of Kansas. The Committee on Territories contended that admission ought to be based on the unit of representation in Congress, that the Territory seeking admission should have at least sufficient population to entitle such State to one Representative in Congress.

We have not adhered to it, but on the contrary we have violated it in more instances than we have adhered to it. You will find that of the States which have been admitted into the Union since we adopted the rule in the Kansas case a majority came in with less population than was necessary to give such a State a Representative in Congress.

This rule, as I have said, has not been followed, and even should it be followed now, New Mexico has sufficient population clearly to entitle her to one Representative in Congress, and nearly enough for two. Arizona, according to the census taken by the Territory last year, had almost enough population to entitle this Territory, if admitted to statehood, and, by this time,

in all probability, has ample population for such representation, based upon our last census. So that under any rule you may lay down, so far as population is concerned, these Territories ought to be admitted to statehood.

It is a serious matter to unite these two Territories, against the wishes of the people, residing hundreds of miles apart, to call upon them to go to a capital eight or nine hundred miles away, placing them at this great inconvenience, when we could easily grant to each of them statehood.

But, I repeat, we have not been governed by this rule since it was adopted. Nevada came into the Union with only 42,000 inhabitants, and at that time the basis of representation was over 107,000.

Idaho, if I remember correctly, came into the Union with a population of 82,000, and at that time the basis of representation in Congress was 173,000. Wyoming came into the Union with only 60,000 people, and the basis of representation in Congress at that time was about 173,000. We have admitted State after State into the Union with less population than required to give representation in Congress. Now, why discriminate against New Mexico and Arizona? If the majority is determined to pass this measure, let us adopt the amendment offered by the senior Senator from Ohio, which provides that this union of the two Territories as one State must first be approved by a majority of the voters of each Territory before such union shall take place. These two Territories have existed for fifty years as separate and distinct Territories, with different customs, habits, laws, different modes of religious worship, and we certainly should not unite them unless a majority of inhabitants residing in each desire such union. The twentieth section of the bill provides that the convention to frame a constitution for the two Territories as one State shall consist of 110 delegates, 66 of which delegates shall be elected from the Territory of New Mexico. This is manifestly unjust to Arizona; this would give New Mexico a majority of the votes of the convention and would enable this Territory to form a constitution in the interests of New Mexico and directly against the wishes of the people of Arizona. Antagonisms would spring up that would have no ending. New Mexico has a larger voting population than Arizona and could adopt a constitution against the wishes of every voter in Arizona. New Mexico would have a majority of the legislature after the State was organized, and would be able to take charge of all three branches of the government, and could extend the laws, customs, and religion of New Mexico throughout Arizona against the wishes of the people residing therein.

Who can tell what results might follow? This unhappy and unnatural union would plant the seeds of hate and animosity, resulting in unending strife and probably bloodshed. If this union shall be made, and it ought not to be, let us give to each Territory an equal representation in the convention, and under no circumstances give one the advantage of the other in the formation of the organic law of the new State. It will be far better to heed the wishes of an overwhelming majority of the people residing in each Territory and grant them separate statehood. No one residing in either Territory has asked for single statehood, provided separate statehood could be obtained. The last Republican convention nominating a candidate to represent New Mexico in the Fifty-ninth Congress adopted resolutions in favor of single statehood, and the Democratic convention did likewise. The Territorial Teachers' Association, representing every section and every important public institution of education in Arizona, unanimously adopted resolutions in 1904 against union. Well did this association say that the differences of educational organization and social conditions, the size of the proposed State, and the difficulties of intercommunication between the different sections are unanswerable arguments against such union. The boards of trade, church organizations, bar associations, the newspapers, and almost the entire inhabitants of the two Territories desire separate statehood.

I have never yet seen a single individual residing in either Territory in favor of union, provided they could get single statehood. I lay down the proposition to-day that if we pass this measure uniting these people against their wishes, no one will want it except those who fear they can not get statehood without it.

Mr. BATE. I will ask the Senator, in that respect, if I am mistaken in understanding that Governor Brodie himself, in a strong phrase, states that he has not met a single individual in favor of the combination of the two States?

Mr. CLAY. I have so understood; and the present Delegate in Congress, in a very able speech—a speech that ought to have given him a renomination—said he accepted the bill reluctantly, accepted it with shame and with humiliation,

"I do not want it. I have been begging for bread for years and years. You would not give me bread. You have now given me a half loaf, and I accept that half, because I am starving for statehood, and can not get anything else."

Such legislation, in my opinion, is not in keeping with our free republican institutions. In a Government like ours we ought to consult the people to be affected by such legislation. I think it would be extremely unfortunate to pass this measure and force these people to unite against their will.

When we join these Territories together and form this unnatural and undesirable union we do so against the protest of the entire inhabitants of the Territories. We forever destroy many of the customs, habits, and laws dear to the people residing in those Territories. We fix the basis for an interminable feud between different races, when all of this could be avoided by granting simple justice to each Territory. We violate party pledges. We crush hopes so long cherished. We most seriously disappoint an intelligent, conservative, and patriotic people by denying to them the same blessings which we have granted to others seeking at the hands of Congress to become members of this Union. Heretofore, when other Territories have knocked at the door of Congress asking for admission, we heeded their demands. They were admitted into the Union. Now, why make this discrimination against New Mexico and Arizona? For one, I will not be a party to it. This great Government can not afford to violate its own plighted faith and force a policy on these Territories against their will. I believe we will consult their interest and heed their wishes.

Mr. NELSON. I desire to inquire of the Senator from Tennessee if other Senators opposed to the bill are ready to speak to-day?

Mr. BATE. I will say to the Senator from Tennessee that we have none who wish to go on just now. I understood that the Senator from Minnesota himself would like to make some remarks. We shall be pleased to hear from his side.

Mr. NELSON. I do not want to interfere with any other speaker.

Mr. BATE. You will not, I assure you; and we shall be pleased to hear you.

Mr. NELSON. Mr. President, for a moment and in rather a perfunctory way, I propose briefly to reply to some of the arguments advanced by the Senator from Idaho [Mr. HEYBURN] and in part advanced by the Senator from North Carolina [Mr. SIMMONS]. Before doing so, however, I wish to call attention to some of the statements made by the Senator from Georgia [Mr. CLAY].

A majority of the people of New Mexico, he states, if they can not get single statehood, want joint statehood. But there are a large number of people in New Mexico who prefer joint statehood to any other statehood. There is quite an element that does not want any statehood at all; and to support this statement I ask the Secretary to read a portion of an article, which I have marked, from the Albuquerque Morning Journal, Albuquerque, N. Mex., January 10, 1905. I may say that I do not know what the politics of this paper is—whether it is Republican or Democratic.

Mr. BAILEY. If it is wise, it is Democratic; if it is otherwise, it is Republican.

The PRESIDENT pro tempore. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

NEW MEXICO STANDS PAT FOR JOINT STATEHOOD—GENERAL CANVASS OF ENTIRE TERRITORY MADE BY THE MORNING JOURNAL SHOWS THAT 85 PER CENT OF THE PEOPLE OF TOWNS PREFER UNION WITH ARIZONA TO REMAINING A TERRITORY.

From a careful canvass made of Albuquerque and the other larger towns of New Mexico by the Morning Journal, embracing business and professional men, stockmen, farmers, and mining men—excluding politicians—it is shown finally and conclusively that the agitation in Santa Fe and elsewhere against joint statehood originates in a very small ring of men, who are opposed not only to statehood with Arizona, but to statehood of any kind, and who propose to keep New Mexico a Territory as long as possible. This canvass shows that the statements made by Governor Otero in his annual report and by one or two newspapers in the Territory are not well founded. The majority of the people of this Territory are in favor of statehood of any kind in preference to remaining a Territory. They would rather have single statehood, but failing in that they would gladly accept joint statehood. There are a considerable number who flatly and openly express their preference to joint statehood, while there are others who are flatly and openly indifferent. The people may be divided into the following classes:

An overwhelming majority would like to have single statehood, but failing of that would be willing to accept and would vote for joint statehood with Arizona.

A large number who favor joint statehood alone and who would be against single statehood.

A considerable number who declare for single statehood only and who say they would vote against joint statehood.

A small ring of politicians and their followers who are opposed to joint statehood and who would be opposed to single statehood should the issue come before them.

The Morning Journal has ascertained that in Santa Fe, where the opposition to joint statehood has its center, enemies of the joint statehood bill, in an effort to get signers to a telegram of protest, failed to get a dozen signatures aside from office holders under the Territorial government. On the other hand, friends of the bill were able in an hour to get the signatures of practically every business man in Santa Fe, numbering something over 150, to a telegram indorsing the joint statehood bill. This proves conclusively that the majority of the people of the capital, the hot bed of the opposition, favor the joint bill.

Mr. NELSON. A part of the argument of the Senator from North Carolina [Mr. SIMMONS], as well as of the Senator from Idaho [Mr. HEYBURN], in opposition to uniting Arizona and New Mexico as one State was based upon the provisions of the treaty of Guadalupe Hidalgo made with Mexico in 1848, by which this territory was ceded to us. The Senators argued that we had no right, at least no moral right, under the provisions of that treaty to unite these two Territories into one State. The only provision of that treaty which bears at all upon the subject is article 9, which is as follows:

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Now, this is all there is in that treaty which bears on this subject; and if you construe it in the most liberal manner possible it simply amounts to this, that at some time in the future, wholly in the discretion of Congress, we will admit this Territory into the Union as a State or States, without specifying anything in reference to the particular size of the State or States. There is nothing in this article that can be used as an argument why we have not the right—the moral right, I mean, as distinguished from the legal right—to unite these two Territories into one State.

By this treaty we secured not only what is now the State of California, but what is now the States of Utah and Nevada, as well as the Territories of Arizona and New Mexico. By a supplemental treaty in 1853 we secured in the southern part of Arizona, to straighten our boundary, a little strip of land commonly called the "Gadsden Purchase," which is marked on the map yonder on the wall [indicating]. There is nothing in that except it stipulates that this article 9 shall remain in force.

So, Mr. President, it seems to me farfetched in the extreme to use this article as a basis for an argument against the joining of these two Territories into one State.

Another suggestion was made by the Senator from Idaho yesterday, and when he made it I felt like interrupting him, but as a rule I never like to interrupt speakers in the midst of an argument. However, I think he inadvertently fell into an error and I desire to correct it. It was in reference to the matter of Oklahoma and Indian Territory. I will give what he stated in substance. I can only give the substance of it; I will not undertake to quote his words. If I understood him correctly, he stated that Oklahoma was clearly entitled to statehood and ought to be admitted alone, but as to Indian Territory he thought that that was not quite fit and that it ought to remain outside for a longer period.

Now, in respect to the last part of his statement particularly, I desire to draw the attention of the Senate. If there is any portion of these four Territories that now needs statehood more than any other, it is the people of Indian Territory. People form a misapprehension because of the name. They think that that Territory is settled by the members of the Five Civilized Tribes. As a matter of fact, Indian Territory has to-day a population of upward of 600,000 people, I think. Over four-fifths, I think five-sixths, of that population are white people. At least four-fifths are white people of the same character and the same abilities and the same energy as the people of Oklahoma Territory. The people of Oklahoma Territory have a Territorial government. They have a governor and a secretary of that Territory. They have a legislature and they have all the paraphernalia that appertains to an embryo State government. But the four or five hundred thousand white people in Indian Territory are to-day utterly helpless. Mr. President, outside of a few of the municipalities, a few of the incorporated towns, where they have organized local municipal governments and have established schools, they have no government in that Territory except what little they have under the Federal courts and the court commissioners. They have no means by which they can provide themselves with public schools except by private subscription. Those people have come in there with the permission of the Indians and leased lands and developed the country and made Indian Territory to-day as prosperous and as good a country as Oklahoma Territory. And it is a most valuable Territory. I called attention to the fact two years ago in my discussion before the Senate that that Territory is not only possessed of a large and valuable agricultural area, but that it has a fine body of forest in the southern part, if I remember aright, in the Choctaw Reservation.

Mr. HEYBURN. Will the Senator permit me on that point?

Mr. NELSON. Certainly.

Mr. HEYBURN. I would not interrupt the Senator except that he is passing the point. I would inquire by what tenure the white people are in the Indian Territory; if they are not merely there as lessees of Indian lands under conditions where they can never acquire title to them or become permanent residents?

Mr. NELSON. I wish to reply to the Senator by saying that while in the past most of them, nearly all of them, except those who have acquired title to their lots in incorporated towns, are there as lessees, they have come there by permission of the Indians and by permission of the Interior Department and have settled and developed that country.

Now, we have about completed our system of allotments in that country; that is, the great work of taking the estate of the five Indian nations has been nearly accomplished. The land has been allotted to those Indians in severalty. There is a restriction upon their homestead allotments in most cases of 40 acres, in one case of 160 acres; but practically a large share of the restrictions have been removed, so that by the time this law could become effective as to Oklahoma and Indian Territory, in March, 1906, those lands aside from the homestead allotments to the Indians would be in market and could be secured by actual settlers.

In addition to developing the agricultural lands, the people have gone in there as lessees to develop their coal lands. They have valuable coal mines and other minerals in that country.

Mr. STEWART. Will the Senator allow me?

Mr. NELSON. Certainly.

Mr. STEWART. I should like to correct the Senator. Unless we amend it, there would be no chance for homestead settlers to get in there. The best land now by various devices is in the hands of lessees or pretended lessees. They have possession. The land is being allotted to the Indians, and through processes they have there, by collecting thirty or forty Indians together, they make an arrangement with them. They take them to the land office or take them to the Commission of the Five Tribes, and they take a lease on them for five years at from thirty to sixty dollars a year for a piece of land worth probably $500 or $1,000 a year. Now, they are in possession. The Indians are not in possession. By the law they can get the lease. The Commissioners make a deed, which is executed by the chief of the nation, the governor of the tribe. The deeds are being executed now, and one year from now they can sell, as they will, for a mere nominal sum, because they are really in the hands of these speculators. All the lands, that is, the best of them, will fall into the hands of speculators. Consequently, if in the passage of this law there is any anticipation that any portion of this land is going to get in the hands of actual settlers, who will cultivate their own land, it will be a misapprehension. If there is not something done the lands will be held by a few and the Indians will have nothing; they will be pauperized. The lands will then be leased to whoever will be willing to take the lease. The people will be very unwilling to take leases there because they will be in a very unpleasant neighborhood to live. The Indians will be troublesome; they will be paupers. If you let the thing go on as it is now I should be very much opposed to making it into a State or doing anything with them, unless we can provide some way to protect those Indians and protect persons who desire to make homes there.

Mr. NELSON. As I understand the drift of the Senator's argument, he prefers——

Mr. SPOONER. Will the Senator allow me a moment?

Mr. NELSON. Certainly.

Mr. SPOONER. The statement of the Senator from Nevada as to the condition of the Indians there is rather startling. I should like to inquire of the Senator how much, if any, of this situation is due to the removal of the restriction from their power of alienation?

Mr. STEWART. In the last appropriation act?

Mr. SPOONER. In the last appropriation act.

Mr. STEWART. A part of it is due to that. Unfortunately the committee did not understand the situation or it would not have allowed the restriction to be removed to the extent it was done. It was to be allowed under such regulations as the Secretary of the Interior may prescribe. He has prescribed regulations which are not effective, because having selected their lands and made their arrangements to purchase them when they get the right to purchase them they find that the land has been

leased. The system of leasing has prevented the provision of that act from going into effect, by which bona fide settlers might have gotten possession. The right is not sufficiently guarded. It is not appraised before it is sold, and it is not properly guarded. But the restrictions are removed from others, which was premature. Those restrictions do not apply until they have something to sell, and they can not sell it until they have had it allotted to them and get their deeds. The Curtis Act provided that after they get their deeds, in one year from that time, they can sell the same as anybody else. But there was a previous act to the act of last year which applied to only a part of the Indians and allowed them to lease for five years.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. BERRY. Is there not a restraint in regard to the alienation of a homestead? The owners of the homesteads are not allowed to sell for a number of years.

Mr. STEWART. For twenty-one years, and they must have 40 acres. But they are leasing their homesteads. So they are not very valuable as homesteads.

Mr. BERRY. Was not the removal of the restriction only from the negroes under the last appropriation act? Did it not apply only to the land that was given the negroes? Did it apply to Indian lands?

Mr. STEWART. No; it was only removed as to them, and the effect of that removal upon the negroes was very apparent. When I first entered the Territory I observed negroes driving fine equipages. One in particular had two cream-colored horses as pretty as you ever saw and a Brewster buggy. The negro and his wife were dressed up in the finest fashion and driving through the streets. I asked how that was; nobody else was riding in such style in the Indian Territory. I have not seen it in any other Territory. It was the finest equipage I had seen for years in the West. This is how it was: The negro had a good piece of land. He sold it for a good price and invested it in this way; and in a month he will have nothing. That will be the whole of it. That is an illustration of the way they squander their money. I observed it with regard to most of the negroes who sell their lands, squander their money on gewgaws and foolish things, and it really does them no good. They are not capable of managing their own affairs, whoever may be to blame for it. I am to blame for it to some extent, because I ought to have gone down there before. I regret that I did not. The condition of things there is such that if we pass this bill, or if we do nothing, the great mass of the good lands will fall into the hands of a few speculators, and it will be a country of lessees and not of actual settlers. My anxiety is that some law shall be passed whereby actual settlers can obtain a foothold.

I have prepared an amendment and offered it to this bill which it seems to me will effect a cure, and the Department of the Interior have also prepared a bill which I have introduced and had referred to the Committee on Indian Affairs.

Mr. BAILEY. Will the Senator from Nevada permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. BAILEY. Does the Senator from Nevada intend that the Senate shall understand that the Interior Department prepared a bill that abolishes the administration of the estates of decedents and minors in the courts of that country and subjects them to the arbitrary will and disposition of an appointee?

Mr. STEWART. We certainly have a bill that does that.

Mr. BAILEY. Did the Interior Department prepare that bill?

Mr. STEWART. One of them. If you will come before the committee to-morrow morning and hear the discussion you will see the two bills.

Mr. BAILEY. Doubtless I would be enlightened but not convinced by what occurs.

Mr. STEWART. But I am not convinced that the present condition of things is not reprehensible.

Mr. BAILEY. Mr. President, I agree with the Senator——

Mr. STEWART. Let us look——

Mr. BAILEY. If the Senator from Nevada will permit me just a moment——

Mr. STEWART. Certainly.

Mr. BAILEY. I agree with the Senator from Nevada that there is now much, and that there has for a long time been much in the Indian Territory to criticise, but the Senator from Nevada and many other Senators in this body make a grave mistake in charging that practically everything there is tainted with fraud and injustice. Those people are my neighbors. A very narrow stream separates that Indian country from the State of Texas. Many of them were formerly my constituents and my friends; and I undertake to say that a more honorable and upright set of men have never yet settled a new State in the history of this Union. While some of them, from all sections, do prey upon the helpless Indian, that is not true of even a large percentage of those people.

Mr. STEWART. I do not pretend to say how large a percentage of good people are there. There are some six or seven hundred thousand of them. A great majority of them are undoubtedly good people. I am speaking of the men who are getting the land under these leases. I am speaking of such men as Cobb, who told me he had gotten 120,000 acres in nine months. I found that a great many of them were engaged in that business. I am speaking of them.

Mr. BAILEY. Does not the Senator believe, though, that under the law as it now stands, by a proper procedure in the courts, those leases could be vacated?

Mr. STEWART. Not in time to effect any good.

Mr. BAILEY. Will the Senator, then, permit me to ask him a further question?

Mr. STEWART. I have provided for it in my amendment and made it the duty of the superintendent to examine them, and if he is not satisfied, to proceed in the court and have an investigation made.

Mr. BAILEY. Will the Senator from Nevada permit me to inquire if he thinks as a matter of law that Congress can destroy a lease already entered into between parties?

Mr. STEWART. Well, it can not.

Mr. BAILEY. Then, as a matter of fact, about the only way to reach and set aside these fraudulent leases, and therefore void leases, is to resort to the court.

Mr. STEWART. In my amendment I provide for that very thing. First, I provide for a superintendent to have the cases investigated, and if he thinks they ought to be investigated before a court—that is, if there is anything wrong, inadequate consideration, fraudulent or undue influence—he is to resort to the court.

Now, with regard to the administration of the estates of these Indians, I found this condition of things under the Arkansas law: They were appointing guardians of the property. At Tishomingo the governor and some of the leading Indians were there, and they came and asked us if that could be done. They had taken the Indians into guardianship and they then had the allotments leased. I have not examined it, but that is the claim down there. It goes through probate proceedings. I was told that they sell the land for the benefit of the estate by the order of the court. They are working very hard to get hold of the estates of deceased persons. Whether that has succeeded or not, I was told that they are going around and hunting up the estates of deceased Indians, because when sold under the order of the probate court they would get complete title, free from the limitation of the Indian title. There is and has been great anxiety to get hold of those estates. That ought not to be. Under the amendment which I have proposed there can be judicial officers appointed for the Indians. I do not believe that the same probate system is applicable to Indians as to white people, because there are many Indians whose estates and persons ought to be taken care of; Indians who can not take care of their own property who will need guardians, and so forth, appointed under different rules from those relating to the whites. When a white person's property is administered upon and sold under order of the court, of course, the title ought to be completed and perfected. I do not think the Arkansas law was ever made with a view to the case of the Indians, and consequently provision has been made for such cases. I do not like the Department bill as well as I do my amendment. I have followed it along and attempted to have no provision in my amendment that would prevent a man from having his day in court. I do not believe in proceeding without due process of law. I am willing that my amendment shall be amended if there is any place where that right is infringed upon.

Mr. BATE. I wish to ask the Senator from Nevada a question, as he seems to be familiar with this subject. What becomes of the title of the Indians? The Indians have no right to give it away.

Mr. STEWART. The Indian title is ended.

Mr. BATE. But the tribal relations still exist.

Mr. STEWART. Tribal relations terminate on the 4th of March, 1906.

Mr. BATE. By what authority?

Mr. STEWART. By the authority of treaties made between the Indians and the United States. That is all agreed to and provided for.

Mr. BATE. Only as to part of them.

Mr. STEWART. As to all. They have all agreed to the sev-

erance of the tribal relations and to the allotment and segregation of their lands.

Mr. BATE. How was that brought about?

Mr. STEWART. By treaties with them and contracts made with them, which have been enacted into law.

Mr. BATE. But still, Mr. President, the tribal relations exist to-day.

Mr. STEWART. Yes; they exist to-day.

Mr. BATE. Then the Indians are the owners of the land?

Mr. STEWART. Certainly; but they have agreed to have the lands sold and allotted.

Mr. BATE. But to-day they are the owners of that land, and we are proposing to act as if the tribal relations had been severed and the allotments had been made.

Mr. STEWART. They have agreed to this modification. They would still be the owners of the land.

Mr. BATE. They have not parted with their title, then?

Mr. STEWART. No; but they are trying to do so.

Mr. BATE. The tribal relations still exist.

Mr. STEWART. But the Indians have agreed that the allotments shall go on, and the allotments they have agreed to have been deeded, and they are making deeds now.

Mr. BATE. That, of course, does not carry with it the title until it is consummated. True, such deeds might be placed in escrow.

Mr. STEWART. That would carry with it the title after the passage of the law.

Mr. NELSON. Mr. President, I will now resume the thread of my remarks, which were interrupted by the inquiry of the Senator from Nevada [Mr. STEWART].

First of all, I want to state to Senators that they are very much mistaken as to the character of this population. As I have already stated, I think that five-sixths of the population of Indian Territory is composed of white people, equal to those to be found in the Territory of Oklahoma or anywhere in this country. The remainder of the people, what are known as members of the Five Civilized Tribes, consist of between eighty and ninety thousand. I am not sure of the exact figures, but out of that eighty or ninety thousand there are only about twenty or twenty-five thousand who are full-blooded Indians. The balance consists partly of diluted Indians—largely diluted with white blood. Then there is a class belonging to the tribes who have no Indian blood in them at all. They have become members of the tribes by adoption or by intermarriage. Then there are quasi members belonging to the tribes who are descendants of freedmen, or are themselves freedmen. So that, practically, in the Indian Territory to-day we can say that at the utmost, in all that large population of upwards of 600,000, there are only about 25,000 real Indians—not any more than are to be found in the Territory of Oklahoma to-day.

The proposed law in respect to Oklahoma and Indian Territory will not become effective, even if it be passed, until they adopt a constitution, the people ratify it, and the President issues his proclamation. They do not become a State until March, 1906. By that time the tribal governments are to cease; the Indians will have become citizens of the United States, and they will have their allotments of land in severalty.

I have already gone over, both in my remarks two years ago and in my remarks when this bill was first called up in the Senate at this session, the question of allotments. The bulk of allotments of most of the tribes has been completed. I shall not go into that question any more in detail at this time; but I want to say that I think by March, 1906, the allotments will have been practically completed, and by that time the tribal governments will have ceased, the Indians will be citizens of the United States, and their condition in respect to their real estate will be this: Under the laws and treaties which have been adopted they got two classes of allotments. One was known as homestead and the other as not homestead. The homestead allotment in case of four of the tribes, if I remember correctly, was a 40-acre allotment, in some cases an absolute 40 acres, in other cases 40 acres based upon valuation, and in another case a homestead allotment as to one tribe, which I think was the Cherokee, of a 160-acre allotment.

In respect to the so-called homestead allotments, they are inalienable, untaxable, and unencumberable for a period of twenty-one years, with the exception of the case of the Seminoles, whose homesteads are inalienable in perpetuity.

In respect to the other lands, in most cases there was a limitation of the power of sale for five years after allotment. In one case there was a limitation so that such a proportion might be sold in one year, such a proportion in two years, and such a proportion in three years. But this whole thing was changed by a paragraph in the Indian appropriation act which passed at the last session of Congress, Under that paragraph, which I quoted in my remarks the other day, and which I will not reiterate to-day in terms, to a large extent as to all the other lands except homesteads—the homesteads that I have described—and as to lands owned by minors, the restriction on alienation is absolutely removed except as to those of Indian blood, and as to those of Indian blood the restriction can be removed at the discretion of the Secretary of the Interior. That is the condition.

My heart goes out to those half million people in the Indian Territory who are to-day without any government. They do not now enjoy the advantages which the people of Arizona, of New Mexico, and of Oklahoma enjoy. They are there to-day, outside of the incorporated towns, to a large extent as tenants. In the towns which have been incorporated, the lots have been sold, in which case they have secured title to their lots; but outside of the towns they hold as tenants in some form. They are there by permission of the Indians and by the permission of the Interior Department. They have made that a wealthy and prosperous country, more prosperous than it ever could have been if it had been left to these eighty or ninety thousand members of the Five Civilized Tribes. For the good of all those people they need State government above anything else, and they need it to a far greater and more urgent extent than is the case with the people of any of the other Territories.

Under those circumstances the people of Indian Territory and Oklahoma are to-day agreed almost unanimously to become united as one State, and I submit to the Senate with that population and those resources and that area we ought to grant their request.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly.

Mr. BAILEY. I do not subscribe to the Senator's statement that the people of these two Territories are practically unanimous in their desire for single statehood. I think if they were offered joint statehood or separate statehood a majority of each Territory would prefer separate statehood, but I have no purpose of entering into a debate of that kind now.

What I rose to ask the Senator was, if he does not think it would be an excellent idea, if these Territories are now to be united into one State, that we should begin by wiping out the old lines of separation between them? If they are admitted, and the bill admitting them begins to perpetuate the old dividing line, as it does in its provisions as respects the court, that dividing line will grow deeper and wider with the years—a new Mason and Dixon's line, as it were—with respect to this particular State. If the committee could provide a way to divide that Territory into two judicial districts, making the line run north and south, without reference to the old line between the two Territories, I believe it would perform a useful and more than a mere sentimental service.

I am not myself sure, but it seems to me that there are section lines—that is, lines of the sections of land—and that those sectional lines are in some cases coincident with the lines of the counties, and I ask if it would not be practicable for the committee to re-form its present provision with reference to the judicial districts and make the lines run north and south?

I am opposed to uniting those Territories, but if they are to be united politically I should rejoice to see them united as thoroughly as possible in every other way. We can do for them an excellent service by completely effacing that line which has separated the two Territories; and I ask the Senator from Minnesota if that is not possible?

Mr. NELSON. Does the Senator want a reply?

Mr. BAILEY. I do. I was asking for information.

Mr. NELSON. I will say to the Senator that it is only in this one respect—in providing for the establishment of two judicial districts—that the bill adheres to the line between the two Territories. Now, speaking for myself—and I have no right to speak for anybody else on this proposition—I can say that I do not feel sufficiently advised as to whether any change should be made in this particular; or, if a change should be made, what would be the proper line. The way I look at the question is this: Under this bill, if it becomes a law, those people would be entitled to elect Members of Congress at the time they ratified the constitution, and the State would be admitted into the Union—assuming that everything transpired as contemplated—in March, 1906. They will then have their Members of Congress elected, and they will come here with two Senators and five Representatives, who will be better prepared than, I think, our committee is to-day to say what the proper dividing line between the two judicial districts should be. I think when their five Representatives and two Senators come here to Congress

and desire this division they would know better than we the proper line, and I have no doubt that Congress would give it, for it would be only a question of changing the boundaries of two judicial districts.

Mr. BAILEY. The trouble with that is that we are initiating a division and recognizing it. That is going to be followed to a practical certainty by the election of one Senator from what is now embraced in the Territory of Oklahoma, and the other from what is now embraced in Indian Territory. I would, if possible, like to see that line of separation, or demarcation we will call it, effaced. The Senator from Minnesota practically admits that it is an arbitrary one now, adopted without reference to the population or to the convenience to be served, and adopted simply because it is an established one and saves us the trouble of establishing a better one.

The Senator will understand, of course, that I make no complaint against the committee. I have no doubt that if I had been a member of the committee, further removed from those people than I am, I would have accepted that not only as a convenient but as a somewhat natural division of the new State into judicial districts; but knowing, as I do, that there is in both those Territories to-day a strong disposition to treat them as made up of two separate parts, using the old present dividing line, I think it is important that it be effaced as rapidly as possible. I should like to see this bill pass without anything in it to indicate that we had done violence to those two Territories by compelling them to unite.

That is not the only particular in which this bill is absurd. The provision with reference to the judicial districts is not an absurdity, but you have an absurdity in the bill with reference to prohibition. You have in this bill a provision that prohibits the sale of liquor in what is now the Indian Territory and permits it in what is now the Territory of Oklahoma, thus applying a rule to them as separate entities. Yet the Senator from Minnesota is not unmindful of the fact that in this division throughout which the sale of liquor is now prohibited there is not a single blanket Indian to-day, whereas in Oklahoma there are seventeen or eighteen thousand blanket Indians. I presume, however, that the committee has taken the precaution to include within the prohibition district the present grazing reservations of the Kiowa and Comanche Indian tribes, because in those districts are practically the entire population of blanket Indians to be included within the boundaries of the new State.

Of course, so far as I am concerned, independently of how extensive the committee make this prohibition, I would never vote that the Federal Government should regulate the sale of liquor in any Commonwealth of this Union. I think if there is any purely domestic matter with which the State, and the State only, ought to deal, it is the question of permitting or prohibiting the sale of whisky. But assuming that that amendment will be adopted—and it never could have been assumed a few years ago that Congress would by condition assume to control a purely domestic arrangement in a State—but assuming that the amendment which now appears in the bill will be adopted, you will have two important provisions still perpetuating the lines which, when Territories, divided these two entities, and continuing that division line when they both are merged into one State.

Mr. NELSON. Mr. President, in reference to the last provision to which the Senator from Texas has called attention, I will say that that is not an arbitrary matter. I think I may say justly that that provision was incorporated because of obligations under old treaties with the Five Civilized Tribes, not for the purpose of perpetuating an arbitrary line or segregating the people of the Indian Territory from Oklahoma, but rather because of our obligations under former treaties to prevent the sale of liquor in that Territory.

There are different views in regard to the matter. There are some who claim that we never ought to allow the sale of liquor in the Territory, and some who have insisted upon a twenty-one years' limit. The committee finally came to the conclusion that at the end of ten years the Indians of the Five Civilized Tribes, in respect to the question of drinking intoxicating liquors, would be able to take care of themselves, and would be upon a footing with the other people of the Territory. That is all there is of it. The committee may have erred in its conclusions, but that is the reason for making the distinction between the two Territories.

Mr. BAILEY. In speaking of the obligation of the Government to prevent the sale of liquor in the Indian country, the Senator refers, of course, to the same treaties under which the Government guaranteed the perpetual possession of that land to those Indians. They not only had a treaty right to that land, but, as to the Choctaws, they had a solemn deed executed by this Government, and the covenant of that deed was that they and their descendants should possess and occupy that land as long as the grass grows and the water runs and the sun shines. Now, in view of the fact that the Government has not respected that solemn covenant to hold the Indians in possession of their land, it seems a little strange that we should stretch the powers of the Government again to establish a Federal prohibitory law over one-half of what is to become a sovereign State.

Mr. NELSON. I do not care to go into any detailed discussion in respect to that question. It is to my mind largely a moral question upon which Senators may well differ. Technically, in admitting that Territory as a State, we have a right to do what we see fit in the matter. We have a right to enact legislation with that prohibition in it or have a right to leave it out. But the inclusion of the provision is a yielding to the moral sense of the community that we ought, for the protection of the Indian, to put in this restriction, this prohibition period of ten years.

I will not undertake to argue with the Senator whether that moral sentiment is well grounded or not. You may apply to it the old Latin maxim "De gustibus non est disputandum"—there is no accounting for tastes. So in respect to this matter. There are a good many people who believe that we ought not to have any restriction; that when we provide that no liquor shall be sold to the Indian that is the extent of the inhibition the bill ought to contain.

Mr. MONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. I will yield in a moment, if the Seantor will allow me.

There are others who think that these Indians, these members of the tribes, are still in a measure our wards, and for their protection, not for any other reason, we ought to have this limited ten-year prohibition. Now I yield to the Senator from Mississippi.

Mr. MONEY. Mr. President, I desire to ask a question of the Senator. He said we have a right to put in this bill this amendment or to leave it out. I want to ask the Senator if he believes, if that provision should be put in the law and that Territory should come in as a State, it would have the slightest binding effect upon the new State? It has been held over and over again, if the Senator will pardon me, that whatever conditions may be imposed as to its admission, when a State is once admitted to this Union that State becomes a sovereign, the peer of all the other sovereigns, and there can be no condition applied to one State that will not equally apply to another or to all of them. So I would like to ask the Senator if he thinks the provision would be worth anything if put in the bill?

Mr. NELSON. I think Congress has the power to impose such a restriction, but whether it will be of any practical value is hardly for me to say. If the people of the Indian Territory are as good as the Senator from Texas [Mr. BAILEY], and I believe they are, they will no doubt take great pleasure in enforcing that provision and see that no liquor is sold during the ten-year period. If they are a lawless set, determined to disregard law and constitution, then the provision may be of no practical value.

Mr. MONEY. Mr. President, if the Senator will allow me to mterrupt him again——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. MONEY. The Senator is not answering my question, but evading it. The question is not how good the people there are or whether or not they would be pleased with the amendment; they may choose to adopt it heartily and unanimously; but the question is whether it would be worth a cent and whether it would have any binding force whatever upon those people. Even if they proceed to enact a prohibition law, would it not have to be done upon their own motion and in their right as a sovereign State, and not on account of anything you may put in this bill?

Mr. NELSON. This is a provision that we require them to incorporate in the constitution of the new State——

Mr. MONEY. That would not make any difference.

Mr. NELSON. As a requisite for admission into the Union. I take it that the provision of a constitution of that kind, under such circumstances, would be binding. However, there are better constitutional lawyers in this body than I am, and I am quite willing to submit this proposition to their judgment instead of my own.

Mr. BAILEY. Mr. President, if the Senator from Minnesota will permit me——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly.

Mr. BAILEY. I want to say to the Senator from Mississippi [Mr. MONEY] that the very injustice of this amendment is that it requires the constitutional convention in the new State to incorporate this prohibition provision in the constitution before it can be admitted to the Union. Undoubtedly the Senator from Mississippi is eminently correct when he says that the new State could take this provision out of its constitution, notwithstanding it is a condition imposed; but the trouble of it is that in order to take it out the State would be compelled to amend its constitution, and it would be compelled in that way to have the unusual vote required for a constitutional amendment, whereas if it were intended simply to require the new State to incorporate this provision in a statute, a bare majority could repeal it. Notwithstanding the requirement that the prohibition provision be incorporated in its constitution, the new State could undoubtedly repeal that or any other constitutional provison, but it would take the unusual majority. That is the injustice of a Federal law imposing upon a new State a domestic arrangement as a condition of its admission to the Union.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. NELSON. Certainly.

Mr. PLATT of Connecticut. I think in every act admitting a Territory to be a State since the foundation of the Government to the present time there has been in such act what is called a "compact" between the State which is to be formed and the General Government—that is, that the State in forming its constitution shall put into it certain things with relation to land, with relation to taxation, and various subjects. Now, I do not understand that in requiring in this bill that the new State shall pass prohibition laws, there is any difference between that in principle and what we have required all Territories to do when they came into the United States—make a certain agreement with the United States that they will do this or they will not do that.

Whether there is any remedy in case the State violates that is another question. We required the State of Utah to put into its constitution an agreement that it would pass laws forever prohibiting polygamy in the State, and I do not think that that stands on any different ground from what we are requiring here. But if Utah refuses to keep its compact in any particular, or any State which has made a compact refuses to keep it, whether or not the United States has any remedy is an entirely different question.

However, we are doing nothing unusual here. I do not suppose we can exclude a State after we have once admitted it, even if it does not keep its compact, and I do not know any way in which we can reach the question. But it seems to me we are doing nothing unusual here.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly.

Mr. BAILEY. I think we are doing not only an unusual, but an unprecedented thing here, and I think the Senator from Connecticut, upon reflection, will not stand on his proposition that the sale of liquor is upon a level with the practice of polygamy.

Mr PLATT of Connecticut. Not in enormity or turpitude. I agree to that.

Mr. BAILEY. Then that itself might be such an extreme case as that Congress felt justified in imposing upon the State of Utah that condition.

The Senator from Connecticut, while not asserting it, does not deny my proposition that if the State of Utah had seen fit, after once being proclaimed a State of this Union, to repeal that prohibition against polygamy, the Federal Government would have been powerless to prevent it, and the only recourse for the Federal Government would have been the exercise of power to deny to the representatives of Utah admission to the House and to the Senate.

But if it had been another matter, like the sale of liquor, a purely police regulation, the Federal Government would not dare to go to the extreme of denying representatives from a State in the Union admission to the House and to the Senate, because that State in the exercise of its sovereign power had chosen to deal in her own way with a police regulation affecting her own people.

Mr. MONEY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. BAILEY. Certainly.

Mr. MONEY. I want to ask the distinguished Senator from Texas if it is not true that the police power is an inalienable one; that no community can grant it or divorce itself from it?

Mr. BAILEY. I think the Senator is clearly right.

Mr. MONEY. It is a necessity for the life of the community that it shall exercise the police power, and it can not grant it away or bargain it away.

Mr. BAILEY. And it would be an anomaly under our system of government for a State of this Union to be incapable of exercising its police powers.

I venture to suggest to the Senator from Connecticut that there is a wide difference between the prohibition of the sale of liquor and the prohibition of plural marriages. In my opinion the sale of liquor at most goes only to the question of the peace and good order of a community where it is sold or prohibited, while the permission of plural marriage goes to the very foundation of the Government itself, or goes rather to the purity of the home, which goes deeper even than the question of an organized government, and it might be permissible for Congress to impose a condition like that to take, as it were, a kind of bond for good behavior.

Mr. SPOONER. Has it that power?

Mr. BAILEY. Ah, the Senator did not watch what I said with his usual attention. I said it might be permissible. I do not think it is. I do not think the Federal Government has the power to impose upon any State, admitted or to be admitted, its will in respect of the domestic affairs of that State.

But I am not willing to allow the statement to pass unchallenged that the prohibition of plural marriage involves no further question than does the prohibition of the sale of liquor. One can only be a police question. The other may be a wider and a broader and a deeper question.

Mr. PLATT of Connecticut. Mr. President, legally I do not see any distinction. Morally I can see distinctions. But the question which gave rise to this discussion was whether the United States could impose upon a Territory certain conditions of admission; in other words, whether they could admit it if it would put into its constitution, as a condition of admission, certain things—agreeing not to pass certain laws, or to pass certain laws. While I agree that plural marriages are to be considered, so far as moral grounds are concerned, so far as their morality is concerned, so far as the effect upon the General Government is concerned, entirely different from the sale of liquor, yet as to the power of the Government and the right of the Government when it admits a State to impose conditions with regard to what laws the new State shall or shall not pass, I do not think there is any distinction.

Here we require that the—

convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians, are forever prohibited.

They shall agree to that. Then the people inhabiting the proposed State shall—

declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian, tribe, or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States. * * * That no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

* * * * * * * *

That provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That this act shall not preclude the teaching of other languages in said public schools.

That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

Those are the conditions upon which the United States will admit this Territory as a State, and I see no objection on legal grounds, therefore, to requiring that they shall pass laws prohibiting the sale of intoxicating liquors. The necessity of those laws, compared with laws prohibiting polygamy, is another question.

The point on which I rose to speak when last up was this: The Senator from Texas suggested that the United States had no remedy if the State did not keep its agreement, which was made a condition of its admission, and suggested that the only way the United States had of enforcing such an agreement would be to refuse to the State representation in the Senate and House of Representatives.

Mr. President, this question has always been a difficult one, and I think the best lawyers have not seen any way in which

the United States can enforce such an agreement made with a State when it adopts its constitution as a condition of admission. If a State deliberately breaks its promise, deliberately violates its compact, and does those things which it said it would not do, or does not do the things which it said it would do, my judgment is that the United States is absolutely without remedy. I do not believe it furnishes a sufficient ground for the exclusion of representation of such a State. There is a difference of opinion about that, perhaps. You can not turn the State out of the Union because it violates its compact, and if you can not do that and are obliged to allow it to remain in the Union, it must remain as other States in the Union, with all the rights and powers and privileges which the other States have.

Mr. BAILEY. If the Senator from Connecticut is on the Committee on Territories, I should like to ask him, and if he is not, I will ask the Senator from Minnesota, who is on the committee, why it was deemed necessary to provide that the new State shall never discriminate against anybody in its suffrage laws on account of race, color, or previous condition of servitude? Were they afraid that the fifteenth amendment would not apply there without that special provision?

Mr. NELSON. That provision came to us in the bill as it came from the House, and inasmuch as it is a provision of the Constitution it certainly can not be harmful.

Mr. BAILEY. No.

Mr. NELSON. The most the Senator could urge against it is that it is surplusage.

Mr. BAILEY. It is, and it is a little hard to be reenacting——

Mr. NELSON. I trust the Senator from Texas will not be too hypercritical in this matter. There ought to be a limit to criticism.

Mr. BAILEY. I was really wondering if the committee had some reason except simply an abundant caution, though I do protest against reenacting in an unnecessary way the Constitution in one section and violating our whole theory of Government in the very next section. I think the Constitution could well be left out of the statute, and I believe in making every act, even an enabling act, as short as is consistent with clearness.

It does look to me as if it is useless to provide that the new State shall not discriminate against anybody on account of race, color, or previous condition of servitude. That much I grant it is the right of Congress to say. I will say that if any State were to present a constitution which permitted a discrimination on account of race, color, or previous condition, I should be constrained, under my oath, to vote against the admission of the State, because its constitution would be contrary to the Constitution of the United States. But it seems to me that that proposition might be reversed, and that Congress has no right to require a sovereign State to come to this body seeking admission upon terms that are wholly repugnant to the Constitution. In other words, I maintain that the legislature of that State, unless restrained voluntarily by its own constitution, should have the right, at its very first session, to deal with every police regulation which concerns the happiness of its people, and that whether or not they deal wisely with police regulations is a question for them and not for Congress.

Mr. NELSON. The provision to which the Senator from Texas refers was in the bill as it came from the House, with another addition, which we eliminated. This provision, being exactly in conformity with the Constitution, simply amounts to this: We ask the State to reaffirm expressly in its constitution its allegiance to this constitutional amendment. It will not do to be too critical in these matters. It might have been in one sense neater, perhaps, and it might have shortened the bill to have left out that paragraph, but it certainly can do no harm to ask the new State in this form, "Do you believe in this paragraph of the Constitution?"—and that is all it amounts to.

Mr. President, there were some other portions of the argument of the Senator from Idaho, as well as a portion of the argument of the Senator from Georgia, to which I intended briefly to reply when I rose, but the hour is now very late, and therefore if no one else desires to speak I move an executive session, and will make my reply on a subsequent day.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 19, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1905.

INDIAN AGENTS.

I. N. Steen, of Mayville, N. Dak., to be agent for the Indians of the Standing Rock Agency in North Dakota, vice John M. Carignan, resigned.

John R. Brennan, of South Dakota, to be agent for the Indians of the Pine Ridge Agency in South Dakota, his term having expired December 14, 1904. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

William A. McClure, of Taylor, N. Dak., to be receiver of public moneys at Dickinson, N. Dak., vice Leslie A. Simpson, resigned.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) John A. Schofield to be a lieutenant in the Navy from the 17th day of June, 1904, vice Lieut. Albert C. Dieffenbach, promoted.

APPOINTMENTS IN THE NAVY.

John H. Blue and Thomas G. Foster, jr., citizens of New York and Alabama, respectively, to be assistant surgeons in the Navy from the 16th day of January, 1905, to fill vacancies existing in that grade on that date.

POSTMASTERS.

ARKANSAS.

B. W. Allen to be postmaster at Hamburg, in the county of Ashley and State of Arkansas, in place of Albert W. Coulter. Incumbent's commission expires January 31, 1905.

Edward E. Blackmon to be postmaster at Augusta, in the county of Woodruff and State of Arkansas, in place of Edward E. Blackmon. Incumbent's commission expires January 31, 1905.

CALIFORNIA.

John E. Hoyle to be postmaster at Taylor, in the county of Shasta and State of California, in place of John E. Hoyle. Incumbent's commission expires January 31, 1905.

Flora S. Knauer to be postmaster at Reedley, in the county of Fresno and State of California. Office became Presidential January 1, 1905.

FLORIDA.

Daniel T. Carlton to be postmaster at Arcadia, in the county of De Soto and State of Florida, in place of Daniel T. Carlton. Incumbent's commission expires January 31, 1905.

GEORGIA.

Jennie B. Smith to be postmaster at Carrollton, in the county of Carroll and State of Georgia, in place of Jennie B. Smith. Incumbent's commission expired December 19, 1903.

INDIANA.

Louis T. Bell to be postmaster at Flora, in the county of Carroll and State of Indiana, in place of Louis T. Bell. Incumbent's commission expires January 31, 1905.

Lucius L. Camplin to be postmaster at Shirley, in the county of Hancock and State of Indiana. Office became Presidential October 1, 1904.

Howard H. Newby to be postmaster at Sheridan, in the county of Hamilton and State of Indiana, in place of Howard H. Newby. Incumbent's commission expired December 10, 1904.

John R. Nordyke to be postmaster at Wolcott, in the county of White and State of Indiana, in place of William E. Fox. Incumbent's commission expires January 31, 1905.

Charles R. Swaim to be postmaster at Knightstown, in the county of Henry and State of Indiana, in place of John W. Lowry. Incumbent's commission expired December 20, 1904.

INDIAN TERRITORY.

Harry J. Jennings to be postmaster at Claremore, in District Four, Ind. T., in place of Elmer S. Bessey, resigned.

IOWA.

Levi M. Black to be postmaster at Ireton, in the county of Sioux and State of Iowa, in place of Spencer H. Carr, removed.

KENTUCKY.

J. L. Earlywine to be postmaster at Paris, in the county of Bourbon and State of Kentucky, in place of John S. Sweeney. Incumbent's commission expires January 31, 1905.

MAINE.

Charles H. Eastman to be postmaster at Millinocket, in the county of Penobscot and State of Maine, in place of Charles H. Eastman. Incumbent's commission expires January 31, 1905.

MARYLAND.

Alfred Sigler to be postmaster at Ridgely, in the county of Caroline and State of Maryland. Office became Presidential January 1, 1905.

MASSACHUSETTS.

George A. Birnie to be postmaster at Ludlow, in the county of Hampden and State of Massachusetts, in place of George A. Birnie. Incumbent's commission expires January 31, 1905.

MINNESOTA.

William J. Annon to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in place of Irving A. Caswell. Incumbent's commission expires January 31, 1905.

Aaron R. Butler to be postmaster at Bagley, in the county of Clearwater and State of Minnesota. Office became Presidential January 1, 1905.

John P. Lundin to be postmaster at Stephen, in the county of Marshall and State of Minnesota, in place of John R. Walters. Incumbent's commission expires January 31, 1905.

William H. Smith to be postmaster at Cambridge, in the county of Isanti and State of Minnesota, in place of William H. Smith. Incumbent's commission expires January 31, 1905.

Charles S. Strobeck to be postmaster at Litchfield, in the county of Meeker and State of Minnesota, in place of Wellington De V. Joubert. Incumbent's commission expires January 31, 1905.

MISSOURI.

Warren W. Parish to be postmaster at Adrian, in the county of Bates and State of Missouri, in place of Elizabeth C. Cox. Incumbent's commission expires January 31, 1905.

William M. Tygart to be postmaster at South St. Joseph, in the county of Buchanan and State of Missouri, in place of John M. Armstrong, deceased.

Grace Lamont to be postmaster at Dillon, in the county of Beaverhead and State of Montana, in place of Grace Lamont. Incumbent's commission expires January 31, 1905.

NEBRASKA.

George Williams to be postmaster at Cambridge, in the county of Furnas and State of Nebraska, in place of George Williams. Incumbent's commission expires January 31, 1905.

NEW HAMPSHIRE.

Arthur W. Charles to be postmaster at North Conway, in the county of Carroll and State of New Hampshire, in place of Charles H. Whitaker, deceased.

NEW JERSEY.

John J. Anderson to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in place of John J. Anderson. Incumbent's commission expired May 28, 1904.

Ezra F. Ferris, sr., to be postmaster at Chatham, in the county of Morris and State of New Jersey, in place of Ezra F. Ferris, sr. Incumbent's commission expires January 31, 1905.

Henry Graham to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey, in place of Henry Graham. Incumbent's commission expires January 31, 1905.

William H. Jernee to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey, in place of William H. Jernee. Incumbent's commission expired January 16, 1905.

Howard V. Locke to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey, in place of Howard V. Locke. Incumbent's commission expires January 31, 1905.

NEW YORK.

Charles W. Clark to be postmaster at Oriskany Falls, in the county of Oneida and State of New York, in place of Charles W. Clark. Incumbent's commission expires January 31, 1905.

Frantz Murray to be postmaster at Dolgeville, in the county of Herkimer and State of New York, in place of Frantz Murray. Incumbent's commission expires January 31, 1905.

Ernest J. Robinson to be postmaster at Plattsburg, in the county of Clinton and State of New York, in place of Ernest J. Robinson. Incumbent's commission expires January 31, 1905.

OHIO.

Orrin W. Curtis to be postmaster at Swanton, in the county of Fulton and State of Ohio, in place of Orrin W. Curtis. Incumbent's commission expires January 31, 1905.

Thomas E. Dunnington to be postmaster at Malta, in the county of Morgan and State of Ohio, in place of Thomas E. Dunnington. Incumbent's commission expires January 31, 1905.

George E. Reed to be postmaster at Prairie Depot, in the county of Wood and State of Ohio, in place of George E. Reed. Incumbent's commission expires January 31, 1905.

OREGON.

Harrison Kelly to be postmaster at Burns, in the county of Harney and State of Oregon, in place of Edward B. Waters. Incumbent's commission expired May 28, 1904.

PENNSYLVANIA.

Scott Bancroft to be postmaster at Shinglehouse, in the county of Potter and State of Pennsylvania. Office became Presidential January 1, 1905.

Frank A. Howe to be postmaster at Waterford, in the county of Erie and State of Pennsylvania, in place of Frank A. Howe. Incumbent's commission expires January 31, 1905.

Robert A. Todd to be postmaster at Ellwood City, in the county of Lawrence and State of Pennsylvania, in place of Robert A. Todd. Incumbent's commission expires January 31, 1905.

SOUTH DAKOTA.

Arthur B. Chubbuck to be postmaster at Ipswich, in the county of Edmunds and State of South Dakota, in place of Arthur B. Chubbuck. Incumbent's commission expires January 31, 1905.

TENNESSEE.

Joseph C. Hale to be postmaster at Winchester, in the county of Franklin and State of Tennessee, in place of Joseph C. Hale. Incumbent's commission expires January 31, 1905.

Joseph J. Losier to be postmaster at Jackson, in the county of Madison and State of Tennessee, in place of Felix R. Bray, removed.

WEST VIRGINIA.

Ellis L. Cassell to be postmaster at Eckman, in the county of McDowell and State of West Virginia. Office became Presidential January 1, 1905.

WISCONSIN.

Oliver W. Babcock to be postmaster at Omro, in the county of Winnebago and State of Wisconsin, in place of Oliver W. Babcock. Incumbent's commission expires January 31, 1905.

Charles S. Button to be postmaster at Milton Junction, in the county of Rock and State of Wisconsin, in place of Charles S. Button. Incumbent's commission expires January 31, 1905.

Martin A. Lien to be postmaster at Black River Falls, in the county of Jackson and State of Wisconsin, in place of Martin A. Lien. Incumbent's commission expires January 31, 1905.

Irwin R. Nye to be postmaster at Wittenberg, in the county of Shawano and State of Wisconsin, in place of Irwin R. Nye. Incumbent's commission expired December 10, 1904.

John C. Southworth to be postmaster at Whitehall, in the county of Trempealeau and State of Wisconsin, in place of John C. Southworth. Incumbent's commission expires January 31, 1905.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 18, 1905.

Edward B. Waters to be postmaster at Burns, in the State of Oregon.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1905.

MARSHAL.

Frank M. Chandler, of Ohio, to be United States marshal for the northern district of Ohio.

PROMOTION IN THE MARINE CORPS.

Maj. Henry C. Haines, assistant adjutant and inspector, United States Marine Corps, to be assistant adjutant and inspector in the Marine Corps, with the rank of lieutenant-colonel, from the 15th day of December, 1904.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Farmer Morrison to be a lieutenant in the Navy from the 1st day of January, 1905.

Commander William W. Kimball to be a captain in the Navy from the 12th day of January, 1905.

Lieut. George F. Cooper to be a lieutenant-commander in the Navy from the 12th day of January, 1905.

SURVEYOR-GENERAL OF LOUISIANA.

James Lewis, of Louisiana, to be surveyor-general of Louisiana.

POSTMASTERS.

ARKANSAS.

Joseph A. Foster to be postmaster at Paris, in the county of Logan and State of Arkansas.

Charles H. Tisdale to be postmaster at Hazen, in the county of Prairie and State of Arkansas.

M. P. Westbrook to be postmaster at Benton, in the county of Saline and State of Arkansas.

INDIAN TERRITORY.

William T. Brooks to be postmaster at Broken Arrow, in District 7, Ind. T.

John P. Bradley to be postmaster at Wetumka, in District 13, Ind. T.

ILLINOIS.

Alpheus K. Campbell to be postmaster at Sullivan, in the county of Moultrie and State of Illinois.

MINNESOTA.

John P. Lundin to be postmaster at Stephen, Minn.

TREATIES WITH INDIANS IN CALIFORNIA.

The injunction of secrecy was removed January 18, 1905, from the eighteen treaties with Indian tribes in California, sent to the Senate by President Fillmore June 7, 1852.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 18, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 16992. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3168. An act making an appropriation for the improvement of the grounds within the Presidio Military Reservation at San Francisco, Cal.;

S. 2654. An act to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia;

S. 1422. An act for the relief of the Omaha National Bank;

S. 1456. An act to carry out the findings of the Court of Claims in the case of James H. Dennis;

S. 5209. An act for the relief of Edward H. Ozmun;

S. 4306. An act relating to the competency of witnesses in the United States courts;

S. 4196. An act to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes;

S. 4162. An act providing for the appointment of a solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department; and

S. 3532. An act to provide for the payment of certain claims against the District of Columbia in accordance with the acts of Congress approved January 26, 1897, and as amended July 19, 1897.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 8460. An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15225. An act to amend the act relating to the printing and distribution of public documents, and for other purposes; and

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PALMER. Will the gentleman from California use some of his time now?

Mr. GILLETT of California. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, I have listened to most of the very able arguments that have been made in this proceeding, and without assuming to have read the entire record I will give some impressions that I have received concerning the case. The gentleman from New York [Mr. COCKRAN] yesterday very eloquently presented to the House a noble ideal of a judge, an ideal that was as unattainable as it was sublime. If we were to impeach all judges who do not attain to it and impeach them at once, I do not think we should have a single judge upon the bench at the end of the week. I am not sure we want just that sort of judge, because I think it would give us the régime of an intellectual and moral monster, under whom mankind would be crucified, and we would soon long for a judge with some taint of the frailties of poor humanity upon him. I am unable to accept the contention of the gentleman from Pennsylvania, presented in the very full argument in which he introduced the resolution, before the holidays, as to the character of an impeachable offense. The gentleman (and I have since read his speech as reported) said in substance that we either commended Judge Swayne or we did not commend him. If we believed that what he had done was right, we should send him forth with our approbation, but if we did not so believe, then we should send him to the constitutional trier—to the Senate. I do not think, sir, that the process of impeachment is any such light affair. The Constitution gives to this House the power to impeach public officers for treason, felony, and other high crimes and misdemeanors. Noscitur a sociis. A crime is known by the company it keeps, and whether the other "high crimes and misdemeanors" must be indictable offenses per se or not, it is evident that the framers of the Constitution, in associating them with treason and felony, contemplated very grave offenses against society. Now, as to the specific charges.

Mr. WILLIAMS of Mississippi. Will the gentleman yield for a question?

Mr. MCCALL. I have only seven minutes.

Mr. WILLIAMS of Mississippi. Then it is not reasonable to expect you to yield?

Mr. MCCALL. I shall be very glad to submit to the gentleman's question.

Mr. WILLIAMS of Mississippi. No; I would rather not under those circumstances.

Mr. MCCALL. The article based upon the false certificates of expenses, I think, was completely destroyed by the gentleman from New York [Mr. COCKRAN] in the argument which he made yesterday, which imparted a temporary appearance of dignity to this case, a dignity which speedily disappears the moment one looks into the record. The first charge I will consider is the railroad charge. It is alleged that this judge accepted free transportation and free subsistence while being transported, from the receiver of a railroad, which receiver had been appointed by him. The gentleman from Maine [Mr. LITTLEFIELD] estimates the cost to the railroad at twenty or thirty dollars, or some similar small amount. It seems to me that this charge should be reverenced, if for no other reason than because of its antiquity. This offense occurred some dozen years ago, at a time when I think it was quite the custom for public officers to receive what are euphemistically called "favors" at the hands of railroad corporations. I am willing to assert, however, that if the rule were applied, even in these virtuous times, that a public officer having authority either to make or execute laws against railroad corporations should be adjudged as having committed a high crime and misdemeanor because he accepted a favor from a railroad, then that rule would cause an amount of mortality among our contemporary statesmen which it is frightful to contemplate. [Laughter and applause.]

The exhuming of this indiscreet act of Judge Swayne after the dust of a dozen years has gathered upon it, this act which I believe was a thoughtless act, but which it is not alleged caused any injury to anyone or corrupted him in any way—I say that the exhuming of this offense at this late day is not so much a witness for his impeachment as it is to the diligence of the hostility with which he had been pursued.

Now, as to the contempt charges and his action in the contempt cases. It appears that he had been negotiating for the purchase of a piece of land in Florida for his wife. A deed was sent to him or tendered him for that land. He noticed that it was a quitclaim deed instead of a warranty, and he asked the question: Why is not this a warranty deed? They then told him that it was because of a cloud in the title which was being tried in his court, and he at once ordered the deed to be returned, and the transaction, so far as he was concerned, was terminated and was never taken up again. A motion was made that he should "recuse" himself on the ground that he had an interest in the land. As a matter of fact, he could not declare that he had the remotest interest in it. He decided that question presented to him judicially on the ground that he did not

have an interest in the land and could not recuse himself, and it can not be doubted that he decided it in accordance with the fact.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. McCALL] has expired.

Mr. GILLETT of California. I yield three minutes more to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. The lawyers who made the motion then brought suit against him, as if he were the owner of the land or claimed title to it. They caused a publication to be made in a newspaper. The evident purpose of the whole proceeding was to coerce the judge, when the matter was called up again, into recusing himself. I regard that, Mr. Speaker, as a very grave contempt, and I do not believe that it can receive the approbation of the Florida bar.

A poor man may be in court with the title to his home in controversy, and if a great and rich antagonist is to be permitted to coerce the court, to bring a groundless suit against the judge and to publish defamatory articles against him, then justice will become a mere byword. In the other offense case an attempt was made to assassinate an officer of the court because of the way he attempted to perform an official duty. These offenses were not committed against Charles Swayne, but they were committed against the very majesty of the law, and if such offenses were permited to go unpunished they would paralyze the arm of justice.

We have heard very eloquent declamations here about liberty, a name that is always sweet to our ears. Those declamations are made because these offenders were sent to jail. But the kind of liberty, sir, that this Government stands for is liberty under law. The kind of liberty that is declaimed about here is liberty to the assassins of the law. If our courts shall not enforce their processes, shall not protect their officers from assassination, and shall not protect themselves from insult, then the liberty for which this Government stands will cease to exist, and with the falling of that the Government itself will fall, and it ought to fall.

I have no difficulty, sir, in reaching the conclusion that I shall vote against all these articles of impeachment. As to the House being put in a false position, I will say that I do not think that it should pursue an evil course simply because it has once started upon it. We were hurried into the passing of the resolution some three or four weeks ago under the spur of the previous question; and if we decide to prosecute this case no longer we can still retire with dignity; we can send a resolution to the Senate that after further consideration we have decided to prosecute the case no further and that the charge which we have presented can not be maintained by the evidence into which we have investigated. [Applause.]

Mr. COCKRAN of New York. Will the gentleman allow me a question?

Mr. GILLETT of California. I am not inclined to yield any more time to the gentleman from New York [Mr. COCKRAN].

Mr. PALMER. I will yield to the gentleman from New York [Mr. COCKRAN].

The SPEAKER. How much time does the gentleman from Pennsylvania [Mr. PALMER] yield?

Mr. PALMER. I yield a minute in which to ask a question and a minute in which to answer it.

Mr. COCKRAN of New York. I understood the gentleman from Massachusetts [Mr. McCALL] to say that he did not approve of the conduct of Judge Swayne in using personal property that was in his possession for the benefit of the creditors, but that the offense was so general that if we pursued it here it might become a little awkward for ourselves.

Mr. McCALL. The gentleman does not quite state my position correctly. I do not approve the action of Judge Swayne in accepting such a favor from a railroad corporation over which he had jurisdiction, but I think it altogether too trivial and too ancient for us to-day to declare it a high crime and misdemeanor.

Mr. COCKRAN of New York. I wanted to suggest to the gentleman from Massachusetts that the impression on my mind was that the act itself being reprehensible we ought not to pursue it because it was general. I want to suggest to the gentleman whether the universality of that thing ought not to be the best reason for attempting to correct it, one to be prosecuted on the first conspicuous example that came to our notice.

Mr. PALMER. I yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, in that three minutes I want to say just one thing. I always listen with very much pleasure to any argument made by the gentleman from Massachusetts. He is always evidently so sincere and so thoroughly possessed of intellectual integrity that every word he utters goes a long way with me. The fallacy of the gentleman's argument a moment ago, however, consists in this: That he places upon the same ground exactly an impeachable offense committed by an executive or legislative officer and one committed by a nonjudicial officer. He forgets that while there is but one clause of the Constitution that applies to executive and other officers nonjudicial, there are two that apply to the judiciary. The ordinary constitutional provision for impeachment is applicable to both, and comprehends "treasons, felonies, and other high crimes and misdemeanors." There is another clause of the Constitution which refers to the removal by impeachment of judicial officers. When you come to the consideration of the impeachment of a judicial officer, there is another clause of the Constitution equally applicable, and that is the clause which fixes the tenure by which he holds his office. The judges shall hold their office "during good behavior;" eo converso—they shall not hold their office after bad behavior as judges. Impeachment is the method of determining as to them not only their guilt or innocence of "treason, felony, or other high crimes or misdemeanor," but whether their behavior as judges is good. A judge is impeachable therefore for bad behavior as a judge, because that is a noncompliance with the constitutional condition of his tenure, and he stands in a two-fold attitude to the Constitution so far as relationship to impeachment proceedings is concerned. I merely wanted to express that thought.

Mr. PALMER. I yield thirty minutes to the gentleman from Texas.

Mr. HENRY of Texas. Mr. Speaker, this interesting and memorable proceeding will soon be terminated. In view of the able and exhaustive addresses that have been delivered I can not hope to interest my auditors, but I shall at least endeavor to be just in discussing the propositions involved. So thorough has been the discussion on the law and evidence, a barren harvest is left for me to glean. Three points, however, shall receive my attention during the brief time allotted me. It is regrettable that the distinguished gentleman from Ohio [Mr. GROSVENOR] on yesterday undertook to drag partisan politics into these solemn proceedings. This impeachment trial, above all others, should be tried according to law and evidence. Partisan debate should be deplored by all Members respecting their oaths of office when grave matters like these are to be determined. There was an intimation of prejudice on the part of gentlemen over there. Surely on a great question like this we can divest ourselves of feelings of partiality and prejudice. For the judiciary of my country I have the profoundest regard. The office is exalted and should ever command the highest respect of every citizen. In the formation of our Government there was much diversity of opinion about the tenure of office, but it was fixed during "good behavior" by the provisions of the Constitution. When that "good behavior" required of a Federal judge ceases he should be removed from office, no matter whether he resides North or South in this Republic.

Debate it as we may, there is only one remedy for removing an unfit Federal judge—impeachment before the Senate on charges preferred by this body as representatives of the people. Mr. Jefferson always dreaded the encroachments and powers of Federal judges, and warned the people to jealously guard their acts and hold them to strict accountability. He deplored life tenure of office and eloquently declared against it. He foresaw the tardy movement of impeachment and denounced that remedy as the mere "scarecrow of the Constitution." Still, the Constitution remains unamended. We have Federal judges in office for practically life tenure, and impeachment is the only remedy for their removal when they misbehave.

With the system we must for the present be content, but let us hold the judges to strict accountability for their good behavior. I do not believe the power of impeachment the mere "scarecrow of the Constitution" where a judge has so flagrantly misbehaved as proved against Judge Swayne. This House will rise to the occasion, shut its eyes to pleas of sectionalism, and relieve the good people of Florida of a judicial tyrant who has ground some of her best citizens to the earth.

It is not necessary or usual, Mr. Speaker, for a Federal judge to become odious before the people of his district or State because, forsooth, his politics do not accord with theirs. His legitimate functions are to mete out law, justice, and equity, not politics.

In my State we have four Federal district judges, one a Democrat, the other three lifelong Republicans. These men are respected by the bar and people of Texas. It gives me pleasure to testify here now before this assemblage that no stain of dishonor has ever attached to their names. They stand high up in the judicial ranks in Texas and throughout the country where they are known, and I to-day congratulate my people on their ability, eminence, and honorable judicial conduct. One, hailing

from the great State of Iowa, had only been in the confines of Texas a brief period when the lamented McKinley elevated him to the bench, and so good was his behavior that he at once sprang into popularity with the legal profession and the people of Texas. The same estimate may be placed upon the Democrat and the other two Republicans, who have lived honorable careers in Texas for many years. An upright judiciary is surely one of the greatest blessings to be enjoyed by a free people. Bacon wisely said:

The place of justice is an hallowed place; and therefore not only the bench, but the foot place and precincts and purprise thereof, ought to be preserved against scandal and corruption.

When it ceases to be such a refuge, the people suffer.

In the enthusiasm on yesterday we drifted somewhat from the law and facts. Let us cast aside prejudice, repudiate blind partisanship, and try this case as become representatives of free people in a great Republic. This cause should not be tried here as it will be in the Senate. There proof of guilt must be made beyond reasonable doubt. Here it must only be such as induces a rational belief of the guilt of the accused. Such is the rule of law as laid down by accepted authorities.

More than ten years ago, by a unanimous vote, the Florida legislature, in August, 1893, passed a resolution denouncing Judge Swayne as a "corrupt judge" and one "susceptible to corrupt influences," and memorialized Congress to investigate his conduct with a view to impeachment. In the short period of three years as a judge he had so demeaned himself in Florida that all the State senators and representatives concurred in denouncing him as being "corrupt" and "subject to corrupt influences." But the power of impeachment is tremendous, and moves with halting step. It was not inaugurated, but permitted to sleep here before some committee. After more than ten years have elapsed the long-suffering people of that State again appeal to this body for investigation and impeachment. Your Judiciary Committee have given the complaint thorough investigation, and report unanimously against Judge Swayne. The hearing was not ex parte; it was complete and fair, and the respondent had process at the expense of the Government to bring his witnesses here for his defense. The Committee on the Judiciary have set forth impeachable grounds in twelve specifications, and it is to be regretted, in my judgment, that they did not include one more. The evidence contained in this record undeniably shows that Judge Swayne could fairly be impeached for his conduct in the Hoskins bankruptcy proceedings. In my discussion to-day I shall confine myself to three propositions, to wit, the question of nonresidence, the contempt proceedings against Belden and Davis, and the contempt proceedings against W. C. O'Neal.

The specifications as to nonresidence read as follows:

ART. 6. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress approved on the 23d day of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine and contiguous territory were transferred to the southern district of Florida, whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida and to comply with the five hundred and fifty-first section of the Revised Statutes of the United States, which provides that "a district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Nevertheless the said Charles Swayne, judge as aforesaid, did not acquire a residence, and did not, within the intent and meaning of said act, reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1894, to the 1st day of October, A. D. 1900, a period of about six years.

Wherefore the said Charles Swayne, judge, as aforesaid, willfully and knowingly violated the aforesaid law and was and is guilty of a high misdemeanor in office.

ART. 7. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned a district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district; that subsequently, by an act of Congress of the United States, approved the 23d day of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine, with the contiguous territory, was transferred to the southern district of Florida, whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida, as defined by said act of Congress, and to comply with section 551 of the Revised Statutes of the United States, which provides that "a district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Nevertheless the said Charles Swayne, judge as aforesaid, totally disregarding his duty as aforesaid, did not acquire a residence, and within the intent and meaning of said act did not reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1894, to the 1st day of January, A. D. 1903, a period of about nine years.

Wherefore, the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

As is well remembered, Judge Swayne lived at St. Augustine, Fla., when the lines of his district were changed in the year 1894, and he lived outside of the northern district of Florida, for which district he had been appointed to act as judge, until very recently, when charges against him originated. Under an express statute recited in these specifications it became his duty to remove into his district and reside therein while judge. But, mark you, he did not wish to remove and did not intend to remove, and he did not remove his residence into the northern district of Florida until within the last year, since impeachment proceedings were inaugurated against him. In his statement before the Judiciary Committee he said: "After a consultation with my friends in Jacksonville and vicinity they urged me not to move my furniture nor my family, saying that the next Congress would be Republican and the district would be placed back in its usual form." This solemn admission before the committee evidences the complete intent on his part to remain out of the northern district of Florida, and it sheds light on the true inwardness of his feelings and desires, and by this declaration his subsequent acts must be construed.

The district was never changed by Congress after 1894, as he and his friends believed and prophesied would be the case. His family never removed into the district, but remained in the State of Delaware. Permit me to submit here the evidence of witnesses on the question of residence. It proves conclusively that the intentions and acts of Judge Swayne were a violation of the statute quoted. Where such a statute has been violated there is no legal excuse that can be pleaded by the judge. He is guilty of a high misdemeanor and should be removed from office. C. H. Laney, an attorney in the State of Florida, testified that he had made trips to Guyencourt, Del., and that he found out while there that Judge Swayne periodically visited there and spent almost his entire summers there. He swore that Judge Swayne had nominally a home there, a furnished house, and that he has a place there called his place, at which he stays. The place, he testifies, is at Guyencourt, Del., a small hamlet, with a railroad station and post-office, about 8 miles north of Wilmington.

On the question of inconvenience to litigants, Judge W. A. Blount testified that "Judge Swayne's absence from the district had resulted in inconvenience, and that the question as to whether it had resulted in detriment would depend upon whether matters could be decided as well upon written as upon oral argument, and whether certain matters ought to be decided ex parte instead of inter partes." C. M. Coston, an attorney of Florida, swore that "the length of time in each year which Judge Swayne spent in the district consisted of the time which it required him to go there, hold his term of court, and go away, usually from two to five weeks."

Judge A. C. Blount, jr., testified that he had learned from Judge Swayne and others that the Judge had a home at Guyencourt, Del. He swore that he and Judge Swayne had been on pretty friendly terms and that he sometimes held conversations with the Judge, during the course of which the Judge had spoken of his place at Guyencourt, Del., his horses, etc.

J. C. Keyser testified that "Judge Swayne was never in Pensacola, Fla., except during terms of his court, shortly before and shortly after, and that he boarded while he was there."

W. H. Northrup testified that "Judge Swayne stopped at his house during the time he was holding court in Pensacola and that he had heard Judge Swayne speak of his old homestead at Guyencourt, Del." He also testified that "he had heard Judge Swayne say that he would come to Florida, but he had never heard him say that he intended making his home there."

George P. Wentworth testified "that Judge Swayne occupied the Simmons residence, and that his family came to Florida while court was being held and then went back to his place at Guyencourt, Del."

J. E. Wolfe, who had been United States district attorney and assistant United States district attorney, swore that "it was generally understood that Judge Swayne had a home in Guyencourt, Del., where he resided when he was not required to be in Florida at terms of court, and that when court adjourned he would go away." He testified that "Judge Swayne rented a residence for a few months, and that he boarded for some time with Captain Northrup, in Pensacola." He swore that "Judge Swayne would usually arrive a day or two before court met, remain until the business of the court was disposed of and go away," and that "the Judge usually held three terms of court in the

district per annum, each term of from ten days to two weeks' duration."

Judge Swayne testified that he had not been a registered voter in fourteen years, and that he had not paid his poll tax in Florida or qualified himself to vote. Out of three hundred and sixty-five days in each year for the last ten years he has spent in all only about sixty days in his district while actually holding court. He has maintained his family in Delaware. The only evidence tending to show that he attempted in the slightest degree to obtain a residence in the northern district of Florida is some excuse offered by his clerk, Mr. Marsh, and his friend, Captain Northup, claiming that he was trying to secure a home in the district on one or two occasions for the purpose of bringing his family there. Both of these witnesses state that he never secured the home.

More than ten years ago the people of Florida, through their legislature, denounced him as being a corrupt judge and susceptible to corrupt influences. He has never forgiven the legislature or the people of that State for their action. He has lorded it over them and has been determined to show these people that he would not reside amongst them permanently and obey the mandates of the statute requiring him to reside in his district. His acts have been the very plainest violation of the statute, and on all occasions he has manifested his contempt and scorn for the people of that State.

For my part, I have no doubt that Judge Swayne never intended to remove into the new district as fixed by the act of Congress in 1894, and the evidence will convince any fair-minded man who will read it that he has never actually acquired a residence there until the Florida legislature forced him to do so by beginning these proceedings. There should be no hesitancy on the part of any Member of Congress to remove him from office on these specifications. The day of reckoning for this judge has come. He has defied the people and their laws long enough. For my part, I shall not shut my eyes to his flagrant violation of the plain statute, but when the hour comes shall pronounce judgment against him on this specification and send him to the high court of impeachment, where the Senate will strip the judicial ermine from him and place it upon worthy shoulders of an honorable successor.

The next points claiming my attention will be the Davis and Belden and O'Neal contempt cases. Those specifications read as follows:

ART. 8. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge, as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 9. That the said Charles Swayne having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 10. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore, the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power, and of a high misdemeanor in office.

ART. 11. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a circuit judge of the United States court heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States. Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office as judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The points involved in the Davis and Belden cases are substantially these: On the 15th day of February, 1901, a suit was instituted in Judge Swayne's court, in the northern district of Florida, by Florida McGuire and others against the Pensacola City Company through her attorneys, Simeon Belden and Louis Paquet. The case was not tried at the spring term of court.

On the 19th day of October, 1901, Mr. Belden and his cocounsel, Mr. Paquet, presumably from the city of New Orleans, addressed a letter to Judge Swayne, at Guyencourt, Del., asking the judge to recuse himself in the above entitled case on the ground of his personal interest in the litigated land. To this letter Judge Swayne made no reply. He came to Pensacola and opened his court on the 5th day of November, 1901. It has been contended on the other side of this House that Judge Swayne announced in open court on November 5, 1901, in the presence of the attorneys, Belden, Davis, and Paquet, that his "relative" had purchased block 91 of the land involved in this suit, and that he, learning of the litigation pertaining to block 91, had returned the deed. They have said that he made a general statement in the presence of Davis and Belden on November 5, 1901. Judge Swayne has not said anywhere, nor is there any legitimate testimony in this record, that such a statement was made by him in the presence of Belden and Davis prior to November 11, 1901, after Davis had dismissed in his court the case of Florida McGuire *v.* The Pensacola City Company. Indeed, on November 5, 1901, Davis had not been engaged or employed in the case. Let me here submit Judge Swayne's testimony on this point, and the only statement touching it ever made by him:

On November 5, 1901, while engaged in the trial of a criminal case, counsel for plaintiff in the case of Florida McGuire came into court, and I immediately suspended proceedings and called them up and explained to them the situation as above detailed, and notified them that their letter was not in such form as to be the foundation of a formal order, but that I would not recuse myself as requested. I made my explanation clear and emphatic, and I am certain that they could not mistake or misunderstand the statements of fact that I then made.

He only states that "counsel for plaintiff in the Florida McGuire case came into court," and does not say that Belden or Davis came into court. What counsel? It could only have been Paquet, of New Orleans, because Davis was not then an attorney in the case, and Belden was sick with facial paralysis in his hotel at Pensacola, Fla., according to all the evidence. Hence, Davis and Belden did not hear this statement when he made it, because they were not in court, according to any testimony in this record. There is no legitimate testimony anywhere authorizing the inference that Davis ever was in the Florida McGuire case until the morning of the 11th day of November, 1901, when he was counsel only by courtesy to dismiss the case at the instance of Mr. Paquet and Mr. Belden. Hence, Judge Swayne's offense against Davis was vastly more grievous than the one against Mr. Belden, although it was enormous against that venerable attorney.

The contempt proceedings were instituted on the 11th day of November, and Davis never came into the case until that morning, although it is undeniably true that Judge Swayne was sued by Davis and others on Saturday evening, about 8 o'clock, November 9, immediately preceding the Monday when the contempt rule was entered. Before Davis ever came into the case Belden and Paquet, of the city of New Orleans, had requested Judge Swayne to recuse himself on the trial of the case and had offended his imagined dignity. He had declined to recuse himself and had stated that a "relative" had purchased a part of the land. This was on November 5. He did not have the honesty to state on that day, when refusing to recuse himself, that the so-called "relative" was his wife. An honorable judge should have instantly stated the facts to all the counsel in the case. Judge Swayne contends that he did not object to being sued by these attorneys, for they had a right to sue him. Still, the charge against the attorneys as drawn by Mr. Blount was solely for the fact that they had brought suit against Judge Swayne. Here is the gravamen of the charges against Belden and Davis:

To show cause before this court at a day and hour to be fixed by the court why they shall not be punished for contempt of the court, in causing and procuring as attorneys of the circuit court of Escambia County, Fla., a summons in ejectment, wherein Florida McGuire is plaintiff and the Hon. Charles Swayne is defendant, to be issued from said court and served upon the judge of this court, to recover the possession of block 91 in the Chevaux tract, in the city of Pensacola, Fla., a tract of land involved in controversy in ejectment then depending in this court in a case wherein the said Florida McGuire was plaintiff and the Pensacola City Company et al. were defendants.

Belden, Davis, and Paquet had the right to believe that there was some transaction going on between the real estate firm of T. C. Watson & Co. It can not be denied that suit was then pending, or that judgment had already been rendered in favor of

T. C. Watson & Co. against C. H. Edgar to recover commissions for the sale of the land to Judge Swayne or his wife prior to November 5, 1901. Whether this suit had been brought to judgment or not is immaterial.

J. C. Keyser testified, in giving his estimate of the value of the land and in response to other interrogatories, that "I gained from the fact that there is a judgment in Judge McCullough's court for commissions of $70—5 per cent on $1,400—and $8 abstract fee against Charles H. Edgar and in favor of Watson & Co., lot No. 91, to Mrs. Lydia C. Swayne." He further testified that the value of the land was about twice $1,400. Belden and Paquet knew of this suit or judgment. It was freely rumored in Pensacola that Judge Swayne had bought lot 91, a part of the land in controversy before him in the McGuire case, Mr. Belden testified. His testimony is as follows:

The Florida McGuire case against Blount et al. was instituted early in the year, but was not ready for trial at the spring term. During the summer of 1902 the rumor was general through the town that Judge Swayne had purchased lot 91 of the De Rivas tract, which was in litigation before him as judge of the circuit court here. The rumors were so definite and of such form as to leave no doubt in the minds of counsel of the purchase. So, the 19th day of October, Judge Paquet and myself addressed a letter to Judge Swayne requesting him to recuse himself, for the reason I have just stated, being a party at interest; to recuse himself and notify Judge Pardee, so he could assign a disinterested judge at the November term. He never replied to the letter at all, and, so far as I know, never informed Judge Pardee, the circuit judge, of the circumstances surrounding himself and the case. The November term I was sick—had an attack of facial paralysis—but our clients telegraphed me to come over, though I could not appear before the court.

Later, on the 9th or 11th, he replied to our communication, in which he declined to recuse himself, and went on to state he had not purchased the land, that a relative of his had purchased the block of ground in question, and that he had got hold of the deed and returned the deed to the vender of the deed. The vender of the deed was C. H. Edgar, a party defendant in the suit in question, and he being a party defendant, made Judge Swayne a party defendant through him, as we supposed. He stated that the deed had been sent on to this relative at Guyancourt, and he returned it, as he had no interest whatever. The following day, without any reference to the case whatever, the judge called up this, and in his statement he said: "The relative I referred to yesterday, or the day before, is my wife." He went on to say that his wife had paid for it from funds from the estate of her father in Delaware. * * *

It was so positive that she had purchased it, and we also learned that a suit had been brought by Watson & Co. against Edgar for commissions due them by Edgar; the records will show it. Now, upon that we brought suit against Judge Charles Swayne; the first thing we did in the morning, before any business was transacted, was to discontinue the suit. In the meantime Judge Paquet had prepared the pleadings to eject him from that property.

Mr. Speaker, why did Judge Swayne return the deed sent to him by Watson & Co.? Was it because the land was in litigation in his court? Or was it because it was a quitclaim and not a warranty deed? Watson, the senior member of the firm selling him the land, states positively "the negotiations were not completed because Judge Swayne objected to taking any but a warranty deed. That was what he bargained for." "The negotiations were broken off because Judge Swayne objected to taking anything but a warranty deed. The deed was returned to a party in New York." Never prior to November 11, 1901, did either Judge Swayne or any member of the firm of Watson & Co. testify that he returned the deed because the land was in litigation. He planted his refusal to take this deed exclusively on the ground that it was a quitclaim, and never hinted that he returned it because the land was in litigation. He contended that he had bargained for a warranty deed and nothing else would suit him. He cared nothing for the litigation before him and said nothing about it. Therefore it is plain that the suit for commissions against Edgar was pending, or that judgment had already been rendered, on the ground that the sale had been made to Judge Swayne when Belden and Paquet requested him to retire from the case in his court where the land was in litigation.

Mr. Belden says, in testifying: "They went to the real estate agents, and the real estate agents told them that this transaction had been made, and that a suit was pending for their commissions for selling the land from Edgar to Swayne." There is not the slightest proof that Davis was then professionally connected in any way with the case in the Federal court, or ever was until the 11th day of November, 1901, when he went into court and dismissed the McGuire case as a matter of professional courtesy to Belden and Paquet. Judge Swayne said he did not object to these gentlemen suing him, yet if they had questioned his word after he said he was not interested in it I undertake to say that he would have consigned them to prison just the same. He was inflamed solely because they justly charged that he was interested in the land. He did not propose to submit to being questioned, either directly or indirectly, by these attorneys, although it was plain that he was in the midst of a transaction for a part of the litigated land. I undertake to say that if they had offered to prove, as they could have done, that he was interested in the land, he would have spurned their offer and adjudged them guilty of contempt just the same. No matter how plain the facts might have been, if they had hinted or charged in any way that he was interested in the land, he would have adjudged them guilty of contempt. He stated several times that he did not object to being sued, yet the whole gravamen of the contempt charge is that these attorneys did sue him.

Some things are not denied. Briefly to summarize, blank mortgages and blank notes were forwarded to Judge Swayne at Guyencourt, Del., for him and his wife to execute. Some of the testimony shows that the price he was to pay for the land was but half its value. That fact was known and believed by many people in Pensacola. It was notorious that there was a suit pending for commissions, for the reason that the judge or his wife had already bought the land. Judge Swayne admitted from the bench that a "relative" of his had negotiated for the land, not disclosing, as judicial honor would require, that the "relative" was his wife. There is testimony in these proceedings from his lips that his "wife had some money which she inherited from her father's estate," and, further, that "she had paid for this land with her money." With these facts well known, the air being full of rumors, when the attorneys undertook to question the judge about it, he perched himself upon the bench and said that he had explained and would not permit the attorneys to proceed further toward recusing him.

Mr. Speaker, I say they had the right to question his jurisdiction to try this cause. They had the right to sue him in the State court, and they had the right to believe that he was interested in the land. These attorneys would have done violence to their clients if they had not undertaken to oust him from jurisdiction in this cause. They should have charged, as they did charge, that he was guilty of purchasing the land for himself or his wife while it was in litigation in his court. No matter what his alleged dignity led him to say, the facts show that deeds and mortgages were passing back and forth between him and real estate agents of Pensacola in reference to this land.

Mr. GOLDFOGLE. Mr. Speaker, I should like to get my idea clear about the act of Judge Swayne in committing Belden and Davis for contempt. Did the commitment, as made by Judge Swayne, set forth the act alleged to be a contempt of his court?

Mr. HENRY of Texas. The commitment did not. The commitment simply stated that they were guilty of a substantial contempt of his court.

Mr. GOLDFOGLE. Is that all?

Mr. HENRY of Texas. Yes; that they were guilty of a substantial contempt.

Mr. GOLDFOGLE. Are the papers in evidence upon which the contempt proceedings were predicated?

Mr. HENRY of Texas. Yes; and I am going to read from them.

Mr. GOLDFOGLE. What I would like to know is this: Whether the papers clearly indicate that the reason, or rather that the motive, that actuated Judge Swayne was the commencement of a suit against him for ejectment?

Mr. HENRY of Texas. Yes; I am going to take that up right now.

Mr. GOLDFOGLE. Or does it show any other act on the part of Belden and Davis which might be construed into a contempt of court?

Mr. HENRY of Texas. Now, I haven't a great deal of time, but will answer the gentleman's question. This is the charge against the attorneys (not the manner in which they brought the suit):

To show cause why they should not be punished for contempt of the court in causing and procuring as attorneys of the circuit court of Escambia County, Fla., a summons in ejectment wherein Florida McGuire is plaintiff and the Hon. Charles Swayne is defendant to be issued from said court and served upon the judge of this court to recover the possession of block 91, the Chevaux tract, in the city of Pensacola, Fla., a tract of land involved in a controversy in ejectment then pending in this court in a case wherein the said Florida McGuire was the plaintiff and the Pensacola City Company and others were defendants.

That was the ground, that he had been sued by these attorneys, and Davis was not then in the case. He was not in Judge Swayne's court, was not connected with the litigation in the remotest degree in his court until November 11, although for bringing the suit in the State court on the Saturday preceding November 11 he is charged with contempt and imprisoned and fined $100. There has been some contention that these gentlemen did not purge themselves of contempt. It is true the motion of Blount was not sworn to and the attorneys, Belden and Davis, who were acting under the sanction of their official oaths as officers of the court, did not swear to their answer. Judge Swayne regarded the motion of Blount as being a suffi-

cient pleading and he treated the answer of Belden and Davis as being a sufficient pleading in his court. Their answer did clearly purge them of contempt. As I have mentioned above, Belden was not in Judge Swayne's court on November 11 when he made his statement, neither was Davis. Judge Swayne has not said so, and there is no testimony to show that they were present. This allegation in their answer purges them of contempt:

Second. That the petition to recuse referred to in said motion they had nothing to do with before this court, nor were they present on the 5th day of November when submitted, as stated in said motion, nor present when any statement made by the judge concerning his connection with any of the property, except the statement made by said judge on November 11, after court convened and after the motion to discontinue in the case of Florida McGuire *v.* Pensacola City Company et al. was made.

Third. To the second paragraph showeth: As above stated, they heard no declaration made by the judge referred to in said paragraph.

They denied the facts upon which the contempt charge was based. They denied in this answer that they were present on November 5, as Blount had charged against them. Davis was not an attorney until November 11. Still, for bringing the suit on Saturday, November 9, before he was an attorney in any way in the McGuire case, he was adjudged to be guilty of contempt. Can anyone contend that this judge had the power to punish him when he was not acting as an officer of the court until two days after the suit in the State court was brought? So it is clear that Judge Swayne transcended his power; that he was vindictive and cruel. Because, forsooth, these attorneys believed and charged that he was interested in this land they were made the objects of his judicial wrath and vengeance.

The specification in the O'Neal case is as follows:

ART. 12. The said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of the duties of his office of judge heretofore, to wit, on the 9th day of December, A. D. 1902, at Pensacola, in the county of Escambia, in the State of Florida, did unlawfully and knowingly adjudge guilty of contempt, and did commit to prison for the period of sixty days, one W. C. O'Neal, for an alleged contempt of the district court of the United States for the northern district of Florida. Wherefore the said Charles Swayne, judge, as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

Gentlemen on the other side of this House have contended that Judge Pardee held that Judge Swayne was acting in accordance with the law in imprisoning O'Neal. Judge Pardee made no such ruling. The circuit court of appeals simply decided that Judge Swayne had jurisdiction in contempt cases before his court and that courts had no right to review his action by appeal on habeas corpus proceedings. In the Supreme Court of the United States O'Neal's writ of error was dismissed on the ground that a writ of error was not the proper remedy for carrying a contempt proceeding to the Supreme Court for review. In fact, there is no remedy under the law to review such tyrannical actions of a judge as in the Belden and Davis and O'Neal cases. The power to punish in such cases is peculiarly within the jurisdiction of the Federal district judge, and his action can not be reviewed on habeas corpus before the appellate court by writ of error or otherwise. The circuit court of appeals clearly decided this point in the O'Neal case. The Supreme Court adjudicated it and dismissed the writ of error brought before them by O'Neal in his case pending in that court. Following is a part of the language of the judgment dismissing the case:

And on the motion to dismiss, which was argued by counsel, in consideration whereof it is now here ordered and adjudged by this court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

JUNE 1, 1903.

The O'Neal case is substantially this: A. Greenhut had been appointed trustee in bankruptcy for one Scarritt Moreno. Greenhut had brought an action in the county court of Escambia County, Fla., for the purpose of having certain land, which was in the name of Moreno's wife, brought into the bankruptcy estate to relieve the land of a mortgage for $13,000, which appeared to be a lien given the National Bank of Pensacola, and by it assigned. Greenhut was a director in the bank of which O'Neal was president; he was also an indorser on Moreno's paper in the bank for $1,500. O'Neal was charged with contempt of Judge Swayne's court for having a difficulty with Greenhut, the trustee in bankruptcy, in which difficulty Greenhut was cut with a knife in several places by O'Neal. For engaging in this affray with Greenhut Judge Swayne contends that O'Neal was guilty of contempt of his court in assaulting the trustee in bankruptcy. O'Neal contends that the facts are as follows, and the testimony tends strongly to corroborate his contention:

That the said Greenhut had been from the organization of the American National Bank, of Pensacola, in October, 1900, a stockholder and director thereof; that while he was such stockholder and director the said bank received from the said Scarritt Moreno a certain mortgage for the sum of $13,000 to secure certain indebtedness due or to become due by the said Moreno to the said bank; that the said transaction was an honest and bona fide transaction, and that the said Scarritt Moreno was and became indebted to the said bank in a large sum of money secured by the said mortgage; that the said Greenhut was cognizant of the whole of said transaction and knew of its bona fides and honesty, as he did of the subsequent bona fide transfer thereof to Alex McGowan, N. J. Foshee, and H. L. Covington for a large consideration paid by them to the said bank, and that the bill filed by the said Greenhut as trustee as aforesaid was filed to declare the said mortgage and transfer null and void, although the said Greenhut knew them to have been entirely honest, straight, and valid transactions.

That on the morning of the 20th of October, 1902, respondent was proceeding from his residence to his office in the said bank, in the direct and usual path pursued by him, and he saw the said Greenhut standing at the door of his said store office upon the said path of respondent, and it suddenly occurred to respondent to reproach the said Greenhut with having brought the suit mentioned in his affidavit against the said bank when he, the said Greenhut, knew, as aforesaid, that there was no foundation therefor; and thereupon the respondent stated to the said Greenhut that he wished to speak to him as soon as he was at liberty, he then being engaged in a conversation with one A. Lischkoff.

The said Greenhut answered that respondent could speak to him then, and both he and respondent stepped to the rear of the said Greenhut's office, when the respondent reproached the said Greenhut with his attitude toward the bank of which he had been a stockholder and director, both in his refusal to pay the negotiable paper hereinbefore mentioned and in the bringing of an unfounded suit against it. The conversation, however, concerning chiefly the bringing of said suit against the said bank, hot words passed between the said respondent and said Greenhut, during which the said Greenhut said that he would "do respondent up," to which respondent answered that he did not come to have a disturbance and would not fight in his office except in self-defense, but that if he had to fight he would do so if the said Greenhut would come out upon the street.

When the respondent turned to leave the office and when he had nearly reached the door, he turned and said to the said Greenhut, "Well, you know you lied about the Moreno acceptance, for you said that you would pay it," the Moreno acceptance being the negotiable paper hereinbefore mentioned. As respondent turned, saying this, he noticed that the said Greenhut was following him, and as he said it, the said Greenhut (who was short, stout, heavily built, and apparently much more muscular than respondent) struck the respondent (who is thin and feeble) and forced him against the railing in the said office. The respondent shoved the said Greenhut a little away from him, but he, the said Greenhut, instantly recovered and rushed at respondent with his arm uplifted to strike, when respondent drew from his pocket a small pocket knife, and opened it in order to protect himself, and upon said Greenhut rushing upon him, cut him therewith, while the said Greenhut was still following and endeavoring to strike him.

Such is substantially the statement of this contempt case. O'Neal's assault was alleged to have been for the purpose of intimidating Greenhut in the exercise of his duties as trustee and for the purpose of hindering him in doing his duty. The assault was committed a block and a half away from the Federal courthouse; court was not in session and the judge was absent from the district. There is no law of the United States by which O'Neal could be held guilty of committing a contempt of court under such circumstances. His act was not in the presence of the court or so near thereto as to obstruct the administration of justice. O'Neal was not an officer of the court and was not guilty of disobedience or resistance as an officer of the court. He was not resisting or disobeying any mandate, order, or decree of Judge Swayne's court, and Greenhut was not undertaking to carry out any mandate, order, or decree of the court when the difficulty occurred. There was not the slightest evidence that the difficulty occurred because Greenhut was trustee. It was simply a personal matter brought on between O'Neal and Greenhut, which perhaps was induced indirectly by the official actions of Greenhut, but not because he was a trustee or for the purpose of hindering him in his official duties as such trustee. After the impeachment of Judge Peck had failed, and he had so flagrantly violated his power as a Federal judge, the contempt statutes of 1831 were passed. They read as follows:

1. That the power of the several courts of the United States to issue attachments and to inflict summary punishments for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistence by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

2. That if any person or persons shall corruptly, or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer in any court of the United States in the discharge of his duty, or shall corruptly, or by threats or force, obstruct or impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500, or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

This statute sets the exact limits of the power of Federal judges to punish for contempts. Judge Swayne should have known the provisions of this act. He was quick to see, after consulting the statutes, as he contends, that Belden and Davis were guilty of "misbehavior in their official transactions" as officers of his court under the act of 1831. His eagle eye instantly ascertained that the act gave him the power to punish for "misbehavior as officers of his court," but in the next breath, in a childlike and bland contention, he says that he was ignorant

of the fact that the statutes on contempts prohibited him from punishing for contempt by both fine and imprisonment, although the two clauses of the act were within the range of the same glance of the eye that made the discovery giving him jurisdiction. He read one part of the statute that gave him power to punish for contempt and omitted to read the other part within his vision which limited his jurisdiction. When the statute of 1831 was enacted there was no provision inserted in it that gave Judge Swayne power to punish, summarily, O'Neal for assaulting an officer of his court. Under section 2 of that act he might have been punished for endeavoring, by threats or force, to influence intimidate, or impede an officer of the court in the discharge of his duty. But the punishment should be "by indictment" under the very terms of that section of the law.

O'Neal was entitled to a trial by jury. He was entitled not to be put twice in jeopardy of life and limb. Judge Swayne had no power to compel him to testify against himself in this and foreign matters and offenses, as he did when he was on the stand stating the details of the difficulty. Judge Swayne tried him summarily in a contempt proceeding as if he were trying the case of an assault to murder. This statute clearly divested him of jurisdiction, and this he must have well known. It pointed out to him the method by which O'Neal could have been punished, and in the language announcing his sentence of punishment he quotes the section of the act of 1831, providing that because by threats or force O'Neal was endeavoring to intimidate Greenhut, his trustee, in the discharge of his duty he would punish him for contempt. In reading this statute he should have seen that it directed him to proceed by indictment in such cases, and stripped him of the power to summarily punish this man for an act committed far away from his court room.

In the case of Savin (131 U. S.) Mr. Justice Harlan said:

> It is contended that the substance of the charge against the appellant is that he endeavored, by forbidden means, to influence or "impede" a witness in the district court from testifying in a cause pending therein, and to obstruct or impede the due administration of justice, which offense is embraced by paragraph 5399, and, it is argued, is punishable only by indictment. Undoubtedly the offense charged is embraced by that section, and is punishable by indictment. But the statute does not make that mode exclusive if the offense be committed under such circumstances as to bring it within the power of the court under paragraph 725; when, for instance, the offender is guilty of misbehavior in its presence or misbehavior so near thereto as to obstruct the administration of justice.

O'Neal was entitled to all the constitutional privileges of a man charged with an assault with intent to murder, in this proceeding, yet Judge Swayne took all these privileges from him.

O'Neal was prosecuted in the State courts for this offense, yet Judge Swayne put him in jeopardy a second time, in violation of the Constitution of the United States. No upright man can read the testimony of the proceedings of Judge Swayne in the O'Neal case and say that he acted as a just judge. The wonder is that some outraged citizen, pursued by his vengeance, did not drag this judicial autocrat from his high place, as Virginius dragged Appius from the throne he had disgraced. His victims suffered long and patiently; they permitted him to violate the Constitution and statutes of the United States and to trample upon their most sacred privileges secured by law. He took from them the right of trial by jury, imprisoned them for contempt when no contempt had been committed. We should shut our eyes to partisan politics and arraign this man for all his acts of tyranny and violations of law. In the name of the Constitution and statutes of this country, whose provisions he has violated and disgraced on many occasions, he should be sent before the American Senate.

In the name of the Federal judiciary, whose purity he has tarnished and whose ermine he has stained, he should be impeached for high crimes and misdemeanors—not on one charge alone, because all the specifications conspire to show the tyranny, corruption, and true character of this judicial monster. A reading of the record discloses that from the moment he came upon the bench in the court room his restless eye looked around for some one to mark as the victim of his wrath and vengeance. There seemed to be no goodness in his heart. He was in pursuit of some one over whom to exercise his powers as judge. He sent some of the best citizens of Florida to the bogs and fens of that State. Young Hoskins destroyed his life with his own hand rather than face this man upon the bench. O'Neal, pursued and hounded for months by him, has gone to his reward in another existence. There are also many other citizens of the State of Florida who are trembling and dreading his power. Not since the days of Peck has a judge so abused his high prerogatives.

The power of a Federal judge is great; but give to him life tenure of office and add to it the dogma, "The king can do no wrong," and in a brief period it makes tyrants of most men.

This judge has not hesitated to shut his eyes to plain constitutional provisions. He has denied the sacred right of trial by jury. To scandalize a public functionary under the old sedition laws was an offense, but the defendant had the poor privilege of proving the truth of his charge and the right of trial by jury under the terms of the law. This law against the freedom of speech and the press became odious with the people, and not a vestige of it remains. But in this modern day to speak against this petty judge, whether false or true, brings down his wrath and he refuses to hear the truth as a justification against him, holds at naught the sacred constitutional right of trial by jury, and summarily consigns to prison citizens who dare assert in his court a statutory and constitutional privilege. Oh, for the spirit of the people who blotted out the ancient sedition laws of the early days of the Republic! In the ages past when one of the wise men of antiquity was questioned as to the best possible form of government, he replied: "That in which an injury done to the humblest citizen is regarded as an injury done to the whole community." This spirit taught by the ancients can alone preserve our free institutions and stay the tyrant's hand. [Prolonged applause.]

Mr. PALMER. Mr. Speaker, I hope the gentleman on the other side will use some of his time.

Mr. GILLETT of California. Mr. Speaker, I would like to inquire, before I start to close the debate, if all of the gentlemen on the part of the majority who intend to speak, excepting the gentleman who proposes to close the debate, have spoken? I do not care to close for the minority if they have not.

Mr. PALMER. The time on this side will be occupied as I see fit and when we have to use it.

Mr. GILLETT of California. Mr. Speaker, I submit that is hardly a fair statement. I want to close for the minority. I would like to know if all of the gentlemen have spoken that intend to speak, so that I may have the opportunity of answering them?

The SPEAKER. Generally in the practice of the House the gentleman in charge of the bill, if not by right, at least by usage, has the right to close the debate. It is also true, however, that either through accommodation or a spirit of fairness, the practice of the House has been that gentlemen arrange among themselves by which, if it is desired by either or both sides, the gentleman in charge of the minority report shall close for his side.

The gentleman closing the debate—in this instance the gentleman from Pennsylvania—has the right, if he sees fit to exercise it, to the hour, and the gentleman in charge of the views of the minority, under the agreement, would have the right to have the hour immediately preceding the hour that the gentleman from Pennsylvania controls and gets.

Mr. GILLETT of California. Mr. Speaker, before I enter upon the merits of the case now pending before the House there is an argument made by the gentleman from Massachusetts [Mr. POWERS], which has also been referred to by other Members and also by the gentleman from Pennsylvania [Mr. PALMER], that I desire to notice briefly. It was stated by the gentleman from Massachusetts that all that remained for this House to do was to consider whether or not the articles presented by the committee were in due and proper form. That the merits of the several articles were no longer involved, the same having been settled when the House passed the resolution of impeachment. The gentleman from Pennsylvania has stated that this House can not at this time afford to vote against impeachment, because if we did we would stultify ourselves by reason of the position heretofore taken by us. I desire to say that this is the first time that the Members of this House have had a fair opportunity to inquire into the merits and to discuss them fully upon the grounds and charges which the majority deemed sufficient in the articles submitted by them to warrant impeachment in this case. I believe it is our duty, I believe it is our right, not only to ourselves but to Judge Swayne and to the Senate of the United States, that we should fairly consider these articles and vote upon them as we believe is right and just. If stultification comes anywhere it comes in sending to the Senate for trial groundless charges, ill-considered and not supported by the evidence, and I do not propose, as far as I am concerned, to stultify myself in this manner. I do not believe the Members of this House feel as if they want to stultify themselves in that manner, therefore the argument made by the gentleman is entitled to but little weight. These articles are before us for consideration; they are before us for debate; and we are to pass upon the merits of the case and render such a decision as is warranted by both the law and the evidence. The Senate has the right to demand of us a fair investigation, an impartial investigation, and to be cautious not to send to it charges which will take up its time and impose upon this country a large expense, which are not founded upon sufficient evidence and have no merit; and if, after a full consideration of these articles, both as to the evidence and the law, we are of the opinion that they are supported by both, it is our duty, as public officers,

to so state. We can square ourselves with the country and with the Senate by doing so, and certainly with our own consciences. That is all I care to say in this connection.

Now, then, my presentation of the minority views will take perhaps a little wider range than was first intended because of statements made by gentlemen representing the majority report and who favor impeachment. In the heat of debate the gentleman from Pennsylvania [Mr. PALMER] said that "the track of this judge was strewn with bankruptcies, scandals, and suicides, and he did not believe he had a friend in Florida, politically or otherwise. The gentleman was excited when he said it, and it is not based upon any fact and is not true. The gentleman from Massachusetts said the feeling existing in Florida against Judge Swayne has continued for years. If this is true, if this is so, then it is proper for us to go back in the years past and find out why it is so. Why has this judge enemies in Florida? Why are there men pursuing him in the legislature of that State, in the Senate of the United States, and in this House of Representatives? Has he by reason of his political conduct brought down upon him the ill will of the people, or has there been some other influence at work that has caused the people of Florida to discredit him? Now, Judge Swayne was appointed judge in 1889. He was not confirmed until 1890. When he entered upon the discharge of his duties he walked into a great political storm that was circling over the entire State of Florida. He walked into a storm that was full of passion and prejudice and vengeance. He walked into a storm where there were murmurings against and cursings of the United States Government, its officers, and its laws through the attempt of its officials to enforce violations of the United States election laws. There was appointed with him at that time a marshal and a district attorney, and the President of the United States told them that those laws must be enforced and the guilty punished, and he started to enforce them. He discharged his duty well, but he did not discharge it without bringing down upon him the ill will, and the vengeance, and the malice, and the prejudice of a great many citizens then living in Florida. So intense and bitter was this feeling, so far-reaching was it, that a United States marshal was assassinated in broad daylight and brought home and thrown in front of the court-house. So far was it carried that John Byrd, a witness on the part of the United States Government, was called from his door to the gate and pierced with more than forty bullets.

The judge himself was not safe. They did not content themselves with their conduct in Florida, but they came to the Senate of the United States and endeavored to prevent the confirmation of the judge, endeavored to prevent the confirmation of the district attorney, and to prevent the confirmation of the marshal, officers who, under instructions from the President of the United States and Attorney-General, were endeavoring to enforce the law against crimes that had been committed in Florida against the election laws of the United States.

And I desire at this time to read and make a part of my remarks the language used by Senator Chandler when this matter was pending before the Senate. It shows the conditions existing there at that time, which have followed along through these years and are to-day pervading to a large extent the House of Representatives, and goes a long way to prove the reason for any feeling that may exist in the minds of some of the people of Florida against Judge Swayne:

Mr. CHANDLER. They are engaged in very different business from hunting down the murderers of John Bird and W. B. Saunders. What are they doing, Mr. President? They are hunting down the district judge and the United States marshal and the district attorney, and the Senator from Florida comes here and defames the dead man on the floor of the Senate. That is what they are engaged in. It is easily understood why they know nothing about the details of this business. It is because they have not studied it. It is because they have not sought the means of information which were at hand, and because they are here going in before the Judiciary Committee and trying to prevent the confirmation of the judge and the district attorney and the marshal whose business it is to punish election frauds in the State of Florida, if they can do so by lawful means.

Then Senator PASCO said:

Mr. PASCO. I want that language taken down.

Mr. CHANDLER. Yes, I hope the reporters will take it down, if the Senator from Florida would like it. Let it be taken down twice, if they choose; and I hope the Senator from Florida will remember it, for I say that that is what the Democrats of Florida are about to-day, individually and collectively, and through their representatives on this floor. From the time this judge and this district attorney and this marshal were appointed they have been hunting them down and assailing them and defaming them in every possible way and under all possible circumstances and in every possible place.

That is the condition, Mr. President, in which the State of Florida stands to-day. It has a judge and a district attorney and a marshal appointed by the President, not confirmed by the Senate, who are doing the best they can to punish election frauds and to protect themselves while they are about it. The Democrats of Florida have rallied to assail these men, the witnesses are killed, the United States deputy marshal is killed, and if there are not more of them killed before this business is over it will not be the fault of the Democrats of these half a dozen counties where, by frauds innumerable, crimes beyond measure, a Republican candidate for Congress was counted out and a Democratic candidate for Congress was counted in.

Now, this is the whole case and the whole situation. I do not wonder that the Senators from Florida wish to change the issue. I do not wonder that they wish to draw attention away from the murder of John Bird and the murder of W. B. Saunders, and get up all the stories they can concerning the drawing of jurors and the imperfect administration of justice in the State of Florida.

Those were the conditions existing at that time in the State of Florida when this judge was trying to enforce the laws which it was his duty to enforce. And I might state here that in the first case that was brought to trial he instructed the jury to acquit In the other cases there was a mistrial There were several appeals taken from his judgment to higher courts, and they were all affirmed. The record that Judge Swayne made was the record that was used against him. It was all at that time political. There were no charges of tyranny; there were no charges of abuse of personal liberty; but because he and his marshal and his district attorney were seeking to enforce the laws of the land it brought down upon him the abuse and vilification of a large number of the citizens in that part of the country. So intense was this feeling that in 1894 these same people introduced a bill in Congress taking twenty counties out of the northern district, which was then too small, throwing him 'way over into the western end, at Pensacola, where he had but little to do. This was not done in good faith; it was not done because of Judge Swayne's unfitness; it was not done because he was unworthy of the ermine he was wearing; but it was done to remove him from the section of the country where the political feelings were so bitter and intense against him.

After the boundaries of his district were thus changed Judge Swayne went to Pensacola and took up his residence there, as I shall show by the record later on. He went there and established for himself a reputation among the people that was good, and the best people in that part of the country were in favor with him and sympathized with him, and are so to-day.

Immediately after the statement was made on this floor the other day that he had not a friend in Florida there came to me over the wire from Pensacola, from Tallahassee, and other places in Judge Swayne's district telegrams which I desire to put into this record showing that that statement was not well founded.

Mr. MOON of Pennsylvania. Will the gentleman read some of them?

Mr. GILLETT of California. Here is one dated January 14, from Pensacola, Fla., as follows:

Hon. J. N. GILLETT, M. C.,
House of Representatives, Washington, D. C.:

We believe in the integrity of Judge Charles Swayne, and as citizens of his judicial district number ourselves as his friends.

This telegram is signed by the leading merchants and the leading citizens, as well as by the presidents of two of the leading banks of that city. A large number of the best men in Pensacola signed a telegram to the effect that they believed in the integrity of Judge Swayne and that they were not in sympathy with the statements made against him.

The same is true of one from De Funiak Springs and from other parts of his district. Now, when the people of a community where Judge Swayne lives—when lawyers, bankers, and business men, representing the best interests and representing the best element of the community—send telegrams of that kind to this House we should stop and pause and think before we brand him under the charges that have been brought here to his door. I might also say that gentlemen have written letters from Florida to Judge Swayne, Democrats and Republicans alike, condemning the action taken by Representative LAMAR in this matter. I hold in my hand a letter dated January 3, 1904, and which is addressed to Judge Swayne, which I will read:

TALLAHASSEE, FLA., *January 23, 1904.*

Hon. CHARLES SWAYNE,
United States District Judge, Pensacola, Fla.

DEAR SIR: I have been a foreman of one of your grand juries at Tallahassee and also as a petit juror at a different term of court, and it was with great surprise I learned of the attempt on the part of our Congressman to accomplish your impeachment.

Although a Democrat of long years and from birth, I am in no wise in sympathy with this movement, and hasten to express my sentiments to you in this way. Your charge to us as grand jurors was a beautifully expressed and fair-minded and clear statement of our duties, and I but voice the expressed sentiments of the gentlemen whom I had the honor to be foreman of, when I say your conduct was most pleasing to us, and it was the unanimous and openly expressed conclusion of all of us that you not only knew your duties, but knew them well and performed them without fear, favor, or partisanship. Your conduct as a trial judge has always been, when I have been in attendance as a petit or grand juror, that of a conscientious and honest judge.

I do not know how I can serve you other than by expressing to you my sentiments on this matter, as I am manager of large plantation interests in this community and am not versed in the ways of political scrambles, but I at least want to do this much.

Yours, very respectfully,

EDWARD B. EPPES.

Mr. LAMAR of Florida. May I interrupt the gentleman a second?

Mr. GILLETT of California. Yes, sir.

Mr. LAMAR of Florida. Did you read the name?

Mr. GILLETT of California. It is Edward B. Eppes. I suppose you know him?

Mr. LAMAR of Florida. He is one of the best of men.

Mr. GILLETT of California. My good friend will notice that he did not indorse Mr. LAMAR'S conduct in these impeachment proceedings.

Mr. LAMAR of Florida. Will the gentleman allow me to interrupt him again?

Mr. GILLETT of California. I want to say to the gentleman from Florida that I have a very limited time, and while I want to be absolutely courteous to the House, I do not care to have my time taken up.

Mr. LAMAR of Florida. Just one statement——

Mr. GILLETT of California. Well.

Mr. LAMAR of Florida. And I will not interrupt you again. I want to disclaim, so far as I am concerned, the truthfulness of Mr. PALMER'S statement. I have never alleged upon the floor of this House that Judge Swayne did not have some friends in Florida. Of course any man makes some friends; but if he had a thousand friends it does not disprove the truth of the charges brought here.

Mr. GILLETT of California. I want to say that the gentleman said that Judge Swayne was the greatest tyrant and the most lawless man in the State of Florida, and that is why he is not entitled to friends.

Mr. LAMAR of Florida. I affirm that.

Mr. GILLETT of California. Now, I have another letter, written to Judge Swayne, which I will read:

TALLAHASSEE, FLA., *February 6, 1904.*

Hon. CHARLES SWAYNE,
District Judge, Pensacola, Fla.

DEAR SIR: I have been twice a juror in your court at Tallahassee and wish to express to you my sentiments of loyalty, not only to your courts, but to you. When I went to your court first I had heard so many things against you I was impressed against you, but my impressions readily gave way to your fairness and impartiality on the bench, and I esteem you one of the best judges I have ever served as a juror under.

I have never had any reason from my close observation of you to suspect you of any arbitrary rulings, and if I had not known from outside information your politics I would not have been able to say whether you were a Republican or a Democrat.

While I am a Democrat and was and am a strong supporter of Congressman LAMAR, I wish to tell you I do not indorse this action of his in the least.

I am, yours, respectfully, J. E. WILLIAMS.

Mr. LITTLEFIELD. What town was that?

Mr. GILLETT of California. Tallahassee, the capital of the State of Florida.

Now, then, there has already been offered to the House and printed in the RECORD letters that Judge Swayne received from the bar of his own county, from the leading citizens of Florida, stating that he was a man of high character, that he was a man of integrity, and a most excellent judge, and these letters were addressed to the President of the United States, recommending Judge Swayne's appointment as circuit judge of the fifth judicial circuit. Judge Maxwell, to whom the gentleman from Florida [Mr. LAMAR] on yesterday gave high praise as an honorable gentleman, wrote a letter to the same effect, recommending him to be a member of the circuit court. Now, is it not quite strange that a man who has won the respect and confidence of the people among whom he is living, so that the lawyers of his district should write letters in his behalf, that the leading citizens of his State should write letters in his behalf, giving testimony of his character and his fitness for a judge, that all at once this man should be denounced in that community as a tyrant, as a corrupt judge, and lawless, without standing, without reputation, and a man not fit alone for the bench, but unfit to mingle among the men of his country? I say there must be some reason for this. What is the reason? In 1901 the record shows that Judge Swayne stood high in the State of Florida. He had the confidence of the judges in the State and in his district. He had the confidence of the lawyers that were practicing before him. He had the respect of the people among whom he moved and lived, and Judge Swayne to-day, in my judgment, would have had that same respect—Judge Swayne would have retained that same confidence—if it had not been for the fact that on one Monday morning a banker of that State sought to cut the throat of an officer of his court and he punished him for it.

You can trace back all these troubles to Mr. O'Neal's difficulty. Prior to that time Judge Swayne's record was good; since that time his record has been bad. O'Neal and his hirelings have influenced the legislature of Florida, they have lobbied through it a resolution against Judge Swayne; they have sent copies of this resolution broadcast throughout the land; they have caused the press of the country to write him down, and they have been persistent, tireless, and malicious in doing this. It is O'Neal's lawyers and O'Neal's money that are doing it all. And shall we stand here and by our vote perform the last act in this persecution, and ourselves condemn him upon statements that are unworthy of credit?

Now, look at the O'Neal case. I desire to discuss it briefly, and as quickly as I can. I say the O'Neal case is responsible for it all. A man by the name of Moreno filed his petition in bankruptcy in Judge Swayne's court. The creditors met. Mr. Greenhut was elected trustee, and his election was confirmed. He then became an officer of that court. He then had charge of the affairs of the bankrupt estate and it was his duty to gather it together and hold it for the benefit of the creditors. It then became his duty to see that the estate belonging to the bankrupt was brought in to be distributed among the creditors. Acting under the advice of his counsel, acting within the line of his duty as an officer of the court, discharging that which the orders of the court required him to do, he commenced an action against Mr. Moreno, and made several of the banks defendants, to recover property of about the value of $12,000. Mr. O'Neal was the president of the American National Bank, which was one of the parties defendant. This suit was commenced on Saturday. Going down the street on the following Monday morning, Mr. O'Neal saw Mr. Greenhut standing by the door of his store. He wanted to speak to him. They walked inside. He said he went into the store to reproach Greenhut. He did reproach him, and in that controversy that took place, which no one saw, O'Neal drew a knife and cut Greenhut through his ear, down across his face to the corner of his mouth, and stabbed him three times in the body. Greenhut went to bed and remained there for three weeks.

When he was able to move about he filed a petition setting forth all these facts—how he had been assaulted and assailed as an officer of the court, how he had been interfered with in the discharge of his duties as such officer—and Judge Swayne very properly issued a rule requiring Mr. O'Neal to show why he should not be found guilty of contempt for interfering with an officer of the court. Mr. O'Neal in his answer admitted that Greenhut was an officer of the court; admitted that he went in there to reproach Greenhut. He admitted that what Greenhut was doing was in the discharge of his duty as an officer of the court and under the advice of counsel, but he gives some other excuse, saying that there were other differences between them which caused the trouble, and claiming that what he did was in self-defense.

The record in the case shows that Mr. O'Neal had a fair trial. A great number of witnesses were called, and while O'Neal claimed in his answer that Greenhut was the one who commenced the trouble the fact appears in this examination that O'Neal himself was the one who struck the first blow. Judge Swayne had a right to inquire into these facts; he had a right to examine the witnesses; he had a right to examine into the matter. He found from the evidence that an officer of his court had been assaulted; he found that this assault interfered with the discharge of his duties, and that it was made for that purpose, and plainly under the law he had a right to find O'Neal guilty of contempt for the commission of this act. Would it not be a strange thing if a judge should be so powerless that he could not protect the jurors of his court, the clerk of his court, and his receivers and trustees when they went out to discharge their duties and carry out the orders and decrees of the court? Has it come to a pass that the courts are so powerless that their officers may be stabbed; that they may be threatened; that they may be intimidated in the discharge of their duties, and because these things do not happen in the immediate presence of the court that the court has no authority to act and summarily punish the guilty parties for contempt? There is no such law as that in this country of ours.

The law is plain that where an officer of the court in the discharge of his duty has been interfered with the court may cite the party to show cause why he should not be punished for contempt. And I want to call your attention to a few of the decisions on this point. There is reported a case in volume 21 of the Federal Reporter, at page 761, which is very instructive on this particular branch of the law. The court says:

> It is a contempt of court to interrupt and violently break up the examination of a witness before an examiner, by persisting in the claim to dictate, prompt, and control the answers of a witness. It is also a contempt to insult the examiner by use of violent and abusive language to him after he has left the office and is upon the street. Nothing in the Revised Statutes or section 725 has taken away the power of the court to punish such contempt.

And on page 771 the court says:

> The privilege of protection to all engaged in and about the business of the court from all manner of obstruction to that business, from vio-

lence, insults, threats, and disturbance of every character, is a very high one, and extends to protect the persons engaged from arrest in civil suits. It arises out of the authority and dignity of the court, and may be enforced by a writ of protection, as well as by punishing the offender for contempt.

This is the law of the land; this is the law under the section of the Revised Statutes which gentlemen have called our attention to. It must be the law, because without it the courts could not do business. How long would men carry out the orders placed in their hands by the court if they knew that the moment they walked out on the street they would be assaulted, intimidated, or stabbed? How long could we maintain peace and good order in the court if it is powerless to protect itself and officers? Judge Swayne dicided right. O'Neal petitioned the Supreme Court of the United States for a writ of habeas corpus, and the proceedings were dismissed. He then took the matter before Judges Pardee, Shelby, and McCormick, setting forth all the facts presented by the record on file herein, and the judges, after listening to all of the statements and arguments, used this language, reported in one hundred and twenty-fifth volume of the Federal Reporter:

The charge of contempt against the relator is based upon the fact that he unlawfully assaulted and resisted an officer of the district court in the execution of orders of the court and in the performance of the duties of his office. Under such orders and in that respect it would seem to be immaterial whether at the time of the resistance the court was actually in session with a judge present in the district, or whether the place of resistance was 40 or 400 feet from the actual place where the court was actually held, so long as it was not in the actual presence of the court nor so near thereto as to embarrass the administration of justice.

Under the bankruptcy act of 1889, section 2, the district courts of the United States, sitting in bankruptcy, are continuously open, and, under section 33 and others of the same act a trustee in bankruptcy is an officer of the court. The question before the district court in the contempt proceedings was whether or not an assault upon an officer of the court, to wit, a trustee in bankruptcy for an account of and in resistance of the performance of the duties of such trustee, had been committed by the relator, and, if so, was it under the facts proven a contempt of the court whose officer the trustee was. Unquestionably the district court had jurisdiction summarily to try and determine these questions, and having such jurisdiction said court was fully authorized to hear and decide and adjudge upon the merits.

Here is the decision of the appellate court sustaining Judge Swayne on the question of jurisdiction, holding that he had a right to inquire into this matter and to punish O'Neal as he did; and are we now going to send to the Senate the finding of O'Neal guilty of contempt, as one of the articles of impeachment, after the court has affirmed the action of Judge Swayne? Can it be reasonably supposed that the Senate will convict Judge Swayne upon a charge that has been supported by the courts of the United States? I think not. It seems to me of all the charges that this one has the least merit of any.

BELDEN AND DAVIS.

Now, taking up the question of finding Belden and Davis guilty of contempt. A great deal has been said on this and a great many statements have been made that seem to me to be hardly borne out by the evidence. An action was commenced in Judge Swayne's court in the spring by Florida McGuire against the Pensacola Improvement Company and others to recover possession of over 200 acres of land; the description of the property involved in this action was so uncertain that nobody could locate it. During the summer Judge Swayne, in company with his wife, sought to buy several pieces of property in the city of Pensacola, Fla., as an investment. They were shown a piece of land known as lot No. 91. Judge Swayne had no knowledge that it was in any way in litigation before his court or included in the property referred to in the said action. He went to Guyencourt, Del. A deed was made by one Edgar, the owner of lot 91, but it never fell into the hands of Judge Swayne at all and he never saw it. It was retained by Edgar's agent, Mr. Hooten, who kept it in his possession.

Hooten advised Judge Swayne, by letter, that Edgar would not give a warranty deed for the lot because he was afraid of the Caro claim. The Caro claim was land involved in the litigation before Judge Swayne in the case of Florida McGuire. Judge Swayne answered the letter by saying: "You may cut this out." That is all he ever said in relation to it. He gave no reason why he would not take the lot. He did not say: "I want a warranty deed," or "I will not take it because you failed to give me a warranty deed," but as soon as it was brought to his knowledge that it involved land in litigation before him he ordered it to be cut out and he did not take it.

So later on Judge Paquet and Mr. Belden, representing the plaintiffs in this action, wrote a letter to Judge Swayne about this matter, asking him to recuse himself because he had an interest in part of the land involved in the litigation before him. This letter was not answered. Now, I have heard Judge Swayne's action criticised here because he did not answer this letter. I have heard Members say "Why didn't he answer this letter?" I express my opinion that a lawyer is not acting fairly when he writes a judge a letter upon matters of that kind. He almost is in contempt of court by doing so. If Judge Swayne was interested in this property, there was a way to bring it to the knowledge of the court by filing a formal petition, setting forth the facts and asking him to recuse himself, and serving a copy of it upon the attorneys for the opposite side. This is what lawyers practicing before the courts in an honorable way should have done; and the defendant had a right to be heard because he was interested in this action as much as the plaintiff. But they wrote a letter asking Judge Swayne to recuse himself without finding out whether or not he owned the land, and without giving any notice to the defendants. When court convened on the 5th of November Judge Swayne, having received this letter and properly not answering it, because he could not send his opinion and his decrees throughout the country, because they must go on file where they will stand as a part of the records of the case, called the counsel for plaintiffs before him. He made a statement to them that he had received the letter; that they had made no formal demand on him to recuse himself, and he informed them at that time that he had no interest in this land, he or his wife owning no portion of it, and that he would try the action. Judge Belden states that Judge Swayne said at that time that a relative of his owned it. Judge Belden was not there on the morning when the court made this statement and he never heard it. Judge Swayne says differently and Mr. Blount, who heard it, testifies differently. This fact was brought to the knowledge of plaintiffs' counsel in open court by the judge when he called them before him in the morning of November 5. He stated at that time that he owned no interest in this land and that he had never bought it. He stated to them that his wife was negotiating for it, but as soon as he found out that it was involved in litigation pending before him that he immediately stopped all negotiations, and inasmuch as he had not been formally asked to recuse himself he proposed to go ahead and try the case.

What more could an honorable judge have done? He was not to throw up his duties simply because somebody wrote him a letter. It was his duty to try cases that came before him as a judge. He was paid for that. The defendants had a right to have him sit and pass upon the merits of that case, and these lawyers by writing a letter could not force him out of the trial of it, and neither had he any right to withdraw from the trial of that case unless he was legally disqualified, and he was not, and nobody to-day claims that he was. Now, these gentlemen made no efforts to present a petition and ask him to recuse himself. On Saturday the criminal calendar was completed. There was only one case to be tried, and that was the Florida McGuire case. Counsel for plaintiff asked to have it postponed until Thursday. The defendant had made arrangements to try the case on Monday. The witnesses were all in Pensacola. They were within half an hour's call of the court-house. But the plaintiffs wanted a postponement, and to this the defendant most strenuously objected. Now, Judge Swayne made this fair statement to them. He said: "I will try this case on Monday unless you come into court and show some cause why I should not and make some motion in a regular way, as a lawyer would make a motion." They informed him that they would show cause why it should be continued. That was about 6 o'clock at night. They did show cause. As soon as they had eaten their dinner they went to the store of Mr. Prior, one of the parties to the suit. They sent word and brought Judge Belden down. It has been said here by the gentleman from Alabama [Mr. CLAYTON], and I think by the gentleman from Pennsylvania [Mr. PALMER], that Judge Belden was not present that evening, but Judge Belden says that he was, and you can find it in the record. He came at the time when the commencement of an action against the judge was talked over. He signed the papers himself.

Why did they commence this suit? Why were they in this great hurry? They had made no effort to find out who the owner of the property was. In five minutes they could have gone to Mr. Watson or Mr. Hooten and found out that Mr. Edgar owned this property. They made no inquiry whatever. They acted simply upon a rumor without making any effort to ascertain if it was true. They did not bring the suit in good faith. They brought it for the sole purpose of placing the judge where he had to recuse himself or proceed with the trial with the public knowing that he had been sued for part of the land. There was no occasion for this great hurry. There was no occasion to get the sheriff up at 11 o'clock at night and put the papers in his hands and tell him they must be served at all hazards that night. There was no occasion why Mr. Paquet should write a piece for the newspaper that a new move had been taken in the Florida McGuire case and send it down to the paper that it might appear in the morning. Why all this unseemly haste? Why all this great anxiety to sue a judge that stated to them he never owned the land? If anybody owned

it his wife owned it, and they should have sued her. There can be only one reason, there can be only one motive, and that was the motive that Judge Swayne attached to their actions, that they sought to embarrass him, that they sought to interfere with the trial of this action; that, as lawyers of his court, they acted with gross and serious misbehavior. Gentlemen tell us that because this action was commenced in a State court no contempt was committed in the Federal court. Does it make any difference where a man commits the act if it is contemptuous of the court? Were they not acting in a bad manner? Was not their conduct unbecoming honorable lawyers? Were they acting in good faith? When Judge Belden was asked the question why he commenced this suit in this manner he said, "Why, we wanted to get service on him before he got out of the State." Yet they knew he was to be there Monday morning to hear the case when it came up. You may say all you please about it and discuss it from every conceivable standpoint, but there is one important fact in the case that answers it all. Judge Paquet, the leading counsel in the Florida McGuire case, the man who helped to put up this job, the man who was charged with contempt, came into court and filed with the court a written statement stating that he had acted wrongly in the matter, that the court was justified in viewing it as he did, and asking the court to forgive him for his conduct, and humbly apologizing. Now, what is the use of arguing that they did not intend to do this or that they did not intend to do that; that they were all acting in good faith; that they were acting as under the law they had a right to act, when one of them, the principal one, comes into court and confesses to the contrary, when one of them makes a statement showing the motive with which this suit was commenced? It seems to me that this written statement made by Paquet answers every argument that has been made, and clearly shows that Judge Swayne was not mistaken when he found that they had been guilty of misbehavior as officers of his court and therefore guilty of contempt.

Mr. Davis says, and it is contended here on the floor, that he was not an attorney in the case at the time the action against Judge Swayne was commenced. The evidence is clear that he was. The clerk of the court spoke with him that Saturday about getting out subpœnas. Judge Belden says he was in the case before that evening. Judge Paquet says he had been there for a week consulting with parties in the suit and finally asked him if he had any objection. Paquet, Belden, Marsh, and, I think, Keyser, one of the parties to the suit, all say that Mr. Davis was an attorney in the suit long before this action was commenced in the State court of Florida against Judge Swayne, although he denies it. Now, they say they intended to dismiss the suit on the following Monday morning. There is no evidence to that effect. Judge Swayne had no knowledge of it. It was not brought to his notice, it was not made part of evidence in the case. If that is true, why did they not put it in their answer? And here is another circumstance quite important to consider. When this matter was being heard before Judge Swayne, when he had it under consideration, Mr. Belden and Mr. Davis never took the witness stand in their own behalf. They filed a statement, but it was not under oath. They filed a statement by which they tried to deny his jurisdiction. They called Mr. Blount and Mr. Fisher to the stand, but these two parties charged with contempt, these two parties charged with conduct that would have disbarred them as lawyers in that court, when the matter was pending before Judge Swayne, never took the stand to give any evidence in their own behalf at all. Is it not passing strange that a man who is innocent will not take the stand when charges are made against him? Is it not passing strange that if these men were acting in good faith they would not have so stated to the court? What was Judge Swayne to conclude from this action, from their manner, and from the course they were pursuing? Just the same as any fair-minded judge would have concluded, that they were wrong and they knew it, but would not submit themselves to an examination which would clearly indicate that they were wrong. Now, they said he acted arbitrarily; they said he acted viciously in passing judgment upon them, and it is charged that he acted ignorantly, because why; he imposed upon them a fine and imprisonment. Judge Swayne says that was a mistake of law on his part, and I want to say not only was Judge Swayne mistaken on this point, but Judge Blount, who was there also, knew nothing about it, and the parties themselves, who are claimed to be good lawyers, had no knowledge of this law, and when they took the matter before Judge Pardee they never raised that point then, as far as this record shows, until Judge Pardee himself pointed it out. Now, then, because a judge has entered a judgment not in accordance with the law, is he to be impeached? If that is true, then no judge ever sat upon the bench—not even Blackstone—whom under the same reasoning we could not impeach. Will we impeach judges for the mistakes they make, for errors they make? Why, I want to call your attention to something that shows how easy it is to make mistakes by those who are good lawyers. In filing his report the gentleman from Pennsylvania, in speaking about this matter, stated that they purged themselves under oath. He said they filed an answer there which was verified by which they purged themselves and for that reason the proceeding against them should have been dismissed under the law.

Mr. PALMER. Will the gentleman point me to the place where I said that they filed an answer which was verified?

Mr. GILLETT of California. You stated they purged themselves under oath.

Mr. PALMER. That is quite another matter. The witnesses testified that they filed an answer to purge themselves. That is the record on which I go. I never said that the answer was sworn to.

Mr. GILLETT of California. I will call the gentleman's attention to it in just a moment, as I do not want to misrepresent the gentleman. You made it in your argument when you first brought the matter up, but you did not make it the last time you spoke because your attention was called to it. You said, on page 15 of your report, that—

> knowing the law, Judge Swayne issued a rule to show cause why Davis and Belden should not be committed for contempt upon an unsworn statement of Mr. W. A. Blount. He ignored the sworn denial of the accused that they had committed or had intended to commit a contempt.

Now, the law does not require the statement to be verified, and the record shows that neither Belden or Davis answered under oath.

The gentleman from Pennsylvania [Mr. PALMER] says:

> Presuming that Judge Swayne knew the law, he knew that proceedings for contempt not committed in the presence of the court must be founded upon an affidavit setting forth the facts and circumstances constituting the alleged contempt, sworn to by the aggrieved party or some other person who witnessed the offense.

Now, I say that that is not the law. It is not the law as laid down by the Supreme Court of the United States. It is not the law as laid down by the courts of the land. It is only laid down in two States, where they have statutes requiring it, and as able a lawyer as the gentleman from Pennsylvania [Mr. PALMER] made a statement that is erroneous so far as the law is concerned, and just as bad as that made by Judge Swayne. He says:

> Judge Swayne knew that issuing of proofs without filing the proper affidavit was erroneous, and that the error is not cured by the subsequent filing thereof.

Mr. PALMER. The gentleman from Pennsylvania quoted there, did he not, to sustain his position?

Mr. GILLETT of California. The gentleman says that the rule of common law is this—"that if any party can clear himself upon his oath, he is discharged." Knowing the law, Judge Swayne issued a rule to show cause why Davis and Belden should not be committed for contempt.

That is the statement. They not only failed to file an answer under oath denying the charges preferred against them, but they absolutely failed to take the stand and defend themselves or to make any explanation under oath as to what happened or what prompted them to commence the action or that their motives in so doing were proper, although other witnesses were called. Now, the case stands like this: It has been passed upon by the circuit court on a writ of habeas corpus. It was held that they were officers of his court and he had a right to inquire into the proceedings, he had a right to inquire into the merits, and he did inquire into the merits and he passed upon them and found the parties guilty of contempt. It is the duty of a lawyer to uphold the dignity of the court of which he is an officer. It is his sworn duty to see that the court is not brought into disgrace and that its orders and rules are observed. It is his duty to treat the judge courteously and kindly, and not slander him and not bring unfounded suits against him. If he does these things he is guilty of a misbehavior as an officer of the court and under the statutes he may be punished. It seems to me there is nothing that can be shown—that there is nothing in the charges urged here—that Judge Swayne acted without authority of law when he took those men and imposed upon them the judgment which he did for contempt of his court. They were not acting in good faith. They conspired together in the dead of the night. They wrote that article for the newspaper. They never followed the suit up at all. The only thing that they ever did was to file one paper, and that was the end of it. They brought this matter before the public and in that way accomplished the very purpose which they sought to accomplish. And after having been punished for doing this act, they make that the basis here for impeachment. Why, while Mr. Davis was before the Florida legislature lobbying

through resolutions condemning Judge Swayne, he never at that time thought this was sufficient grounds against Judge Swayne for which to impeach him, and no mention of it whatever is made in the resolutions passed by the Florida legislature.

RESIDENCE.

Now, let us take up the question of residence. It is contended that Judge Swayne did not have a legal residence in the northern district of Florida. I ask the gentlemen, Where has Judge Swayne lived since 1895? Where has his home been? Where has he gone and voted, and where has he paid taxes? If his home has not been in Florida, where has it been?

Mr. PALMER. Does the gentleman from California [Mr. GILLETT] ask me?

Mr. GILLETT of California. Yes, sir; I will ask the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Then I will say that it has been at Guyencourt, Del. He has been there two hundred and twelve days out of every year.

Mr. GILLETT of California. The gentleman from Pennsylvania says that Judge Swayne has been in Guyencourt, Del., for two hundred and twelve days out of every year. Then I say to the gentleman from Pennsylvania [Mr. PALMER], since you have established that fact so conclusively, that settles the whole business. And why did you not bring Guyencourt, Del., down here to prove it? We told those prosecuting Judge Swayne to bring their witness, and they sent a Mr. Laney to Guyencourt to find proof that Judge Swayne made his residence there, and they never brought a single, solitary witness who lives in Guyencourt, Del., or any other place to prove that Judge Swayne lived there. Judge Swayne has not lived there for years.

Mr. PALMER. I say he said it himself.

Mr. GILLETT of California. He has not lived there for years, and the clerk of his court, in his evidence, stated that Judge Swayne spent his summer vacation at Guyencourt. If Judge Swayne lived in Guyencourt it was an easy matter to prove, and not a single witness was sworn as to that fact. I want to call the attention of the gentleman from Pennsylvania, who has been so industrious in fixing Judge Swayne's residence at Guyencourt, to the fact that the records show where Judge Swayne was during various months of every year from 1895 to 1903. The gentleman says that he was two hundred and twelve days at Guyencourt. I demand that the gentleman produce his evidence. There is no witness who testified that he was there any number of days. You have taken the number of days he was holding court and you have assumed that he was the rest of the time at Guyencourt, Del.

But let me tell you, Mr. Speaker, if that were true, if he was there in the old homestead and by the side of his old mother, 84 years of age, now in declining health, and whose life will probably be taken by reason of this vicious prosecution, he was not there as a resident, but as an affectionate son visiting his mother. He tried cases in January, February, March, April, May, October, and November and December, in Alabama, Texas, and Louisiana, and in his own court. Why do you not bring your witnesses and fix his home as being there? Is Guyencourt, Del., abandoned of people? Have you not the power of subpœna to bring them here if you know it is a fact, or have you kept it from this House and left it to be proven in the Senate? This shows how utterly unfounded is this charge and the efforts that have been made to mislead the minds of honorable gentlemen of this body so that they may vote impeachment. I will file a statement here showing that he was trying cases during all the spring and winter months and the fall months. I will read them to the gentleman from Pennsylvania, if he will listen. This is from 1895 down to 1903. In 1895 he was trying cases during the months of February, March, April, May, November, and December. In 1896, during the months of January, February, March, April, May, June, July, November, and December; in 1897, January, February, March, April, May, June, July, and September; in 1898, February, March, April, May, June, November, and December; in 1899, January, February, March, April, May, June, October, November, and December; in 1900, January, May, June, July, September, October, November, and December; in 1901, January, February, March, April, May, June, July, September, November, and December; in 1902, January, February, March, April, June, November, and December; in 1903, January, February, March, April, May, June, October, November, and December. All through these years, I will state to the gentleman from Pennsylvania [Mr. PALMER], the record shows that Judge Swayne was either in Louisiana, Alabama, or Texas trying cases; that he was assigned there by circuit judges, and I will let it go on record that because for a few weeks or a few months during the heat of the summer he spent the time with his mother on the old homestead where he was born, in Delaware, the gentleman from Pennsylvania charges him with a high crime, and expects and will ask the honorable Senate of the United States to convict him and dismiss him in disgrace from the high office which he now holds. If this is all you have to base your claim for nonresidence on, I say it is the duty of this House to turn it down, and this question should never have been raised here.

Mr. PALMER. Will you yield to an interrogation, now that you have exhausted the peroration?

Mr. GILLETT of California. Yes, sir.

Mr. PALMER. Do you mean to tell the House that Judge Swayne was in those places that you have named during those months you have named? Is it not true that he was ninety-three days a year outside of his district holding court?

Mr. GILLETT of California. I say this: I copied it from the record of the clerks of the courts, that he was holding court those very months. I copied it but last night, and propose to put it in the RECORD. I do not say that he was at those places all through the month. Sometimes he was there all the month and sometimes a part of the month, and some of the time was spent in traveling backward and forward to the places stated. Is there any evidence to show that his house is in Delaware? Is there any evidence to show that his furniture is in Delaware? He left Delaware years ago and moved to Philadelphia, where he practiced law, and after having won the confidence of the leading citizens of Pennsylvania, in 1885 he went with his family to Florida; and in 1895, when the House of Representatives had legislated him out of his district, he went to Pensacola and registered there in that city and told the clerk of his court and Mr. Northup to find a house for him if they could, and they said they never could get him a suitable place, though for several years they tried to do so.

He tried to purchase three properties from 1896 to 1900. He did rent the Simmons house in the fall of 1900 and moved in with his family. In the spring of 1893 he bought the A. C. Blount home, which he now owns, and late in the fall moved into that. When he went away to hold court in these different places he registered himself "Charles Swayne, Pensacola, Fla." Does not a man know where his home is? To comply with the law must he have a mansion, must he keep a carriage and servants, must he live in a house of his own? Can he not maintain a residence and live in a hotel or live in a boarding house? If he can not, a bachelor never can hold office in this country without standing some chances of being impeached. His own conduct shows that he intended to reside there. He did reside there; he made his home there; he did his business there; and I want to say that when Mr. Hooten wrote him about these deeds that he said he had in his possession, he says, "You may take the matter up when you come home." Mr. Hooten, one of the leading citizens of Florida, writing him in Delaware, says, "We will take these matters up when you come home."

Of all the unfounded charges in this world that can be brought against a man to degrade and impeach him is this charge made against Judge Swayne that he had no residence in northern Florida. He had no residence any place in the world if he had no residence there. The intention governs, and, under the decision read here by the gentleman from Maine [Mr. LITTLEFIELD] in his address, referring to the case from Colorado, there can be no mistake as to the law in this matter. Are we going to ask the Senate of the United States to impeach Judge Swayne and to degrade him because in obeying the commands of his superiors, as the law obliges him to do, he spent a large part of his time out of his district in different States? I say there is no merit to this question at all. I do not see how gentlemen can vote for impeachment with the facts standing here as they do stand, and, as far as I am concerned, I do not propose to do it.

PRIVATE CARS.

Now, take the question of private cars. I want to hurry along as quickly as I can. Take the question of using these private cars. I do not want to be understood as commending the conduct of any public officer in riding in private cars furnished gratuitously by a railroad company. I do not stand here to say it was right for Judge Swayne to do so, but I do contend this, that under the circumstances it does not present a case of that enormity which would authorize us to commence impeachment proceedings. There was no intent to corrupt or influence him. It was not accepted with that in view. The railroad was in the hands of the receiver and the proceedings were pending before his court. He was the head of it. It was under his control; it was managed by the orders that he made and by his officers, and while in Guyencourt, Del., the receiver, Mr. Durkee, of his own volition, sent a private car to Delaware for him. The car cost nothing to move it back and forth from Jacksonville to Guyencourt, not a thing in the world. The porter upon this car was engaged there by the month and his

wages went on just the same. The conductor that had charge of the car was paid by the month and his wages went on just the same, and after the car had been sent to Guyencourt it had to be hauled back any way.

Now, if Judge Swayne had said to Mr. Durkee: "I want you to get out of here with your car, and I will ride back in another one," and if he had done so that would have been all right; but because he went into the car of the road of which he was the head, after he had been requested by the receiver to come back to Jacksonville, and consumed a few provisions on the way down, and this ten years ago, it is made now the basis of an impeachment proceeding.

Mr. MOON of Pennsylvania. Thirteen years ago.

Mr. GILLETT of California. This took place thirteen years ago. I suppose the expense included some beefsteak, perhaps a little cabbage, some potatoes, and small potatoes at that, if we are to measure them by the character of the proceedings here in relation to this matter. And because he accepted this courtesy from the receiver, because a few provisions were furnished to feed him for twenty-four hours they ask us thirteen years afterwards to impeach him. I say it is trifling with the Senate of the United States to send a matter of this kind there in a serious way.

He made his trip to California and he made it at his own expense. There is no evidence that the company was ever out one farthing on account of that trip. No complaint was ever made by the creditors at all that they were ever wronged; and it seems to me that if it is worth anything it simply stands here as a living example of the efforts that are being made to bring Judge Swayne into disgrace in this country. While I say I do not commend the use of private cars, if you start in to impeach upon this ground, where are you going to stop? The highest officials in this land have accepted courtesies of this kind, judges and governors, and are doing it to-day. Where are you going to stop? How long since we have become so righteous that we will go back thirteen years to impeach a public officer for riding in a private car, when we could have found them riding in private cars within a month, if we had sought evidence against them?

I do not believe this House will vote in favor of that charge. I feel confident that the Senate of the United States will not treat it seriously.

Now, there is another charge that walks in here at the eleventh hour as one of great importance, and one which will surely persuade this House to vote impeachment—it is the question of expenses. It seems to me, Mr. Speaker, that the record shown here by the gentleman from Iowa [Mr. LACEY] clearly cuts this out as an article of impeachment. What attitude are we in? Suppose we did agree that under a fair construction of the law that a judge was only entitled to receive what would be his actual expenses incurred and no more. Suppose we all conceded that that was the construction that should be placed on this statute, and that none other could be placed on it. Look at the record. It stands before us here that a large majority of the judges of the United States in years past have construed that law to mean that they were allowed an allowance of $10 a day when ordered to hold court out of their district. When the matter in 1896 was brought to the attention of the Senate, Senator Allen, from Nebraska, called the attention of the Senate to the fact that some of the judges in the land were using this as a means of drawing $10 a day when their expenses were less. Senator Allen introduced an amendment that they should only receive their actual expenses incurred. The Senate passed the amendment, it came to the House, and we refused to concur; and that, too, with the knowledge on our part of what the judges in this country were doing.

Later on, in 1898, this matter came up before the House of Representatives. At that time the gentleman from Alabama [Mr. UNDERWOOD] used this language:

> Now, this section in the bill very materially changes the provisions of section 715 of the Revised Statutes. In the first place, it provides a compensation of $10 a day to the district judges during the time they are traveling from their homes to the places where they hold extra courts. The statute already gives them $10 a day compensation during the time they are holding courts, but this gives them an additional compensation of $10 a day while traveling back and forth.

The gentleman from Alabama was then of the opinion—I believe he was a member of the Appropriations Committee—that this $10 a day was compensation granted to them under the law, which they were drawing and which they had a right to draw and receive. Then this colloquy took place:

> Mr. UNDERWOOD. As I understand, the judge gets $10 a day after he gets to the place where he is going to hold the court.
> Mr. CANNON. Not the district judge, but the circuit judges.
> Mr. UNDERWOOD. When a new district judge is sent to hold court when another judge is sick, he gets, under the law, $10 a day.
> Mr. CANNON. I do not so understand it. Let me give my understanding, so as to get the exact difference between us. I understand the district judge gets his $5,000 a year, if that is it——
> Mr. UNDERWOOD. Yes.
> Mr. CANNON. When he goes outside to hold court, he does not get anything.
> Mr. UNDERWOOD. My friend from Illinois, I think, is mistaken When he goes to attend court he gets $10 a day compensation for holding that court during the days he is there, and I think that is sufficient, for he already gets $5,000 a year, and to pay him $10 per day while at court will more than cover his expenses and it is sufficient compensation without giving him the additional amount in this bill.
> Mr. CANNON. Commencing on line 16, "expenses of judges of the circuit courts of appeals"——
> Mr. UNDERWOOD. That excepts the circuit court judges, and they would not receive it anyway, for it is their duty now.
> Mr. CANNON. I understand when the circuit court is held away from the residence of one of the circuit judges—I mean the appellate court—they get $10 a day.

So the controversy goes on. It was stated here in 1898 on the floor of this House and to the Members present and to all the world, so the Members of the House understood it, that the law as it then stood entitled the judges, when sent out of their districts, to receive $10 a day. That is the construction placed upon it by the Members of this House; and with this understanding the bill passed and became a law; and now are we, after the language that was used in 1898, when the present law was reenacted by Members of the House; after the debates that have taken place concerning this question and recorded at the time; after we decided that judges were to receive $10 per day as an allowance or compensation, going to impeach a man because he took the $10 a day, when the law intended that he should receive it, and everyone at that time so understood it?

Mr. BEDE. Will the gentleman answer a question?

Mr. GILLETT of California. Yes.

Mr. BEDE. Has not the House already impeached Judge Swayne?

Mr. GILLETT of California. I say that through an awkward proceeding, by putting the cart before the horse, without the power or opportunity to debate the specifications that we were going to send to the Senate, we have voted to impeach Judge Swayne, but I want to say this to the gentleman from Minnesota, that if we at that time made a mistake, and we are not brave enough to take it back now, we are not worthy to be Members of the House of Representatives. [Applause.]

Mr. BEDE. If Judge Swayne is innocent he ought to have a trial?

Mr. GILLETT of California. No, sir; there is nothing to try if he is innocent.

Mr. BEDE. Have we not done the worst thing we can? He has been impeached before the country, and everybody is talking about it; if he is innocent he ought to have a trial, and if he is guilty the people ought to have a trial. [Applause.]

Mr. GILLETT of California. If Judge Swayne has been impeached before the people of the United States it has been done by those who have been maliciously pursuing and hounding him for several years.

Mr. BEDE. Did not the gentleman from California agree to the impeachment a month ago, and hasn't he been discussing it ever since?

Mr. GILLETT of California. If I made a mistake in the first instance, I want to say to this House that I have the manhood to stand up and say, after the disclosure of all these facts which I have mentioned, that I did Judge Swayne an injustice, and if I have a chance I am going to vote to undo the wrong I did him. [Applause.]

Mr. BEDE. Are we going to impeach the Judiciary Committee of this House?

Mr. GILLETT of California. The Judiciary Committee of this House is no more infallible than are men.

Mr. LITTLEFIELD. I want to say to the gentleman that nine members of the Judiciary Committee were against this proposition in the beginning.

Mr. PALMER. I would like to inquire of the gentleman what information he has now that he did not have when he voted to impeach Judge Swayne. Has there been any testimony taken before the Judiciary Committee since that time? Is not the record just the same as it was when we voted?

Mr. LITTLEFIELD. I would like to answer that question.

Mr. PALMER. I am not asking the gentleman from Maine.

Mr. LITTLEFIELD. The gentleman does not want me to answer.

Mr. GILLETT of California. Mr. Speaker, the gentleman asks me what information I have. I have this information: I have a statement from the Secretary of the Treasury as to the number of judges throughout this country who had charged the same amount, and which the gentleman from Pennsylvania [Mr. PALMER] refused to be permitted to be shown. Right or wrong, I have it. I have this also: I have a statement made

by honorable Members of this House in 1898 that it was the intention of the law that these judges should draw $10 a day, and when they draw $10 a day under that statement we have no right in fairness and in just spirit to say they should be impeached for doing it, and I am not going to do it. [Applause.]

Mr. BEDE. The gentleman admits that the judge has already been impeached. I am not a lawyer. I am here as a plain American citizen. The lawyers seem to have muddled the case. You have already impeached a judge in high office in the United States. Now, the question is one of mere formality of sending the articles of impeachment to the Senate, and yet the lawyers in this House have been trying the case for a week. I am a plain American who wants information.

Mr. GILLETT of California. If the gentleman is a plain American, I will ask him to stand on his American manhood and do unto an American what he would have an American do unto him. [Applause.]

Mr. BEDE. I am willing to do that.

Mr. GILLETT of California. If this House, through the Judiciary Committee has made a blunder, if they have made a mistake in this matter, and now, after five or six days of debate, we have ascertained that we have made a mistake, we can recall what we have done, with honor and credit to ourselves, from the Senate and put it before the world that Judge Swayne is not to be impeached.

Mr. LITTLEFIELD. And what about the Hoskins case? They relied on the Hoskins case. Call their attention to that. There is no foundation for that.

Mr. GILLETT of California. We have stated in the report to this House, or the majority has reported, and it has been argued on this floor, that Judge Swayne should be impeached because he entered into a conspiracy to ruin an old man by the name of Hoskins living in the State of Florida. The charges were baseless. They were unfounded. Even the gentleman from Pennsylvania [Mr. PALMER] confesses now that there is nothing in them. It has been said around this great broad land of ours that Judge Swayne has bankrupted men, and that Mr. Hoskins was one of them. They sowed all this seed, and now when, in fair discussion, we take it up they try to get away from it. They have abandoned the Hoskins case. They have abandoned the charges that every bankrupt estate that went before his court was reeking with wrong. They have abandoned the charge that he was corrupt. They have abandoned the charge that he was ignorant, and they have abandoned eight or nine of the specifications that were furnished us. I say that it is time, they having backed out of all of these charges, that we as Members of this House should back out of the rest and get our feet on ground that is fair and honest.

If the prosecutors have a right to abandon seven or eight charges that have been sent broadcast over the land, that have been brought on the floor of this House, that have been embraced in the majority report, because they are groundless and without merit, then we have the same right to abandon the rest when they are no better grounded. Now, I say it is time the people of this country should commence to look into this matter a little. It is time the Members of this House should commence to stand on what is fair and right. It is time we should stop listening to reports from Judge Swayne's political enemies in Florida and endeavor to try the case fairly and justly and honestly and upon its merits. It seems to me he has been hounded and pursued from one end of the country to the other. They have made charges and have backed down from them. They have sent to every Member, under seal, the articles passed by the Florida legislature. Everything that O'Neal's money could do, everything that a vicious spirit could do to blacken the reputation of Judge Swayne has been done. What act has Judge Swayne ever done in the discharge of his duty that is wrong? He has tried cases throughout Alabama; he has tried cases throughout Louisiana; he has tried cases throughout Texas, month after month and year after year; and no complaint comes from these States of his wrongdoings. He is indorsed here as a judge and as an able judge by Judge Pardee. Where has he been wrong? Whom has he wronged? What judgment is not right? Where is there any corruption shown in this case? I have present here, and I shall put them in the record, telegrams from the best citizens of Pensacola, Fla.—lawyers, doctors, bankers, merchants, and timber men—in which they repudiate the statements made on the floor by the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Florida [Mr. LAMAR] and say that they have confidence in Judge Swayne's integrity and that they are not behind this impeachment proceeding. The following are the telegrams:

PENSACOLA, FLA., *January 14, 1905.*

Hon. J. N. GILLETT, M. C.,
House of Representatives, Washington, D. C.:

We believe in the integrity of Judge Charles Swayne, and as citizens of his judicial district number ourselves as his friends.

F. C. Brent, J. J. Stephens, jeweler; C. L. Mann, jeweler; Peter Lindenstruth, jeweler; Thos. C. Watson, real estate; M. M. Lewey, editor and publisher; H. H. Friedrichsen, merchant tailor; Chas. Friedrichsen, merchant tailor; J. E. Watson, engineer; McKenzie Oerting & Co., merchants; John A. Merritt, ship broker; H. G Dailva, merchant; F. F. Bingham, lumber merchant; W. K. Hyer, jr., cashier, First National Bank; B. Jones, broker; W. F. Fordham, M. D.; John B. Guttmann; J. F. Taylor, broker; A. M. Stillman, deputy collector of customs; Jas. A Rikson, deputy collector of customs; Alfred Moog, wholesale liquor dealer; David Bear, retired merchant; Morris Bear, wholesale merchant; Max Klein, merchant; Dave Dannehise, liquor dealer; Alex. Lischkoff, jeweler; Henry Horsler; N. G. Forcheimer, shoe merchant; Wm. Falk, merchant; D. Kugelman, wholesale merchant; H. Mueller, merchant; B. L. Gundersheimer, merchant; A. M. Cohen, wholesale notion merchant; J. N. Broughton, contractor; J. F Rhodes, merchant; C. J. Kenney, merchant; W. L. Gilmore, hotel keeper; Geo. Bell, merchant; Jacob Kreiger, underwriter agent.

PENSACOLA, FLA., *January 13, 1905.*

Hon. J. N. GILLETT,
Washington, D. C.:

We believe that Judge Swayne has the friendship and good wishes of many citizens of Pensacola, among them ourselves.

Douville Timber Land Company; C. F. Marsh, M. D.; A. C. Binkley, lawyer; C. W. Hageman, timber merchant; F. B. Bruce, merchant; Laz Jacoby, merchant; B. Gerson, merchant, Louis Friedman & Co., merchants; B. E. Clutter, merchant; P. Stone, merchant; W. J. Forbes, merchant; Sol. Cahn, merchant; W. H. Knowles, First National Bank; L. Hilton Green, Citizens' National Bank; P. H. Whaley, Episcopal minister; T. F. McGourin; F. G. Renshaw, M. D.

DE FUNIAK SPRINGS, FLA., *January 15, 1905.*

Hon. J. N. GILLETT, M. C.,
Washington, D. C.:

We regard statements in Congress on 13th against Judge Swayne as being too strong. Having attended his courts and seen his action upon bench we express our confidence in his fairness. We are his friends.

F. N. Kolmetz, deputy marshal; L. F. Cochrane, jeweler; L. W. Plank, real estate dealer; W. F. Hall, salesman; J. H. New, confectionery merchant; Frank R. Hartford, deputy collector; Chas. M. Cox, attorney at law; J. F. King, M. D.; D. H. King, merchant; Robert Alsabrook; John D. King, merchant; M T. King, merchant; P. F. Leight; A. L. Breach.

CEDAR KEY, FLA., *January 14, 1905.*

Hon. J. N. GILLETT, *Washington, D. C.:*

We express disapproval of Representative PALMER'S statement in House. We have high opinion of Judge Swayne's judicial action and have confidence in his impartiality as a judge. We believe he has always been fair to citizens of Levy County.

J. L. COTTRELL, *Member Town Council.*
J. R. MITCHELL, *Town Marshal.*
J. A. WILLIAMS, *Attorney.*
R. L. TISON, *Merchant.*
FRANK CALE, *Pilot.*
FRED. CUBBERLY, *Attorney.*

TALLAHASSEE, FLA., *January 14, 1905.*

Hon. J. N. GILLETT,
House of Representatives, Washington, D. C.:

We admire Judge Swayne, thinking him fair, honest, and able.

Jeff D. Ferrell, blacksmith; B. R. Kelley, merchant; Frank E. Craig, constable; W. L. Strickland, deputy United States marshal; J. F. Hill, merchant; J. Ball, Bloxham Hotel; Aaron Levy, merchant; A. Wannish, cigar manufacturer; R. B. Carpenter, merchant; W. E. Bradley, farmer; G. R. Hodes, naval stores; R. E. Hightower, merchant.

TALLAHASSEE, FLA., *January 14, 1905.*

Hon. J. N. GILLETT,
House of Representatives, Washington, D. C.:

Palmer's statement that Judge Swayne has no friends not fact. All Republicans and many Democrats admire him here.

EDMUND C. WEEKS, *Surveyor-General.*

MARIANNA, FLA., *January 14, 1905.*

Hon. J. N. GILLETT,
House of Representatives, Washington, D. C.:

I have served as United States commissioner for near ten years; attended fifteen terms of court; sent near 400 cases for final trial before Judge Swayne. Talked with grand and trial jurors and defendants, and never heard anything but praise for Judge Swayne from any of them. He has thousands of friends, and the charge that he has not is base and slanderous. Letter follows.

JOHN THOS. PORTER.

Let the people of Florida pass on this question themselves and you will find the best citizenship of Florida denouncing

this very proceeding as they are already denouncing it. Judge Swayne has friends in Florida. He numbers among his friends men who stand high in society and in the business world. I was there and I listened to the O'Briens and the Keysers and others of that ilk, and I saw them there upon the stand and I sized them up, and I say there is no evidence produced that for a moment can convince my mind that Judge Swayne is guilty of any of the charges preferred against him. Champagne to carry through the resolution of impeachment in the Florida legislature; six or seven lawyers lobbying the bill; a Federal judge with only one Republican friend on the floor. Is it wonderful that he was impeached by the State of Florida? And the only thing now that they rely on, it seems to me, in which there can be a particle of merit, is the question of Davis and Belden and the question of his nonresidence, and they are absolutely without a foundation. I was proud yesterday when the gentleman from New York [Mr. COCKRAN] said so eloquently, so logically, that he did not believe in the charge of these expenses; when he spoke of the right that a judge had to protect his officers because of the protection to which they were entitled to receive under the law that justice might be administered in the courts. I thought he spoke well and spoke advisedly, and I wish it could be read again to the Members of this House before they take their votes. And in conclusion I wish to say I know not what other Members of this House may do, I know not what views they may entertain, but as far as I am concerned, having been connected with this matter for nearly a year, having been to Florida and in several of its cities observing the manner and demeanor of witnesses on the stand, finding out something about the spirit that is behind this, inquiring into the merits both from the facts and the law, I can not say that I would do justice to my conscience if I would vote to send to the Senate articles of impeachment so groundless as they are, to have the Senate spend its valuable time in passing upon them sufficiently long to kick them out, and I trust that this House, in all spirit of fairness, with an attempt to do what is right and just by a man, will weigh these matters carefully and satisfy their own consciences and their own hearts that they are right before they answer to their names when the roll is called. [Great applause.]

APPENDIX.

JUDGE CHARLES SWAYNE.

APRIL 1, 1904.—Referred to the House Calendar and ordered to be printed. Mr. GILLETT of California, from the Committee on the Judiciary, submitted the following views of the minority (to accompany H. Res. No. 274):

On the 10th day of December, 1903, the House passed a resolution, a copy of which is as follows:

[House resolution No. 86, Fifty-eighth Congress, second session.]

Mr. LAMAR of Florida submitted the following resolution:

"Whereas the following joint resolution was adopted by the legislature of the State of Florida:

"'Senate joint resolution in reference to Charles Swayne, judge of the United States court for the northern district of Florida.

"'*Be it resolved by the legislature of the State of Florida:* Whereas Charles Swayne, United States district judge of the northern district of Florida, has so conducted himself and his court as to cause the people of the State to doubt his integrity and to believe that his official actions as judge are susceptible to corrupt influences and have been so corruptly influenced;

"'Whereas it also appears that the said Charles Swayne is guilty of a violation of section 551 of the Revised Statutes of the United States in that he does not reside in the district for which he was appointed and of which he is judge, but resides out of the State of Florida and in the State of Delaware or State of Pennsylvania, in open and defiant violation of said statute, and has not resided in the northern district of Florida, for which he was appointed, in ten years, and is constantly absent from said district, only making temporary visits for a pretense of discharging his official duties;

"'Whereas the reputation of Charles Swayne as a corrupt judge is very injurious to the interests of the entire State of Florida, and his constant absence from his supposed district causes great sacrifice of their rights and annoyance and expense to litigants in his court;

"'Whereas it also appears that the said Charles Swayne is not only a corrupt judge, but that he is ignorant and incompetent and that his judicial opinions do not command the respect or confidence of the people;

"'Whereas the administration of the United States bankruptcy act in the court of said Charles Swayne and by his appointed referee has resulted in every instance in the waste of the assets of the alleged bankrupt by being absorbed in unnecessary costs, expenses, and allowances, to the great wrong and injury of creditors and others, until such administration is in effect legalized robbery and a stench in the nostrils of all good people;

"'*Be it resolved by the house of representatives of the State of Florida, the senate concurring,* That our Senators and Representatives in the United States Congress be, and they are hereby, requested to cause to be instituted in the Congress of the United States proper proceedings for the investigation of the proceedings of the United States circuit and district courts for the northern district of Florida by Charles Swayne as United States judge for the northern district of Florida, and of his acts and doings as such judge, to the end that he may be impeached and removed from such office.

"'*Resolved further,* That the secretary of state of the State of Florida be, and is hereby, instructed to certify to each Senator and Representative in the Congress of the United States, under the great seal of the State of Florida, a copy of this resolution and its unanimous adoption by the legislature of the State of Florida.

"'THE STATE OF FLORIDA,
"'OFFICE OF THE SECRETARY OF STATE.

"'UNITED STATES OF AMERICA, *State of Florida, ss:*

"'I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and exact copy of senate joint resolution in reference to Charles Swayne, judge of the United States court for the northern district of Florida, passed by the legislature of Florida, session of 1903, and on file in this office.

"'Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 7th day of September, A. D. 1903.

[SEAL.] "'H. CLAY CRAWFORD,
"'*Secretary of State.*'

"*Resolved,* That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the official misconduct of Charles Swayne, judge of the United States district court for the northern district of Florida, and say whether said judge has held terms of his court as required by law, whether he has continuously and persistently absented himself from the said State, and whether his acts and omissions in his office of judge have been such as in any degree to deprive the people of that district of the benefits of the court therein to amount to a denial of justice; whether the said judge has been guilty of corrupt conduct in office, and whether his administration of his office has resulted in injury and wrong to litigants of his court.

"And in reference to this investigation the said committee is hereby authorized and empowered to send for persons and papers, administer oaths, take testimony, and to employ a clerk and stenographer, if necessary; to send a subcommittee whenever and wherever it may be necessary to take testimony for the use of said committee. And the said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant-at-arms, by himself or deputy, who shall serve the processes of said committee and subcommittee and execute its orders, and shall attend the sittings of the same as ordered and directed thereby. And that the expense of such investigation shall be paid out of the contingent fund of the House."

The author of said resolution, Representative LAMAR, was requested by the subcommittee appointed to investigate said charges contained in said resolution, to submit to it a statement setting forth specifically the charges referred to in a general way in said resolution. In compliance with this request, Mr. LAMAR presented to said subcommittee the following, to wit:

"In re Charles Swayne, United States district judge in and for the northern district of Florida: Specifications of matters to be presented for investigation before the investigating committee of the House of Representatives, United States Congress.

"*Specification 1.*—That the said Charles Swayne, judge of the United States court in and for the northern district of Florida, for ten years, while he has been such judge, was a nonresident of the State of Florida, and resided in the State of Delaware; that he never pretended to reside in Florida until May, 1903; that during said time of his nonresidence, by such nonresidence, he has caused great inconvenience, annoyance, injury, and expense to litigants in his court, not so much by failure to hold terms of court as by failure to be in reach for the disposition of admiralty and chancery matters and other matters arising between terms of court needing disposition.

"*Specification 2.*—That said Charles Swayne, as such judge, appointed one B. C. Tunison as United States commissioner; that it was charged that it was an improper appointment, and that testimony was offered to such effect before said appointment.

"*Specification 3.*—That the said Charles Swayne, as such judge, appointed and maintains one John Thomas Porter as United States commissioner at Marianna, but that said Porter does not reside at Marianna, but at Grand Ridge, 16 miles away, and is never at Marianna or at his office except when notified of an arrest, necessitating people having business with United States commissioner, often at expense and inconvenience, to go to Grand Ridge, and necessitating the holding of prisoners for a day or two, at their inconvenience and in imprisonment at the expense of the Government, until said Porter sees fit to come to Marianna.

"The said Swayne, although there is great necessity for a commissioner at Marianna, has refused to appoint such.

"*Specification 4.*—That said Swayne, in the administration of his court, has been guilty of great partiality and favoritism to one B. C. Tunison, mentioned in specification No. 2, and a practicing attorney in said court; that so great and well known has this partiality and favoritism become that it has created the general impression that to succeed in that court before the said Swayne it is necessary to retain the said Tunison.

"*Specification 5.*—That said Swayne has been guilty of oppression and tyranny in his office, incorrectly and oppressively and without just cause imprisoning one W. C. O'Neal, one E. T. Davis, and one Simeon Belding upon feigned, fictitious, and false charges of contempt of his said court.

"*Specification 6.*—That said Charles Swayne has willfully, negligently, and corruptly administered bankruptcy cases in his court, to the extent that the assets of bankrupts have, in all or nearly all cases, been squandered or dissipated in paying extraordinary fees and expenses and never paying any dividends to creditors.

"*Specification 7.*—That said Charles Swayne was guilty of oppression and tyranny in his office to one Charles Hoskins upon an alleged contempt, resulting in the suicide of the said Hoskins, and said alleged contempt proceedings being brought for the purpose of breaking down and injuring one W. R. Hoskins, who was charged in said court with involuntary bankruptcy, but who was defending and resisting such charge.

"*Specification 8.*—That said Swayne corruptly purchased a house and lot in the city of Pensacola while the said house and lot was in litigation in his court.

"*Specification 9.*—Ignorance and incompetency to hold said position. Under this specification many illustrations could be given, among them a case in which he took jurisdiction in admiralty in violation of the treaty between the United States and Sweden and Norway, and in one case, that of Sweet *v.* Owl Commercial Company, in which he charged the jury to exactly and diametrically conflicting theories of law.

"*Specification 11.*—That said Swayne, by reason of his absence from the State, failed to hold the term of court which should have been held at Tallahassee in the fall of the year 1902, during the months of November or December.

"*Specification 12.*—That the said Charles Swayne has been guilty of conduct unbecoming an upright judge in that he has procured as indorsers on his note, for the purpose of borrowing money, attorneys and litigants having cases pending in his court.

"*Specification 13.*—That the said Charles Swayne has been guilty of maladministration in the affairs of the conduct of his office; that he has discharged people convicted of crime in his court. Illustration, case of Alonzo Love, convicted in the year of 1902, of perjury."

The committee, on February 10, 1904, proceeded to Florida to take testimony in support of said charges, and examined many witnesses and received a large amount of documentary evidence. After receiving all the evidence and hearing arguments for and against the matters set forth in said specifications, your committee met to consider the same, and we all agreed that specifications numbered 2, 3, 6, 7, 8, 9, 11, 12, and 13 were not proven or were not of sufficient gravity to warrant impeachment charges being made.

The majority of the committee were of the opinion that specifications 1, 4, and 5 had been proven; that Judge Swayne also had wrongfully granted a continuance in the case of W. H. Hoskins, a bankrupt, when he desired to go to trial, and refused to hear his witnesses, and that charges of impeachment against him on these grounds should be preferred.

From this I dissented, because I did not believe that the evidence and the law warranted such a conclusion. I looked upon the impeachment of a Federal judge as a very serious matter, the proceeding being a quasi criminal one, and felt that before charges should be preferred that the mind should be satisfied beyond a reasonable doubt and to a moral certainty of the truth of the matters alleged, and that said matters should be of a most serious character, if not a high crime or misdemeanor, of such a willful and intentional misbehavior in office as to amount to a denial of justice to litigants or to cast discredit upon the court and to cause a loss of confidence in the honesty, integrity, and morality of the judge. I could not persuade myself to believe that every error made by the court, or every mistake made by him in the discharge of his high duties, should be considered sufficient grounds to impeach him. I realized that even the judge of a court is liable to err, both as to law and facts, that his decisions are not always correct, that his judgments are likely to be wrong and oppressive, and that he may exercise his discretion in such a manner as to defeat justice.

If a judge were to be impeached for every error which he committed that inflicted injury upon others, Congress would have to remain in constant session, and it would be the busiest court in the world. If every judge who has wrongfully found a person guilty of contempt should be cited to appear before the bar of the Senate to answer charges of impeachment, the business of that body would be blocked for many a day. How long would the authority of our courts and their decrees be respected if every dissatisfied litigant and every person found guilty of contempt could come to Congress, introduce a resolution with a great flourish of trumpets charging the judge with ignorance, corruption, tyranny, incompetency, and dishonesty, and thereupon the judge be investigated and brought before the bar of the Senate? The dignity of the courts must be maintained, and their judgments and decrees must be respected. Therefore Congress should be very guarded and careful in preferring charges of impeachment. The case, to warrant such charges, should be a very strong one, and before Congress acts there should remain no reasonable doubt that the judge against whom complaint has been made has willfully, knowingly, and intentionally been guilty of serious misbehavior in office, or has been guilty of some high crime or misdemeanor.

With this rule in my mind, I have carefully considered all of the evidence submitted, and I can not say that I feel satisfied therefrom that Judge Swayne has misbehaved in office; that he has been guilty of any high crime or misdemeanor; that he has been corrupt, tyrannical, or oppressive, or that his conduct is unbecoming a judge. Neither am I prepared to say that in the matters charged against him by the majority that he has committed any error of law, or that he acted in a tyrannical, vindictive, or oppressive manner. Neither do I believe that the evidence in the case warrants the action taken by the majority or is sufficient to cause the House of Representatives to prefer charges of impeachment, and to substantiate this belief I shall now consider the evidence in connection with charges preferred by the majority and the rules of law governing the same.

NONRESIDENCE.

First, as to the charge of nonresidence and the inconvenience, annoyance, injury, and expense to litigants in his court by reason thereof:

The evidence shows that in the year 1885 Judge Swayne moved from Pennsylvania to the State of Florida to practice law. In the year 1890 he was apointed district judge of the northern district of Florida, and shortly thereafter he moved to St. Augustine, which was in his district. In June, 1894, the boundaries of the district were changed, and St. Augustine became a part of the southern district of Florida. After this Judge Swayne ceased keeping house in St. Augustine and stored his furniture. He went to Pensacola, Fla., then the largest city in his district, and requested a friend to place his name on the register of voters. This was not done. From 1895 until 1900 Judge Swayne did not own or rent any house in Pensacola, or in his district, but boarded when there in hotels and with private families.

When he went to Pensacola first he directed Mr. Marsh, the clerk of his court, to find him a suitable house. Mr. Marsh testifies that he tried to find a house from October, 1895, to October, 1897, but could not get a suitable one. After that he tried to buy a house for him, and sought to purchase the Wright house, the Piagio house, and the Chipley house, but failed to get either. Captain Northrup testified that when Judge Swayne first came to Pensacola he asked him to get for him a suitable house and that he took Judge Swayne in his buggy and drove him about to find a house but failed.

In 1900 he rented a house from Thomas C. Watson & Co., put his household furniture in it, and paid rent and insurance until May, 1903, when he moved into a house purchased by his wife and where he now lives. There is no direct and positive evidence or any evidence at all that from the year 1895 down to May, 1903, Judge Swayne had a home anywhere in the United States excepting in Florida. During a part of this time his family were in Europe. They lived with him for a short period in Pensacola, and his son came and lived with him for a while.

In the resolution it is charged that during this time he resided in Delaware or Pennsylvania, but no evidence of this kind was offered, and it is very evident if Judge Swayne resided in either State and made his home there that it would have been a very easy matter to have established that fact by an abundance of proof. A list of witnesses to prove that he resided in Delaware was furnished the committee, but none were called, and the prosecution rested without offering to call any of them, hence it is reasonable to suppose that it could not be proven that Judge Swayne resided in that State. In fact, he says he left Delaware in 1867 and has never since that date made his home there. Judge Swayne must have a residence somewhere. He established a residence in Florida in 1885, and there is no proof that he ever left that State to make his home elsewhere, or that he intended to do so.

The fact that he went north every summer to spend his vacation, or be with his aged mother, does not prove that he changed his residence, because this is a practice followed by some of the Federal judges in the South. The heat of that country becoming intolerable, they go north during the summer months. In 1900 he moved his furniture into a house in Pensacola rented from Thomas C. Watson & Co., and for three years paid the rent. He boarded at times in the Escambia Hotel and part of the time in private boarding houses during the time he was in Pensacola. The records of the court show that he averaged about two months each year in his district in the actual trial of cases; that he usually came to Pensacola a day or two before the term of court, and after the term was over would depart. It also appears in evidence that he would return to Pensacola also at times when the court was not in session and between terms.

Now, then, it being charged that he was a nonresident of the district and therefore guilty under the statute of a crime, to wit, a high misdemeanor, it falls upon the prosecution to prove beyond a reasonable doubt that Judge Swayne did not reside within the district but maintained a residence elsewhere, and I submit that absenting himself any length of time from the district does not alone prove that he is a nonresident of it. The prosecution have not shown where his residence is if it is not in his district. Between 1895 and 1899 Judge Swayne requested parties in Pensacola—W. H. Northrup and Fred March—to find for him a suitable residence, and they testified that no suitable place could be found. He also attempted to purchase a house and also took some steps toward building one. This clearly shows the intent on the part of Judge Swayne to reside in his district, and surely a man's intent always controls on a question of residence. Residence is clearly a question of intent. A man chooses his own residence and that residence remains until he decides to have another. There is no evidence that Judge Swayne had no intent to establish his residence in Florida and in his district, or that he had any intent to establish it somewhere else. That he paid no taxes or did not vote is not conclusive that he did not reside in his district. Neither are necessary to establish residence.

But it is said he was absent from his district nearly ten months during each year. But this, as said before, does not prove his residence was not there. Well, it is said, it is a strong circumstance and it proves that he was neglecting his business; that he was not discharging the duties of his office, and from this fact he should be impeached. Let us see. It is true that Judge Swayne was absent from his district, and for months; but it is not true that litigants in his court suffered great or any inconvenience thereby, or that they suffered any loss. Judge Swayne tells us the reason why he was away and where he was. He was on duty. He was not on a vacation, enjoying the quiet and rest of Guyencourt, Del., or idling away his time in seeking pleasures, but he was on duty most of the time. Under the law the circuit judge of a district may order a district judge to go into other districts and hold court, and also to sit on the circuit court of appeals.

The records in this case show that Judge Pardee and Judge McCormick ordered Judge Swayne to hold court in Alabama, Texas, and Louisiana at different times, and also to sit on the circuit court of appeals, and that he obeyed this order, as it was his duty to do. The certificates of the clerks of different courts in the States just named show when Judge Swayne held court therein, and here follows the record, not giving the States and courts, which can be obtained, but the number of months in which he held court in each year in said States and out of his district, commencing with 1895:

1895.—April, May, November, and December, four months.

1896.—January, February, March, April, May, June, November, and December, eight months.

1897.—January, February, March, April, May, June, and July, seven months.

1898.—January, February, March, April, May, November, and December, seven months.

1899.—January, February, March, April, May, June, October, and November, eight months.

1900.—January, May, June, September, October, December, six months.

1901.—September.

1903.—January and February.

Holding court for two months on an average in his own district would make him holding court on an average of about nine months each year. And this, it must be admitted, is a good record for holding court in the Southern States. A large part of the other three months, no doubt, were used by the court in preparing decisions and taking a vacation unless he decided all of his cases from the bench, which is not likely. The record also shows that not only did he hold court in other districts seven and eight months during the year, but when the time for holding court in his own district arrived that he went there and dispatched all of the business and kept his docket clear. What does the majority want to impeach him for? Because he was absent from his district under orders; because he only worked nine and ten months a year holding court; because he kept his docket clear; because he did not work hard enough? No; certainly these can not be the reasons. Then what are they? If litigants were subjected to "inconvenience, annoyance, injury, and expense," as stated in the specifications, during the time he was absent from his district under orders from Judges Pardee and McCormick, then whose fault was it? And what right have parties to make this the basis for charges of impeachment, and what just reason can this committee give to accept the same as sufficient for preferring charges?

Now, the presumption of law is that Judge Swayne is a resident of his district. As long as a party retains an office which he holds during good behavior he is presumed to continue his domicile in the place where he is to exercise his functions. (Oakey *v.* Eastin, 4 La., 69.) This presumption, as already stated, must be overcome by evidence sufficiently strong to satisfy the mind beyond a reasonable doubt, because under the statute it is made a high misdemeanor not to reside in the district. It can not be overcome by hearsay evidence or by opinions of parties, as sought to be done in this case, but by satisfactory evidence which is competent and relevant. One may be considered as dwelling and having his home in a certain town, though he has no particular choice there as the place of his fixed abode (2 Me. Repts., 411.) A man is not prevented from obtaining a residence in a place where he

goes to permanently make his home by the fact that his wife and children remain in his old home. (1 Bond, 578.)

Neither does absence from a man's place of business for a reasonable time cause him to lose or forfeit his residence there. Of course the judge's residence must be a legal one as distinguished from a constructive one, and his intent, coupled with his acts, go to make up this residence; that he pays no taxes or does not vote is not evidence sufficient to rebut the presumption of his residence. He may not have any property to pay taxes on, and may not, under some circumstances, care to vote. When a judge goes to a place avowedly for the purpose of making it his home, requests others to try and rent him a suitable house in which to live, endeavors to purchase a suitable place when he learns he can not rent one, contemplates building a home when he can not buy, and finally succeeds in renting a house which he moves into and pays rent thereon for three years, and finally occupies, with his family, a house purchased by his wife, surely must have established the fact that it was his intent in good faith to make his home in that place, and in the absence of a very strong showing it must be conceded that he has established a residence there.

Having established this residence he can not lose it because his duties as a judge require him to hold court in other States within the circuit in which his district is for seven and eight months a year, or by spending a vacation during the hot months of July and August with his aged mother in Delaware. Under all these facts it can not be said that Judge Swayne has violated the statute, and neither has he made any excuses for his nonresidence. He explained his absence from the district, as above stated, and surely this can not be urged as a sufficient ground for his impeachment.

This brings me to the other question stated in the first specification, to wit:

"That during said time of his nonresidence, by such nonresidence he has caused great inconvenience, annoyance, injury, and expense to litigants in his court, not so much by failure to hold terms of court as by failing to be in reach for the disposition of admiralty and chancery matters, and other matters arising between terms of court needing disposition."

Of course, if, as has just been stated, he was absent under orders holding court elsewhere, he is to be excused. But what are the facts on this question? J. E. Wolfe, a United States district attorney from 1895 to 1898, and for two years thereafter assistant district attorney, speaking of the loss and inconvenience to litigants caused by the absence of Judge Swayne from the district, says:

"I do not know of any case in which there has been an embarrassment on account of Judge Swayne's absence, and I do not know of any civil proceeding in which litigants were damaged or injured by the absence of the judge."

Mr. Marsh, the clerk of the court, was asked this question (237 of record):

"Q. Do you know of any loss to litigants by any inconvenience resulting by reason of the absence of Judge Swayne?—A. Never a complaint, except in one instance, and that was the signing of a bill of exceptions * * * when Judge Swayne was holding a term of court in Waco, Tex. I shipped the bill to him and it was signed and returned in time."

W. A. Blount, one of the leading lawyers of Florida, says:

"Whether, as a matter of fact, his absence has resulted in injury or expense, I do not know. I can not say now if any cases have been delayed by his absence."

B. S. Liddon, one of the attorneys for the prosecution, attempted to show that he had a case which he was forced to settle because the judge was absent, and that he had a good defense to it. He said the action was commenced in the summer, and that Judge Swayne would not return until November. The facts are, as finally admitted by the witness when confronted with the record, that the suit was commenced on January 25, 1897, after the court had adjourned on January 9; that it was settled in February, and that the court returned from Texas, where he had been ordered to hold court, and held a term of court in Pensacola on March 6.

Another lawyer for the prosecution, Mr. Davis, was put on the stand to testify to inconvenience caused litigants by the judge's absence. He complained that he could not get a bill of exceptions signed readily because the court was absent in Delaware. It appears from the evidence that the delay was caused by the fault of Mr. Davis by not incorporating into the bill certain documentary evidence which the court directed to be included in it, but even then the bill was signed in time and no loss followed to anyone. One Marshall was sworn as a witness to prove that he was forced to settle a bankruptcy case owing to the fact that he could not get a hearing. A short time after the matter was commenced the judge was holding a term of court and Marshall never asked to be heard. I have cited the only three instances shown by the prosecution to substantiate this charge. All amounted to nothing; and it is quite evident, with the great industry of the gentlemen behind this movement, that if there was anything to support the charge they would have found it.

CONTEMPT OF O'NEAL.

Second. The majority contend that Judge Swayne should be impeached because he found W. C. O'Neal guilty of contempt and sentenced him to jail; that there is no law authorizing such a judgment, and that the judge acted arbitrarily and oppressively. I can not agree with the majority either as to their construction of the law or as to the facts. They have stated the strongest case possible in this matter against Judge Swayne without inquiring if the record does not contain facts to justify his conduct and to uphold his judgment. The facts are these:

On the 29th day of August, 1902, one Scarritt Moreno filed in the district court for the northern district of Florida his petition in bankruptcy. On September 15, 1902, one Adolph Greenhut was appointed trustee of the estate of said bankrupt. That the said Greenhut, as such trustee, in carrying out the implied orders of the court appointing him, and in the discharge of his duties to collect and recover the assets of the bankrupt, commenced an action in equity for the purpose of having a certain deed of property purchased by said bankruptcy in the name of his wife, and to have certain mortgages thereon declared null and void.

The American National Bank of Pensacola was made a party defendant in this action; W. C. O'Neal was the president of the bank. The action was commenced Saturday afternoon, October 18, 1902. On the following Monday morning the said W. C. O'Neal, when passing the office of the said Greenhut, where were kept the papers of said estate and the business thereof transacted, stopped and said to Greenhut that he wished to speak to him, and Greenhut replied, "I will see you right now," and both gentlemen stepped into Mr. Greenhut's office. What transpired in that office was only seen by Greenhut and O'Neal, and their statements are conflicting, O'Neal testifying that he went in there to reproach Greenhut for commencing the action, that hot words passed between them, and that Greenhut threatened to do him up; that as he started to leave the office he turned around and told Greenhut that he had lied about the Moreno acceptance, and that Greenhut then struck him and he pushed him away, and as he rushed upon him again he drew his pocket knife and cut Greenhut in self-defense.

Greenhut, in his affidavit, says that O'Neal went in his office with him, where he kept and had the custody of the papers, books, etc., relating to and connected with the books of said Moreno, bankrupt; that he asked him, Greenhut, why he had commenced the action against the American National Bank, and made the remark that he would settle with him, or will settle the matter, and that O'Neal then started to walk out, and that Greenhut, not knowing of his purpose, followed. That when at the doorway O'Neal, without any provocation, turned and wheeled suddenly about with his knife in his hand and struck at his (Greenhut's) throat, cutting him at a point behind the left ear, cutting through a portion of it, thence across the left cheek to the corner of the mouth, stabbed him four times, inflicting serious injuries upon him which prevented him from attending to his duties as a trustee. Seventeen or eighteen days after this assault the said Greenhut filed in Judge Swayne's court an affidavit of which the following is a copy:

"UNITED STATES OF AMERICA,

"*Northern District of Florida, City of Pensacola, ss:*

"Adolph Greenhut, of the city of Pensacola, in the district aforesaid, being duly sworn according to law, on his oath doth depose and say:

"That theretofore, to wit, on the 29th day of August, 1902, one Scarritt Moreno filed in the honorable the district court of the United States in and for the northern district of Florida, at Pensacola, his petition to be adjudicated a bankrupt and to obtain the benefits of the acts of Congress of the United States relating to bankruptcy. That thereafter such proceedings were had upon said petition in said United States district court that on September 15, 1902, affiant was duly appointed trustee of the estate of the above-named Scarritt Moreno, bankrupt, which said appointment of deponent as trustee was then and there approved by the said court.

"Thereafter, to wit, on the day and year last aforesaid, affiant accepted said appointment and filed his bond as such trustee, which said bond was duly approved by E. K. Nichols, esq., referee in bankruptcy, and at the same time deponent took the oath of office as required by law, and thereupon he became charged with the duties and clothed with the authority appertaining to a trustee in bankruptcy under the laws of the United States, and from thence hitherto has occupied and is now occupying said trusteeship, amenable to and subject to the orders of the said the honorable district court of the United States in and for the northern district of Florida.

"That affiant was, by his counsel, advised that it was his duty as trustee of the estate of said Scarritt Moreno as aforesaid to institute a certain suit or action in equity for the purpose of having certain property purchased by the said Scarritt Moreno, bankrupt, the title to which was taken by the said Scarritt Moreno in the name of his wife, brought into the said United States district court as a part of the estate of said bankrupt, to be there administered as required by law, and for the further purpose of having certain mortgages on said property decreed and declared to be null, void, and of no effect. That thereupon in the afternoon of Saturday, the 18th day of October, 1902, through his counsel, he, as trustee as aforesaid, and in the performance of his duty as aforesaid as an officer of the said United States district court, caused to be filed in the circuit court of Escambia County, State of Florida, his certain bill of complaint, therein and thereby, among other things, asking the relief above referred to.

"That by the advice of his counsel, Scarritt Moreno, Susie R. Moreno, his wife, the American National Bank of Pensacola, the Citizens' National Bank of Pensacola, and others were made parties defendant in and to said bill of complaint, and that upon the filing of the said bill of complaint suit was commenced against the defendants named in said bill of complaint. That all of the proceedings above referred to were taken and had by affiant as an officer of the district court of the United States in and for the northern district of Florida, and in the due, proper, and faithful performance of his duty as such officer, and were necessarily had and taken under the law and his oath of office.

"That on Monday, the 20th day of October, A. D. 1902, between the hours of 9 and 10 o'clock a. m., affiant was standing in the door of the office of the store owned and conducted by him, situated at No. —— East Government street, in the city of Pensacola aforesaid, which said office was occupied by deponent, among other things, for the purpose of performing the duties devolving upon him as trustee as aforesaid, and in which said office this deponent kept and had the custody of the papers, books, etc., relating to and connected with the estate of said Scarritt Moreno, bankrupt, in deponent's hands as trustee as aforesaid; that at the said time deponent was engaged in conversation with one Alex Lischkoff, when one W. C. O'Neal, who was at the said time president of said American National Bank of Pensacola, one of the defendants in the action or suit heretofore referred to, approached to where affiant was standing and conversing as aforesaid, and stated to affiant that as soon as he, affiant, was at liberty, he, said O'Neal, desired to speak to him. Thereupon affiant stated in effect that said O'Neal could speak to him then, and affiant entered his said office and stood alongside of a standing desk about 5 feet from the door of said office.

"Said O'Neal followed affiant into said office and stood opposite to affiant, and distant only a few feet. That thereupon said O'Neal in effect asked this affiant why he, affiant, had brought the name of his, the American National Bank, into the Moreno suit (meaning thereby the suit above referred to, brought by affiant, as trustee, against Scarritt Moreno and others); that affiant replied that he, O'Neal, could see his, affiant's, attorneys in relation thereto; that said O'Neal made some remark to the effect that he would not do so, and stated to affiant that he, affiant, was no gentleman; that affiant thereupon said that he, affiant, was as much of a gentleman as he, the said O'Neal; that thereupon said O'Neal said 'We'll settle the matter,' and turned about as if he intended to leave the premises of deponent, walking toward the door of said office and out upon the sidewalk; that affiant had no thought, idea, or suspicion that said O'Neal intended any personal violence toward him, and quietly started forward from where he was so standing as aforesaid toward the door of said office leading into the street.

"That affiant barely reached the doorway of said office when said O'Neal, without any provocation, without any notice to deponent of his murderous intention, turned and wheeled suddenly about with his knife in his hand, and, with intent to kill and murder deponent, struck at his, deponent's, throat with said knife, and cut deponent at a point be-

hind the left ear, cutting through the lower portion of said left ear, then across the left cheek, ending at left corner of mouth; and immediately thereafter said O'Neal cut and stabbed deponent four further times: (1) On left side over lower ribs, (2) upon left hip, (3) on left elbow, and (4) on right hand. That the cuts, wounds, and stabs so inflicted by said O'Neal upon deponent were of a serious and dangerous character, and from said time to the present deponent has been unable to attend to and perform his duties as trustee as aforesaid, and has been confined to his home, except for a few hours on two or three different days, and has ever since been and is now under the care and treatment of a physician who is attending to said wounds.

"That said assault and attempt to murder was committed by said O'Neal as aforesaid solely because and for the reason that affiant, as an officer of the United States district court in and for the northern district of Florida, had instituted the suit above set forth against the said American National Bank and others, and to interfere with and to prevent deponent from executing and performing his duties as such officer of said court; and the said O'Neal did, by the said murderous assault, interfere with the management of the said trust by deponent as an officer of the said court, and did for a long period of time, to wit, from the said 20th day of October, 1902, up to the present time, by reason of the injuries inflicted by him upon deponent as aforesaid, prevent and deter deponent from performing the duties incumbent upon him, deponent, as such officer, and did thereby interfere with the management by deponent as such officer of the estate of the said Scarritt Moreno, bankrupt.

"A. GREENHUT.

"Sworn to and subscribed before me this 7th day of November, A. D. 1902.

"E. K. NICHOLS, *Referee in Bankruptcy.*"

To this affidavit O'Neal filed an answer, a copy of which is as follows:

"And thereafter, and in the said day, to wit, on the 22d day of November, A. D. 1902, the following answer was filed in the said cause by the respondent therein, to wit:

"In United States district court, northern district of Florida, at Pensacola. In re rule upon W. C. O'Neal to show cause why he should not be punished for contempt upon the statement set forth in the rule and the affidavit of A. Greenhut, thereto attached.

"Respondent, for answer to the rule and to the said affidavit, says:

"1. That he knows in part and presumes in part that the allegations of the first paragraph of the said affidavit are true.

"2. That he knows in part and presumes in part that the allegations of the second paragraph of the said affidavit are true.

"3. That the statements in the third paragraph of said affidavit are in part true and in part untrue, and that the following statement of the facts leading up to, accompanying, and surrounding the affray between himself and the said Greenhut on October 20, 1902, are true:

"That the said Greenhut had been, from the organization of the American National Bank, of Pensacola, in October, 1900, a stockholder and director thereof; that while he was such stockholder and director the said bank received from the said Scarritt Moreno a certain mortgage for the sum of $13,000, to secure certain indebtedness due or to become due by the said Moreno to the said bank; that the said transaction was an honest and bona fide transaction, and that the said Scarritt Moreno was and became indebted to the said bank in a large sum of money secured by the said mortgage; that the said Greenhut was cognizant of the whole of said transaction and knew of its bona fides and honesty, as he did of the subsequent bona fide transfer thereof to Alex McGowan, S. J. Foshee, and H. L. Covington for a large consideration paid by them to the said bank, and that the bill filed by the said Greenhut as trustee as aforesaid, was filed to declare the said mortgage and transfer null and void, although the said Greenhut knew them to have been entirely honest, straight, and valid transactions.

"That prior to the said 20th of October said A. Greenhut became indorser upon certain negotiable paper of the said Scarritt Moreno to the said bank to an amount of about $1,500; that the said Greenhut refused to make good his said indorsement or to pay to the said bank the money due upon said paper at its maturity or thereafter, and before the said 20th day of October the said bank had been compelled to sue him in the circuit court of Escambia County, Fla., upon said paper, and that in the said suit the said Greenhut interposed a defense which this respondent believed and believes to be untrue and known to the said Greenhut to be untrue.

"That on the morning of the 20th of October, 1902, respondent was proceeding from his residence to his office in the said bank, in the direct and usual path pursued by him, and he saw the said Greenhut standing at the door of his said store office upon the said path of respondent, and it suddenly occurred to respondent to reproach the said Greenhut with having brought the suit mentioned in his affidavit against the said bank, when he, the said Greenhut, knew as aforesaid that there was no foundation therefor; and thereupon the respondent stated to the said Greenhut that he wished to speak to him as soon as he was at liberty, he then being engaged in a conversation with one A. Lischkoff. The said Greenhut answered that respondent could speak to him then, and both he and respondent stepped to the rear of the said Greenhut's office, when the respondent reproached the said Greenhut with his attitude toward the bank, of which he had been a stockholder and director, both in his refusal to pay the negotiable paper hereinbefore mentioned and in the bringing of an unfounded suit against it; the conversation, however, concerning chiefly the bringing of the said suit against the said bank. Hot words passed between the said respondent and said Greenhut, during which the said Greenhut said that he would 'do respondent up,' to which respondent answered that he did not come to have a disturbance and would not fight in his office except in self-defense, but that if he had to fight he would do so if the said Greenhut would come out upon the street.

"When the respondent turned to leave the office and when he had nearly reached the door, he turned and said to the said Greenhut, 'Well, you know how you lied about the Moreno acceptance, for you said that you would pay it,' the Moreno acceptance being the negotiable paper hereinbefore mentioned. As respondent turned, saying this, he noticed that the said Greenhut was following him, and as he said it the said Greenhut, who was short, stout, heavily built, and apparently much more muscular than respondent, struck the respondent, who is thin and feeble, and forced him against the railing in the said office. The respondent shoved the said Greenhut a little away from him, but he, the said Greenhut, instantly recovered and rushed at respondent with his arm uplifted to strike, when respondent drew from his pocket a small pocketknife and opened it, in order to protect himself, and upon said Greenhut rushing upon him, cut him therewith, while the said Greenhut was still following and endeavoring to strike him.

"That it is not true that the respondent at any time said to the said Greenhut that he, respondent, would settle the matter, but the facts are as hereinbefore stated; that respondent does not know how many or where located were all the wounds inflicted with said knife and hence he is unable to admit or deny the allegations of the said affidavit relating thereto; that it is not true that the use of the said knife was with the intent to kill and murder the said Greenhut or to do him any bodily harm, but respondent avers that it was entirely from the instinctive desire of respondent to defend himself from the attack of a larger and more powerful man.

"That it is not true that the assault charged in the said affidavit was committed by the respondent solely because and for the reason that the said Greenhut had instituted the suit aforesaid against the said American National Bank, or to interfere with and prevent him, the said Greenhut, from exercising and performing his duties as an officer of this court; that in truth the respondent never contemplated at any time any interference with the said Greenhut as trustee as aforesaid, or contemplated any affray with the said Greenhut, or any personal conflict with him until he saw the threatening attitude of the said Greenhut toward him, the respondent, as hereinbefore set forth, and that so far as respondent can determine from the actions of the said Greenhut, who was the aggressor as aforesaid, the cause of the said affray was the remark of respondent to the said Greenhut concerning the said Greenhut's action in repudiating his obligation to pay the said acceptance.

"And respondent disclaims the existence on his part at any time of any intent to interfere with, prevent, impede, or delay the said Greenhut in the prosecution of the said suit against the said bank, or to interfere with or impede or prevent him in any wise in the execution or performance of any of his duties as such trustee, and specially disclaim any intent to do any act which might savor in the slightest degree of contempt of this honorable court.

"W. C. O'NEAL.

"W. C. O'Neal, being duly sworn, says that he has read the foregoing answer and that the statements therein made are true.

"W. C. O'NEAL.

"Sworn and subscribed before me this 18th day of November, A. D. 1902.

[SEAL.] "JNO. PFEIFFER, *Notary Public.*

"On the 9th day of December the matter came on for trial, and the court, after hearing all of the evidence and all of the witnesses, rendered the following judgment:

"And afterwards, to wit, on the 9th day of December, A. D. 1902, the following proceedings were had in open court, to wit:

"In the matter of the rule upon W. C. O'Neal to show cause why he should not be punished for contempt of this court as to the matters and things set forth in the affidavit of Adolph Greenhut.

"This cause coming on to be heard at this time on the affidavit of Adolph Greenhut, in the matter of the bankruptcy proceedings in the estate of Scarritt Moreno, and upon the rule to show cause why he should not be punished for contempt of this court issued thereon by this court against W. C. O'Neal, and upon the answer of the said respondent, W. C. O'Neal, to the said rule and affidavit, and the court having heard the testimony and the witnesses for the prosecution and for the respondent, and after argument of counsel and consideration by the court, and the court being advised in the premises, the court doth find as follows:

"That the affidavit of Adolph Greenhut, upon which this rule was granted, is true, and that the respondent is guilty of the acts and things set forth therein, in the manner and form therein alleged, and that the same constitute and are a substantial contempt of this court; and it is therefore

"Ordered, adjudged, and directed that the said respondent, W. C. O'Neal, be taken hence to the county jail of Escambia County, at Pensacola, in the State of Florida, and there confined for and during the period of sixty days, and that he stand committed until the term of this sentence be complied with or until he be discharged by due process of law.

"And the said respondent, W. C. O'Neal, at this time having sued out his writ of error to the Supreme Court of the United States, and made and entered into a bond and undertaking, conditioned as required by law, and duly approved by this court, it is therefore ordered that the said writ of error be and operate as a supersedeas to the judgment heretofore rendered in this cause."

There is no evidence that Judge Swayne acted arbitrarily in the matter, that he was oppressive, or that he wrongfully and willfully in defiance of law tried the action and pronounced judgment. The majority of the committee contend that there is no law to warrant the decision of the court; that no contempt had been committed; that the judge was in error; and for these reasons and because he made a mistake in the law, because he rendered an erroneous judgment he should be impeached.

The judge certainly had the right to pass on the credibility of the witnesses and certainly had the right to believe Greenhut's statement in preference to that of O'Neal's, and if the evidence supported the allegations of Greenhut's affidavit—and the judge found that it did—then he had the right under the law, in my judgment, to find O'Neal guilty of contempt.

A trustee in bankruptcy, under the bankrupt act, is made an officer of the court. It is his duty, under an order of the court appointing him, to commence any actions necessary to recover property belonging to the bankrupt, and when he commenced such an action he is acting as an officer of the court and under its orders, or he would have no right to commence and prosecute the action at all. And any interference with him, either in the commencement of the action or in its prosecution, is a resistance by a party to a lawful order of the court and clearly falls within the express language and meaning of section 725 of the Revised Statutes. The action of O'Neal was not only to reproach Greenhut, but to frighten and terrorize him and to interfere with him in the lawful discharge of his duties as trustee and as an officer of the court.

Is it possible that the court may direct its trustees and officers to commence an action to recover assets to be distributed by the court to creditors and can not punish for contempt a party who stands in the street blocks away from the court-house and by force of threats intimidates the trustee so that he, through fear of personal violence, dare not commence his action? Surely such can not be the law, and such is not the law. What are the decisions on this question?

In the case of the United States *v.* Anonymous, reported in volume 21, Federal Reporter, page 761, it is held that "it is a contempt of court to

interrupt and violently break up the examination of a witness before an examiner by persisting in the claim to dictate, prompt, and control the answers of the witness. It is also a contempt to insult the examiner by use of violent and abusive language to him after he has left the office and is upon the street. Nothing in the Revised Statutes, section 725, has taken away the power of the court to punish such contempts."

The court, on page 771, uses this very strong language, which applies with great force to the O'Neal case. It says:

"The privilege of protection to all engaged in and about the business of the court from all manner of obstruction to that business, from violence, insult, threats, and disturbance of every character is a very high one, and extends to protect the persons engaged from arrests in civil suits, etc. It arises out of the authority and dignity of the court and may be enforced by a writ of protection, as well as by punishing the offender for contempt."

The court further on says if the misbehavior was not in the presence of the court, or so near thereto as to obstruct the administration of justice, it was nevertheless the disobedience or resistance by a party to a lawful order, decree, or command of the court.

In the case of In re Higgins, reported in volume 27, Federal Reporter, page 443, it is held that receivers are sworn officers of the court, and their agents and servants in operating the railway are pro hac vice the officers of the court, and that it is well settled that who unlawfully interferes with property in the possession of the court is guilty of contempt of that court, and it is equally well settled that whoever unlawfully interferes with officers and agents of the court in the full and complete possession and management of property in the custody of the court is guilty of a contempt of the court, and it is immaterial whether this unlawful interference comes in the way of actual violence or by intimidation and threats. To the same effect are the cases of In re Acker (66 Fed. Rep., 290), and In re Tyler (149 U. S., 181).

One of the most interesting decisions on this question of the power of the court to punish for contempt is by Judge Jones, of Alabama, and reported in volume 120, Federal Reporter, page 130, ex parte McLeod. This case discusses the causes that led up to the enactment of section 725, Revised Statutes. The court holds that "an assault upon a United States commissioner because of past discharge of duty is a contempt of the authority of the court, whose officer the commissioner is, in the administration of criminal laws, although no proceeding against the offender was then pending and the commissioner at the time was not in the performance of any duty."

This must be so. The court must have its officers to enforce and carry out its decrees, to enforce and protect the rights of litigants, to preserve peace and good order, and to assist it in the performance of those duties which are imposed upon it by law. The judge himself is only an officer of the court, and, indeed, the court would be weak that had no power to punish a party for contempt who interfered with one of its officers for the purpose of preventing him from discharging his duty as an officer of the court, as trustees, or receivers. If trustees, commissioners, and other officers of the court are to be deterred in the performance of their duties by reason of violence or threats, if they may be assaulted and stabbed because they are carrying out the mandates of the law, then we will have no law, no order, no security, no protection of person or property.

It is necessary for the peace and good order of the law and of society that a trustee in bankruptcy may, without fear, commence actions in the courts to recover property which belongs to creditors. It is also necessary that after the action has been commenced that he shall not be terrorized to the extent that he dare not prosecute further. His duties are, among other things, to collect and reduce to money the property of the estate for which he is a trustee, under the direction of the court, and there is vested in him title to all of the property belonging to the bankrupt, including property transferred by the bankrupt in fraud of creditors. In trying to declare the deed of Moreno to his wife and the mortgages therein as void in the suit which he commenced, Greenhut was "acting, under the direction of the court," or, in other words, under its order, as its officer; and when Mr. O'Neal went into his office to reproach him for commencing this suit and used violence upon him he was resisting and interfering with an officer of the court in the performance of an order of the court, and was guilty of a contempt. Being guilty of a contempt, Judge Swayne's duty was to punish him therefor, and he would not have been mindful of the peace and good order of his court and the due administration of justice therein if he had not done so.

But the majority contend that "the answer of O'Neal purged the contempt, and it was error to punish him for it," and therefore the judge should be impeached. We can not agree to this for two reasons: First, the answer does not purge the contempt, and, second, growing out of an equity proceeding, the court had the right to inquire into and pass upon the merits.

In proceedings for criminal contempt the answer of the respondent in so far as it contains statements of fact must be taken as true. If false, the Government is remitted to a prosecution for perjury. This is the common-law rule. But the answer must be credible and consistent with itself, and if the respondent states facts which are inconsistent with his avowed purpose and intent the court will be at liberty to draw its own inferences from the facts stated. (In re May, 1 Fed., 737; In re Crossley, 6 Term R.; Ex parte Nowlan, 6 Term R.; U. S. v. Sweeny, 95 Fed., 447; In re Debs, 64 Fed., 724.)

"Disclaimer of intentional disrespect or design to embarrass the due administration of justice is, as a rule, no excuse, especially where the facts constituting the contempt are admitted or where a contempt is clearly apparent from the circumstances surrounding the commission of the act. (Cyclopedia of L. & P., vol. 9, 25.)"

Courts may make inquiry as to the truth of the facts notwithstanding the answer denies fully the allegations of the affidavit, statement, or petition and disclaims any intention to do any act in contempt of the court. (Territory v. Murray, 7 Mont., 251; Crow v. State, 24 Tex., 12; State v. Harper Bridge Co., 16 W. Va., 864; U. S. v. Debs, 64 Fed., 724; In re Snyder, 103 N. Y., 178; 48 Conn., 175; 19 Fed., 678.)

The law as above stated is clearly applicable to the answer filed by O'Neal.

He admits that he knew that Greenhut had been appointed trustee. He admits that he knew that Greenhut as such trustee had commenced an action to recover assets which it was alleged belonged to the bankrupt and which he was endeavoring to cover up by fraud. He admits that the bank of which he was president was a party defendant in this action, and he admits that "it suddenly occurred to him to reproach the said Greenhut with having brought the suit against the said bank." He also admits that when he entered Greenhut's office he reproached the said Greenhut for bringing an unfounded suit against the bank; "the conversation, however, concerning chiefly the bringing of the said suit against the said bank," and that hot words passed between them and that he invited Greenhut into the street to fight. He says "that it is not true that the assault charged in the said affidavit was committed by respondent solely because and for the reason that the said Greenhut had instituted the suit against the said American National Bank, or to interfere with or prevent him, the said Greenhut, from exercising and performing his duties as an officer of this court."

He says that the assault was not made solely for that reason, but he does not deny that that was one of the reasons, and thereby admits that it was.

Having made an affidavit in which he admits so much, the court could well find that it was inconsistent with his claim that he had no intent to commit any contempt or to interfere with Greenhut in discharging his duties as trustee. In fact, nowhere does it appear that O'Neal ever asked to be dismissed because he had fully purged himself of contempt by his answer.

But the action commenced by Greenhut, being an equitable action, and his duties as trustee being more as an officer in equity than one at law, the court had the right to inquire into the merits even if O'Neal filed an affidavit fully and completely purging himself of the contempt charged, a different rule obtaining in equity than at law. (Buck v. Buck, 60 Ill., 105; 114 Mass., 230; 37 N. H., 450; 48 Conn., 175.)

When O'Neal was found guilty of contempt he took a writ of error to the Supreme Court of the United States and the cause was dismissed. Then he sued out a writ of habeas corpus before Judge Pardee, and on the 10th of November last the court, Judges McCormick and Shelby concurring, dismissed the writ. This decision is reported in volume 125, Federal Reporter, page 967.

The court says:

"The charge of contempt against the relator is based upon the fact that he unlawfully assaulted and resisted an officer of the district court in the execution of orders of the court and in the performance of the duties of his office. Under such orders, and in that respect, it would seem to be immaterial whether at the time of the resistance the court was actually in session with a judge present in the district, or whether the place of resistance was 40 or 400 feet from the actual place where the court was actually held, so long as it was not in the actual presence of the court, nor so near thereto as to embarrass the administration of justice.

"Under the bankruptcy act of 1889, section 2, the district courts of the United States, sitting in bankruptcy, are continuously open; and, under section 33, and others of the same act, a trustee in bankruptcy is an officer of the court. The question before the district court in the contempt proceedings was whether or not an assault upon an officer of the court, to wit, a trustee in bankruptcy for an account of and in resistance of the performance of the duties of such trustee, had been committed by the relator, and, if so, was it under the facts proven a contempt of the court whose officer the trustee was. Unquestionably the district court had jurisdiction summarily to try and determine these questions, and having such jurisdiction, said court was fully authorized to hear and decide and adjudge upon the merits."

If O'Neal was guilty of the matters charged against him, and there was sufficient proof of that fact as shown both by Greenhut's affidavit and his own, then there is no doubt that he was guilty of contempt.

Judge Swayne having been fearless enough on the proof of these facts to find a banker and an influential citizen guilty of contempt, the majority in their report say, on page 20, that "Judge Swayne's action was, to say the least, arbitrary, unjust, and unlawful. It could have proceeded only from either willful disregard of the law or from ignorance of its provisions."

If the court has no power to punish those for contempt who beat, assault, and intimidate its officers when discharging their duty, then what protection have they, and how will the law be enforced? If a sheriff can not serve a process without being beaten, if a clerk can not file a paper without being threatened, if a juror can not proceed to hear a case without interference, and if a trustee can not commence an action without being stabbed, and neither have any right to appeal to the court for protection, then men will not be found who will discharge their duties; and if a judge dare to punish for contempt for the doing of any of these things he lays himself subject to impeachment and to be charged with tyranny, oppression, and ignorance, and his acts characterized as being "arbitrary, unjust, and unlawful."

But the majority in their report in this matter give their whole case away. They say, on pages 20 and 21, "O'Neal did not assault Greenhut because Greenhut had sued the bank, but because he had sued the bank knowing that his contention was false."

Here is an admission that O'Neal did assault the trustee, and that the assault grew out of the action that Greenhut commenced against O'Neal's bank, but the assault is sought to be justified because O'Neal claimed that the suit was an unfounded one and Greenhut knew it. The question of whether or not a suit is well founded is always a question for the court before whom the action is pending. If a defendant has the right to walk into the office of a receiver, trustee, executor, or administrator and stab him and try to cut his throat, and justify his action by claiming that a suit brought against him by such officer is unfounded, then how can the court protect its officers in the discharge of their duties? Happily no such right as this exists under the laws of this or any other civilized nation.

In punishing O'Neal Judge Swayne did his duty. Out of this trouble grew this impeachment proceeding. O'Neal at once started in to get even on the court, and the evidence shows that he employed lawyers to go to Tallahassee and lobby through the resolution passed by the legislature of the State of Florida. The two most prominent lawyers now prosecuting this matter, Mr. Liddon and Mr. Laney, admit that they were employed by O'Neal to lobby this resolution through.

There is considerable feeling of prejudice and malice in this proceeding, and it is well to be careful and not be influenced by it, to the end that no mistakes are made and no injustice done.

BELDEN AND DAVIS.

Third. The majority are of the opinion that Judge Swayne should be impeached because he found one Davis and one Belden guilty of contempt. With this we can not agree; neither can we agree with the statement of facts set forth in Mr. PALMER'S report, as important matters are omitted which put a very different phase to the transaction.

The trouble grew out of the following facts: In February, 1901, Florida McGuire commenced an action in Judge Swayne's court to recover about 200 acres of land known as the "Rivas tract." This tract of land is described as one body, though it is divided into lots and blocks and owned by a number of people. On this tract is a block

known as block 91 of the new city, but there is nothing in the said description of the tract of land that would show this fact. In the summer of 1901 Judge Swayne's wife was negotiating with a real-estate firm for the purchase of several pieces of land, one of which was said block 91. This block was owned by a Mr. Edgar, who lived in New York, and upon whom service of summons had never been made in the said Florida McGuire suit. Mr. Edgar made a deed in favor of Mrs. Swayne and sent it to Thomas C. Watson & Co., the agents above named. Mr. Hooten in July, 1901, wrote to Judge Swayne that he had received the deed, but it was not a warranty deed, as Edgar was afraid of the Caro claim. To this letter Judge Swayne replied as follows:

"Gentlemen, you may omit block 91 and send papers for the others along, and oblige."

This ended the negotiations of Judge Swayne's wife to purchase said block. Afterwards it was sold to the Pensacola Improvement Company, and neither Judge Swayne nor his wife ever owned it or were ever in possession of it. Before the commencement of the November term of court the attorneys for the plaintiff in the Florida McGuire suit requested Judge Swayne, by letter, to recuse himself, as he owned an interest in the property in dispute. The judge did not answer this letter. On November the 5th, when court opened, the judge brought this matter up in the presence of the attorneys for plaintiff, Florida McGuire, and stated that he had received a letter from them asking him to recuse himself because he had purchased a piece of land which was a part of the land embraced in the Florida McGuire case. (Testimony of W. A. Blount; Mr. PALMER states they had no notice.)

"The judge stated he had not purchased any such land; that his wife through him had negotiated for the purchase of a block of this tract, but when the deed was sent to close the trade he saw it was a quitclaim, and he asked why a warranty deed had not been given. The reply by Watson & Co., Edgar's agents, was the reason a warranty deed was not given was because this land was in controversy in this suit and he did not care to give a warranty. Judge Swayne, learning this, caused the deed to be returned, and as no formal demand had been made of him to recuse himself, he would try the case."

The foregoing is the statement of W. A. Blount, Florida's foremost attorney, who was in the court at that time. The criminal calendar was taken up first, and the court informed the parties that he would take up the civil docket right after the criminal calendar. The only case on the civil docket was the case of Florida McGuire. A jury was in attendance. During the week the attorneys for Florida McGuire informed W. A. Blount, attorney for defendants, that they were ready. All of their witnesses were in Pensacola and easy to reach. Saturday morning it was apparent that the last criminal case would be finished that day, and Mr. Blount took out a subpœna for his witnesses. Again I quote from the testimony of Mr. Blount:

"The first we knew that they would not be ready was the application by Judge Paquet for a postponement of the case to Thursday. I objected very strenuously. I had tried the same issue eleven times. I called the court's attention to the fact that my knowledge of the witnesses and the issues led me to believe that 90 per cent of the witnesses were in half-hour call of the court room; there was no reason for delay. The court took that view, would not call it then, but would call it Monday, unless there was an application for a continuance in accordance with the rule."

That night, Saturday, after the court had refused to postpone the case, Davis, Belden, and Paquet, attorneys for the plaintiff, Florida McGuire, met together in a store of one of their clients, and there discussed the question of suing Judge Swayne and decided to do so. Belden admits he was present at this meeting, though the majority report says, page 8, "The papers were taken to Simeon Belden, into his hotel, where he was ill, and he signed them." The following are the facts as sworn to by Belden:

"A. I was at the Park Hotel a short time, and they sent for me to come down to Judge Paquet.

"Q. Where was he?—A. At Mr. Pryor's store, I think; I went there and signed the papers and left. It was a suit against Judge Swayne for the recovery of that property."

The suit was commenced after 8 o'clock at night in the circuit court of Escambia County, Fla., after the clerk had gone home, and the statement was made to him that the writ must be served that night at all hazards. After the writ was issued the sheriff was hunted up and instructed to serve Judge Swayne with it that evening. These attorneys also, in carrying out their scheme, wrote an article for the paper, to be published next morning—Sunday—stating that the suit had been brought and the object of it, and procured its publication.

The majority in their report say that they did not procure its publication, but the evidence is positive that they did. The suit was won in ejectment to recover from Judge Swayne block 91 and mesne profits amounting to $1,000, and all three of these parties well knew that Judge Swayne had never owned the land and had never been in the possession of it. Judge Belden claimed that the land was Lydia C. Swayne's, and Mr. Davis, in his petition for a writ of habeas corpus, stated the same fact. It was open, unimproved land. The action was not commenced in good faith with the intention of prosecuting it, and nothing more was ever done with it. If the parties had been acting in good faith they certainly would have sued Mrs. Swayne, whom they claimed to be the owner of the land, and not Judge Swayne, who had never negotiated for it. When forced to state what caused them to act in this great haste, they gave as an excuse that they were afraid that Judge Swayne would leave before they could get service upon him. Monday forenoon Judge Blount talked the matter over with Judge Swayne, and he, acting on his own suggestion, prepared the papers upon which Davis and Belden were found guilty of contempt.

At the trial Judge Swayne said, so states Mr. Blount in his evidence, that he had no doubt that the people in the city had a right to sue him, but the circumstances showed it to be an attempt to influence a United States judge in his duty by putting him where he would have to declare himself disqualified, and knew he had so announced, and had no reason to believe so. Before Davis and Belden were cited for contempt they dismissed the Florida McGuire suit. They probably heard contempt proceedings were being started. They claim now that Saturday evening they had decided to dismiss the case pending before Judge Swayne. But if this is a material fact in the case, it could only have been such by calling Judge Swayne's attention to it at the time of the contempt proceedings, which they did not do. As far as the court knew, no intention of that kind ever existed. It was not sworn to, was not put in their answer, and was mentioned in no way when it ought to have been, and it seems rather late in the day to make that claim now.

Mr. Davis claims that he was not retained in the Florida McGuire suit until Sunday, after the suit against Judge Swayne had been commenced, and the majority in their report say that "E. T. Davis was not of counsel in the case and had no connection with it up to the time that court adjourned on Saturday, November 9, at 6 o'clock." We believe that Davis was retained and was connected with the suit before Judge Swayne was sued, and had been for some time, and the evidence clearly establishes that fact beyond all doubt. J. C. Keyser was interested in the suit on behalf of plaintiff; in fact, he was one of the plaintiffs, though his name did not appear of record. He said, when asked what attorney asked Judge Swayne to recuse himself, "I think Mr. Davis and General Belden."

On page 250 Mr. Marsh, the clerk of the court, says:

"I don't think any præcipes had been gotten out. I had told Mr. Davis I would wait as late as he desired to get them out. He did not seek any præcipes.

"Q. Was Mr. Davis in the case, then, that Saturday afternoon?—A. Yes."

On page 278 Mr. Belden says:

"After receiving the telegram from Judge Pardee, Mr. Davis was to make up the record in the case, so if there was error we could appeal it—take it up by writ of error. We intended to proceed, but the judge calling the case Saturday evening, 9th of November, refusing to allow us time to get our witnesses before the court, we were deprived of the facilities of making up such a record as Judge Pardee contemplated we should make, and we had to discontinue it."

Here is a positive statement by Mr. Belden that Davis was in the case before Swayne was sued:

Mr. Paquet says, page 423, that "Davis was brought into the suit on Saturday, November 9, before Judge Swayne was sued; that he was one of the advising counsel of the clients, that he was associated, and asked if I had any objections; during the week he was in court very frequently, advising with some of the plaintiffs."

Davis also admits in his petition for a writ of habeas corpus that he was an attorney for plaintiffs, a copy of which writ is as follows:

"United States circuit court, fifth judicial circuit, ex parte Elza T. Davis, habeas corpus.

"The relator in this case, Elza T. Davis, comes into court and excepts to the consideration of what is filed herein as a certificate of Charles Swayne, judge, without date, because it contains charges and statements amounting to charges of contempt against this defendant not contained in motion and order charging contempt, and which statements and charges he has never been ordered to answer, or in any way given a chance of reply to.

"Should this exception be overruled then defendant, with permission of court first had and for which he prays, says:

"That on the 5th of November, 1901, in open court of the United States circuit court of the northern district of Florida, Charles Swayne, United States district judge presiding, in answer to a letter from this defendant and Louis P. Paquet, of counsel for Mrs. Florida McGuire, of date October 4, 1901, to said judge at Guyencourt, in the State of Delaware, requesting him to recuse himself on the trial of the suit of Mrs. Florida McGuire *v.* Pensacola City Company et al., among other reasons, because of his interest in the said suit pending before him, refused to recuse himself, and went on to state from the bench in open court that a relative of his had purchased a part of the said land in litigation before him in said suit of Mrs. Florida McGuire, that the deeds had been sent north to him (the judge), and that he had returned them.

"Second. In the second paragraph of the judge's certificate he mentions the desire of his wife to purchase block 91, being the block that he is sued for in the State court, but he has not stated as fully as he did in open court on the 11th of this month the facts in reference to said purchase. On said date, 11th November, 1901, said judge stated in the hearing of all present, this relator and Simeon Belden, also counsel for Mrs. McGuire being present, that the relative referred to in his statement from the bench in open court on the 5th of November "is his wife;" that she purchased said block of ground on the Rivas tract with her own money; that finding that it was on the "Rivas" tract in litigation before him he returned the deed. At no time has he ever stated or furnished us any proof that said sale had been resolved at his request or by his wife's vendor, or that his wife, who purchased the same with her own money, desired it canceled.

"Third. In paragraph 5 in said judge's certificate the facts in reference to trial of suit of Florida McGuire *v.* Pensacola City Company et al., the material facts are suppressed. They are as follows: The criminal term of said court ended Saturday, late in the evening of November 9, when said judge announced that he would take up the trial of the McGuire case the following Monday at 10 o'clock a. m. The case had never been fixed for a day to which we could have our witnesses summoned, and we therefore asked the court to allow us until the following Thursday to get our evidence in the case. The judge seemed willing, but counsel for defendant, W. A. Blount, and who is also one of the defendants in the McGuire suit, which is an ejectment suit, with much warmth insisted on the trial on Monday, November 11, to which the judge acquiesced.

"This was Saturday, 9th, after office hours; next day being Sunday, no summons for witnesses could issue, thus having only from the opening of clerk's office at 9 o'clock Monday, 11th, until 10 o'clock, opening of court (one hour) to issue summons and serve more than fifty witnesses, which was physically impossible. While we were satisfied that said judge is interested in the result of said suit, still he refused to recuse himself, our intention was to try the case before him had he fixed a day for trial so that we could have secured our evidence thereto and made our record, but when thus arbitrarily cut off therefrom our duty to our clients was to discontinue the suit to prove their rights, which discontinuance of said suit, upon motion, was ordered by Judge Swayne at 10 o'clock on the morning of November 11, 1901, and after which the motion of rule for contempt was inaugurated by W. A. Blount, attorney, and a defendant.

"Fourth. In paragraph 7 of said certificate said judge refers to consultation with some members of the bar, but does not name them, but finally selects W. A. Blount to call the matter of contempt before the court, assisted by W. Fisher, of whom are defendants in the suit of Mrs. McGuire *v.* Pensacola City Company et al., and trespassers on a large portion of the land in question. Now, while there is no act charged against us which under the law we were not entitled to do, still we make reply to statements and certificates, to place it beyond doubt, that we have acted strictly within the line of our sworn duty to our clients, which we have a right to do under the law, and there can be no contempt, and no contempt was ever intended or thought of, in suing Charles Swayne in a State court, and especially is it so demonstrated by a discontinuance of suit in Federal court.

"OATH.

"Elza T. Davis, being duly sworn, deposes and says that all the facts and allegations recited in the foregoing exception and statement are true and correct, to the best of his knowledge and belief.

"E. T. DAVIS.

"Sworn to and subscribed before me this 23d of November, 1901, at the city of New Orleans, La.

[SEAL.]

"BENJAMIN ORY,
"*Notary Public for the Parish of Orleans, La.*

"(Indorsed:) United States circuit court, fifth judicial circuit, northern district of Florida, ex parte Elza T. Davis applying for writ of habeas corpus. Exceptions and statement of relator received and filed November 23, 1901. H. J. Carter, clerk. Filed December 10, 1901. F. W. Marsh, clerk.

"NORTHERN DISTRICT OF FLORIDA, *ss:*

"I, F. W. Marsh, clerk of the circuit court of the United States for the northern district of Florida, hereby certify that the foregoing is a true and correct copy of a certain paper filed in the matter of the application of E. T. Davis for a writ of habeas corpus, in the said circuit court, as the same remains of record and on file in said court.

"Witness my hand and the seal of said court at the city of Pensacola, in said district, this 24th day of February, A. D. 1904.

F. W. MARSH, *Clerk.*"

A petition in the same language was prepared, sworn to, and filed by Mr. Belden.

There can be no doubt, from this positive evidence, that Mr. Davis was an attorney in the case when he commenced the action against Judge Swayne, and that he knew Judge Swayne had no interest in the land can not be doubted, and the finding to the contrary by the majority is not supported by a preponderance of evidence.

The following is the record in the case of Simeon Belden, and the record of Mr. Davis is just the same:

"THE UNITED STATES AGAINST SIMEON BELDEN.

"Be it remembered that on the 11th day of November, A. D. 1901, at a term of the United States circuit court in and for the northern district of Florida, the following motion was made in open court and entered of record, to wit:

"And now comes W. A. Blount, an attorney and counselor at law of this court, and practicing therein, and as amicus curiæ, and moves the court to cite Simeon Belden, Louis Paquet, and E. T. Davis, attorneys and counselors of this court, to show cause before this court at a day and hour to be fixed by the court, why they shall not be punished for contempt of the court in causing and procuring, as attorneys of the circuit court of Escambia County, Fla., a summons in ejectment, wherein Florida McGuire is plaintiff and Hon. Charles Swayne is defendant, to be issued from said court and served upon the judge of this court, to recover the possession of block 91, in the Cheveaux tract, in the city of Pensacola, Fla., a tract of land involved in a controversy in ejectment then pending in this court in a case wherein the said Florida McGuire was plaintiff and the Pensacola City Company et al. were defendants, upon the grounds:

"1. That the said suit in ejectment against the judge of this court was instituted after a petition to this judge to recuse himself in the said case of Mrs. Florida McGuire *v.* Pensacola City Company et al. had been submitted to the court on November 5, 1901, and denied, and after the said judge had stated in open court and in the presence of the said counsel, Simeon Belden and Louis Paquet, that an allegation of the said petition, that he or some member of his family were interested in or owned property in said tract, was untrue, and had stated that he had refused to permit a member of his family to buy land in said tract, because the said suit of Florida McGuire, involving the title to the said tract, was in litigation before him, the said judge.

"2. That after the said declaration of the said judge the said counsel were aware that neither the said judge nor any member of his family were the owners of or interested in any part of the said tract and had no reason whatever to believe that he or they were so interested, and knew, or could easily have known, that the said block was not in the possession or control of anyone, but was entirely occupied.

"3. That the said suit against the said judge was instituted on Saturday night, the 9th instant, after 6 o'clock, and after the court had overruled the motion of the said attorneys to postpone the trial of the case of Florida McGuire *v.* Pensacola City Company et al. for a week or more, and after the said judge had announced to the said counsel that he would call the case for trial on Monday, November 11, 1901, and would then try the case, unless counsel for plaintiff made a showing why he should not so try, and the said counsel had announced that they would make such showing.

"4. That the said E. T. Davis was, before the instituting of the said suit against the judge, cognizant of all the facts herein set forth.

"W. A. BLOUNT,
"*An Attorney of this Court.*

"NOVEMBER 11, 1901.

"And afterwards, and on the same day, to wit, on the 11th day of November, A. D. 1901, the following order was made and entered of record in the said cause, to wit:

"In re matter of contempt proceedings against Simeon Belden, Louis Paquet, and E. T. Davis.

"Upon reading the motion of W. A. Blount, an attorney and counselor of this court, for a citation to Simeon Belden, Louis Paquet, and E. T. Davis why they should be committed for contempt, for the reason set forth in said motion, and after consideration of the same, it is ordered:

"That the said Simeon Belden, Louis Paquet, and E. T. Davis be, and they are hereby, cited to appear before me, Charles Swayne, judge of this court, at 10 o'clock, on Tuesday, November 12, 1901, to show cause why they should not be punished for contempt upon the grounds and for the reasons set forth in the said motion, which is now of record in the records of said court, and a copy of which is to be attached by the clerk to the copy of this order served upon the said Simeon Belden, Louis Paquet, and E. T. Davis.

"Ordered in open court this 11th day of November, A. D. 1901.

"CHAS. SWAYNE, *Judge.*

"At the time of the presentation of the said motion by the said W. A. Blount, in open court, on November 11, 1901, the said Simeon Belden and the said E. T. Davis were present in the said court, and before making said order the said judge made and directed to be spread upon the minutes the following declaration concerning his connection with the land in the Cheveaux tract, mentioned in said motion, to wit:

"On Tuesday, November 5, 1901, at the time of the presentation of the said motion by plaintiffs, that the court recuse himself, he had then stated, and now states, that he never agreed to accept nor ever accepted any deed to any portion of the said Cheveaux tract; that, as he stated, a member of his family, to wit, his wife, had, with money inherited by her from her father's estate, negotiated for the purchase of some city lots in Pensacola; that certain deeds in connection therewith had been sent to her in Delaware, one of them proving to be a quitclaim deed, and upon investigation and inquiry it was found that the property in this deed was a portion of the property in litigation in the suit of Florida McGuire *v.* Pensacola City Company et al., and that thereupon, and by his advice, the said deed was returned to the proposed grantors, with the statement that no further negotiations whatever could be conducted by them in relation to this property, and they thereupon refused to purchase, either at the present time or in the future, any portion of the said tract.

"W. A. Blount, an attorney and counselor at law of this court and practicing therein, and as amicus curiæ, moves the court to cite Simeon Belden, Louis Paquet, and E. T. Davis, attorneys and counselors of this court, to show cause before this court, at a day and hour to be fixed by the court, why they should not be punished for contempt of this court in causing and procuring as attorneys of the circuit court of Escambia County, Fla., a summons in ejectment wherein Florida McGuire was plaintiff and the Hon. Charles Swayne was defendant, to be issued from said court and served upon the said judge of this court, to recover the possession of block 91, Cheveaux tract, in the city of Pensacola, Fla., a tract of land involved in a controversy in ejectment then pending in this court in a case wherein the said Florida McGuire was plaintiff and the Pensacola City Company et al. were defendants upon the grounds:

"1. That the said suit in ejectment against the judge of this court was instituted after a petition to this judge to recuse himself in the said case of Florida McGuire *v.* Pensacola City Company et al. had been submitted to the court on November 5, 1901, and denied, and after the said judge had said in open court and in the presence of the said counselors, Simeon Belden and Louis Paquet, that the allegation of the said petition that he, or some member of his family, were interested in or owned property in said tract was untrue, and had stated that he had refused to permit a member of his family to buy land in said tract because the said suit by Florida McGuire, involving the title to the said tract, was in ktigation before him, the said judge.

"2. That after the said declaration of the said judge the said counsel were aware that neither the said judge nor any member of his family were the owners of or interested in any part whatever of the said tract and had no reason to believe that he or they were so interested, and knew, or could easily have known, that the said block was not in the possession or control of anyone, but was entirely unoccupied.

"3. That the said suit against the said judge was instituted on Saturday night, the 9th instant, after 6 o'clock, and after the court had overruled the motion of said attorneys to postpone the trial of the said case of Florida McGuire *v.* Pensacola City Company et al. for a week or more, and after the said judge had announced to the said counsel that he would call the case for trial on Monday, November 11, 1901, and would then try the case, unless counsel for plaintiff made a showing why he should not so try, and the said counsel had announced that they would make such showing.

"4. That the said E. T. Davis was, before the instituting of the said suit against the said judge, cognizant of all the facts herein set forth.

"(Indorsements:) In re contempt proceedings Simeon Belden, E. T. Davis, and Louis Paquet. Filed November 11, 1901. F. W. Marsh, clerk.

"(Marshal's return:) United States of America, northern district of Florida, ss. I hereby certify that I served the annexed citation on the therein-named Simeon Belden and E. T. Davis, the within-named Louis Paquet not found, being outside the northern district of Florida, by handing to and leaving a true and correct copy thereof with Simeon Belden and E. T. Davis personally, at Pensacola, Escambia County, in said district, on the 11th day of November, A. D. 1901. T. F. McGourin, United States marshal. By R. P. Wharton, deputy.

"And thereafter, to wit, on the 12th day of November, A. D. 1901, the following answer was made and entered in the said cause by the said defendants therein, to wit:

"Before the Hon. Charles Swayne, judge circuit court United States, northern district of Florida. In re matter of the contempt proceedings against Simeon Belden, Louis Paquet, and E. T. Davis.

"And now comes Simeon Belden and E. T. Davis, and for reasons why they should not be punished for contempt, showeth:

"First. That the general grounds upon which the said contempt is based, to wit, summons in ejectment issued from the circuit court of Escambia County, Fla., wherein Florida McGuire was plaintiff and the Hon. Charles Swayne was defendant, that said proceedings is in the jurisdiction of the circuit court of Escambia County, Fla., and that this court is without jurisdiction thereof.

"Second. That the petition to recuse referred to in said motion they had nothing to do with before this court, nor were they present on the 5th day of November when submitted, as stated in said motion, nor present when any statement made by the judge concerning his connection with any of the property, except the statement made by said judge on November 11, after court convened and after the motion to discontinue the case of Florida McGuire *v.* Pensacola City Company et al. was made.

"Third. To the second paragraph showeth: As above stated, they heard no declaration made by the judge referred to in said paragraph, and as for reasons to believe that he, Judge Swayne, or some member of his family, was interested in block 91, Rivas tract of land, named in said summons, we simply refer to the declaration made by Hon. Charles Swayne on November 11, 1901, when said motion was made by the Hon. W. A. Blount, and that after hearing said declaration believe there is in existence a deed to Mrs. Charles Swayne uncanceled, and that they have no knowledge of its repudiation, and as the negotiations for the property named in said deed was one made by Mrs. Charles Swayne in her individual right that no act of the said Hon. Charles Swayne would repudiate or render null and void any transaction made by Mrs. Charles Swayne with her own money or property.

"Fourth. That E. T. Davis, for himself, showeth that this court had no jurisdiction over him in said matter of Florida McGuire *v.* Pensacola City Company et al. until he requested the court to mark his

name as attorney for plaintiff on the morning of November 11, when he presented the motion to discontinue the aforesaid suit.

"SIMEON BELDEN.
"E. T. DAVIS.

"(Indorsements:) Before the Hon. Charles Swayne, judge of the circuit court of the United States for the northern district of Florida, at Pensacola. In re contempt against Simeon Belden, Louis Paquet, and E. T. Davis. Filed November 12, 1901. F. W. Marsh, clerk.

"And afterwards, to wit, on the same day, November 12, 1901, the following proceedings were had in open court, to wit:

"The United States *v.* Simeon Belden. No. 249. Contempt of Court.

"This cause coming on to be heard on the motion of W. A. Blount, attorney and counselor at law of this court, as amicus curiæ, to cite the said Simeon Belden to show cause why he should not be punished for contempt of this court for the reasons in said motion distinctly alleged, and on the rule granted on said motion, dated November 11, 1901, a certified copy of which has been duly served on said Simeon Belden, and on the answer to said rule on this day read and filed in open court by and on behalf of the said Simeon Belden; and after hearing the testimony of the witnesses introduced by the United States and by the said defendant, and after duly considering the same:

"It is now ordered and adjudged that the said Simeon Belden is guilty in manner and form as in said motion and rule set forth of the facts therein alleged; and it is further adjudged that the same constitutes a substantial contempt of the dignity and good order of this court.

"Wherefore it is ordered and adjudged that the said Simeon Belden do pay a fine or penalty to the United States Government of $100, and that he be taken hence to the county jail of Escambia County, Fla., at Pensacola, there confined for and during the term and period of ten days from the 12th day of November, 1901, and that he stand committed until the terms of this sentence be complied with or until he be discharged by due course of law.

"Ordered and done this 12th day of November, A. D. 1901.

"CHAS. SWAYNE, *Judge.*"

At the hearing witnesses were examined, but their testimony is not furnished us, and all we have is a short statement by Mr. Blount of what took place.

In the absence of any of the testimony taken at the hearing we have no right to assume that the allegations of the statement filed charging the contempt were not proven, or that the evidence was not sufficient to warrant the finding of the court that a contempt had been committed. On the contrary, the presumption is that they were and that the evidence was sufficient to warrant and support the judgment of contempt entered by the court.

Mr. Belden and Mr. Davis were attorneys of Judge Swayne's court, and were both attorneys in the case of Florida McGuire, pending in his court. When they requested the judge to recuse himself because he owned a part of the property involved in the litigation they were informed by the judge that he owned no interest whatever in this land and they must have known that he did not. The slightest inquiry on their part would have disclosed this fact, and they admit if anyone owned an interest it was Mrs. Swayne. On Saturday the court informed them that on Monday he would proceed with the case; they desired a postponement until Thursday. A jury was in attendance, and there was no reason why the case should be postponed for that length of time. The witnesses were all within a half an hour call of the court-house, and the parties had all week in which to get ready.

The court said he would proceed with the trial Monday morning unless they made a motion for continuance under the rule, and they said they would do so, and at that time they had in their mind what they afterwards did. Now, what followed? Paquet, Davis, and Belden in the evening met in the grocery store of one of the plaintiffs and consulted what course to take. It was decided to bring an action against Judge Swayne individually, to oust him from a portion of the land embraced within this litigation and for $1,000 mesne profits, when they all well knew, and must have known, that he had never been in the possession of the land and never owned it. They went to the clerk's office, got him to go to the court-house and file the suit. Then the sheriff was found and he was instructed to serve the papers at all hazards that night. They were not satisfied with this, but they wanted to give the suit publicity. They wanted to advertise to the world that Judge Swayne was intending to try the question of title to property in which he owned an interest, and, following this out, prepared a statement of the case and gave it to the morning paper to be published, which was done.

The only excuse they have yet been able to give for this unseemly haste is that they wanted Swayne served before he left the State, a most flimsy and unreasonable excuse. There is only one conclusion that a fair and reasonable mind can draw from all of these facts, and that is, they wanted, desired, and expected, by bringing a fictitious suit, to force Judge Swayne to recuse himself and continue the action. They wanted to so embarrass him that though not disqualified he would refuse to hear the action, and if this conclusion is true there can be no doubt, as attorneys and officers of the court, they were guilty of gross misbehavior, and clearly were guilty of contempt within the meaning of section 725 of the Revised Statutes.

It is true that Judge Swayne, for this contempt, imposed both fine and imprisonment, but this error or law was corrected by Judge Pardee, and surely it can afford no reason for impeachment. Belden and Davis say his manner in passing judgment was harsh and abusive, but all Davis can remember that was said is that the court charged them with ignorance and that their actions were a stench in the nostrils of the community.

This last remark must be very doubtful. But if they were guilty of what they stood charged, if they had collusively and in bad faith commenced this action to interfere with the trial of the case by Judge Swayne and prevent the defendants from securing a speedy trial before the judge of the court, then they were guilty of contempt, and this contempt was not purged by coming in later and dismissing the suit or by the judge using toward them harsh and abusive language.

Mr. Davis sued out a writ of habeas corpus before Judge Pardee. At the hearing Judges McCormick and Shelby sat with him and concurred in his opinion.

The court says:

"The relator is an attorney and counselor of the United States circuit court for the northern district of Florida, and, as such, one of the officers of the court, within the intent and meaning of the above statute. As such officer he was and is charged with conduct in and out of court which, if accompanied with malicious intent, or if it had the effect to embarrass and obstruct the administration of justice, was such misbehavior as amounted to contempt of court."

The writ of habeas corpus was discharged. There is no doubt that this suit was brought with no intention to ever try it. In fact it was dropped. And there can be no other conclusion but that the commencement of this action could have no other effect than to embarrass and obstruct the administration of justice. The fact that the suit was commenced in the State court can make no difference, because its effect, as intended, was to embarrass Judge Swayne in trying the action pending before him in the United States court.

Plaintiffs dismissed the suit, but in a few months commenced it again in Judge Swayne's court, which fact shows that when they dismissed it first they had no intention to abandon it.

But the majority find fault and lay great stress upon the fact that, in his judgment, finding Belden and Davis guilty of contempt, he does not, in the language of the statute, find them guilty of misbehavior as officers of his court, but adjudged that their conduct constituted a substantial contempt of the dignity and good order of the court. And is it not true that a misbehavior of an attorney is a contempt of the dignity and good order of the court?

To embarrass the court in the administration of justice surely must be a contempt of the orderly conduct of the court in its business.

In discussing Judge Swayne's action in passing judgment of contempt against Belden and Davis, the majority show considerable feeling. The committee charge that he was "guilty of gross abuse of judicial power and misbehavior in office," and that knowing the law, and knowing that no contempt had been committed, he, with a bad and evil intent, declared them guilty. This is making a very broad accusation when we consider all of the facts and surrounding circumstances and the law controlling the same.

The committee say that Judge Swayne "knew that proceedings for a contempt not committed in the presence of the court must be founded on an affidavit setting forth the facts and circumstances constituting the alleged contempt" and "knew that issuing of proofs without filing was erroneous," and "knowing the law, Judge Swayne issued a rule to show cause why Davis and Belden should not be committed for contempt upon an unsworn statement of Mr. W. A. Blount."

Now, it is to be hoped that the House will not vote to impeach any one for a mistake of law or ignorance of it, for if such a precedent is established none of us will be safe. It might be possible that Judge Swayne did not know the law as stated above, and it might be possible that such is not the law. It is true that the committee cite one California and two Indiana cases, but in California the Code of Civil Procedure provides that a contempt committed out of the presence of the court can only be called to its attention by affidavit, and no doubt Indiana has a similar statute.

There is no settled practice in contempt proceedings. (United States *v.* Sweeney, 95 Fed., 446.) In volume 9, page 38, of the Cyclopedia of Law and Procedure we find the law stated as follows:

"As a rule the proceeding to punish for contempt committed out of the presence of the court should be instituted by a statement or some writing or affidavit presented to the court setting forth the facts."

Numerous authorities from all over the United States are cited to support this proposition of law.

And it has been held that in such a case the court may even act of its own motion and make the accusation. (24 W. Va., 416; 81 Mich., 592; 27 How. Prac., 14.)

It might have been possible that Judge Swayne did not know of the decision in California or the statutes of Indiana, but followed the rule as stated above.

It is claimed that Davis and Belden purged themselves of contempt. The law on this question has already been given, and it is not necessary to report it again. The affidavit or answers filed by Davis and Belden were not broad enough under the rule, and Belden said, when asked a question at the hearing, that he did not purge himself and would not do it. But look at the matter seriously from the facts and circumstances that existed at the time judgment was pronounced.

The majority report proceeded on the theory that the action was commenced in good faith and upon substantial grounds; that having commenced the action in the State court no contempt could have been committed against the Federal court. If attorneys, who are officers of the Federal court, to embarrass the judge of that court in the administration of justice, commence an unmeritorious action in the State court against him, is it not contempt? Is there any law by which the place in which the contempt has been committed excuses it? Was the action brought in good faith? No; for this reason: Belden, Davis, and Paquet are all good lawyers; they knew that Mrs. Swayne was buying the land; they knew that the deed had been made in her favor, and therefore they knew that if the title had ever left Edgar it vested in her. Being lawyers, they must have known that if the title was in her no judgment against Judge Swayne individually would divest her of that title, and therefore such a judgment would avail their clients nothing. If they were acting in good faith for the purpose of trying title to land, knowing all of the facts just stated, they certainly would have sued Mrs. Swayne as the owner of the land and joined her husband with her.

Belden says:

"It was so positive she had purchased it.

"Q. Did you have any reason to suppose Judge Swayne had exercised any acts of ownership?—A. No.

"Q. Did you have any such information before you brought the suit?—A. I did not. When we learned that suit was pending in the county judge's court against Edgar that revealed the fact that sale had been made to Mrs. Lydia C. Swayne."

Commencing an action against Judge Swayne alone after he had stated that he would proceed with the trial of the case unless they made a motion to continue it under the rule, and they having stated they would do so, is very suspicious, and is made more so when they never did anything further with the suit. There can be no doubt that they were acting in bad faith. There can be no doubt of their motives and what they sought to accomplish. Why was it necessary to proceed with such haste? Why was it necessary to find the clerk and sheriff that Saturday night and cause one to file the papers and the other to serve them? If they intended to dismiss the suit Monday morning, as they now claim, why did they not wait until Monday and commence the suit after the other action had been dismissed? Why was it necessary to prepare an article for the paper and procure its publication that night?

There can only be one answer to all these questions, one explanation of their conduct—that it was their intention to carry out the statement made to the court that they would show grounds for a continuance Monday morning. There can be no other sane reason; no other reason can explain their conduct. All of this was done to embarrass the court in the trial of the case pending before him. They were seeking to force him to recuse himself, or, if he persisted in

trying the case, to do so in the face of the charge, made public by the press, that he was, as judge, trying title to a piece of land in which he owned an interest. Where is the court in the land that would permit such conduct as this to pass unnoticed and unchallenged? Did not Judge Swayne, under all these circumstances, have the right to inquire into this matter and punish the parties if guilty? And having committed the contempt, could they purge themselves by dismissing the action? The contempt was committed Saturday evening, for which they could have been punished then, and can it be seriously urged now that dismissing the action, perhaps because of what they had done, that they stood innocent of any wrong when their trial took place? Such a contention can have no support in reason. The judge did his duty as he saw it, and the facts certainly warranted his belief. This seems to be a very slim charge on which to impeach a Federal judge. There were certainly good grounds for his action, and he had the right, from all the peculiar facts and circumstances, to believe a contempt had been committed.

After the hearing was closed the following papers filed in the contempt proceedings of Belden and Davis were received, and the same are hereby embodied in this report.

The following is a copy of the newspaper article which it is alleged Belden, Davis, and Paquet prepared and procured to be published:

"JUDGE SWAYNE SUMMONED AS PARTY TO THE SUIT IN CASE OF FLORIDA M'GUIRE V. PENSACOLA COMPANY ET AL.

"A decided new move was made in the now celebrated case of Mrs. Florida McGuire, who is the owner by inheritance and claims the possession of what is known as the 'Rivas tract,' in the eastern portion of the city, near Bayou Texas, by the filing of a præcipe for summons, through her attorneys, ex-Attorney-General Simeon Belden, Judge Louis P. Paquet, of New Orleans, and E. T. Davis, of this city, in the circuit court of Escambia County, in an ejectment proceedings for possession of block 91, as per map of T. C. Watson, which as part of the property which is claimed by Mrs. Florida McGuire, and which is alleged that Judge Swayne purchased from a real estate agent in this city during the summer months, and which is a part of the property now in litigation before him.

"The summons was placed in the hands of Sheriff Smith late last night for service.

"Filed November 12, 1901.

"F. W. MARSH, *Clerk.*"

The following is a copy of a statement filed by Louis P. Paquet in Judge Swayne's court, and connected with the commencement of the action against Judge Swayne by himself, Belden, and Davis in the State court of Florida, referred to in the foregoing newspaper article:

"United States circuit court, northern district of Florida, at Pensacola.—In the matter of contempt proceedings against Louis P. Paquet.

"Now comes Louis P. Paquet, respondent in the above-entitled matter, and says:

"That upon full and mature consideration of his actions and conduct in the matter referred to in the motion, made as the basis of the above-entitled proceedings, through excessive zeal in behalf of his clients, he did so act that this honorable court was justified in believing that the said actions were committed in contempt thereof and as showing disrespect therefor. That respondent regrets exceedingly the course taken by him in this matter, and now appears in court and requests that he be permitted to apoligize for his behavior and file with the records in the above-entitled cause this paper.

LOUIS P. PAQUET, *Respondent.*

"Filed March 31, 1902.

"F. W. MARSH, *Clerk.*"

The contempt proceedings against Mr. Paquet were dropped.

HOSKINS CASE.

Fourth. The majority contend that Judge Swayne should be impeached because he refused to proceed to trial in the W. H. Hoskins bankruptcy proceeding, when the attorneys for the petitioners were asking for a continuance for two weeks in which to secure certain evidence.

I find the facts of this case to be as follows:

On February 10, 1902, an involuntary petition in bankruptcy was filed in Judge Swayne's court against W. H. Hoskins.

On February 24, B. S. Liddon appeared in said matter on behalf of said Hoskins and demurred to the petition. On the 24th of February, John M. Calhoun was appointed receiver and on the 25th gave the usual bond, which was approved on the 26th.

On the 27th of February the court sustained the demurrer to the petition, one of the grounds being that the petition was not verified as required by law, and also that the petition did not set forth if the petitioning creditors were firms, partnerships, or corporations, and gave petitioners ten days in which to amend their petition. After that, and in fact before this date, B. S. Liddon, the bankrupt's attorney, and who appears in this proceeding as the chief counsel for the prosecution, commenced industriously to get creditors to withdraw their petitions and claims, and, it is alleged, made misrepresentations and threats to secure affidavits from petitioners and to cause them to withdraw their claims, so as to defeat the bankrupt proceedings pending before the court, which facts are set forth in affidavits filed in the cause by J. W. Calhoun and J. Hartsfield; and in the case of Hartsfield it is stated that he signed the affidavit through fear of Hoskins and one Justice, and that notwithstanding the petition he signed he desires the proceedings to go forward.

The court on motion extended the time to file an amended petition to March 9, and on March 22 W. H. Hoskins filed his answer thereto. On March 20, Hoskins having given a bond in the sum of $5,000, had his property all turned over to him by the receiver, and he took the possession thereof and continued his business. On the 5th day of March, 1902, Charles D. Hoskins, son of the said alleged bankrupt, at the suggestion of his father to get a certain book, made an assault upon one J. N. Richardson, the deputy of the receiver; pulled him out of his buggy, beat him violently, causing the said Richardson, who was an old man, to remain in his bed for some time, and took from him the book; that this book was a book taken by the receiver from the place where the bankrupt Hoskins carried on his business, and which it was alleged by the receiver, upon information and belief, belonged to the alleged bankrupt and contained his accounts. For this assault upon Mr. Richardson, an officer of the court, Judge Swayne issued a rule for C. D. Hoskins to appear before the court and show cause why he should not be punished for contempt. Hoskins concealed himself, was never served and never appeared before the court and never surrendered the book.

On March 24 or 25 the cause was set down for trial to take place on the 31st. Mr. Hoskins contended that he was solvent and could meet all his obligations and was ready and willing to do so, which was a fact. But he, through his attorney, refused to pay one cent of costs, and here is where all the trouble arose. Had he been willing to arrange for the payment of the costs everything could have been settled and dismissed at once without any trial. He never requested the court to fix the amount of costs, because he refused to pay any at all.

Considerable cost had been incurred, the United States marshal alone having a bill of $304 for taking care of property and feeding stock. On the morning of March 31 the attorneys for petitioners requested the court to continue the case for two weeks, as they could not safely proceed to trial without the book, which they were informed and believed contained material evidence, and which C. D. Hoskins had by force and violence taken from the custody of the receiver, and which he refused to return.

This motion was resisted by the bankrupt, he contending that he was ready for trial, that the book was not his and that he could prove by witnesses present that the book was not his. He also claimed that he had no control over the book. Judge Swayne, notwithstanding this offer, refused to hear the evidence; said he would not believe his brother under the circumstances, and insisted he would continue the case until the book was produced. The majority condemn Judge Swayne for this conduct and contend that he should be impeached for it. The case had only been at issue five or six days; all of the property was then in the possession of the bankrupt and not under expense. He had full control of his business. Also many things had come to the attention of the court in this matter besides taking the book that might well cause him to proceed with caution, to doubt the honesty of the bankrupt, and to believe that the book contained material matters and which the court should know.

Petitioning creditors had been requested to withdraw their claims, some had been threatened, and the deputy of the receiver had been assaulted in a most brutal manner and a book taken from his possession which it was alleged contained the accounts of the bankrupt. Under all of these circumstances it can not be said the court did not act with due discretion when the case was continued.

The right to continue a case rests always in the discretion of the judge. He did not deny Hoskins a trial; he did no act which injured him in his rights. Hoskins already was in the possession of his property, and the judge was ready to try the case and did offer to try it in June, but the parties had stipulated to try it in the following November, showing there was no hurry about a trial. It never was tried, but was settled, the bankrupt agreeing to pay part of the costs, and in fact the question of costs was all there was in the case and all that kept it from being settled in March.

The majority lay great stress on the fact that some lawyers had entered into a conspiracy to ruin Hoskins and plunder his estate. If this should be true the court was not a party to it, and it was never brought to his notice. The judge acted absolutely in good faith, and there is no evidence whatever that he lent himself to any conspiracy.

The attorneys on both sides are not to be commended for their conduct in this matter, and surely what they did or what they desired to do can not be used as a basis to impeach the judge, especially when he was ignorant of it all. He sustained the demurrer; he released the property; he was willing to try the case and came to Pensacola in June to do so, and did not do so from the fact that these parties, who were so desirous for a speedy trial to the end that they would not be ruined in their property and credit, had entered into a written stipulation that the case should be tried at the November term.

This is the Hoskins's case, as it appears from the record, and for the judge's conduct in this case this committee is asked to impeach him. Still, if he is to be impeached, the grounds for doing so in this particular case are just as good and substantial as in any other instance presented by the prosecutors of the resolution. Liddon, who is the chief prosecutor in this action, was trying to force matters and was also interfering with the clients of the creditor's attorneys. The creditors wanted a book produced in court that Hoskins told his son to take from the receiver. The books must have been in Hoskins's control, and were the best evidence of what they contained. Had the books been produced for the inspection of the court there would have been no trouble or delay, and this, no doubt, Hoskins could have done. Under the circumstances the court could well have granted the continuance asked, and there was no abuse of discretion in doing so. Hoskins could not have been injured by reason of this continuance, because he had all of his property in his possession, was carrying on his business, and was suffering no loss. In fact, he agreed to postpone the trial until the following November, notwithstanding that the court was willing to try it earlier, which alone is a strong reason that no injury was done to Hoskins.

TUNISON CASE.

They say Judge Swayne appointed one B. C. Tunison a United States commissioner after Tunison had been impeached in his court. Tunison was a commissioner in 1892 or 1893. He claimed to have been shot by one Humphreys and caused his arrest. Humphreys was tried in 1892 or 1893, and the trial was a bitter one. Tunison was impeached at that time. Tunison is one of the ablest lawyers in Florida and is so conceded. He discharged the duties as United States commissioner well and without complaint. He had the very best citizens of Pensacola for his clients and as his friends.

In 1897 the entire bar of Pensacola indorsed him for United States district attorney for the northern district of Florida. At the same time many of the best and most prominent citizens wrote letters in his behalf. After this indorsement by the bar in 1897 his term expired and he was reappointed by Judge Swayne. Most of those who impeached him were his enemies. His friends said his reputation as a citizen was good. His enemies spoke ill of him, and his friends spoke well of him, but no charge was ever made against him for neglect or wrongdoing in his official duties, and he has been commended for the able and efficient manner in which he discharged them. But it is said that it is reported in Florida that Tunison has and exercises an undue influence over the court, so that, as generally understood, to win in Judge Swayne's court you must employ Tunison.

There is no evidence that this rumor ever came to the attention of Judge Swayne, or that it is well founded. There is no instance shown wherein Judge Swayne ever granted any favor to Tunison. There is nothing to prove that at any time, or in any proceeding, Judge Swayne was corruptly or otherwise influenced by Tunison. But this charge caused an examination of the records to be made, and it appeared therefrom that out of eighteen cases tried by Mr. Tunison before Judge Swayne he lost twelve. And to further show that this charge is untrue—that is, that Tunison has influence with the court—I only have to call the attention of the committee to the instance where Tunison

was employed to see Judge Swayne and induce him to dismiss the charge for contempt against C. D. Hoskins for assaulting and cruelly beating an officer of the court, and the judge's refusal to do so until Hoskins, who had been evading the officers of the law, should present himself before the court.

It is not an uncommon thing to hear that an attorney has influence with a judge, and some go so far as to state that it is a corrupt influence; but never before now did I hear it seriously contended that because of such a rumor, of which the judge had no knowledge and which is unfounded in fact, the judge should be impeached and removed from office.

This ground for impeachment demonstrates one thing, and that is the animus behind this entire proceeding is to impeach Judge Swayne at any hazards. A number of witnesses, many enemies of the court, or in the pay of O'Neal, go on the witness stand and swear to a rumor which they have heard, to wit, that Tunison exercises an undue influence over Judge Swayne, and without any evidence showing such to be the fact, without the showing of a single instance in which the court ever favored Tunison or decided a case in his favor wrongfully, without showing that the judge ever acted corruptly or ever knew of such rumor, the majority of the committee present this as a ground for impeachment, and as a companion piece to this ground present another equally as unfounded in the contempt proceedings instituted against C. D. Hoskins.

CASE OF C. D. HOSKINS.

When the members of the subcommittee met to disagree, it was then agreed by us all that there was nothing in the charges concerning the contempt proceedings preferred against C. D. Hoskins which would warrant any impeachment, but I see that Mr. PALMER has now embraced the same within his report, and I am glad that he has, as it will show the Members of the House the character of charges preferred and how unwarranted they are.

On the 5th day of March, 1902, C. D. Hoskins, a young man, assaulted a Mr. Richardson, who was a deputy of the receiver appointed in the Hoskins bankruptcy proceeding, dragged him out of his buggy, brutally beat him, and took from him a certain book or ledger, which it was alleged belonged to said bankrupt and contained accounts of his business transactions. Young Hoskins claimed that the book belonged to him. Mr. Richardson was an old man, and the beating was so severe that he was confined, because thereof, to his bed for several weeks.

The matter was brought to the attention of Judge Swayne by an affidavit filed for the purpose of commencing contempt proceedings against young Hoskins. The affidavit was in proper form and stated sufficient facts to justify the court in granting a rule for the attachment of young Hoskins to show cause why he should not be punished for contempt. Young Hoskins was never served. He kept in hiding. An attempt was made to get the court to dismiss the matter or to impose a fine, but Judge Swayne, considering the character of the assault and the fact that Hoskins had evaded the officers of the court, refused to do anything until Hoskins appeared in court and was examined. Hoskins was in the habit of becoming intoxicated, and one day he left for Pensacola with $450 on his person, got to drinking hard, and was found dead, it being claimed that he took laudanum to commit suicide. Now it is claimed that he took the poison rather than face Judge Swayne. A more unreasonable and unfounded statement never was made. He was not under arrest. This was a long time after the contempt had been committed. Judge Swayne had made no threats against him, and had done no act to oppress him. All he ever did was to issue a rule upon an affidavit which made it his duty to do so. He did what any judge in the land would have done when it was brought to his notice that an officer of his court, while in the discharge of his official duties, had been assaulted, brutally beaten, and property in the custody of the law taken from him by force.

I am glad that the majority have made Young Hoskins's case a ground for impeachment, because it emphasizes the effort that is being made to unjustly ruin a man who has faithfully discharged his judicial duties. He has been guilty of wrongdoing, oppression, and tyranny because he found one man guilty of contempt for stabbing an officer of his court and interfering with him in the discharge of his duties and for issuing an order for the arrest of another who brutally assaulted another officer and took from him by force property in his custody as an officer of the court. No judge was ever before in this country maligned, abused, slandered, and illtreated as Judge Swayne has been, and this maliciously, too. It has been reported of him by his enemies, and caused to be published in the press throughout the land, that he is a corrupt judge, ignorant and incompetent; that he has managed bankrupt estates pending in his court in such a manner as to absorb the entire estate in unnecessary costs, expenses, and allowances, to the great wrong and injury of creditors and others, until such administration is in effect legalized robbery and a stench in the nostrils of all good people.

The foregoing language first found form in a resolution lobbied by the said O'Neal through the Florida legislature. It was again stated on the floor of the House of Representatives when this resolution was offered, and it has been published throughout the land in the public press, and there is not a scintilla of truth in any part of it, or no fact proven to warrant even the suspicion of such grave and serious charges. A subcommittee spent ten days in Florida investigating these charges, and the result of their labors is now printed and on file with the documents of this House. Every opportunity was given to Judge Swayne's accusers to prove their charges. Every witness they wanted was subpœnaed, hearsay, irrelevant, and immaterial matters were received in evidence, and no obstacles were put in their way. Five lawyers for the prosecution for some time had been diligently at work, and I submit that not one single bit of proof can be shown where Judge Swayne ever did an act that was corrupt or unbecoming a just and upright judge. So much for the charges of corruption. The record introduced and printed, giving a list of cases tried by him and appealed, shows that as a judge he has made an excellent record and that he is not incompetent and ignorant.

The fact that Judge Pardee assigned him to sit on the circuit court of appeals and to try cases in different parts of the district for six, seven, and eight months during the year is a good recommendation for his standing as a judge. In fact, no one so far has had the hardihood to come forward and swear that he is an incompetent and ignorant judge, and there is nothing in the record that shows it.

As to the bankruptcy business, there can be no excuse for the slanderous statements made, to wit: That "all cases were managed corruptly, the assets frittered away, no dividends paid, until the matter became so notorious as to be a stench in the nostrils of the people." This is hard language, and, more than this, it is not supported by the evidence.

Out of 175 cases of bankruptcy commenced in his court the prosecutors picked out five or six. They were requested to call the attention of the committee to any wrongs committed in these particular cases, and this they failed to do. Out of 175 cases not one was shown to have been managed as they had charged. On the contrary, the report of the Attorney-General shows that the bankruptcy business before Judge Swayne was managed prudently and well. Every judge has the right to have his honesty and integrity protected. Nothing so weakens the respect for a judge as to charge him with corruption. Nothing should be quicker frowned down by the people than such charges when false. Judge Swayne has for months stood up under these false and malicious reports—and they were malicious when made because they were based on no fact. He is entitled to vindication somewhere. The charges have been preferred in this House, the evidence is on file here, and he should receive his vindication here.

J. N. GILLETT.
ROBT. M. NEVIN.
D. S. ALEXANDER.
GEO. A. PEARRE.

VIEWS OF MR. LITTLEFIELD.

I have not had the time to examine carefully the minority views of Mr. GILLETT, but I have examined with care the record in this case, and I have no hesitation in saying that, in my opinion, it does not disclose a state of facts that would justify impeachment proceedings.

C. E. LITTLEFIELD.

VIEWS OF MR. PARKER.

In the opinion of the subscriber, proceedings for impeachment of Judge Charles Swayne should not be begun. It is not necessary always to justify his action or to maintain that his behavior has always been consistent with judicial dignity or the duty that he owes to his district. He has been out of that district a great deal of each year, but since 1901 he has rented a house there, and more lately his wife has purchased, and it can hardly be said that he has not resided there, within the meaning of this criminal statute, for a period covering all ordinary limitations of criminal prosecutions. Those limitations should govern this case.

It does not appear that his behavior in any of the cases cited by the majority renders him liable to impeachment. He was justifiably severe with O'Neal for getting into a quarrel with an officer of his court about his official action as receiver in bankruptcy and then stabbing him. He was right to be severe when young Hoskins beat the clerk of another such receiver and took from him books claimed by that receiver. He had occasion for righteous indignation against two attorneys of his court, who doubted his word when he denied all interest in a case pending before him, and brought suit against him personally in order publicly to emphasize that doubt. In such a case he should not be censured even if he went to the limit of his jurisdiction to defend the honor of his court.

The adjournment of the proceedings in bankruptcy of the elder Hoskins was intimately connected with the contempt proceedings as to the younger one. There appears to be no substantial proof of the charges of corruption, ignorance, incompetency, deliberate waste of bankruptcy assets, criminal or improper favoritism to certain lawyers, failure to hold terms, improper acceptance of accommodation indorsements from attorneys or litigants, or the wrongful discharge of convicts. In the opinion of the majority all these charges appear to be without foundation. Whether the conditions that prevail in this district demand some legislative remedy may be a question, which is not here now. In my opinion Judge Swayne is not liable to impeachment.

RICHARD WAYNE PARKER.

Mr. GILLETT of California. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twenty minutes remaining.

Mr. GILLETT of California. Mr. Speaker, I reserve the rest of my time.

Mr. PALMER. I have the conclusion of this matter, I believe, and I think the gentleman ought to use his time now.

Mr. GILLETT of California. I will reserve my time and we will get through that much earlier if I do not want to use it.

Mr. PALMER. I yield one hour to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I had regarded the situation and the surroundings as peculiarly favorable for an impartial consideration and an honest and patriotic disposition of this case. No political campaign is on to excite the Members of this House or the country. The same party that is in the majority here is in the majority in the Senate and by an overwhelming vote of the people it has been intrusted for four years more with the executive control of this Government. If the judge against whom articles of impeachment have been reported be removed from office he will be succeeded by another of the same political faith. How any party or any faction of any party could derive advantage or suffer harm through the proper disposition of this case is something entirely beyond my power to fathom; and yet, Mr. Speaker, there is evidently on foot and has been in progress for days an effort, organized, systematic, persistent, to dispose of the matter, not according to the merits, not according to the facts or the law, but by drawing the line, if it be possible, upon the middle aisle of the House.

I do not know, Mr. Speaker, that there has ever come to me in my career here in this House a moment when I felt like bowing my head in sorrow and in shame as when the letter from Judge Pardee was read yesterday by the gentleman from Ohio [Mr. GROSVENOR]. From the depths of my heart I am today in sorrow and in shame for that exhibition. The first time in the history of the American Republic we have just had in the House a saddening exhibition of judicial partisan intermeddling.

Suppose some one, out of feelings no matter how tender, out of regard no matter how high or how deep, out of motives no matter how pure, according to his conception, should write to a juror sitting in a court under Judge Pardee and say, "I can not believe that a juror of your political faith will render a verdict for the plaintiff or will find the defendant guilty."

Even though it were ignorance appealing to ignorance in sightless innocence instead of a judicial dignitary in petty partisan zeal appealing to legislative cunning and prejudice, what would be the action of the judge? How with righteous indignation his brow would be mantled! How would the terrors of judicial dignity and judicial power be visited upon him who dared invade the sancity of the court and seek to prejudice a juror and turn him from duty! Suppose the man writing to the juror were to say, "I do not really know anything about this matter, but I am sure that on account of politics you will forget your oath; you will have no regard for your duty to the country; you will have no respect for the facts of the case nor the requirements of the law." What would be the action of the judge then?

I understand that this is an upright judge and that his record is good. I am sorry that he has put upon that record a stain which years of usefulness, which even a lifetime of rectitude and judicial dignity and devotion to judicial duty, could not remove. The ermine is stained beyond the power of time and the effort of man to make it clean again.

There it is and there it will hang, the one judicial robe in all our history thus stained and tarnished and blotched, with time but deepening the hue of the great indiscretion and holding it up for the wonder and the sorrow and the warning of those who are to come. I am sorry that this has happened. I am sorry that the eloquent and capable gentleman from Ohio [Mr. GROSVENOR], in the plenitude of his zeal and in the rich fruition of his partisanship, saw proper to expose his friend, the Judge, where he will stand for all time, pilloried as the judge who attempted to do here in this House, who attempted to do here in the great American Congress, that which if done by the humblest man in the land in the meanest court that sits would bring down upon the offender the condemnation of his neighbors and the heavy hand of judicial correction.

In his telegram authorizing the public use of his letter to defeat the efforts at impeachment, Judge Pardee says: "Use your discretion in my behalf and I will be satisfied." What will the judge finally think of the "discretion?" Will he wish any further use of such discretion "in my behalf," and will he be "satisfied?"

This is a partisan proceeding, is it? This is a pursuit of Judge Swayne, forsooth, because he is a Republican, is it? What are the charges against him? Not one of them relates to politics. There is not a particle of politics in one of them, except politics such as Judge Pardee injects when, in his letter to the gentleman from Ohio [Mr. GROSVENOR], he says:

> I do not think that a Republican House should vote impeachment against him [Swayne].

Is there any politics in certifying to an expenditure of $10 a day when only two or three or four dollars a day have been expended? Is that partisan? Was it partisanship to use, as Judge Swayne used, cars in the possession of the receiver appointed by him? Is that partisanship? Where does the partisanship crop out in the sad case of O'Neal? Where is the partisanship in the case of Belden and Davis? Is the requirement of the law that a judge shall reside in his district political, or are the facts of residence and nonresidence partisan? Never was a case freer of politics, and never was there one that should be freer from partisan influence and prejudice.

Then what of the attitude of the judge who, descending from his lofty seat upon the woolsack down, down to the level of those who suggest things to juries, writes such a letter as Judge Pardee wrote, or of him who, from his place here in the House, tries by arousing partisan feeling to blind the judgment of honest men, to hoodwink and tie those whose honest intentions would see no partisanship?

When the muse of history comes to gaze upon the record made here to-day and goes over these proceedings, how will these people appear? How far away will drift the clouds and the dust, and how dull and pulseless will be the stir and the noise of partisan contention, and how strong, and clear, and distinct will loom the outlines of this case!

Here are the facts in the record, and here they will remain until the erasing finger of time in far distant ages shall have rubbed them out. Partisanship, forsooth! What has this mighty party—so recently covered with the laurels of a phenomenal victory—what has it to gain by invoking partisanship here and shielding by partisan means a judge against whom articles of impeachment are leveled?

Let us consider for a moment this strange, new philosophy, this philosophy of tender conscience, this philosophy of sublime self-consciousness, which must be satisfied beyond a reasonable doubt of the guilt of Judge Swayne before—what? Finding him guilty? Oh, no; before putting him upon trial, so that the triers—the Senate—may determine whether or not he is guilty! Gentlemen exhibit here to the admiring gaze of their fellows and hope to place before the eyes of an admiring country a tender consciousness, a kindly good feeling which justifies the conviction of Belden and Davis and O'Neal, not beyond a reasonable doubt, but contrary to a reasonable doubt and against the weight of the evidence. No conscientious scruples, no reasonable doubt about poor O'Neal, gone to his long account. No question of reasonable doubt about the guilt or about the motives of Davis and Belden. Only about Judge Swayne must reasonable doubts swarm—unless satisfied beyond a reasonable doubt that Judge Swayne is guilty do not put him upon trial!

Eloquent gentlemen who hope to stand high as lawyers, and who heretofore have stood high in the estimation of this House, gravely urge that no articles of impeachment should be voted here, no trial should take place in the Senate, unless beyond a reasonable doubt they are satisfied of Judge Swayne's guilt.

The Constitution is not up to the level of the vast intelligence and the high conscientiousness of these gentlemen. It is defective in this particular. Strange that the Constitution did not provide that any person against whom articles of impeachment should be exhibited, after being here found guilty beyond a reasonable doubt, might be tried in the Senate to see whether he would be found guilty there also. Sainted fathers from the far-away past! Great men of that great age of this Republic, when the Constitution was made and the foundation stones of human liberty and self-government were anchored deep and fast, you did not have this tender conscience, this grand, broad, sweeping intelligence, this tremendous grasp and profound legal learning, which require that a man shall be convicted before he is placed on trial! [Laughter.] Oh, if it had been possible for these sapient sons to change places with the fathers, what a Constitution we would have!

And then gentlemen have discovered, too, that the Constitution provides for impeachment only in cases of treason, bribery, and other high crimes and misdemeanors. There we have again the profound learning of our friends, all exerted for the benefit of Judge Swayne. I would like these gentlemen to tell the House, and I am sorry they did not tell—I hope some of them may put remarks into the RECORD explaining to the House—what is to be done in the case of a judge who does not live up to the requirement and work up to the standard of "good behavior" in office? Do you know any way to get him out except by impeachment?

Is it not a fact and a very common fact that in construing constitutions and statutes you take into consideration all in the documents before you—all in the book—all in the Constitution relating to a particular subject-matter, reading it altogether and in harmony, if you can?

In one provision of the Constitution it is said that civil officers may be removed by impeachment for treason, bribery, and other high crimes and misdemeanors. In another part the Constitution says that these lifetime officers shall hold office during "good behavior." Gentlemen say that Judge Swayne has not been shown to be guilty of "high crimes and misdemeanors," in a technical sense and therefore he can not be impeached and can not be removed from office. If his conduct has fallen short of the requirements of "good behavior" in a judge, no question, it seems to me, can abide in the mind of a man who will consider fairly and deal dispassionately with the subject, as to the right, power, or duty of the House to impeach, or of the Senate to try and convict, a civil officer of the Government, on impeachment, when his behavior is bad instead of good.

Now, let us look upon these charges, and I can only dwell upon them briefly. One charge is that this Judge Swayne certified to his expenses at $10 a day, when they were less. Is it true or not true? Its truth stands demonstrated. What is the law? Men may quibble about it, but the law entitles the judge to the amount of his reasonable expenses, whatever the amount, not to exceed $10 a day. That is all.

But, say gentlemen, he ought to be permitted to show that there are other judges who also have been charging $10 a day when, maybe, their expenses were less. That is a fine philosophy, and there are a good many people in this country, but, happily, far from a majority—really a small minority—who would be very glad to see that doctrine established. A light-fingered gentleman arrested for feloniously lifting a pocket-book from its proper receptacle in the wearing apparel of the owner, confessing his guilt, might, in seeking to defend his

conduct, offer to show that there are other people who steal pocketbooks; and when that character of testimony is not admitted there are gentlemen of high standing as legislators who, for consistency's sake, should insist that a great mistake is made, a great wrong done.

Gentlemen, why, on your theory, would it not be better to revise our whole court procedure? Let the courts in administering justice say, for instance, "Gentlemen of the jury, it is charged that this man stole a horse, and he admits that he did; but, gentlemen of the jury, does the testimony show that he is not alone, is not the sole operator, in this field? If you find that other people are engaged in the same business, you will return a verdict of 'not guilty?'"

How amazing that in the House of Representatives, how astonishing that in a body composed largely of lawyers, gentlemen gravely and apparently with sincerity—certainly with unction and with many words and the consumption of much time—contend for a proposition like this!

Judge Swayne enjoyed the "hospitality" of a receiver whom he had appointed. A passenger car—the president's car—was sent to Guyencourt, Del., for him, and upon that car he and his family and some friends were carried, at the expense of this railroad in embarrassment, to Florida, where he was to hold court. Another time he was conveyed across this great continent, from far-away Florida, down in the southeast, across the great swelling southland, along hard by the fields of blooming cotton, away over the mighty Mississippi, away across the vast plains that lie to the west, over the great Rockies, even to the far-away ocean which washes the western shore of the continent—as the "guest" of a railroad company!

And mark you, gentlemen—there has been a little confusion about this—as the guest of the Florida Central and Peninsular Railroad Company, whose general passenger agent went along with him, distributing, as the Judge naively says, literature to advertise the railroad. And note, too, that the uncontradicted testimony of a reputable man establishes to a moral certainty that that railroad at that time had important litigation pending in the court over which Judge Swayne presided.

Oh, yes; "a small matter," say gentlemen. They estimate, in a rough way, that the conveyance from Guyencourt of the Judge and his family and "wife's people" cost the railroad company, whose property was in the hands of his receiver, a small sum only. We have all of us heard, as one of the old stories passing from mouth to mouth and generation to generation, about a certain individual once making a defense on a plea that had to do with size and not with substance. How far would that plea go—how much would Judge Swayne have to wrongfully use a car placed by him in the hands of a receiver, and how much would the use of it have to be worth, before he would reach a point where he would have committed an offense or effected a departure from "good behavior," on account of which he might be impeached?

But gentlemen say, "Oh, we do not justify that." No, not by your words. How about your votes? If you vote against impeaching Swayne you do justify it. You justify it in a solemn and effective way. Oh, how weak are our words here, how little do our arguments amount to, and how great, how weighty, how tremendous, sometimes, are the consequences of the decisions made by our votes! "Oh, no," say these gentlemen, "we do not justify that. The fact is, we rather think Judge Swayne is censurable for that, but let us not impeach him."

And the railroad car was not hurt any by this use! It was quite a good thing for it, a kind of relief from the tedium and the comparative ennui from which the car suffered in standing upon the siding. It was rather beneficial to the car! Is that an argument? Will that do? Suppose that Judge Swayne's receiver had had a livery stable in charge. It would answer just as well to claim that the horses were better for exercise; and as for the vehicles, it was not good for them to stand by unused, and therefore Judge Swayne might do a livery business and make what he could out of it. The vice is in doing what he had no right to do, what he should not do, what constitutes, to say the least, a departure from "good behavior," upon which his title to his office depends.

Of course, it would naturally occur to some acute mind to suggest that as it is not proved that anyone objected to an allowance to the receiver in the settlement of his accounts, for the outlay involved in the "courtesy" of furnishing transportation for judge Swayne, family, and friends, the judge's offense is condoned and can not be a ground for impeachment. Read about what happened to Davis and Belden and O'Neal, and wonder what would have been the fate of the hapless mortal daring to commit the awful "contempt" of questioning in Judge Swayne's court the propriety of Judge Swayne's use of the property of another, free of cost, for his own convenience and gratification! And then, this theory, logically applied, would abolish punishment for murder, for who could doubt the truth of the plea that the victim had not complained since he was murdered.

This is and for many years has been the law:

> A district judge shall be appointed for each district * * *. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be guilty of a high misdemeanor. (Sec. 551, Rev. Stat.)

Swayne was appointed district judge for the northern district of Florida and his appointment was confirmed about the 1st of April, 1890. Judge Swayne says (record, p. 241) that he moved to St. Augustine in the summer of 1890. The boundaries of the northern district of Florida were changed in 1894, and ever since that change St. Augustine and Jacksonville have been in the southern district. Pensacola is and has been in the northern district. Judge Swayne further says (record, p. 241):

> I resided in St. Augustine with my family. * * * After a consultation with my friends in Jacksonville and vicinity they urged me not to move my furniture nor family, saying that the next Congress would be Republican and the district would be placed back in its usual form. My furniture was allowed to remain, and I went at once to Pensacola. I found a leading Democratic friend there, and I stated to him that I had concluded not to move my furniture there, and it was all understood by the people there. I was there for a considerable period, sometimes early in October and sometimes a little later, and I was there all the time I was needed unless holding court somewhere else. In 1890, in July, I went with my family to Europe. In the spring of 1900 I was holding court at Birmingham, where I had a great many friends, and after that I went to Pensacola and rented a house * * * moved there early in October.

According to his own story—to say nothing of any other testimony—Judge Swayne did not "reside" in his district from 1894, when St. Augustine ceased to be in it, until October, 1900.

But Judge Pardee, in the Pardee-Grosvenor letter, says:

> After his district was changed, in order to comply with the alleged spirit of section 551 of the Revised Statutes, it became necessary for him to dispose of his residence in St. Augustine and acquire and move to a residence in the western part of the State. In this respect, I am informed that he at once declared a residence and domicile in the western part of the State and followed that up with more or less activity by acquiring a house and other things, all taking four or five years.

Judge Pardee was informed that Judge Swayne "at once declared a residence and domicile in the western part of the State."

Here we have "absent treatment" applied to Judge Swayne's nonresidence malady. If efficacious in his case, there appears to be no reason why it may not be employed to advantage in many other cases, varying widely, according to the diagnosticians. Indeed, this benign treatment may prove to be the universal, never-failing cure-all, the like of which never yet appeared—that is, prior to Judge Pardee's discovery and his associate's announcement—even in the most promising of "patent" medicine nostrum advertisements.

Why might not Judge Swayne reside until his dying day in Guyencourt, Del., having "declared a residence and domicile" elsewhere? Would not that do in the way of compliance with the "alleged spirit" of section 551?

Who can find excuse for being poor when he can "declare" wealth; hungry when he can "declare" food to his taste; naked when he can "declare" raiment fit for a Solomon?

Judge Pardee is likewise informed that Judge Swayne not only "declared" a residence and domicile, but that he actually "followed that up with more or less activity by acquiring a house and other things, all taking four or five years."

How comprehensive the expression "with more or less activity!" As we dwell upon it the fetters of time, place, and circumstance seem to drop away, so that each one may feel free to train his own eyes of the mind upon Judge Swayne, and measure for himself the average rate of speed with which Judge Swayne moved, "with more or less activity." To be sure, the detailed information conveyed by those other words—"all taking four or five years"—is important and helpful.

In "four or five years"—what are a few years between friends—proceeding "with more or less activity," Judge Swayne succeeded in acquiring "a house and other things" in his district; just what "other things" we do not know.

Now, take the case of O'Neal. Some gentlemen, forgetful of the facts, talk about this being a political prosecution, saying that but for the pursuit by O'Neal of Judge Swayne, on account of the contempt proceedings against O'Neal, there would be no complaint or effort to impeach. What about the O'Neal case?

I am aware that a gentleman speaking on this side, in the plentitude of what he would have us regard as generosity, magnanimously agreed with the gentleman from Maine [Mr. LITTLEFIELD] in the conclusion that there is absolutely nothing in the O'Neal case; that it has been demonstrated that there is nothing in it. And yet, Mr. Speaker, may we enjoy a little

while longer the privilege of believing that there is something in it? May we still indulge the conviction that a great judicial outrage was perpetrated when O'Neal was adjudged guilty of contempt and, in violation of law, was sentenced to be confined sixty days in the county jail?

No man can read what the gentleman from Maine attached to his remarks as an exhibit—the record of proceedings in this case of O'Neal—and draw the conclusion from it that O'Neal was really prosecuted for a contempt or found guilty of a contempt. The judge discussed self-defense. What has self-defense to do with the matter of contempt? The judge discussed the credibility of witnesses. What has that to do with the matter of contempt? I venture to say that if you could convict any justice of the peace in any township in any county in the United States of as gross ignorance in admitting testimony, as gross perversions of the law, or as gross abuse of power as Judge Swayne exhibited in this case, as this record discloses, that justice of the peace would be disgraced in the community and would surely be defeated, if a candidate for reelection, for dishonesty or incompetency or both combined. [Laughter and applause.]

O'Neal was compelled to testify whether or not he had been arrested and had pleaded guilty to a charge of carrying concealed weapons; whether he had been charged with an assault and had been convicted or had pleaded guilty. What had that to do with the question of whether or not O'Neal committed a contempt? What warrant could there be for the introduction of testimony about Greenhut being a man of peace?

The statute is plain, and the House is or ought to be and can be familiar with its provisions.

That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts. (R. S. 725.)

That if any person or persons shall, corruptly or by threats of force, endeavor to influence, intimidate, or impede any juror, witness, or officer in any court of the United States in the discharge of his duty, or shall, corruptly or by threats of force, obstruct or impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500 or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense. (R. S. 5399.)

Study it and analyze it; pick at it letter by letter, word by word, clause by clause. I defy any man, I care not who he is, to find in that enactment any power in any court to punish summarily as for contempt anybody for anything shown to have been done by O'Neal. That O'Neal might have been indicted by a Federal grand jury if it had seen proper to indict him is conceded; but is the grand jury to be dispensed with? Yes, if Swayne's conduct in the O'Neal case constitutes "good behavior;" if he may be held guiltless, notwithstanding this usurpation, this tyrranous abuse of power, then the grand jury may be swept away. But if gentlemen have any regard for this law, passed almost seventy-four years ago, enacted by men long since gone from this scene of action, to restrain just such judges as Swayne, they must hold that a judge can not with impunity do arbitrarily under a charge of contempt what might be done legally upon indictment. If this law can be disregarded, and if gentlemen can justify themselves in voting to sustain a man who disregards it, we have reached the farce stage. Are we where men suffer their prejudices to run away with judgment and stifle conscience, where reason does not guide, and justice does not control?

Let us look at the case of Belden and Davis. A good many gentlemen have proceeded upon the assumption that this judge acted most excellently in that case.

He had purchased some lands, part of which was embraced within a tract concerning which suit was pending in his court. He was asked on account of that to "recuse" himself, using a word, as I understand, from the civil law—in other words, to step aside and let another judge try the case. Let me pause a moment at this. Gentlemen proceed as though it was an outrage to ask him to do that, as though dropping that transaction is enough—we may assume that he dropped it; we do not know, the assumption may not be well founded—but let us assume that he did drop it. Is that enough?

Suppose one were called to sit as a juror in a case, and it should appear that he had been dealing with the subject-matter of the litigation, and suppose that a litigant were to challenge him and ask that another who had not necessarily and inevitably made up his mind, at least tentatively, with regard to a portion of the very issues upon which he would have to pass take his place—what then? Would the juror only have to say, "Why, I quit this deal just as soon as I found that I had been summoned upon the jury?"

What would the judge say about it? Would he say, "Oh, gentlemen, that objection does not amount to anything; this juror says that just as soon as he learned that he was on the jury he ended the transaction in which he was engaged; he is perfectly competent to try your case?" Suppose the entire panel were made up of such jurors, and suppose that, over your objection, your case went to trial before that kind of a jury, do you doubt what a court of review would say? But the poor, humble little juror—everybody knows he would be excused—would be regarded as disqualified, because he had looked into the matter and knew about it or had information about it, having investigated it to a certain extent. Of course, he would be "recused" anywhere, unless it might be in Judge Swayne's court—I could not tell about that. But when it comes to the Judge—say nothing about common fairness, or the rights of clients or lawyers!

Now, were these lawyers wrong in concluding that Judge Swayne was not the right man to try their case, taking the surroundings and everything into consideration? Why did he insist upon sitting in a case in the essence of which he has been mixed and involved? Perhaps we can get an answer when we view the subsequent course of the leading attorney for the defendants, himself a party in interest in the suit. As we know, this is the case of Florida McGuire against the city of Pensacola and others. Immediately following the dismissal, proceedings for contempt were instituted against Davis, Belden, and Paquet, the lawyers for the plaintiffs. They were instituted after a conference between this judge and this leading lawyer for the defendants, and himself one of the defendants in the Florida McGuire suit—begun by that lawyer and defendant.

Ordinarily—I do not know how it is in Judge Swayne's court; I know not whether there is some peculiarities about the climate of Florida which makes it different there—ordinarily a defendant in a case is content when a plaintiff dismisses. The plaintiff dismissing his suit, the defendant in ejectment is left in peaceful possession of the premises sued for. Usually a defendant wishes simply to be let out of court with costs. He defends only to prevent the plaintiff from prevailing against him. When the plaintiff dismisses there is an end of that suit—the defendant goes free.

But these plaintiffs brought suit in a State court against Judge Swayne, and how great the outrage! How sublime the indignation of gentlemen over this proceeding against a judge! Ah, they sued the judge! They knew there was no case, and the judge, according to the language which he himself uses, felt compelled to defend the dignity of his court!

I think, Mr. Speaker, that I can see a very simple and plain way of preserving the dignity of that court, a course by which its dignity would have been emphasized, by which dignity would have been acquired by it. If this suit against Judge Swayne was groundless and baseless, it was only necessary for Judge Swayne to interpose his plea, appear in his own defense and drive his assailants out of court through a voluntary dismissal, or by a judgment of the court, proving to an obsolute demonstration that the action against him was groundless and baseless. Then the dignity of the court would have blossomed and bloomed in a way far different from that conceived and brought about by this judge.

I am not assuming to be a great lawyer, though I really believe, Mr. Speaker, after the assumptions in that line, almost anybody at this time and under these circumstances in these proceedings might safely assume that he is a great lawyer—I am not assuming it however—but I advance the proposition, that there is no contempt and can be no contempt without the doing of that which is wrong. Is that proposition correct or is it not? If you do what you have the right to do, if you do that which violates no law, rule, or order, if you do that which violates no duty, you can not be guilty of contempt. Now, was there a legal right to bring suit against Swayne in the State court? No man questions it. The reason I think it is not questioned in argument in this matter is that Judge Swayne in an unguarded moment himself conceded the right, and therefore his eloquent apologists are hampered, and do not feel like going back upon the confession of Judge Swayne; otherwise I have no doubt that hours would be consumed in the effort to make it appear otherwise.

Well, they did sue Judge Swayne, and had a right to sue him. They agreed at the time of bringing that suit that they would dismiss the other suit in Swayne's court—would do for the defendants what defendants pray for. But the defendants desired a trial by Judge Swayne! Why? Are there no other judges in that region of country? If Judge Swayne had recused himself, like a gentleman and a judge, like a man proud of his

position, proud of his honor, despising to stain either; if Judge Swayne had said, "Gentlemen, of course I will not try this case"—then I think there would have been found another judge. But he might not have answered so well the purposes of the defendants; he might not have been a judge so completely to their liking. Was there any reason for a contention and insistence upon Judge Swayne trying that case except a bad reason, a reason that a man will not avow?

Why, there was Judge Locke, in the same State, of the same politics, but of a different stamp; a judge, it is said and not denied, of upright conduct, who, by following the path of the law and of judicial gentility and decency, has endeared himself to the community where he lives and labors. He might have been called in. Another judge might have been called in from another State, and the Florida McGuire case might have been disposed of without the stain and the shame of forcing a party to trial under a judge who was deeply interested—just how deeply and how far, by what means and for what purpose, upon his part and upon the part of those who dealt with him—that is something which I do not know and you do not know. Decency required him to step aside, judicial morality required it, the interests of justice required it, but he would not.

True it is that he said he didn't take a quitclaim deed when he bought land the title to which he was determined to try! How praiseworthy! Oh, noble judge; oh, righteous jurist; oh, lofty paragon of what is to typify or may typify judicial morals in this country! As soon as he finds he has been dealing with the subject-matter of a suit pending in his court he quits it and insists upon trying the case! And then the conduct of these attorneys—they did not apologize, they did not crawl and cringe; they seem to have been made in the image of their Maker; they seem to have had the pride of conscious honesty; seem to have been sustained by the courage of decent manhood!

No; they did not cringe and crawl. Belden, with his seventy years of honorable life behind him, sick and afflicted, sore and suffering, went to the common jail, a victim of the tyranny of this outrageous judge, rather than bow the knee before the tyrant and humbly lick the hand that unrighteously smote him. They might have said to his august majesty, "Oh, pray forgive us; we knew not what we did; we know not what we do; great and mighty judge, what concern is it that you have been dealing with the subject-matter of this suit; away with our professional pride and our duty to our clients; perish all of them, rather than risk your wrath, rather than be the victims of your judicial dspleasure, of your great, magnificent, and glorious judicial power!"

They did not do it. And it is an honor to the bar of the Union, an honor to our profession, an honor to humanity, that they did not.

But gentlemen read a little note signed by Mr. Paquet some months afterwards. Paquet went to New Orleans, called away by the sickness of a member of his family, and Davis, unfortunately, got into the case as a kindness and service to a brother attorney. Paquet comes back later and files something which they call an apology, and the judge says in his statement and testimony that he dealt leniently with Paquet when he filed this, and let the matter drop, and that if Belden and Davis had done as Paquet did he would probably have disposed of them in the same way. Swayne says they talk about malice in his brutal treatment of Belden and Davis, but that if he had been malicious why would he not have imposed a punishment of ten months instead of ten days in jail? Behold the magnanimity! Behold the bright light and glory of judicial charity and forgiveness!

Swayne did impose a sentence of ten days in jail and a $100 fine, with disbarment for two years—not very severe, I suppose; he did not mean much by it, just a little friendly admonition, as much as to say, "Boys, you have gone too far in this, and I must pull in the reins a little on you. I must call a halt." Ah, charity!

Charity does cover a multitude of faults, I suppose. The mantle is ample. It is stretched overmuch, perhaps, as all of us have need of it; but how bright and good it must be, how extensive, if it can cover such malefactions in law, such disregard of duty, such perversion and abuse of power.

Belden and Davis were adjudged to pay a fine and undergo imprisonment, when by the law but one of these penalties could be imposed. The judge did not know the law, they tell us. Well, I do not know whether he did or did not. He imposed an unlawful sentence. He took jurisdiction where he did not have it, and wantonly and cruelly did what he could not lawfully do in any contempt case.

Now, Mr. Speaker, not only have we this Pardee letter, through the kind officiousness and busybodyness of our good friend from Ohio, but we find that Judge Pardee figured in this case. We find that the application for the writ of habeas corpus was presented to Judge Pardee and the writ sued out before him, and Judge Pardee thought that Swayne's victims could do one of the two things; he held that the sentence was illegal and that they could take their choice between paying the fine and undergoing the imprisonment. Possibly here is a little explanation of why Judge Pardee breaks in.

And there we have it. The falsification of accounts, the wrongful use of property in the hands of his receiver, the wanton exercise of arbitrary power in the case of O'Neal, the like exercise of arbitrary and unwarranted power in the case of Davis and Belden, positive, protracted violation of the residence statute; and yet there will be no impeachment if political prejudice can prevent it. No impeachment! This shall go, it shall pass as the idle winds that blow over the fields and are gone—if prejudice can prevail.

The time will come when what we do here will be analyzed; and if this impeachment fails, the man who reads the story of this day and this occasion, set down with the impartiality of the historian, will read that Swayne was justly impeached, or that impeachment failed, not because Swayne had not done much to warrant impeachment, but because enough gentlemen, in the blindness of partisan hate and partisan zeal, prevented impeachment.

Mr. Speaker, that would be an impeachment as long as time shall last, as long as these records shall endure, of the men who bring about that perversion of justice, if they do. We will then have passed from the question of the impeachment of Swayne and we shall be where history impeaches the men who fail to impeach Swayne. They will have impeached themselves; and after our period of service here shall have ended and we shall have been gathered to our fathers, when the record of this day is read there will be found impeached at the bar of history, impeached at the bar of conscience, impeached before the tribunal of high and patriotic duty, the men who allow blind partisanship to prevent the impeachment of the judge who deserves impeachment; who, if he be shielded, will be shielded because Members shrink from doing their duty, as he perverted and abused the power to do his. [Loud applause on the Democratic

Mr. GILLETT of California. I yield five minutes to the gentleman from Pennsylvania.

Mr. PORTER. Mr. Speaker, I regret that I can not hope to throw light upon this subject. The distinguished gentleman from Pennsylvania [Mr. PALMER], the chairman of this committee, spoke the other day of this body as a body of lawyers. The same remark has been made this afternoon by the distinguished gentleman from Missouri [Mr. DE ARMOND], and I think that the House is open to this impeachment. There are very few in this House who have not had the benefit of legal study and fortunately many have great knowledge of the law. For the last three days I have sat here and listened to lucid explanations in regard to the law, so that we could intelligently act upon this subject, this important subject that is now before us. I think it is very evident that there are many laws which any one of us might interpret for ourselves and which seem clear, that are very differently interpreted by other men, very differently interpreted by the courts, and on which there may be honestly a great difference of opinion. It seems to me, as a business man and not a lawyer, that there might be great improvement in this respect, and that laws might be written so clearly—I believe business men could do it—that there would not often be two interpretations possible.

On the 13th of December the House voted to impeach Judge Swayne. At that time the distinguished gentleman from Florida [Mr. LAMAR] said, as I find it in the RECORD, that "the entire Judiciary Committee of this House submits the resolution to impeach the judge, and I assume, therefore, that the resolution to impeach will be voted upon affirmatively." He says, "When it comes to the further question of specific charges, I shall ask to prefer the charge, and conclusively to prove it to every fair-minded man in this House, that he is a tyrannical and a corrupt judge."

I deeply regret that I was not present yesterday afternoon when the gentleman from Florida [Mr. LAMAR] spoke; but I presume he attempted to "conclusively prove that Judge Swayne was a tyrannical and corrupt judge," "to every fair-minded man in this House." I have asked some who were present, whom I believe to be fair-minded, and they tell me that they were not convinced. Nor have I been convinced by this whole discussion of such tyranny or cruelty on Judge Swayne's part.

I wish to say, further, that after the vote had been passed, after the previous question had been ordered, there was still an earnest desire on the part of many to arrive at a conclusion, so that they could vote with intelligence. When the previous question was ordered by a vote of 198 to 61, that did not seem

to me, as a business man and not a lawyer, it did not seem to me a desire to arrive at the true merits of the question.

But later on that same day, December 13, Mr. PALMER said that the committee to formulate charges will "report to the House articles which, in their opinion, can be sustained by the testimony, and then the House can intelligently pass on the subject." Could a plainer statement well be made that up to that time few Members could have been expected to form any very intelligent opinions upon it? The distinguished gentleman further emphasized this idea by saying also in the same paragraph that "it must be obvious to every Member of the House that the Judiciary Committee is hopelessly divided on this question as to what Judge Swayne should be impeached for." And yet in all this confusion of thought in the committee itself and in the House, the previous question had been demanded by a large majority. The suggestion that Members have since been influenced to vote against these charges by partisan motives, comes with ill grace, I think, from the other side of this House who joined in ordering the previous question at that time and who have acted with practical unanimity ever since on this whole matter.

And now, Mr. Speaker, it is because I have not been convinced that these charges, as presented and explained, are a sufficient basis for impeachment that I must vote against them.

The SPEAKER pro tempore (Mr. GARDNER of New Jersey). The time of the gentleman has expired.

Mr. PORTER. May I have permission to extend my remarks in the RECORD?

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken upon this question may have leave to print pertinent remarks in the RECORD for five days.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that all Members who have spoken upon the pending resolutions have the consent of the House to print for five days remarks pertinent to them. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT of California. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I do not rise to restate or reargue any of the questions involved in this impeachment; but I will turn aside for one half minute to congratulate the House that the distinguished gentleman from Missouri [Mr. DE ARMOND] has abandoned partisanship and has finally risen to the high plane of nonpartisanship in this contest. [Laughter and applause on the Republican side.] That gentleman has seen fit to illustrate his nonpartisan argument by claiming that some of us on this side have argued that where a man is charged with a larceny or robbery we claim that it is competent evidence to prove that others committed larceny and robbery in order to vindicate the man on trial.

That is a specimen of nonpartisan argument. What we have claimed was that in the construction of a doubtful statute usage and contemporaneous construction are not only competent to be proven, but are conclusive of the law of the construction. I have been furnished by a gentleman with some very pertinent authorities, not weighty with the gentlemen who make such an argument as that, but weighty, I trust, with every intelligent lawyer on this floor.

The question now is simply this: Was Judge Swayne authorized and justified to put the construction upon this statute that he did by contemporaneous construction of court, lawyers, and the Department through which his vouchers passed? And, secondly, if he was, was he entitled to prove it, and was the deprivation of him from the right to prove it error and wrongdoing that ought to set aside this impeachment?

I cite a very considerably respectable authority upon this question, and it was, mind you, a question on all fours with this, as I will show. This comes from Judge Story. Judge Story, in the absence of the opinion of the gentleman from Missouri [Mr. DE ARMOND], would have been considered quite a lawyer. In his day he was. He said:

> I own myself no friend to the almost discriminate habit of late years of setting up particular usages or customs in almost all kinds of business and trade to control, vary, or annul the general liability of parties under the common law as well as under the commercial law. It has long appeared to me that there is no small danger in admitting such loose and inconclusive usages and customs, often unknown to particular parties and always liable to great misunderstandings and misinterpretations and abuses, to outweigh the well-known and well-settled principles of law. And I rejoice to find that of late years the courts of law, both in England and America, have been disposed to narrow the limits of the operation of such usages and customs and to discountenance any further extension of them. The true and appropriate office of a usage or custom is to interpret the otherwise indeterminate intentions of parties and to ascertain the nature and extent of their contracts arising, not from express stipulation, but from mere implications and presumptions and acts of a doubtful or equivocal character.

Now, I want also to call attention to an extract from an argument by Mr. Blaine upon the subject of the impeachment of Andrew Johnson:

> Perhaps the best test as to whether the act of the President in removing Mr. Stanton was good ground for impeachment would be found in asking any candid man if he believes a precisely similar act by Mr. Lincoln or General Grant or any other President in harmony with his party in Congress would have been followed by impeachment or by censure or even by dissent. It is hardly conceivable, nay, it is impossible, that under such circumstances the slightest notice would be taken of the President's action by either branch of Congress. If there was a difference of opinion as to the intent and meaning of a law, the general judgment in the case supposed would be that the President had the right to act upon his own conscientious construction of the statute. It might not be altogether safe to concede to the Executive the broad scope of discretion which General Jackson arrogated to himself in his celebrated veto of the bank bill, when he declared "that the Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others." But without approving the extreme doctrine which General Jackson announced with the applause of his party, it is surely not an unreasonable assumption that in the case of a statute which has had no judicial interpretation and whose meaning is not altogether clear the President is not to be impeached for acting upon his own understanding of its scope and intent. Especially is he not to be impeached when he offers to prove that he was sustained in his opinion by every member of his Cabinet, and offers further to prove by the same honorable witnesses that he took the step in order to subject the statute in dispute to judicial interpretation.

Now, there is an authority quoted with approval. That is exactly on all fours with this case, and it shows, gentlemen of the House of Representatives, that this defendant was deprived of a legal right when he sought to prove that this statute had had not only a judicial but a departmental approval and interpretation, and that alone would be sufficient to reverse the judgment in any court in the country. [Applause.]

First, then, I add this defendant was refused by the peremptory and bullying treatment of a member of the subcommittee the privilege of proving what he could have proved, that there is a uniform and universal consensus of construction of this statute which gave to him and to all the judges of the United States this allowance in lieu of their expenses. That was what the statute was passed for. That was the understanding when it was passed. That was the earliest and uniform construction of it. That was the meaning of the statute, as interpreted by the courts, by the Departments, and by Congress. There is nothing plainer. Why, gentlemen, if this man had been convicted of murder with such a blundering, vulgar ruling upon a law question as the one under consideration, there is not a court in the United States that would not have reversed the finding of the jury and remanded the case for a new trial, and yet you are asked to shut your eyes to known facts and to proceed with this impeachment that can have but one result, and that result is an honorable acquittal.

But it is said that the friends of Justice Swayne have dragged politics into this question, and the distinguished gentleman from Pennsylvania [Mr. PALMER] shouts a battle cry of the Democratic party as he rushes frantically about the Hall of the House appealing for votes. Observing a slight weakness on the Democratic side of the House, he shouts: "Turn the rascals out!" That is the battle cry of the Democratic party. It rang from Maine to California during the recent campaign. "Turn the rascals out," says the gentleman from Pennsylvania. "Turn the rascals out" for what; and who are they? "Turn the rascals out" who have taken $10 a day in lieu of their expenses in traveling as judges of the United States courts. If you turn one rascal out you better turn all the rascals out, and let this distinguished gentleman, leading a pure-in-heart crusade, advancing under the battle cry of "Turn the rascals out," assail the courts of the United States and assail the judges wearing the pure ermine of their high office, assail them and refuse to permit them to prove the construction put upon this law by Congress, the construction put upon this law by the Departments, the construction put upon this law by all the judges who have construed it.

Mr. Speaker, there can be but one result—a long, tedious, and vexatious trial in the Senate, the defeat of most of the measures which the country requires and demands so earnestly, no time to legislate upon railroad rates, no time to legislate in favor of the upbuilding of the American merchant marine, no time for anything, but to "turn the rascals out."

We shall see what we shall see, and when our managers come back from the Senate, trailing the flag of partisanship and persecution in the dust of overwhelming defeat, we shall understand then better than we understand now the principles of law governing this case and the elements of hate that have entered into it.

Mr. GILLETT of California. Mr. Speaker, I now yield the remainder of my time to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. This debate reminds me of a witticism of Sheridan—not our Sheridan, but Richard Brindsley. In one of his speeches he alluded to Gibbon's History, then just published, as the "luminous page of Gibbon." The author, meeting him at dinner the next day, thanked him for the striking and flattering allusion, and after courteously accepting it, Sheridan turned to his neighbor and whispered "What I really said was 'voluminous.'" I do not mean to intimate that this debate has not been luminous—I think it has. I think all phases of the issue have been illuminated and exhausted, and I do not imagine, in now closing for this side, I can add any new features, but the impressions of one who is not on the committee, and consequently has not undergone the stress of the contest which has obviously raged there, may be helpful.

I suppose we will all agree that upon a question like this, where the House acts in a judicial capacity, we ought to aim at an impartial and judicial state of mind and come to a decision unaffected by personal or political prejudice. I have endeavored to take that appropriate position, but I will not pretend that I am certain that I have been able to rise above all prejudices. When I first learned that the Democratic side of this House was unanimous and intense for this prosecution I am afraid that, under the circumstances existing in Florida, a suspicion was aroused in my mind that this was a political and not a judicial prosecution.

I was amused yesterday to have a friend on the Democratic side remark to me that he was glad that whatever the result it would not be effected by a partisan vote. I asked him if any Democrats would vote against the impeachment, and he said he thought one would, but the Republicans would be divided. That seems to be the Democratic idea of nonpartisanship—a solid Democratic vote and the Republicans divided—that is the sort of nonpartisanship we have generally witnessed when questions of a judicial nature such as election cases have come before the House, and I must confess I weary of it. But despite the lack of encouragement from the other side, I have endeavored, I know not how successfully, to be uninfluenced by partisanship. Reading the reports of the committee tended to excite another bias in favor of Judge Swayne from quite a different reason. That committee, in the consideration of the question whether a judge had comported himself with becoming dignity and temper and uprightness, would naturally be scrupulous to itself display the high judicial qualities it demanded from him. I do not think anyone can read the report of the committee and the speeches in support of it without feeling that impartiality was not one of its characteristics, and that however Judge Swayne may have failed in judicial fairness and decorum the tribunal which was trying him could not be recommended to him as a pattern or exemplar.

But trying to throw off the bias occasioned by the conduct of his opponents, the first feature that impresses me is the contrast between the proposed tribunal and the evidence. It seems to me the step from the sublime to the ridiculous will be well illustrated by the impressive and high-sounding charge "in the name of the House of Representatives and of all the people of the United States we impeach Charles Swayne of high crimes and misdemeanors" pronounced before the most august tribunal known to our Constitution, and then the trivial, petty, insignificant details of the evidence. And this is all that thirteen years of active, eager hatred could assemble against him.

I have not time now in these closing moments of this debate to discuss this evidence, and it has all been most thoroughly weighed and dissected, and in my opinion it fails lamentably to support the sounding charge.

I wish to say a special word, however, upon the only charge which has the unanimous report of the Judiciary Committee—the making of a false certificate.

When evidence was offered before the investigating committee to show that other judges had done the same, it was excluded by the chairman on his own motion. Under the technical rules of law that was doubtless allowable. But if it was true that a majority of the judges interpreted the law to permit what Judge Swayne did, I do not think any but an inveterate and unreasonable enemy would impeach Judge Swayne for it. The chairman of the committee in his speech, and this illustrates his temper and moderation, declared, "There is not a syllable of testimony in this record and not a syllable of testimony anywhere on earth that any judge ever did this thing but Judge Swayne. That is what I say. I say it on my responsibility as a Member of this House." That statement is on the face of it preposterous, an evidence of extreme bias, for unless the gentleman is gifted with omniscience he can not know that no such evidence exists. As a matter of fact I know that such evidence does exist and that the gentleman in his solemn asseveration is not only guessing, but is guessing wrong. I know that a certain judge was given the certificate to sign by the marshal, and said he had not spent $10 a day. The marshal assured him the custom of the judges was to certify to $10 regardless of their actual expenses, and quoted to him the names of judges of whom it might be said, in the graphic language of Macaulay, "names which would add authority to truth and furnish some excuse even for error." The very fact that two-thirds of all the judges do certify to exactly $10 is of itself sufficient to my mind that Judge Swayne's conduct corresponds with that of a majority of the bench. I do not think it is a fair or proper construction of the law. I do not think, now that attention has been called to it, the practice will be continued. But I do not think we wish to commence a general impeachment of our Federal judiciary, or that we wish to condemn Judge Swayne for an act shared in by a majority of his brethren.

I do not wish to be understood as approving all Judge Swayne's conduct. I think he has shown a lack of judicial moderation, self-restraint, and impartiality. I fear his usefulness on the bench of Florida has ended. But mere unpopularity is not ground for impeachment. The fault may not be wholly his. It is most unfortunate and regrettable. I think I deplore it as much as anyone, for in my own State the whole bench of the United States and the supreme and superior courts of the State have the regard and respect and unreserved confidence of all our people without distinction of class or party. It ought to be so everywhere. You remember the famous sentence of Daniel Webster, "When the spotless ermine of the judicial robe rested on John Jay, it touched nothing less spotless than itself." That is the type of judge we all wish to see on every bench. Judge Swayne falls far below it. If the question were to appoint him, I would oppose it; if it were to transfer him to another field, I would support it; if it were to accept his resignation, I would eagerly approve it; but I can not vote for his impeachment because I think the evidence is too stale, weak, and trivial to support that stately charge. [Applause.]

Mr. PALMER. Mr. Speaker, I have been in doubt for some days as to who is on trial in this case, whether it is Judge Swayne or the chairman of the subcommittee, the gentleman from Pennsylvania. I remember that when I used to practice in the criminal courts a good many years ago, the criminal lawyer who had an especially bad case and had no defense for his client always tried the prosecuting attorney, or the witnesses on the other side, or somebody else except the defendant. It was always an evidence, whenever the prosecuting attorney was particularly attacked, that the defendant had no defense. That seems to my feeble comprehension to furnish the reason why so many distinguished gentlemen who stand on this floor to apologize for Judge Swayne's conduct have found it necessary to assail the chairman of the subcommittee.

I had intended to pay my compliments to the gentleman from Maine [Mr. LITTLEFIELD], but the time that I have left is not sufficient to do that. [Laughter.] I shall endeavor to put into the RECORD some explanation of the charges that he has seen fit to make against the subcommittee and against myself. I do it not because they are of any special importance, not because I care particularly what his opinion is, but because this record will live after we are gone and when we are dead, and I do not purpose that the reputation of the subcommittee or my reputation shall be "done to death by slanderous tongues."

I am sure the committee strove laboriously and conscientiously to do their duty according to the best of their ability. It seems that in the opinion of the gentleman from Maine we failed. That, however, is not particularly important.

In view of the fact that the gentleman from Maine has seen fit to endeavor to create the impression that the subcommittee of the Judiciary that took the testimony in this case has left out of the record evidence favorable to Judge Swayne, and that the record is not complete, I want to state the exact truth of the whole matter.

He says, "I do not want to make any reflection on anybody, but I will say this: So far as I have been able to inquire every document apparently missing, or that has been lost in the shuffle, happens to be a document that would make for the interest of Judge Swayne. Now, I do not say that anybody suppressed them on that account. I am simply calling attention to the fact, and it is a fact, and an unpleasant fact."

The gentleman from Maine does not make a direct accusation that the subcommittee, or anyone on it, suppressed any testimony or document, but by an innuendo he endeavors to create that impression.

The particular document referred to by the gentleman from Maine, when the above statement was made, was a transcript of the stenographer's notes of testimony in the O'Neal contempt case taken before Judge Swayne. It appears by the record that Benjamin S. Liddon, esq., counsel for complainants, states in his written brief, as follows:

OPPRESSION OF W. C. O'NEAL IN ALLEGED CONTEMPT CASE.

In this case I file stenographer's report of the evidence.

Whether he did in fact file such report I am unable to say. I never saw it. Mr. GILLETT says he did see it. It certainly was never read, opened, or alluded to by Mr. Liddon. When the record was prepared for printing by Mr. GILLETT and myself, under the direction of the committee, a great deal of matter, consisting of records in bankruptcy and admiralty cases, journal of the Florida legislature, etc., which were not of the slightest importance to anybody, were omitted, because to print them would impose a large and useless expense on the United States.

The particular document in question was not printed because it was not among the papers.

Of course, the only point of importance is, was it a paper the absence of which could be hurtful to Judge Swayne? As it was produced by the complainant's lawyer in support of his argument against Judge Swayne, presumptively, at least, it would make against and not for Judge Swayne, unless Mr. Liddon, complainant's lawyer, who produced it, was grossly incompetent. I do not think anyone will make that charge against Mr. Liddon. He has been chief justice of the court of appeals of the State of Florida, and is certainly an estimable gentleman, as well as an accomplished lawyer.

But all doubt on the subject is removed by the production of the document itself by the gentleman from Maine. It was produced to convict me of making a false and misleading statement in the majority report, page 21, where it is said:

The testimony of Greenhut and O'Neal was taken. None of the bystanders were sworn, nor was any other person sworn.

The record before me when that statement was made was a statement by Judge Liddon, who had filed the testimony taken before Judge Swayne as a part of his argument, as follows (page 253):

No eyewitness of the difficulty testified, but only the two participants, O'Neal and Greenhut.

The record of the evidence taken on the trial of O'Neal now produced sustains that allegation in the main. The fight commenced in Greenhut's store, no one being present. Before it was over O'Neal and Greenhut were out on the sidewalk clinched. The persons who separated them did testify. No person saw or testified to what was said or done when the fight commenced inside the store, which was the material evidence.

That is the whole story, and with all the facts before him, the gentleman finds sufficient to warrant him in making the following statement:

Well, that would leave the case to depend altogether on Greenhut and O'Neal, and leave the impression, I submit, from the report of the gentleman that the court did not take the pains, and nobody else had taken the pains, to present all the facts. The gentleman suggests that the bystanders were not sworn. I do not see why the suggestion was made unless it is to question the propriety of the action of the judge.

The record now presented by the gentleman from Maine contains the opinion of Judge Swayne in the O'Neal case, and in it he says (page 821, CONGRESSIONAL RECORD):

No living witness testified to what he saw, except the two parties.

Which is, as it seems to me, a perfect justification of the statement made in the report.

I submit that the gentleman from Maine could not have read the record which he produced to convict me of having made an unfounded statement for the purpose of prejudicing Judge Swayne's case or he would not have used it for that purpose. If he did not read it he stands convicted of a willingness to carelessly defame me and carelessly mislead this House. If he did read it it convicts him of suppressing the fact, shown by Judge Swayne's opinion, that the case did, as to the material facts, rest entirely upon the testimony of Greenhut and O'Neal, and that, in the language of the judge, "no living witness testified to what he saw, except the two parties."

The gentleman from Maine is at liberty to accept either horn of the dilemma.

As to the more serious charge "that every document apparently missing, or that has been lost in the shuffle, happens to be a document that would make for the interest of Judge Swayne," I am content to refer the curious to the document in question, which is the only one specified as having been omitted, viz, the testimony taken in the O'Neal case, and the opinion of Judge Swayne.

If anyone takes the trouble to look he will see that Judge Swayne found the testimony of O'Neal and Greenhut as to what brought on the fight and as to who was the aggressor in irreconcilable conflict, and proceeded to settle the dispute in Greenhut's favor by reference to testimony of Greenhut's character as a peaceable man. This testimony had been offered by Greenhut himself and admitted most improperly against the vigorous protest of Blount, his counsel, who has been justly lauded as an able lawyer. Blount objected as follows:

Q. Are you acquainted with Mr. A. Greenhut?—A. I am.
Q. Are you acquainted with his reputation for peace and quiet?
Counsel for respondent objects to question upon the ground that his character for peace and quiet can not be put in evidence until it is attacked.

COUNSEL FOR PROSECUTION. If your honor please, as we understand it, the answer in this case charges acts on the part of the prosecutor that in our judgement do attack his character for peace and quiet.

The COURT. I understand that to be the character of the defendant's defense, is that he was attacked by a stronger and more powerful man, and one of his excuses set up in his defense. The question is whether it will be offered at this time or later.

COUNSEL FOR RESPONDENT. It does not make any difference now whether it is to be offered now or later. I had just as leave take my exception now.

We make another objection to this testimony, may it please the court, upon the ground that there is no issue made of the general character of Mr. Greenhut for peace and quiet, and that character of any kind can not be offered in evidence unless it has been attacked or impeached by the opposing side. We understand that your honor overrules it, and we save the exception.

COUNSEL FOR PROSECUTION. For the purpose of saving time, Mr. Blount consents, subject, of course, to his exception to your honor's ruling as in this witness, that the other character witnesses who have been summoned here will testify that they each know the reputation of Mr. Greenhut for peace and quietude, and that they would testify to the same and will testify that his reputation is that of a peaceable and quiet citizen.

Judge Swayne thought evidence of Greenhut's character as a peaceable man was competent because O'Neal intended to defend on the ground that "he was attacked by a stronger and more powerful man." How the peaceable character of Greenhut would tend to elucidate the question whether Greenhut was stronger and more powerful that O'Neal is not apparent.

Against the peaceable character of Greenhut, which this evidence established, the judge set off the bad character of O'Neal, who was forced to testify, against the protest of his counsel, that he had been convicted for carrying concealed weapons and had pleaded guilty of shooting across a public road, and had been sued by one Simmons for an assault and had judgment recorded against him for $50. And he thus found that Greenhut told the truth, and O'Neal did not tell the truth as to the origin of the affray, and as to who was the aggressor. Upon this finding Judge Swayne sentenced O'Neal, for contempt of court, to be imprisoned sixty days in the common jail.

This document is, in fact, a most damaging one to Judge Swayne. It convicts him of illiteracy, ignorance of law, and of a most flagrant abuse of his judicial power. Instead of insinuating that is was omitted from the record for the purpose of injuring Judge Swayne, the gentleman from Maine should return thanks that it was accidentally omitted.

Numerous, continuous, and persistent exceptions are taken by the gentleman from Maine to a statement in the majority report that Davis and Belden purged themselves of contempt on oath. I believe his statement was that I had made that statement five times, six times, and, in his speech as delivered, he said eleven times, thus rivaling Falstaff's tale of the men in buckram. He proves that I was wrong by pointing to the answer of Davis and Belden and showing that it was not sworn. I never said it was. I said the respondents purged themselves on oath. Simeon Belden testified:

Q. Did you file your answer—purge yourself?—A. Yes.

The gentleman from Maine now asserts and argues that the witness did not understand the question. Possibly he did not, but when the report, to which objection was taken, was made up, the committee did not have the benefit of the assistance of the gentleman from Maine. They relied upon the sworn testimony of the witness, and not upon the construction the gentleman from Maine might afterwards put upon it.

I intended also to make some observations, which I shall put into the RECORD, on the character and conduct of Judge Swayne, but time forbids.

JUDGE SWAYNE'S CONDUCT.

The conduct of Judge Swayne from the beginning to the end of this transaction has been most extraordinary. According to the testimony he had bargained for and concluded the purchase of a piece of land in Pensacola called "block 91." Nothing remained to consummate the transaction and vest the title in him or his wife, for whom he said he purchased the land, but the payment of the purchase money and the delivery of the deed. It must be presumed that Judge Swayne had satisfied himself in some way that the title to the land was good. He had either examined the title himself, had someone do it for him, or he had taken the word of some person in whom he had

confidence that it was good. He certainly must have entertained a firm belief that the seller had a good title, otherwise he would not have bought.

When it appeared that the title was in dispute and that a suit to settle it was pending in his own court, proper delicacy would have prompted him not to wait for a request to recuse himself; he should have told the parties at once that he had negotiated for the land, had formed an opinion on the question of the validity of Mr. Edgar's title, and therefore he could not bring an unbiased mind to the determination of the question.

Again, the purchase of the land was not consummated because the owner, Mr. Edgar, refused to give anything but a quitclaim deed. This was stated in a letter from his agent in Pensacola to Judge Swayne at Guyencourt:

> In case the deed is not satisfactory to you, of course we will have to drop this deal or wait until you come home.

He wrote back:

> You may omit block 91 and send papers for the other along.

What was there to prevent Judge Swayne from claiming his bargain after the suit was tried and the title of the seller established in his court? At least his decision to drop out block 91 was capable of being construed that for the present or until Edgar will give a warranty deed the transaction shall remain suspended.

Judge Swayne was guilty of great impropriety when he refused to get another judge to try the case. The counsel had good reason to hesitate about trying it before him. Why was he so insistent on trying the case? He certainly had a most excellent reason for declining to try. In accordance with his directions the agents had sent him a letter, as follows:

> In reply to yours of the 22d instant we herewith inclose you new mortgage and note for you and Mrs. Swayne to sign, leaving amount blank in both mortgage and note. We inclose you receipts for the rent and fire insurance. You can fill in amount of mortgage and note.

The amount of cash payment was then left optional with Judge Swayne. It was a most extraordinary transaction. The agents were selling the land of their principal and allowing the buyer to fill in the blank in the mortgage left for the sum to remain on the property.

They were complaisant and Judge Swayne was friendly, evidently not averse to helping them settle the title to block 91, which he did later by giving a binding instruction for defendants, thus justifying the fear of plaintiff's counsel.

Judge Swayne did not state the facts truthfully when he said he abandoned the purchase when the agent wrote him that the land was in litigation in his court. The agent wrote nothing of the kind. The reason he directed them to omit block 91 was because Mr. Edgar refused to give anything but a quitclaim deed.

Judge Swayne, in his first statement, in which he refused to recuse himself, said he had purchased the land for a relative. He suppressed the fact that the relative was his wife. Later in the week he stated the relative was his wife, and that she was to pay for the land with money received from her father's estate.

Judge Swayne forced the trial contrary to the practice in his court. His practice was to go through the criminal business and then take up the civil list and assign the cases for trial on days convenient for court and counsel.

The case of Florida McGuire was not called until late Saturday afternoon upon the conclusion of the criminal business. Judge Swayne said it should be tried the next Monday. Counsel pleaded earnestly that it would be impossible to get ready for trial Monday. There were thirty or forty witnesses; none had been subpœnaed, relying upon the general practice of the court. Judge Swayne would not consent, but ordered the trial to proceed on Monday unless legal ground was laid for its continuance.

Under the circumstances is it very remarkable that the plaintiff's counsel hesitated to submit their case to the determination of Judge Swayne?

They agreed that Saturday night to discontinue the case of Florida McGuire in Judge Swayne's court and bring a suit against him in the State court to try the title to the land on the theory that he stood in the place of the owner, as he had, as they believed, purchased the land. The fact that the land was vacant and had never been in his possession was of no consequence, as the bringing of the suit would have been an admission on the part of the plaintiff that he, Judge Swayne, was in possession of the land. Of course Judge Swayne could have filed a disclaimer, which would have ended the case without the least harm to anybody

Judge Swayne assumed as a fact, without proof and against the allegations of Davis and Belden, that the determination to discontinue the McGuire suit was not reached Saturday night and that the suit against him was brought to force him out of the trial of that case.

Not the least of the bad conduct of which this judge has been guilty is in his efforts to influence this House by newspaper opinions and editorials. The mails have been loaded with communications addressed to Members containing articles prepared in the interest of Judge Swayne by someone very familiar with the testimony and very skillful in garbling and suppressing the damaging portions. I have very little respect for a trial by newspapers. It is a tribunal not recognized by law and not well calculated to arrive at the exact truth. When a great metropolitan daily gives up two-thirds of a page two days in succession and many editorial lucubrations to a case pending before the House it may be assumed that it is not done for the health or amusement of the publishers. When copies of such publications and others of like character are forced into the correspondence of Members in advance of a vote on articles of impeachment against a judge it may be assumed that the purpose of going to such great expense is to influence the result.

If a common criminal, charged with stealing a ham to keep himself from starvation, should endeavor by indirect methods to influence the grand jury having his case in charge he would go behind the bars. In my opinion a judge who does the same thing ought not to be exempt from punishment.

I do not imagine that any Member of this House has been or could be swerved from the path of duty by any such means, but that does not mitigate the guilt of those who make the attempt. This attempt is a direct insult to the intelligence and integrity of this House which is not out of harmony with many of the actions of Judge Swayne since his unfortunate elevation to the bench.

As to the venomous attack made upon the subcommittee by the gentleman from Ohio, and particularly upon me, all I have to say is I regret that a man who has so distinguished himself in the service of his country, on the field of battle as a soldier and in her legislative halls as a statesman, should find it necessary to turn the attention of the House from a consideration of the grave charges against Judge Swayne to an inquiry whether a letter introduced in evidence to support a charge which was abandoned was sufficiently proved to warrant its introduction as an instrument of evidence. The letter has no more to do with this discussion than a leaf from a Sanscrit Bible. But if anyone is curious about it, I have it here, with some others acknowledged by Boone to be his. The most casual inspection, as well as all the surrounding circumstances, demonstrates that he wrote it. His purpose was to hold the subcommittee up to ridicule and contempt, for what purpose I know not.

I regret that the distinguished gentleman from Ohio should have so far forgotten what is due to the dignity, honor, and intelligence of this House as to make a partisan appeal to its Members to vote against this impeachment, and to abuse the confidence of a friend by publishing in the RECORD a letter which will disgrace him forever.

He has again demonstrated the wisdom of the words uttered fifteen centuries before the Savior was born—

> Great men are not always wise; neither do the aged understand judgment.

Now, let us see what this case actually is about, and where it now stands.

The people of the United States, especially those in the northern district of Florida, have some rights in this case which should not be overlooked by this House.

First. The charges made by the people against Charles Swayne are that he violated the law in that he did not reside in his district, as the law requires, from 1894 to 1900, a period of six years.

Second. That he falsely certified that his necessary expenses for travel and attendance while holding court outside of his district were $10 per diem when in fact they were far less.

Third. That he used the property of a bankrupt corporation, which was in his hands, claiming that he had the right to it.

Fourth. That he imposed an unlawful sentence of fine and imprisonment on Davis and Belden for the purpose of punishing them for a personal affront.

Fifth. That he unlawfully sentenced O'Neal for a contempt of court in a case in which, under the law, no contempt was committed.

The best defense that some of the ablest and most ingenious lawyers in this House could make has been made.

To the first charge of nonresidence it is that it was not complained of soon enough.

To the second charge, that other judges committed the same offense.

To the third charge, it was improper, but it occurred ten

years ago, and was not complained of by the parties in interest or the creditors of the railroad.

To the fourth, that Davis and Belden were guilty of a gross contempt and deserved punishment.

To the fifth, that O'Neal was also guilty of a grave offense and deserved punishment.

No answer is made to the charge that the punishment of the lawyers was unusually severe and imposed to gratify revenge.

I respectfully submit that none of these excuses should shield Judge Swayne from a trial before the Senate.

That he committed an impeachable offense in each case can not be denied truthfully by his defenders. But they seek to excuse his defects for the various reasons suggested.

Has the House any right to entertain excuses for a judge duly charged by the people when the evidence prima facie establishes unlawful acts?

Is it not the exclusive right of the constitutional triers to say whether Judge Swayne ought to be acquitted of the misdemeanors which he has confessedly committed?

The rights of the people of the United States are entitled to be considered. Not alone the people of the judicial district over which Judge Swayne presides, but the right of all the people.

When this House impeached Judge Swayne at the bar of the Senate, it was in the name of all the people of the United States. Hence all the people of the United States are, in a sense, parties in interest. They are, in truth, vitally interested, because the purity of the judicial branch of the Government in every judicial district is essential to the preservation of property, liberty, and life.

Given the fact that a judge has violated the law, is it not certain that the only tribunal before which he can or ought to interpose a defense is that which the law fixes for his trial? Will you deny the people of the United States, who have shown you that Judge Swayne has been guilty of high misdemeanors in office, the right to have him tried for the offense?

The people came to their Representatives; they made out a case against Judge Swayne. They found that he had violated the law; they demand that he be tried for it.

The issue is very plain. We can not avoid it by saying that Judge Swayne became unpopular through the election cases or that he is persecuted because he is a northern man and a Republican. If either fact were true, it would not justify him in the least degree for any of the misdemeanors charged against him. I am a partisan, and all who know me will testify that after the strictest sect of our party have I lived a Republican; but I believe I serve my party best when I serve my country best. I belong to a party that claims a large share, if not a monopoly, of the intelligence, the honesty, and the patriotism of the country. In the last election the slogan was from Maine to Georgia "honesty, decency, courage." We stood for a candidate who is never tired of sounding the praises of these old-fashioned virtues. He stood and stands for the highest ideals of American manhood. We said on every stump that he and his party were against embezzlement and embezzlers; against thieves and thievery, and against dishonesty in every form in high places and in low places. And the people believed us, and by a majority of more than 2,500,000 votes approved the doctrines of our party and the ideals of our candidate. Now we have one chance to make the claim good. The Representatives of that party, that candidate, and of those principles are asked to shield a judge from trial who has been guilty of grave misbehaviors that have smirched his good name and brought his great office into contempt. They are asked to overlook his offenses and grant him a pardon because he is a Republican; because he is persecuted by men who think he has wronged them; because some of the offenses were committed ten years ago; because other judges have sinned against the law.

This Republican House can let Charles Swayne go free without a trial, but if we do we should abandon the battle-cry "honesty, decency, courage;" and when we do that, let us beware lest, as Samson brought down the temple of Dagon upon the heads of his enemies, we bring down the temple of our party upon the heads of our friends.

Let us not imagine for a moment that lawyers' excuses for Judge Swayne's misdeeds will for a moment deceive the plain people, who believe that the law and the law's penalties were made for the high and the low alike.

Do not do him and the people of the United States a wrong by refusing him a trial and a chance to clear his good name. Send him to the Senate, and, for the honor and credit of the judiciary, I will join his friends in a prayer that God may send him a safe deliverance.

The assertion has been freely made by Members on the floor that they would never vote to impeach a northern judge on the complaint of southern Democrats. I thought the war was over. We have been boasting that the South was again marching to the music of the Union. We have pointed with pride to the fact that the blue and the gray pressed shoulder to shoulder up San Juan Hill, following the Stars and Stripes, and that they mingled their blood in defense of the flag.

We have boasted that Wheeler and Fitzhugh Lee, who won distinction under the stars and bars, have taken command under the Stars and Stripes. Is it all a sad mistake? Is it true that justice is to be denied the people of the northern district of Florida because they are Democrats and were Confederates? Is it true that the battles fought with bullets are, after forty years have passed away, always to be followed by campaigns of hate?

I stand here to say that it is a bitter, burning shame that an attempt has been deliberately made to inject political prejudice into this case and to thereby influence votes against the impeachment of Charles Swayne.

I paraphrase the words of the greatest of American statesmen and orators when he said "Men of New England, conquer your prejudices." I say, men of the North, conquer your prejudices.

I beseech you to stand by the claim we have made that we are an honest party, composed of honest men; that we hate dishonesty wherever found, and that we are willing to turn the rascals out. [Prolonged applause on the Democratic side.]

Mr. Speaker, I ask for a vote on the first three articles.

Mr. LITTLEFIELD. Mr. Speaker, I move that we do now lay upon the table the first three articles, which relate to the false certificates.

The SPEAKER. That motion takes precedence. The gentleman from Maine moves that the first three articles do lie upon the table.

Mr. GOLDFOGLE. Mr. Speaker, I ask that they be read.

The SPEAKER. Without objection, the first three articles will be read.

The Clerk read as follows:

ARTICLE 1. That the said Charles Swayne, at Waco, in the State of Texas, on the 20th day of April, 1897, being then and there a United States district judge in and for the northern district of Florida, did then and there, as said judge, make and present to R. M. Love, then and there being the United States marshal in and for the northern district of Texas, a false claim against the Government of the United States in the sum of $230, then and there knowing said claim to be false, and for the purpose of obtaining payment of said false claim, did then and there as said judge, make and use a certain false certificate then and there knowing said certificate to be false, said certificate being in the words and figures following:

UNITED STATES OF AMERICA, *Northern district of Texas, ss:*

I, Charles Swayne, district judge of the United States for the northern district of Florida, do hereby certify that I was directed to and held court at the city of Waco, in the northern district of Texas, twenty-three days, commencing on the 20th day of April, 1897; also, that the time engaged in holding said court, and in going to and returning from the same, was twenty-three days, and that my reasonable expenses for travel and attendance amounted to the sum of two hundred and thirty dollars and —— cents, which sum is justly due me for such attendance and travel.

CHAS. SWAYNE, *Judge.*

WACO, *May 15, 1897.*

Received of R. M. Love, United States marshal for the northern district of Texas, the sum of 230 dollars and no cents, in full payment of the above account.

$230.

CHAS. SWAYNE.

when in truth and in fact, as the said Charles Swayne then and there well knew, there was then and there justly due the said Swayne from the Government of the United States and from said United States marshal a far less sum, whereby he has been guilty of a high crime and misdemeanor in his said office.

ART. 2. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office as judge, as aforesaid, the said Charles Swayne was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal for the district in which the court was held, and was forbidden by law to receive compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Tyler, Tex., twenty-four days, commencing December 3, 1900, and seven days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of John Grant, the United States marshal for the eastern district of Texas, the sum of $310, when the reasonable expenses incurred and paid by the said Charles Swayne for travel and attendance did not amount to the sum of $10 per diem.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, the crime of obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

ART. 3. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by

the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel in going to and coming from and attendance were $10 per diem while holding court at Tyler, Tex., thirty-five days from January 12, 1903, and six days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of A. J. Houston, the United States marshal for the eastern district of Texas, the sum of $410, when the reasonable expenses of the said Charles Swayne incurred and paid by him during said period were much less than said sum.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

Mr. PALMER. Mr. Speaker, on this motion to lay on the table I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 166, answering "present" 6, not voting 54, as follows:

YEAS—159.

Acheson	Davidson	Jones, Wash.	Overstreet
Adams, Pa.	Davis, Minn.	Kennedy	Parker
Adams, Wis.	Dixon	Ketcham	Patterson, Pa.
Allen	Dovener	Kinkaid	Payne
Ames	Draper	Knapp	Porter
Babcock	Dresser	Knopf	Prince
Bartholdt,	Dunwell	Knowland	Reeder
Bates	Evans	Kyle	Rodenberg
Beidler	Foss	Lacey	Scott
Bell, Cal.	Foster, Vt.	Lafean	Shiras
Bingham	Fowler	Landis, Chas. B.	Sibley
Birdsall	French	Landis, Frederick	Slemp
Bishop	Fuller	Lawrence	Smith, Ill.
Bonynge	Gaines, W. Va.	Lilley	Smith, Samuel W.
Boutell	Gardner, Mich.	Littlefield	Smith, Wm. Alden
Bowersock	Gardner, N. J.	Longworth	Smith, N. Y.
Bradley	Gillet, N. Y.	Lorimer	Smith, Pa.
Brandegee	Gillett, Cal.	Loud	Snapp
Brick	Gillett, Mass.	Loudenslager	Southard
Brown, Pa.	Goebel	Lovering	Southwick
Brown, Wis.	Graff	McCall	Steenerson
Brownlow	Greene	McCleary, Minn.	Sterling
Buckman	Grosvenor	McCreary, Pa.	Stevens, Minn.
Burke	Hamilton	McLachlan	Sulloway
Burleigh	Haskins	McMorran	Tawney
Butler, Pa.	Hedge	Mahon	Thayer
Calderhead	Henry, Conn.	Mann	Thomas, Ohio
Campbell	Hepburn	Marsh	Tirrell
Capron	Hildebrant	Marshall	Townsend
Cassel	Hill, Conn.	Martin	Van Voorhis
Conner	Hinshaw	Miller	Volstead
Cooper, Pa.	Hitt	Minor	Vreeland
Cousins	Hogg	Mondell	Warner
Cromer	Howell, N. J.	Moon, Tenn.	Warnock
Crumpacker	Howell, Utah	Morgan	Watson
Currier	Huff	Mudd	Weems
Curtis	Hull	Murdock	Wood
Cushman	Humphrey, Wash.	Needham	Young
Dalzell	Jackson, Md.	Nevin	The Speaker
Daniels	Jackson, Ohio	Norris	

NAYS—166.

Adamson	Garner	Lind	Scudder
Aiken	Gibson	Lindsay	Shackleford
Baker	Gillespie	Little	Sheppard
Bankhead	Glass	Livernash	Sherley
Bartlett	Gooch	Livingston	Shober
Bassett	Goulden	Lloyd	Sims
Beall, Tex.	Granger	Lucking	Slayden
Bede	Gregg	McAndrews	Small
Benton	Griggs	McCarthy	Smith, Iowa
Bowers	Gudger	McLain	Smith, Ky.
Bowie	Hamlin	McNary	Smith, Tex.
Brantley	Hardwick	Macon	Snook
Breazeale	Harrison	Maddox	Spalding
Broussard	Haugen	Olmsted	Sparkman
Burleson	Hay	Otjen	Sperry
Byrd	Hearst	Padgett	Spight
Caldwell	Heflin	Page,	Stafford
Candler	Henry, Tex.	Palmer	Stephens, Tex.
Cassingham	Hill, Miss.	Patterson, N. C.	Sullivan, Mass.
Clark	Hitchcock	Patterson, Tenn.	Sulzer
Clayton	Holliday	Pearre	Swanson
Cochran, Mo.	Hopkins	Perkins	Talbott
Cooper, Wis.	Houston	Pierce	Taylor
Cowherd	Howard	Pinckney	Thomas, Iowa
Croft	Hughes, N. J.	Pou	Thomas, N. C.
Darragh	Humphreys, Miss.	Pujo	Trimble
Davey, La.	Hunt	Rainey	Vandiver
Davis, Fla.	James	Randell, Tex.	Van Duzer
Dayton	Jenkins	Ransdell, La.	Wade
De Armond	Johnson	Reid	Wallace
Denny	Jones, Va.	Rhea	Wanger
Dickerman	Kehoe	Richardson, Ala.	Webb
Dinsmore	Kitchin, Claude	Richardson, Tenn.	Webber
Dougherty	Kitchin, Wm. W.	Rider	Weisse
Driscoll	Kline	Rixey	Wiley, Ala.
Field	Kluttz	Robb	Williams, Ill.
Finley	Lamar, Fla.	Roberts	Williams, Miss.
Fitzgerald	Lamar, Mo.	Robinson, Ark.	Woodyard
Flood	Lamb	Robinson, Ind.	Wynn
Foster, Ill.	Lester	Rucker	Zenor
Gaines, Tenn.	Lever	Russell	
Garber	Lewis	Ryan	

ANSWERED "PRESENT"—6.

Cockran, N. Y.	Hughes, W. Va.	Wachter	Wilson, Ill.
Goldfogle	Powers, Me.		

NOT VOTING—54.

Alexander	Deemer	Kelliher	Sherman
Badger	Douglas	Legare	Shull
Benny	Dwight	Littauer	Southall
Brooks	Emerich	McDermott	Stanley
Brundidge	Esch	Maynard	Sullivan, N. Y.
Burgess	Fitzpatrick	Meyer, La.	Tate
Burkett	Flack	Miers, Ind.	Underwood
Burnett	Fordney	Moon, Pa.	Wadsworth
Burton	Gardner, Mass.	Morrell	Wiley, N. J.
Butler, Mo.	Gilbert	Otis	Williamson
Castor	Griffith	Powers, Mass.	Wilson, N. Y.
Connell	Hemenway	Robertson, La.	Wright
Cooper, Tex.	Hermann	Ruppert	
Crowley	Hunter	Scarborough	

So the motion to lay on the table was rejected.

The Clerk announced the following pairs:

For session:

Mr. DEEMER with Mr. SHULL.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. CASTOR with Mr. EMERICH.

Mr. ESCH with Mr. STANLEY.

Mr. MORRELL with Mr. UNDERWOOD.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. BURKETT with Mr. ROBERTSON of Louisiana.

Mr. DWIGHT with Mr. KELIHER.

For the day:

Mr. DOUGLAS with Mr. MCDERMOTT.

Mr. WRIGHT with Mr. WILSON of New York.

Mr. WILLIAMSON with Mr. FITZPATRICK.

Mr. OTIS with Mr. BADGER.

Mr. HUNTER with Mr. SCARBOROUGH.

Mr. HERMAN with Mr. BENNY.

Mr. GARDNER of Massachusetts with Mr. BURNETT.

Mr. FORDNEY with Mr. GRIFFITH.

Mr. ALEXANDER with Mr. SULLIVAN of New York.

Mr. FLACK with Mr. TATE.

For Swayne case:

Mr. BROOKS with Mr. MIERS of Indiana.

Mr. HEMENWAY with Mr. COOPER of Texas.

Mr. HUGHES of West Virginia with Mr. GILBERT.

Mr. WILSON of Illinois with Mr. LEGARE.

Mr. WACHTER with Mr. WADSWORTH.

Mr. MOON of Pennsylvania with Mr. BRUNDIDGE.

Mr. LITTAUER with Mr. MEYER of Louisiana.

Mr. BURTON with Mr. BURGESS.

Mr. POWERS of Massachusetts with Mr. POWERS of Maine.

On this vote:

Mr. WILEY of New Jersey with Mr. MAYNARD.

Mr. POWERS of Maine. Mr. Speaker, before the vote is announced I desire to withdraw my vote and answer "present," because I understand that it is claimed that I should continue my pair with the gentleman from Massachusetts [Mr. POWERS] instead of having him paired with the gentleman from New York [Mr. SULLIVAN].

The SPEAKER. Call the gentleman's name.

The name of Mr. POWERS of Maine was called, and he voted "present."

The SPEAKER. Call my name.

The name of Mr. CANNON was called, and he voted "aye."

The result of the vote was then announced as above recorded.

Mr. PALMER. Mr. Speaker, I move the adoption of the first three articles, being those relating to the fee business.

The SPEAKER. The gentleman from Pennsylvania asks for a vote on the adoption of the first three articles.

Mr. LITTLEFIELD. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 160, answered "present" 3, not voting 56, as follows:

YEAS—165.

Adamson	Clayton	Gaines, Tenn.	Henry, Tex.
Aiken	Cochran, Mo.	Garber	Hill, Miss.
Baker	Cooper, Wis.	Garner	Hitchcock
Bankhead	Cowherd	Gibson	Holliday
Bartlett	Croft	Gillespie	Hopkins
Bassett	Darragh	Glass	Houston
Beall, Tex.	Davey, La.	Goldfogle	Howard
Bede	Davis, Fla.	Gooch	Hughes, N. J.
Benton	Dayton	Goulden	Humphreys, Miss.
Bowers	De Armond	Granger	Hunt
Bowie	Denny	Gregg	James
Brantley	Dickerman	Griggs	Jenkins
Breazeale	Dinsmore	Gudger	Johnson
Broussard	Dougherty	Hamlin	Jones, Va.
Burleson	Driscoll	Hardwick	Kehoe
Byrd	Field	Harrison	Kitchin, Claude
Caldwell	Finley	Haugen	Kitchin, Wm. W.
Candler	Fitzgerald	Hay	Kline
Cassingham	Flood	Hearst	Kluttz
Clark	Foster, Ill.	Heflin	Lamar, Fla.

Lamar, Mo.	Palmer	Rucker	Sulzer
Lamb	Patterson, N. C.	Russell	Swanson
Lester	Patterson, Tenn.	Ryan	Talbott
Lever	Pearre	Scudder	Taylor
Lewis	Perkins	Shackleford	Thomas, Iowa
Lind	Pierce	Sheppard	Thomas, N. C.
Lindsay	Pinckney	Sherley	Trimble
Little	Pou	Shober	Vandiver
Livernash	Pujo	Sims	Van Duzer
Livingston	Rainey	Slayden	Wade
Lloyd	Randell, Tex.	Small	Wallace
Lucking	Ransdell, La.	Smith, Iowa	Wanger
McAndrews	Reid	Smith, Ky.	Webb
McCarthy	Rhea	Smith, Tex.	Weisse
McLain	Richardson, Ala.	Snook	Wiley, Ala.
McNary	Richardson, Tenn.	Spalding	Williams, Ill.
Macon	Rider	Sparkman	Williams, Miss.
Maddox	Rixey	Sperry	Wynn
Olmsted	Robb	Spight	Zenor
Otjen	Roberts	Stafford	
Padgett	Robinson, Ark.	Stephens, Tex.	
Page	Robinson, Ind.	Sullivan, Mass.	

NAYS—160.

Acheson	Davidson	Jones, Wash.	Overstreet
Adams, Pa.	Davis, Minn.	Kennedy	Parker
Adams, Wis.	Dixon	Ketcham	Patterson, Pa.
Allen	Dovener	Kinkaid	Payne
Ames	Draper	Knapp	Porter
Babcock.	Dresser	Knopf	Prince
Bartholdt	Dunwell	Knowland	Reeder
Bates	Evans	Kyle	Rodenberg
Beidler	Foss	Lacey	Scott
Bell, Cal.	Foster, Vt.	Lafean	Shiras
Bingham	Fowler	Landis, Chas. B.	Sibley
Birdsall	French	Landis, Frederick	Slemp
Bishop	Fuller	Lawrence	Smith, Ill.
Bonynge	Gaines, W. Va.	Lilley	Smith, Samuel W.
Boutell	Gardner, Mich.	Littlefield	Smith, Wm. Alden
Bowersock	Gardner, N. J.	Longworth	Smith, N. Y.
Bradley	Gillet, N. Y.	Lorimer	Smith, Pa.
Brandegee	Gillett, Cal.	Loud	Snapp
Brick	Gillett, Mass.	Loudenslager	Southard
Brown, Pa.	Goebel	Lovering	Southwick
Brown, Wis.	Graff	McCall	Steenerson
Brownlow	Greene	McCleary, Minn.	Sterling
Buckman	Grosvenor	McCreary, Pa.	Stevens, Minn.
Burke	Hamilton	McLachlan	Sulloway
Burleigh	Haskins	McMorran	Tawney
Butler, Pa.	Hedge	Mahon	Thayer
Calderhead	Henry, Conn.	Mann	Thomas, Ohio
Campbell	Hepburn	Marsh	Tirrell
Capron	Hildebrant	Marshall	Townsend
Cassel	Hill, Conn.	Martin	Van Voorhis
Conner	Hinshaw	Miller	Volstead
Cooper, Pa.	Hitt	Minor	Vreeland
Cousins	Hogg	Mondell	Warner
Cromer	Howell, N. J.	Moon, Tenn.	Warnock
Crumpacker	Howell, Utah	Morgan	Watson
Currier	Huff	Mudd	Webber
Curtis	Hull	Murdock	Weems
Cushman	Humphrey, Wash.	Needham	Wood
Dalzell	Jackson, Md.	Nevin	Woodyard
Daniels	Jackson, Ohio	Norris	Young

ANSWERED "PRESENT"—3.

Cockran, N. Y.	Hughes, W. Va.	Wilson, Ill.

NOT VOTING—56.

Alexander	Deemer	Kelliher	Scarborough
Badger	Douglas	Legare	Sherman
Benny	Dwight	Littauer	Shull
Brooks	Emerich	McDermott	Southall
Brundidge	Esch	Maynard	Stanley
Burgess	Fitzpatrick	Meyer, La.	Sullivan, N. Y.
Burkett	Flack	Miers, Ind.	Tate
Burnett	Fordney	Moon, Pa.	Underwood
Burton	Gardner, Mass.	Morrell	Wachter
Butler, Mo.	Gilbert	Otis	Wadsworth
Castor	Griffith	Powers, Me.	Wiley, N. J.
Connell	Hemenway	Powers, Mass.	Williamson
Cooper, Tex.	Hermann	Robertson, La.	Wilson, N. Y.
Crowley	Hunter	Ruppert	Wright

So the first three articles were adopted.

The result of the vote was then announced as above recorded.

Mr. PALMER. Mr. Speaker, I move the adoption of the fourth and fifth articles.

The SPEAKER. The gentleman from Pennsylvania moves the adoption of the fourth and fifth articles.

Mr. OLMSTED. Mr. Speaker, I shall ask for a division of those articles unless the gentleman will accept an amendment that I have to each of them.

Mr. PALMER. I decline to accept any amendment.

Mr. LITTLEFIELD. And upon this I call for the yeas and nays.

Mr. COCKRAN of New York. May I ask that the articles be read?

The SPEAKER. Without objection, the articles will be read.

The Clerk read as follows:

ART. 4. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid, heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Guyencourt, in the State of Delaware, to Jacksonville, Fla., the said railroad company being at the time in the possession of a receiver appointed by said Charles Swayne, judge as aforesaid, on the petition of creditors.

The said car was supplied with provisions by the said receiver, which were consumed by said Swayne and his friends, and was provided with a conductor or porter at the cost and expense of said railroad company, and with transportation over connecting lines. The expenses of the trip were paid by the said receiver out of the funds of the said Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge, allowed the credit claimed by the said receiver for and on account of the said expenditure as a part of the necessary expenses of operating said road. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner, and under a claim of right, for the reason that the same was in the hands of a receiver appointed by him.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 5. That the said Charles Swayne was duly appointed, commissioned, and confirmed as judge of the United States in and for the northern district of Florida, and entered upon the duties of said office, and while in the exercise of his office of judge, as aforesaid, heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Jacksonville, Fla., to California, said railroad company being at the time in the possession of a receiver appointed by the said Charles Swayne, judge as aforesaid, on the petition of creditors.

The car was supplied with some provisions by the said receiver, which were consumed by the said Swayne and his friends, and it was provided with a porter at the cost and expense of the railroad company, and also with transportation over connecting lines. The wages of said porter and the cost of said provisions were paid by the said receiver out of the funds of the Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge as aforesaid, allowed the credits claimed by the said receiver for and on account of the said expenditures as a part of the necessary expenses of operating the said railroad. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner under a claim of right, alleging that the same was in the hands of a receiver appointed by him and he, therefore, had a right to use the same.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of high misdemeanor in office.

Mr. OLMSTED. I offer the following amendment to article 4.

The SPEAKER. The gentleman from Pennsylvania offers the following amendment to article 4, which the Clerk will report.

Mr. OLMSTED. It may save time to say that I want to offer a substantially similar amendment to article 5, and if it is agreeable to the gentleman in charge of the bill the two amendments might be considered together. I do not wish to take up any unnecessary time.

Mr. PALMER. I have no objection to considering the two amendments together.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amend article 4 by striking out the words "unlawfully appropriate to his own" and insert in place thereof the words "at the instance of the receiver." Also strike out the words "allowed the credit claimed by the said receiver for and on account of the said expenditure as a part of the necessary expenses of operating said road." Also strike out the words "to the owner and under a claim of right for the reason" and insert in place thereof the word "knowing." Also insert, after the word "him" and just before the word "wherefore," the following: "and that the expenses connected with the operation and transportation of said car and the cost of said provisions would be either specifically or in the general terms included among the expenditures of the receiver which he, as such judge, would be called upon to approve;" so that the article as amended will read as follows:

"ART. 4. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid, heretofore, to wit, A. D. 1893, did use, at the instance of the receiver, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Guyencourt, in the State of Delaware, to Jacksonville, Fla., the said railroad company being at the time in the possession of a receiver appointed by said Charles Swayne, judge as aforesaid, on the petition of creditors.

"The said car was supplied with provisions by the said receiver, which were consumed by said Swayne and his friends, and was provided with a conductor or porter at the cost and expense of said railroad company, and with transportation over connecting lines. The expenses of the trip were paid by the said receiver out of the funds of the said Jacksonville, Tampa and Key West Railroad Company. The said Charles Swayne, judge as aforesaid, used the said property without making compensation, knowing that the same was in the hands of a receiver appointed by him, and that the expenses connected with the operation and transportation of said car and the cost of said provisions would be either specifically or in general terms included among the expenditures of the receiver, which he, as such judge, would be called upon to approve.

"Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office."

The SPEAKER. The Chair understands the gentleman from Pennsylvania [Mr. OLMSTED] desires to offer an amendment to article 5 also, and to have the two amendments voted upon together.

Mr. OLMSTED. That is right.

Mr. PALMER. Are the two amendments identical?

The SPEAKER. The Chair does not know.

Mr. WILLIAMS of Mississippi. If they are not identical, they can not be voted on together.

Mr. OLMSTED. Oh, yes; one amendment relates to article 4 and the other to article 5. They apply to two different articles.

Mr. LITTLEFIELD. The purpose of the amendment is simply to change the form of the articles to carry out the facts according to the idea of the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. WILLIAMS of Mississippi. Can the vote be taken on both amendments at the same time?

The SPEAKER. It can be done by unanimous consent; not otherwise.

Mr. COCKRAN of New York. The Clerk was in the act of reporting both specifications when the gentleman from Pennsylvania [Mr. OLMSTED] interposed his amendment. I do not want to detain the House by the unnecessary reading of the second of these two articles. If the gentleman from Pennsylvania will inform us that article 5 is practically the same charge as article 4, except that it refers to the California trip, it will then be unnecessary to read it.

Mr. OLMSTED. Mr. Speaker, I suggest that the amendment to the other article be read for the information of the House, and then we could ask unanimous consent to vote on the two amendments together afterwards. I now ask that the amendment be read.

Mr. COCKRAN of New York. Then let the specification be read also.

Mr. WILLIAMS of Mississippi. It should be read as proposed to be amended.

The SPEAKER. The Clerk will report the amendment to the next article, and if there be no objection, the Clerk will report article 5 as it would read if amended.

The Clerk read as follows:

Amend article 5 so that it will read as follows:

"ART. 5. That the said Charles Swayne was duly appointed, commissioned, and confirmed as judge of the United States in and for the northern district of Florida, and entered upon the duties of said office, and while in the exercise of his office of judge, as aforesaid, heretofore, to wit, A. D. 1893, did use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Jacksonville, Fla., to California, said railroad company being at the time in the possession of a receiver appointed by the said Charles Swayne, judge as aforesaid, on the petition of creditors.

"The car was provided with a porter at the cost and expense of the railroad company, and also with transportation over connecting lines. The wages of said porter were paid by the said receiver out of the funds of the Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne knew that as judge he would be called upon to approve the accounts of said receiver, including the said expenditures.

"Whereupon the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of high misdemeanor in office."

The SPEAKER. If there be no objection, the question will be taken on agreeing to the two amendments.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry. Is the amendment debatable at this time?

The SPEAKER. No.

Mr. OLMSTED. Then I ask unanimous consent for five minutes, to cover both amendments.

The SPEAKER. The gentleman asks unanimous consent to address the House for five minutes upon the two amendments. Is there objection?

Mr. PALMER. There is no objection, if we can have five minutes on this side.

Mr. OLMSTED. I will couple with it the request that there be five minutes also on that side.

The SPEAKER. And five minutes to those opposed to the amendment. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Speaker, I voted for the first three articles, and shall vote for some or all of the others, but I do not wish knowingly to do an injustice to Judge Swayne or to appear to charge him with something which does not appear to me to be at all substantiated by the evidence. The change which I propose is perhaps not very material, but it may be. He is charged in article 4 and again in article 5, as they now stand, with having appropriated to his own use, under a claim of right, the car of a certain railroad company and the provisions therein under the claim that, being in the hands of a receiver, he had a right to use them. Now, the facts are, according to the testimony of Judge Swayne himself and of Mr. Axtell, attorney for the receiver, that Judge Swayne did not appropriate the car, nor demand it, nor claim it as a right. It was the receiver's own suggestion. The receiver tendered Judge Swayne the car and the provisions therein, and Judge Swayne accepted them.

It was improper, in my judgment, for him to use them, the provisions particularly, as they would have to be paid for by the receiver out of the funds of the railroad company, and the expenditure the judge knew would have to be approved by him. But he did not take the car forcibly, nor under a claim of right. He did not demand it; he did not claim it. He simply accepted the courtesy when it was tendered him by the receiver.

He stands in the position of a celebrated author of whom the critic said, speaking of the book and the author: "He stands with one foot in the past century, and with the other hails the dawn of modern thought." [Laughter.] Judge Swayne stands with one foot back in that car in 1893 in the last decade of the past century, but the thought that he had a right to it, because it was in the hands of a receiver appointed by the court, was not in anybody's mind then. It is purely modern. It didn't even originate with Judge Swayne, but sprung from a leading question proposed by the chairman of the subcommittee, in which he said: "You see that it was the privilege of the court to use that car because the railroad was in the hands of a receiver?" And Judge Swayne said, "Yes; that is the reason why it was used;" and then he said that he had ten railroads in his hands in six years. He was asked: "You fancied you had a right to use the property of any railroad in the hands of the court whenever you pleased without rendering any compensation?" And then the judge hedged and said: "I would not say that."

So the first thought of having a right to use it because it was in the hands of a receiver occurred when the leading question was asked him, and he foolishly gave that silly excuse for acting improperly, and then, upon reflection, took it back. But I am not willing to say by my vote that he demanded and appropriated this car and provisions to his own use under a claim of right when, as a matter of fact, what he did was to improperly accept the courtesy of the receiver.

My amendments simply make these articles conform to the facts as disclosed by the record. I do not suppose anybody will go so far as to say that for a judge to ride in a private car is a high crime and misdemeanor which ought to make him the subject of impeachment. Ordinarily it is a question of taste and propriety to be determined by the judge himself according to the circumstances of the particular case. Here it was plainly improper. This car was provisioned for a trip of several days at the expense of the receiver. The judge knew, of course, that the expenditures made on behalf of himself and his family would, directly or indirectly, go into the receiver's accounts, which he, as judge, would be called upon to approve, and would thus come out of and diminish to that extent the estate of the bankrupt corporation. This no one will attempt to justify; but we ought not, in adopting articles of impeachment, include things which have not occurred. He never did appropriate the car and the provisions under a claim of right, as charged in articles 4 and 5, but he did improperly use them. They were freely tendered him by the receiver.

Mr. PALMER. Mr. Speaker, I do not agree to these amendments. The committee prepared these articles and gave a great deal of thought and attention to them, and they prepared them so that they would be supported by the evidence. There was no difference of opinion among the committee as to the form. This is an indictment, and if the gentleman from Pennsylvania thinks he knows more than the committee, if he thinks he knows more about the evidence and the argument, he has the right to have his amendments voted upon. We were of the opinion that the evidence supported the articles as they are drawn, and these amendments simply take the entrails out of the articles.

Mr. COCKRAN of New York. May I ask the gentleman a question?

Mr. PALMER. Certainly.

Mr. COCKRAN of New York. Is not the custody of the receiver the custody of the court, and can there be any distinction between taking property from the receiver and converting it to his own use? Is not the custody of the receiver his own custody?

Mr. PALMER. Certainly.

Mr. COCKRAN of New York. Then what is the point in making that distinction?

Mr. PALMER. Judge Swayne claims the right now, and he said he claimed it then, to take the car and use it because it was in the hands of the court. Now, this question was based on the written statement of Judge Swayne, which occupies 13 pages, in which he claimed that right; and in order to make it certain, I asked the questions for the very purpose of developing the idea whether he claimed it as a right or not. He claimed it then and he claims it now.

